Nuclear Weapon States, Nuclear Umbrella States, and the Treaty on the Prohibition of Nuclear Weapons (TPNW)*

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Abstract
The Treaty on the Prohibition of Nuclear Weapons (TPNW) was adopted by the United Nations in July 2017 with the support of nearly two-thirds of the international community, despite opposition between nuclear weapon states and nuclear umbrella states on how to proceed with nuclear disarmament. Although the TPNW’s preamble details its relationship with pre-existing treaties, a number of problems have been pointed out vis-à-vis the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and the Comprehensive Nuclear-Test-Ban Treaty (CTBT). Additionally, analysis of the issues identified in the TPNW negotiations by the nuclear weapon states and the nuclear umbrella states suggests that they can be roughly aggregated into: i. The issue of the involvement of nuclear weapon states, ii. Concerns about the division of the international community, iii. Nuclear deterrence considerations, iv. Awareness of an increasingly severe international security environment, v. Warning about the risk of weakening the NPT system (concerns about compatibility with existing treaties), and vi. Inadequacies in verification mechanisms. The challenge for nuclear arms control and disarmament in the era of TPNW discussions is to find answers for these issues. It will become ever more important to consider the essential issues around nuclear deterrence and nuclear disarmament in order to facilitate constructive consensus-building among all concerned parties, looking ahead to the 2020 NPT Review Conference.

Introduction
In January 2018, the Bulletin of Atomic Scientists announced that its “Doomsday Clock” was set at 2 minutes to midnight, a matter that was widely covered in the media. The Doomsday Clock is an attempt to illustrate how much time humanity has left until the end of the world, with the clock’s hand striking midnight as a metaphor for the end of human history. The Doomsday Clock started in 1947, and was initially set at 7 minutes to midnight. It was then set at 2 minutes to midnight in 1953 following successful hydrogen bomb tests by the United States and the Soviet Union. The minute hand returned to 12 minutes to midnight when the Partial Test Ban Treaty (PTBT) came into effect in 1963 with the agreement of the United States, the Soviet Union, and the United

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Kingdom, but in 1968 the minute hand once again advanced, to 7 minutes to midnight, with the outbreak of regional conflicts such as the Vietnam War, the Indo-Pakistani war, and the Arab-Israeli conflict. The Doomsday Clock was set back again in 1972 to 12 minutes to midnight as a result of the U.S.-Soviet Strategic Arms Limitation Talks (SALT) and the establishment of the Anti-Ballistic Missile Treaty, which were viewed as reducing competition over nuclear development. However, the minute hand later continued to advance, and in 1984, when the U.S.-Soviet Cold War deepened and contact between the two sides was cut off, the Doomsday Clock was set to 3 minutes to midnight. The Doomsday Clock struck its most distressing reading in the final stages of the Cold War, but then, with the collapse of the Cold War in 1991, it was set at 17 minutes to midnight, the best reading in its history. However, this did not last for long, and the minute hand gradually advanced, following the growing demand in the United States for a review of nuclear forces (1995, 14 minutes to midnight), nuclear tests in India and Pakistan (1998, 9 minutes to midnight), the rise of the threat of nuclear terrorism (2002, 7 minutes to midnight), and the U.S.-Russia Moscow Treaty (2010, 6 minutes to midnight), finally reaching 2 minutes to midnight in 2018, the worst reading since 1953. As for background regarding the progress of the Doomsday Clock’s minute hand in recent years, the outlook at the Bulletin of Atomic Scientists has darkened, because in addition to North Korea’s nuclear weapons development, the United States and Russia have pointed out each other’s treaty violations, the Intermediate-Range Nuclear Forces Treaty (INF) is expected to be abolished in full, there have been delays in negotiations, and the future of the New Strategic Arms Reduction Treaty (New START) is uncertain.

In general, nuclear weapons management / disarmament has, from a historical perspective, had “waves,” and the swell of these waves may increase, or be relatively low, depending on changes in the international security environment. However, there are few precedents in which the Doomsday clock has been set at less than 3 minutes to midnight, and it should not be overlooked that the current critical awareness surrounding nuclear weapons is rising to the same level as when the United States and the Soviet Union were immersed in competitive development of hydrogen bombs under the Cold War structure. Amidst such a severe international security environment surrounding nuclear weapons, much attention was paid to the adoption of the Treaty on the Prohibition of Nuclear Weapons (TPNW) at the United Nations General Assembly in September 2017 and the fact that international momentum for international nuclear disarmament had resulted in the concluding of a multilateral treaty. This was also the focus of much attention by civil society and the media in Japan. Subsequently, the International Campaign to Abolish Nuclear Weapons (ICAN), an international NGO closely involved in negotiations, was awarded the Nobel Peace Prize. However, the nuclear weapon states and the majority of the nuclear umbrella states, which benefit from the extended deterrence of the nuclear weapon states, have taken opposing stands towards the TPNW negotiations. In particular, none of the nuclear weapon states participated in the TPNW negotiations held at the United Nations from March 27 to 31, 2017. The Japanese
government, which has advocated nuclear disarmament for many years as the only country to have ever suffered atomic bombings, also expressed an adverse view of the TPNW negotiations. In March 2017, Ambassador Nobushige Takamizawa issued a statement regarding Japan’s position of not participating in TPNW negotiations as follows: “From discussions and considerations so far, it has become clear that the ban treaty concept has been unable to obtain understanding and involvement of nuclear-weapon states. Furthermore, this negotiation has not been formulated to pursue nuclear disarmament measures that will actually lead to the elimination of nuclear weapons, in cooperation with the nuclear weapon states. Regrettably, given the present circumstances, we must say that it would be difficult for Japan to participate in this Conference in a constructive manner and in good faith.”

Subsequently, the nuclear weapon states and all nuclear umbrella states, with the exception of the Netherlands, were absent from the negotiations, and the countries participating in the TPNW negotiations prepared an agreement text in a very short period of time and adopted the treaty on July 7, 2017, with 122 in favor, 1 in opposition (the Netherlands), and 1 absent (Singapore). As a result of nearly two-thirds of the international community working in partnership with civil society, a treaty was adopted that prohibits all nuclear weapons-related activities, including undertaking not to develop, test, produce, acquire, possess, stockpile, use or threaten to use nuclear weapons. But from a different perspective, the remaining nearly one-third of the international community expressed their disapproval with the TPNW from its negotiation phase, and that remains the case today.

This paper considers the issues with and prospects for the TPNW after the negotiations concluded, taking into account the arguments between the nuclear weapon states and the nuclear umbrella states over the TPNW.

