

Japan's Role for the Abolition of Nuclear Weapons

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Part 1 Extention Problem of NPT and Our Role

Naomi SHOHNO and Masatsugu MATSUO

1.1 Outline of NPT

The Treaty on the Non-Proliferation of Nuclear Weapons (usually abbreviated to Non-Proliferation Treaty or simply to NPT) entered into force in March 1970. This Treaty consists of a preamble and a text of the 11 articles. Let us first summarize the main points of the 11 articles. The parenthesized parts indicate the authors' interpretation.

Article I [obligation of nuclear-weapon States]

Each nuclear-weapon State Party to the Treaty (five States defined in Article IX) undertakes not to transfer to any recipient nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices.

Article II [obligation of non-nuclear-weapon States]

Each non-nuclear-weapon State Party to the Treaty undertakes not to manufacture nuclear weapons or other nuclear explosive devices, and not to seek any assistance in the manufacture of nuclear weapons or other nuclear explosive devices.

Article III [agreement between non-nuclear-weapon States and IAEA]

Each non-nuclear-weapon State Party to the Treaty undertakes to conclude an agreement with the International Atomic Energy Agency (IAEA), with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons.

Article IV [right to peaceful uses of nuclear energy]

The Treaty does not affect the inalienable right of all the Parties to the Treaty for the peaceful uses of nuclear energy. All the Parties to the Treaty undertake to facilitate the fullest possible exchange of equipment, materials, and information for the peaceful uses of nuclear energy.

Article V [peaceful application of nuclear explosions]

Each non-nuclear-weapon State Party to the Treaty can enjoy, under appropriate international observation and through appropriate international procedures, benefits from any peaceful applications of nuclear explosions. (This article was originally intended for applications of nuclear explosions in big construction works and so on, but it has now turned out to be a dead letter.)

Article VI [promise of disarmament negotiation]

Each Party undertakes to pursue negotiations in good faith on effective measures relating to early cessation of the nuclear arms race and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control. (This promise has seldom been carried out.)

Article VII [right to regional denuclearization treaties]

The Treaty does not affect the right of any group of State Parties to conclude regional treaties on nuclear-weapon-free zones.

Article VIII [amendments to the Treaty]

Any amendment to the Treaty must be approved by a majority of the votes of all the Parties, including the votes of all nuclear-weapon States Party to the Treaty and all the other Parties which are members of the Board of Governors of IAEA. (This provision means that nuclear-weapon States and members of IAEA Board of Governors have vetoes on the amendment to the Treaty.)

Article IX [designation of depositary States, and definition of nuclear-weapon State]

Instruments of ratification and instruments of accession shall be deposited with the governments of the United Kingdom, the Soviet Union and the United States (The official names of these states are used in the text.) For the purposes of this Treaty, a nuclear-weapon State is one which has manufactured and exploded a nuclear weapon or other nuclear explosive device prior to 1 January 1967.

Article X [withdrawal, term of force]

Each Party has the right to withdraw from the Treaty, if it decides that extraordinary events have jeopardized its supreme interests. Twenty-five years after the entry into force of the Treaty (in 1995), a conference shall be convened to decide whether the Treaty shall continue in force indefinitely, or shall be extended for an additional fixed period or periods. The decision shall be taken by a majority of the Parties to the Treaty.

Article XI [authentic text]

The English, Russian, French, Spanish and Chinese texts of the Treaty are equally authentic.

The above is the summary of the NPT. It was first negotiated among the United States, the Soviet Union and the United Kingdom, which became nuclear-

weapon states as early as by 1952, as is shown in the following table. The draft was made public for the accession of other states in July 1968, and entered into force in March 1970. The three states above had already concluded the Partial (that is, open air and under water) Test Ban Treaty, in August 1963. These facts can be interpreted as an indication that the three nuclear-weapon states were clearly aware of their superiority and privilege in nuclear issues. It is because of this that France and China delayed their accession to the NPT until 1992, though they were defined as nuclear-weapon states in the Article IX.

Table Year of First Nuclear Test by Nuclear—Weapon States

	US	USSR	UK	France	China
A-bomb	1945	1949	1952	1960	1964
H-Bomb	1952	1953	1957	1968	1967

On the other hand, the NPT is an extraordinary and unequal treaty from the viewpoint of non-nuclear-weapon states. Main reasons for this are : the possession of nuclear weapons which may bring about the elimination of the whole human race is admitted to certain states (Articles I and IX), some benefits are stupidly expected from the peaceful applications of nuclear explosions (Article V), and a nuclear-weapon state has a virtual right of veto on the amendment of the NPT (Article VIII).

Against these criticisms, nuclear-weapon states generally, though not unanimously, replied that they have been making sustained efforts for nuclear disarmament, or that their possession of nuclear weapons is only for self-defence. When non-nuclear-weapon state like Japan criticized the “inequality” of the NPT, nuclear-weapon states have rejoined that those criticizing states have a view to future possession of nuclear weapons. But, most of the non-nuclear-weapon states sincerely wish to abolish, as early as possible, nuclear weapons, the worst possible weapon in the human history. This can be clearly seen in the fact that most of the

non-nuclear states have joined the NPT in the hope for "Non-Proliferation of Nuclear Weapons," despite the extraordinary and unequal nature of the NPT.

