

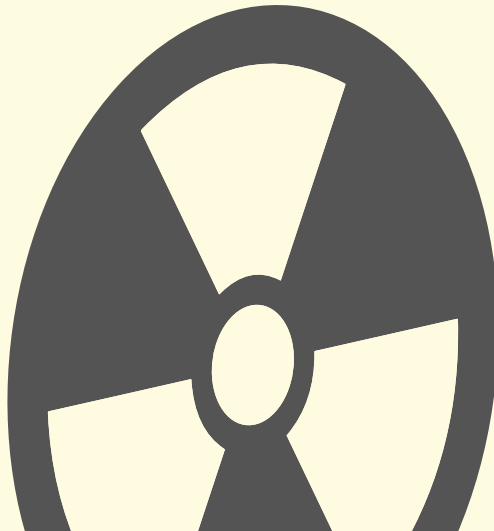
STIMSON

Balancing Between

NUCLEAR DETERRENCE AND DISARMAMENT

Views from the Next Generation

EDITED BY YUKI TATSUMI
AND PAMELA KENNEDY



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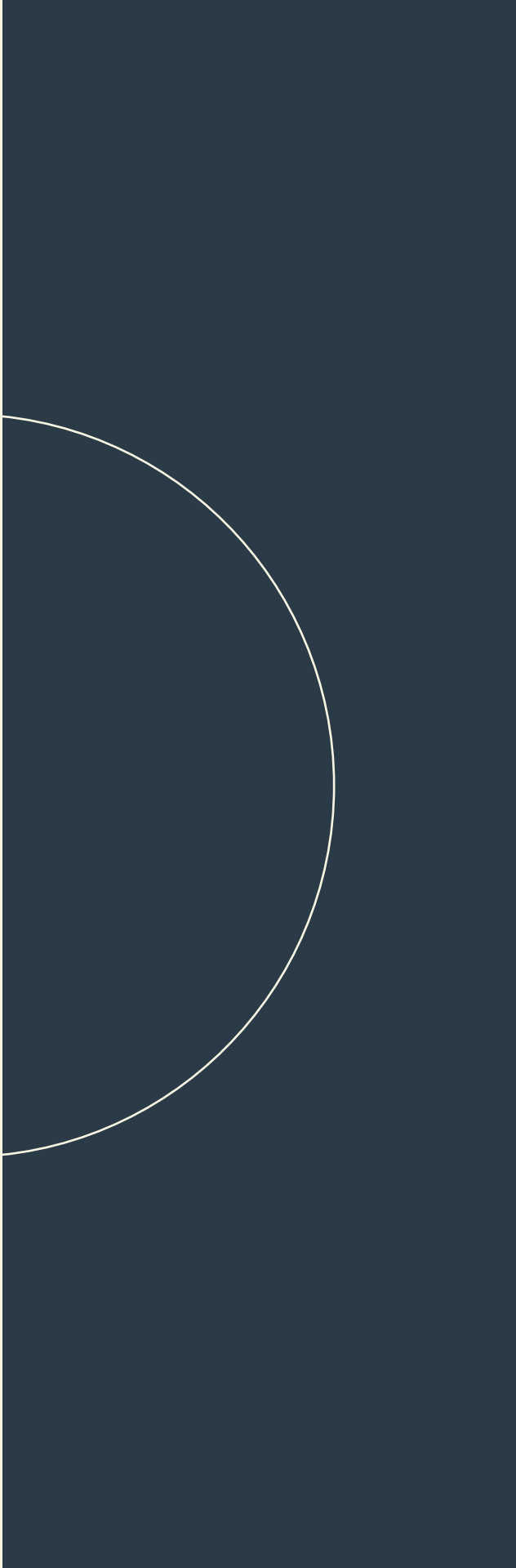
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“Even as Japan’s ability to act is limited by its non-nuclear status, the necessity of international partnership in solving seemingly intractable nuclear challenges means Japan has an outsized role in bringing peace and stability to the region.”

Preface

It is my pleasure to present the newest publication from the Stimson Center's Japan Program. *Balancing Between Nuclear Deterrence and Disarmament* is the fifth volume of *Views from the Next Generation*, an annual collection of policy briefs that offer recommendations for the most significant challenges facing Japan today. Contributing to this volume are five leading and emerging scholars in Japan who bring their expertise to bear on critical issues in the realm of nuclear weapons.

In discussing the complexities of nuclear deterrence versus disarmament, case studies of other emerging nuclear states in the Middle East and South Asia, and the impact of U.S. nuclear policy on East Asia, these authors reveal the nuances of Japan's precarious security situation. Caught between a short-term need for nuclear deterrence and a long-term desire for disarmament, Japan must weigh its policy options carefully. But even as Japan's ability to act is limited by its non-nuclear status, the necessity of international partnership in solving seemingly intractable nuclear challenges means Japan has an outsized role in bringing peace and stability to the region. The briefs in this book illustrate lessons Japan can learn from other nuclear problems and make bold suggestions relevant to East Asia.

I am once again indebted to Yuki Tatsumi for spearheading this project. She envisioned *Views from the Next Generation* over five years ago as a way to introduce more Japanese scholars and experts to the Washington, D.C. policy community, and she has succeeded in deepening conversations and ties across the Pacific. Of course, I expected nothing less from a researcher of Yuki's caliber who has dedicated her career to improving communication between the U.S. and Japan on an array of issues. Pamela Kennedy provided critical research support to this effort.

Finally, my colleagues and I are grateful for the continued support of this endeavor from our friends at the Embassy of Japan.

Brian Finlay
President and CEO
The Stimson Center

Acknowledgements

Balancing Between Nuclear Deterrence and Disarmament, the fifth volume of the *Views from the Next Generation* series, has once again been truly a group effort. First and foremost, I would like to thank our contributors. Dr. Masahiro Kurita, Dr. Wakana Mukai, Mr. Masashi Murano, Mr. Masahiro Okuda, and Dr. Heigo Sato are all well-respected scholars, and I appreciate their commitment to this project, which included not only making time to write for this volume, but also traveling to Washington for a public seminar to release the report. I cannot thank them enough for sharing their ideas throughout multiple drafts as we worked towards the final report.

I am also grateful for the encouragement and collaboration of the Embassy of Japan since the inception of this project five years ago. This series would not be possible without their consistent support, and I very much look forward to continuing this collaboration.

As always, my gratitude goes to my Stimson colleagues for their support and assistance. Brian Finlay, Stimson's president and Chief Executive Officer, has been tremendously supportive of the Japan Program's efforts, including this project, to broaden the intellectual exchange between American and Japanese scholars beyond familiar names and faces. I am thankful as well for Stimson's Communications team and our talented graphic designer Lita Ledesma, who made the publication process seamless. I am also tremendously grateful to Research Associate Pamela Kennedy and Research Intern Eunseo Kim for taking on the labor-intensive details in our preparation for publication.

Finally, my gratitude goes to my family.

Yuki Tatsumi
Co-Director, East Asia Program
March 2018

Abbreviations

A2/AD: Anti-access/area denial

AG: Australia Group

ASW: Anti-Submarine Warfare

BMD: Ballistic Missile Defense

CMD: Credible minimum deterrence

CTBT: Comprehensive
Nuclear-Test-Ban Treaty

DCA: Dual-Capable Aircraft

E3: Germany, France, and the U.K.

EDD: Extended Deterrence Dialogue

E.U.: European Union

EU+3: Germany, France, the U.K.,
China, Russia, and the U.S.

FMCT: Fissile Material Cutoff Treaty

GCC: Gulf Cooperation Council

IAEA: International Atomic
Energy Agency

ICBM: Intercontinental Ballistic
Missile

INF: Intermediate-Range
Nuclear Forces

ISR: Intelligence, surveillance,
and reconnaissance

JCPOA: Joint Comprehensive
Plan of Action

LRSO: Long-Range Standoff Weapon

MTCR: Missile Technology
Control Regime

NATO: North Atlantic Treaty
Organization

NFU: No-first-use

NGO: Non-governmental
organization

NNWS: Non-nuclear weapons state

NSG: Nuclear Suppliers Group

NWS: Nuclear weapons state

NPR: Nuclear Posture Review

NPT: Treaty on the Non-Proliferation
of Nuclear Weapons

PACOM: Pacific Command

PMD: Possible military dimensions

PNE: Peaceful nuclear explosion

R&D: Research and development

SLBM: Submarine-Launched
Ballistic Missile

SLCM: Sea-Launched Cruise Missile

SM: Standard Missile

SSBN: Ballistic Missile Submarine

SSN: Nuclear-powered attack
submarine

STRATCOM: Strategic Command

TLAM-N: Tomahawk Land-Attack
Missile Nuclear

TNW: Tactical nuclear weapon

TPNW: Treaty on the Prohibition of
Nuclear Weapons

U.K.: United Kingdom

U.S.: United States

U.N.: United Nations

UNSCR: United Nations Security
Council Resolution

VLS: Vertical launching system

WA: Wassenaar Arrangement

WMD: Weapons of mass destruction

“In order to realize a world free of nuclear weapons, Japan will serve as a bridge between countries with different positions, such as between nuclear-weapon states and non-nuclear-weapon states, by such efforts as holding eminent persons’ meetings and maintaining and enhancing the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). Japan will play a leading role in promoting pragmatic and practical efforts on nuclear disarmament and non-proliferation.”

FOREIGN MINISTER TARO KONO

JANUARY 22, 2018¹

Introduction

YUKI TATSUMI

Japan has had a complex relationship with nuclear weapons since the end of World War II. On the one hand, being the world's only country that has been a victim of nuclear weapons, Japan has a unique position as an advocate for a nuclear-free world. As such, nuclear disarmament has always been high among Japan's national security policy priorities. Externally, Japan has steadfastly sponsored U.N. resolutions for a nuclear weapon-free world, as a staunch promoter of an international nuclear nonproliferation regime structure based on the NPT and a strong supporter for multinational export control regimes that aim to prevent proliferation. Internally, despite the worsening security environment in Northeast Asia, Japan remains firmly committed to the so-called "Three Non-Nuclear Principles (no production, no possession, and no introduction of nuclear weapons)" as one of the fundamental pillars of its national security policy.

On the other hand, however, Japan's desire to pursue a world free of nuclear weapons has been complicated historically by its own security environment. During the Cold War, sandwiched in the middle of U.S.-Soviet Union strategic rivalry, Japan depended on the extended nuclear deterrence provided by the United States to protect itself from the threat of nuclear weapons. After the end of the Cold War, North Korea's quest for nuclear capability, along with China's efforts to enhance its own strategic forces, continue to make U.S. extended nuclear deterrence an essential element for Japan's own national security. In addition to its external environment, Japan's increasing dependence on nuclear power as one of its energy sources has created complications.

In order to meet its national security needs (nuclear deterrence) while continuing to ensure room for its nuclear disarmament diplomacy, Japan has taken a carefully-balanced approach towards the policy issues related to nuclear nonproliferation and nuclear deterrence. Within the framework of maintaining a strong U.S.-Japan alliance, Japan has sought to ensure the reliability of U.S. extended nuclear deterrence by measures that include close cooperation on ballistic missile defense and active engagement in bilateral dialogue on extended deterrence. At the same time, despite increasing its dependence on nuclear power, Japan has maintained its status as a responsible generator and user of civil nuclear power by becoming a leading example of how a country that is technically capable of pursuing nuclear weapons can remain a strong advocate for nuclear nonproliferation and disarmament as a *non-nuclear state*, including having accepted the most stringent inspection by the International Atomic Energy Agency. Through these policy

choices, Japan has tried to bridge the gap between nuclear weapon states and non-nuclear weapon states by consistently attempting to lead the effort for practical steps towards nuclear disarmament.

Several developments in the last few years, however, have posed a set of serious questions on how Japan should continue to balance between its aspiration for nuclear disarmament and its need for an effective nuclear deterrent for its own security. On the deterrence side of the equation, an acceleration of North Korea's nuclear weapon development efforts has further deepened Japan's dependence on U.S. extended nuclear deterrence. The U.S. Nuclear Posture Review (NPR) released on February 2, 2018 will likely also impact Japan's thinking on how to ensure the effectiveness of this deterrence. On the side of nuclear disarmament, the passage of the Treaty on the Prohibition of Nuclear Weapons (TPNW) in July 2017 has put Japan in the awkward position of opposing the treaty, despite its postwar diplomatic efforts and commitment to nuclear disarmament, due to the lack of participation of nuclear powers in the treaty negotiation.

