# BEYOND THE 1995 NPT CONFERENCE: A JAPANESE VIEW

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The 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, which was held from April 17 to May 12, 1995 in New York, was one of the most important conferences in search for a new international security order after the end of the Cold War. We are in the transitional period from a system of East-West confrontation to a new order, but we have not yet found a framework in which the new order can develop.

During the last five years since the demise of the Cold War, the nuclear arms race between the United States and the Soviet Union has ceased. The U.S. and the Russian Federation have agreed to reduce their strategic nuclear forces by concluding the START I and START II Treaties, and they have withdrawn their tactical nuclear weapons from foreign countries. In spite of or because of these development on a global level, the risk of proliferation of nuclear weapons has increased on a regional level.

Events such as the dissolution of the Soviet Union, the clandestine nuclear weapon development program by Iraq and nuclear weapon suspicions regarding North Korea, have made a stronger non-proliferation regime more urgent and indispensable for international peace and security. The UN Security Council recognized the importance of non-proliferation of weapons of mass destruction at its summit meeting on January 31, 1992.

The NPT Review and Extension Conference was held under these international circumstances. This year is also remarkable as the fiftieth anniversary of both Japan's defeat in the second World War and the establishment of the United Nations. Although these historical events are coincidental to the timing of the Conference, this year is special for international society.

In this article, firstly I will examine the Japanese policy on nuclear weapons

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and nuclear disarmament, with special emphasis on the Nuclear Non-proliferation Treaty. Secondly, I will deal with the process and results of the NPT Review and Extension Conference in relation to the Japanese position. Thirdly and lastly, I will outline and explain an option I believe can be developed for a future Japanese role in the field of nuclear disarmament.

## I. JAPANESE POLICY ON NUCLEAR DISARMAMENT

Japan's general position towards nuclear disarmament has been rather ambiguous and ambivalent, because we have fallen into dilemma. On the one hand, as the first and only victim of nuclear bombings on Hiroshima and Nagasaki, Japanese people, generally speaking, continue to be strongly opposed to nuclear weapons. Peace movements against nuclear weapons, and seeking nuclear abolition, have strong power in Japan. On the other hand, Japan is an aligned country with the United States through the U.S.-Japan Security Treaty, and we are under the nuclear umbrella of the United States. These two situations are contradictory, and the Government's policy on nuclear weapons and nuclear disarmament has been ambiguous.

Peace movements against nuclear weapons in Japan began in 1954, when the U.S. hydrogen bomb experience at Bikini atoll caused a Japanese crew on fishing boat to death because of radioactivity. Then they collected more than ten million voices against nuclear weapons. They hold world conferences against nuclear weapons in August every year in memory of victims of Hiroshima and Nagasaki bombings. Statements by the mayors of the two cities have strong impact on general public, which have been covered widely by mass media. Japanese people are said to have nuclear allergy.

I will take up two examples of this ambiguity. The first is "the three non-nuclear principles" of Japan, which have been treated as national fundamental principles. These are that Japan will not possess nuclear weapons, not manufacture nuclear weapons and not permit the introduction of nuclear weapons into Japanese territory.

Japanese people have generally suspected that, as an aligned state, U.S. warships and submarines with nuclear weapons aboard have often made port calls to Japan and navigated through the territorial waters of Japan, although these port-calls and the navigation in territorial waters by ships with nuclear weapons were prohibited by the non-nuclear principles according to the Government's interpretation.

The Government explained this contradiction by stating that unless the U.S.

request a prior consultation which is obligated under the US-Japan Security Arrangements in cases of major change in the deployment of US forces such as the introduction of nuclear weapons into Japan, Japan assumes that U.S. ships do not have nuclear weapons. More than eighty percent of Japanese population do not believe the explanation.

