Book Reviews

Reinhard Drifte: Japan's Quest for a Permanent Security Council Seat: a matter of pride or justice?

St. Antony's Series, 2000. XII+269 pages.

For experts and observers, Japan has been the most interested party in pushing forward the reform process at the United Nations since the early 90s. The last (Charter) reform of the United Nations dates back to 1965. The strengthening since then of Japan's economic role world-wide and its position as second largest contributor to the budget of the United Nations have provided the justification for Japan's attempt to push forward the modernisation agenda of the organisation which takes into account the new global political and economic realities. Consequently, in 1992 Japan joined India and a number of other interested countries of the developing world to start a reform debate aiming at improving their representation in the Security Council and providing Japan with a permanent seat in the Council.

In *Japan's Quest for a Permanent Security Council Seat*, Drifte "examines comprehensively and for the first time the historical and international background, motivation, decision-making process and policy implementation of Japan's ambition to become a permanent UN Security Council member." The book benefits largely from the author's Asia expertise, especially in Japanese questions. Drifte is now the Chair of Japanese Studies in the Department of Politics at the University of Newcastle upon Tyne, before which he was Director of the Newcastle East Asia Centre from 1989 to 1996. Drifte leads us through the four Chapters of his book in almost chronological order, starting with Japan's UN policy from 1956 until 1989 (*Chapter One*); Japan's "bid" for permanent membership at the beginning of the 90s (*Chapter Two*); analysis of the reform momentum and the Japanese efforts to win international support for this bid (*Chapter Three*); and, finally, the Japanese

tactics and strategy within the relevant working group at the UN from 1993 until 1998 (*Chapter Four*).

In *Chapter One* Drifte describes how confrontation between East and West and Japan's US focused bilateralism did not allow for an open and explicit candidature for a permanent Security Council seat in the 60s. Before joining the UN in 1956, Japan had had to endure three (Russian) vetoes against its admission alone. But as early as 1957, UN-centrism (*kokuren chushin shugi*) had become one of the official three foreign policy pillars of Japan. This included the objectives of revising the Charter and of promoting Japan as a major UN member (page 18). However, when the Security Council was expanded in 1965 by four non-permanent seats, Japan did not propose itself as a new permanent Council member. Apparently, Japan was content to achieve a Charter revision as a precedent for a later and more comprehensive revision (page 21). From 1969 on, official Japanese hints at its wish to become a permanent member became more noticeable. In this context, Japan also demanded the removal of the so-called enemy clauses from the Charter. At this stage, Japan started to run as a candidate for a non-permanent seat as often as possible (every four years). Rationale for this higher profile was its role as major economic power, its contribution to the UN budget, its non-nuclear status and Asian under-representation on the Council. Domestically, Japan hoped that in the future the UN would take over the US security guarantees. From then on, Japan tried to keep UN Charter revisionism alive through better staff representation in UN organs and a sharp rise in its official development assistance (ODA) (page 39-41). As early as 1959, Japan seems to have enjoyed crucial US support for its quest, made public for the first time in 1972, though the American disenchantment with the UN meant that this support never materialised. At least, consensus seems to have merged in the Foreign Ministry (*Gaimusho*) to pursue the objective to obtaining the seat in the not too distant future (page 51).

Chapter Two highlights the three bases of Japan's multilateral diplomacy: 1. The Japan-US framework, meaning strong ties with the US on all political issues and exposing Japan to constant US demands for international burden sharing. 2. The economic interests of Japan, reflected by an ODA of US$ 9.35 billion (1997), placing Japan for the seventh year running at the top of the list of ODA countries. This high level of financial assistance made Japan a central player in most multilateral organisations. 3. The dualism between Japanese pacifism (UN idealism) and Realpolitik (alliance with the US, contributions to peace-keeping operations (PKO)). *Kokuren chushin shugi* became gradually linked to

