

An Appeal by HANWA(Hiroshima Alliance for Nuclear Weapons Abolition) to the 2010 NPT Review Conference

The fundamental issue for the citizens of Hiroshima when discussing nuclear issues is the incomprehensibly vast number of people affected by the atomic bombing of Hiroshima that occurred on August 6 1945. That morning, the atomic bomb instantly killed 70,000 to 80,000 civilians and by the end of 1945, 140,000 residents of Hiroshima had died as a result of the bombing. Many others have subsequently died – often after experiencing a lifetime of suffering - or are still suffering from various diseases caused by the blast, fire or radiation. Hiroshima’s anti-nuclear and peace movements are hence firmly embedded in the understanding that the indiscriminate and mass killing of civilians using nuclear weapons is genocide and that the use of nuclear weapons – under any circumstances – is therefore clearly a crime against humanity. We also regard nuclear deterrence policies to be crimes against peace as explicated by the Nuremberg principle, as “nuclear deterrence” effectively means planning and preparing to commit indiscriminate mass killing, i.e. a crime against humanity, using nuclear weapons. To fail to recognize these fundamental precepts would mean a complete loss of the momentum of our anti-nuclear and peace movements.

As advocates for nuclear abolition, as well as citizens of the first city to feel the effects of a nuclear attack, we have frequently been disappointed by the fact that many politicians, bureaucrats and academics engage in discussions on various nuclear issues, including nuclear deterrence and disarmament, neglecting this basic and indisputable fact – that these concepts in fact signify the massacre of a large number of human beings (and many other creatures) using a weapon of mass destruction. They tend to deal with nuclear issues mainly within the frameworks of the “balance of power” between the nuclear states and of international politics. We strongly urge all who engage these issues to place humanity at the center of the problem and never forget the extreme cruelty of atomic bombing when entering into discussions on nuclear issues.

“One murder makes a villain, millions a hero. Numbers sanctify.” Henri Verdoux, a murderer, makes this statement shortly before being hanged in the film *Monsieur Verdoux*, produced by Charlie Chaplin in 1947. It seems that many of us are still

influenced by this way of thinking. Indeed, despite countless publications, films and talks on the brutality of atomic bombing over the last 64 years, there is still not a single law anywhere in the world that criminalizes the use of nuclear weapons.

We appreciate that, in his speech in Prague in April 2009, U.S. President Barack Obama, clearly expressed his desire to abolish nuclear weapons, stating that “as the only nuclear power to have used a nuclear weapon, the United States has a moral responsibility to act.” Yet the U.S. bears not only a moral responsibility, but also a legal one for having committed the indiscriminate mass killing of Japanese civilians with nuclear weapons. On the basis of a clear recognition of this legal responsibility, we need to establish a universal principle, as well as international law, in which anyone or any government official attempting to use nuclear weapons should be prosecuted as a war criminal. As the world push for the abolition of nuclear weapons has grown, we feel it is now time to take affirmative action to make concrete proposals to establish the Nuclear Weapons Convention.

To this end, we offer the following proposals and requests.

(1) Establish the Nuclear Weapons Convention

In July 1996, the International Court of Justice issued an advisory opinion on the legality of the threat or use of nuclear weapons, which concluded that every nation has “an obligation to pursue in good faith and bring to a conclusion negotiations on nuclear disarmament in all its aspects under strict and effective international control.” Encouraged by this ICJ opinion, in 1997 Costa Rica submitted the world’s first Model Nuclear Weapons Convention (hereafter “Model Convention”), which was circulated in the UN General Assembly by the Secretary-General. At the NPT Preparation Conference in April 2007, Costa Rica, in cooperation with Malaysia, submitted an updated version of the Model Convention, proposing the immediate establishment of a Nuclear Weapons Convention.

Three NGOs, IALANA (International Association of Lawyers Against Nuclear Arms), IPPNW (International Physicians for the Prevention of Nuclear War), and INESAP

(International Network of Engineers and Scientists Against Proliferation) also worked together to draft a comprehensive Model Convention. This Model Convention, which was updated in 2007, includes provisions prohibiting the development, testing, production, stockpiling, transfer, use and threat of use of nuclear weapons, as well as their elimination. ICAN (International Campaign to Abolish Nuclear Weapons) is now promoting this Model Convention worldwide.

Thus, the basic framework for a Nuclear Weapons Convention is already available in a concrete and comprehensive manner. We therefore urge all nations – both nuclear and non-nuclear states – to collaborate to speedily establish and ratify a Nuclear Weapons Convention based on the above-mentioned Model Conventions.

(2) A Proposal to Add an Article Prohibiting the Use of Weapons of Mass Destruction to the 1977 Protocol Additional to the Geneva Conventions.

Although we hope that many nations will soon take action to formalize the Nuclear Weapons Convention, it is expected that it will take at least five years for ratification. We therefore propose that as a step towards putting such a convention into effect, one of the existing international conventions be fully utilized to quickly criminalize the use of nuclear weapons and other radioactive weapons such as DU (depleted uranium) weapons.