The second example of ambiguity in Japanese policy concerns the illegality of the use of nuclear weapons. Two years ago, the World Health Organization asked for an advisory opinion from the International Court of Justice on the illegality of the use of nuclear weapons, and the Court asked member states for opinions in written statements on it. The initial draft statement of Japan was as follows:

> The use of nuclear weapons is not consistent with the spirit of humanitarianism which is the basis of international law, because of its tremendous destructive and killing power. However, from a purely legal point of view, judged objectively from the states' practices and opinions of international lawyers, the use of nuclear weapons is not necessarily contrary to the positive international law of today.[1)]

As Japan is under the nuclear umbrella of the U.S, we can not exclude the possibility of the use of nuclear weapons for our national security. However, in the face of strong domestic opposition to this draft from the peace movement, academics and media, the Government quickly decided to delete the last sentence and sent the only first sentence on the humanitarian point of view to the ICJ. This does not mean that the Government changed their mind, but just deleted the last half on legal interpretation.

## NPT and Japan

In the late 60s and early 70s when the NPT was negotiated, signed and entered into force, Japan was reluctant to join the Treaty. The first reason was that the Treaty was discriminatory and would perpetuate the nuclear monopoly by some states. We could not close the option of nuclear weapons for future generations. The second reason was that there was not enough of a guarantee toward nuclear

1) Ministry of Foreign Affairs, Japan, *Blue Paper on Foreign Policy* 1994.

disarmament by nuclear-weapon states. The third reason was the concern that the Treaty would hinder the promotion of peaceful uses of nuclear energy in Japan, in particular, because of the safeguards which would be applied to non-nuclear-weapon states only.

Japan signed the Treaty as the 95th signatory in February 1970, just one month before its entry into force, mainly because Japan was afraid that non-signature might be perceived by others as a sign that Japan had aspirations to become a nuclear-weapon state. Japan ratified the Treaty in June 1976, six years after its entry into force, as the 97th party.

The statement by Japanese Government at the time of the signature pointed out the issues which Japan would take into account when Japan ratify the Treaty; the first is that nuclear-weapon states would take concrete nuclear disarmament measures; the second is that measures to strengthen the security of non-nuclear-weapon states would be taken; and the third is that Japan would not be treated unfavorably in the field of peaceful uses of nuclear energy.

Although a few argued for keeping option of nuclear weapons open for future generation, many concerned discriminatory nature of the Treaty in possession or not of nuclear weapons, and in application of the IAEA safeguards. In particular, Japan asked equal treatment in the application of the safeguards. One is the application of the safeguards to the facilities in nuclear-weapon states. The U.S. and the U.K. expressed their willingness to accept safeguards to some of their nuclear facilities. The other is the equal treatment with the member states of the EURATOM. After the EURATOM states concluded a safeguards agreement with the IAEA, Japan began negotiation with the IAEA. Japan ratified the Treaty after it became clear that Japan was equal with the EURATOM member states as Japan could have domestic safeguards system equivalent to the EURATOM.

Two decades later, in August 1993, the Prime Minister of a new coalition cabinet, Morihiro Hosokawa, in his first policy address, proclaimed as follows:

> As the non-proliferation of weapons of mass destruction is an important issue for assuring international security, including Japan's security, I support an indefinite extension of the Nuclear Non-proliferation Treaty. Furthermore, world peace will be achieved through world disarmament by completely eliminating nuclear weapons on the earth. I will do my positive diplomatic efforts for that purpose.[2)]

2) Ministry of Foreign Affairs, Japan, *Blue Paper on Foreign Policy* 1993, p.157.

He also made it clear internationally that Japan supported the indefinite extension in the address at the United Nations General Assembly in September 1993. The Japanese position on the extension had been for "long-term" extension rather than an indefinite extension under the previous Governments ruled by the Liberal Democratic Party. Without adequate and widespread discussion within and outside of the Government, a new policy of indefinite extension was decided by the new Prime Minister. There was strong opposition to the decision from peace movements and academics who thought the indefinite extension would perpetuate the nuclear monopoly and remove any leverage from non-nuclear-weapon states to demand nuclear disarmament of nuclear-weapon states.

