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International Symposium: “Towards a World Without Nuclear Weapons and Crimes Against Humanity”

Tetsuo Sato

On Sunday, December 15, 2019, the Hiroshima Peace Institute held an international symposium titled “Towards a World Without Nuclear Weapons and Crimes Against Humanity” together with the Chugoku Shimbun and the Research Center for Nuclear Weapons Abolition, Nagasaki University, with support from Hiroshima City and the Hiroshima Peace Culture Foundation. About 280 people attended the symposium.

Following the International Campaign to Abolish Nuclear Weapons (ICAN) in 2017, the Nobel Peace Prize was awarded in 2018 to Ms. Nadia Murad, an Iraqi Yazidi, and Mr. Denis Mukwege, a doctor in the Democratic Republic of the Congo, both of whom have appealed for the elimination of crimes against humanity. This fact indicates growing international interest in the serious infringement of human rights, including nuclear damage. As exemplified by the adoption of the Treaty on the Prohibition of Nuclear Weapons and the foundation and subsequent activities of the International Criminal Court (ICC), this growth in interest is also proven by recent progress in the establishment and enhancement of legal systems for regulating or abolishing nuclear weapons as the means of ultimate violence, and crimes against humanity. This symposium focused on identifying challenges to be solved and considered actions to be taken by civil society through examining the international community’s past and current efforts to eliminate serious infringements of human rights—including crimes against humanity—through the implementation of mechanisms based in the ICC. Below are summaries of the speeches, reports and panelist’s comments presented in the symposium.

Keynote Speech

“Breaking Vicious Cycles of Violence: The Mission and Role of the International Criminal Court (ICC)”

Kuniko Ozaki (Former Judge of the International Criminal Court)

While the International Court of Justice (ICJ) judges international disputes, the ICC, founded in 2002, is a court that pursues individual criminal responsibility on the basis of international law.

The ICC can prosecute individuals (but not States or organizations) for four kinds of crimes: genocide, crimes against humanity, war crimes and crimes of aggression. The ICC exercises its jurisdiction over these kinds of crimes that were committed on the territory of a State Party, or committed by a national of a State Party in July 2002 or later. However, if the United Nations Security Council refers cases to the ICC based on its authorization, crimes committed on the territory of, or by a national of a non-State Party will be subject to the ICC’s jurisdiction. In conformity with the doctrine of subsidiarity, the ICC exercises its jurisdiction only if States relevant to the crimes have neither the ability nor intention to investigate and prosecute the suspects.

A major problem faced by the ICC is that it has no authority to carry out compulsory investigations and needs cooperation from relevant States in arresting suspects and collecting evidence. While the ICC currently has 122 States

Parties, which account for about two-thirds of the UN Member States, the ICC faces difficult challenges in terms of universality. The U.S., Russia, China, and many major Asian States have not joined the ICC States Parties. Since Asia has many areas prone to conflict, the serious infringement of human rights, or crimes against humanity, the fact that such areas are not subject to the ICC’s jurisdiction proves the ICC’s lack of universality and effectiveness in the true sense of the word. Moreover, States Parties can withdraw from the ICC, as Burundi and the Philippines recently did.

The ICC Judicial Divisions have so far examined 27 cases, including four cases with final judgments of “guilty” and one case with a final judgment of “not guilty” in the appellate court. The ICC has been strongly criticized for its unsatisfactory achievements compared with the length of time and costs required since its founding. Japan joined the ICC in 2007 and currently contributes the largest share of expenses (about 16%). Although Japanese judges have been continually appointed, the ICC has only 13 Japanese staff members, which is an extremely low figure.

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“Inhumanity and the Regulation of Nuclear Weapons”

Takashi Hiraoka (Former Mayor of Hiroshima City)

Despite the inhumanity of nuclear weapons, the U.S. has insisted on the legitimacy of its use of atomic bombs until today. In post-WWII international politics, a nuclear armaments race based on the doctrine of nuclear deterrence was started, and the road to the abolition of nuclear weapons has long been extremely rugged.

In his judicial decision on the world’s first lawsuit case filed over the illegality of the use of nuclear weapons (the Shimoda case in 1963), Chief Justice Toshimasa Koseki judged that the atomic bomb attacks violated international law. The plaintiff—Ryuichi Shimoda—lost the case, but the trial was significant as a starting point for the renewed public recognition of the necessity of legal assessment.

In 1994, the UN General Assembly adopted a resolution to ask the International Court of Justice (ICJ) to render its advisory opinion on the question: “Is the threat or use of nuclear weapons in any circumstance permitted under international law?” As the then Hiroshima City Mayor, I emphasized the necessity of an international treaty banning nuclear weapons, but the Japanese

government simply continued to claim that what the mayors of Hiroshima and Nagasaki said “differed from the position of the Japanese government.” In 1996, the ICJ decided that “the threat or use of nuclear weapons would generally be contrary to the rules of international law,” but the decision continues, “the Court cannot conclude definitively whether the threat or use of nuclear weapons would be lawful or unlawful in an extreme circumstance of self-defense, in which the very survival of a State would be at stake.” Since the ICJ decision thus did not clearly indicate the necessity of banning nuclear weapons, the possibility of legally justifying the use of nuclear weapons has remained.

