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## Challenges to Nuclear Disarmament in the NPT Review Process

*Mitsuru KUROSAWA\**

### Abstract

The 11<sup>th</sup> Review Conference of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) is scheduled for 2026. The first Preparatory Committee for it was held in Vienna from July 31 to August 11, 2023, and the second one was held in Geneva from July 22 to August 2, 2024. The argument toward strengthening the NPT regime was a hot topic. This paper aims to introduce the hot debates at the committees held under the difficult international security environment, analyze these arguments from several aspects, and examine future challenges to nuclear disarmament. As important issues, it addresses, first, the international security environment and the situation of nuclear disarmament; second, the issues surrounding the Treaty on the Prohibition of Nuclear Weapons (TPNW); third, the efforts for reducing nuclear risk; and fourth, the prohibition of the use of nuclear weapons. Finally, it examines the future challenges to the progress in nuclear disarmament by selecting six indispensable topics.

### Introduction

The current international security environment regarding nuclear weapons has become extremely difficult, and the nuclear disarmament treaties accumulated over the years are being withdrawn. Russia has launched military strikes against Ukraine and occupied its territory, and it frequently threatens to use nuclear weapons.

With regard to the implementation of the New START Treaty with the United States, Russia suspended on-site inspections and the exchange of information, thus impeding the Treaty's full implementation. Although the Treaty is set to expire on February 5, 2026, the possibility of an extension has not been negotiated. The Intermediate-Range Nuclear Forces (INF) Treaty also expired. As for the Comprehensive Nuclear-Test-Ban Treaty (CTBT), Russia has withdrawn its ratification, and the United States has yet to ratify it.

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While international legal restrictions on nuclear weapons are receding, not only the U.S. and Russia but also China is building up and modernizing its nuclear arsenals, and the existence of legal restrictions on the use or threat of use of nuclear weapons is in doubt.

These facts indicate that the NPT regime has weakened considerably. At this critical juncture, the NPT Review Conference will be held in 2026, and improving the current critical situation as much as possible will be essential to make the conference successful. This study analyzes the current situation and examines future challenges.

## **I International Security Environment and the Situation of Nuclear Disarmament**

### **1 Deterioration of International Security Environment**

The international security environment at the time of the Preparatory Committee meetings was extremely difficult, with Russia frequently threatening to use nuclear weapons. The confrontation between the U.S. and Russia became more acute, while U.S.-China relations also became more confrontational.

The UN Under-Secretary-General for Disarmament Affairs Izumi Nakamitsu stated that “There has not been a time since the depths of the Cold War that the risk of a nuclear weapon being used has been so high, at the same time as the regime intended to prevent such use is so fragile.” She called for strengthening accountability to implement existing commitments, especially disarmament commitments; reinforce the norm against the use, testing, and proliferation of nuclear weapons; create opportunities for dialogue between nuclear weapons states in ways that reduce nuclear risk and get the world back on track for eliminating nuclear weapons; find common understanding when it comes to new and emerging challenges; and encourage the United States and Russian Federation to return to fully implementing the New START Treaty.<sup>1)</sup>

With regard to the deteriorating international security environment, the U.S. stated, “Unfortunately, the challenges we faced then have only intensified over the past 12 months. Russia’s unprovoked war against Ukraine tragically continues, as do Russia’s irresponsible nuclear rhetoric, its reckless actions against the

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1) Statement by Izumi Nakamitsu, UN High Representative for Disarmament Affairs, 31 July 2023.

[https://reachingcriticalwill.org/images/documents/Disarmament-fora/npt/prepcom23/statements/31July\\_HighRep.pdf](https://reachingcriticalwill.org/images/documents/Disarmament-fora/npt/prepcom23/statements/31July_HighRep.pdf)

Zaporizhzhia nuclear power plant, and its claim to suspend the New START Treaty, a claim that is inconsistent with international law.”<sup>2)</sup>

In response, Russia argued that “the United States and its allies continue to aggravate the Ukrainian crisis, which was brought about by NATO’s unchecked expansion and the West’s nurturing of the anti-Russian Kiev regime relying on ultra-nationalist actors.”<sup>3)</sup>

The New Agenda Coalition (NAC) also stated that “This Preparatory Committee meeting takes place in a particularly challenging international environment, exacerbated by a number of factors, including a resurgence in the value placed on nuclear weapons by nuclear-weapon States, plans by the nuclear-weapon-States and states under extended nuclear security guarantees to maintain or increase the role of nuclear weapons in security doctrines, and the stationing of nuclear weapons on the territory of non-nuclear-weapon States. The nuclear dimension of current international tensions, including within the context of the conflict in Ukraine, is also deeply concerning.”<sup>4)</sup>

The Stockholm Initiative for Nuclear Disarmament stated, “We underline the need to advance nuclear disarmament and arms control, especially in light of the deteriorating international security environment, ongoing violations of international law, and irresponsible nuclear rhetoric. NPT commitments must be implemented, and obligations must be met.”<sup>5)</sup>

Thus, the current security environment for nuclear weapons is in a particularly bad shape and likely to worsen. The primary direct reason for this is the illegal aggression by Russia, a nuclear-weapon state, against Ukraine, a non-nuclear-weapon state, and the threats of nuclear weapons use often made by Russia. Second, the U.S. and Russia have shown a lack of dialogue and continued hostility, which has not led to improvements in the situation. Third, U.S.–China

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2) Statement by United States, July 31, 2023.

[https://www.reachingcriticalwill.org/images/documents/Disarmament-fora/npt/prepcom23/statements/31July\\_UnitedStates.pdf](https://www.reachingcriticalwill.org/images/documents/Disarmament-fora/npt/prepcom23/statements/31July_UnitedStates.pdf)

3) Statement by Russia, July 23, 2024.