1.2 Present Parties to NPT

For the reasons given above, the dates of accession to the NPT greatly vary among states. (West) Germany and Japan, for example, acceded to the NPT in 1975 and 1976, respectively. According to the United Nations' sources, the number of the Parties to the NPT amounts to 158 states as of the end of 1993 (The complete list of the member states is given in the Appendix). The numbers of the Parties according to the regions are as follows.

Asia	33
Pacific	10
Africa	47
Europe	38
North America	2
Central America	20
South America	8

However, 26 of the 184 member states of the United Nations have not yet joined the NPT. In Asia, India, Israel and Pakistan, which have been suspected of the possession of nuclear weapons, have not acceded to the NPT. India allegedly conducted a nuclear test in 1974. Democratic People's Republic of Korea (North Korea) joined the NPT in 1985, but declared its intention of withdrawal from it in March 1993. In May, the Security Council of the United Nations passed a resolution urging North Korea to reconsider its intended withdrawal, but the problem is left unresolved at present. The Republic of South Africa became a member state of the NPT in 1991. According to the statement of President de Klerk in

March 1993, it had launched on the development of nuclear weapons in 1974, and destroyed 6 nuclear weapons in 1990.

The fifteen Republics of the former Soviet Union was a single member to the NPT as one federated state, but after the demise of the Soviet Union only seven of them (Azerbaijan, Belarus, Estonia, Latvia, Lithuania, Russia and Uzbekistan) are members. This poses a serious future problem since states like Ukraine still continue to possess nuclear weapons.

1.3 Our Future Role

Atomic bombings on Hiroshima and Nagasaki in August 1945 revealed to the whole world the horrible destructive power of nuclear weapons. Nevertheless, in the post-war era, the number of nuclear-weapon states has increased and nuclear weapon system consisting of nuclear weapons, delivery means, and electronic technology has so developed as to threaten the existence of the human race and the ecological balance of our planet. These developments have resulted both from the East-West conflicts headed by the United States and the Soviet Union, and the theory of nuclear deterrence. The theory assumes that the possession of enough nuclear weapons will deter an enemy from (the intention of) waging a nuclear war through the threat of nuclear devastation. Under this assumption, the well functioning of nuclear deterrence requires the possession of more powerful and invulnerable nuclear weapon system than that of the enemy. Thus, the logic of the nuclear deterrence theory greatly prompts rapid nuclear arms race. As a result, by 1985, the nuclear-weapon states (the United States, the Soviet Union, the United Kingdom, France and China) have accumulated the maximum estimate of 22,000 megatons of nuclear weapons (roughly 54,000 warheads). Of these, 93% (in megatons) has been accumulated by the United States and the Soviet Union alone. Here, one megaton is equivalent to one million tons of TNT in the explosive power, and it equals one thirds of all the amount of ammunitions

and bombs used in the Second World War. It is also equivalent to 67 times as many A-bombs as the one dropped on Hiroshima (15,000 tons in TNT equivalent)

After 1985, however, the US-USSR Cold War system began to collapse, and Russia succeeded the Soviet Union after its demise. Thus, peaceful coexistence between East and West has been greatly promoted. At this juncture in history, the human race should affirm that the possession of nuclear weapons is an absolute evil irrespective of the reasons given, and, renouncing the folly of nuclear deterrence theory, should proceed from mere coexistence to the era in which the whole human race live together. To attain this goal, we must first achieve the abolition of nuclear weapons (that is, in the form of a treaty on the complete prohibition of nuclear weapons).

So far, the United States and Russia have concluded Strategic Arms Reduction Talks (START) in 1991 and 1993, and agreed to reduce their strategic (long-range) nuclear weapons to 3,000 - 3,500 warheads by 2003. But in 2003 even the reduction of these will leave tens of thousands of nuclear weapons, that is, those possessed by the United Kingdom, France and China and tactical (short range) ones of the United States and Russia unless these are not reduced as well.

As to the banning of nuclear tests, in the disarmament conference in Geneva in August 1993, it was agreed upon to start a multilateral negotiation for a comprehensive test ban treaty. The future of this treaty is, however, not yet certain. Moreover, considering the present situation, the early conclusion of a treaty on the complete prohibition of nuclear weapons is very difficult.

This is a rough sketch of the situation surrounding the NPT extension conference which is to be held in New York from April 17th to May 12th in 1995. In this conference, according to the Article X it will be decided by a majority vote of member states whether the NPT will be extended indefinitely or for an additional fixed period or periods. In May 1993 when the period of this conference was decided, those of us in Hiroshima centered around scholars set up the NPT

Research Association.

A little before the Tokyo Summit in July 1993, the NPT Research Association submitted an appeal against the indefinite extension of the NPT to the then Prime Minister Miyazawa, who was also to be the chairperson of the Summit. The underlying logic of the appeal was that if the NPT was to be extended indefinitely, it would indefinitely admit the continued existence of the nuclear-weapon states authorized in the NPT. The appeal was also greatly motivated by the fact that support for the indefinite extension of the NPT had been declared in the Munich Summit in Germany in July 1992. In the United Nations NGO Special Session on Disarmament held in April 1993, Mr Hiraoka, Mayor of Hiroshima City, also expressed a deep concern about the indefinite extension of the NPT, and urged nuclear-weapon states to declare to the whole world their intention of abolishing nuclear weapons.