In 2017, the Treaty on the Prohibition of Nuclear Weapons was adopted. This treaty’s legal provisions against the inhumanity of nuclear weapons and deterrence, which label them as “evil,” demonstrate considerable progress. Nevertheless, the Intermediate-Range Nuclear Forces (INF) Treaty between the U.S. and Russia expired in 2019, heralding a new nuclear armaments race.

Expert Reports

“The Use of Nuclear Weapons and International Law: Does It Constitute a Crime Against Humanity / War Crime in All Circumstances?”

Akira Mayama (Professor, Graduate School of International Public Policy, Osaka University)

Customary law does not prohibit States from “possessing” nuclear weapons. According to the concept of belligerent reprisal, to hinder an enemy’s illegal act, every State is allowed to commit an illegal act if there is no other means, and such an act is not generally prohibited by international humanitarian law. This means that nuclear weapons may be used legally in some situations, and this principle offers the legal foundation for the doctrine of nuclear deterrence.

International humanitarian law does not treat collateral damage itself as illegal until it has indiscriminate effects. The use of weapons that will have indiscriminate effects without exception if used is prohibited, so treaties and customary law prohibit the use of chemical or biological weapons. However, there are conflicting arguments on whether the very use of nuclear weapons is prohibited by customary law.

The use of weapons that are of nature to cause combatants superfluous injury or unnecessary suffering is also prohibited,

so the prohibition of use of chemical or biological weapons has been established in terms of both treaties and customary law. The argument that nuclear weapons can be classified as “weapons that are of nature to cause superfluous injury or unnecessary suffering” especially in consideration of injuries and suffering that can be caused to combatants by thermic rays and radiation emitted by them seems to me tenable, so I believe that this argument can be used to lead to the prohibition of nuclear weapons themselves.

Then, how about individual responsibility for the use of nuclear weapons? Because the existence of indiscriminate effects, superfluous injury or unnecessary suffering makes the use of weapons a war crime, regardless of the types of weapons, a considerable portion of use of nuclear weapons can be substantially viewed as war crimes. Crimes against humanity denote massacres or mass oppression of people beyond groups of limited members, so this concept may also help ensure that the use of nuclear weapons in non-international armed conflict will be punished.

“Protecting the Dignity of Life: How the United Nations Addresses Crimes Against Humanity?”

Yasue Mochizuki (Professor, School of Law and Politics, Kwansei Gakuin University)

Crimes against humanity are atrocities against the entire human race, so various declarations and treaties on such crimes have been formulated since WWII ended. The outcome document adopted at the 2005 World Summit counts crimes against humanity among serious crimes that the international community must address. States are no longer allowed to neglect such criminal acts within their territories on the basis of State sovereignty, so the international community is expected to take every possible action to address them, including enforcement measures.

While addressing crimes against humanity requires measures to be taken before and during their occurrence and against the criminals, the aims of post-conflict measures are to prevent the recurrence of conflict and construct a new society where peace can be maintained. An important challenge in such

a case is how to address past crimes against humanity. In pursuit of “transitional justice” in a period when a regime is replaced by another regime, people have identified what the perpetrators of severe crimes, including crimes against humanity, did and created and published reports on who had been victimized and by whom in order to identify crimes against humanity, blame the perpetrators, and officially recognize the victims.

The International Commissions of Inquiry and the UN Human Rights Council Mechanisms, both of which were established by the UN Human Rights Council, not only carry out inquiries and disclose their results but also encourage efforts to prevent criminal acts. The Mechanisms’ collection and storage of information also constitute preparations for lawsuits against and punishment of perpetrators, and function to support trials that will be held at the ICC in the future.

“Preventing Armed Conflict and Crimes Against Humanity: Lessons from Field Practices and Actions to Be Taken”

Rumiko Seya (Director, Japan Center for Conflict Prevention [JCCP])

During the 74 years from 1945, when WWII ended, to today, Japan has not been directly involved in war and has maintained peace. However, the world has experienced a total of about 550 cases of conflict during the same period. Many of these cases are characterized by repetition in the same State or region. When conflict occurs in a State or region, the State or region becomes the focus of worldwide attention. However, when conflict occurs in another State or region, the former State or region is quickly forgotten. Many such States or regions in the process of reconstruction can experience another case of conflict and consequent violence in the form of crimes against humanity. While the reported number of conflict casualties over the past 71 years amount to at least 12 million, the actual figure is likely to be 10 times larger than the reported figure. We aim to be as close to people suffering conflict as possible to relieve their suffering and make their voices heard by people around the world. Half of conflict victims and refugees are children.

The activities of the Japan Center for Conflict Prevention (JCCP) include activities for preventing and settling conflicts (training conflict mediators; building a system for preventing conflict in the early stage; preventing young people from committing extremist violence or terrorist attacks), protecting victims and helping them become self-reliant (offering business training; fostering entrepreneurs; providing psychological care for victims; giving refugees legal advice and information about protection), facilitating harmonious coexistence between conflicting groups (building peaceful and inclusive multinational communities; raising public awareness of violence and conflict prevention in cooperation with local communities). In addition, we are often engaged in human resource development and capacity building in conflict areas to ensure that victims and perpetrators will be able to play a leading role in solving problems. Specifically, we operate in South Sudan, Turkey, Kenya, Syria, and Somalia.

