

Welcoming the US-North Korea Summit and its Statement

On 28 June 2018,

Japan Association of Lawyers Against Nuclear Arms (JALANA) Executive Board

On 12th of June, Donald Trump, president of the United States of America, and Kim Jong-un, head of the Democratic People's Republic of Korea (DPRK), had done a meeting, and had signed a joint statement.

Our association gives it a warm welcome, and decides to make an effort continuously toward “nuclear-weapon-free world”.

The content of the joint statement

President Trump and Chairman Kim had exchanged their opinion as to creation of new relations between the United States and the DPRK as well as the constructing a peace regime of Korean Peninsula. President Trump had confirmed a guarantee of security to the DPRK, on the one hand, Chairman Kim had reaffirmed a full denuclearization of the Korean Peninsula, on the other hand. Both leaders are convinced that the establishment of new U.S.–DPRK relations will contribute to the peace and prosperity of the Korean Peninsula and of the world. They also show their cognisance that mutual confidence building can promote the denuclearization of the Korean Peninsula.

On the basis of the afore-mentioned, they had promised four items below;

1. The United States and the DPRK commit to establish new U.S. -DPRK relations in accordance with the desire of the peoples of the two countries for peace and prosperity.
2. The United States and the DPRK will join their efforts to build a lasting and stable peace regime on the Korean Peninsula.
3. Reaffirming the April 27, 2018 Panmunjom Declaration, the DPRK commits to work toward complete denuclearization of the Korean Peninsula.
4. The United States and the DPRK commit to recovering POW/MIA remains, including the immediate repatriation of those already identified.

As was an epoch-making event the US-DPRK Summit, both parties agreed to overcome decades-long tensions and hostilities between both States, and to put the joint statement into action completely and rapidly with the intention for opening up a new future.

We are highly evaluating this statement

We are highly evaluating this statement. Both heads of State, who had cursed each other with the words “rocket man” or “old guy” and even had shown a threat to use nuclear weapons, sat on the table for the purpose of dialogue, and promised mutually to implement fully and immediately “the building of a new relationship between the U.S and the DPRK” as well as “complete denuclearization of the Korean Peninsula”. For the sake of the implementation, the goals embodied into the joint statement should be positively accessed even if it cannot avoid requiring the necessity of ingenuity and time-spending to achieve the goals, on the ground that the building a new relationship between two States will settle with the situation of final cold war, and will lead to a peace and prosperity around the world. Another reason is that the denuclearization of the Korean Peninsula may also take a new step to set up a nuclear-weapon-free zone in north-east Asia and “a world free of nuclear weapons”.

To avoid recurring the Korean War

We have considered that the situation where it is the most necessary to avoid is the recurrence of the Korean War on the ground that we were afraid of the occurrence that people in the Korean Peninsula will be put into a crucible of massacre and destruction, that the North Korea will attack Japan, and that Japanese will conduct genocide against Korean residents in Japan.

Although there are still lots of problems that we must resolve, such as Complete, Verifiable and Irreversible Denuclearization (CVID), return of abduction victims, and disarmament of medium-range missiles, we have thought that the priority is the deterrence of recurrence and the complete termination of the War. There are some of opinions as to undermine the significance of this joint statement on the account of personality of both leaders and lack of concreteness, but the importance to keep away a danger of armed conflicts in the Korean Peninsula should be highly evaluated.

Pacta sunt servanda

Originally, the fact that both leaders had signed the joint statement means the accordance of intention between them. This does not signify that they had agreed a private consent, but had entered into political agreement between sovereign States. In this connection, we should note that the legal maxim “*pacta sunt servanda*” is a fundamental principle of international law as of now, in order to understand the statement which is an important political declaration.

President Trump had promised “security guarantee of the DPRK”, and Chairman Kim had done “denuclearization of the Korean Peninsula”. Each party had mutually granted its political card to the other. In this regard, it seems to us that the fact might be a huge cornerstone “in overcoming decades of tensions and hostilities between the two countries and for the opening up of a new future”. There is no reason to criticise this agreement.