[https://reachingcriticalwill.org/images/documents/Disarmament-fora/npt/prepcom24/statements/23July\\_Russia.pdf](https://reachingcriticalwill.org/images/documents/Disarmament-fora/npt/prepcom24/statements/23July_Russia.pdf)

4) Statement by NAC, July 31, 2023.

[https://www.reachingcriticalwill.org/images/documents/Disarmament-fora/npt/prepcom23/statements/31July\\_NAC.pdf](https://www.reachingcriticalwill.org/images/documents/Disarmament-fora/npt/prepcom23/statements/31July_NAC.pdf)

5) Statement by Stockholm Initiative for Nuclear Disarmament. July 24, 2024.

[https://reachingcriticalwill.org/images/documents/Disarmament-fora/npt/prepcom24/statements/24July\\_SI.pdf](https://reachingcriticalwill.org/images/documents/Disarmament-fora/npt/prepcom24/statements/24July_SI.pdf)

relations have deteriorated. Another cause for concern is the fact that the U.S., Russia, and China are all moving forward on the path of nuclear weapons buildup and modernization—a course diametrically opposed to nuclear disarmament.

## **2 No Progress in Nuclear Disarmament and Future Challenges**

With regard to future efforts to address the issue of nuclear disarmament in the face of the current lack of progress toward it, Izumi Nakamitsu stated, “First, States Parties should recall the obligations already undertaken and pursue disarmament through the accelerated implementation of existing commitments. ... Second, States Parties must reject the idea that the only rational basis for disarmament is as a ‘reward’ for successfully resolving our security challenges. Disarmament is not simply the outcome for international peace and security. It is a prerequisite. It helps to create international peace and security. ... Third, States Parties must work together to prevent nuclear war or any use of a nuclear weapon – not as a substitute for disarmament, but as means to prevent humanitarian catastrophe.”<sup>6)</sup>

As for future nuclear disarmament measures, the NAC has emphasized the need for urgent action to accelerate the implementation of all nuclear disarmament obligations under the NPT. Furthermore, it has asked nuclear weapon states (NWS) to reject any normalization of nuclear rhetoric and, in particular, the threat of using nuclear weapons, as well as to develop measures aimed at urgently reducing nuclear risks and take immediate measures to diminish the role of nuclear weapons in their military doctrine.<sup>7)</sup>

The Non-Aligned Movement (NAM) has expressed deep concern at the continued lack of progress in NWS’ implementation of nuclear disarmament obligations. It has reiterated its call to the Conference on Disarmament to immediately establish, as the highest priority, a subsidiary body to negotiate and conclude a comprehensive convention on nuclear weapons to prohibit their possession, development, production, acquisition, testing, stockpiling, transfer, and

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6) Statement by Izumi Nakamitsu, July 22, 2024.

[https://reachingcriticalwill.org/images/documents/Disarmament-fora/npt/prepcom24/statements/22July\\_HighRepUNODA.pdf](https://reachingcriticalwill.org/images/documents/Disarmament-fora/npt/prepcom24/statements/22July_HighRepUNODA.pdf)

7) Working Paper by NAC, NPT/CONF.2026/PC.I/WP.5, June 13, 2023.

<https://reachingcriticalwill.org/images/documents/Disarmament-fora/npt/prepcom23/documents/WP5.pdf>

use or threat of use and provide for their destruction.<sup>8)</sup>

Many countries have also condemned not only the failure to begin negotiations on a successor treaty to the New START Treaty but also the lack of full implementation of that Treaty. For example, the Non-Proliferation and Disarmament Initiative (NPDI) recalled “the importance of the New START Treaty to nuclear arms control, and we express our concern over Russia’s suspension of its participation in the Treaty. Resumption of the implementation of all the treaty’s provisions, and commencement of negotiation of a follow-on agreement by both parties, are urgent and essential to international peace and security and to nuclear arms control.”<sup>9)</sup>

D. Kimball of the Arms Control Association (ACA), representing 50 NGOs, demanded that “the United States and the Russian Federation immediately return to the nuclear arms control and disarmament negotiating table, fully implement their obligations under New START and agree on new arrangements to cap and reduce their nuclear arsenals before New START expires.”<sup>10)</sup>

Regarding nuclear testing, the NAM has called for an immediate and unconditional cessation of all forms of nuclear weapon testing and stressed the importance of NWS, which have a special responsibility to ensure the entry into force of the Treaty, to maintain and observe their unilateral moratorium on nuclear testing.<sup>11)</sup> The Belgians also stated that “Pending enter-into-force States can enhance the Treaty through concrete actions. Nuclear-weapon States can take steps toward the permanent closure and dismantlement of their nuclear test sites.”<sup>12)</sup>

NGOs asserted that “they should jointly reaffirm their support for the *de facto*

8) Working Paper by NAM, NPT/CONF.2026/PC.I/ WP.8, June 14, 2023.

<https://reachingcriticalwill.org/images/documents/Disarmament-fora/npt/prepcom23/documents/WP8.pdf>

9) Statement by NPDI, July 22, 2024.

[https://reachingcriticalwill.org/images/documents/Disarmament-fora/npt/prepcom24/statements/22July\\_NPDI.pdf](https://reachingcriticalwill.org/images/documents/Disarmament-fora/npt/prepcom24/statements/22July_NPDI.pdf)

10) Statement by NGOs, “Breaking the Impasse on Disarmament and Implementing Article VI Obligations,” July 23, 2024.

<https://www.armscontrol.org/sites/default/files/documents/Breaking%20the%20Impasse%20on%20Disarmament%20and%20Implementing%20Article%20VI%20Obligations.pdf>

11) Working Paper by NAM, NPT/CONF.2026/PC.II/WP.23, June 26, 2024.