How should Japan tackle the complex question of balancing between its short-term requirement for effective nuclear deterrence and its long-term desire for a nuclear-free world in the face of increasing uncertainty relating to nuclear weapons in its own neighborhood? This volume, *Balancing Between Nuclear Deterrence and Disarmament*, offers analyses by five scholars who each examine this question from their own expertise.

In "Japan and the Treaty on the Prohibition of Nuclear Weapons: Why Japan Must Not Sign the Treaty," Heigo Sato (Professor, Takushoku University) examines the provisions of the TPNW in the context of Japan's position as an advocate of nuclear disarmament that also receives protection from the U.S. nuclear umbrella. Sato argues that the provisions of the treaty leave little room for flexibility in the policies of states like Japan, whose security circumstances currently require a nuclear deterrent. In addition, nuclear weapon states have little incentive to sign the treaty and be subject to its legal obligations, since they will prioritize the benefits of their nuclear deterrence. With this division between nuclear and non-nuclear weapon states potentially reinforced, Sato recommends that Japan continue to look for measures outside the TPNW to support nuclear disarmament.

In "Nuclear Deterrence or Nuclear Disarmament in East Asia? Suggestions for Japan," Wakana Mukai (Assistant Professor, Asia University) analyzes the challenges in the East Asia region that have an impact on nuclear deterrence and disarmament, and Japan's own security policies by extension. Mukai argues that Japan needs a policy that balances nuclear deterrence today with disarmament in the long run, but after the 2017 passage of the TPNW, the gap between proponents of each goal has widened. In her recommendations, she underscores the necessity of creating an environment for nuclear disarmament through reducing the role

of nuclear weapons, and explores the possibilities of Japan considering a move to conventional deterrence for its own security and even joining the TPNW.

In “Making a ‘Responsible’ Nuclear State: Lessons from Two Decades of American Engagement with South Asia,” Masahiro Kurita (Senior Research Fellow, the National Institute of Defense Studies), delves into the disparate paths of India and Pakistan’s emergence as nuclear states, as case studies of how the international community coped with these two *de facto* nuclear powers in the wake of this failure of the international nonproliferation regime. Contrasting the paths India and Pakistan each took following their nuclear tests in 1998, Kurita demonstrates the complexity of the dilemmas that the international community faces when engaging with emerging nuclear powers. In his attempt to draw “lessons learned” for future efforts to address North Korea’s nuclear problems, Kurita soberly cautions that even Pakistan’s case, which was rife with suspicion towards the U.S., is not comparable with the extent of coercive elements in the North Korean case, suggesting Japan may have to develop an entirely different strategy.

In his essay “Analysis of the Iran Nuclear Agreement and Implications for Japan,” Masahiro Okuda (Ph.D. candidate, Takushoku University), focuses on the 2015 Joint Comprehensive Plan of Action — commonly referred to as the “Iran nuclear agreement” — as another case study of a nonproliferation effort by the international community that, while arguably successful, faces challenges to its continued implementation, including opposition from U.S. President Donald Trump. Okuda’s nuanced analysis shows how the agreement and its plan of action focused on resolving the problem of Iran’s nuclear development and lifting sanctions, but fell short of addressing Iran’s ballistic missile program and broader Middle East security issues. He observes that the limited participation in and agenda of the negotiations allowed the conclusion of the deal, despite necessarily leaving out other key issues, which offers some lessons for Japan regarding North Korea. Okuda also reminds policymakers that, as with Iran, a comprehensive deal with North Korea will be unlikely, and negotiators must be prepared to handle remaining issues even as discussions focus on the nuclear problem.

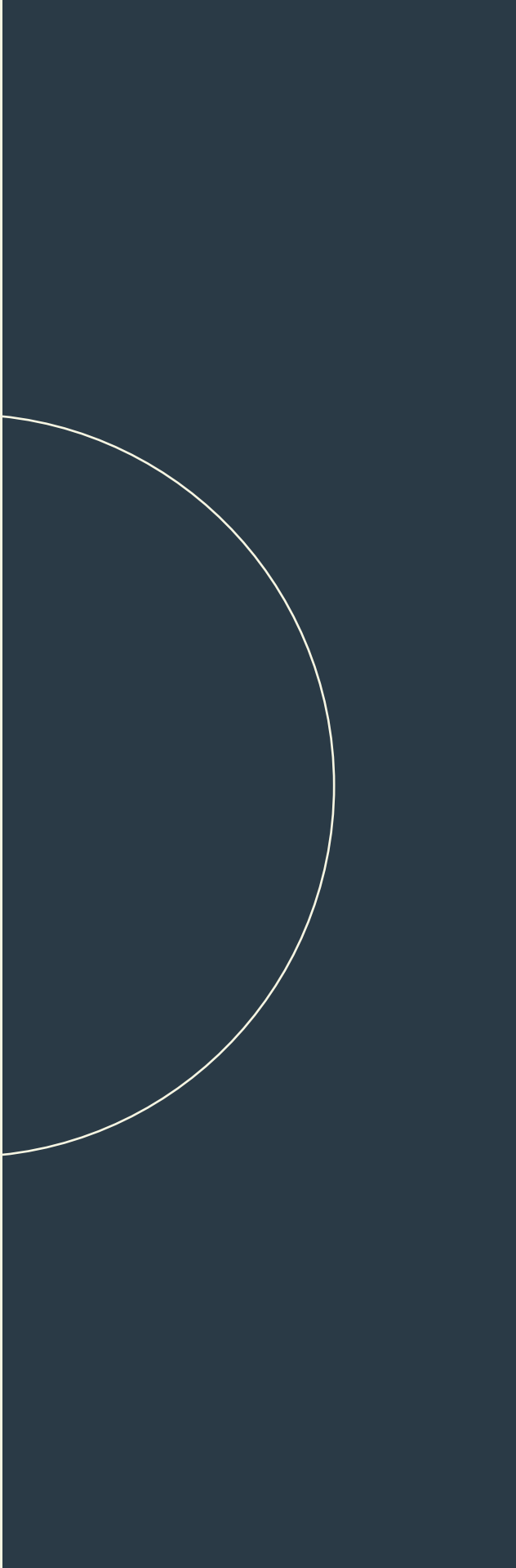
Finally, in “The 2018 Nuclear Posture Review and Its Strategic Implications in the Asia-Pacific Region,” Masashi Murano (Research Fellow, the Okazaki Institute), assesses the 2018 NPR in the context of the U.S.’s evolving nuclear strategy and the implications for Japan’s security policy and alliance cooperation with the U.S. With a return to a focus on great power competition, the Trump administration’s NPR takes some controversial stances, denying no-first-use and suggesting nuclear preemptive strikes, and also explores low-yield nuclear options such as the “tactical trident” and a new sea-launched cruise missile. Though the NPR centers on the threats of Russia and China, Murano explores the global impact of the low-yield options and their potential use in deterrence in the Asia-Pacific region. He offers recommendations for deepening deterrence, such as expanding dialogue and

exercises, rallying political support in Japan for the U.S.'s nuclear modernization, maximizing alliance interoperability in missile defense and anti-submarine warfare, and improving trilateral cooperation with South Korea.

We hope that these short policy essays authored by these Japanese experts will offer readers new perspectives in the discussion of the issues salient to Japanese security, particularly the complex situation in which Japan has and must continue to balance its policy priorities between nuclear deterrence and nuclear disarmament.

Endnotes

1. Ministry of Foreign Affairs of Japan. “Foreign Policy Speech by Foreign Minister Kono to the 196th Session of the Diet.” January 22, 2018. http://www.mofa.go.jp/fp/unp_a/page3e_000816.html. Accessed February 20, 2018.
2. Government of Japan. *National Security Strategy*. December 17, 2013. <https://www.cas.go.jp/jp/siryou/131217anzenhoshou/nss-e.pdf>. Accessed February 20, 2018.
3. For more discussion of the reasons for Japan’s opposition to the Treaty, see: Ministry of Foreign Affairs of Japan. “Statement by H.E. Mr. Nobushige TAKAMIZAWA, Ambassador Extraordinary and Plenipotentiary, Permanent Representative of Japan to the Conference on Disarmament at the High-level Segment of the United Nations conference to negotiate a legally binding instrument to prohibit nuclear weapons, leading towards their total elimination.” March 27, 2017. <http://www.mofa.go.jp/mofaj/files/000243024.pdf>. Accessed February 20, 2018.



“The role of Japan is not to promote division, but to move forward with a realistic disarmament effort by standing between nuclear weapons and non-nuclear weapons countries.”

Japan and the Treaty on the Prohibition of Nuclear Weapons: Why Japan Must Not Sign the Treaty

HEIGO SATO

August 6 and 7 have important meaning for Japan. On both days in 1945, the United States dropped the first and second atomic bombs in history on Hiroshima and Nagasaki as a part of the strategic bombing campaign during the Second World War. A single bomb dropped in each city killed tens of thousands of people, most of them civilians, and created survivors, called *hibakusha*, who suffer from the radiation even to this day.

The cities and civilians of Hiroshima and Nagasaki are also the only victims of nuclear weapons so far. Ever since, these cities and Japan as a whole think they have a historical obligation to work as living narrators to tell the world about the inhumane nature and brutality of those weapons. The Japanese government has become an active promoter of disarmament education in every instance, including the process of negotiations for the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). The city of Hiroshima established the Peace Ambassador with the support of the Japanese government, and made it an important mission within Japan's foreign policy, which aims to introduce *hibakusha* to the international community by making a global appeal about the actual effects of nuclear weapons on humans.

The government's decision not to sign the Treaty on the Prohibition of Nuclear Weapons (TPNW) adopted in July 2017 might seem disgraceful and a betrayal of Japan's historical support for nuclear disarmament, because advocates for the treaty based their idea on the humanitarian impact of nuclear weapons. Although the movement toward adoption of the treaty was not directly linked to the anti-nuclear movement in Japan, the treaty itself was perceived by civil society groups and the public alike as a major leap forward to a world without nuclear weapons.

Japan adopted a "no nuclear" stance in the 1960s and has maintained a policy not to possess, not to produce, and not to introduce nuclear weapons to Japanese territory. This policy has not changed despite nuclear development by neighboring countries, including China and North Korea. Japan has introduced an anti-nuclear resolution repeatedly to the U.N. First Committee since 1995, and has been supported by a majority of member states, including the U.S. in the 2017 resolution titled a "United action with renewed determination towards the total elimination of nuclear weapons." Japan has been a member of the NPT and other nonproliferation export control regimes since their commencements.

Background to the Current Situation

Despite this historical background and the current policy on nuclear disarmament, Japan should not sign and ratify the current TPNW. As a self-assigned champion for nuclear disarmament, the Japanese government should make a serious consideration and realistic assessment of the policy and process for nuclear disarmament. The logical consequence of such an assessment leads to the conclusion that the TPNW puts unnecessary strain on the existing nuclear disarmament and nonproliferation process, unhinging the existing NPT and fragmenting an international solidarity and consensus on a world without nuclear weapons.

In fact, the Japanese government's decision not to sign the treaty caused painful sentiment in Japanese society, especially among *hibakusha* in Hiroshima and Nagasaki. They voiced strong criticism against the decision and amplified their complaint upon the visit of Beatrice Fihn, the executive director of the International Campaign to Abolish Nuclear Weapons, to Japan in January 2018. Given the history of Japan's policy of nuclear disarmament, many observers of Japan's policy on arms control and disarmament deemed their opposition to the decision a natural reaction.

The goal of the TPNW itself should be highly praised and welcomed. The treaty has legally defined the abolition of nuclear weapons as a condition which international society should observe and outlined a procedure to reach that goal for countries that possess nuclear weapons. If this treaty is respected by all, the international community may realize the ideal held for decades, and the sincere wish of *hibakusha*. Japan's passivity toward the treaty, therefore, stirred grave disappointment as a step backward from a world without nuclear weapons.

Despite this criticism from both the general public and activists, Japan should not sign and ratify the TPNW if it desires to guide international society toward the absolute goal of the abolition of nuclear weapons. The treaty may set a legal framework and policy process for the international community to reach the ideal. But the treaty itself possesses a fundamental flaw that fragments international efforts on nuclear disarmament, and even nuclear arms control. The treaty will create an unreconcilable political cleavage between those who advocate it and those who bridge the gap between nuclear weapon states and non-nuclear weapon states.