In the Tokyo Summit, the support of indefinite extension of the NPT was not clearly expressed. This caused some doubts about Japan's intention of future nuclearization in the United States and in some quarters of Europe. The same doubts had been entertained in Asia before this in connection with Japan's accumulation of plutonium. We will take this up later in some detail.

After the Tokyo Summit, a new Japanese government headed by Prime Minister Hosokawa emerged in August. The NPT Research Association, now extended beyond Hiroshima to include those in Nagasaki and throughout Japan, submitted another appeal to the new prime minister in joint signature of some one hundred and fifty citizens. Enlarging the first appeal to the former prime minister in more concrete terms, the appeal argued in essence that since Japan, the first victim of the atomic bombing, has the so-called Peace Constitution and the three non-nuclear principles (not to manufacture, not to possess, and not to admit the introduction of, nuclear weapons), the Japanese government should not support the indefinite extension of the NPT, but perform a leading role toward the early achievement of the abolition of nuclear weapons.

In the late September after the appeal was submitted, Prime Minister Hosokawa made a speech at the General Assembly of the United Nations, supporting the indefinite extension of the NPT and opposing the perpetuation of the possession of nuclear weapons by the nuclear-weapon states. This speech fell short of Japanese people's expectation, and it was not only logically contradictory but it was too abstract. As was stated above, if the NPT is extended indefinitely, the existence of the nuclear-weapon states will be perpetuated under international approval. To prevent it, the amendment of the present NPT will be necessary. The early amendment of the NPT is, however, quite difficult because of the vetoes of the nuclear-weapon states (Article VIII).

Then, what should Japan and other states as members of world society do? The view of the NPT Research Association is that *the feasible procedure is to extend the NPT for a fixed period, and make efforts during the period toward the early conclusion of the treaty on the complete prohibition of nuclear weapons*. For this goal, every state should do its best to conclude the Comprehensive Test Ban Treaty at the earliest possible date. In addition, each state should reflect upon its responsibility for the fact that although in the Article VI of the NPT it is undertaken to pursue disarmament negotiations in good faith, the article has virtually become a dead letter because of the negligence of non-nuclear-weapon states as well as the obstruction of the nuclear-weapon states. Then, during the period above, it is necessary to confirm the strict obligation of the promise undertaken in Article VI. In this, the consensus and unity of non-nuclear-weapon states will be an important factor.

When the Japanese government promotes this kind of policy, it is necessary to internationally make clear its national principle which denies the possession of nuclear weapons. The Atomic Energy Basic Law of Japan, which entered into force in January 1956, in the hope of proper management and advance of the peaceful uses of nuclear energy, sets out the principles of "democracy," "autonomy," and "openness." The Law also denies any research and development re-

lated to nuclear weapons. It appears that this fact is not well known either within or without Japan. Of course, in the whole world, important problems have been left unsolved concerning nuclear power plants using uranium. The proper control of plutonium bred by nuclear power plants is urgently required as, well as the prevention of nuclear power plant accidents. Theoretically, plutonium can be reused in nuclear power plants, but it can also be used as material of nuclear weapons. In view of this, the Japanese government should make public the detailed information on the actualities of the plutonium accumulation in Japan. Moreover, the Japanese government should play an active role in realizing an international system of plutonium control.

The three non-nuclear principles mentioned previously are now Japan's national policy. They were first proposed by the Sato administration at the end of 1967 during the debates in the Japanese Diet about the return of Okinawa from the United States. Since then they have been adopted as a national policy by the successive governments. As was pointed out, however, there has been increasing international doubts about the possible future nuclearization of Japan in the West as well as in Asia. To dispell these doubts, it is urgently required of the Japanese government to legislate the three non-nuclear principles. In addition, it is very important for Japan to make joint efforts with other Asian states towards the conclusion of a treaty for nuclear-weapon-free zone in Asia, in accordance with the spirit of Article VIII of the NPT.

Faced with these problems and tasks, the NPT Extension Conference in 1995 will decide whether the human race can live peacefully together. The year coincides with the fiftieth anniversary of the atomic bombings on Hiroshima and Nagasaki. It is "the will of Hiroshima and Nagasaki" to abolish nuclear weapons completely and live together. The NPT Research Association is determined to make much more efforts towards the abolition of nuclear weapons, together with prospective members of the Association. For this purpose, we will first cooperate and exchange information with other international peace organizations, and make

appeals to the United Nations, nuclear-weapon states, the Japanese government, and non-nuclear-weapon states.

We are now discussing possible ways of cooperation with such international peace organizations as IPPNW (International Physicians for the Prevention of Nuclear War, The President of the Japanese Branch is Teruaki Fukuhara, who is also president of Physicians Association of Hiroshima Prefecture), and Pugwash Conference (Its Japanese coordinator is Michiji Konuma, Keio University).

As for the United Nations, it is of great significance that, backed with the demand of IPPNW and others, World Health Organization, one of the UN organization, has demanded the judgement of the International Court of Justice about the illegality of the use of nuclear weapons. We sincerely expect a fair and just judgement on this matter. And for the future of the NPT, it will be very important that a majority of the non-nuclear-weapon states be united against the indefinite extension. In this matter, the role of the Japanese government will be a very important factor.