1. Overview of the Treaty on the Prohibition of Nuclear Weapons (TPNW)

(1) Historical Background Leading to the Drafting of the Treaty

One of the TPNW’s roots is the model Nuclear Weapon Convention (mNWC), which the UN Secretary-General distributed to all UN member states in 1997 at the request of Costa Rica, as well as a revised mNWC in 2008, which was again distributed to UN member states in response to a follow-up request from Costa Rica and Malaysia. Even as one of the TPNW’s roots, the mNWC itself is very different from today’s TPNW in terms of the structure of the verification mechanism. At the time, the International Court of Justice (ICJ) was asked by the UN General Assembly, against a backdrop of strong international public opinion and voices from civil society,
for advisory opinions on the question of Does the threat or use of nuclear weapons in any case violate international law? In 1996, the ICJ clarified the view that nuclear weapons generally violate international law,9 and the mNWC was drafted as a mock model treaty after compiling drafts from civil society experts such as lawyer groups, etc.10 The later revised version of the mNWC then led to UN Secretary General Ban Ki-moon’s five point proposal on nuclear disarmament in 2008. The five-point proposal for nuclear disarmament consisted of i. a request for all Nuclear Non-Proliferation Treaty (NPT) parties, in particular the nuclear weapon states, to fulfil their obligation under the treaty to undertake negotiations on effective measures leading to nuclear disarmament, ii. a request for the Security Council permanent members to commence discussions on security issues in the nuclear disarmament process, iii. a reaffirmation of the “rule of law which includes the early entry into force of the Comprehensive Nuclear-Test-Ban Treaty (CTBT), commencement of negotiations for the Fissile Material Cut-off Treaty (FMCT) without preconditions, and support for the entry into force of the Central Asian and African nuclear-weapon-free zones, iv. accountability and transparency of nuclear weapon states, and v. an appeal for the necessity of various complementary measures associated with disarmament of the weapons of mass destruction and other new weapons bans.11

Afterwards, when the humanitarian approach to nuclear disarmament was adopted at the 2010 NPT Review Conference, a joint statement on the humanitarian aspect of nuclear weapons was announced by 16 countries at the first NPT preparatory committee in 2012. Then, similar proposals were also submitted by 34 volunteer countries at the United Nations General Assembly in the same year.12 At the second NPT preparatory committee in 2013, nuclear disarmament debate quickly gained endorsement, with 74 countries expressing support at the venue for a joint speech13 delivered by South Africa, on the humanitarian aspect of nuclear weapons.14

Beyond discussions within the NPT framework, considerations also progressed from outside the conference. From 2013 to 2015, the International Conferences on the Humanitarian Impact of Nuclear Weapons were held in Oslo, Nayarit and Vienna. Nuclear weapon states, namely the United States and the United Kingdom, also participated in the conference, and various discussions were held on the humanitarian impact of nuclear weapons from a scientific point of view. Following this, at the 2015 Vienna Conference, the third such conference, the Pledge presented at the Vienna Conference on the Humanitarian Impact of Nuclear Weapons by Austrian Deputy Foreign Minister

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Michael Linhart and the Humanitarian Pledge by the supporting states were issued. In parallel with these, the UN General Assembly adopted a 2012 resolution (A/RES/67/56) that decided to implement an open-ended working group for multilateral nuclear disarmament negotiations to achieve and maintain a world free of nuclear weapons. The United Nations General Assembly subsequently adopted a 2013 resolution (A/RES/68/46) and a 2014 resolution (A/RES/69/41), and on December 7, 2015, adopted a resolution (A/RES/70/33) to promote multilateral nuclear disarmament negotiations, based on a report (A/70/460) from the First Committee of the UN General Assembly. Then, on December 23, 2016, the United Nations General Assembly adopted a resolution (A/RES/71/258) for the commencement of multilateral consultations, and the aforementioned TPNW negotiations began.

(2) Structure of the TPNW
The structure of the TPNW, published on the United Nations website on July 7, 2017, is as follows.

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Article 18  Relationship with other agreements
Article 19  Depositary
Article 20  Authentic texts

Given the scope of the treaty, the structure of the treaty text is relatively simple compared to other existing disarmament and non-proliferation agreements. One of the TPNW’s characteristic is, for instance, the lack of provisions relating to the Treaty’s implementing body, such as provided for in the Chemical Weapons Convention (CWC) and the CTBT, and the absence of provisions relating to decision-making bodies analogous to an Executive Board. Moreover, in precedents such as the CWC and the CTBT, verification-related provisions tend to be positioned as particularly important elements in the treaty. (*In the case of the CWC, there is the “Annex on Implementation and Verification” (Verification Annex), and the CTBT has “Article IV. Verification,” and “Protocol Part I. The International Monitoring System and International Data Centre functions,” “Protocol Part II. On-site inspections,” and “Protocol Part III. Confidence Building Measures”). On the other hand, the mechanism for verifying compliance with the agreement is not stipulated in detail in the TPNW. Specifically, Article 4, Paragraph 6 of the TPNW stipulates that “The States Parties shall designate a competent international authority or authorities to negotiate and verify the irreversible elimination of nuclear-weapons programmes, including the elimination or irreversible conversion of all nuclear weapons-related facilities in accordance with paragraphs 1, 2 and 3 of this Article,” but as for the means of conducting the verification, it is only stipulated, in Article 4, Paragraph 1, that “The competent international authority shall report to the States Parties. Such a State Party shall conclude a safeguards agreement with the International Atomic Energy Agency sufficient to provide credible assurance of the non-diversion of declared nuclear material from peaceful nuclear activities and of the absence of undeclared nuclear material or activities in that State Party as a whole.”

From the viewpoint of international politics and international law, the focus has been mainly on the relationship between the NPT and the TPNW. However, this paper points out that the TPNW’s provisions related to the prohibition of nuclear tests and its relationship with the CTBT also require careful consideration. For instance, Article 1, Paragraph 1 of the TPNW stipulates that “Each State Party undertakes never under any circumstances to: (a) Develop, test, produce, manufacture, otherwise acquire, possess or stockpile nuclear weapons or other nuclear explosive devices.” In addition, Article 1, Paragraph 1 also proscribes “(d) Use or threaten to use nuclear weapons or other nuclear explosive devices.” What is of note here is the phrase “experiments with nuclear weapons or other explosive nuclear devices,” or, more specifically, the definition of “experiment.” In the negotiation process for the TPNW draft, there was also a point of contention over if the TPNW should newly prohibit computer simulations, hydrodynamic tests, laser fusion experiments, and subcritical experiments, which were not included in the scope of the CTBT.20 However, the TPNW preamble also clearly mentions the relationship with the CTBT. Historically,

the CTBT has adopted the “zero yield concept”\(^\text{21}\) based on the idea that no nuclear yield should be allowed. For this reason, there is an interpretation\(^\text{22}\) that the TPNW has also banned nuclear tests based on the same definition of nuclear explosion as the CTBT. However, considering that Article 1(a) prohibits the “production and manufacture of nuclear weapons or other nuclear explosive devices,” aside from its technical verifiability, it can be read that the TPNW intends more, in a practical sense, than what is prohibited by the CTBT.\(^\text{23}\)

At the moment, it is said that at the meetings related to the CTBT Organization Preparatory Committee, discussions and statements in the context of TPNW will not be included in the conference reports.\(^\text{24}\) However, when the TPNW comes into effect in the future, it may be necessary to assume that a political gap will possibly arise at the other nuclear disarmament related fora.\(^\text{25}\) Of course, there is another way of looking at the issues surrounding the TPNW and the prohibitions of nuclear testing. For example, there are positive indications that if the TPNW comes into effect in the future, there will also be new momentum for the CTBT to enter into force.\(^\text{26}\) In any case, it goes without saying that, at the appropriate timing, efforts should be made to ensure that there is a constructive relationship between the TPNW and existing nuclear disarmament agreements.