The chief reason why the new Government was quick to support the indefinite extension without much discussion was to wipe out any suspicion that Japan was planning to develop nuclear weapons.[3] Such suspicions stemmed from the following three dimensions. The first was the Japanese commercial use of plutonium. Japan has been developing a nuclear fuel cycle by using plutonium for energy self-reliance or energy security. In spite of the Japanese firm self-constraint to the peaceful uses of nuclear energy, other states suspect Japanese intentions.

According to the Long-Term Program for Research, Development and Utilization of Nuclear Energy, published by Atomic Energy Commission, Japan, in June 1994, as Japan's energy supply structure is extremely fragile, Japan will promote nuclear power. Japan imports 99.6% of oil, 93.6% of coal and 94.8% of natural gas. Now capacity of commercial nuclear power generation accounts for nearly 30% of total generated output, and it is expected to reach about 33% by the year 2000 and 42% by 2010. Japan will provide for the assurance of energy security in the future by steadily promoting R&D, aiming at the eventual commercialization of nuclear fuel cycling technologies, abiding by a principle not to hold surplus plutonium when implementing various projects.

Japan is now in a very difficult situation, because commercial massive use of plutonium has been criticized internationally, in particular from the U.S. Ship-transportation of plutonium and radiated nuclear wastes from France is also under international criticism. Some scholars argue that reactor-grade plutonium could be used for making nuclear weapons. Japan should make its intention much clearer that it would not make nuclear weapons and should make every activity more

3) For example, Sam Jameson, "Tokyo keeps nuclear option open," *International Herald Tribune*, July 30, 1993; Selig Harrison, "The three-cornered nuclear suspense in Northeast Asia," *Washington Post*, November 1, 1993; David Sanger, "Plutonium stock gives Japan nuclear lever," *International Herald Tribune*, November 10, 1992.

transparent.

The second dimension concerns the situation in North Korea. Suspicions regarding Japan's nuclear policy are based on the assumption that if North Korea had nuclear weapons, Japan would develop nuclear weapons in order to deter a possible nuclear attack from North Korea. We, Japanese, have always urged for peaceful settlement of the dispute concerning to nuclear suspicion of North Korea. A framework agreement between the U.S. and North Korea in October 1994 was welcome progress toward nuclear-free Korean Peninsula. Japan, as a main member of the KEDO, should promote peaceful settlement of whole problem, including diplomatic and economic assistance to North Korea.

The third dimension came from Japan's no-support to the indefinite extension of the NPT at the June 1993 G-7 Summit in Tokyo. Prime Minister Miyazawa could not support the indefinite extension because, during the last stage of the LDP administration, he could not get a consensus among LDP members. Mr.Miyazawa knew much about the nature of the NPT as the Minister for Foreign Affairs when the NPT had been hotly discussed two decades before.

From its previous stance at the Tokyo G-7 Summit, Japan has given four reasons for its shift to support of the indefinite extension: (1) the NPT is very important as a base for international peace and security, and stability of the non-proliferation regime is necessary, (2) nuclear disarmament is crucial, but the direct linkage of extension with it may jeopardize the NPT itself, (3) Japan has to demonstrate its firm commitment to remaining a non-nuclear-weapon state and eliminate any suspicion, and (4) in order to develop peaceful uses of nuclear energy, the NPT is indispensable.

Domestic opposition to the indefinite extension still exists. The mayor of Hiroshima as well as some academics argue that it will perpetuate the distinction between nuclear-weapon states and non-nuclear-weapon states as well as deprive the latter of leverage with which to press the former to move towards nuclear disarmament.

## II. NPT Review and Extension Conference

During the general debates by 116 states, it became clear that a vast majority supported the indefinite extension. Among 116 states, about 80 states supported the indefinite extension, about 20 states opposed the indefinite extension and others did not refer to the extension. Contrary to the previous speculation by experts, non-aligned movement countries could not maintain a uniform position on the

extension of the Treaty. Their position was divided into pros and cons to the indefinite extension.

