

Statement in Support of the Marshall Islands' Cases against Nuclear Weapons States  
in the International Court of Justice

July 23, 2014

Takeya Sasaki, Attorney at Law

President of the Japan Association of Lawyers Against Nuclear Arms

On April 24, this year, the Republic of the Marshall Islands sued nine nuclear-armed countries in the International Court of Justice. These countries are China, North Korea, France, India, Israel, Pakistan, Russia, the UK, and the US.

Although the cases differ, depending on whether the countries are established nuclear-weapons states under the Non-Proliferation Treaty (India, Israel, and Pakistan are not) and whether they accept the Court's compulsory jurisdiction (i.e. India, Pakistan, and the UK), the Marshall Islands seeks in essence the following:

- i. Confirmation that by not actively pursuing negotiations in good faith on effective measures relating to cessation of the nuclear arms race and nuclear disarmament, the five original nuclear-weapons states are breaching their legal obligations under Article Six of the Treaty, with all the nine states violating customary international law.
- ii. Court orders requiring the nine states to put in place within a year all the measures that are necessary to comply with these obligations. They include pursuing in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control.

We, the Japan Association of Lawyers Against Nuclear Arms, working for the abolishment of nuclear weapons, welcome the lawsuits by the government of the Marshall Islands and hereby express our strong support and solidarity.

The international community has recently been strengthening its efforts to focus on inhumane aspects of the use of nuclear weapons, thus confirming their illegality, and the momentum towards the abolishment of nuclear weapons is growing.

The following are some reasons why the cases filed by the Marshall Islands are

significant:

- i. The cases are launched by a state that has suffered from nuclear tests.
- ii. The 1996 advisory opinion by the ICJ continues to be ignored by nuclear-weapons states, and these lawsuits demand that this situation be corrected.
- iii. The cases contend that the non-compliance with Article Six of the NPT constitutes a “denial of human justice,” as it is now sixty-eight years since the first UN General Assembly resolution regarding the elimination of nuclear weapons and other weapons of mass destruction, forty-five years since the entering into effect of the NPT, and nearly twenty years since the ICJ advisory opinion.

We are also sending our message of hope and encouragement to the government of the Marshall Islands that the Court will overcome debates regarding jurisdiction and begin hearing the cases, providing an important milestone in our effort to accelerate the movement to abolish nuclear weapons.

At the same time, we will be spreading the news about the lawsuits throughout Japan, asking people for their support and solidarity.