<https://reachingcriticalwill.org/images/documents/Disarmament-fora/npt/prepcom24/documents/WP23.pdf>

12) Statement by Belgium, July 25, 2024.

[https://reachingcriticalwill.org/images/documents/Disarmament-fora/npt/prepcom24/statements/25July\\_Belgium.pdf](https://reachingcriticalwill.org/images/documents/Disarmament-fora/npt/prepcom24/statements/25July_Belgium.pdf)

moratorium on nuclear testing and call upon the remaining nine NPT hold-out states to take concrete action before the 2026 NPT Review Conference to ratify the CTBT.”<sup>13)</sup>

Regarding the Fissile Material Cut-off Treaty (FMCT), the European Union (EU) and eight countries urged the Conference on Disarmament to launch negotiations on a fissile material cut-off treaty in accordance with document CD/1299 and the mandate contained therein, at the earliest possible time, in any case before the next Review Conference.<sup>14)</sup>

NGOs “call upon all members of the Conference on Disarmament to agree to a work plan that allows for negotiations on a comprehensive fissile material cutoff treaty.”<sup>15)</sup>

In the current situation, where nuclear disarmament has not progressed, various concrete measures for nuclear disarmament have been advocated. Progress is believed to be possible if the countries concerned have political will; at present, however, such will does not exist. Proceeding swiftly with negotiations on small-step and concrete measures for nuclear disarmament is necessary as nuclear weapon states maintain a privileged status under the NPT and are therefore obligated to negotiate nuclear disarmament in good faith.

## **II Treaty on the Prohibition of Nuclear Weapons (TPNW)**

### **1 Humanitarian Impact of Nuclear Weapons**

The extreme humanitarian consequences of the use of nuclear weapons have been the starting point for treaty negotiations, with Austria arguing that “We keep learning more and more about the unacceptable and global humanitarian and environmental consequences. These consequences are larger and more complex than previously understood and warrant urgent policy considerations. ...It is high time that these central considerations are fully integrated into the NPT review process.”<sup>16)</sup>

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13) op. cit., note 10.

14) Working Paper by the EU, NPT/CONF.2026/PC.I/WP.4, June 6, 2023.

<https://reachingcriticalwill.org/images/documents/Disarmament-fora/npt/prepcom23/documents/WP4.pdf>

15) op. cit., note 10.

16) Statement by Austria, August 1, 2023.

[https://reachingcriticalwill.org/images/documents/Disarmament-fora/npt/prepcom23/statements/1Aug\\_Austria.pdf](https://reachingcriticalwill.org/images/documents/Disarmament-fora/npt/prepcom23/statements/1Aug_Austria.pdf)

Many countries have also insisted that the effects of nuclear testing and its use should be addressed. For example, Kiribati and Kazakhstan stated, “We recall that more than 350 nuclear weapons tests were conducted in the Pacific Ocean region and 468 nuclear explosions were conducted in Kazakhstan. . . . States Parties must recognize the necessity of helping victims of nuclear weapons and remediating contaminated environments. In this regard, we urge States Parties to support nuclear justice initiatives in order to address the nuclear harm from the past development, testing and use of nuclear weapons.”<sup>17)</sup>

The NAC stated that “Faced with escalating risks of nuclear conflagration, all States Parties of the NPT – nuclear weapon States and non-nuclear weapon States alike – should recall their grave concern about the catastrophic consequences of any nuclear weapons use.”<sup>18)</sup>

The TPNW differs significantly from traditional nuclear disarmament-related treaties led by NWS, in that it is an approach promoted mainly by non-nuclear weapons states, with “the prohibition of nuclear weapons” as its central concept, and it includes the use or threat of use of nuclear weapons. Traditional nuclear disarmament treaties limit, reduce, or prohibit the development, testing, manufacturing, and possession of nuclear weapons. The TPNW is the first treaty to include “use or threat of use” in the definition. The use of weapons has traditionally been discussed separately from disarmament issues and developed as international humanitarian law. However, the TPNW adopts a humanitarian approach, thus encompassing the field that has developed as international humanitarian law, and makes “prohibition of use or threat of use of nuclear weapons” a central obligation of the Treaty. Then, one of the Treaty’s most important obligations is “the prohibition of use or threat of use of nuclear weapons.”

NGOs “call upon all five of the NPT’s nuclear-weapon states to engage in a serious high-level dialogue that leads to a joint commitment not to use or threaten

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17) Kiribati and Kazakhstan Joint Statement, July 31, 2023.

[https://reachingcriticalwill.org/images/documents/Disarmament-fora/npt/prepcom23/statements/31July\\_KiribatiKazakhstan.pdf](https://reachingcriticalwill.org/images/documents/Disarmament-fora/npt/prepcom23/statements/31July_KiribatiKazakhstan.pdf)

Working Paper by Kazakhstan and Kiribati, NPT/CONF.2026/PC.I/WP.27, July 28, 2023.

<https://reachingcriticalwill.org/images/documents/Disarmament-fora/npt/prepcom23/documents/WP27.pdf>

18) Statement by NAC, July 24, 2024.

[https://reachingcriticalwill.org/images/documents/Disarmament-fora/npt/prepcom24/statements/24July\\_NAC.pdf](https://reachingcriticalwill.org/images/documents/Disarmament-fora/npt/prepcom24/statements/24July_NAC.pdf)



the use of nuclear weapons and to agree that none will be the first to use nuclear weapons for any reason.\*\*\* condemn threats of nuclear use as inadmissible and illegal.”<sup>19)</sup>

Currently, the aspect of “nuclear risk reduction,” which will be discussed later, is an important point of contention in the discussion of nuclear disarmament. It is also being discussed in the NPT Review Process as the TPNW stipulates the “prohibition of use or threat of use,” and also because criticism of “the nuclear deterrence theory” is widely advocated. This criticism is based on the view that nuclear deterrence is nothing more than the threat of the use of nuclear weapons.