Among the approximately 80 states which expressed their support to the indefinite extension, half of them supported the indefinite extension unconditionally. It is necessary to note the difference between the states which expressed unconditional extension and those which did not mention it. Generally speaking, European and North American states supported the indefinite and unconditional extension of the treaty, while Asian, African and Latin American states supported an indefinite extension.

Due to the fact that these latter countries all support the indefinite extension, their demand for conditions can not be interpreted as a legal condition like a direct linkage of extension with disarmament measures. These conditions mean political conditions demanding a political commitment towards nuclear disarmament.

In his statement, Mr.Alfred Nzo, the Foreign Minister of the Republic of South Africa, explained that the NPT should be extended indefinitely, but proper checks and balances should be put to place to ensure that the objectives of the Treaty are translated into reality. He proposed that the review process should be strengthened and a set of "Principles for Nuclear Non-Proliferation and Disarmament" which would be taken into account when the implementation of the Treaty is reviewed should be adopted.[4)]

Mr. Yohei Kono, Deputy Prime Minister and Minister for Foreign Affairs of Japan, made a statement at the Conference on April 18,[5)] which, in general, represents Japan's position on nuclear disarmament. He gave a positive assessment of the non-proliferation aspect with enhanced universality, though he recognized that the nuclear non-proliferation function of the NPT had not been without problems.

On nuclear disarmament, the situation in the post-cold war era was said to be more promising. Mr.Kono emphasized the Japanese contribution to CTBT, in particular in the field of seismological technology. He strongly urged China to join the nuclear test moratorium.

In the field of peaceful uses of nuclear energy, he underscored Japan's position as limited to peaceful uses. He considered it desirable that the nuclear-weapon

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4) Statement by the Foreign Minister of the Republic of South Africa, Mr Alfred Nzo, 19 April 1995.

5) Statement by H.E. Mr. Yohei Kone, Deputy Prime Minister and Minister for Foreign Affairs of Japan, 18 April 1995.

states consider voluntarily applying the IAEA safeguards to all their peaceful-use nuclear facilities.

His appeals were as follows: (1) to call upon states not parties to the NPT to accede to it at the earliest possible date, (2) to call upon nuclear-weapon states to further pursue their efforts for nuclear disarmament with the ultimate objective of the elimination of nuclear weapons, and (3) to call upon all states to fully implement their commitments in the field of disarmament and non-proliferation of weapons of mass destruction.

The Japanese position was to support the indefinite extension but not unconditionally, and the Foreign Minister called for nuclear disarmament in general terms. His statement was criticized domestically because of a lack of reference to concrete measures for nuclear disarmament and the weakness of his appeals. On the other hand, his statement was praised because he rewrote the draft statement to include the reference to Hiroshima and Nagasaki and to not only refer to the Japan's position as a victim but also as an aggressor in the second World War.

The conference, on May 11, adopted without vote three decisions proposed by the President of the Conference, Mr. Jayantha Dhanapala. The first is on "Strengthening the Review Process for the Treaty",[6] and the second is on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament".[7] These resolutions are based on South Africa's original ideas. Thirdly, the Conference decided that, as a majority existed among States party to the Treaty for its indefinite extension in accordance with its article X,2, the Treaty shall continue in force indefinitely.[8]

The Japanese Ambassador, Mrs. Hisami Kurokochi, as an explanation of positions on the decisions, emphasized Japan's position on disarmament, saying that all nuclear weapon states should make serious efforts to reduce their arsenals with the ultimate goal of eliminating nuclear weapons, and that this position was included in the Principles and Objectives for Nuclear Non-Proliferation and Disarmament.[9]

The final declaration, which reviews the operation of the Treaty, was not adopted, chiefly because the Main Committee I could not reach consensus on the review of Articles I and II and Article VI. During the discussion in the Committee, Japan submitted a conference paper on proposed language as follows:

The Conference calls upon the nuclear weapon States to further pursue their

6) NPT/CONF.1995/L.4, 10 May 1995.

7) NPT/CONF.1995/L.5, 9 May 1995.