As a result of the TPNW, an advocate of the treaty will lose whatever means possible to affect and change the policy of nuclear weapon states and may perpetuate the legal and political status of countries possessing nuclear weapons if they fail to persuade them to join the treaty. Though the treaty may have resulted from the goodwill of those pursuing its adoption, the treaty unfortunately will have the opposite result, of which treaty advocates were partly aware. It will be a *de facto* political declaration by non-nuclear weapon states under the NPT to reinforce and consolidate their non-nuclear status.

Without any reservations, we can argue that the TPNW fills a legal gap between nuclear nonproliferation and achieving a world without nuclear weapons. It is true that this gap has caused controversy and debate. Article 6 of the NPT states that each party 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.”¹ The nuclear weapon states have a legal obligation under this article to pursue negotiations but are not mandated to complete nuclear disarmament. Furthermore, non-parties to the NPT have no legal obligation to commit to nuclear disarmament. The TPNW, if universalized, would push nuclear weapon states and countries that possess nuclear weapons to abandon their existing weapons.

The TPNW defines the legal obligation of parties to the treaty in Article 1. The treaty requires each party to never do the following:

(a) *Develop, test, produce, manufacture, otherwise acquire, possess or stockpile* nuclear weapons or other nuclear explosive devices; (b) *Transfer* to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly or indirectly; (c) *Receive the transfer of or control* over nuclear weapons or other nuclear explosive devices directly or indirectly; (d) *Use or threaten to use* nuclear weapons or other nuclear explosive devices; (e) *Assist, encourage or induce*, in any way, anyone to engage in any activity prohibited to a State Party under this Treaty; (f) *Seek or receive any assistance*, in any way, from anyone to engage in any activity prohibited to a State Party under this Treaty; (g) *Allow any stationing, installation or deployment* of any nuclear weapons or other nuclear explosive devices in its territory or at any place under its jurisdiction or control (emphasis added).²

The TPNW thus prohibits any activity related to nuclear weapons in terms of operation, proliferation, and utilization. Similar to the provisions under the Chemical Weapons Convention, the treaty mandates comprehensive disarmament of nuclear weapons. The treaty, however, assumes coexistence of countries with and without nuclear weapons until universalization and implementation of the treaty. Thus, in section (d), the treaty restricts the states party to the treaty from asking nonparty states to exercise extended nuclear deterrence for security and strategic objectives.

The TPNW discusses universality in Article 12, demanding each state party to “encourage States not party to this Treaty to sign, ratify, accept, approve, or accede to the Treaty, with the goal of universal adherence of all States to the Treaty.” Article 16

further establishes that no reservations can be made to the treaty. Article 4 describes the process of total elimination of nuclear weapons, and if countries possessing nuclear weapons are fully subjected, the treaty is designed to realize total nuclear disarmament. The provisions of the treaty are organized to block and prevent escape clauses. In the end, the treaty intends to draw the international community into a nuclear weapons-free world, but only works for the states who do not possess nuclear weapons and states who seek to abolish them.

However, the condition of universal compliance to the treaty conforms with the global consensus regarding nuclear disarmament. The policy goal of complete nuclear disarmament was globally embraced in 2009 by U.N. Security Council Resolution (UNSCR) 1887. This resolution states that the Security Council is “resolving to seek a safer world for all and to create the conditions for a world without nuclear weapons, in accordance with the goals of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), in a way that promotes international stability, and based on the principle of undiminished security for all.”³ Upon adoption of the resolution, President Barack Obama stated that while “we harbor no illusions about the difficulty of bringing about a world without nuclear weapons [...] we must demonstrate that international law is not an empty promise.”⁴ UNSCR 1887 was adopted unanimously. Its major objective was to enhance nuclear security, and it had emphasized the importance of the NPT as a means to that end. The NPT limits the legal status of countries who may possess nuclear weapons to those that conducted nuclear explosive testing by January 1967, and requires nuclear weapon states to enter serious nuclear disarmament negotiations.

Within the NPT framework, the United States, Russia (then the Soviet Union), China, the United Kingdom, and France were allowed to possess nuclear weapons. There are also countries who are not party to the NPT but possess nuclear weapons (India, Pakistan, and possibly Israel), North Korea, which developed the weapon through deceit while under the NPT and International Atomic Energy Agency supervision, and Iran. Iran’s case needs to be closely monitored, since it has not developed them yet, but showed clear intention to develop them by utilizing transferred peaceful nuclear technologies.

In fact, the NPT outlines different legal obligations for its parties: disarmament for the nuclear weapon states, and subjection to nonproliferation for the non-nuclear weapon states. As observed in the Iranian nuclear development case, those who are determined to develop nuclear weapons may succeed through every loophole in the current system. The NPT presents a grand bargain between nuclear weapon states and others, that the latter may develop peaceful nuclear power if they subject themselves to the nonproliferation norms set out in the treaty. Non-nuclear weapon states often claim that this is a non-deprivable right, and that it essentially prevents monopolization of nuclear technologies and their utilization.

Issues

The TPNW faces the same issue. Nuclear technologies accumulated for the peaceful use of nuclear energy may be misused by determined policy leaders in rogue states to develop nuclear weapons. Despite the risk associated with this loophole, the TPNW would merely reiterate and reconfirm the existing position of the NPT's non-nuclear weapon states. Furthermore, the TPNW avoids referring to the treaty violations, hence treaty compliance may be weakened.

As noted above, however, it is true that the NPT does not legally bind nuclear weapon states to dismantle nuclear weapons from their arsenal, but only loosely demands that they start negotiations. This point particularly has frustrated non-nuclear weapon states, since the scheme only binds their disadvantageous status while consolidating the strategic advantage of the five nuclear weapon states and other unofficial nuclear weapon states. Therefore, it has been a common occurrence in the Review Conferences for non-nuclear states to pressure nuclear weapon states to be serious on nuclear disarmament by asking to be subjected to the grand bargain.

The TPNW was borne partly from this frustration. It is undeniable that the NPT has limits, and those limits struck the very framework established under the common goal. The TPNW deliberately outlines how countries possessing nuclear weapons should dismantle the weapons and accept verification measures from international institutions and mechanisms. In this regard, the TPNW correctly fills the legal gap created within the NPT framework.

Given the historical development of the nuclear nonproliferation and disarmament processes outlined in the NPT negotiation, we must consider and value the path dependency of nuclear arms control and disarmament. In other words, the TPNW is better in terms of its ideal, but far short of defining the processes.

Indeed, the NPT demands that nuclear weapon states seriously consider nuclear disarmament in Article 6, and that process has been reported at the Review Conference held every five years since 1995. The existing nuclear disarmament treaty, the Strategic Arms Reduction Treaty, is the sole treaty pursuing this goal in place, and other mechanisms were established by nuclear weapon states partly for the purpose of successful management of the NPT Review Conferences. At the conference, the states party to the NPT work heavily to reach a consensus and implement the proposal stipulated in the final document. The process may be slow and frustrating, but the process itself has worked to prepare concrete steps toward comprehensive nuclear disarmament.

Unfortunately, however, the Review Conference in 2015 could not reach consensus when states could not agree on Middle East Peace talks and processes, and the official document of the process is defined by the Final Documents of the 2010 NPT Review Conference. To be realistic, the Review Conference set for 2020 faces same

difficult situation as 2015. Some critics may hold the pessimistic view that the NPT process is now at a dead-end.

However, the NPT processes are in stalemate not because of the slow progress of the nuclear disarmament process, but because of the complicated and dispersed agenda related to nuclear disarmament. Norms regarding nuclear disarmament are widely shared among nuclear and non-nuclear weapon states alike, and with some exceptional cases such as North Korea and Iran, the international community stands on the same track. The true value of the TPNW lies in the complementary role it assumes within the comprehensive disarmament agenda, but it is doubtful whether the treaty is equipped with the power to orchestrate the overall process.

The TPNW is a historic effort by the international community, and its stated goal may create new norms for nuclear disarmament. Emerging norms should be shared by the community and establish new institutional mechanisms. By the same token, as TPNW advocates argue, there should be a reverse effect in which institutional arrangements might change the norm itself. The TPNW is an emerging and developing process such that, as we witnessed in the NPT development process during and after the Cold War, there should be no concrete and organized process and shared norm from the initial stages of the treaty, and incremental development of the stages and processes should be cultivated through realistic negotiation within this framework.

The claim that calling for prudent and engaged negotiation on the treaty may lead to a successful outcome is fair and has just cause. We should have no disappointment and nihilism at the initial stage, and rather help the new norm to be nurtured and established. It is true for every treaty that universal commitment to the new norms and processes needs time and commitment.

However, one of the major problems with the TPNW lies in its pace of negotiation and enactment, as well as its divisive treaty provisions. However just and ideal it may be, an international treaty, especially one related to arms control and disarmament, must be consensual and inclusive. Otherwise, compliance with the treaty by the state parties will be weakened, thus harming the credibility of the treaty itself. A bitter lesson was learned from previous treaties when a treaty developed only to restrict the policies of those who would commit themselves to the spirit and provision of the treaty. As a result, the treaty that was intended to realize the state of a nuclear free world desired by the international community ended in a gentlemen's agreement to limit gentlemen.

The TPNW may come into effect without the consent and ratification of the nuclear weapons states. This is totally different from other disarmament treaties, especially the Comprehensive Nuclear-Test-Ban Treaty, for which ratification by countries possessing nuclear weapons is conditioned. Thus, the TPNW, after its ratification, at least in the short to medium term will function as a moral enforcing

measure against non-signatory states, by showing the morally higher ground of banning the brutal and inhumane weapons from their arsenals. This approach is highly idealistic, since it forces others to accept a world without nuclear weapons without taking the security reality of individual countries into account.

The course of action that TPNW signatory states would follow, and consequences it brings, would prevent the international community from forming and sharing the global norm of moving toward nuclear disarmament. The TPNW itself is not responsible for the divisive consequences, but TPNW signatory states, under the treaty provisions, will find it hard to compromise with actual security needs for nuclear weapons, both in terms of indigenous possession or extended nuclear deterrence, of non-signatory states. Even if the signatory state may comprehend the necessity to be flexible on the positions of others, it will be extremely hard to be flexible with their policy.

Security Policy under the TPNW

One of the major accomplishments of the TPNW in the norm-building field was to stigmatize the nuclear weapon in all aspects. The question, then, is whether a state will hesitate to or restrain from acquiring nuclear weapons based on the fear of being accused by international and domestic actors that the state is committed to a conduct which should not be forgiven. However, the answer to this question is, clearly, no. States will enact a security policy based on their absolute and relative capacity, with policy choices relevant to their strategic relationships. For example, like the tactical nuclear discussion in South Korea, even if the weapon of choice is stigmatized, the government will not hesitate to make a rational choice.

As a logical consequence, what becomes crucial in nuclear disarmament is not only to stigmatize the weapon, which has already been accomplished, but to work toward changing the perception and norm of the nuclear weapon states and states possessing nuclear weapons. These efforts must be concurrently implemented without any disillusionment about the current disarmament effort itself. Merely exhorting them to accept the treaty would only harden their reaction.

From the perspectives of the nuclear weapon states, the treaty is strategically beneficial unless they are forced to attend and comply because it enforces nonproliferation of non-nuclear weapon states who subject themselves to the nuclear-free world. The nuclear weapon states and countries possessing nuclear weapons will have the privilege of consolidating their political position without having any legal obligation. It is true that they will face some diplomatic pressure, but that is negligible if they weigh the security benefits of nuclear weapons. This is counterproductive for disarmament overall. It will freeze a dichotomy between nuclear have and have-nots without having policy measures to bridge this gap, while moving further away from total elimination. The NPT, which is the cornerstone

of the current nonproliferation framework, might gradually fade under their influence, and the international community could lose even the means to urge nuclear disarmament.

Although the TPNW may have filled a legal gap between nuclear disarmament and nuclear abolition, it has not clearly defined the process from disarmament to abolition. The treaties and several measures related to arms control and disarmament of nuclear weapons were designed to complement each other, while responding to the problems of their respective areas of jurisdiction. However, the TPNW is different from the conventional treaties and measures, which set a specific goal and concrete measures to reach it. This is a highly exemplary treaty that shows a vision of the future, and its situation is fundamentally distinct in that it seeks to abolish nuclear weapons, which has not been tackled so far.

