

Letter dated 14 June 1995 from Minister at the Embassy of Japan, together
with Written Statement of the Government of Japan

EMBASSY OF JAPAN
THE NETHERLANDS

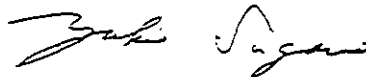
The Hague
June 14, 1995

Mr. Eduardo Valencia-Ospina
Registrar
International Court of Justice
Peace Palace
2517 KJ The Hague

Dear Mr. Valencia-Ospina,

Upon instructions of my Government, I have the honor to transmit herewith the written statement of the Government of Japan in response to the International Court of Justice's letter dated February 8, 1995, addressed to H.E. the Minister for Foreign Affairs of Japan, in accordance with Article 66, paragraph 2, of the Statute of the Court.

Yours sincerely,



Yukio Sugano
Minister

enclosure

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 February 1, 1995, and the letter of the Registrar of the Court addressed to the Minister for Foreign Affairs of Japan, dated February 8, 1995, 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 15 December, 1994, the Forty-Ninth United Nations General Assembly, by its Resolution A49/75K, decided to request the International Court of Justice to give an advisory opinion on the following subject:

"Is the threat or use of nuclear weapons in any circumstance permitted under international law?"

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

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) With their devastating power, nuclear weapons can in an instant take a tremendous toll in human life and deprive people of their local community structures; they can also cause the victims who survive an attack itself indescribable and lasting suffering due to atomic radiation and other lingering effects. Japan, based on its tragic nuclear suffering of Hiroshima and Nagasaki, 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 (NPT). Japan makes every possible effort to enhance the Treaty's effectiveness and universality. At the NPT Review and Extension Conference in May this year, decisions had been made on "strengthening the review process for the Treaty" and on "principles and objectives for nuclear non-proliferation and disarmament," together with the decision to indefinitely extend the NPT. These decisions indicate a future path regarding nuclear disarmament, nuclear non-proliferation, and other issues. It is extremely important that the international community strives along this path. Japan, while welcoming the recent significant progress in nuclear disarmament made by the United States and the former Soviet Union such as the signing of START I and START II and the entry into force of START I 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. Last year in the United Nations General Assembly, Japan sponsored the resolution, "Nuclear disarmament with a view to the ultimate elimination of nuclear weapons," which was adopted by an overwhelming majority. Japan believes that the adoption reflects the wide appreciation by the international community of Japan's such fundamental view.

(3) Japan welcomes the developments in the negotiations on a Comprehensive Nuclear Test Ban Treaty (CTBT) at the Conference on Disarmament and will do everything possible to contribute to early conclusion of those negotiations. Japan will also contribute to the early commencement and development of negotiations on a convention banning the production of fissile material for nuclear weapons or other nuclear explosive devices. Japan will, moreover, work actively to contribute to the actual reduction of nuclear weapons through assistance for dismantling of nuclear weapons of the former Soviet Union.