In particular, we believe that Chapters II and III of Part IV, Section I “Civilian Population” of the “Protocol Additional to the Geneva Conventions of 12 August 1949 and relating to the Protection of Victims of International Armed Conflicts, Signed on 12 December 1977” (hereafter “the Additional Protocol”) are well suited for this purpose. It is crystal clear that the use of nuclear and DU weapons are a violation of Article 51 (Protection of the civilian population) and Article 55 (Protection of the natural environment) of this Additional Protocol. (Please see the attached copy of Articles 51 and 55.)

In fact, in 1957, the International Committee of the Red Cross issued “Draft Rules for the Limitation of the Dangers Incurred by the Civilian Population in Time of War,”

which included an article prohibiting the use of incendiary, chemical, bacteriological and radioactive weapons. During the process of drafting the Additional Protocol, countries including Romania, Yugoslavia and North Korea suggested naming the specific types of weapons of mass destruction to be banned, e.g., nuclear, chemical and biological weapons. However, due to political pressures from nuclear powers, in particular the U.S., Britain and France, proposals to include such a provision were eventually rejected.

It is immediately obvious, on reading the Additional Protocol, that the use of nuclear weapons contravenes this Protocol. However, because of the above-mentioned destructive attitude of nuclear powers, we need to include a provision which clarifies the criminality of the use of nuclear, radioactive, chemical and biological weapons as well as all weapons of mass destruction. The provision could read, for example, “It is prohibited under any circumstances to use nuclear, radioactive, chemical and biological weapons and all other weapons of mass destruction.”

Thus we would propose the addition of a straightforward and simple provision to the Additional Protocol, which would make the ban of the use of nuclear weapons a positive international law. It is uncomplicated and would therefore not require comprehensive discussion to draft the text of regulation. It only requires the political will of the majority of nations worldwide. We could then start drafting a more comprehensive nuclear weapons convention, including provisions to ban the production and testing of nuclear weapons.

We also urge the International Committee of the Red Cross and the UN to take the initiative to immediately ban the use of nuclear weapons by utilizing the 1977 Protocol Additional to the Geneva Conventions. This will certainly be a big step towards the abolition of nuclear weapons.

(3) A Proposal for Constructing “The North-East Asia Peace Community”

We believe that it is vital for the abolition of nuclear weapons to make North-East Asia a nuclear free zone. To this end, we strongly call on North Korea to immediately stop its

nuclear weapons development program and China to eliminate all the nuclear weapons in its possession. However, to achieve this aim, it is necessary for the Japanese government to change its policy of relying on U.S. nuclear deterrence and accommodating U.S. military bases on Japanese soil. One of the Democratic Party's campaign pledges during the September 2009 election was the establishment of an "equal partnership" with the U.S. based on Japan's national "independence." Yet, Japan's new Democratic Party government is essentially using the same policies relied on for many years by the previous Liberal Democratic Party government and is still performing like a "vassal state" of the U.S.

It is essential for the construction of a nuclear free North-East Asia to create a stable and peaceful political environment in this region, in which North Korea would feel no need to wage war against neighboring nations. In other words, the construction of "the North-East Asia Peace Community" is a prerequisite for the construction of a nuclear free North-East Asia. We believe that the U.S. and Japan, two nations who together possess extremely powerful military strength that is directed against North Korea, must take the initiative to ease North Korea's fear of attack by abolishing the U.S. nuclear deterrence policy as well as withdrawing American military forces from Japan, in particular from Okinawa and Iwakuni.

We therefore propose to hold a Six Nation NGO Conference in Hiroshima, instead of the Six Party Talks of governmental officials, in which various grass-root civil groups and organizations from the six nations meet and discuss what should be done in order to construct "the North-East Asia Peace Community."

(4) Support for Constructing "The Nuclear Free European Community"

The U.K. possesses 160 nuclear warheads and France possesses 300. However, as the Cold War ended many years ago, the role of these nuclear weapons as deterrents against Russian attacks on Western Europe has long been obsolete. In fact there is no longer any strategic necessity to keep nuclear weapons in Europe. Moreover, the majority of British citizens do not think that replacing the existing submarine-based Trident weapons system at huge cost is justifiable. British citizens want to abolish their nuclear

missiles. Germany has started working to remove U.S. nuclear weapons from its territory, and a bill calling on the U.S. to withdraw its nuclear weapons from the country was proposed at the Belgian Parliament last year.

In short, if the British and French governments move boldly to abolish all nuclear weapons in their countries' possession, the EU could become a nuclear free zone. We believe that the establishment of a nuclear free EU would have enormous moral and political impact on the U.S., Russia and other nuclear powers, as well as nations currently seeking to possess such weapons of mass destruction. We therefore urge the British and French governments to immediately eliminate all their nuclear weapons. At the same time we wholeheartedly support the nuclear abolition movement promoted by European civil organizations such as CND (the Campaign for Nuclear Disarmament).

