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Security Assurances and Japan

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I have been asked to talk about security assurance issues. However, I would like to confine my talk to the attitude of the Japanese government towards the negative security assurance issue.

Before going into this subject, I would like to briefly comment on the NATO nuclear sharing issue that Otfried Nassauer talked about. In a meeting held on November 12 last year, I asked an official of the Ministry of Foreign Affairs of Japan about Japan's position on Preamble Paragraph 13 of the resolution put forward by the New Agenda Coalition at the UN General Assembly last year.

The Preamble Paragraph 13 states:

Stressing that each article of the NPT is binding on the respective States Parties at all times and in all circumstances.

The official said that Japan does not have any problem with that wording. I asked whether that means that Japan considers the nuclear sharing arrangement of NATO against the Non-Proliferation Treaty (NPT). I explained about the US position given in the Senate that Otfried discussed: once a war starts, the NPT would not be binding and non-nuclear NATO states could deliver nuclear weapons. The official replied that he was not aware about the US position on this.

So I asked him whether he thought that it is against the NPT for a pilot from Italy or Turkey, for example, to drop US nuclear weapons now deployed in these countries, even if it is after a war has broken out. The reply was that he could not answer such a hypothetical question, but Japan is a very good member and does not have any problem with this paragraph.

In a meeting with another official on April 11 this year, I again asked about the NATO nuclear sharing issue. He answered that it would not be against the NPT for NATO non-nuclear countries to prepare for the transfer and use of nuclear weapons. The legality of such a transfer would

depend on the way the war started, the procedure of withdrawal from NPT, etc. I asked him whether he could find the date that Japan was informed by the US about its interpretation. He did not think that Japan was ever officially informed about this.

It does not seem that Japan has developed any clear position on this issue.

Let me now turn to the negative security assurance issue. Negative security assurance is a promise on the part of the nuclear weapon states to the non-nuclear weapon states to not attack them with nuclear weapons.

On April 5, 1995, right before the beginning of the NPT Review and Extension Conference, the US reaffirmed the negative security assurance given in 1978 by the Carter Administration stating:

The United States reaffirms that it will not use nuclear weapons against any non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons except in the case of an invasion or any other attack on the United States, its territories, its armed forces or other troops, its allies, or on a State towards which it has a security commitment, carried out or sustained by such a non-nuclear weapon State in association or alliance with a nuclear-weapons States.

Other nuclear weapons states, except China, followed suit. China made a no-first-use commitment without any reservations.

In spite of this reaffirmation, the US continues to stick to its policy of ambiguity. Different high officials continue to make statements that suggest possible nuclear retaliation against attacks with chemical or biological weapons.

Japan basically supports this policy of ambiguity. If anything, Japan is leaning more towards a clear declaration on the possibility of the use of nuclear weapons (by the US) in retaliation against a chemical attack on Japan (by North Korea, for example). Japan's vote for the NAC resolution at the UN First Committee on November 9, 1999 is an example of this. The resolution passed 90:13:37. Japan was among the 37 that abstained.

The Operative Paragraph 18 (OP18) of the NAC resolution states that the General Assembly:

Calls for the conclusion of an internationally legally binding instrument to effectively assure non-nuclear-weapons States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons against the use or threat of use of nuclear weapons.

Japan voted YES on a separate vote taken on this paragraph. (The voting result was 128:0:5.) This could be understood to mean that Japan changed its position on this issue because my understanding was that Japan did not want to have a legally binding document.

I should give you some background information on this. In a May 1999 meeting with a Japanese diplomat based in Geneva, I referred to the negative security assurances made by the US, including the one in April 1995 and the promise made in the US-North Korea Framework Agreement of 1994 "to provide formal assurances to the DPRK, against the threat or use of nuclear weapons by the U.S." I said that Japan should not be talking about the possibility of U.S. retaliation with nuclear weapons in response to a chemical or biological attack by North Korea. His reply was that those negative security assurances and the Framework Agreement promise were not legally binding and would not matter much.

So I wanted to have clear explanation about the Japanese voting behavior concerning OP18. In the November meeting I mentioned earlier, I asked whether this means that Japan is now in favor of making it illegal to use nuclear weapons in retaliation against a chemical attack by North Korea, for example. The answer was basically as follows: OP18 does not say anything about chemical or biological weapons. Therefore, Japan is not advocating to make it illegal to use nuclear weapons against a chemical attack by a NNWS party to the NPT.

One has to wonder what kind of legally binding negative security assurance Japan would like to see. In the April 11 meeting I mentioned earlier, I asked the official about this again. His response was that there could not be anything more than what is said in the 1995 assurance. Therefore, I do not know what exactly Japan meant by its YES vote.

This policy of ambiguity is consistent with Japan's position on nuclear deterrence. Japan does not like OP1 of the NAC resolution, which calls on the nuclear weapons States to make an unequivocal undertaking to accomplish the speedy and total elimination of their nuclear arsenals, because it does not recognize the usefulness of nuclear deterrence. In the November 1999 meeting, I asked the official what nuclear deterrence meant when he talked about the usefulness of it. He said that the concept of nuclear deterrence includes not just deterring nuclear attacks, but also chemical and biological attacks, as well as an overwhelming conventional attack. Nuclear deterrence is important and it is not desirable to abolish nuclear weapons "speedily," he explained.

Once you accept this type of deterrence as something desirable and necessary for the security your country, your position on negative security assurances is not different from that of the United States. Japan is opposed to the idea of a no-first-use declaration. Japan is also opposed to the idea of a Nuclear Weapons Free Zone in the North East Asia area (encompassing the North and South Korea and Japan), although it is for the establishment of such a zone in other parts of the world (Central Asia, for example). For a Nuclear Weapons Free Zone to become effective you have to have a protocol signed by nuclear weapon states giving a negative security assurance to countries in the zone. Japan does not want the U.S. to give this assurance to North Korea. Japan also does not want to have an internationally binding instrument that prohibits the U.S. from bringing nuclear weapons into Japan, although Japan is supposed to have non-nuclear principles that prohibit the U.S. from bringing nuclear weapons into Japan.

We should challenge the states that voted for OP18 to explain what they want to accomplish. The Japanese government 's answer shows that it does not really want to have an international,

legally-binding instrument to effectively assure non-nuclear weapons States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons against the use or threat of use of nuclear weapons.