more PKO efforts (page 61). Japan tried to develop a multilateral conference diplomacy (Cambodia 1990, Afghanistan 1997) but acted slowly during the Gulf War (1991). Having obtained a non-permanent seat in the Security Council eight times was a success by itself, taking into account strong competitors like India (normally non-aligned supported). The seventh and eighth terms were marked by the Cambodian war, the Middle East and the Yugoslavian conflicts. Although Japan seemed far more engaged in Asian matters it tried to be constructive on the European issues. Contributions to PKO remained a hotly debated issue in Japan, given the restraints of its constitution in matters of defence. This was a dilemma which the government usually tried to solve by stating that Japan could assist the UN within the limits of Japanese law and that no country expected Japan to provide a military contribution (page 78). Statistics show that public opinion in Japan was generally against fully-fledged PKO involvements. This culminated in the 1992 Peace Co-operation Law with a series of political conditions attached which made sure that the number of UN missions to which Japan would send troops would remain low (page 92). Drifte shows that this did not prevent Japanese media and politicians from considering Japanese permanent membership justified, not the least because of its enormous financial contributions to the UN and the country's economic standing. Officially though, Japanese representatives would do everything to deny that a permanent seat is a matter of national prestige. Today a two-thirds majority of the Japanese public opinion supports the bid (page 105).

Chapter Three contains a description of the steps leading to the present reform discussion (initiated in 1992 with A/RES/47/62 of 11 December 1992) and the subsequent steps which have built up further momentum. Interestingly enough it was Japan which opposed the initial intention of the Indian co-sponsor to include a time plan for enlargement. The German readiness to sponsor the resolution and German Foreign Minister Kinkel's statement in favour of a German permanent seat seem to have helped Japan to clarify its candidature. While Japan had to keep a low profile at home due to different views among political parties and politicians and even in the *Gaimusho* itself, it stepped up its external lobbying to a remarkable extent, winning considerable support among UN Member States, particularly in Africa and Latin America. In addition, Japan continued to enjoy not only US support, but also that of the other permanent members with the exception of China. A common EU position was prevented by Italy, while Africa's 53 regional Member States seemed to have been won over by generous Japanese ODA and Africa-focused initiatives like the International Conferences on African

Development in 1993 and 1998. Asian support remained mixed because of a lukewarm attitude of China and the two Korean states (not to forget the fierce resistance of Pakistan against any new permanent members which could include India). While at home political compromises invited confusion about Japan's true commitment, Japan internationally worked hard and quite successfully on winning support.

Chapter Four deals with the main issues of the Security Council Reform Working Group established in December 1993: equitable representation of the soon 189 Member States, scope of the enlargement, veto rights and working practices of the Council. It also deals with the main framework text for a reform presented in March 1997 by the Malaysian President of the General Assembly Razali Ismail (page 182), although this proposal did not lead to an immediate breakthrough. In *Chapter Four*, the author regularly and critically compares the attitude and tactics of Japan with the more concrete German positions and compromise proposals in the Working Group. He concludes that Japanese wavering on many issues often gave the appearance of having caved in to American pressure and positions rather than to the majority view (page 186). In his final conclusions, Drifte states that there is a reform stalemate at present, but qualifies as successful the projection of Japan as a valid permanent Security Council member. He expresses the hope that Japan will become a more active multilateral partner and gives credit to the legitimacy of Japan's bid despite of the lack of a regional role like Germany's (page 195).

Japan's Quest for a Permanent Security Council Seat is an excellent work. While many scholars have focused more on the so-called P5, the EU, the German or the Developing World's stances on the Security Council reform issue, Drifte succeeds in providing the reader with deep and detailed insights into Japanese positions and internal considerations which go far beyond the reform issue as such. When he characterises Japan "not as a leader, but a successful follower", many may share this assessment. Drifte's criticism in regard to some of Japan's positions such as having too close an alliance with the US and holding not bold enough positions on key reform questions and proposals (scope of enlargement, veto, Razali proposal), is familiar to those actively participating in the reform process but not so far to the broader public. One of the study's many merits is to allow access to this kind of insight in a debate which will certainly continue and is bound to lead to concrete reform steps in the not too distant future. The study is a *must* for all those interested in Security Council reform, Japanese politics and multilateralism. Needless

to say, the notes and bibliography of the piece are impressive and exceptionally accurate.