(A slightly different Japanese version of this part appears in the February 1994 issue (No. 159) of a Japanese disarmament journal, "Gunshuku Mondai Shiryou")

Appendix Present Parties to NPT

(In some cases, abbreviations of official names are used)

Asia (33)

Afghanistan, Bahrain, Bangladesh, Bhutan, Brunei, Cambodia, China, Cyprus, Indonesia, Iran, Iraq, Japan, Jordan, Korea (North), Korea (South), Kuwait, Laos, Lebanon, Malaysia, Maldives, Mongolia, Myanmar, Nepal, Philippines, Qatar, Saudi Arabia, Singapore, Sri Lanka, Syria, Thailand, Turkey, Viet Nam, Yemen

Pacific (10)

Australia, Fiji, Kiribati, Nauru, New Zealand, Papua New Guinea,
Solomon Islands, Tonga, Tuvalu, Western Samoa

Africa (47)

Benin, Botswana, Burkina Faso, Burundi, Cameroon, Cape Verde,
Central Africa, Chad, Congo, Cote d'Ivoire, Egypt, Equatorial Guinea, Ethiopia,
Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Kenya, Lesotho, Liberia,
Libya, Madagascar, Malawi, Mali, Mauritius, Morocco, Mozambique, Namibia,
Niger, Nigeria, Rwanda, Sao Tome and Principe, Senegal, Seychelles,
Sierra Leone, Somalia, South Africa, Sudan, Swaziland, Tanzania, Togo,
Tunisia, Uganda, Zaire, Zambia, Zimbabwe

Europe (38)

Albania, Austria, Azerbaijan, Belarus, Belgium, Bulgaria, Croatia, Czech,
Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland,
Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands,
Norway, Poland, Portugal, Romania, Russia, San Marino, Slovakia, Slovenia,
Spain, Sweden, Switzerland, United Kingdom, Uzbekistan, Vatican City

North America (2)

Canada, United States

Central America (20)

Antigua and Barbuda, Bahamas, Barbados, Belize, Costa Rica, Dominica,
Dominican Republic, El Salvador, Grenada, Guatemala, Haiti, Honduras,
Jamaica, Mexico, Nicaragua, Panama, Saint Kitts and Nevis, Saint Lucia,
Saint Vincent and the Grenadines, Trinidad and Tobago

South America (8)

Bolivia, Colombia, Ecuador, Paraguay, Peru, Suriname, Uruguay, Venezuela

Part 2 Farewell to Nuclear Arms!

Japanese Proposals for NPT Extension and Plutonium Control

Kumao KANEKO

2.1 Prologue : Historical Significance of 1995

The coming one and half years between 1994 and '95 will be an extremely important period for mankind, particularly for those of us who are seriously concerned with the international issues of nuclear disarmament and non-proliferation of nuclear weapons.

Most notably, in 1995 we will be commemorating the 50th anniversary of "Hiroshima and Nagasaki". The occasion will provide us with a rare opportunity to reflect on the 50-year history of "The Atomic Age" that was ushered in by the two atomic bombs, and also on the historical meaning of nuclear weapons which have long since threatened the entire mankind like the sword of Damocles.

The year 1995 will also mark another historical occasion, no less important : the 25th anniversary of the Treaty on the Non-Proliferation of Nuclear Weapons(NPT). The treaty, which became effective in March 1970 and has since been the mainstay of the global efforts to prevent nuclear proliferation, will, by the terms of the treaty itself, be subjected to a crucial test whether it should be extended or not beyond the initial period of twenty-five years. Indeed the success—or failure—of the 1995 NPT Extension Conference will have a far-reaching impact upon the international peace and security in the post-Cold War era far beyond the turn of the century.

On the other hand, in the domain of the peaceful uses of nuclear energy, we have just observed the 40th anniversary of the "Atoms for Peace", the initiative proposed in December 1953 by President Dwight D. Eisenhower. Although the rosy optimism in which the initiative was originally conceived and advocated has

long since vanished, nuclear energy is still considered to be a viable option for electric power by no small number of countries, both developed and developing, not endowed with indigenous energy resources.

Even so, nuclear energy is beset today, more than ever before, with a wide spectrum of problems, ranging from technical, safety, environmental and social to economic, legal, political and international security problems. More recently, one of the most controversial problems is that of reprocessing of spent nuclear fuels and the use of plutonium derived from reprocessing. The present plutonium issue is further complicated by the sudden emergence of plutonium being retired from the Russian and American nuclear warheads. And it is against this background that Japan, most firmly committed to the *peaceful* application of nuclear energy, has recently come under fierce international criticism for her nuclear power program involving plutonium recycle. How—or for that matter, whether ever—Japan can manage to extricate herself from the present predicament will indeed determine the fate of “Atoms for Peace” in the next century.

Given these historical and current backgrounds, it is intended in the present short paper to address the two specific questions that I believe to be the most important and urgent : namely

- (1) how the existing NPT regime can be reinforced, in a real sense, as it is to be extended beyond 1995; more specifically, what are the conditions necessary for the extension of the Treaty and how these conditions can be implemented with a view to the ultimate goals of a “genuine” non-proliferation regime and a complete nuclear disarmament; and
- (2) how the production, use and/or storage of plutonium, of all sensitive nuclear materials, should be controlled internationally in the best interest of nuclear non-proliferation; and for that purpose what practical steps or institutional measures need to be taken urgently.

In answering the first question, a bold proposal will be presented for what might be called the “conditional extension”, rather than the unconditional and in-

definite extension, of the NPT beyond 1995. In my view, the proposed "conditional extension" is the only realistic compromise that can be reached in 1995 between the nuclear-weapon States (NWS) and the non-nuclear-weapon States (NNWS); it is also the surest way for amending the NPT some day in the future, hopefully in such a manner as to legalize nuclear weapons for all countries and for all time to come.