In the panel discussion, Mr. Fumihiko Yoshida, Director of the Research Center for Nuclear Weapons Abolition, Nagasaki University, and Mr. Tomomitsu Miyazaki, Chief Editorial Writer for the Chugoku Shimbun, posed questions, and the moderator (Tetsuo Sato) shared questions from the audience. Then, the speakers answered these questions. Comments given during the panel discussion included: “The ICC identifies and punishes leaders or agitators who are responsible for crimes to make changes in the structure of a chain of violence between groups and contribute to settlements in post-conflict society,” “The UN General Assembly can play a role in confirming the opinion of the international community even if the Security Council cannot function;” “Fostering young people who have the intention or aspiration to serve as role models for children or other areas in conflict prevention training will lead to regional peace,” and “Japan’s reliance on the U.S.’s nuclear umbrella is contradictory to its membership of the ICC and Protocol I to the Geneva Conventions in 1977, which includes provisions that prohibit belligerent reprisals. Moreover, five junior writers of the Chugoku Shimbun gave “Messages from Hiroshima Youth,” which included an introduction to their activities and proposals on new initiatives. I would like to take this opportunity to extend my deep gratitude to the speakers and audience.

(Professor at HPI)

International Workshop 2019:

“East Asian Crisis and the Future of the Japan-South Korea Relationship”

Gen Kikkawa

On November 16, 2019, the International Workshop 2019: “East Asian Crisis and the Future of the Japan-South Korea Relationship” was held at Hiroshima City Bunka Koryu Kaikan. Amid the progressive deterioration of international relations in East Asia, North Korean nuclear development in particular has further exacerbated international tensions in this region. To make matters worse, East Asia has neither a regional organization aimed at peacebuilding nor a common security organization. What will happen to the future of fragile East Asian peace, which has been maintained based on a balance of power? The workshop aimed to explore the structure of the East Asian crisis in international relations and consider common challenges in the region and solutions to them.

[Part 1] (closed) The common theme of Part 1 was the “Road to Institutionalization of Permanent Peace in East Asia.” Jin Chang Soo, Senior Researcher at the Sejong Institute, delivered a report titled “South Korea-Japan Relationship and East Asian Cooperation,” and Tadashi Okimura, Professor at the Hiroshima Peace Institute, reported on the “Current Condition of Non-military Security Cooperation and Challenges Therein.” In addition, Gen Kikkawa, Specially Appointed Professor at the Hiroshima Peace Institute, reported on the likelihood of the establishment of an East Asian equivalent to the Commission on Security and Cooperation in Europe (CSCE) under the title “Reconsidering the CSCE.” Although all participants agreed on the importance of establishing a multinational security cooperation system, they did not reach an agreement on effective measures to achieve it.

[Part 2] At the public workshop held in the afternoon of

the same day as Part 1, three experts on Japan-South Korea relations delivered reports on the common theme “Crisis in the Japan-South Korea Relationship.” After Jin Chang Soo gave a report titled “Memories of History and the South Korea-Japan Relationship,” Nam Ki Jeong, Professor at Seoul National University, and Kan Kimura, Professor at Kobe University, delivered reports on the same theme the “Current Condition of the Japan-South Korea Relationship and the Challenges Ahead” from their own perspectives. Lee Jong Won, Professor at Waseda University and a specialist in East Asian international relations, discussed with Jin Chang Soo the causes of disputes between Japan and South Korea while focusing on the differences in the positions of the Japanese and Korean governments.

[Part 3] Part 3, which was also open to the public, was devoted to the common theme “Current Condition of the Sanctions Against North Korea and the Challenges Ahead.” Satoru Miyamoto, Professor at Seigakuin University, reported on the “Current Condition of the UN Policy on North Korea and the Challenges Ahead,” and Hyun Jin Son, Associate Professor at the Hiroshima Peace Institute delivered a report titled “Current Condition of the Sanctions Imposed by Japan, the U.S., and South Korea Against North Korea and the Challenges Ahead.” Finally, Masakatsu Ota, senior staff writer of Kyodo News, reported on “North Korean Nuclear Development and the Future of U.S.-North Korea Summits.”

The participants in the afternoon sessions sat for a panel discussion, and Ryo Oshiba, Director of the Hiroshima Peace Institute, concluded the workshop by giving summary comments.

(Specially Appointed Professor at HPI)

From Climate Change to Climate Emergency: Forefront of Global Environmental Action

Tadashi Okimura

The issue often called “*chikyu-ondanka*” (global warming) in Japanese, viewed as a typical global environmental issue, is generally called “climate change” internationally. In fact, Assessment Reports compiled since 1990 by the Intergovernmental Panel on Climate Change (IPCC), the 2007 Nobel Peace Prize laureate, have consistently used the term “climate change” in their titles. While the often-used “*chikyu-ondanka*” implies that the earth is warming gradually, I suppose that “climate change” may remind many people of the recent cases of extreme weather. At the venue of the 25th Session of the Conference of the Parties (COP 25) to the United Nations Framework Convention on Climate Change (UNFCCC), held in December 2019, further steps were taken to emphasize the terms “climate crisis” and “climate emergency” instead of “climate change.” The two photos below show advertisements posted along a passage from the subway station nearest to the COP 25 venue. These advertisements pointed out that the situation we are now seeing arise should no longer be described by the term “climate change” but instead be called “climate

emergency” and urged many citizens, including conference attendees, to take urgent action to solve the issue.