On the other hand, Article 4 of the TPNW calls for the complete elimination of nuclear weapons, “Each State Party that after 7 July 2017 owned, possessed or controlled nuclear weapons or other nuclear explosive devices and eliminated its nuclear-weapon programme, including the elimination or irreversible conversion of all nuclear weapons-related facilities, prior to the entry into force of this Treaty for it, shall cooperate with the competent international authority designated pursuant to paragraph 6 of this Article for the purpose of verifying the irreversible elimination of its nuclear-weapon programme,” and Article 4, Paragraph 2 stipulates that “Notwithstanding Article 1 (a), each State Party that owns, possesses or controls nuclear weapons or other nuclear explosive devices shall immediately remove them from operational status, and destroy them as soon as possible but not later than a deadline to be determined by the first meeting of States Parties, in accordance with a legally binding, time-bound plan for the verified and irreversible elimination of that State Party’s nuclear-weapon programme, including the elimination or irreversible conversion of all nuclear-weapons-related facilities.” These TPNW provisions go far beyond the scope of the nuclear disarmament obligations set out in Article VI of the NPT. The strong wording (“shall”) for nuclear weapon states also recalls that the treaty was drafted with an inflexible determination to abolish nuclear weapons. In addition, the fact that Article 6 of the TPNW deals with victim assistance and environmental remediation, as mentioned in the discussion on the humanitarian impacts of nuclear weapons, represents the origin of TPNW negotiations.

As described above, various problems have been raised over the relationship between the TPNW and the NPT. However, the relationship with existing international treaties is clearly


\(^{24}\) Author’s interview with the CTBTO related conference participants, April 13, 2019.


mentioned in the preamble of the TPNW as follows.

It states that “Reaffirming also that the full and effective implementation of the Treaty on the Non-Proliferation of Nuclear Weapons, which serves as the cornerstone of the nuclear disarmament and non-proliferation regime, has a vital role to play in promoting international peace and security,” “Recognizing the vital importance of the Comprehensive Nuclear-Test-Ban Treaty and its verification regime as a core element of the nuclear disarmament and non-proliferation regime,” and “Reaffirming the conviction that the establishment of the internationally recognized nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the region concerned enhances global and regional peace and security, strengthens the nuclear non-proliferation regime and contributes towards realizing the objective of nuclear disarmament.”

(3) The Impact of Civil Society Efforts on Treaty Negotiations

After the 2010 NPT Review Conference and international conferences on the humanitarian aspects of nuclear weapons, the process leading to the TPNW negotiations saw strong involvement by civil society, as symbolized by The International Campaign to Abolish nuclear Weapons (ICAN), and coordinated action by the negotiation-promoting countries that assisted ICAN. On the subject of arms control and disarmament treaties that are set against a backdrop of such civil society involvement, and setting aside international organizations such as the United Nations that permit the active participation of NGOs, there are examples of NGOs with specialized knowledge and skills exerting great influence in various fields. One such case is the Ottawa Process for the prohibition of anti-personnel landmines. Furthermore, there are instances in which large, influential countries have taken action at the urging of NGOs,27 which has in turn sent a strong message to other countries.28 Thus, there has emerged a process whereby the national policies of various countries are being affected by the “norms” sought by NGOs.29 It is evident that such a process was also generally followed in the TPNW negotiations.

Prior to receiving the Nobel Peace Prize,30 on July 7, 2017, ICAN Executive Director Beatrice Fihn issued a statement regarding the adoption of TPNW: “It is beyond question that nuclear weapons violate the laws of war and pose a clear danger to global security. No one believes that indiscriminately killing millions of civilians is acceptable – no matter the circumstance – yet that is what nuclear weapons are designed to do. Today the international community rejected nuclear weapons and made it clear they are unacceptable” and additionally that “As has been true with previous weapon prohibition treaties, changing international norms leads to concrete changes in policies and behaviors, even in states not party to the treaty. The strenuous and repeated objections of nuclear-armed states is an admission that this treaty will have a real and lasting impact.”31

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28 Ibid., p. 70.
29 Ibid., p. 71.
(4) Comprehensive Approach for Nuclear Disarmament or Building Blocks / Step-by-Step Approach

Prior to the treaty negotiations, the TPNW proponents, nuclear weapon states, and nuclear umbrella states announced different policy approaches with the same goal: the comprehensive approach and the building blocks approach. The former approach was an idea from countries promoting the TPNW and sought to achieve a world without nuclear weapons by stipulating the prohibition of nuclear weapon use and the threat of nuclear weapon development / possession / use, as legal obligations, and then developing international norms for the elimination of nuclear weapons in a comprehensive manner. On the other hand, the latter approach was mainly advocated for by nuclear weapon states and nuclear umbrella states. With the final goal being a world without nuclear weapons, it is based on existing relevant multilateral agreements and international treaties and gradually builds up nuclear non-proliferation and substantive reductions while taking a critical look at the actual international security environment (also called the “step-by-step approach”).

There have been various discussions made about these two approaches and common ground can be found on some issues. For example, that the proponents of the TPNW advocate a comprehensive approach does not necessarily mean that they disregard existing multilateral agreements or international treaties. One of the major TPNW proponents, Austria, stated in 2016 that it “fully supports all legal and practical measures that contribute to the overarching goal of achieving a world free from nuclear weapons,” specifically listing practical measures “such as entry into force and universalization of the CTBT, the negotiation of an FMCT, the elaboration of effective verification tools for nuclear disarmament, the granting of negative security assurances and no first use policies by nuclear weapons States, measures for de-alerting, deemphasizing the role of nuclear weapons in security doctrines and other measures,” stressing that “all these measures can and have to be pursued simultaneously with the establishment of a legally-binding instrument to prohibit nuclear weapons.”32 In this way, even if TPNW proponents are dissatisfied with the conventional method, instead of abandoning the current NPT regime and pursuing nuclear disarmament anew under the TPNW, they can pursue an approach that balances the merits of both the building blocks approach and the TPNW. However, the TPNW negotiations have been followed in parallel by discussions between TPNW supporters and TPNW skeptics, with various statements being issued about the negotiation process itself, including on the scope of the treaty, participating countries, the relationship with existing nuclear disarmament and non-proliferation treaties, and the current international security environment. Examining these issues and continuing dialogue will eventually produce meaningful common ground.

In any case, civil society and countries promoting the negotiations had no shortage of expectations that the TPNW would serve as a measure for fulfilling the obligation under Article VI of the NPT to pursue nuclear disarmament negotiations, and that it would address the double standard applied to those inside and outside the NPT, the expanding gap between those inside and outside the NPT regime, and loopholes that enabled nuclear proliferation to be disguised as peaceful uses of nuclear energy.

2. Reactions of Nuclear Weapon States, Nuclear Umbrella States, and Other Non-Nuclear Weapon States Before, During and After the TPNW Negotiations

It has already been mentioned that while the TPNW gained the support of nearly two-thirds of the international community, the remaining one-third of countries have, from the negotiation process, expressed disapproval of the treaty. The major problem here is that these remaining countries still rely on nuclear deterrence for security while supporting existing efforts for a world without nuclear weapons. As such, it is a reality that they take a position against the TPNW since it is not consistent with their security policy. This chapter presents a summary of stances and responses from the major nuclear weapon states and the nuclear umbrella states to the TPNW negotiations and the treaty itself, along with attempts to identify issues common to those countries in terms of their non-support for the TPNW.

(1) Nuclear Weapon States

(A) The Five Nuclear Weapon States (N5)

The five nuclear weapon states (N5),\(^{33}\) in a Joint Statement issued at the 2015 NPT review conference, stated that “We reaffirm the shared goal of nuclear disarmament and general and complete disarmament as referenced in the preamble and provided for in Article VI of the NPT,” and then, in particular on nuclear disarmament, that “We continue to believe that an incremental, step-by-step approach is the only practical option for making progress towards nuclear disarmament, while upholding global strategic security and stability (*emphasis here and below is added by author).*” Furthermore, it was pointed out that “All States can help fulfill this goal by creating the necessary security environment through resolving regional tensions, tackling proliferation challenges, promoting collective security, and making progress in all areas of disarmament.”