Another important issue of the TPNW is related to the security policy of each country, especially signatory countries under extended nuclear deterrence. If the current nuclear weapon states do not participate in the TPNW, they are not obliged to comply with the contents of the treaty itself. In such cases, it is not illegal for the signatory states to receive “assistance,” “encouragement,” or “solicitation” of items provided by a non-party state. The treaty rules on this point are particularly important, since it is thus possible for Japan to remain under the nuclear umbrella of the United States (assuming that the U.S. does not participate in the TPNW) while joining the TPNW. These claims are made to induce countries, like Japan, who are allied with nuclear weapons states by presenting legal interpretations that enable them to participate in the TPNW without changing their security policies. For example, if a party state faces a nuclear threat from a non-party state, they may seek extended deterrence by an allied state who is not part of the treaty. Specifically, in Japan’s case, unless the United States installs nuclear weapons in Japanese sovereign territory, it is not a violation of the treaty if a non-party country is the source of the intimidation.

The TPNW and Extended Deterrence

However, even if this is logical and legally viable, it includes strange content in some respects.

The above interpretation implicitly assumes the existence of strategic stability between non-party states, which further assumes the existence of nuclear weapons. In addition, the infrastructure required to implement the nuclear strategy is constructed and organized in a complex manner which includes comprehensive military assets. It will not be able to distinguish between infrastructure such as the usual information-gathering and the one directly related to a nuclear attack.

Under such a situation, the treaty interpretation may have difficulty clarifying what is included in the “other nuclear explosive devices or control over such

weapons or explosive devices” or “activity” as defined in Article 1, and we face the problem of how to define assistance of allies in supporting extended deterrence. Furthermore, under the new U.S. Nuclear Posture Review issued in January 2018, a flexible response strategy of the Trump administration would require allied commitment to the strategy, as well as acceptance of extended deterrence as a core piece of the strategy itself.

In this particular case, since the “world without nuclear weapons” speech by President Obama, Japan and the U.S. have commenced a dialogue for maintaining the credibility of extended deterrence. Facing a nuclear threat from North Korea, and enhanced threat perception from Chinese nuclear weapons, the reliability of extended deterrence has been an important issue for both allies. As is the same for the NATO countries, strengthening the credibility of nuclear deterrence has been positioned at the core of the security policies of U.S. allied countries. Those countries are working toward secure extended deterrence, and would not calibrate their policy for reverse consequences. It becomes a self-contradiction for them to call for a universal nuclear abolition under this situation.

The nuclear weapon states may come to doubt whether to offer extended deterrence to an ally who participates in the treaty and calls for the abolition of nuclear weapons. If that doubt prevails, the reliability of the deterrent will be greatly reduced. In a real-world scenario, if Japan joins the TPNW and asks the U.S. for extended nuclear deterrence, the United States would encounter two different faces of Japan, an ally and a severe critic at same time. The Japanese public would be fragmented and confused. Under this situation, the U.S. would try to reduce the risk of getting involved in Japan’s disputes.

In responding to this scenario mentioned above, and as long as the Japan-U.S. security treaty exists, the United States will be able to secure a U.S. military base in Japan without providing extended nuclear deterrence to Japan. If Japan participates in the TPNW and refuses U.S. extended deterrence, Japan may face a contradictory situation if it realistically considers the strategic condition it faces. The Japanese government will have to take its own measures against the presence of nuclear weapons in neighboring countries, and in some cases will need to promote policies contrary to the abolition of nuclear weapons.

Moreover, a situation could arise in which Japan allows itself to be subject to extended nuclear deterrence from the U.S. and also demands that China disarm their nuclear weapons based on TPNW norms. China will not favor this scenario and will doubt the honesty of Japan’s commitment to nuclear nonproliferation and disarmament. On the contrary, if Japan voluntarily exits the nuclear umbrella of the United States, that would greatly help China’s strategy. It becomes reasonable for China to continue putting pressure so that it does not face Japanese indigenous nuclear development. Japan may be satisfied by participating in the TPNW, but it would invite either the distrust of the countries concerned or ridicule.

In other words, Japan's participation in the TPNW would not contribute to the abolition of nuclear weapons, but rather would distance nuclear abolition, and also endanger Japanese security.

Suggestions for Japan

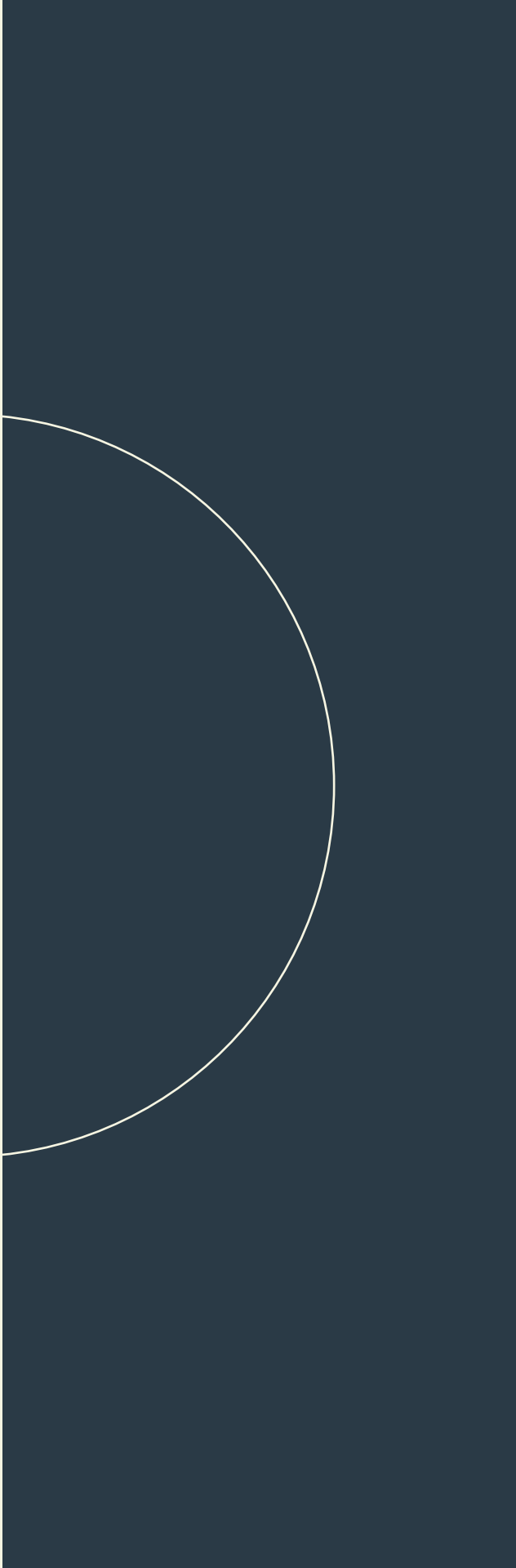
When Hiroshima-born Foreign Minister Fumio Kishida announced in 2017 that Japan would decline to participate in the negotiating process of the TPNW, he declared with a bitter look, "It could also be counterproductive in the sense of deepening the confrontation between nuclear weapons and non-nuclear weapons countries."⁵ This expression was the result of detailed consideration within the government, but the implication of the speech seems not to have been understood by the general public. But, after all, there is no more concise and straightforward representation in explaining Japan's policy.

Japan is not negligent on nuclear disarmament. The Ministry of Foreign Affairs launched the Group of Eminent Persons for Substantive Advancement of Nuclear Disarmament with members from inside and outside Japan,⁶ and started to discuss a policy to examine attempts to bridge nuclear weapons and non-nuclear weapons countries. Looking back, "bridging the gap" was a term used in 2010 when Japan and Australia jointly announced the formation of the Non-Proliferation and Disarmament Initiative. The Japanese government seemed to be working hard to save the NPT process, which it thinks is the only realistic way forward for nuclear disarmament. Japan is trying to reconstruct the NPT process through "wise men's" meetings and other relevant efforts.

If Japan is to seek nuclear disarmament seriously, it should not participate in the current TPNW. Although we should value the process of the TPNW and its ideal, Japan should pursue measures outside the treaty. The role of Japan is not to promote division, but to move forward with a realistic disarmament effort by standing between nuclear weapons and non-nuclear weapons countries.

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“The way to go forward is to understand the antinomy that exists between the ideas of disarmament and deterrence, and to find a path to overcome the differences.”

Nuclear Deterrence or Nuclear Disarmament in East Asia? Suggestions for Japan

WAKANA MUKAI

The security environment in East Asia is deteriorating. There are certain issues that may and have already affected Japan's security policies, especially regarding the issues of nuclear deterrence and nuclear disarmament.

North Korea under a strong dictatorship continues to engage in brinkmanship by continuing to build up its nuclear and missile capabilities which have invited its further isolation from the rest of the international community. Meanwhile, China is aggressively building up its nuclear and conventional capabilities, but both activities lack transparency regarding quantity, quality, and intention. Between these two threats in the short and long terms, Japan has clear interests in both nuclear deterrence and nuclear disarmament.

But the recent Treaty on the Prohibition of Nuclear Weapons (TPNW) has created serious gaps between those who welcome nuclear disarmament and those whose utmost priority is nuclear deterrence, putting Japan in a difficult position in considering the two policies.

Background to the Current Situation

There are four countries possessing nuclear weapons that are vital in shaping the security environment of East Asia, namely North Korea, China, Russia, and the United States. North Korea continues to aggressively build up its nuclear and missile capabilities despite the strong criticism and accusation from the international community; China, being the second largest economic power in the world, has been continuously and enthusiastically building up its military capabilities, engaging in aggressive military activities within the region, possesses little transparency regarding these actions, and has invited anxiety and irritation among the other regional countries; Russia has shown aggressive intentions toward its neighboring region to change the status quo by force and coercion, and continues to consider its nuclear forces a means of securing its global position and supplementing its conventional inferiority; and the United States, with a leader who seems to be conducting foreign policies under "peace through strength," indicates that every action is based on the idea to "make America great again." Among them, two countries need particular attention.

The first is North Korea. North Korea's operating capabilities of nuclear weapons and ballistic missiles have been improving over the past few years,

and they are considered to have reached a point where the threat has advanced to a completely different level than before.¹ Ever since North Korea carried out its first nuclear test on October 9, 2006, it has conducted multiple tests, the latest one on September 3, 2017, presumably using a thermonuclear device.² Parallel to this, multiple missile tests were actively being pursued: North Korea has conducted 117 missile tests since 1984, including 20 tests done in 2017, the latest one conducted on November 28.³ It has pointed its finger directly at Japan by stating that Japan “should be sunken into the sea by the nuclear bomb” it possesses, while simultaneously indicating that it would “reduce the U.S. mainland into ashes and darkness.”⁴ Although various measures have been attempted with North Korea in the hope of stopping further nuclear and missile developments, none of them have worked thus far, and the international community seems to have reached a dead-end.

Together with the situation of North Korea is the issue of China. China has been expanding its military budget for at least the last 25 years at a remarkably fast pace. It has continued its independent efforts to develop and improve its nuclear and missile capabilities, as well as advance its comprehensive military modernization program, including its submarine forces, that are claimed to improve its ability to conduct and enhance “strategic deterrent capabilities” including nuclear deterrence.⁵ Although it has continuously legitimized its arms buildup as part of its bigger mission to modernize the state, and to ensure the security of the state which is currently under “peaceful development,” it has yet to set forth a decisive future vision of these acts, thus inviting strong suspicion and concerns from regional countries, including Japan.⁶ China’s aggressiveness towards expanding its power in the East and South China Seas, indicating its willingness to change the status quo by force, together with those contradictory attitudes reinforces anxiety and distrust within the region.

On a more global scale, the movement towards prohibiting nuclear weapons has cast a serious cloud over countries that rely on extended nuclear deterrence. The creation of the TPNW in July 2017 has become a Pandora’s box regarding the issue of nuclear disarmament and nuclear deterrence. It has created opportunities for countries like Japan, which relies on U.S. extended nuclear deterrence, to seriously consider and rethink their position and balance regarding disarmament and deterrence. Although the creation of the treaty was a sensational event in the history of nuclear disarmament, the international community cannot deny the fact that it has clarified a deeper and a more serious gap that has long been a tacit understanding though never explicitly confronted in the range of international politics. The gap between the haves and have-nots, and also between the umbrella states, has become even clearer, and with this new treaty, the gap has now been explicitly acknowledged.

Issues

One of the biggest challenges Japan faces today is the balance between how to maintain nuclear deterrence in the short term, and at the same time seek nuclear disarmament in the longer run, and ultimately the elimination of nuclear weapons. To make the decision on which position to take is, no doubt, not an easy task. This balance is heavily related to the issue of North Korea, China, and the TPNW since the two ideas are considered the core of Japan's security policies.