What will result from further rises in temperature and climate change? A familiar example may be the increased frequency of extreme weather, such as changes in rainfall patterns as recently observed in Japan. Other examples include heat waves and increased dryness due to temperature increases, and the adverse impacts on the living environment, vegetation, agriculture, etc. of changes in rainfall patterns, such as heavy downpours, floods, and droughts. There has been growing concern that these can force people in developing countries, which lack the ability to adapt to these adverse impacts compared with developed countries, to leave their homes as climate migrants or cause conflict over water resources and fertile soil resources. I believe that people in Hiroshima, who experienced successive torrential downpours in western Japan in 2018, can easily understand that the adverse impacts of climate change will also incur very high social costs in developed countries. As seen in the successive typhoons that struck eastern Japan in 2019 and news coverage of severe forest fires that have affected Australia since September 2019, it can be said that we are more frequently finding ourselves in situations that can be described as a climate emergency.

The Paris Agreement adopted in 2015 stipulates holding the increase in the global average temperature to well below 2°C above pre-industrial levels and pursuing efforts to limit the temperature increase to 1.5°C above pre-industrial levels. The Special Report on Global Warming of 1.5°C, published by the IPCC in 2018, asserts that robust differences are expected if global warming reaches 1.5°C versus 2°C above pre-industrial levels, and that limiting global warming to 1.5°C will be safer than 2°C. However, the UN Environmental Programme’s latest report (Emissions Gap Report 2019) finds that global temperatures have already increased by 1.1°C above pre-industrial levels, and that, if all unconditional Nationally Determined Contributions under the Paris Agreement are fully implemented, there is a 66% chance that the warming will be limited to 3.2°C by the end of the century. It is projected, regrettably, that we will continue to suffer the adverse impacts of climate change, and that our living environment will not remain the same as today but will deteriorate.

The atmospheric CO₂ concentration measured in Ryori, Iwate Prefecture, by the Japan Meteorological Agency increased from 358.6 ppm in 1992, when the UNFCCC was adopted, to 366.5 ppm in 1997, when the Kyoto Protocol was adopted. In 2009, which was initially planned to be the target year for the decision on the next regime following the Kyoto Protocol, the concentration was 389.8 ppm. In 2015, when the Paris Agreement was adopted as the regime following the Kyoto Protocol, the concentration amounted to 403.4 ppm. The concentration in 2018 (preliminary figure) was 412.0 ppm, which is more than a 50 ppm increase in 26 years. While a quarter century has already passed since the first session of the UNFCCC COP was held in 1995, the atmospheric CO₂ concentration has continuously increased during this period.

Since the Paris Agreement was adopted as subsequent action



Photo 1: “Don’t call it change, call it climate emergency” (taken by the author)



Photo 2: “17.2 million people leaving their homes because of climate disasters is not a change.” (taken by the author)

guidelines, effective action to reduce greenhouse gas (GHG) emissions has been more strongly pursued in climate change negotiations. In the Marrakech Partnership for Global Climate Action, launched in 2016, the results of conferences by theme, such as energy and industry, or by region are compiled into annual reports to inspire not only governmental but also corporate and civil action. Nevertheless, such action has spread only among people interested in climate change. To address this situation, COP 25 used a logo including the motto “Time for Action” to visually highlight the urgent necessity of action to address the climate emergency, and the conference also delivered a strong message through the media to citizens about the necessity for action to reduce GHG emissions.

Against such a backdrop, the 16-year-old environmental activist Greta Thunberg, who was widely seen as a candidate for the 2019 Nobel Peace Prize, launched a school strike in 2018. In her speech posted on TED.com (Japanese subtitles available), she describes what made her start the strike (“Greta Thunberg: The disarming case to act right now on climate change.” Retrieved January 20, 2020). Her movement has attracted a large number of supporters, especially among the young, leading to a worldwide movement named Friday for Future for young people advocating immediate action to address climate change. Her speech at COP

24 in December 2018 was given in a restrained manner despite its strident message that “We cannot solve a crisis without treating it as a crisis.” Nevertheless, significant action did not follow in a satisfactory manner after that. In response to this situation, Greta delivered a speech with a harsher tone and content at the 2019 UN Climate Action Summit. Since it was one month before the announcement of that year’s Nobel Peace Prize, her speech received massive media coverage and triggered heated controversy, which has continued until today.

It might be a reality of international politics that, even if the appeal for revolutionary change in the international community, such as climate change action, or international peace is widely accepted by civil society, it will take a long time for the international regime to change. However, in response to the climate crisis or climate emergency, rather than climate change, movements toward social or economic reforms have emerged and been expanding around the world. I believe that the answer to the question of how effective the Paris Agreement will ultimately be in mitigating the adverse impacts of climate change may be in the action that every one of us takes, instead of being in vaguely imagined international initiatives that remain someone else’s responsibility.