In the 2016 N5 Joint Statement,\(^{34}\) it was stated that “The P5 reaffirmed the ongoing relevance of all provisions of the Action Plan adopted by consensus at the 2010 NPT Review Conference that remains an indispensable roadmap for the implementation of all the three pillars of the NPT” and also that “The P5 all reaffirmed the importance of full compliance with existing, legally-binding arms control, nonproliferation, and disarmament agreements and obligations as an essential element of international peace and security.” Interestingly, the line “The P5 also decided to seek enhanced international understanding of the role of nuclear weapons in the overall international security environment” can be interpreted as a request for the international community to understand the significance of nuclear weapons as a deterrent.

Then, in the N5 Joint Statement\(^{35}\) issued in July 2017 when the TPNW was adopted by the United Nations General Assembly, stating that “Accession to the ban treaty is incompatible with the policy of nuclear deterrence, which has been essential to keeping the peace in Europe and


North Asia for over 70 years.” as well as the criticism that “This treaty offers no solution to the grave threat posed by North Korea’s nuclear program, nor does it address other security challenges that make nuclear deterrence necessary.”

(B) NATO
On September 20, 2017, NATO issued a press release concerning the TPNW.36 This press release, while explaining policies for nuclear deterrence and disarmament presented at the NATO Warsaw Summit in July 2016, states that NATO is pursuing a world without nuclear weapons, under Article VI of the NPT, and that the existence of the step-by-step method and verification mechanisms for compliance with the agreement will contribute to international peace and stability. Of particular note in this press release is where it clearly points out NATO’s stance on nuclear weapons that “The fundamental purpose of NATO’s nuclear capability is to preserve peace, prevent coercion, and deter aggression. Allies’ goal is to bolster deterrence as a core element of our collective defence and to contribute to the indivisible security of the Alliance. As long as nuclear weapons exist, NATO will remain a nuclear alliance.” Additionally, strong criticism towards the TPNW was added, saying that “Seeking to ban nuclear weapons through a treaty that will not engage any state actually possessing nuclear weapons will not be effective, will not reduce nuclear arsenals, and will neither enhance any country’s security, nor international peace and stability. Indeed it risks doing the opposite by creating divisions and divergences at a time when a unified approach to proliferation and security threats is required more than ever.”

(C) The United Kingdom
The United Kingdom, in a statement37 issued on July 8, 2017, said that “As a responsible Nuclear Weapons State the UK continues to work with international partners towards creating the conditions for a world without nuclear weapons.” and then, “However, we will not sign the treaty which has been published today. As we have previously made very clear, we do not believe that this treaty will bring us closer to a world without nuclear weapons. This treaty fails to address the key issues that must first be overcome to achieve lasting global nuclear disarmament.” Specifically, “It will not improve the international security environment or increase trust and transparency.” and “This treaty also risks undermining and weakening the Nuclear Non Proliferation Treaty” were cited as missing key issues. It was then noted that “As has been made clear, the UK, as a Nuclear Weapons State, has been pursuing a step by step approach to nuclear disarmament consistent with the NPT and its other treaty commitments.”

(D) France

France also issued a statement\(^{38}\) on July 7, 2017, saying that “France did not take part in the negotiations for this treaty and does not intend to comply with it. The treaty does not bind us and does not create new obligations.” Additionally, France had criticisms that “France’s security and defence policy, just like those of the allies and other close partners, is based on nuclear deterrence” and “a treaty banning nuclear weapons risks affecting the security of the Euro-Atlantic region and international stability. The treaty is also likely to undermine the Treaty on the Non-Proliferation of Nuclear Weapons, the cornerstone of the non-proliferation regime.”

(2) Nuclear Umbrella States and Other Major Non-Nuclear Weapon States

(A) Japan

Japan issued the following statement at the First Session of the Conference to Negotiate a Legally Binding Instrument to Prohibit Nuclear Weapons, Leading Towards their Total Elimination in March 2017, saying that “It is therefore crucial to have a realistic perspective as to how nuclear disarmament measures can contribute effectively to addressing actual security concerns that each country and region faces,” also that “the engagement of the nuclear-weapon states is indispensable for the advancement of nuclear disarmament.” and that “The most important thing is to build confidence and trust among states, including nuclear-weapon states, and thereby accumulate various realistic and practical measures through bilateral and multilateral efforts, such as agreeing on a concrete measure to reduce nuclear weapons.” It was then noted that “It is also necessary to resolve regional issues and thereby to remove the elements that give states the motives to possess nuclear weapons. In this way, we have to accelerate our efforts to create an enabling security environment for the elimination of nuclear weapons,” and that “After accumulating such efforts, through actions by all countries, including nuclear-weapon states and non-nuclear-weapon states, we can then expect to reach what our proposed Progressive Approach calls “a minimisation point,” at which the number of nuclear weapons will be very low. Only when this achievement is within reach, will it be possible to make an effective and meaningful legal instrument as the final building block to achieve and maintain a world free of nuclear weapons,” and then continuing that “At that stage, we will be able to give further thought to an appropriate framework for nuclear disarmament, including a multilateral nuclear weapons convention, which should be nondiscriminatory and internationally verifiable.”\(^{39}\) The statement addresses the severe international security environment while pointing out the importance of involvement from the nuclear weapon states at the highest levels, and that it is only possible to consider a verifiable nuclear disarmament framework after promoting a realistic approach to nuclear disarmament or promoting the building block approach, and after reaching the so-called “minimization point,” the stage at which nuclear weapons have been sufficiently reduced. In addition, Minister for Foreign Affairs Fumio Kishida, at a press conference held at the Prime Minister’s Official Residence around the time the TPNW was adopted, answered that “We


consider that this treaty differs from our view and approach, which is aimed at ‘a world free of nuclear weapons.’ We believe we should not exacerbate the serious situation of the confrontation between nuclear-weapon states and non-nuclear-weapon states. Specifically, we will patiently and firmly pursue the arrangements we have been striving for to date including frameworks participated by both sides such as the Nuclear Non-Proliferation Treaty (NPT), the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBT) and the Fissile Material Cutoff Treaty (FMCT).”

Although it was not a statement that directly referred to the TPNW, Prime Minister Shinzo Abe responded to a Representative’s question in a House of Representatives Plenary Session, saying that “As the only country to have ever suffered the devastation of atomic bombings during war, Japan will work with both nuclear weapon states and non-nuclear weapon states, playing a leading bridging role and striving to realize, from a realistic point of view, a world free of nuclear weapons,” explaining that Japan’s position should be as a “bridging role.” In addition, Minister of Foreign Affairs Taro Kono pointed out that the humanitarian aspect and security considerations are always important when addressing nuclear disarmament and that it is necessary to move nuclear weapon states to realize nuclear disarmament and abolition, but that the TPNW cannot do so. In addition, the TPNW does not take into account actual security perspectives and has not received the support of non-nuclear weapon states such as Japan, the Republic of Korea, Germany, and other NATO countries that are exposed to nuclear threats. Furthermore, Minister Kono warned that, no matter how grand and noble the TPNW’s purpose is in the abolition of nuclear weapons, participating in a treaty that immediately makes nuclear weapons illegal will undermine the legitimacy of nuclear deterrence, and, as a result, people’s lives and property could be endangered by nuclear threats, as symbolized by North Korea’s nuclear weapons.