On the other hand, in response to the second question, a new system of "International Plutonium Control" (IPC) is proposed in order to place all plutonium, both civilian and retired, under appropriate international registration, safeguards and control. The new system can be established in three phases. If such system is established in time, it will alleviate, rather than eliminate, the discriminatory elements inherent in the present NPT regime, thereby improving significantly the chance of the survival of that regime in 1995 and much beyond.

As such, the two proposals are essentially complementary and inter-related, as will be clarified in this paper; the first one, which is presented as a long-term strategy, will be preceded by the second one, which is intended to be a relatively short-term strategy. And no matter how difficult it may be, the international community will have to face these challenges squarely for this and future generations of mankind, as the year 1995 approaches.

2.2 Critical Review of Operation of NPT

There is no doubt that in the post-Cold War world the prevention of further spread of nuclear weapons and nuclear-weapon-making capabilities is one of the most important and urgent tasks facing the international community. The urgency of the task has been highlighted more than ever before by the recent cases of Iraq and North Korea.

Nor is there any doubt that for this reason every effort must be exerted to maintain and, wherever possible, further strengthen the international non-

proliferation regime which has been, and will continue to be, based on the NPT. Nothing could be more detrimental to international peace and security than the total collapse of the NPT regime at this juncture. It is therefore strongly hoped that the NPT and the whole political and legal structure based on it will continue to be effective for many more years to come, indeed until the day when the world is completely free of nuclear weapons, assuming that such day will ever come.

On the other hand, however, it would be too optimistic to expect, as representatives of the nuclear-weapon State governments always do, that the Treaty can be extended for an indefinite period of time beyond 1995 with the clear-cut support of a majority of the Parties to the Treaty pursuant to Article X, paragraph 2.⁽¹⁾

The same old obstacles which have stalled all the previous NPT Review Conferences remain essentially unchanged : especially the inadequacy of the efforts on the part of the nuclear-weapon States (NWS) to "pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament and on a treaty on general and complete disarmament under strict and effective international control" (Article VI). To say nothing about the much publicized achievements in recent years between the United States and Russia (such as START I and II), no serious efforts have been made so far by the three other nuclear-weapon States : the U.K., France and China.

There are new obstacles as well, such as a dramatic decline in the credibility and capability of certain NWSs, particularly the former USSR now split into several sister republics with nuclear weapons. The NPT Extension Conference in 1995 will be seriously affected unless a proper solution is reached in time on the nuclear weapons still in the hands of the Ukraine, and to a lesser degree, Belaruss and Kazakhstan, fighting for the control over such weapons despite the repeated Russian announcements to the contrary.

Yet, the greatest obstacle lies in the Treaty itself. While there are a number

of defects in the Treaty that have become evident over the years since the conclusion of the Treaty (for a more detailed discussion of these defects, see Kumao Kaneko, *Wanted: A Genuine Nuclear Non-Proliferation Policy: A Proposal for NPT Revision*, in *Atoms in Japan*, July 1992), the most fundamental defect is inherent in Article I which sets forth certain obligations of nuclear-weapon States without prohibiting their own possession of nuclear weapons.

Needless to mention, the NPT is an unequal and discriminatory treaty in that it legalizes the development and possession of nuclear weapons by the five countries only which detonated a nuclear weapon or device before January 1, 1967. By a mysterious coincidence, these countries happened to be all the permanent members of the U.N. Security Council.

At the height of the Cold War in the 1950s and 60s, there was perhaps sufficient justification for these five countries to be given the privileged status commensurate with their special responsibility for the maintenance of international peace and security as set forth in the U.N. Charter. Their privileges were even considered "necessary evils". The NPT was conceived and concluded precisely in such political climate.

The NPT has succeeded in preventing the alleged "nuclearization" of the two enemy countries of World War II : Japan and West Germany which, by the mid-1960s, had already attained a significant level of nuclear science and technology through their respective nuclear programs for non-military purposes. India, Pakistan, Israel, South Africa, Brazil, Argentina, etc. were not regarded as serious menace in those days; the Indian nuclear explosion was only in 1974.

Today, nearly a quarter of a century later, the world situation has changed drastically in many ways. While the Cold War between super-powers has finally ended with the dramatic disintegration of the USSR in 1991, the danger of regional conflicts among lesser powers has been increasing. International peace and security is now threatened by a persistent spread of nuclear weapons or such capabilities in the Third World, as is painfully clear from the cases of Iraq and North

Korea.

On the other hand, as far as nuclear weapons are concerned, it has become increasingly evident that they are unusable weapons in current international relations, which means that the strategic value of nuclear weapons as deterrent has diminished virtually to a zero point.

In the old days of the Cold War, nuclear weapons did work as a deterrent against NWSs or major potential aggressors in major armed conflicts such as the Korean and Vietnam Wars. But today's potential aggressors or nuclear "threshold countries", be it India, Pakistan, Israel, Iraq or Iran, could be met effectively with conventional weapons or non-nuclear warheads to be delivered by missiles whose accuracy has improved tremendously in the past two decades due to military technological developments. Nuclear weapons have thus become unnecessary as real deterrent and can be safely dispensed or replaced with conventional non-nuclear weapons.