Japan must first confront the question of whether it is prepared to live with a nuclear North Korea or it is determined to continue to seek a path for North Korea to give up its nuclear arsenals. The international community has engaged in various forms of measures to prevent and to ultimately try and solve North Korea's commitment to further developments of nuclear weapons and delivery devices. These measures include, for example, providing negative incentives in the form of sanctions, providing positive incentives in the form of economic assistance, decreasing demands for weapons of mass destruction by establishing arms control regimes, improving the security environment in the region so that North Korea can shift its policy to less reliance on nuclear weapons for its state survival, and creating high barriers for acquiring weapons. None of these endeavors, however, seem to have worked so far. Thus, Japan confronts a serious dilemma in which it has no other option (or at least that is what the government of Japan is implying) but to rely on extended nuclear deterrence since the security environment is deteriorating.

The second challenge relates to the issue of the uncertainty and formidability of China's military buildup. The Japanese government has repeatedly expressed concern with the unclearness of the purpose and goals of China's military buildup at an official level.⁷ Moreover, although China claims that it is under political oath to follow an unconditional no-first-use policy and will provide unconditional negative security assurance, it is difficult to fully take China's words on good faith especially with China's rapidly growing nuclear and missile capabilities.

A more complicated problem that lies beneath the China issue is that whereas North Korea is clearly thought to be "the most urgent and dangerous threat to peace and security,"⁸ China is not. China possesses and makes the best out of its bipolar character in the international community. On the one hand, it continues to build up its military forces in an opaque manner which invites the notion that China can be considered one of the "strategic challenges to regional peace and prosperity."⁹ On the other hand, however, China is a vital player, especially in the international economy, and thus has strong influence throughout the world. The United States takes seriously the high-level dialogues with China and encourages bilateral talks on strategic stability and strategic force. Even Japan

cherishes a “mutually beneficial relationship based on common strategic interest” (*senryakuteki gokei kankei*) with China, acknowledging the importance of China as a crucial global actor especially when tackling big issues, such as peace and security in East Asia, North Korean nuclear issues, nuclear nonproliferation, and climate change, and has high expectations for China “to play an active role in a more cooperative manner in the region and the world.”¹⁰ We seldom see high-level officials strongly expressing concerns on the growing Chinese nuclear forces in bilateral talks, which leaves the impression that Japan overlooks China’s nuclear capability in order to establish and enjoy the benefits it gains in having good relations with the country.

It is easy to condemn North Korea with its unilateral character as the “urgent military threat,” but we must not forget that China also has its threats buried behind its legitimate position supported by its rapid economic growth. Seeing China as a threat versus it being a central actor in critical international issues is what allows China to take advantage of its current position of being vague in its military activities without facing full condemnation by the international community as is the case with North Korea.

Suggestions for Japan

How can Japan, with the issues mentioned above, balance its short-term goal to resume and nurture its security policy which relies deeply on nuclear deterrence together with its long-term goal to achieve nuclear disarmament and ultimately the elimination of nuclear weapons?

The official Japanese position is that it “believes that realistic and practical efforts on nuclear disarmament and nonproliferation is essential in truly pursuing a world free of nuclear weapons,” and that these efforts should be pursued steadily “through cooperation with both the non-nuclear and the nuclear-weapon states (NNWS and NWS), based on the clear understanding of such a severe security environment as well as the correct understanding of the humanitarian consequences of nuclear weapons.”¹¹ At the same time, Japan needs to respond “appropriately to real threats, including North Korea’s nuclear and missile development programs,”¹² implying that nuclear deterrence is a necessity when considering the current circumstances.

As much as it seems contradictory to admit, the policies of nuclear disarmament and nuclear deterrence have coexisted for decades. This does not, however, mean that Japan prefers a world in which nuclear weapons play a crucial role: the bigger picture here is to achieve regional and global peace and security, and the way to go forward is to understand the antinomy that exists between the ideas of disarmament and deterrence, and to find a path to overcome the differences.

(1) Setting a suitable environment for nuclear disarmament to be pursued

Japan does not possess nuclear weapons; thus it cannot act primarily on nuclear disarmament measures, which aim to decrease the number of nuclear weapons. The “Three Reductions” proposed by then Foreign Minister Fumio Kishida in 2014 imply that when considering nuclear disarmament, there is a need for not only: a) the reduction of the number of nuclear weapons, but also b) the reduction of the role of nuclear weapons, as well as c) the reduction of the incentive for possession of nuclear weapons.¹³ It would be impossible for Japan to commit to a), but it would be able seek ways in which it could contribute to creating an environment in which countries that actually possess nuclear weapons would be able to consider dropping the number of nuclear warheads that they possess. In doing so, it would be important, for example, to detach the idea of prestige, power, and advantage from the act of possessing nuclear weapons.

As Jo and Gartzke put it, “where there is a will, there is a way”¹⁴ for countries to get hold of these weapons, and thus decreasing incentives for further proliferation becomes indispensable. Thus, reducing the role of nuclear weapons, or rather, decreasing the weight which countries put on nuclear weapons in terms of security purposes would become extremely important since it may lead countries to consider moving beyond nuclear strategies and policies. On the other hand, however, the international community must keep in mind that if the numbers of nuclear weapons do decrease, it may make nuclear weapons more valuable in international politics. The spiral can move either in a positive or a negative way, and we need to keep in mind that the issues of prestige, power, and advantages that derive from possessing nuclear weapons may once again come back on the course towards reduction. Reducing both the number of nuclear weapons and countries’ image of the role which they play in international politics should be made less attractive at the same time.

There is plenty of literature that has accepted the fact that countries that have had the potential capability to develop nuclear weapons have not done so in the past. Sagan points out that there are three elements that countries are influenced by when making these decisions: security concerns, domestic demands, and normative concerns. Sagan argues that security concerns are the strongest motivation for a country to consider going nuclear, and the latter two are important though not necessarily a must.¹⁵ If this is the case, then, easing tensions and strengthening confidence building measures and trust within East Asia is an important step in stabilizing the region. For example, Japan has been exploring opportunities to cooperate with China in the area of security and defense.¹⁶ Such initiatives will encourage transparency among countries, which will lead to a more stable bilateral relationship, which in the end will act as a strong factor for bringing peace and stability to the region. The tricky part, however, is that North Korea already

possesses a certain degree of nuclear capability, and therefore easing tension and stabilizing the region may not be enough to deal with the situation.

Moreover, we must also keep in mind that Japan is not considered to be in a central position to solve either of the security threats and challenges that it faces. The issue of North Korea is primarily handled by and corresponds to decisions by the United States, and the issue of China as a potential threat also relates to how the United States manages the situation.

(2) Moving beyond the notion of nuclear deterrence?

One bold suggestion would be for Japan to start thinking of moving beyond nuclear deterrence. This, of course, would be in the longer-run, but it would be an important signal to the international community that nuclear weapons may become less important when considering security policies.

To start with, we must first acknowledge the fact that nuclear deterrence currently is perceived to play a role in the maintenance and shaping of international security. The unfortunate matter is that we are not in a position where we can prove that this is actually the case, and therefore we must live with this perception. Moreover, we are not certain whether deterrence has been credibly functioning as we intend it to be. Japan should reexamine the balance between its potential threats and the means to counter those threats, and whether nuclear deterrence is truly a necessity or not. Although the logic of deterrence is still very vivid in the relations, for example, between India and Pakistan, and even between the United States and Russia, we can sense the decline in the role of nuclear deterrence in military strategies. Yet this is uncertain when it comes to the Trump administration, and further observation will be needed to determine what and how strong the U.S. government's stance on nuclear weapons will be.

This, however, does not mean to move completely beyond “deterrence” itself. We must keep in mind that deterrence consists of both nuclear and conventional dimensions. In other words, moving beyond extended nuclear deterrence does not necessarily require moving beyond the U.S.-Japan alliance, which is a vital part of Japan's security policy.

The downside is that if Japan were to reinforce its conventional forces, even aiming only to defend its country, it would no doubt stir up anxiety, suspicion, and mistrust, not only in China and North Korea, but also in South Korea. If this is the case, then, would it be better for Japan just to continue to rely on the nuclear umbrella provided by the United States as part of the extended deterrence which it already enjoys? An ignorant way to answer this question would be simply to say yes. Nonetheless, if Japan is to seek a world free of nuclear weapons as its ultimate goal, Japan must start looking for ways to actively send out a message to the world that its policies would rely less on nuclear weapons, either verbally or non-verbally. If

Japan is able to do so, this would lead to the notion of decreasing the role of nuclear weapons: countries under the nuclear umbrella have always had a role in shaping the importance of and providing central roles to nuclear weapons by letting the world acknowledge that nuclear weapons are necessary for security, so why not utilize that position in moving forward to nuclear disarmament?

Japan can also urge countries that possess nuclear weapons not to use them, especially from a humanitarian point of view, which is consistent not only with Japan's original claim for the elimination of nuclear weapons, but also with the current trend shaping the atmosphere for banning nuclear weapons. Unintended consequences can occur due to misunderstanding and miscalculation between states. When considering the possibility of the use of nuclear weapons, the result of these weapons being used would cause such catastrophe that the world would not be able to tolerate the consequences. Nuclear deterrence is a situation in which nuclear weapons exist and are not being used, but always have the ultimate alternative that they might be. If countries can agree on not using nuclear weapons with the exception, for example, of when one's survival is at risk, then the idea of nuclear deterrence and the role of nuclear weapons may lessen compared to their profile today.

(3) Finding a way to join the TPNW?

Another bold suggestion would be for Japan to seek a realistic path, with a specific time frame, to join the TPNW.

Threatening to use nuclear weapons is clearly prohibited in the treaty. This can, however, be considered a gray-zone area, and if we read between the lines, the treaty does not explicitly prohibit countries from being under the nuclear umbrella. Although this argument is rather weak, if Japan is not prepared to or is not trying to seek ways and conditions in which it eventually could step away from the idea of nuclear deterrence (which most likely will not be the case), Japan should at least seek an independent stance, distancing itself somewhat from that of the U.S. on the issue of the TPNW.

We need to remember that nuclear disarmament is part of arms control initiatives, and thus issues of security are also very much correlated. We fundamentally cannot detach the two issues, as it will bring no solution to the table. The important thing would be to recognize that the two camps actually aim for a common understanding, which is to achieve a world free of nuclear weapons, and before arriving at that goal, along the way, to never experience the use of any nuclear weapons by any country that possesses them.

Nonetheless, it is not enough for Japan to simply reconcile its current stance. If Japan is calling itself the only state that has suffered the droppings of atomic bombs, and thus has a firm duty and obligation to lead the world toward a world free of

nuclear weapons, there will be a time when Japan, too, will have to join the TPNW. To take a firm stance is understandable, but at some point, Japan would have to reconsider and shift towards a more original position, away from the position of the United States. Japan may lose trust as a reliable actor in the international community if it changes its position to supporting the treaty should the shift in international community regarding banning nuclear weapons become a positive trend (even partially) within NWS and umbrella states. Japan should be the first of this camp to say that it supports the TPNW. Japan's attitude may open ways for other NNWS under the nuclear umbrella to consider joining in. How and could it actually do so is the real question.

Endnotes

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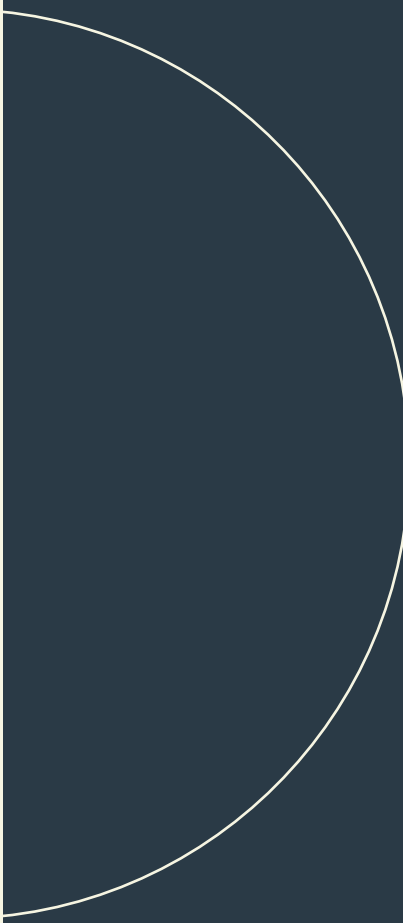
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construct guided-missile nuclear attack submarines (SSGN, SHANG class, Type 093B) which are said to likely improve China's anti-surface warfare capability as well as provide more clandestine land-attack options for its strategy.