(B) Germany

On October 6, 2017, the German deputy government spokesperson issued a statement in response to ICAN’s receipt of the Nobel Peace Prize, and, after sending congratulations on behalf of the German government for the Nobel Prize Committee’s selection and ICAN’s award, made the appeal that “the German government is ‘firmly committed to the goal of achieving what is termed ‘global zero,’ or a world that is completely free of nuclear weapons.’” Continuing, she said that “Some states, however, still see nuclear weapons as something that can be used in military conflicts. ‘For as long as this remains the case, and Germany and Europe are threatened by this, the need to uphold a nuclear deterrent remains. This is assured by NATO.’” Although it was a soft tone and coupled with congratulations to ICAN, this should be seen as a request for understanding for the position of NATO member states in regard to the TPNW.


Ibid.

(C) Australia
Australia, one of the nuclear umbrella states that led the Non-Proliferation and Disarmament Initiative (NPDI) together with Japan, expressed its stance towards the TPNW on the Department of Foreign Affairs and Trade’s website. The site stated that “The Australian Government is not participating in the abovementioned UN Conference to negotiate a treaty to ban nuclear weapons. This approach is consistent with our clear and longstanding position on the proposed treaty to ban nuclear weapons which recognises that such a treaty does not offer a practical path to effective disarmament or enhanced security,” continued that “a ban treaty risks undermining the NPT which Australia rightly regards as the cornerstone of the global non-proliferation and disarmament architecture” and then warned that “A ban treaty could create parallel obligations and thus ambiguity and confusion and would deepen divisions between nuclear and non-nuclear weapons states.” It then pointed out that “With a simple prohibition treaty, there would also be no effective verification measures to ensure compliance.”

(D) Norway
Norway, as a member of NATO, a nuclear alliance, is in the position of being a nuclear umbrella state, but at the same time is in a unique position and has demonstrated a strong presence, such as showing a marked increase in public debate since 2010 ahead of its hosting of the 2013 Oslo Conference on the humanitarian impact of nuclear weapons. However, as a result of a change in Norway’s government in 2015, its position on nuclear weapon’s humanitarian impact has altered significantly. Consequently, Norway voted against all three nuclear weapons related resolutions at the 2015 United Nations General Assembly. The Norwegian Minister of Foreign Affairs, Børge Brende issued a statement that Norway, as a member of the NATO nuclear alliance, as shown by NATO’s “New Strategic Concept”, cannot support nuclear weapons related resolutions at the United Nations General Assembly, and additionally that these resolutions should not be supported by any NATO member states. However, there was strong pushback on this issue from the various domestic opposition parties, and in a Norwegian People’s Aid public opinion poll in September 2017, 78% of survey respondents answered that Norway should sign the TPNW. Afterwards,
the opposition party came to power in December, and it was reported\(^{51}\) that a policy review for the TPNW was being considered, based on the views of civil society and experts. In fact, on February 8, 2018, a resolution was passed in the Storting (the Norwegian Parliament), with 56 in favor and 43 opposed, requesting the government investigate the possibility of participating in the TPNW as a NATO member.\(^{52}\) This development resulted in a great deal of attention being paid to the Storting’s investigation, and when the investigation’s report was published on the official website on November 28, 2018, it concluded once again that the Norwegian government should not join the TPNW after considering factors that would arise with participation in the TPNW, Norway’s obligations as a NATO member, and the problem that TPNW was negotiated outside the NPT framework, etc.\(^{53}\)

As an aside, during the 2018 time period, movement at the parliamentary level regarding the possibility of participating in the TPNW was not limited solely to the Norwegian case. According to ICAN, the international NGO, a bill in Italy is said to have passed Parliament on the eve of the TPNW’s adoption in September 2017, with the bill ordering a governmental investigation into the possibility of participating in the TPNW as a NATO member and, in particular, the compatibility of being a ‘nuclear alliance’ member state with a treaty that legally requires the prohibition of nuclear weapons.\(^{54}\)

\(E\) Sweden

Although it is not a NATO member state, as in the aforementioned cases of Norway and Italy, it was also reported in October 2017 that Sweden nominated Lars-Erik Lundin of the Stockholm International Peace Research Institute (SIPRI) to investigate effects accompanying the Swedish government’s participation in the TPNW.\(^{55}\) Such an investigation in Sweden takes into consideration and confirms the TPNW’s consistency with Sweden’s involvement in existing treaties such as the NPT, the CTBT, or European Union (EU) related agreements in addition to Sweden’s bilateral and multilateral security and defence policy cooperations.\(^{56}\) Although Sweden expressed its support when the TPNW was adopted, it appears that Sweden is reluctant to proceed to signing and ratification the TPNW, as the country has recognized that the treaty itself contains critical elements that are at odds with what it is seeking.\(^{57}\)

\(^{51}\) Tokyo Shimbun, December 24, 2017.

\(^{52}\) Shimbun Akahata, February 10, 2018.


(F) The Netherlands

It can be said that the Netherlands is the nuclear umbrella state that attracted the most attention during the TPNW negotiations. The Netherlands, the only NATO member state that participated in the TPNW negotiations via a decision by the States General (the Netherlands’ Parliament), emphasized that “such an instrument should be verifiable as well as comprehensive and that it should enjoy the support of nuclear-weapon possessors and non-nuclear-weapon states alike in order to be effective,” additionally stating “And that it must not detract from the NPT and Article VI, including the chronology inherent therein.”

(G) Iceland

In Iceland, when the TPNW was released for signing, Minister for Foreign Affairs Gudlaugur Thór Thórdarson stated that “Iceland’s position towards nuclear weapons is very clear: that the aim shall be a world without nuclear weapons, and that these weapons shall be destroyed in a systematic, mutual manner. The most realistic way to do this, which is also the way which we believe will be most effective, is to continue to rely on the agreements and processes that already exist, such as the Non-Proliferation Treaty (NPT) and the Comprehensive Test-Ban Treaty (CTBT).”

To this point, this paper has reviewed statements from major countries and regional organizations, and the major points can be summarized as follows: i. The issue of the involvement of nuclear weapon states, ii. Concerns about the division of the international community, iii. Nuclear deterrence considerations, iv. Awareness of an increasingly severe international security environment, v. Warning about the risk of weakening the NPT regime (concerns about compatibility with existing treaties), and vi. Inadequacies in verification mechanisms. Of these, i., iii., and iv. have been consistent points of criticism for the TPNW in the context of nuclear deterrence, followed by ii. and v., which can be seen as widely accepted concerns that the TPNW will erode the NPT itself and confuse each country’s efforts towards nuclear disarmament.

(3) Cross-Regional Group: Non-Proliferation and Disarmament Initiative (NPDI)

In the TPNW negotiation process, the movements of nuclear umbrella states attracted a great deal of media attention, particularly towards the stances of states and regional groups (cross-regional groups) that have been strongly involved in nuclear disarmament. As one of these groups, the NPDI featured in this section has membership across various regions, from nuclear umbrella states and other non-nuclear weapon states such as Japan, Australia, Canada, Chile, Germany, Mexico, the Netherlands, Nigeria, the Philippines, Poland, Turkey, and the UAE, etc. Below is an overview of the stances the NPDI has expressed following the TPNW negotiations. First, the NPDI Joint Statement, issued to the 2017 First Session of the NPT Preparatory Committee, mentioned

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the TPNW negotiations at the beginning, stating that “The NPDI acknowledges that differences exist with regard to the ongoing negotiations of a legally binding instrument to prohibit nuclear weapons. Indeed, those differences are also reflected within the NPDI membership. They will not, however, affect our undertaking to continue working towards the implementation of the 2010 NPT Action plan. The NPDI remains absolutely united in our commitment to the NPT and trusts that these negotiations do not negatively impact the current NPT Review Cycle.”

