

Written Statement of the Government of Japan

WRITTEN STATEMENT OF THE GOVERNMENT OF JAPAN

The Government of Japan herewith submits the written statement of the Government, in pursuance of the Court's Order of September 13, 1993, and the letter of the Deputy Registrar of the Court addressed to the Minister for Foreign Affairs of Japan, dated September 14, 1993, in accordance with Article 66, paragraph 2, of the Statute of the International Court of Justice.

I. The question on which an advisory opinion is asked

On 14 May, 1993, the Forty-Sixth World Health Assembly, by its Resolution WHA46.40, decided to request the International Court of Justice to give an advisory opinion on the following subject:

"In view of the health and environmental effects, would the use of nuclear weapons by a State in war or other armed conflict be a breach of its obligations under international law including the WHO Constitution?"

II. The view of the Government of Japan with respect to international law on the use of nuclear weapons in war or other armed conflict

While the Government of Japan is of the view that the matter of the Court's jurisdiction with regard to the question upon which an advisory opinion is requested by WHO should be considered most carefully by the Court, the Government submits its view on the subject in question,

namely, the use of nuclear weapons in war or other armed conflict, as follows:

"The Government believes that, because of their immense power to cause destruction, the death of and injury to human beings, the use of nuclear weapons is clearly contrary to the spirit of humanity that gives international law its philosophical foundation."

III. The position of the Government of Japan on the elimination of nuclear weapons

Japan, the only nation that has suffered nuclear attack, taking advantage of the opportunity offered by its submission of this written statement, desires to state also the following view, on the importance of eliminating nuclear weapons, in addition to stating its assessment regarding the use of nuclear weapons in international law.

(1) There is a unique national feeling in Japan regarding nuclear weapons, because of the tragic nuclear suffering of Hiroshima and Nagasaki and the many people still suffering radioactive sequelae. Japan, based on this historical experience, considers that nuclear weapons must never be used. The Government of Japan firmly maintains the "three non-nuclear principles" of not possessing nuclear weapons, not producing them and not introducing them into its territory, and will always strive to promote nuclear disarmament and nuclear non-proliferation, with a view to achieving the ultimate elimination of nuclear weapons.

(2) Nuclear disarmament, non-proliferation of nuclear weapons and the ultimate elimination of nuclear weapons are crucial for preventing nuclear war and the use of nuclear weapons. To this end, it is imperative that concrete and realistic measures be taken, one by one. Convinced of this, Japan strives constantly to strengthen the nuclear non-proliferation regime, the central pillar of which is the Treaty on the Non-Proliferation of Nuclear Weapons. In particular, with respect to the Treaty on Non-Proliferation of Nuclear Weapons, Japan makes every possible effort to enhance the Treaty's effectiveness and universality. Though this Treaty permits only the nuclear-weapon States to possess nuclear weapons, that discrimination should ultimately be made to disappear through the elimination of all nuclear weapons. To this end, further efforts in pursuit of nuclear disarmament by all nuclear-weapon States are essential. Japan, while welcoming the significant progress in nuclear disarmament made by the United States and Russia since the end of Cold War, urges all nuclear-weapon States, which have a special responsibility for nuclear disarmament, to make yet greater efforts for nuclear disarmament, with the goal of achieving the ultimate elimination of nuclear weapons, in accordance with Article 6 of the Treaty. Japan also welcomes the commencement of negotiations on a Comprehensive Nuclear Test Ban Treaty, and will do everything possible to contribute to the early conclusion of those negotiations.