(Professor at HPI)

Public Lecture Series FY 2019: Peace and Governance Issues in Asia

Makiko Takemoto

The Hiroshima Peace Institute (HPI) held a Public Lecture Series in the fiscal year 2019 at Gojinsha Wendy Hito-Machi Plaza. Its title was “Peace and Governance Issues in Asia.” While globalization has flourished since the end of the Cold War, the dangers for the global community, such as environmental issues and international terrorism, are becoming increasingly serious. At the same time, political hindrance of global peace building can be widely seen, for example in the case of Brexit and the rising nationalism in many countries. To bring this situation to the fore, the lecture series explored themes such as what is global governance and what are the factors which are hindering global governance and what kind of specific challenges does this pose in Asian countries. As usual the series was attended by approximately one hundred people per lecture. With their many questions, the lecture series became very lively and successful. The titles and contents of each lecture were as follows.

The first lecture (Oct. 4) was “The Theory and Practice of Security Community Building,” by Gen Kikkawa (Professor at HPI). He explained the history of European security community building, its outcomes and the present crisis. Then he examined the present situation for the East Asian case and the direction of global peace and security.

Tadashi Okimura (Professor at HPI) gave a lecture on Oct. 11, titled “Global Environmental Issues and Global Governance.” He focused on the climate change issue as a

global issue and the responses of international society. He also analyzed both the challenges for global governance and the factors which are hindering the solutions for environmental issues and global governance.

The third lecture (Oct. 18), “The Evolution and Limits of Global Governance,” was presented by Ryo Oshiba (Director and Professor at HPI). He introduced the theory of global governance from the perspective of international politics and explained several actual cases for global peace-building among civil societies.

Hyun Jin Son (Associate Professor at HPI), talked about “Challenges in East Asia’s Military and Nuclear Governance,” in the fourth lecture (Oct. 25). He focused on the North Korean nuclear development issue and explained the roles of the related countries in the denuclearization process of North Korea as well as security issues in East Asia.

The fifth lecture (Nov. 1), was “Theory and Reality of the Collective Security by the United Nations: Cases in Asia,” by Tetsuo Sato (Professor at HPI). Sato clarified the functions and problems of the UN Collective Security System by first analyzing its mechanism from a theoretical viewpoint, and then examining several cases involving Asian countries.

The contents of these lectures will be published as an HPI booklet which will be issued in March 2020. They will be available on the HPI website.

(Associate Professor at HPI)

South Korean A-bomb Victims' Movement: Its Development up to the Legal Battles in the 1990s

Yuko Takahashi

The attacks on Hiroshima and Nagasaki with atomic bombs by the United States in 1945 victimized not only Japanese but also non-Japanese people. Among them, the largest number were Koreans, whose number is said to have been 70,000 or even 100,000. Today there are approximately 2,200 survivors living in the Republic of Korea who are registered with the Association of Korean A-bomb Victims, to be discussed later. (In the Democratic People's Republic of Korea, 60 survivors have been identified as of the end of 2019.) These South Korean-resident A-bomb victims, or *hibakusha*, have been committed to their movement demanding that the Japanese and South Korean governments provide relief and compensation. From the 1990s onwards, they concentrated their efforts on bringing lawsuits, demanding the Japanese government extend to them the coverage of the A-bomb Survivors' Support Law (hereafter the Support Law) and issue them the Hibakusha Certificate. This article examines the movement of South Korean-resident *hibakusha* from its early stage in the second half of the 1960s to the mid-1990s when their legal actions gained momentum.

The beginning of the movement of Korean *hibakusha* in an organized form can be traced back to the establishment of the Association of Korean A-bomb Victims (hereafter the Association) in 1966. At this early stage, they primarily demanded the South Korean and Japanese governments help them rebuild their normal life. However, they could not achieve this, or even actively support their movement, due to the contemporary social and political environments in which criticizing the bombings would put them in rather vulnerable positions: the then Park Chung-hee government of South Korea put priority on anti-Communist policies and economic development of the country; in South Korean society, it was widely understood as that the atomic bombings liberated Korea from Japanese colonial rule; and South Korea was in a solid security alliance with the United States, the very country that conducted the 1945 nuclear attacks.

Meanwhile, it was citizens' organizations in Korea and Japan that supported the Association, particularly the Korea Church Women's Conference (from South Korea); the Korean Residents Union in Japan, or *Mindan*; the National Council for Peace and Against Nuclear Weapons, or KAKKIN; and the Citizens' Association to Relieve Korean A-bomb Victims (all from Japan). Their effort to provide Korean *hibakusha* with medical and financial support was necessarily limited which, nevertheless, later stimulated the Association to demand the Japanese and South Korean governments provide medical support.

The year 1978 was a turning point for Korean *hibakusha*'s movement. Korean *hibakusha* Son Jin-doo from Busan brought a lawsuit in Japan in 1972, demanding Fukuoka Prefecture and the Ministry of Health and Welfare to withdraw their decision not to issue him a Hibakusha Certificate on the ground that his place of residence was not in Japan, a condition that was not stipulated in any *hibakusha* support laws. In 1978, Son won his lawsuit at the Supreme Court. His victory had a historic significance in two respects: a Korean *hibakusha* won a lawsuit in Japan; and that the decree admitted that the A-bomb Survivors Medical Care Law that was in effect at that time should not only be understood as social security but also as state compensation. Following this decree, the Association gained courage and confidence, and became more engaged in direct negotiations with the Japanese government to demand medical and social relief.