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“We may learn from Pakistan how strong the incentive for a nuclear outlier to legitimize its nuclear possession internationally is, but coercive elements were relatively limited in American nuclear engagement.”

Making a “Responsible” Nuclear State: Lessons from Two Decades of American Engagement with South Asia

MASAHIRO KURITA

While both conducted nuclear tests in May 1998 and became targets of international condemnation and sanctions, India and Pakistan have come to be seen as totally different nuclear powers from one another almost two decades later: India, with a “defensive” nuclear posture and an exemplary nonproliferation record, is regarded as a “responsible” nuclear state, and has achieved recognition of its nuclear status in the international nuclear order, whereas Pakistan remains a nuclear outlier, struggling with the stigma of the proliferation network operated by A.Q. Khan.

Although it is natural that each country adopts different policies, this stark difference of their images is interesting when we consider the fact that the international community, particularly the United States, sought engagement with both capitals right after their tests by presenting almost the same nuclear policy “benchmarks.” Such American engagement was intended to nudge their policies in the moderate and responsible direction — in concrete terms restrain rapid and boundless expansion of arsenals, reduce the likelihood of actual nuclear use, and prevent the spread of sensitive materials and technologies — and has continued since then, though its form and context has changed.

What this chapter intends to do, through analyzing the American interactions with India and Pakistan, is draw lessons on this sort of engagement with a newly emerging nuclear state borne out of nonproliferation failure. To do this, it is important to answer the following questions: 1) how did the U.S. engage with each country; 2) to what extent have India and Pakistan come to adopt responsible policies, beyond the above-mentioned images; and 3) what challenges remain or might arise in the near future? After examining these questions, we seek lessons from this South Asian experience.

Background to the Current Situation

(1) Post-Test Era

After the 1998 tests, India faced the question of how to preserve its nuclear capability from international pressure. India had been targeted by international nonproliferation efforts since its “peaceful nuclear explosion” (PNE) in 1974, but it was still possible for New Delhi to evade such pressures to some extent by not declaring nuclear status overtly until the end of the 1990s. The 1998 tests, however, made this approach untenable. Driven by the concern that its integration into the

world economy, which was at the nascent stage, would be hampered by economic sanctions, India launched a diplomatic offensive right after the tests to mend relations with the U.S. and other major powers.¹

The situation was worse for post-test Pakistan, which also sought a way to preserve its nuclear capability. Since Islamabad had virtually no plan to deal with the repercussions of the tests — it reacted to India's preceding tests — and its economy was more vulnerable to economic sanctions than India's due to its dependence on international financial institutions, Pakistani leadership also sought engagement with the international society, particularly the U.S.²

Meanwhile, the U.S., a champion of nonproliferation, felt the need for not only tough policies but also engagement.³ As a result, the Clinton administration decided to hold nuclear dialogues with both countries. Washington and New Delhi held ten rounds of talks between June 1998 and June 2000, whereas parallel dialogues between Washington and Islamabad concluded in February 1999.⁴

American aims in this process can be summarized as avoiding further risks arising from South Asian nuclearization, such as boundless expansion of their arsenals, actual nuclear use, and the spread of sensitive materials and technologies. This can be seen in the five-point benchmarks for sanctions relief presented by the U.S. in the dialogues with India, as well as in the joint communique issued by the U.N. Security Council's permanent members in early June 1998. The benchmarks were: a) signature on the Comprehensive Nuclear-Test-Ban Treaty (CTBT); b) cooperation in negotiating the Fissile Material Cutoff Treaty (FMCT) and in the interim a freeze on further production; c) limiting ballistic missile development to the existing two types, refraining from deployment of missiles close to the border, and storing warheads and missiles separately; d) adoption of "world-class" export controls for nuclear and missile-related materials and technologies; and e) resumption of the India-Pakistan dialogue to address the causes of the tension, including Kashmir.⁵ Almost the same formula was presented to Pakistan.⁶

Nonetheless, these dialogues did not lead to any concrete agreement. Indeed, India expressed the intention that it would seek only a minimum capability which it could manage responsibly, as well as reaffirming its interest in "converting its de facto testing moratorium into a de jure commitment, including accession to the CTBT."⁷ Pakistan was also amenable to abide by its declared test moratorium and consider signing the treaty on the premise that India would do the same, and assured the non-deployed status of its arsenal.⁸ However, in the end neither side signed the CTBT nor agreed to impose binding restrictions on their weapons programs.⁹ New Delhi was loathe to be lectured on its own defense requirements, whereas Islamabad, which sensed that Washington lacked proper understanding of its security concerns about India, was unwilling to concede on national security.¹⁰

Despite little progress on the dialogues, Washington gradually eased sanctions against both. Part of the post-test sanctions had begun to be lifted as early as 1998, and they were completely waived after the 9/11 attacks in 2001, mainly due to Washington's priorities other than nonproliferation, such as strategic rapprochement with India and anti-terror cooperation with Pakistan.¹¹

(2) India's Policy Trajectory

However, the official nuclear doctrine New Delhi released in January 2003 was not so far apart from Washington's benchmarks in terms of its policy direction. What was included in this doctrine was: credible minimum deterrence (CMD); no first use (NFU); negative security assurance; massive retaliation; civilian control; strict export controls; participation in the FMCT negotiations and observance of the nuclear test moratorium; and continued commitment to a nuclear weapons-free world.¹² No revision of the doctrine has been publicly announced so far.

This doctrine articulates a defensive nuclear posture which is conducive to minimizing the arsenal size and reducing the likelihood of nuclear use. It confines India's nuclear use scenario to massive retaliatory strikes in response to an adversary's weapons of mass destruction (WMD) attack, which in turn limits the purpose of India's deterrent to prevention of WMD attack and blackmail. For this purpose, what is necessary is a "credible minimum," as stated by the doctrine, rendering various modes of nuclear war-fighting with an extensive nuclear force and a sophisticated doctrine unnecessary. Moreover, in general, such a "retaliation-only" posture doesn't need a high alert nuclear force, as long as its survivability is ensured, and indeed in 1999 External Affairs Minister Jaswant Singh ruled out notions of "launch on warning" or "hair trigger alerts" as destabilizing, asserting that retaliation does not have to be instantaneous.¹³

In his 2013 speech, then chairman of the National Security Advisory Board Shyam Saran stated that New Delhi has developed its deterrent architecture in conformity with this doctrine since 2003.¹⁴ When the drafted nuclear doctrine was released in 1999, the U.S. worried that India might develop an arsenal bigger than Britain's or France's.¹⁵ Nevertheless, for twenty years since then, the pace of increase of India's warheads has been modest, and even today, the number of warheads India possesses is not comparable to Britain, much less France.¹⁶ Though it has refrained from signing the CTBT, New Delhi has maintained its nuclear test moratorium. There are some ongoing strategic weapons development programs which can indicate a potential shift of the nuclear posture away from the current defensive one, but observers often point out that in fact these are driven not by the requirement of another posture but by technological momentum or institutional interests of the scientific community, without clear directions from political leadership.¹⁷ Moreover, despite the active debate on potential doctrinal revisions

in the strategic community, Prime Minister Narendra Modi denied any revision at the moment in August 2014.¹⁸ Successive defense documents have also reaffirmed key components of the doctrine, like CMD or NFU.¹⁹

While the background of this policy preference may be multifaceted, at least it is undeniable that New Delhi has sought to cultivate a responsible image internationally through this defensive posture. It is widely accepted in India that this posture has helped in projecting India as a responsible nuclear power, and consequently led to its accommodation into the global nuclear order and accompanying tangible benefits, like the U.S.-India nuclear deal.²⁰ Supporters of the current doctrine have argued that shifting away from the defensive posture would undermine the responsible image and India's diplomatic leverage.²¹ As for the nuclear test moratorium, though there have been some skeptical views on the credibility of the thermonuclear test on May 11, 1998, the notable strategist Raja Mohan pointed out, in view of the anticipated political and economic fallout, "India has no political or strategic incentive to rock the boat on nuclear testing."²²

On the other hand, it was in the process of the U.S.-India civil nuclear cooperation initiative in the 2000s that India's nonproliferation efforts, especially export controls, were featured and specific measures were agreed. This initiative was a part of the broader U.S.-India rapprochement, which owed much to the mutual trust fostered in the nuclear dialogues. Both sides expected tangible benefits from this initiative, like deepening the strategic partnership, the U.S. gaining access to India's civil nuclear market, and India meeting its growing energy needs.²³ Still, nonproliferation-related considerations existed as well: it was intended to end India's nuclear isolation and incorporate the country into the existing nonproliferation regime.²⁴

From 2002 to 2004, Washington and New Delhi undertook technological cooperation dialogues, in which the former agreed to partially ease post-1974 technology-denial measures on dual-use items against the latter, in exchange for New Delhi tightening export controls.²⁵ Then, in January 2004, they identified civil nuclear activities as one area for expanding cooperation in the Next Steps in Strategic Partnership framework, and India pledged to strengthen its own nonproliferation measures.²⁶ This led to the joint statement of July 2005, which marked the beginning of the negotiations of the nuclear deal. In this statement, New Delhi committed, in exchange for full civil nuclear cooperation from the U.S., to take the following measures: separating civilian and military nuclear facilities and programs; voluntarily placing civil facilities under International Atomic Energy Agency Safeguards, and signing and adhering to the Additional Protocol; continuing the unilateral test moratorium; cooperating with the U.S. for the conclusion of the FMCT; refraining from transfer of enrichment and reprocessing technologies to states that do not have them; and securing nuclear materials and technology through export controls and adherence to Missile Technology Control Regime (MTCR) and Nuclear Suppliers Group (NSG) guidelines.²⁷

It was a significant step for India to adopt these measures, especially to align its domestic regulations with the guidelines of the NSG and MTCR and enact the WMD act of 2005, which incorporated key international standards such as “catch-all” controls and technology transfers, to prevent proliferation of WMD-related technologies.²⁸ New Delhi had already established domestic export controls well before 1998, and the nuclear deal was made possible by its strong nonproliferation record.²⁹ However, at least up to the 1990s, it had been antagonistic toward the Treaty on the Non-Proliferation of Nuclear Weapons (NPT)-centric nonproliferation regime and relevant multilateral controls, considering them as unfairly hampering legitimate programs of developing countries.³⁰ At that time, India was even a main target of those arrangements, as shown by the fact that the NSG was established in response to India’s PNE.

Conclusion of the U.S.-India civil nuclear agreement and NSG’s India-specific waiver to its guidelines in 2008 practically meant that India’s unique status as a nuclear power outside of the NPT was acknowledged in the existing international nuclear order. After that, both capitals set India’s entry into four export control regimes — the NSG, the MTCR, the Wassenaar Arrangement (WA), and the Australia Group (AG) — as the next step for its further incorporation into the order. New Delhi has several motives. Membership in these regimes can politically facilitate trades of items regulated by them since the membership reflects India’s credentials as a like-minded partner.³¹ As for the NSG, without membership, India has to rely on its partners’ favors to thwart any future revision on the 2008 waiver which will adversely affect its nuclear commerce with NSG members.³² Moreover, there was frustration in India that it still remained a target of the regimes, despite the conclusion of the U.S.-India deal.³³

To meet the requirements of entry, India has been undertaking measures to further bridge the gap between its domestic export controls and the guidelines of the regimes. In addition to the alignment with the NSG and the MTCR, which was previously made to meet the condition of the U.S.-India nuclear agreement, New Delhi has been addressing the AG and WA.³⁴ In 2016, India also joined The Hague Code of Conduct against Ballistic Missile Proliferation, which in turn was instrumental to materialize India’s accession to the MTCR in the same year.³⁵ Moreover, the WA and AG decided to admit India as a new member, respectively in December 2017 and January 2018.