(5) A Demand to End the Use of Nuclear Energy

We believe that the abolition of nuclear weapons cannot be achieved so long as the so-called "peaceful use of nuclear energy" continues. Some claim that the use of nuclear energy is a good strategy to tackle global warming caused by human-made carbon dioxide. However, we need to consider the many problems associated with the use of nuclear energy, including the enormous cost of the construction and operation of nuclear power stations and other related facilities, the question of dealing with large quantities of radioactive materials including the problem of storing high-level radioactive waste over many hundreds of years, the uneconomical and dangerous "recycling of nuclear fuel," and the danger of nuclear accidents which would cause great harm to human beings and the natural environment.

If we take these problems into account, it becomes clear that there is no credibility in the argument for the so-called "economic advantage" of nuclear energy. We therefore believe that the use of nuclear energy, which is directly linked to the production of nuclear and DU weapons, should be stopped immediately, and that the huge sum of money currently allocated for nuclear energy should be redirected towards the development of various alternative and environmentally friendly energy sources. The creation of a safe environment is an important part of our peace movement, as is the

protection of the natural environment that secures the harmonious co-existence of all creatures on this planet.

(6) A Proposal for the Elimination of Structural Violence instead of The War Against Terrorism

It is often said that there is a danger that terrorist groups may acquire nuclear weapons, and President Obama also repeats this possibility in his public speeches. Indeed, Obama has essentially inherited Bush's "war against terrorism" without any fundamental changes, and is hence conducting military operations for this purpose in places such as Afghanistan and Pakistan. However, the largest number of victims of these operations are not the so-called terrorists but ordinary civilians. Many civilians have been killed or injured by aerial bombings conducted by U.S. forces in these countries, and as a result, these people, who have lost their families and relatives, have become refugees. We, the citizens of Hiroshima, the city that experienced one of the most horrific of indiscriminate bombings, cannot remain silent about the similar bombing of civilians conducted by countries like the U.S. and Israel.

It is clear that so-called "structural violence" – poverty, discrimination and the abuse of human rights, for example – is the real cause of terrorism. The war against terrorism, which inevitably creates a large number of civilian casualties, makes more civilians poverty-stricken and creates massive numbers of refugees. The desperate and demoralizing social conditions thus created are becoming further incentives for terrorist activities. The best tactic to prevent terrorist groups from acquiring nuclear weapons is therefore not waging a war against terrorism but eliminating the source of this "structural violence". We therefore call on countries such as the U.S., Russia, France, the U.K., China and Japan to reallocate their large military budgets to helping the huge number of people in the world who are in desperate need of assistance for their survival. Although this kind of policy may give the impression of being a round-a-bout way of tackling the problem of terrorism, we believe that building a peaceful and stable society is the best and most effective approach to this serious problem.

The above-mentioned demands and proposals are all essential for the ultimate abolition

of nuclear weapons. Yet we strongly believe that they are all achievable, provided we place humanity at the center of our activities. As the NPT Review Conference approaches, we are determined to work together with all groups and peoples actively involved in anti-nuclear and peace movements all over the world, fully utilizing our experience as residents of the city that fell victim to the world's first and deadliest nuclear attack.

Attachments

The Protocol Additional to the Geneva Conventions of 12 August 1949 and relating to the Protection of Victims of International Armed Conflicts, Signed on 12 December 1977

Art 51. - Protection of the civilian population

1. The civilian population and individual civilians shall enjoy general protection against dangers arising from military operations. To give effect to this protection, the following rules, which are additional to other applicable rules of international law, shall be observed in all circumstances.

2. The civilian population as such, as well as individual civilians, shall not be the object of attack. Acts or threats of violence the primary purpose of which is to spread terror among the civilian population are prohibited.

3. Civilians shall enjoy the protection afforded by this section, unless and for such time as they take a direct part in hostilities.

4. Indiscriminate attacks are prohibited. Indiscriminate attacks are:

(a) those which are not directed at a specific military objective;

(b) those which employ a method or means of combat which cannot be directed at a specific military objective; or

(c) those which employ a method or means of combat the effects of which cannot be limited as required by this Protocol;

and consequently, in each such case, are of a nature to strike military objectives and civilians or civilian objects without distinction.

5. Among others, the following types of attacks are to be considered as indiscriminate:

(a) an attack by bombardment by any methods or means which treats as a single military objective a number of clearly separated and distinct military objectives located in a city, town, village or other area containing a similar concentration of civilians or civilian objects;

and

(b) an attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated.

Art 55. Protection of the natural environment

1. Care shall be taken in warfare to protect the natural environment against widespread, long-term and severe damage. This protection includes a prohibition of the use of methods or means of warfare which are intended or may be expected to cause such damage to the natural environment and thereby to prejudice the health or survival of the population.

2. Attacks against the natural environment by way of reprisals are prohibited.