Son's victory produced another effect: the Japanese and South Korean governments agreed on initiating a project to invite Korean *hibakusha* to Japan for medical treatments. However, there were several restrictions as to those *hibakusha* who were eligible

to go to Japan, and the project halted only after six years due to the financial burden on the South Korean government. Another disappointment for Korean *hibakusha* was that the project was regarded by the Japanese government as a "humanitarian" measure instead of part of state compensation. In fact, even today the Japanese government denies state compensation for *hibakusha*, including Japanese *hibakusha*.

Once the project halted, Korean *hibakusha* began petitioning the Japanese government for state compensation of 2.3 billion dollars. Their demands through letters of petition, public gatherings and demonstrations were supported by collaborating citizens from Korea and Japan. Their collective actions also gained momentum in the midst of the democratization of South Korea and the intensifying controversy over war responsibility between Korea and Japan. As a consequence, the governments of the two countries began discussing the Korean *hibakusha* issue. However, the outcome was not state compensation but "humanitarian" medical subvention of 4 billion yen provided by the Japanese government.

This temporary subvention might have been "helpful" for Korean *hibakusha*. But this was not without problems: its use was limited to certain purposes such as partial subvention of medical expenses and construction of a residential facility for *hibakusha*; and it was estimated that the subvention would be exhausted in 2003. Korean *hibakusha* were desperate for state compensation, but with more and more *hibakusha* passing away every year, they decided to focus on a more realistic demand than state compensation—that is, the application to overseas *hibakusha* of the Support Law that was enacted in 1994 by amalgamating the two preceding *hibakusha* support laws.

This was the direct catalyst for a series of lawsuits from the 1990s onwards. Since then, a number of Korean as well as other overseas *hibakusha* brought lawsuits, while backed mainly by grassroots supporters from Japan. There had been a number of restrictions for overseas *hibakusha* in the Japanese *hibakusha* support system, such as the invalidity of the Hibakusha Certificate outside Japan, and requirements to travel all the way to Japan to apply for the Certificate and allowances. These barriers were abolished one by one as a result of a series of lawsuits brought by Korean and other overseas *hibakusha*. In September 2015, the full application of the Support Law to overseas *hibakusha* was finally decreed by the Japanese Supreme Court.

As we have examined above the movement of Korean *hibakusha* from the second half of the 1960s to the mid-1990s, it can be argued that while their final demand has always been state compensation, their primary demand has changed over the course of their decades-long movement: rebuilding their normal life, medical relief to be provided by the Japanese government, state compensation, and then the application of the Support Law to overseas *hibakusha*. Although it took them decades to achieve the full application of the Support Law, it should be stressed that even during the preceding period, their tenacious movement already bore some historic outcomes, with the tireless support by citizens from Korea and Japan. A prominent example is certainly Son's legal victory in Japan in the 1970s when the issue of Japan's war responsibility was not yet as widely discussed in Korea and Japan as today.

However, it can also be argued that their movement was compelled to compromise. When the governments-led medical project was initiated in the 1980s, Korean *hibakusha* were required to receive medical examinations by Japanese doctors to be selected for the project. In a similar manner, to be eligible for relief based on the Support Law, which is now fully applied to overseas *hibakusha* following the 2015 decree at the Supreme Court, Korean

Current Situation of the Crimea Issue and Pursuit of “Peace”

Takumi Kosugi

Introduction

Almost six years have passed since the beginning of the Russian annexation of Crimea, that is, February 27, 2014, the day on which Ukrainian President Viktor Fedorovych Yanukovych lost his position and fled to Russia. It seems that as time goes by, the Russian annexation of Crimea has been increasingly removed from the focus of international attention despite the serious worldwide concern that the incident aroused as a serious challenge to the order of international law.

Meanwhile, the current situation seems far from one of “peace” in eastern Ukraine and Crimea. Various international agreements on solutions to the problem have not functioned effectively, and the Special Monitoring Mission to Ukraine of the Organization for Security and Co-operation in Europe (OSCE) has reported that violations of the cease-fire agreement are an everyday occurrence, even at the start of 2020.

A realist might conclude that Crimea was captured by Russia acting as a “regional Great Power” and especially a nuclear-weapon State, and that the international community has no binding means to regain Crimea. I acknowledge the necessity of such a realistic analysis of the current situation, but I believe from the perspective of peace studies that it is also important to reconsider the questions of why the conflict in Ukraine occurred, how such conflict can be prevented in the future, and what the desirable “peace” looks like.

Though with awareness of these essential questions, for reasons of space, I will devote this article to proposing a new perspective of “peace” by focusing especially on language issues in Crimea.

Developments Before Armed Conflict Arose

Why did armed conflict occur in Ukraine? I will begin by clarifying developments prior to the conflict.