(3) Pakistan’s Policy Trajectory

American engagement with Pakistan after the nuclear dialogues treaded a different path from the one with India, which took the form of accommodation into the nuclear order facilitated by their deepening trust. In the eyes of Pakistan, the U.S. has traditionally been a threat to its nuclear program, notwithstanding

their alliance, because Washington imposed sanctions to halt Islamabad's nuclear program even before the 1998 tests. Even worse, the post-test dialogues left Pakistan the impression that the U.S. tilted toward India and ignored its legitimate security concerns.³⁶

After the dialogues, it was the risk of WMD terrorism brought to light by the 9/11 attacks that made Washington realize the importance of continuing engagement on nuclear issues with Islamabad. The U.S. harbored serious concerns about the security of Pakistan's arsenal, due to the extensive presence of Islamic radicals in the country and its political instability.³⁷ Hence, U.S. Secretary of State Collin Powell offered Islamabad some assistance in securing its nuclear weapons after the 9/11 attacks, although there had reportedly been some contacts on this issue before that.³⁸ Islamabad accepted this offer, but refused assistance in physically protecting the nuclear facilities, partly due to its perception of threat from Washington.³⁹

It was the revelation of the clandestine proliferation network operated by A.Q. Khan, the so-called father of Pakistan's bomb, which made Pakistanis more willing in this cooperation with the U.S. Having difficulties in convincing the international community that there was nothing official about the proliferation activities, which were made public in 2004, Islamabad decided to reverse its earlier policy of secretiveness and actively demonstrate responsible stewardship of its nuclear arsenal through cooperating and sharing information with the international society, particularly Washington, to protect its already weak standing as a nuclear outlier.⁴⁰

Pakistan dismantled the domestic components of the network and shared interrogation results from A.Q. Khan and his accomplices.⁴¹ In addition, with American cooperation, Islamabad embarked on institutional reforms on nuclear security and export control. On the nuclear security front, U.S. assistance has included best practices and technical proficiency for preventing unauthorized or accidental nuclear use, physical security for facilities, and development of the Personnel Reliability Program.⁴² As a result of this cooperation and its own measures, such as the institutionalization of military control on strategic organizations, and the establishment of a dedicated Special Response Force, Pakistani officials have consistently expressed confidence in the security of their arsenal.⁴³

As for export controls, Washington has helped Islamabad align its domestic regulations with international standards through the Export Control and Related Border Security Assistance Program.⁴⁴ Pakistan consolidated previous laws into one legislation, the Export Control Act on Goods, Technologies, Material, and Equipment related to Nuclear and Biological Weapons and their Delivery Systems-2004 (SECA-2004) in 2004, and has been incorporating key international standards, like "catch-all" controls, and upgrading its control lists to align them with regulations of multilateral export controls.⁴⁵ In 2016, Islamabad announced that its control lists were harmonized with the control lists of the NSG, MTCR, and

AG.⁴⁶ The intention behind all these efforts is to remove the stigma of the Khan affair and cultivate a responsible image.⁴⁷

Pakistan's efforts have been recognized internationally, especially by the U.S. Senior officials of the Obama administration repeatedly expressed confidence in Pakistan's secure custody of nuclear weapons, at least in peacetime, and appreciated Islamabad's progress on improving export controls and engagement with multilateral regimes.⁴⁸ U.S. NGOs also have acknowledged Pakistan's improvement.⁴⁹ Besides, in 2011, U.S. Secretary of State Hillary Clinton made a certification on Islamabad's continuing cooperation in dismantling clandestine nuclear supplier networks, and in the next year, the State Department's report referred to the Khan network as "defunct."⁵⁰

Nevertheless, Pakistan has not yet acquired the image of a responsible nuclear power and resultant endorsements for its accommodation into the international nuclear order. Since the announcement of U.S.-India nuclear cooperation in 2005, Pakistan has tried to attain the same nuclear deal with the U.S., the U.K., and France, but failed.⁵¹ Moreover, although Islamabad has expressed its aspiration for entry into four multilateral export control groups and formally applied to the NSG in 2016, unlike in the case of India, no country, including the U.S., has supported the bid, except for China.⁵² Also unlike India, Pakistan lacks commercial incentives for international nuclear industries which would facilitate its accommodation into the order.

Ironically, the two decades of American engagement with Pakistan seem to have ended in increasing mutual mistrust between the two countries. American reluctance to extend treatment to Pakistan equal to that vis-à-vis India, notwithstanding its cooperation and appreciation of Pakistan's improvement, has reinforced Islamabad's suspicions of Washington's unfair tilt toward India and its uneasiness with Pakistan's nuclear capability. This unwillingness on nuclear cooperation with Pakistan derives from its proliferation record, but this reasoning is unacceptable for Pakistanis who have vehemently denied any official complicity in the Khan network.⁵³ Even worse, since the 2000s, reports on U.S. contingency plans to take over Pakistan's nuclear weapons in case of a loss of control by the Pakistan government have periodically emerged and fueled their original doubts about American intentions.⁵⁴ Due to the suspicion, Pakistan reportedly has denied the U.S. direct access to the actual sites in Pakistan or personnel working in them.⁵⁵ Above all, the overall U.S.-Pakistan relationship has been trapped in a vicious cycle of mutual mistrust in the War on Terror.

The long shadow of the Khan network is not the sole reason for Pakistan's difficulty in gaining a responsible image. The U.S. has held longstanding concerns about Pakistan's policies in terms of maintaining South Asian strategic stability. This concern originally centered on Pakistan's proxy war under the nuclear umbrella, which led to several crises mediated by the U.S., but recently a shift in its nuclear posture toward an "offensive" one has taken center stage.

While Pakistan has not published any nuclear doctrine document, interviews of officials and semi-official writings suggested that after the 1998 tests, it adopted a relatively moderate nuclear posture, constituted of: CMD; reservation of the option to use nuclear weapons first, but as a last resort, to deter existential conventional threat from India; rejection of tactical nuclear weapons (TNWs); and centralized command and control.⁵⁶ However, since the late 2000s Islamabad has dramatically expanded its plutonium production capability, which raised the projected number of warheads in 2025 up to 250.⁵⁷ In addition, Pakistan's military conducted the maiden-test of the very short range (60 km) Short-Range Ballistic Missile Nasr, widely regarded as a TNW in 2011, and in 2013 expressed its intention to “maintain a full spectrum deterrence capability to deter all forms of aggression.”⁵⁸

Consequently, since the early 2010s Western analysts and officials have raised concerns on the shift of Pakistan's posture toward an offensive one, which encompasses a wider range of nuclear use scenarios — not confined to “last resort” — with expanded nuclear warheads and not only strategic but also tactical systems.⁵⁹ This posture, particularly the introduction of TNWs, is destabilizing in that, in addition to lowering the thresholds for intentional nuclear use, forward-deployed TNWs entail the risk of inadvertent use in the chaos of conventional battles and theft by illegal elements. Such a posture has hampered Pakistan's acquisition of a responsible image.

Such American concerns on Pakistan's posture and Pakistan's above-mentioned desire for treatment on par with India in the international nuclear order led to the conception of a U.S.-Pakistan civil nuclear cooperation deal. This idea, which floated before the U.S.-Pakistan summit in October 2015, was intended to restrain the expansion of Pakistan's nuclear arsenal, especially TNWs, in exchange for India-like civil nuclear cooperation.⁶⁰ It did not materialize, however, since Islamabad insisted that its TNWs were defensive countermeasures to India's limited conventional war doctrine, and Pakistan would not compromise on national security.⁶¹

Issues

U.S. engagement with India has drawn much criticism from nonproliferation experts, mainly on the ground that it undermined the credibility of the nonproliferation regime by creating an exception to its central rule — states other than the five recognized nuclear powers under the NPT can gain access to peaceful nuclear energy only in exchange for not acquiring nuclear arms — and failed to impose any meaningful constraints on India's strategic nuclear program.⁶² On the other hand, in terms of nudging India's own program away from the dangerous course, it seems that the U.S. effort has met with some success. Twenty years after the tests, India's image as a responsible nuclear power has largely been established. New Delhi has consistently professed a defensive nuclear posture, refrained from

another nuclear test, and approached multilateral export control regimes to which once it was hostile.

Nonetheless, there are several facts which raise doubts over the credibility of India's responsible image. For example, India's strategic community has been debating limited nuclear options, and last year an American scholar stirred up controversy over the validity of India's NFU.⁶³ It has also been pointed out that the low-alert status of India's arsenal based on storing warheads and missiles separately, which was once widely assumed, is becoming untenable due to the introduction of submarine-based forces and canisterization of missiles.⁶⁴ Moreover, even though they currently lack clear doctrinal rationales and political authorization, it is undeniable that notable weapons systems currently in development or being introduced, like multiple independently-targetable reentry vehicles, missile defenses, and short-range missiles, make a shift toward the splendid first strike posture, which centers on damage limitation through a combination of a nuclear counterforce first strike and interception by missile defenses, more feasible.⁶⁵ What all this suggests is not to say that an actual shift is occurring, but that the likelihood of such a shift in future is gradually increasing. Besides, India was once rated below Pakistan in the Nuclear Security Index of the Nuclear Threat Initiative, and there is criticism of the incompleteness of India's separation of civilian and military nuclear programs.⁶⁶

Though they are residual or emerging challenges for engagement with India, these points can also bear serious implications on Pakistan's side. While American engagement with Pakistan has achieved virtually nothing in restraining its nuclear posture, it is undeniable that the cooperation on nuclear security has produced remarkable results and Pakistan's export controls have also improved. However, it is seriously frustrating for Islamabad to be continuously denied treatment on par with India, and this sense of estrangement seems to be exacerbated by their perception that Western countries, particularly the U.S., have prioritized their interests in courting India and promoted the "responsible India" image together, at the expense of properly addressing such "irresponsible" aspects of India's policy. One Pakistani retired general warns that, in the future, a disillusioned Pakistan may abandon its cooperation with the international nonproliferation regime altogether.⁶⁷ This scenario cannot be ruled out, especially if India successfully accedes to the NSG, while Pakistan continues to be completely excluded from the nuclear order.

Presumably, the international community cannot help but face a fundamental question: whether it is wise or not to keep Pakistan out of the international nuclear order. Of course, notwithstanding the claim that it has built a strong record on nonproliferation after the dismantlement of the Khan network and is qualified to be admitted into the order, it is reported that Pakistan still maintains and uses a covert procurements network for its strategic program to defeat other countries' export controls, which puts a question mark on its credentials.⁶⁸ Such misdeeds should not

be tolerated. On the other hand, even apart from the above-mentioned scenario, Pakistan's continued exclusion from the order has nudged the country into civil nuclear cooperation with China, which is not desirable in that it is considered a violation of the NSG guidelines.⁶⁹ It may be necessary for the international community to contemplate what kind of pathway can be mutually agreeable with Pakistan for its eventual accommodation into the international nuclear order.

In addressing this question, it is inevitable that the issue of mitigating the dangers of Pakistan's offensive posture would come up, although Pakistanis hope to not place it on the agenda. However, it is a conundrum, to say the least, because its development has been rooted in the broader regional security dynamics beyond the nuclear realm. In Pakistani thinking, TNWs, backed up by expanded warhead production capacity, are indispensable to deter India, which has reportedly sought a limited conventional war option, whereas India's attempt has been driven by Pakistan's continued proxy war intended to extract concessions in the Kashmir dispute, one of the most intractable disputes in the world. The thought behind the proposal of the U.S.-Pakistan nuclear deal, on the U.S. side, was that Pakistan could deter India's nuclear and existential conventional threat by relying solely on strategic nuclear weapons and dispensing with TNWs, but Pakistanis did not accept it.⁷⁰ This point, along with the fact that no binding restrictions have ever been imposed on India's strategic program, indicates that reversing Pakistan's induction of TNWs is virtually impossible.

At this juncture, external engagement should focus on the mode of employment of TNWs. In this context, what should be noted is that American experts have reportedly shared the U.S.'s Cold War experience, in which the West faced tremendous difficulties in figuring out how to use TNWs as viable war-fighting instruments in conventional battlefields.⁷¹ The risks supposed to arise from Pakistan's offensive posture can be mitigated to a large extent if Islamabad regards TNWs not as war-fighting instruments integrated with its conventional defense, but as "pre-strategic" weapons to signal imminence of strategic response. The number of weapons required for the latter role can be limited, and it does not necessarily need predelegation and predeployment.⁷² Given that Pakistan still seems to maintain centralized control of TNWs, nudging their TNW policies toward the latter course might be reasonable.⁷³ Meanwhile, in the nuclear realm, encouraging India to continuously adhere to its current defensive posture is necessary.

Suggestions for Japan

With the above discussion in mind, we turn to lessons from the South Asian cases on engagement with a new nuclear power borne out of nonproliferation failure.