In other words, the concept of nuclear disarmament has been expanded through the discussions on the TPNW as a humanitarian approach to nuclear disarmament and has been accepted in a way that corresponds well with the current international community.

## **2 Progress in the Treaty on the Prohibition of Nuclear Weapons**

The Joint Statement submitted in 2023 on behalf of the States Parties and Signatories to the TPNW emphasizes, “(1) We hope that the TPNW’s rejection of nuclear weapons and its support for international humanitarian law will positively influence the discussions toward the effective implementation of the NPT, in particular, its Art. VI. (2) We stress that any use or threat of use of nuclear weapons is a violation of international law, including the Charter of the United Nations. And (3) We urge all states to join the Treaty on the Prohibition of Nuclear Weapons without delay.”<sup>20)</sup>

The Joint Statement submitted in 2024 stated, “We reaffirm that the establishment of a legally binding regime on the prohibition of nuclear weapons, found in the Treaty on the Prohibition of Nuclear Weapons, is a necessary and effective measure in preventing a nuclear arms race and achieving nuclear disarmament. Prohibition constitutes a fundamental step towards the irreversible, verifiable and transparent elimination of nuclear weapons needed for achieving and maintaining a world free of nuclear weapons.”<sup>21)</sup>

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19) op. cit., note 10.

20) Joint Statement to the First PrepCom, delivered by Mexico, August 3, 2023.

[https://reachingcriticalwill.org/images/documents/Disarmament-fora/npt/prepcom23/statements/3Aug\\_TPNWSP.pdf](https://reachingcriticalwill.org/images/documents/Disarmament-fora/npt/prepcom23/statements/3Aug_TPNWSP.pdf)

21) Joint Statement by TPNW Parties and Signatory States, July 22, 2024.

[https://reachingcriticalwill.org/images/documents/Disarmament-fora/npt/prepcom24/statements/22July\\_TPNW.pdf](https://reachingcriticalwill.org/images/documents/Disarmament-fora/npt/prepcom24/statements/22July_TPNW.pdf)

South Africa stated, “There is no more compelling reason for the pursuit of nuclear disarmament than the catastrophic humanitarian consequences associated with a nuclear weapons detonation. . . . The adoption of the Treaty on the Prohibition of Nuclear Weapons (TPNW) is a powerful response to the humanitarian imperatives that reinforce the necessity for a world without the threat posed by the possession, use and proliferation of nuclear weapons.”<sup>22)</sup>

NGOs urged “all NPT states-parties to constructively engage with the TPNW and if they have not already done so, to join the TPNW, which is a complementary approach that reinforces the taboos against nuclear weapons, bolsters the NPT, and creates additional pathways to verifiably cap, reduce, and eventually eliminate nuclear arsenals.”<sup>23)</sup>

Many countries have also welcomed the entry into force of the TPNW and emphasized that it would strengthen the NPT and complement it. Although the number of signatories and parties to the TPNW is gradually increasing, NWS and their allies have refused to join the Treaty, and only about half of UN member states are currently signatories, despite the fact that the 122 states voted for the Treaty when the UN Conference adopted it.

Since NWS would have to give up their nuclear weapons states if they joined the Treaty, and allies would have to give up the protection by the nuclear umbrella, for the time being, joining the Treaty at an early date would be difficult for these states.

One challenge is that a considerable number of countries are parties to nuclear-weapon-free-zone treaties but have not yet joined the Treaty. Those who actively oppose the Treaty exert pressure on these countries by threatening to suspend various forms of assistance, including economic and political assistance, if they join the Treaty. For a single country, responding to this situation would be difficult, but the organizations of each nuclear-weapon-free-zone should collectively promote participation in the Treaty.

Another challenge is the participation as observers. The Conference of the Parties to the Treaty recognizes the right of states that are not parties to the Treaty to participate as observers. Several NATO member states have participated in previous meetings as observers, stating that they agree with the objectives and purposes of the Treaty but cannot formally participate because they are nuclear

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22) Statement by South Africa, July 24, 2024.

[https://reachingcriticalwill.org/images/documents/Disarmament-fora/npt/prepcom24/statements/24July\\_South\\_Africa.pdf](https://reachingcriticalwill.org/images/documents/Disarmament-fora/npt/prepcom24/statements/24July_South_Africa.pdf)

23) *op. cit.*, note 10.

allies. They cooperate with the Treaty to the extent that they can, for example, by providing assistance to victims and improving the environment. However, Japan simply states that the Treaty will be meaningless unless nuclear weapons states participate. Understanding why Japan, as the only country to have suffered a nuclear war and with extensive knowledge of Hibakusha relief and other issues, has completely refused to take any positive action is extremely difficult.

### **III Nuclear Risk Reduction**

#### **1 Adoption of Nuclear Risk Reduction Measures**

The most important aspect of the concept of nuclear risk, that is, the risk of nuclear weapons use, is whether the nature of the risk is intentional or unintentional. NWS tend to view nuclear weapons as the basis of deterrence and do not consider the intentional use of nuclear weapons a risk; rather, they focus on responses to unintentional risks. Conversely, non-nuclear weapons states tend to include both intentional and unintentional risks without distinguishing between them.

The U.S. stated, “In short, the challenges we faced last year have only become more urgent...That is why the United States has convened multiple expert discussions on nuclear doctrines and risk reduction among the five nuclear-weapon States – despite the obvious difficulties to doing so. It is why we remain committed to advancing concrete risk reduction measures.”<sup>24)</sup>

The NAC also stated that “The New Agenda Coalition supports the development of focused measures aimed at urgently reducing nuclear risk during this review cycle...As interim steps, the New Agenda Coalition urges nuclear-weapon States to remove operational nuclear weapons from high alert status, remove non-strategic nuclear weapons from deployed sites and to put in place, as a matter of urgency, additional legal and procedural safeguards aimed at reducing the risk of a nuclear detonation.”<sup>25)</sup>

Eleven countries (Austria, Chile, Colombia, Costa Rica, Ecuador, Kiribati, Liechtenstein, Malta, Mexico, San Marino, and Thailand) proposed adopting

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24) Statement by United States, July 31, 2023.

