

<Column 2> Steps Toward the Enactment of an Anti-Nuclear Weapons Law

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1. Background of Efforts to Enact an Anti-Nuclear Weapons Law

The Nuclear Weapons Abolition Project Team of the Japan Federation of Bar Associations (JFBA) Task Force on Constitutional Issues is making preparations for enacting a “Law Prohibiting the Manufacture and Possession of Nuclear Weapons, and Their Introduction Into Japan” (Anti-Nuclear Weapons Law) in order to legislate Japan’s three nonnuclear principles.

Japan’s three nonnuclear principles are: “Japan shall neither possess nor manufacture nuclear weapons, nor shall it permit their introduction into Japanese territory.” These principles have long been considered to be fixed national policy, but have not been enshrined in law. Although Japan’s government avers that it firmly adheres to these principles, it admits that it cannot deny the possibility that US warships armed with nuclear weapons have called at Japanese ports, and suspicions of a “secret nuclear agreement” between Japan and the US have not been allayed. The Japanese government’s stance has consistently been that in a contingency it will allow the introduction of US nuclear weapons and depend on their deterrent capability.

Further, there have recently been initiatives aimed at switching to the “2.5 nonnuclear principles,” especially to seek a reconsideration of “not allow introduction.” To have the government uphold the three nonnuclear principles without letting them be hollowed, and to firmly establish the basis of a nonnuclear political policy, it is necessary to distinctly define the three nonnuclear principles as an integrated whole with quasi-constitutional normativeness.

Therefore we determined to make preparations for enacting an Anti-Nuclear Weapons Law for “the purpose of strictly complying with the three nonnuclear principles, which have long been considered fixed national policy, and never under any circumstance use or allow the use of nuclear weapons in Japan, thereby guaranteeing the peace and security of the Japanese people.”

2. Main Points of the Anti-Nuclear Weapons Law Model Bill

The model bill comprises a preamble and 16 articles.

The preamble explains the course of events leading to enactment.

Article 1 states that the law is enacted for “the purpose of strictly complying with the three nonnuclear principles, which have long been considered fixed national policy, and never under any circumstance use or allow the use of nuclear weapons in Japan, thereby guaranteeing the peace and security of the Japanese people.”

Article 2 defines “nuclear weapons,” which are the Anti-Nuclear Weapons Law’s area of concern.

Article 3 has provisions on prohibiting the manufacture of nuclear weapons, Article 4 on prohibiting their possession, and Article 5 on prohibiting their introduction.

Articles 6 through 9 set forth the duties of the prime minister (requirements for allowing the entry of all ships, aircraft, and other craft into Japanese territory, airspace, and territorial waters; demands to withdraw; seeking the opinions of the Nonnuclear Monitoring Commission; and making reports to the Diet).

Articles 10 through 12 provide for the creation of a Nonnuclear Monitoring Commission, its mission and inspections, and its organization and operation.

Article 13 provides for the “prohibition of disadvantageous treatment” in order to protect whistleblowers.

Articles 14 through 16 provide for penalties to ensure effective compliance with the three nonnuclear principles.

3. Expectations for the Enactment of an Anti-Nuclear Weapons Law

As the world's sole victim of nuclear weapons use, as the country which experienced the serious Fukushima nuclear accident, and as a country which belongs to Northeast Asia, Japan has a duty to play a leadership role in international society by working for the abolition of nuclear weapons and other threats to humanity's survival, and for banning the use and threat of nuclear weapons.

As a lawyer, and also from the standpoint of achieving the pacifism prescribed by the Japanese Constitution, I shall do my best to have an Anti-Nuclear Weapons Law enacted.