8) NPT/CONF.1995/L.6, 9 May 1995.

9) Statement by H.E. Mrs. Hisami Kurokochi, Representative of Japan, 11 May 1995.

efforts for nuclear disarmament with the ultimate objective of the elimination of nuclear weapons, and also calls upon all states to fully implement their commitments in the field of disarmament and non-proliferation of weapons of mass destruction.[10)]

## III. Future Japanese Role in Nuclear Disarmament

The Review and Extension Conference decided the permanence of the Nuclear Non-Proliferation Treaty, and made the foundation of the non-proliferation regime stronger. This consolidation of the Treaty should not mean just the permanence of a nuclear monopoly by the five nuclear-weapon states, which many non-nuclear-weapon states are afraid of, but it should be understood as a solid base for nuclear disarmament. It means that the five nuclear-weapon states can proceed to nuclear disarmament without worrying about the possible increase of new nuclear-weapon states.

The indefinite extension is preferable to Japan, because, firstly, the permanent regime is a prerequisite for international peace and stability, in particular, for peace and stability in East Asia. Secondly, it is necessary for Japan to continue its peaceful use of nuclear energy on a solid base, and thirdly, Japan eagerly supported the indefinite extension in order to wipe out nuclear suspicions. However, whether nuclear disarmament will be promoted by the indefinite extension is an open question.

Many Japanese felt betrayed by nuclear-weapon states when China conducted a nuclear test just after the NPT Review and Extension Conference, France announced its decision to resume a series of nuclear tests, and even the U.S. suggested a possibility of the resumption of nuclear tests. Japanese Government and peace movements protested these events very strongly. However, there is an expectation that a CTB treaty will be concluded by 1996.

The Japanese position on nuclear weapons and nuclear disarmament has been ambiguous. However, we have recently seen a change in the attitude of Japan's foreign policy. At the Review and Extension Conference, the Japanese position was between the nuclear-weapon states and non-aligned states, in the sense that Japan did not mention unconditionality while supporting an indefinite extension, and urged strongly for nuclear disarmament.

At the last United Nations General Assembly, Japan, for the first time, submitted

10) NPT/CONF.1995/MC.I/CRP.15, 27 April 1995.

a draft resolution alone on "nuclear disarmament with a view to the ultimate elimination of nuclear weapons", which was adopted with 163 states supporting, no opposition and eight states abstaining.[11)]

The operative paragraphs of the resolution are as follows:

1. Urges States not parties to the Treaty on the Non-Proliferation of Nuclear Weapons to accede to it at the earliest possible date, recognizing the importance of universality of the Treaty,
2. Calls upon the nuclear weapon States to pursue their efforts for nuclear disarmament with the ultimate objective of the elimination of nuclear weapons in the framework of general and complete disarmament, and also calls upon all states to fully implement their commitment in the field of disarmament and non-proliferation of weapons of mass destruction.

Among those who abstained were France, the United Kingdom and the United States, who strongly opposed and asked for the withdrawal of the draft resolution. They also criticized Japan because there was no prior consultation due to Japan's late submission of the draft resolution.

The submission and adoption of the resolution was widely praised in Japan as a new initiative in nuclear disarmament. The content of the resolution has been popular in Japan but not necessarily in the international sphere. For the first time, Japan made a clear statement on nuclear disarmament and the elimination of nuclear weapons to the international community at the United Nations, in spite of strong opposition from the three nuclear weapon states.

It is rather easy to express its viewpoint, but Japan's actions following the adoption of the resolution will be of greater importance. Submitting and adopting the resolution is the first step to more concrete initiatives. At the NPT Conference, Japan submitted a conference paper which included almost the same content as the resolution, and the Japanese Ambassador reaffirmed that the content was included in "the Principles and Purposes for Nuclear Non-Proliferation and Disarmament".