[https://reachingcriticalwill.org/images/documents/Disarmament-fora/npt/prepcom23/statements/31July\\_UnitedStates.pdf](https://reachingcriticalwill.org/images/documents/Disarmament-fora/npt/prepcom23/statements/31July_UnitedStates.pdf)

25) Statement by NAC, August 2, 2023.

[https://reachingcriticalwill.org/images/documents/Disarmament-fora/npt/prepcom23/statements/2Aug\\_NAC.pdf](https://reachingcriticalwill.org/images/documents/Disarmament-fora/npt/prepcom23/statements/2Aug_NAC.pdf)

measures to reduce and eliminate the risk of accidental, mistaken, unauthorized or intentional nuclear weapon detonation. In particular, they list important measures as follows;

- (a) Reduce the number of deployed strategic and non-strategic nuclear weapons;
- (b) Reduce risks associated with nuclear weapon delivery vehicles;
- (c) Reducing the role of nuclear weapons in security doctrines;
- (d) Reduction in alert levels for the use of nuclear weapons;
- (e) Increasing of safety and security of nuclear weapons stockpiles;
- (f) Ensuring the protection of nuclear weapons command and control systems from cyberattacks.<sup>26)</sup>

The U.S. currently focuses on nuclear risk reduction: “in contrast to our positive approach and longstanding efforts to manage rivalry and unrestrained competition through arms control, the outright refusal of Russia and the PRC to even discuss arms control at this time obliges the United States and our close allies and partners to prepare for a world of nuclear competition without numerical constraints. In such a world, the United States might have to reconsider its capabilities and posture to account for the threats posed by Russia and the PRC. Such a step would not reflect an abandonment of our principles or commitment to pursuing the shared goal of a world without nuclear weapons. But we cannot ignore the current security environment in which Russia, the PRC, and the DPRK are all expanding and diversifying their arsenals at breakneck pace. That is why we need your collective voices in demanding that all these countries engage in nuclear risk reduction efforts without further delay.”<sup>27)</sup>

In January 2022, the five nuclear weapons states issued the “Joint Statement of the Five Nuclear Weapon States on the Prevention of Nuclear War and the Avoidance of Arms Race,”<sup>28)</sup> considering the avoidance of war between nuclear-weapons states and the reduction of strategic risk as their most important

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26) Working Paper by 11 States, NPT/CONF.2026/PC.II/WP.16, June 4, 2024.

<https://reachingcriticalwill.org/images/documents/Disarmament-fora/npt/prepcom24/documents/WP16.pdf>

27) Statement by United States, July 24, 2024.

[https://reachingcriticalwill.org/images/documents/Disarmament-fora/npt/prepcom24/statements/24July\\_US.pdf](https://reachingcriticalwill.org/images/documents/Disarmament-fora/npt/prepcom24/statements/24July_US.pdf)

28) Joint Statement of the Leaders of the Five Nuclear-Weapon States on Preventing Nuclear War and Avoiding Arms Races | The White House, January 3, 2022.

<https://bidenwhitehouse.archives.gov/briefing-room/statements-releases/2022/01/03/p5-statement-on-preventing-nuclear-war-and-avoiding-arms-races/>

responsibilities and affirming that a nuclear war cannot be won and should never be fought. However, after the Russian military invasion of Ukraine that began in February of the same year, the content of this declaration has not been implemented, and the current situation is extremely dangerous.

## **2 Improvement of Transparency**

In the context of nuclear risk reduction, particular emphasis has been placed on the issue of transparency.

The NPDI considers that “adequate reporting is an essential instrument both for providing greater transparency and for greater accountability as part of the strengthened review process of the Treaty. Reporting that provides clear information can serve as a baseline from which to measure progress made on implementation of the Non-Proliferation Treaty.” It offers specific proposals to promote transparency through reporting, including the following:

- (a) The number, types (strategic or non-strategic) and status (deployed or non-deployed) of nuclear warheads;
- (b) The number and types of delivery vehicles;
- (c) The number and types of weapons, delivery systems dismantled and reduced as part of nuclear disarmament efforts;
- (d) The amount of fissile material produced for military purposes;
- (e) The measures taken to diminish the role and significance of nuclear weapons in military and security concepts, doctrines, and policies.

As an annex to the submitted working document, it further submits “Future national reporting templates on implementation of the Treaty on the Non-Proliferation of Nuclear Weapons: suggested coverage of topics for different categories of States parties to the Treaty – indicative matrix,” in which 64 items on nuclear disarmament, nuclear non-proliferation and peaceful uses of nuclear energy are to be reported by the States.<sup>29)</sup>

The EU encourages further developing previous proposals, including standardized templates, aiming at providing more substantive information in national implementation reports.<sup>30)</sup>

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29) Working Paper by NPDI, NPT/CONF.2026/PC.II/WP.32, July 2, 2024.

<https://reachingcriticalwill.org/images/documents/Disarmament-fora/npt/prepcom24/documents/WP32.pdf>

30) Working Paper by the EU, NPT/CONF.2026/PC.II/WP.6, May 24, 2024.

<https://reachingcriticalwill.org/images/documents/Disarmament-fora/npt/prepcom24/documents/WP6.pdf>

The Joint Statement on Transparency and Accountability by Ireland, New Zealand, and Switzerland encourages the NWS to present their next national reports for an interactive discussion at the earliest opportunity during this review cycle and provide adequate time for an interactive discussion on national reporting by NWS during NPT meetings.<sup>31)</sup>

Transparency of information on nuclear weapons is essential for understanding the first basic factual basis of nuclear disarmament. Although NWS will resist the release of military information, they should cooperate as this is the embodiment of their obligation to negotiate nuclear disarmament under Article VI of the NPT.