The promise of President Donald Trump

President Trump permitted the DPRK to guarantee its security. Apparently, although he had significantly conceded to the country, he just simply promised what is not surprising. As a result of this promise, there is no longer reason why the U.S. attacks against the DPRK, because the sovereignty of all UN Member States is equal under the article 2.1 of the UN Charter, and all Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered under the article 2.3. Furthermore, there will be no problem as to the self-defence excised by the U.S. on the ground that nothing is the fact that the DPRK started to use its armed forces against the U.S. The United States has used its armed forces in order to overturn some states’ administrations which it was not favour of. Such a conduct cannot be accepted from the beginning. It is natural that the U.S. promised not to take the prohibited measures so that it did not make a huge concession.

As to the concrete content of “stable peace regime” which was promised by the President Trump, it is not obvious that the understandings between both parties have been shared, and the Korean War, having been made the Truce, cannot be finished by means of the unilateral “security guarantee” by the U.S. on account of the UN security council resolutions, so that it will be possible to achieve fully termination of the War on the basis of the breakup of the UN Forces. However, we strongly wish that the promise at the present time by the President Trump will be conducive to the complete termination of the Korean War, because the DPRK agreed to “reaffirm the Panmunjom Declaration”, according to the Point 3 of the joint statement.

The promise of Chairman Kim Jong-un

Chairman Kim, leader of the DPRK, promised to achieve the complete denuclearization of the Korean Peninsula. Although there are in fact some opinions that the promise of the DPRK cannot be trusted, he cannot be immune from the legal principle “*pacta sunt servanda*” as well. Originally, the reason why the DPRK has developed nuclear weapons is a fear that the U.S. attempts to overturn its administration under the circumstance where it does not have such weapons. If the U.S. guarantee security, the motive for possession of nuclear weapons will fade out. The U.S. is only actor who can get rid of the motivation of maintaining the nuclear weapons by the DPRK. On the other hand, the U.S. no longer has to be afraid of attacks by the DPRK by means of the retortion of intercontinental ballistic missiles. That is, a “big deal” was successful. Through the deal, we also obtained the fruits that we have been released from tragedy of nuclear war between the U.S. and the DPRK.

How will we denuclearize?

The “denuclearization of the Korean Peninsula” is an important step for achieving “nuclear weapons free world” which we are aiming at. At the present time, there is the Nuclear Non-proliferation Treaty (NPT), and the U.S. is a state party to this treaty. The DPRK had also joined, but now it has already left from the regime. Moreover, the Treaty on the Prohibition of Nuclear Weapons (TPNW) has already been adopted. Both States have not yet entered into it, but there is a legal framework toward “nuclear weapons free world”.

Given that the DPRK re-joins the NPT and becomes a state party to the TPNW, and implements the procedures prescribed by the Article 4 of the TPNW, the nuclear issues in the DPRK would be resolved. Concretely, it should remove the nuclear weapons from operational status, and advance the procedures to get rid of them in accordance with the plan for the irreversible disposal with the inspection.

However, that will lead to the consequence that the nuclear weapons which are possessed by other nuclear-weapon States including the U.S. still remain in the entire world. There are 14,450 nuclear warheads, 10 to 20 of which are possessed by the DPRK, while the U.S. has approximately 6450 warheads (researched by the RECNA).

For the realisation of “nuclear weapons free world”, it will not be enough to only settle with the problem of the DPRK’s nuclear issues. Other states also have to start the negotiations towards overall nuclear disarmament, and complete it. For doing so, we need to overcome self-centred logic, “I possess the nuclear weapons, but you must discard them”, and the national security policy, “the theory of nuclear deterrence”, depended on them.

We cooperate with other civil society groups which aim at the “nuclear weapons free world”, as the organisation of Japanese lawyers and citizens that had an experience to exposure to radiation at Hiroshima, Nagasaki and Bikini, as well as decide to continue making an effort to change over political attitudes of nuclear-weapon States and nuclear-dependent States.