Perhaps the value of nuclear weapons, if any left at all, is more or less a symbolic one : the status symbol of a major power. This is precisely why countries, other than the five, also feel an irresistible temptation to acquire nuclear weapons in order to demonstrate their regional hegemony in the respective spheres of influence.

It would be difficult, indeed impossible, to discourage such countries from acquiring nuclear weapons while the five countries continue to be authorized to do so. Take India for example. It is quite understandable that India, with its geopolitical situation, should feel more threatened by Chinese nuclear weapons than Pakistani ones. It would be one-sided to blame India while China is given a free hand.

If the possession of nuclear weapons is illegalized for all States, there will be no longer inequality or discrimination as between States, and as a result, there will be an increased degree of moral pressure upon those would-be or *de facto* nuclear-weapon States. The legitimacy and credibility of the NPT will then be

enhanced immeasurably.

Even so, countries like India, Pakistan or Israel, may still opt to remain outside the NPT regime, but they would certainly face a greater difficulty in doing so. Pressure would be much heavier on other threshold countries to bear. If any such country still dares to refuse to join the NPT, Japan, for her part, should suspend the bilateral economic assistance to that country as a punitive sanction. Such measure, suggested by former Prime Minister Toshiki Kaifu in April 1991, (2) would then be more effective than now.

Still, some cynicists may argue that, after all, nuclear weapons cannot be eradicated from the earth because of technical impossibility of checking proliferation completely; hence it would be totally meaningless to declare illegal the possession of nuclear weapons by merely amending the NPT or adopting a new treaty.

They are quite wrong. Take the case of murder for example. Murder is a first-degree crime punishable by death penalty and it is so declared in the penal code of most of civilized nations today. And yet murders take place almost every day in every country. The important thing is that murder is declared illegal anywhere for any person, and that works as a moral inhibition for all people. Declaring the possession and use of nuclear weapons illegal for any country can have a similar effect in the international community, and this is the point we must never lose sight of.

In the connection, it is to be noted that the World Health Assembly of the World Health Organization (WHO) adopted, at its annual session held in Geneva on May 14, 1993, an important resolution to request the International Court of Justice (ICJ) to give an advisory opinion on the question of legality or lawfulness of the use of nuclear weapons. To be more exact, the question asked in the resolution is: "In view of the health and environmental effects, would the use of nuclear weapons by a State in war or other armed conflict be a breach of its obligations under international law including the WHO Constitution?"

This is clearly the first time in the history of the United Nations that a responsible U.N. specialized agency has decided to seek an advisory opinion of the ICJ in accordance with Article 96(2) of the Charter of the United Nations on such a question of political importance. The resolution was co-sponsored by the delegations of 22 countries which belong to the Non-Aligned Group, and it was adopted by a majority vote in spite of the vigorous objection of the NWSs. (A similar resolution was presented to the General Assembly of the United Nations at its 48th session in New York in December 1993, but it was not approved.)

It is premature to predict the reaction of the ICJ to the request from the WHO Assembly. The advisory opinions of the ICJ have no binding force upon the NWSs but could have a far-reaching political and moral impact. Therefore the international community ought to keep its eyes wide open for the Court's reaction to the WHO request in the coming months.

2.3 Proposal for "Conditional Extension" of NPT

How should we then amend the NPT in such a way as to illegalize nuclear weapons and make that obligation applicable to all countries without discrimination?

Before answering this question, however, one must ask whether such amendment of the NPT is really feasible under the existing international political situation. Regrettably, the answer is in the negative. Any amendment requires to be ratified by the five NWSs, and they would naturally object to an amendment that would deprive them of their privileged status. The situation looks somewhat similar to the case of the veto to which the same five countries are entitled in the Security Council as its permanent members under the United Nations Charter; they are both the legacy of World War II and the Cold War, requiring a serious reconsideration by the international community in light of the existing realities and needs in today's world.

Be that as it may, any such amendment of the NPT would necessarily require long and strenuous negotiations among governments, which would take much more time than less than one year and a half left between now and 1995. Such being the case, what alternatives are left for us to choose for the moment?

It is my well-considered view that the best and probably the only realistic alternative would be :

- (1) to agree, before or at the 1995 Conference, to extend the NPT for another period of, say ten or fifteen years, namely until 2005 or 2010, or in any case, for the maximum period of twenty-five years, namely till 2020; it is well understood that at the end of each five-year period a major review conference will be held as in the past;
- (2) in the meantime, agree to convene major conference(s) in order to review the NPT thoroughly with a view to amending it at the earliest possible date within the extended period so that the development, possession and use of nuclear weapons or other explosive devices may be declared illegal and prohibited for all States without discrimination;
- (3) accordingly, at the 1995 Conference, adopt a special resolution stating, in effect, that the NPT shall be amended before the end of the extended period in the manner described in (2) above; this resolution ought to be reinforced by the endorsement of the U.N. General Assembly.

It would be a great pity, indeed a great shame for the mankind, if the NPT should be permitted to continue in its present form indefinitely beyond the turn of the century. The issue of nuclear weapons must be solved once and for all by the present generation of mankind who, by opening the "Pandora's box" fifty years ago, gave birth to such horrible weapons and arms race; this issue must not be passed to the next generation of mankind living in the 21st century.