## **IV Prohibition of Use of Nuclear Weapons**

### **1 Negative Security Assurances**

Negative security assurances are assurances to non-nuclear weapon states legally committed to not possessing nuclear weapons that NWS will not use or threaten to use nuclear weapons; they are discussed in relation to the NPT and the Nuclear-Weapon-Free Zone Treaties.

The NAM asserted that “pending the total elimination of nuclear weapons, it is the legitimate right of all non-nuclear-weapon States that have given up the nuclear weapon option by becoming parties to the Treaty to receive effective, universal, unconditional, non-discriminatory and irrevocable legally binding security assurances against the use or threat of use of nuclear weapons under all circumstances.” It further stated that “pending the conclusion of negotiations on security assurances, all nuclear-weapon States should fully respect their existing commitments with regard to negative security assurances, and negative security assurances should also be pursued as a matter of priority and without further delay.”<sup>32)</sup>

The EU recognizes “the legitimate interest of non-nuclear weapon States in receiving unequivocal security assurances from nuclear-weapon States as part of binding and agreed security arrangements. Negative security assurances can be an important confidence building measure which can strengthen the nuclear non-

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31) Joint Statement by Ireland, New Zealand and Switzerland, July 24, 2024.

[https://reachingcriticalwill.org/images/documents/Disarmament-fora/npt/prepcom24/statements/24July\\_Switzerland\\_Ireland\\_NZ.pdf](https://reachingcriticalwill.org/images/documents/Disarmament-fora/npt/prepcom24/statements/24July_Switzerland_Ireland_NZ.pdf)

32) Working Paper by NAM, NPT/CONF.2026/PC.II/WP.28, June 26, 2024.

<https://reachingcriticalwill.org/images/documents/Disarmament-fora/npt/prepcom24/documents/WP28.pdf>

proliferation regime, contribute to nuclear disarmament and enhance regional and global security, in line with the goals and objectives of the NPT.”<sup>33)</sup>

China has strongly called for concluding an international legal instrument on not using or threatening to use nuclear weapons against non-nuclear-weapon states or nuclear-weapon-free-zones as soon as possible. Therefore, it has proposed an in-depth discussion on the following issues:

- (a) The Conference on Disarmament (CD) should start substantive work as soon as possible on concluding an international legal instrument;
- (b) Before concluding the international legal instrument, all NWS should make public statements to unconditionally undertake not to use or threaten to use nuclear weapons against non-nuclear-weapon states or nuclear weapon-free zones;
- (c) NWS should support the efforts of establishing nuclear-weapon-free zones and respect the legal status of nuclear-weapon-free zones;
- (d) NWS should diminish the role of nuclear weapons in their national security policies and abandon the nuclear deterrence policy based on the first use of nuclear weapons;
- (e) The relevant NWS should abandon the arrangement of nuclear sharing and extended deterrence.<sup>34)</sup>

The United States has argued that it maintains, as policy, a negative security assurance that it will not use or threaten to use nuclear weapons against non-nuclear weapons states that are parties to the NPT and in compliance with their non-proliferation obligations.

However, it also stated that “the United States is prepared to discuss the establishment of an ad hoc committee in the CD to negotiate on effective international arrangements to assure non-nuclear-weapon states against the use or threat of use of nuclear weapons, in conjunction with commencing negotiations on a Fissile Material Cutoff Treaty, which we have long viewed as the next logical

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33) Statement by the EU, August 2, 2023.

[https://reachingcriticalwill.org/images/documents/Disarmament-fora/npt/prepcom23/statements/2Aug\\_EU.pdf](https://reachingcriticalwill.org/images/documents/Disarmament-fora/npt/prepcom23/statements/2Aug_EU.pdf)

34) Working Paper by China, NPT/CONF.2026/PC.II/WP.34, July 12, 2024.

<https://reachingcriticalwill.org/images/documents/Disarmament-fora/npt/prepcom24/documents/WP34.pdf>

step in disarmament.”<sup>35)</sup> The U.S. conditions its negotiation on the start of FMCT negotiations; in reality, however, China opposes the initiation of FMCT negotiations, and the conflict of views between the U.S. and China is expected to continue.

## 2 No-First Use of Nuclear Weapons

In addition to insisting on negotiating a treaty on negative security assurances, China has also strongly insisted on negotiating a treaty on the no-first use of nuclear weapons. It stated that “based on the current international security reality and China’s consistent position on strategic risk reduction, China calls on nuclear-weapon States to negotiate and conclude a treaty on the mutual no-first-use of nuclear weapons, and advocates negotiations of an international legal instrument providing negative security assurances to non-nuclear-weapon States at the Conference on Disarmament.”<sup>36)</sup> China asserted, in its working paper, that “Nuclear-weapon States should adopt a responsible nuclear strategy and conduct discussions on adopting the policy of no-first-use of nuclear weapons, issuing a joint statement on mutual no-first-use of nuclear weapons, and negotiating and concluding a treaty on the mutual no-first-use of nuclear weapons.”<sup>37)</sup>

The NAM also asserted that “Pending the total elimination of nuclear weapons, it also calls upon Nuclear Weapon States to commit to a policy of no-first use of nuclear weapons, as an interim measure and not as a substitute to nuclear disarmament.”<sup>38)</sup>

In response to China’s proposal for no-first use of nuclear weapons, the U.S. stated that “The PRC’s actions, in particular its rapid and opaque nuclear weapons build-up, raise questions about Beijing’s already ambiguous, stated ‘no first use’ policy and its nuclear doctrine more broadly, calling into question what such an

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35) Statement by United States, July 25, 2024.