In November 2013, when preparations for the signing of the agreement on the Deep and Comprehensive Free Trade Area (DCFTA) between the EU and Ukraine were suspended, the antigovernment movement against the Yanukovych administration gained strength, resulting in casualties in December of that year. On February 21, 2014, President Yanukovych fled to Russia, and the next day the Ukraine Parliament formed an interim administration headed by Oleksandr Valentynovych Turchynov as acting President. Immediately after the interim administration was formed, the Ukraine Parliament made a nationalist move; on February 23, 2014, on the initiative of rightists’, the parliament voted for a bill that would repeal the Law on the Principles of the State Language Policy (hereinafter, “Language Law”), which allowed the use of minority languages for some public purposes on certain conditions (though this bill was later vetoed by acting President Turchynov). This move was a massive shock especially

to people in eastern Ukraine, many of whom speak Russian as their native language, and aroused distrust in the interim administration. The language issue served as a factor behind the conflict.

Protection of “Russian Speakers”

In this situation, Russian troops without insignia occupied Crimea. The Russian government sought reasons to justify its deployment of armed forces abroad, which is prohibited by international law. It can be said that one of the reasons was the “protection of Russian speakers,” as seen in the fact that, after the Ukraine Parliament voted for the bill for repealing the Language Law, active discussions about the necessity of giving Russian nationality to Russian speakers in Ukraine broke out in Russia, mainly in the Russian Federal Assembly. However, the international community did not accept this reason as justifying Russia’s act.

It is thought that the “protection of Russian speakers” has long been viewed as political rhetoric and is thus dismissed without being deeply discussed. Nevertheless, the Russian claim cannot be seen just as a sophism, because violation of linguistic rights would have severe impacts on particular linguistic groups, and infringement of the right to use native languages during elementary education in particular might hamper the development of children in the linguistic groups and consequently harm those groups in the long-term. The nationalistic move of the Ukraine Parliament could have seriously infringed the human rights of Russian speakers in Ukraine, which included not only Russian nationals. This means that the Ukrainian government could have harmed even Ukrainian nationals whose native language was Russian. In this sense, the Russian claim to protect Russian speakers should not be ignored.

Conclusion

This article proposes viewing the claim of “protecting Russian speakers,” which has been treated just as Russia’s political rhetoric, from a new perspective, that is, the perspective of linguistic rights. Even if the armed conflict were settled, it would be doubtful that local people could live “peacefully” with their linguistic rights being violated by their own state. This means that a cease-fire would never equal “peace.”

In addition, given the current situation, it seems that restoration of the border area between Russia and Ukraine to the pre-conflict status will be quite difficult and that peacebuilding in the conflict area will not easily advance. I believe that it is important for us to actively consider what “peace” for the local people is without resorting to stereotypes, rather than being overly pessimistic about the current condition.

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and other overseas *hibakusha* first need to be certified as *hibakusha* in accordance with the Japanese *hibakusha* support system. These examples represent that in order to receive relief, Korean as well as other overseas *hibakusha* ironically need to be recognized as *hibakusha* as defined under the Japanese support system, the category which does not necessarily reflect their real experiences of the bombings and may even rule out some *hibakusha*.

The Korean *hibakusha*’s movement has centered on issues of *hibakusha* relief, state compensation, and Japan’s war responsibility. In more recent years, they are facing other issues too, such as genetic influences on later generations and also the continuation and succession of the movement. It is time for

them to explore a path for their future movement, while closely collaborating with *hibakusha* in other countries, including Japan, and also expanding the focus to include hitherto undertreated issues such as relief for North Korean *hibakusha* who have long been abandoned by the Japanese government on the ground of the absence of diplomatic relations between the two countries. Their movement needs to focus on the realization of *hibakusha* relief and also state compensation without being hindered or restricted by social and political circumstances.

(Citizen Researcher at the Institute for North East Asian Research, the University of Shimane)

