

PL17—The Pugwash Movement and the Renunciation of War:

Re-visiting the UN Charter, Japan's "Article 9" and the Russell-Einstein Manifesto

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Since I am a legal scholar, I'd like to make the following remarks from a legal point of view. There are 7 points.

1. The World Today: The Age of "Backlash"

Today, 70 years after the Manifesto, and 80 years after Hiroshima and Nagasaki, in other words, 80 years since we entered the "nuclear age", the world is still seriously divided as to how we should proceed in accordance with the view presented by the Russell-Einstein Manifesto. What is more serious is that the very concepts of "our world" and "our common future", based on the sense of fraternity as "members of the same humanity" are now being threatened, as a result of a "backlash" in time of the inauguration of Donald Trump as the President of the United States for the second time. Needless to say, the United States has been exercising a decisive influence in the world after the World War II. Discussing the question of the "renunciation of war", we must always take in consideration the position of the United States.

What should be kept in mind is that, in our efforts aimed at the renunciation of war based on the concept of "our common world" and that of "our common humanity", the United States stands not as a leading actor, but rather a passive factor against which we should try pressuring. The task of the renunciation of war is, therefore, becoming increasingly difficult, and we must examine carefully how we should proceed with our Pugwash movement aimed at the abolition of war and achieve its purpose.

2. Towards the Outlawing of War: The UN Charter and the Treaty for the Renunciation of War (1928)

The international order after World War II was built on the determination of the peoples of the world that there should be no war in the future. Charter of the United Nations, which was signed, after Germany's surrender, in June 1945, came into effect in October in the same year, and the United Nations' first General Assembly was held in London in January 1946.

The UN Charter made it clear that the first and foremost purpose of the United

Nations was to “maintain international peace and security”, obliging its member states to seek a solution of international disputes by peaceful means and to refrain from the threat or use of force in international relations. Thus, a solution of international disputes by military means was prohibited by the UN Charter, and war was “outlawed” from the point of view of international law.

Since the days of Grotius in the 17th century, modern international law used to consider war as a legal measure to which a state can take recourse to, as an inherent right of a state. The League of Nations, which was established after the World War I, limited the “freedom of beginning a war”, by imposing international restrictions on the procedures for beginning wars, but did not restrict the war itself. The decisive shift came with the Non-War Treaty of 1928, officially the “General Treaty for Renunciation of War as an Instrument of National Policy”, commonly known as the “Kellogg-Briand Pact” that fundamentally changed the hitherto accepted concept of war, transforming it from a “legal right of state” to an internationally “outlawed” action.

3. The UN Charter and Its Limitations

The UN Charter, inheriting the spirit of the Non-War Treaty, does not recognize war as a means of solving international disputes. It obliges its member states to solve disputes by peaceful means, prohibiting the use of force in principle. However, there has been a problem in the UN charter, the same problem which existed in the case of the Non-War Treaty as well. It has been pointed out that, in the case of the Non-War Treaty, when it came to the definition of the “war” which was to be renounced, there was an understanding between the signatories that the “war of self-defense” was an exception.

The same problem emerged in the making process of the UN Charter. It was stipulated in the Article 51 of the UN Charter that “nothing in the present Charter shall impair the inherent right of individual or collective self-defense, if an armed attack occurs against a Member of the United Nations”. Thus, in accordance with the UN Charter, the use of force by member states as the exercise of the right of self-defense is legitimate. Although the measures taken by members states in the exercise of their right of self-defense are to be “reported” to the Security Council, discussion at the Security Council can be neither complete nor unbiased.

It was on June 26th in 1945 that the United Nations Charter was signed in San Francisco. It was before Hiroshima and Nagasaki and the subsequent Japan’s surrender, namely before the world’s entrance into the “nuclear age”. The UN Charter, therefore, does not reflect the realities of the “nuclear age”, and fails to confront its challenges.

4. The Experiences of Hiroshima and Nagasaki and Japan's "Article 9"

It was Japan, which, as a country which experienced Hiroshima and Nagasaki, was compelled to face the realities of the "war in the nuclear age" for the first time, and, consequently, took up the cause of the "renunciation of war" with the utmost determination throughout the history of mankind. The Japanese new Constitution after the war, promulgated in November 1946 is an expression of this determination. The Article 9 of the Japanese Constitution stipulates in its 1st clause that: "the Japanese people forever renounce war as a sovereign right of the nation and the threat or use of force as means of settling international disputes". This is in the footsteps of the Non-War Treaty. Furthermore, it stipulates in its 2nd clause that: In order to achieve the aim of the preceding paragraph, land, sea, and air forces, as well as other war potential, will never be maintained. The right of belligerency of the state will not be recognized". This is important, because, by stipulating that no war potential will be retained by Japan henceforward, and by abandoning any capabilities for pursuing war, it makes any argument concerning the "definition of war" i.e. whether it is a war of invasion or a war of self-defense meaningless. In this sense, the Article 9 of the Japanese Constitution rightly embodies the anti-war determination of the Japanese people and their aspiration for peace.