[https://reachingcriticalwill.org/images/documents/Disarmament-fora/npt/prepcom24/statements/25July\\_US\\_SI.pdf](https://reachingcriticalwill.org/images/documents/Disarmament-fora/npt/prepcom24/statements/25July_US_SI.pdf)

36) Statement by China, July 31, 2023.

[https://reachingcriticalwill.org/images/documents/Disarmament-fora/npt/prepcom23/statements/31July\\_China.pdf](https://reachingcriticalwill.org/images/documents/Disarmament-fora/npt/prepcom23/statements/31July_China.pdf)

37) Working Paper by China, NPT/CONF.2026/PC.I/WP.30, August 2, 2023.

<https://reachingcriticalwill.org/images/documents/Disarmament-fora/npt/prepcom23/documents/WP30.pdf>

38) Working Paper by NAM, NPT/CONF.2026/PC.II/WP.22, June 26, 2024.

<https://reachingcriticalwill.org/images/documents/Disarmament-fora/npt/prepcom24/documents/WP22.pdf>



initiative aims to achieve. The PRC, to date, has resisted substantive engagement to answer these questions. We also continue to have concerns about how its proposed no first use treaty would operate in practice, including with respect to verification. We see more style than substance.”<sup>39)</sup>

As for no-first use of nuclear weapons, the U.S. has expressed opposition, making it difficult to achieve early realization. However, many non-nuclear weapons states have expressed their support, and the development of future discussions should be closely monitored.

## **V Future Challenges to Nuclear Disarmament**

One of the basic objectives of the NPT is to promote nuclear disarmament and strengthen peace and security in the international community. Nevertheless, the international community should take positive action on the following six specific challenges, which are interrelated and mutually dependent. Each item represents an aspect of the overall picture.

### **1 An Early End to the War in Ukraine**

The most important challenge for the international community regarding nuclear weapons today is the end of the war in Ukraine and the cessation of Russia’s use of force and threat to use nuclear weapons. First, Russia’s military invasion of Ukraine in February 2022 and subsequent territorial acquisition is a clear violation of the law applied in the international community. Article 2, Paragraph 4 of the UN Charter states that “all Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state.” Article 51 of the UN Charter stipulates that “nothing in the present Charter shall impair the inherent right of self-defense.” However, justifying the current Russian attacks as an exercise of the right of self-defense is legally impossible. Therefore, all states of the international community should work toward an early end to the Russia-Ukraine war.

From the perspective of the issue of nuclear disarmament, which is the subject of this paper, Russia often makes “threats to use nuclear weapons.” This is also a clear violation of the UN Charter, and in addition to legally criticizing such violation, countries should take actions to stop Russia from following through on its threat as soon as possible. At the same time, the United States and NATO

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39) *op cit.*, note 35.

countries should not threaten to use nuclear weapons to counter Russia but should move in the direction of easing tensions and promoting dialogue, responding in a way that reduces the possibility of nuclear weapons being used.

## **2 Negotiation on the Successor to the New START Treaty**

The New START Treaty came into force in February 2011, calling for a reduction in the number of strategic offensive weapons to 1,550 deployed warheads, 700 deployed delivery vehicles, and 800 deployed and non-deployed delivery vehicles over a seven-year period. These numerical reductions brought the number of nuclear weapons to the lowest level in the past 50 years, and the Treaty obligations were fully implemented by both countries until 2022. In February 2023, President Putin announced that Russia would “suspend” its participation in the New START Treaty on the ground that the United States was supporting Ukraine in the war, and that Russia would comply with the Treaty’s numerical limits but would not implement the monitoring and verification provisions.

The Treaty was initially valid for 10 years, and in accordance with its provisions, it was extended to February 1, 2026. However, as the Treaty does not include a provision for further extension, it expires in 2026. In the current situation, on-site inspections are not being conducted and only verification measures in their own country are being relied upon. The delivery systems can be inspected, but confirming the number of missiles mounted on ICBMs and SLBMs is impossible.

As the conflict between the U.S. and Russia over the Ukraine war is unlikely to ease unless the war ends, the Treaty expires, and its regulations cease to exist, the possibility that both countries will move toward increasing their strategic nuclear weapons and that a new nuclear arms race will emerge is particularly high.

Although the Treaty will most likely legally expire at the end of the Treaty period, the first action that the U.S. and Russia should take before it does is to agree on a political commitment to continue to abide by the Treaty’s basic content. If this is not possible, then the U.S. and Russia should issue a unilateral declaration to the effect that they will continue to abide by these basic commitments.

## **3 Progress in Nuclear Disarmament Negotiations**

First, the United States and Russia should begin negotiations on a new treaty to limit and reduce strategic nuclear weapons as soon as possible, regardless of the situation with the New START Treaty, and resume nuclear disarmament

negotiations that have continued since the signing of the NPT. This is about implementing the basic bargain contained in the NPT and about NWS fulfilling their obligation to engage in good faith in nuclear disarmament negotiations in return for being allowed to possess nuclear weapons. Negotiations should begin with strategic offensive nuclear weapons and then be extended to non-strategic offensive nuclear weapons; negotiations on defensive weapons should be conducted afterward.

Second, starting negotiations between the U.S. and China on nuclear disarmament in the near future and concluding them is likely impossible owing to the large difference in the number of strategic offensive weapons in the two countries. Even without formal negotiations, the two countries should exchange opinions on the issue of strategic nuclear weapons, increase transparency, and take a stance to tackle these issues.

Third, negotiations on strategic nuclear weapons among the United States, Russia, and China are not possible at present as the number and composition of nuclear weapons in these three countries differ greatly. As necessary actions to achieve this, transparency should be improved, and specific actions should be agreed upon regarding the measures to reduce nuclear risks.

