

July 11, 2017: JALANA (Japan Association of Lawyers Against Nuclear Weapons) welcomes the adoption of the Treaty on the Prohibition of Nuclear Weapons.

On July 7th, the United Nations conference to negotiate a legally binding instrument to prohibit nuclear weapons, leading towards their total elimination adopted the Treaty on the Prohibition of Nuclear Weapons by a vote of 122 to 1 (Netherlands), with one abstention (Singapore). As many as 63 percent of the 193 UN member states voted for the Treaty. We heartily welcome the adoption of this Treaty that should be a landmark step toward a “world free of nuclear weapons.”

The Article 1 of this Treaty on the Prohibition of Nuclear Weapons categorically prohibits States Parties from developing, testing, producing, manufacturing, otherwise acquiring, possessing, stockpiling, transferring, receiving the transfer, controlling, using or threatening to use nuclear weapons. It is also prohibited to assist, encourage or induce anyone to engage in any activity prohibited to a State Party under this Treaty, or allow deployment of any nuclear weapons in their territories and so on. Moreover, the Article 4 opens a door for nuclear weapons states to accede to the Treaty, which provides a legal framework toward the total elimination of nuclear weapons. The Article 6 of the Treaty requires that States Parties adequately provide assistance to nuclear victims and environmental remediation. This Treaty will be open for signature for all States from 20 September 2017 (Art. 13), and enter into force 90 days after the 50th State has deposited an instrument of ratification (Art. 15). We wish for early entry into force of this Treaty.

On the other hand, the Japanese government not only boycotted the negotiation conference but also shows unwillingness to sign the Treaty. Such attitude of the government of the only atomic-bombed country is by no means acceptable. The US, UK and France have stated that they do not intend to sign or ratify the Treaty, arguing that it “disregards the realities of the international security environment.” Those three powers continue “there will be no change in the legal obligations on our countries.” Furthermore, the United States asserts that the Treaty “cannot result in the elimination of a single nuclear weapon,” and would undermine the measures against the threat posed by North Korea. They are trying to ignore the Treaty on the Prohibition of Nuclear Weapons, prioritizing national security dependent on nuclear weapons. First of all, what on earth does national security to be kept by depending on nuclear weapons that might drive human society into annihilation mean to them? How could it be convictive that others including North Korea are not allowed to possess nuclear

weapons while themselves are depending on such weapons?

As long as nuclear weapons states and nuclear dependent states act as such, however, the “world without nuclear weapons” would not come true. We must change their attitude. The first thing to do for that aim is to share broadly the value and logics behind the Treaty.

The Treaty deeply concerns about the catastrophic humanitarian consequences that would result from nuclear weapons use, and recognizes the complete elimination of such weapons is the only way to guarantee that nuclear weapons are never used again. It considers that any use of nuclear weapons would be contrary to the rules of international law applicable in armed conflict, the principles of humanity, and the dictates of public conscience. The background value and logics are that nuclear weapons are not only inhuman but also contrary to the international law applicable in armed conflict, and elimination of nuclear weapons is needed to prevent them from being used ever again. These ideas come from mindfulness of suffering of and harm caused to the victims of nuclear weapons use (hibakusha) and those affected by the nuclear testing.

The Treaty acknowledges that achieving and maintaining a nuclear-weapon-free world is a global public good of the highest order that serves both national and collective security interests. A fundamental question is whether nuclear weapons maintain your security, or a “nuclear-weapon-free world” would be the highest public good. We choose the latter.

Recognizing the public conscience in the furthering of the principles of humanity as evidenced by the call for the total elimination of nuclear weapons, we, as lawyers, hereby pledge to continue our efforts in cooperation with many people including the hibakusha, so that this Treaty, together with the Nuclear Non-Proliferation Treaty (NPT), the Comprehensive Test Ban Treaty (CTBT) and the Treaties on the Nuclear-Weapon- Free Zones, would contribute to the earliest achievement of a “world free of nuclear weapons”

Takeya Sasaki, President of Japan Association of Lawyers Against Nuclear Weapons (JALANA)

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