The NPDI held a Foreign Ministerial Meeting in New York in September 2017 for the first time in three years and issued a Joint Statement. The Joint Statement (refer to the 3rd revision, from September 17, 2017) did not directly refer to the TPNW. On the other hand, wording for the 2020 NPT Review Conference was inserted, to “assess the current challenges to nuclear disarmament and the non-proliferation of nuclear weapons and to reaffirm the critical importance of concerted action to work towards our shared goal of a world free of nuclear weapons.” Also, in recognition that “The current geopolitical situation underlines the need to strengthen and uphold the NPT,” the NPDI will pursue the three pillars of peaceful use, non-proliferation, and nuclear disarmament for a successful 2020 NPT Review Conference. At that time, specific references began with criticism for North Korea’s nuclear weapons development and ballistic missile test launches, but there were also mentions for the implementation of the Joint Comprehensive Plan of Action (JCPOA) for Iran, the pursuit of transparency, the International Partnership for Nuclear Disarmament Verification (IPNDV), hastening the entry into force of the CTBT, the early commencement of the FMCT negotiations, and recalling the proven effectiveness of nuclear-free zones. In particular, the NPDI touches on high-level political leadership and unwavering involvement in the NPT while actively pursuing specific results for nuclear disarmament, stressing that they are an essential foundation for a substantial reduction in nuclear weapons around the world and for concrete progress towards the complete elimination of nuclear weapons.

From these statements, the NPDI, which is composed of nuclear umbrella states and other non-nuclear weapon states, can be regarded as taking a convention NPT-oriented stance (step-by-step approach).

3. Arguments and Issues to be Considered around the TPNW

(1) Various Policy Stances in Support for the TPNW as Seen with Signatories and Ratified Countries

The TPNW was adopted after several twists and turns, but it is a very interesting point that there are subtle differences in the level of support between the result of the vote on the treaty, held at the UN General Assembly on July 7, 2017, and the actual situation of ratifications to date. First of all, as was mentioned earlier, the results had 122 in favor of the treaty, 1 against, and

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62 Ibid.

63 Ibid.

64 Ibid.
1 abstention. On the other hand, as of September 20, 2017, when the treaty was released for signing, 50 countries became signatories, and only three countries ratified the treaty (Guyana, Vatican, Thailand). Ratification or accession from 50 countries is required for the treaty to enter into force, but Thomas Hajnoczi, Ambassador of Austria to the United Nations in Geneva, who led the TPNW negotiations, indicated that it would take two to two and a half years from adoption of the Treaty to its entry into force.

As of the end of June 2019, when approximately 24 months have passed since the treaty was released for signing, the TPNW’s latest signatory and ratification status, as announced by ICAN, is that 70 signatory countries and 23 countries have ratified it. The names of the signatory countries (with signing date in parentheses) and ratifying countries (with ratification date in parentheses) are shown below.


67 Tokyo Shimbun, November 27, 2017.

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8, 2017), Samoa (September 20, 2017), San Marino (September 20, 2017), Sao Tome and Principe (September 20, 2017), Seychelles (September 26, 2018), South Africa (September 20, 2017), Thailand (September 20, 2017), East Timor Democratic Republic (September 26, 2018), Togo (September 20, 2017), Tuvalu (September 20, 2017), Uruguay (September 20, 2017), Vanuatu (September 20, 2017), Venezuela (September 20, 2017), Vietnam (September 22, 2017)

Ratifying Countries: Austria (May 8, 2018), Cook Islands (September 4, 2018), Costa Rica (July 5, 2018), Cuba (September 30, 2017), El Salvador (January 30, 2019), Gambia (September 26, 2018), Guyana (September 20, 2017), Vatican (September 20, 2017), Mexico (January 16, 2018), New Zealand (July 31, 2018), Nicaragua (July 19, 2018), Palau (May 3, 2018), Palestine (March 22, 2018), Panama (April 11, 2019), Saint Lucia (January 23, 2019), Samoa (September 26, 2018), San Marino (September 26, 2018), South Africa (February 22, 2019), Thailand (September 20, 2017), Uruguay (July 25, 2018), Vanuatu (September 26, 2018), Venezuela (March 27, 2018), Vietnam (May 17, 2018)

In light of the number of votes at the United Nations on July 7, 2017 in favor of the TPNW’s adoption, it must be noted that the signature and ratification process has made a slow start. Additionally, most of the countries listed here are not directly exposed to nuclear or security threats, as has been pointed out by the nuclear weapon and nuclear umbrella states. In this context, it is likely that close attention will be paid to discussions on signing and ratifying the treaty occurring among other remaining countries that have agreed to the adoption of the TPNW in July 2017.

(2) Debate over the Evaluation of the TPNW and its Relationship with the NPT

The TPNW negotiations have attracted worldwide attention, and, in fact, various debates have arisen, including on the demise of nuclear weapon states and the nuclear umbrella, and issues of the treaty’s significance and entry into force. For example, former US Secretary of Defense William J. Perry, who has disseminated significant amounts of information about a world without nuclear weapons, said that the TPNW’s adoption by the United Nations was a strong moral demand to nuclear weapon states. It is the voices of 120 countries that feel their survival is in danger because of nuclear weapons, and, while there is no single solution to remove the threat of nuclear weapons, he pointed out that it is important to avoid the introduction of new nuclear weapons, which are an unnecessary risk factor that can lead to destabilization, and that further efforts beyond the TPNW will be required to reduce this threat, such as the early entry into force of the CTBT, the new START extension agreement, and the continuation of key issues at the nuclear security summit. 69

Ambassador Thomas Hajnoczi evaluated the importance of the TPNW as norm-making to aim for a world without nuclear weapons, which has not been possible even 47 years after the NPT came into effect. Increasing momentum for nuclear disarmament can be expected via the TPNW by first creating a norm and then aiming to abolish nuclear weapons. 70


70 Mainichi Shimbun, July 12, 2017.
Discussions on the relationship between the NPT and the TPNW have been deepening in recent years, and there has been attention paid, in particular, to voices concerned about the division of nuclear disarmament among the NPT member states. As an example of this, non-nuclear weapon states will be divided into TPNW and NPT proponents, and there is a risk that the NPT will be hollowed out in the future. As for the verification measures, the TPNW has been criticized for lacking substance because it does not include any additional requirements for the existing NPT safeguards. On the other hand, the criticism of making an additional new treaty, despite the existence of the NPT, does not make sense in response to such comments; the TPNW’s Preamble and Article 18 do not impair obligations to other treaties, and Article 3 clearly states the maintenance of obligations related to NPT safeguards. In addition, none of the states supporting the TPNW are suggesting that the NPT is unnecessary, and the view that the TPNW is nullifying the NPT regime is wrong. The NPT’s own problems have led to the treaty’s weakening in recent years, and nuclear disarmament can be pursued by following both means, rather than by choosing between joining the TPNW or taking the building blocks approach involving the promotion of the CTBT’s early entry into force, early commencement of the FMCT negotiations, and measures for greater nuclear transparency. Meanwhile, although various dissatisfaction with the NPT have become a driving force towards the adoption of the TPNW, it has also been pointed out that the NPT has established a process for nuclear disarmament but is not aiming for nuclear abolition. As shown below, the NPT has an obligation, in Article VI, to negotiate nuclear disarmament, but this is only a commitment to negotiate. The treaty itself does not stipulate a process that leads to the elimination of nuclear weapons aside from the resolutions and action plans adopted by the NPT Review Conferences.