Fourth, as a multilateral treaty, the entry into force of the Comprehensive Nuclear-Test-Ban Treaty (CTBT) is an important issue, and action is needed in the form of Russia rejecting its withdrawal from the Treaty and of the United States ratifying the Treaty. Furthermore, ratification by India, Pakistan, Israel, and North Korea is necessary.

Additionally, the negotiation of the Fissile Material Cut-off Treaty (FMCT) was agreed at the 1995 NPT Review Conference as part of the indefinite extension of the NPT, with the agreement that “negotiations should begin immediately and the treaty should enter into force at an early date.” However, negotiations have not yet begun, mainly owing to the opposition from Pakistan and China. Active cooperation from relevant countries is required to address these issues.

#### **4 Reducing Nuclear Risks**

As the risk of nuclear weapons use is increasing, reducing it is necessary. Under this topic, NWS do not discuss the threat or use of nuclear weapons based on nuclear deterrence theory as they consider this to be intentional use, and they discuss unintentional use only. The emphasis is on reducing the risk of nuclear weapons use due to miscommunication, misinformation, and misunderstanding and on ensuring that information is communicated and intentions conveyed in a way

that prevents misunderstandings between NWS. These actions are assumed to be necessary and should be actively promoted among NWS.

However, discussing broad measures to reduce nuclear risks—including both intentional and unintentional use—and agreeing on specific measures is critical. Concrete measures such as reducing and abolishing the readiness for early launch or launch on alert and lowering the alert level for the use of nuclear weapons should be discussed and agreed upon.

To resolve this issue, the transparency of NWS' nuclear weapons should be improved. The risk of nuclear weapons use must be reduced by disclosing a wide range of information on the operation of nuclear weapons in each country, such as the type and number of nuclear weapons possessed. Furthermore, at the political and legal levels, NWS should discuss measures to reduce the risk of nuclear weapons use and agree on specific measures.

## **5 Prohibition of the Use of Nuclear Weapons**

The first concrete measure to prohibit the use of nuclear weapons is “negative security assurances” that nuclear weapons will not be used against non-nuclear weapon states that have legally renounced their possession. Legally binding negative security assurances should be provided to countries that make up nuclear-weapon-free zones; however, in reality, some NWS have not ratified the protocol that stipulates this, and some have reservations; thus, full implementation by all NWS should be achieved.

Moreover, in general, declaring the commitment not to use nuclear weapons to non-nuclear weapon states that have renounced their possession is not considered difficult; thus, under the NPT, NWS that possess nuclear weapons should generally implement such legal commitment not to use nuclear weapons against non-nuclear weapon states.

The second specific measure for banning the use of nuclear weapons is “no-first use of nuclear weapons”; this means that nuclear weapons will not be used “first” and that they will only be considered if another nuclear-weapons state uses nuclear weapons first. In response to this argument, NWS in the international community currently have conflicting opinions; however, a certain level of trust should be established, and a broad debate developed, with the aim of creating a treaty.

## **6 The Treaty on the Prohibition of Nuclear Weapons and Nuclear Deterrence**

The TPNW, which came into force in 2021, adopted a humanitarian approach to nuclear disarmament. While previous nuclear disarmament treaties have stipulated the limitations and reductions of nuclear weapons, as well as the prohibition on development, testing, manufacturing, and possession of nuclear weapons, this new Treaty incorporates a new element of banning the use and threat of use of nuclear weapons as major objectives. Thus, the legality of “nuclear deterrence,” which is the basic reason why NWS possess nuclear weapons, is being called into question.

Although NWS or nuclear allied states will likely not join this Treaty in the foreseeable future, the Treaty itself prohibits the existence of nuclear weapons. On this basis, the signatory states have sharply criticized the threat of use of nuclear weapons, which is a central concept of the theory of nuclear deterrence, as well as the use of nuclear weapons as a matter of course. The parties to the Treaty are moving toward examining “nuclear deterrence” itself in detail from a scientific perspective and criticizing it logically.

Here, the logic that the use of nuclear weapons and threat of their use violates international law—including the UN Charter—is being asserted; the existence of “nuclear deterrence which is based on the threat of nuclear weapons” is being denied, and arguments aimed at the direction that the existence of nuclear weapons is illegal are being strengthened. Even if this important issue could not be resolved in the near future, international society’s understanding of nuclear weapons must be moved in the direction of this argument.

## **Conclusion**

In this paper, I examined the discussions at the first and second preparatory committees of the NPT Review Conferences in 2023 and 2024, introducing various current debates on nuclear disarmament, analyzing the key issues raised, and considering the direction of future nuclear disarmament.

The international security environment, with its focus on nuclear weapons, is at its worst since the Cuban Missile Crisis in 1962, with the Russian invasion of Ukraine and threats to use nuclear weapons and the confrontations between the U. S. and Russia and between the U.S. and China. The conflict between the U.S. and China shows signs of a new nuclear arms race, creating a situation where international legal norms regarding nuclear disarmament are weakening, and from the perspective of progress in nuclear disarmament, the situation is extremely

pessimistic.

Nevertheless, with the entry into force of the Treaty on the Prohibition of Nuclear Weapons and the progress of discussions at the Conference of the Parties, a new movement relying on a humanitarian approach to nuclear disarmament is becoming more active. This approach includes a ban on the use or threat of the use of nuclear weapons and has developed arguments against “nuclear deterrence,” which is the theoretical basis for having nuclear weapons.

By placing fundamental importance on the aspects of what kind of situation would arise as a result of the use of nuclear weapons, all countries in the world should work toward a world without nuclear weapons and should move toward placing importance on “the security of humanity” and “human security” rather than on traditional “national security.” We should also further promote the transition from a world of “rule of power” to a world of “rule of law.”