- ◆ **Jun. 8** Tetsuo Sato attends the Board of Councilors of the Japanese Society of International Law held in Tokyo.
- ◆ **Jun. 11** Kazumi Mizumoto attends the 2nd meeting on the Peace Declaration organized by the City of Hiroshima, held at Hiroshima City Hall.
- ◆ **Jun. 16** Kyungjin Ha participates in Japan Society for Studies in Journalism and Mass Communication 2019 Spring Conference as an organizer of the workshop, “Possibilities of Regional and Media Studies: Case of Hiroshima, City of Peace,” at Ritsumeikan Asia Pacific University.
- ◆ **Jun. 20** Hitoshi Nagai gives a lecture, “Hiroshima from the Global Perspective,” at Hijiya Girls’ Senior High School, Hiroshima.
- ◆ **Jul. 10–12** Nagai conducts research on the Philippines war crimes trials in Metro Manila, the Philippines.
- ◆ **Jul. 11** Mizumoto gives a special lecture titled “Contributions for International Peace II,” at a training program for Level III Certified Nursing Administrators organized by and held at the Hiroshima Nursing Association.
- ◆ **Jul. 14** Yasuhito Fukui gives a lecture titled, “Proliferation Financing and its Future Challenges,” to the 10th Anniversary Annual Conference of the Japan Chapter of the Asian Society of International Law held at Meiji Gakuin University.
- ◆ **Jul. 16** Robert Jacobs gives a lecture titled, “Rising Oceans and Disappearing Nuclear Test Sites: the Marshall Islands, French Polynesia and Kiribati,” to the International Convention of Asian Scholars in Leiden, Netherlands.
- ◆ **Jul. 18–19** Gen Kikkawa gives a lecture titled, “Northeast Asia Political Reconciliation and an Avenue to Cooperation in Northeast Asia—Reconsideration of the CSCE,” at the Northeast Asia Forum 2019, held at Liaoning University, China.
- ◆ **Jul. 26–28** Jacobs conducts field research at the site of the first uranium mine in the world in Jáchymov, Czech Republic.
- ◆ **Jul. 28** Mizumoto gives a lecture to local newspaper reporters titled, “Hiroshima and Peace,” at a training program for domestic journalists organized by the City of Hiroshima, held at International Conference Center Hiroshima.
- ◆ **Aug. 20** Hyun Jin Son attends as a facilitator the “Hiroshima Junior International Forum” organized and held at Hiroshima Prefecture.
- ◆ **Aug. 28–30** Before the commencement of the TICAD-VII meeting, Fukui visits the secretariat office of the meeting in Yokohama to talk with H.E. Nohke, Japanese Ambassador to Egypt etc. about African development policy.
- ◆ **Aug. 28** Ha contributes a column, “Three Books Reading in Hiroshima,” to Web Chuko–Shinsho.
- ◆ **Sep. 4** Sato serves as moderator and commentator on a panel of the annual meeting of the Japanese Society of International Law held in Shizuoka.
- ◆ **Sep. 6** Kikkawa gives a lecture titled, “Changing Pacifism of Japan,” at the Japan Center, Liaoning University, China.
- ◆ **Sep. 6** Akihiro Kawakami gives a lecture titled, “The Article 9 of Japanese Constitution and Constitutional Revision in Japan,” hosted by JICHIRO (All-Japan Prefectural and Municipal Workers Union), Kyushu Branch in Oita.
- ◆ **Sep. 18** Kawakami gives a lecture titled, “The Age of Crisis of Democracy and Constitutional Revision in Japan,” hosted by Kagoshima Peace Forum in Kagoshima.
- ◆ **Sep. 22–25** Xianfen Xu and Mizumoto visit the Institute of Japan Studies, Liaoning University, Shenyang City, China, to promote mutual cooperation in the area of education and research.
- ◆ **Oct. 5** Xu presents a lecture titled, “What is the Normal Track of Japan-China Relations?” at the Hiroshima Peace Seminar 2019, held at Hiroshima City University.
- ◆ **Oct. 20** Tadashi Okimura gives a lecture titled, “Effectiveness of United Nations Framework Convention on Climate Change: Kyoto Protocol and Paris Agreement,” at the 2019 Annual Convention of the Japanese Association of International Relations held at Toki Messe Niigata Convention Center.
- ◆ **Oct. 21–23** Narayanan Ganesan trains the Myanmar civil service on public policy formulation and research methodology in Naypyitaw, Myanmar.
- ◆ **Oct. 29** Jacobs gives a keynote lecture titled, “Seeing the Unseeable,” in the Hanes Visiting Artist Lecture Series at the University of North Carolina at Chapel Hill, USA.
- ◆ **Nov. 3** Kikkawa gives a lecture titled, “One Hundred Years History of National Self-determination—The Dilemma of Nation-building and State Building,” at the Autumn Conference of the Peace Studies Association of Japan held in the University of Niigata Prefecture.
- ◆ **Nov. 7** Makiko Takemoto discusses peace and international understanding with eight students from Nagoya University Affiliated Lower Secondary School at the Satellite Campus of Hiroshima City University.
- ◆ **Nov. 13–15** Fukui participates in discussions on the Lethal Autonomous Weapons Systems (LAWS) at the CCW (Convention on Certain Conventional Weapons) Meeting of High Contracting Parties held in the UNOG in Geneva.
- ◆ **Nov. 14** Xu, Ha and Takemoto give lectures on peace for fifty-eight students from Morimura Gakuen High School at Hiroshima City University.
- ◆ **Nov. 16** Okimura, Kikkawa and Son present papers, Sato joins as a respondent and Ryo Oshiba provides the concluding remarks to the East Asia Crisis and the Future of Japan-Korea Relations Workshop 2019 held at Hiroshima City Bunka Koryu Kaikan.
- ◆ **Nov. 16** Kawakami gives a lecture titled, “The Constitution of Japan and Peace from the Viewpoint of Local Self-Government,” hosted by Kagoshima Local Self-Government Institute in Kagoshima.
- ◆ **Nov. 19** Ganesan gives a public lecture titled, “The Ethnic Peace Process in Myanmar,” at the Bonn International Conversion Centre in Bonn, Germany.
- ◆ **Nov. 20** Ganesan gives a public lecture titled, “Sino-Japanese Interests and Rivalry in Southeast Asia,” in Dusseldorf, Germany sponsored by the Konrad Adenauer Stiftung.
- ◆ **Nov. 27** Ha gives a lecture titled, “PR-ing Films: Dentsu Production and its Film Archive” to the 13th Workshop of the Archive Project of Documentary Films at the University of Tokyo.

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