NPT Article VI: Each of the Parties to the Treaty undertakes 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.

In fact, there were a wide range of issues in the TPNW negotiations, but, as has been mentioned in this paper, the most notable focus was the relationship between the TPNW and the NPT. In the initial negotiations for the draft treaty, some concerned states tried to specify that the provision of TPNW would not affect the rights and obligations of NPT signatories, but this text was removed due to pushback from Egypt and South Africa, and the Netherlands also insisted that text be inserted stating that the provisions of the NPT will take precedence when disputes arise between the TPNW and the NPT in the future. As a result, the NPT was not mentioned during

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71 Mainichi Shimbun, July 12, 2017.
72 “Kakuheiki Kinshi Jyoyaku -- Hihan ni Kotaeru” [The Nuclear Weapons Ban Treaty -- Answering Criticism], Akira Kawasaki’s Blog, July 12, 2017, http://kawasakiakira.at.webry.info/201707/article_1.html. Mr. Akira Kawasaki (Peaceboat co-Chairman) is a member of the International Steering Committee of ICAN, which won the Nobel peace Prize.
the drafting, and the wording of the TPNW was revised to “The implementation of this Treaty shall not prejudice obligations undertaken by States Parties with regard to existing international agreements, to which they are party, where those obligations are consistent with the Treaty.”

(3) Differences in Stance among Countries Promoting the TPNW Negotiations
In addition, differences in each country’s stance during the negotiation process are not only limited to the relationship between the TPNW and the NPT. From the perspective of civil society, which was deeply involved in the negotiation process, the drafting of the treaty proceeded with a mix of so-called idealism and realism, and it was made clear that the drafting came to fruition in a surprisingly short time under the direction of Ambassador Whyte Gómez, who was Chairman of the negotiations. Of particular note is that it was pointed out that some proposals were made to water down the treaty. With regard to the different stances of the TPNW negotiation participants, the Bulletin of the Atomic Scientists issued an analysis made by Oliver Meier, Sira Cordes and Elisabeth Suh, titled “What participants in a nuclear weapons ban treaty (do not) want.” (*Please refer to table 1 “Idealistic/Realistic Policy Stances of countries participating in TPNW negotiations” summarized by the author based on the abovementioned analysis.)

The most striking aspect of this table is the existence of countries that are explicitly opposed to including two important issues in the TPNW draft: i. the threat of nuclear weapon use and ii. obligations for nuclear weapon states (a timeline for abolition and validated disposal). As described in “What participants in a nuclear weapons ban treaty (do not) want,” Austria and Mexico were opposed to the former, and Ireland, Malaysia, and New Zealand were opposed to the latter. These countries were regarded as key players in the treaty negotiations that had a corresponding presence, but careful attention should be paid to the background and intent of excluding issues, as i. is directly related to the logic of nuclear deterrence, and ii. leads to the establishment of conditions that encourage participation from nuclear weapon states. Furthermore, looking at the items in the table, there are some issues that have not yet been clearly stated, even in countries that have already ratified the treaty as of the time of this article’s writing. These may be points to consider when looking at the intentions of TPNW promoting countries and the history of the treaty’s negotiations (*However, it should also be noted that the table may not comprehensively record each country’s statements during the TPNW negotiations).

Conclusion
50 years have passed since the NPT came into effect. Japan ratified the NPT in 1976, six years after it came into force, but it was not ratified until 1992 by either France or China, which are key nuclear weapon states as defined by the treaty. The TPNW received nearly two-thirds of the support of all United Nations member states and was negotiated and adopted in a very short period

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75 Ibid.
77 Ibid. In addition, Iran, Egypt, Brazil, and Argentina are listed as countries that have made proposals and discussions that can be considered modifications (*Details of the discussions were not disclosed).
of time. Just as a matter of possibility that is worth noting, the history of past nuclear disarmament and non-proliferation efforts suggests that, even though the pace of signing and ratification is off to a slow start, it should not be ruled out that the number of ratifying countries will increase over the medium- to long-term and that the treaty’s impact will increase.

If disarmament is defined as an effort to abolish specific weapons, then the TPNW is the first disarmament treaty covering all nuclear weapons, and participation in the TPNW is a signal that indicates the intention of making nuclear weapons relics of the past. Although this is similar to the work that was previously realized in the form of the CWC for chemical weapons, chemical weapons and nuclear weapons have different strategic values in the first place, even though they are both categorized as weapons of mass destruction, and there is a corresponding large difference between the “haves” and the “have-nots.” With many countries still having security architecture that depends on nuclear deterrence, it is natural that various debates have arisen regarding the pros and cons of negotiating and participating the TPNW. With that being said, the countries promoting TPNW and civil society have tried to generate momentum for nuclear disarmament, which has stagnated under the current NPT regime, and it is also true that they have reinvigorated the international debate on nuclear disarmament. Therefore, there is, to some extent, value in such an initiative, in and of itself. Nevertheless, there are divergent opinions on a number issues, even among the countries that participated in the TPNW negotiations. The treaty itself came together in a very short period of time, and it seems that there is still room for argument regarding the detailed wording.

It is also necessary to continue to pay attention to the fact that the adoption of the TPNW has resulted in the division of the international community. This is especially true among non-nuclear weapon states, with a division between the nuclear umbrella states and other countries. Some political gaps may still emerge for the next 2020 NPT Review Conference. The 2015 NPT Review Conference failed to adopt a final document. The adoption of the final document of the 2020 NPT review conference may also create an undesired conflict between countries promoting the TPNW, who are seeking to refer to the TPNW, and countries that are opposed to the treaty. Much expectation is therefore being placed on diplomatic efforts to mediate between the relevant countries. In fact, there were some instances of TPNW references in various country statements at the second session of the NPT Preparatory Committee held in Geneva in 2018. As an example, South Africa states that the TPNW is a positive step towards the abolition of nuclear weapons and welcomes and supports this as contributing to the implementation of NPT Article VI.79 Additionally, New Zealand, from the standpoint of the New Agenda Coalition (NAC), expressed concern over language in its Preparatory Committee Chair’s summary that referred to the TPNW. Specifically, the Chair’s summary described the intention of multiple parties to oppose the TPNW (Chair’s summary, paragraph 41), only mentioning the ratification process and the treaty’s status (paragraph 40), and without mentioning the countries that support the TPNW.80 Similar to the New Zealand issue, Ireland, after pointing out that many countries welcomed the TPNW’s adoption,

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conveyed regret that the Chair’s summary did not mention the session’s discussions in an accurate and balanced manner.81

At the 2019 third session of the NPT Preparatory Committee, Brazil, Costa Rica, Ireland, Indonesia, Mexico, New Zealand, Nigeria, South Africa, Australia, and other countries that led the TPNW negotiations issued resolution 73/48, the Joint Statement, which once again emphasized that the TPNW is fully compatible with and complementary to the NPT.82

As discussed in this paper, the countries supporting the TPNW are by no means seeking the collapse of the NPT regime. At the 2020 NPT Review Conference, efforts must be made to avoid a failure to adopt a final document and to ensure constructive consensus-building. Conversely, countries that did not participate in the TPNW negotiations must also demonstrate the appropriateness of the “step-by-step” method within the framework of NPT regime. Needless to say, there are many obstacles to this endeavor. However, as discussed in this paper, it is important to strive to find answers to the following issues surrounding the TPNW: i. The issue of the involvement of nuclear weapon states, ii. Concerns about the division of the international community, iii. Nuclear deterrence considerations, iv. Awareness of an increasingly severe international security environment, v. Warning about the risk of weakening the NPT system (concerns about compatibility with existing treaties), and vi. Inadequacies in verification mechanisms. To that end, it will become even more important for the international community to consider the essential issues surrounding nuclear deterrence and nuclear disarmament.