In this connection, it is most regrettable that the Japanese government had to associate itself with the Political Declarations of the last two G-7 Summit Conferences, held in Munich in July 1992 and in Tokyo in July 1993, in which the im-

portance of "indefinite extension" of the NPT was stressed. It is granted that a Japanese reservation on this particular point at the G-7 Summit would have put Japan in an embarrassing position politically, since it could have been construed as betraying Japan's "ulterior intention" to acquire nuclear weapons. Indeed such critical analyses have been printed in several influential news media, such as the *New York Times* and the *Washington Post*, immediately after the Tokyo Summit. Nothing could be more groundless than such analysis; those foreign mass media do not simply understand the special Japanese sentiment against nuclear weapons.

However, alarmed by such foreign press campaign, the new Japanese Prime Minister, Morihiro Hosokawa, who suddenly came into power only a few weeks after the Tokyo Summit, declared his support to the indefinite extension of the NPT in his speech at the United Nations General Assembly on September 23, 1993. Thus, to my great regret, the Japanese government has virtually abandoned the political leverage to demand major concessions from the NWSs for 1995.

Unlike the Japanese government which is under heavy pressure from its Summit partners which are also NWSs, the Japanese people are free from such pressure. They should now be determined to oppose the unconditional "indefinite extension" of the NPT; they should instead support my proposal of the "conditional extension". It is important that they should now join forces with the like-minded peoples of the world to urge their respective governments to take necessary actions in time. They should be encouraged particularly to appeal to the peoples of NWSs so that they may together put the maximum political pressure upon the governments of NWSs.

Japan, with her immaculate non-proliferation record, should continue to spearhead for the early realization of "general and complete nuclear disarmament" through the amendment of the NPT as herein proposed. I regard this as Japan's unique moral responsibility. I feel greatly encouraged that the citizens

and scholars of Hiroshima and Nagasaki, the only victims of nuclear holocaust, have finally started taking a strong initiative toward the global NGO movement against the indefinite NPT extension following my own suggestion. (See the Peace Declarations issued by the Mayors of Hiroshima and Nagasaki on August 6 and 9, 1993 respectively.)

Before concluding this chapter, it is repeated that the proposal for "conditional extension" of the NPT is made out of the genuine concern for nuclear non-proliferation and disarmament. If the NPT is to be extended beyond 1995, as it should be by all means, more serious response must come from the five NWSs to the aspirations and demands of NNWSs for a fair rule of games in international relations, based on a non-discriminatory NPT.

The peoples of NNWSs are not satisfied with the conclusions of the INF Treaty or the START I and II or the temporary and voluntary suspension of nuclear tests, no matter how often these steps may be reiterated with diplomatic fanfare. Nor are they so optimistic as to believe that nuclear weapons will not be used in the future simply because they have never been used in the past. Thus it is noted that the 50-year anniversary of "Hiroshima and Nagasaki" and the NPT extension in 1995 are much more than a historical coincidence.

2.4 Proposal for "International Plutonium Control"

Another important point that requires an urgent action in the preparatory process for the 1995 Conference is the question of international management/control of plutonium and highly enriched uranium (HEU), the most sensitive of all materials usable for manufacturing nuclear weapons.

According to the *"World Inventory of Plutonium and Highly Enriched Uranium 1992"* published by SIPRI, today there are about 1,000 tonnes of plutonium and 1,300 tonnes of HEU in the world; about 80% of that plutonium is owned by the five NWSs and the remaining 20% is spread over several NNWSs, whereas

almost all of the HEU is in the nuclear arsenals of the NWSs. The trouble is that, as pointed out by the *World Inventory*, only about 30% of the world stock of plutonium is safeguarded by the International Atomic Energy Agency (IAEA) while the Agency safeguards less than 1% of the stock of HEU. This means that the majority of of the world's stock of these sensitive materials are today subject to no international supervision or control. It also means that the international community does not even have information on the quantities and whereabouts of these vital materials. [For the sake of convenience, however, let us limit our present discussion to the question of plutonium.]

Under current international law, there are roughly five categories of plutonium. Although they are chemically the same or nearly the same, they are quite different legally and therefore should be distinguished, as follows :

- (1) the plutonium owned by NWSs and still contained in their nuclear weapons;
- (2) the plutonium owned by NWSs but being retired from dismantled nuclear warheads;
- (3) the plutonium owned by NWSs and used in their civil nuclear programs;
- (4) the plutonium owned by NNWSs and used in their civil nuclear programs.
- (5) the plutonium owned by NNWSs but located temporarily in NWSs for re-processing, fuel fabrication or other purposes.

A crucial difference among these five categories of plutonium lies in the applicability of international safeguards. At present only the plutonium of categories (4) and (5) are subject to IAEA safeguards which are "full-scope" in the case of NNWSs parties to the NPT as defined in Article III, paragraph 1 (See IAEA/INFCIRC 153/Rev.1).

The plutonium (3) is subject to the IAEA safeguards under the so-called "voluntary offer" agreements, but the IAEA safeguards do not apply to the nuclear materials used in the facilities which have "national security significance"; a very serious loophole indeed. Needless to say, the plutonium (1) and (2) are always exempt from IAEA safeguards.

Now for the future, how should this situation be rectified? How should a new system of international plutonium management/control be established?

It is hereby proposed that the new system should be built up gradually by a step-by-step approach within a period of next 3-5 years. What follows below is only my rough ideas on such approach, put forward for consideration by governments and experts concerned.