The post-war world soon entered the age of Cold War, in which not only the United States but also Soviet Union possessed nuclear weapons, and there began a competition for the development of new kind of nuclear weapons. It was under these circumstances that the Japanese people became, for the 3rd time, the victim of nuclear exposure, as a result of the American experiment of the Hydrogen bombs. In March 1954, the United States' Hydrogen bomb test at the Bikini Atoll irradiated a Japanese fishing vessel, "Lucky Dragon V", killing its crewman, Aikichi KUBOYAMA. This was, in the eyes of those who possessed scientific knowledge, not a mere individual tragedy, but a warning to the whole mankind in the "nuclear age".

5. The Russell-Einstein Manifesto and the "Article 9":

The Russell-Einstein Manifesto was initiated by a group of scientists who, faced with the realities of the "nuclear age", were urged by their own "sense of responsibility", as those who had opened the door to this cruel new age. Addressing to scientists, citizens, and political leaders across world-wide, the essential message the Manifesto tried to

deliver was that: since the nuclear age poses a decisive crisis, i.e. that of the extinction of Man as a species, the only way to overcome this crisis is to “Remember your humanity” and to forget the rest.

From the viewpoint of Pugwash Japan, the Russell-Einstein Manifesto re-confirmed and even enhanced the significance of the Article 9 of the Japanese Constitution, which had stipulated the renunciation of war and abandoning of military capabilities. While the Article 9 was an expression of the determination of the Japanese people, who, as the only nation which was actually victimized by the war-time use nuclear weapons, hoped to build a world without war, the Manifesto makes this hope a “common goal of the whole humanity”, thereby encouraging the Japanese people. We can argue, on the other hand, that the appeal of the Manifesto addressed to the whole humanity is already embodied and canonized in the Japanese constitution as an existing legal text. Thus, Russell-Einstein Manifesto and the Article 9 constitute “two pillars”, which support our struggle against the logic of war, our collective efforts toward the renunciation of war.

6. Challenges of Real Politics

In the domain of “real politics”, just as the case of the Non-War Treaty and that of the UN Charter, the Article 9, which stipulates the renunciation of war, has been exposed to continuous attempts to erode it and make it meaningless. And this has been done by invoking the concept of “self-defense”, based on the alleged “inherent rights of state”. In 1954, Japan declared the establishment of the “Self-Defense Forces”. The government argued that having the “Self-Defense Forces” is not against constitution, because, firstly, according to their interpretation, the Article 9 does not deny the right of “individual self-defense”, and secondly because the “Self-Defense Forces” were not an army, and hence does not constitute “military capabilities” whose possession is prohibited by the Article 9.

In spite of the erosion of the Article 9 by real politics, and in spite of the continued attempts by the ruling Liberal Democratic Party government to amend it, up to now, the Article 9 has been supported by the majority of the Japanese people. Recently, however, the Russian invasion of Ukraine, has had the effect on the Japanese public opinion concerning national security, and the ratio of those who are in favor of changing the Article 9 tends to increase. Now that the Article 9 is being threatened, the significance of the Russell-Einstein Manifesto increases, and we hope further development of the Pugwash movement.

7. Towards the Creation of International Legal Frameworks for the Renunciation of War

Hideki YUKAWA argued that, if the ideal of the renunciation of war was to be fulfilled, it was necessary to establish a “world government”, as its premise.

Yukawa himself was aware that, in the context of international real politics, his call for a “world government” remained an idealistic one. Now that the crisis of the “nuclear age” is even more intensified, it is necessary, more than ever, to intensify efforts aimed at the prevention of war, namely efforts on the part of different sovereign states endowed with the right to the use of force themselves, aimed at the creation of diversified international legal frameworks for the prevention and the renunciation of war. And we, as scientists and citizens across the world, should work harder to encourage these international efforts, based on facts and logic.

It is undeniable that world today is witnessing a sort of “backlash” against the Russell-Einstein Manifesto and, hence, the Pugwash movement. We have achieved, however, the Treaty on the Prohibition of Nuclear Weapons aimed at the prevention of nuclear war. The TPNW now constitutes part of international law. In 2024, *Nihon-Hidan-Kyo*, the representative of Japanese *Hibakushas* was awarded the Nobel Peace Prize. In his speech on the occasion of the Nobel Prize awarding ceremony, Chairperson Frydnes quoted a famous phrase from the Russell-Einstein Manifesto, stressing and re-confirming the importance of world-wide movement aimed at the renunciation of war and the abolition of nuclear weapons.

The importance of Pugwash movement is increasing more than ever. Pugwash should continue and develop its efforts aimed at the renunciation of war, based on the notion of social responsibilities of scientists, and that of the common interests of humanity. We must continue our efforts, however difficult it may appear, through tireless “dialogue” across divides, so that we can bring hope and possibilities to future generations.

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