In connection with these issues, worthy of note are the deliberations of the Group of Eminent Persons Substantive Advancement of Nuclear Disarmament, an initiative led by the Japanese government and launched in 2017, involving experts and specialists from Japan and from abroad. The Group held multiple discussions, including on the role of nuclear weapons, the purpose of nuclear deterrence, and an assessment of the minimization point, and in March 2018 it submitted its recommendations, entitled “Building Bridges to Effective Nuclear Disarmament - Recommendations for the 2020 Review Process for the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) -”, to Foreign Minister Kono.83 This proposal points out a number of bridging issues related to the above items i.-vi. so as to avoid the stagnation of nuclear disarmament. In fact, at the 2nd NPT Preparatory Committee meeting held in April 2018, Minister Kono’s statement at the General Debate included a proposal from the Group of Eminent Persons.84 Additionally, continued efforts are being made to encourage in-depth discussions among NPT member states, as advocated in the Group of Eminent Persons’ “Kyoto Appeals” in March 2019 and the proposals

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for the third session of the NPT Preparatory Committee in April 2019.\textsuperscript{85}

Nevertheless, it is necessary to monitor the results and future developments of discussions about nuclear weapons that are occurring at the parliamentary level in some countries, on points such as not participating in nuclear disarmament treaties that do not meet the country’s security requirements and conditions, or, alternatively, considering participation as long as the country’s security requirements and conditions are met. There are also a number of movements from among the nuclear weapon states, seeking to achieve a breakthrough in the situation. Notable examples include the announcement by the United States of the “Creating an Environment for Nuclear Disarmament (CEND) Initiative” and the establishment of a “Creating an Environment Working Group (CEWG).”\textsuperscript{86} What kinds of policy approaches these lead to will be a matter of great interest.\textsuperscript{87}

In any case, it is true that the TPNW, whether one likes it or not, was adopted by the United Nations General Assembly. If support for the treaty grows in the future, then it is indeed possible that the number of ratifying countries may increase as well. To add one point in that regard, the TPNW has an amendment clause (Article 10) that makes it possible to submit a treaty amendment even after the treaty enters into force. In other words, there is still an opportunity to review the present concerns about the TPNW in the future after the ratification or acceptance of the treaty. As a conclusion to the above consideration, a constructive bridge between nuclear weapon states, nuclear umbrella states, and non-nuclear weapon states that support the NPT and promote the TPNW will need to be realized. It is strongly hoped that efforts toward a “world without nuclear weapons” will continue in a sustainable and positive manner.


Table 1. Idealsitic/Realistic Policy Stances of countries participating in TPNW negotiations

<table>
<thead>
<tr>
<th>Possession, Use, Acquisition, Manufacturing, or Deployment of Nuclear Weapons</th>
<th>Should be Prohibited (Stances Based on Idealism)</th>
<th>Should be Excluded (Stances Based on Realistic Considerations)</th>
<th>Unknown or Did Not Express Intention</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Algeria, Austria, Brazil, Chile, Cambodia, Costa Rica, Cuba, Ecuador, Egypt, Fiji, Ghana, Indonesia, Iran, Ireland, Jamaica, Malaysia, Mexico, Nepal, New Zealand, Nigeria, Peru, the Philippines</td>
<td>Argentina, Bangladesh, Cambodia, Dominican Republic, Ethiopia, Equatorial Guinea, Guatemala, the Vatican, Honduras, Japan, Kazakhstan, Kuwait, Laos, Libya, Liechtenstein, Marshall Islands, Mongolia, Morocco, Myanmar, the Netherlands, Papau New Guinea, Palestine, Saudia Arabia</td>
<td></td>
</tr>
<tr>
<td>Transfer of Nuclear Weapons</td>
<td>Algeria, Austria, Brazil, Chile, Cambodia, Costa Rica, Cuba, Ecuador, Fiji, Indonesia, Iran, Ireland, Jamaica, Mexico, Nepal, New Zealand, Nigeria, the Philippines</td>
<td>Argentina, Bangladesh, Cambodia, Dominican Republic, Egypt, Ethiopia, Equatorial Guinea, Ghana, Guatemala, the Vatican, Honduras, Kazakhstan, Kuwait, Laos, Libya, Liechtenstein, Malaysia, Marshall Islands, Mongolia, Morocco, Myanmar, the Netherlands, Papau New Guinea, Palestine, Peru, Saudia Arabia</td>
<td></td>
</tr>
<tr>
<td>Stockpiling of Nuclear Weapons</td>
<td>Algeria, Austria, Brazil, Chile, Cambodia, Costa Rica, Cuba, Ecuador, Fiji, Ghana, Indonesia, Iran, Ireland, Jamaica, Mexico, Nepal, New Zealand, Nigeria, the Philippines</td>
<td>Argentina, Bangladesh, Cambodia, Dominican Republic, Egypt, Ethiopia, Equatorial Guinea, Guatemala, the Vatican, Honduras, Iran, Kazakhstan, Kuwait, Laos, Libya, Liechtenstein, Malaysia, Marshall Islands, Mongolia, Morocco, Myanmar, the Netherlands, Papau New Guinea, Palestine, Peru, Saudia Arabia</td>
<td></td>
</tr>
<tr>
<td>Threatening the Use of Nuclear Weapons</td>
<td>Chili, Colombia, Costa Rica, Mexico, Ecuador, Fiji, Indonesia, Iran, Jamaica, Nepal</td>
<td>Australia, Mexico</td>
<td>Argentina, Argentina, Bangladesh, Brazil, Cambodia, Dominican Republic, Egypt, Ethiopia, Equatorial Guinea, Ghana, Guatemala, the Vatican, Honduras, Japan, Kazakhstan, Kuwait, Laos, Libya, Liechtenstein, Malaysia, Marshall Islands, Mongolia, Morocco, Myanmar, the Netherlands, New Zealand, Nigeria</td>
</tr>
<tr>
<td>Participation in Nuclear Planning/ Nuclear Sharing</td>
<td>Algeria, Brazil, Cambodia, Mexico</td>
<td>Argentina, Austria, Bangladesh, Cambodia, Chile, Costa Rica, Cuba, Dominican Republic, Equatorial Egypt, Ethiopia, Equatorial Guinea, Fiji, Ghana, Guatemala, the Vatican, Honduras, Indonesia, Iran, Ireland, Jamaica, Japan, Kazakhstan, Kuwait, Laos, Libya, Liechtenstein, Marshall Islands, Mongolia, Morocco, Myanmar, the Netherlands, New Zealand, Nepal</td>
<td></td>
</tr>
<tr>
<td>Obligations for Nuclear Weapons States (Timeframe to Abolition/Verified Disposal)</td>
<td>Argentina, Chili, Colombia, Costa Rica, Cuba, Ecuador, Egypt, Fiji, Indonesia, Iran, Jamaica, Mexico, Nepal</td>
<td>Ireland, Malaysia, New Zealand</td>
<td>Argentina, Austria, Bangladesh, Brazil, Cambodia, Dominican Republic, Ethiopia, Equatorial Guinea, Ghana, Guatemala, the Vatican, Honduras, Japan, Kazakhstan, Kuwait, Laos, Libya, Liechtenstein, Marshall Islands, Mongolia, Morocco, Myanmar, the Netherlands</td>
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