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International Criminal Tribunal for the Former Yugoslavia/Tribunal Pénal International pour l'ex-Yougoslavie

Judicial Reports/ Recueils Judiciaires 1994–1995, Vol. I, II.

Kluwer Law International, 1999. 1189 pages.

The jurisprudence of the International Criminal Tribunal for the Former Yugoslavia (ICTY), together with the jurisprudence of its sister tribunal for Rwanda (ICTR) located in Arusha, has paved the way for many important developments in the field of humanitarian law and international criminal law. It is, however, not for that reason alone that the publishing of the judicial reports of the ICTY has to be applauded.

The two volumes cover the period from the very beginning of the work of the ICTY in 1994 until the end of 1995. The work, which in accordance with the fact that the ICTY has two working languages, i.e. English and French, is bilingual and contains all public indictments, decisions and judgements rendered during that period. The reports are organized chronologically on a case-by-case basis. The two volumes accordingly cover *inter alia* the Tadic and Nikolic Cases as well as the Karadzic and Mladic indictments.

Unlike the ICJ Reports, the reports are prepared on the basis of official documents made camera-ready and are not typesett. It is for that reason that two corresponding pages sometimes look somewhat awkward.

Unfortunately, the references contained on pages 1170–1189 are of limited value. Apart from a Table of Cases and Indictments and Deferrals, the Table of References only refers to the different provisions of the Charter of the United Nations, resolutions of the Security Council as well as the Statute of the Tribunal itself. The book does not, however, contain an analytical index which would allow the reader to access all those references where the tribunal discusses, e.g. the notion of grave breaches or the international or non-international character of a given military conflict.

Notwithstanding this unfortunate deficit, the two volumes are undoubtedly of major importance for all international lawyers working in the field. It is to be hoped that both, a similar work as far as the ICTR is concerned as well as the next volumes of the ICTY judicial reports will be published in due time.

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Roy S. Lee (ed.): The International Criminal Court — The Making of the Rome Statute: Issues, Negotiations and Results

Kluwer Law International, 1999. XXXV + 657 pages.

The adoption of the Rome Statute of the International Criminal Court has been a major step towards an effective repression of those international crimes which are of concern for the World at large such as genocide, crimes against humanity and war crimes. Still, the drafting history of the statute is somewhat obscure given that most of the more important negotiations took place in closed session where no formal records exist.

The different chapters of the book to be reviewed have been written by some of the key players in the negotiations mapping out a very detailed picture of the different issues the drafters were confronted with. It would go beyond the scope of this review to outline all the details of the respective chapters. It should be noted, however, that the fact that the authors have themselves been involved in the drafting could be a disadvantage in that sometimes a position, that a given participating state had taken might be described in a somewhat one-sided manner. It is therefore helpful to find on pp. xiii et seq. a list identifying the respective contributors and their specific affiliations, if any. It is also helpful to find, in an Annex, relevant statements made by participating states after the adoption of the Statute.

On the whole, the book is a very significant addition to the already existing literature on the International Criminal Court. Notwithstanding the fact that under the relevant rules of international law the drafting history of an international treaty only serves as a subsidiary means of interpretation, it still gives important insights without which some specific provisions and their content can be barely understood. In that regard, when analysing the Rome Statute, one should always — apart

from the Commentary edited by Triffterer[1] — find this book a useful reference tool.

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1 O. Triffterer, *Commentary on the Rome Statute of the International Criminal Court*, Nomos, 1999.