Japan has been defensive, reactive and passive in the field of nuclear disarmament. In the future, Japan should be more active and positive in the field. Taking into account two purposes, that is, both to promote nuclear disarmament

11) United Nations General Assembly Resolution 49/75H, 15 December 1994.

and to eliminate nuclear suspicions regarding Japan, I recommend four measures which the Japanese Government should take in the near future.

First, Japan should consider the possibility of a UN/IAEA register of nuclear weapons and nuclear fissile materials. A few years ago, Japan took the initiative with the then EC states to establish a system of a UN register of conventional weapons transfers. Japan, in the White Paper on Nuclear Energy,1994, gave information on the amounts and locations of plutonium in its possession, as the first state in the world, thereby increasing the transparency of its nuclear program and lessening suspicion of its intentions.

Unofficial talks are being held to promote the transparency of fissile materials in peaceful uses as well as fissile materials derived from dismantled nuclear weapons. In the world of nuclear disarmament after the end of the cold war era, the transparency of nuclear weapons should be pursued in relation with the transparency of peaceful uses of nuclear materials. Initially, we could ask states to voluntarily submit the information on their nuclear weapons.

Second, Japan should play a more active role in the peaceful solution of the North Korean problem, in cooperation with the United States and the Republic of Korea. If the Declaration of Denuclearization of the Korean Peninsula is implemented and a truly nuclear-weapon-free zone is established, Japan should promote establishing a North-East Asian nuclear-weapon-free zone covering the two Korean states, Japan, and if possible, Taiwan. This would mean the regionalization of its "three non-nuclear principles".

Third, the Japanese Government is now eager to become a permanent member of the UN Security Council. The permanent seats, which were established fifty years ago, are arguably not fit for the world today from a political and economic point of view. Japan's chief frustration stems from the fact that we do not get enough information nor have enough chance to express our opinions in spite of our big contribution to the UN, second only to the United States. However, it is said that Japan wants the seat but is not clear what Japan wants to do as a permanent member.

On this point, Japan should make it clear that it wants to use the status mainly to promote nuclear disarmament. Japan, having no will to become a nuclear-weapon state, plays an important role as the representative of non-nuclear-weapon states. As no non-nuclear-weapon state is included among the permanent members now, Japan's participation will be useful as one measure to restructure and democratize the UN system.

Fourth, Japan's activity will not be strong enough so long as Japan acts alone.

At the Conference on Disarmament in Geneva, Western, Eastern and Non-aligned groups developed and recently, the Eastern group has tended to be included in the Western group. These groups were useful in the Cold War era because of their ideological confrontation.

Japan belongs to the Western group, but the group includes both nuclear-weapon states such as the United States, the United Kingdom and France, as well as some non-nuclear-weapon states. As was shown at the 1995 NPT Conference, nuclear-weapon states have common interests which differ from those of non-nuclear-weapon states. Japan has a common status with non-aligned states in the sense that both are active for nuclear disarmament, but Japan can not join the non-aligned group.

I believe it would be advantageous for Japan to establish closer cooperation in the field of nuclear disarmament with Canada and Australia, both of which belong to the Western group and are enthusiastic to and active in nuclear disarmament. This JAC (Japan-Australia-Canada) group would have strong power against nuclear-weapon states, a situation which would not be possible if Japan were to act alone.

Behind these proposals of mine, I understand the framework for negotiating nuclear disarmament have radically changed, as shown at the NPT Review and Extension Conference. In the Cold War era, there were western group, eastern group and non-aligned group and the arguments were based on their ideologies.In the post-Cold War era, where there is no confrontation between the East and the West and the raison d'être of the third group has diminished, a new group for promoting nuclear disarmament will be non-nuclear-weapon states which have abstained nuclear option although they have enough technical and economic capacity to develop nuclear weapons.

In this context, Japan can and should take strong initiative for the cause of nuclear disarmament. In Asia and the Pacific region, Japan is one of the leading countries for economic cooperation and integration. Here the security dialogue and cooperation is still in inceptive stage. We need much effort to bring stability and security in this area. Japan, in cooperation of the states in this area, should make efforts for it, staying oneself as a non-nuclear-weapon state.

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