Level I : International Plutonium Registry (IPR)

As is proposed by the authors of the *World Inventory* (pp. 210-214) and as I have also proposed in my previous papers, I strongly advocate the early establishment of a new "International Plutonium Registry", whereby all countries concerned, NWSs and NNWSs alike, will report regularly on the quantities, locations and other relevant items concerning their plutonium. In the case of NWSs, they may report only on the plutonium (2) and (3) during the initial period, but they should eventually do so also on the plutonium (1). A central registry should be created somewhere within the United Nations or, preferably, in a new international body analogous to the one being created under Article VIII of the Chemical Weapons Convention (1992). The IAEA can of course play an important role in supporting such new body technically. Such registry system will create the transparency required for confidence-building among nations.

Level II : International Plutonium Control (IPC)

The next step will be to establish a new international system whereby the plutonium duly registered will be made subject to international safeguards by the IAEA. In the case of the NWSs, they should place all of their plutonium (2) under such safeguards, although they may be exempt initially from doing so in respect of their plutonium (1).

Particularly the plutonium (2) should first be demilitarized—or civilianized—and be transferred to the jurisdiction of a civilian authority (such as the Ministry of Atomic Energy or the Department of Energy) from that of a military authority (such as the Ministry of Defence or the Department of Defence) which has had the exclusive control over nuclear materials for military purposes. If the retired plutonium should continue to be kept in the hands of military authorities, it could be easily reverted to military uses, which would make all the current nuclear disarmament efforts totally meaningless.

Level III : International Plutonium Storage (IPS)

This new system is somewhat similar to the old IPS concept developed by IAEA Members in the late 1970s through the early 1980s in conjunction with the International Nuclear Fuel Cycle Evaluation (INFCE), but it will not be quite the same. The most basic difference is that the old IPS did not apply to the NNWSs, although it was not openly mentioned so. I personally participated in both the INFCE and IPS negotiations as a Japanese delegate between 1977 and 1982. In retrospect, one of the reasons why the old IPS approach had failed was the practical difficulty of defining "excess" or "surplus" plutonium to be deposited in IPS stores.

The IAEA Statute authorizes the Agency to require the deposit of "any excess of any fissionable materials recovered.....in order to prevent the stockpiling of these materials" (Article XII, A, 5). In the meetings of the IPS Working Group, a number of member countries, mostly developing, maintained that only "excess" or "surplus" plutonium should be deposited with the IAEA as mentioned in the Statute. On the other hand, a group of the more influential developed countries, including most of supplier countries like Australia and Canada, insisted that all the separated plutonium of NNWSs must be deposited, thereby avoiding controversial questions of defining "excess" or "not excess". In the absence of a

viable compromise formula, however, the Working Group ended up in an *impasse* and its work was discontinued after lengthy negotiations over several years.

In light of this experience, it is proposed that, under the new IPR and IPC systems, all separated plutonium of categories (2)-(5), should in principle be registered with, and safeguarded by, the IAEA. On the other hand, under the new IPS system, only the excess plutonium, i.e. all the plutonium *minus* "running stock" (to be carefully defined) should be deposited with the IAEA which will manage special "IPS stores" in cooperation with the depositing countries. The deposited materials may be smoothly released under the conditions specifically agreed on beforehand between the IAEA and the depositing countries. Since transparency is the key element of this system, unnecessarily cumbersome insituations or procedures should be avoided in order to minimize both the interference with the legitimate nuclear programs for civil purposes and the financial and human cost running the new system.

* * *

The international community is now urged to commence active consultations and negotiations for the early establishment of these and other systems designed to consolidate, in a real sense, the international non-proliferation regime, while further promoting nuclear disarmament among the NWSs. And only in this way can the discriminatory nature of the NPT be significantly reduced, albeit not completely removed until and unless the Treaty is properly amended at some future time. The success or failure in this regard would affect in no small measure the chance of the NPT surviving in 1995 and much beyond.

Notes

- (1) For a more detailed analysis of this provision, see George Bunn, Charles Van Doren & David Fischer, *Options & Opportunities : The NPT Extension Conference of 1995*, PPNN

Study Two, University of Southampton, 1991.

- (2) In a policy speech delivered in April 1991, Kaifu, then Prime Minister, cited the manufacture and possession of nuclear weapons as one of the criteria for possible suspension or reduction of the official development assistance (ODA) by Japan.
- (3) For a detailed discussion of various ways of amending the NPT, see Kumao Kaneko's article, *op.cit.*

Conceptual Chart of
International Plutonium Control System
 (Proposed by Prof. K. Kaneko)

Categories of Plutonium	Current status: safeguarded by IAEA or not.	New IPC system:		
		IPR	IPM	IPS
A. Plutonium of NWSs				
1. Still in nuclear weapons	No	Yes	No#	No#
2. Retired from weapons	No	Yes	Yes	Yes
3. Used in civil programs	Yes/No?	Yes	Yes	Yes*
B. Plutonium of NNWSs				
4. Used in civil programs	Yes	Yes	Yes	Yes*
5. Temporarily kept abroad for reprocessing or other purposes	Yes	Yes	Yes	Yes*

Notes: IPC=International Plutonium Control system

IPR=International Plutonium Registry sub-system

IPM=International Plutonium Management sub-system

IPS =International Plutonium Storage sub-system

? = Only on voluntary basis; can be freely excluded for national security reasons.

= Exempted only in the initial period.

* = All separated plutonium *minus* "running stocks" (to be properly defined).