What should be noted first is that we must be cautious in regarding India's case as a model. The "success" in this case in terms of ensuring responsible stewardship of

nuclear capabilities by a newcomer — though some doubts exist — was made possible by a unique facilitating foundation. India's political leadership has traditionally held a moral aversion to nuclear weapons and regarded them as political instruments rather than military tools whose purpose is confined to deterring war, and this perception has led to its rejection of nuclear war-fighting with a vast arsenal and sophisticated operational plans, and exclusion of the Indian military, supposed to elaborate operational aspects of the arsenal, from nuclear decision-making.⁷⁴ Its robust conventional defense, not only against Pakistan but also China at least since the 1980s, has also contributed to limiting the role of nuclear weapons in its security policy.⁷⁵ Moreover, given the political leadership's moral aversion to bombs and inclination toward global nuclear disarmament, it was quite natural for New Delhi not to oppose the nonproliferation norm itself even when it was a vocal opponent of the international nonproliferation regime, as shown by New Delhi's boast on its "impeccable record." Above all, American engagement with India benefited from and was sustained by their strategic rapprochement, which was driven by much broader strategic calculations and commercial interests — even to the extent that some problematic aspects were largely sidelined in the overall narrative about the "successful U.S.-India partnership" and "responsible India." These factors cannot be universal.

From this perspective, we should rather focus on what was achieved in Pakistan's case. Despite lacking the same facilitating foundation as India, Pakistan cooperated with the U.S. and achieved certain results in ensuring nuclear security and preventing outward proliferation. This is all the more remarkable considering Pakistan's deep suspicion of the U.S. and the international nonproliferation regime, which in their view has overlooked India's misdeeds and unfairly targeted Pakistan.⁷⁶ This may suggest two things: how strong the incentive for a nuclear outlier to legitimize its nuclear possession internationally is, and, for that purpose, committing to nonproliferation and export control is a relatively acceptable way for them to earn points.

As for nuclear postures, implications of the broader regional deterrence structure seem significant. On the one hand, because of its robust conventional capability, India can afford to limit the role of its nuclear deterrent and adopt a defensive posture, thereby assuring the international audience. On the other, Pakistan in fall 2015 refused to restrain its expansion of TNWs, citing the need to counter India's conventional war doctrine.⁷⁷ From their view, what is destabilizing in the South Asian deterrence spectrum is India's conventional posture configured for limited war. Earlier, Islamabad tried to gain Washington's understanding on its claim that "nuclear deterrence posture is affected by conventional force imbalance and structural asymmetry" in the post-test dialogues.⁷⁸ This contrast indicates the role of the broader regional deterrence architecture beyond the nuclear level as a precondition to elicit restraint from a nuclear power on its nuclear posture.

Finally, if we seek a clue to the solution of the proliferation issue in the East Asia region, namely North Korea, by examining the South Asian cases, we must take one point into consideration: coercive elements were relatively limited in American nuclear engagement with not only India but also Pakistan. This is because Washington had interests in improving its relations with both capitals due to other considerations than nonproliferation, especially in the most crucial phase at the turn of the century. Sanctions imposed on India and Pakistan were far more limited than what is applied to North Korea now, and even those limited sanctions were lifted relatively quickly. It is not surprising considering the different legal standings of their nuclear developments, but the point is that the utility of coercive measures in shaping a new proliferator's policy cannot be thoroughly explored through the South Asian case. In this sense, for addressing the North Korean nuclear issue, the South Asian "model" itself is not a suitable reference point, though respective lessons can be useful. We must devise a strategy appropriately balancing pressures and negotiations for North Korea, and it may look much different from what was adopted in South Asia.

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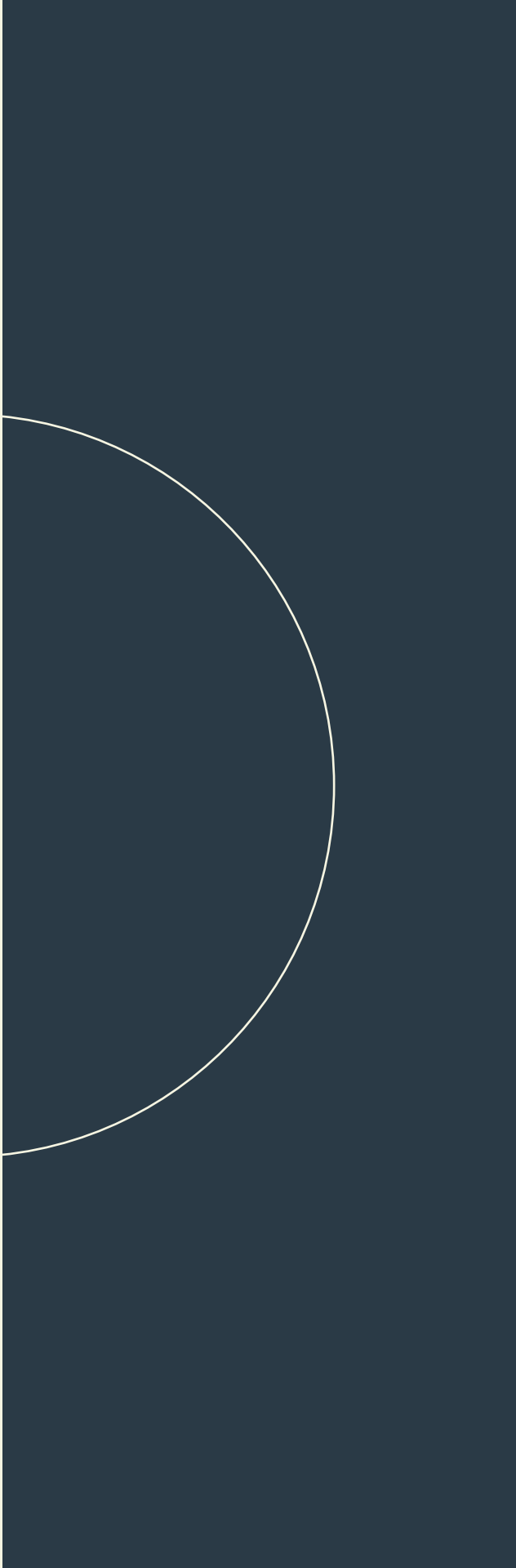
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“As with Iran, Japan should recognize that it is difficult to expect a comprehensive solution for the North Korea problem within a single outcome of negotiation.”

Analysis of the Iran Nuclear Agreement and Implications for Japan

MASAHIRO OKUDA

The Joint Comprehensive Plan of Action (JCPOA) by Iran and E₃/EU+3 (Germany, France, the U.K., China, Russia, and the U.S.), which was agreed in July 2015, has since been confirmed by Iran's restrictive measures on its nuclear development program and resolution of the possible military dimensions (PMD) issue that was discovered after 2003. JCPOA began implementation on January 26, 2017. As a result, the economic sanctions imposed against Iran by the United States and the E.U. were partially terminated.

Regarding the continuation of the restriction of Iran's nuclear activities and the acceptance of International Atomic Energy Agency (IAEA) safeguards, the Director General of the IAEA has published a quarterly report, but no violation of the agreement has been certified.¹

The termination of economic sanctions and limitation of Iran's nuclear development for up to 15 years is aimed at solving the problem of nuclear proliferation that has persisted over the past decade. It can be said that the Iran nuclear deal is a successful case of solving the nuclear proliferation problem in recent years.

However, this agreement leaves many challenges, and maintaining its implementation may be on the verge of a crisis, namely confrontation between the United States and Iran. On October 13, 2017 in Washington, D.C., President Donald Trump made a speech about U.S. strategy against Iran, insisting that Iran is not fulfilling its nuclear agreement and that it has the ability to speed up the acquisition of nuclear weapons after the implementation period of JCPOA. The President also called for Congress to consider reimposing sanctions on Iran.² Congress was supposed to make this decision within 60 days of the President's request, but the bill was not put to vote.³

After that, the President has once again recognized Iran's failure to adhere to the nuclear agreement. Under the Iran Nuclear Agreement Review Act of 2015, the President must issue a certification on Iran's compliance with JCPOA every 90 days. In a statement made on January 12, 2018, President Trump demanded that the deal's "disastrous flaws" be fixed, or else the U.S. would withdraw from the agreement.⁴

In addition, the U.S. continues to expand and strengthen sanctions against Iran related to non-nuclear issues. On August 2, 2017, President Trump signed the Countering America's Adversaries through Sanctions Act, and on October 31, based on this Act, the U.S. Department of the Treasury made a new ban on Iranian organizations and individuals forbidding asset freezing and dealing with

Americans.⁵ On October 26, the House passed a sanctions law targeting Iran's ballistic missile program.⁶

Iran has objected to these moves. On August 15, President Hassan Rouhani, in a speech to the Iranian parliament, suggested the possibility of Iran withdrawing from the nuclear agreement if sanctions continue to be imposed against Iran.⁷ Thus, JCPOA has not resolved Iran's security issue for the United States.

In light of this maneuvering, and in contrast with the Trump administration's strategy, other parties to the agreement are taking positions to maintain JCPOA, and other stakeholders continue to support the nuclear deal.⁸ Japan has expressed its position to support the JCPOA and cooperate with Iran for its implementation.⁹

Background to the Current Situation

Why do security concerns remain despite JCPOA? In order to examine this problem, we must trace the circumstances from the inception of Iran's nuclear issue to the establishment of the Iran nuclear agreement.

JCPOA is an agreement specializing in solving the problem of Iran's nuclear development and sanctions, but does not deal with issues related to Iran's ballistic missile development and the Middle East's security environment. In the process of negotiating JCPOA, the U.S. attempted to restrict the limitation of Iran's ballistic missile development, but it was ultimately not included in JCPOA.¹⁰ With such ambiguity remaining, JCPOA fails to address security concerns of the United States and Iran's neighboring countries, including Israel and the Gulf Cooperation Council (GCC) countries.

Iran's nuclear development created several problems, particularly regarding noncompliance for IAEA safeguards. In 2002, accusations by the anti-Iranian government group National Council of Resistance of Iran triggered the international community's awareness about Iran's undeclared nuclear development activities. Iran is a member of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), and it is subject to the comprehensive safeguards of the IAEA. As such, all nuclear materials in the country had to be placed under IAEA safeguards. The implementation of NPT and IAEA safeguards are based on the premise that member states will comply with the rules, though the NPT and the IAEA themselves do not have any concrete means as institutions for returning violators to compliance. But bringing Iran back into compliance with the rules of the nuclear nonproliferation regime has been a goal of the international community's management of the nuclear issue.

After Iran's nuclear development came to light, the IAEA Board of Governors passed a resolution calling for Iran's ratification of the Additional Protocol of IAEA safeguards and the suspension of uranium enrichment and reprocessing. But Iran did not accept these requirements, and there is a question whether Iran could accept the most stringent standard in the nuclear nonproliferation regime.

Under these circumstances, the E3 states (the United Kingdom, France, and Germany) tried to solve the Iran issue through diplomatic negotiations. These negotiations, later expanding to E3/EU+3, played a role in complementing the implementation of and compliance with the system of the nuclear nonproliferation regime. As previously mentioned, international institutions supporting nuclear nonproliferation such as the NPT or IAEA do not have means to enforce compliance with rules. Diplomatic negotiations have suggested incentives to Iran — such as cooperation with nuclear activities or easing economic sanctions — for going back into compliance with the rules.

Iran's nuclear development also raised questions about peaceful use of its nuclear energy. While PMD problems have been apparent, Iran has continued to claim that its development of nuclear technology, including uranium enrichment and reprocessing, is for peaceful purposes. As one of the core principles of the NPT, the right to use nuclear technologies for peaceful purposes is acceptable, though subject to compliance with the IAEA safeguards and other rules. Balancing the restrictions on the acquisition of nuclear technology that could lead to the development of Iran's nuclear weapons and the right to peaceful use is a major issue in this context.

Issues

The problems remaining in Iran's nuclear development and regional security make the legacy of JCPOA, and lessons learned from it, complex to assess.

The ability of Iran to develop nuclear weapons after the end of the JCPOA timeline, and the maintenance of uranium enrichment capacity within the implementation period of JCPOA, are subjects of concern. Iran's nuclear development allegations, initially encountered by E3, have pushed E3 to require Iran to abandon its enrichment capacity. But under the JCPOA, it is limited in its uranium enrichment capacity and activities up to 15 years.¹¹ The possibility that Iran's nuclear development capacity may rise after this period and cause further nuclear proliferation in the Middle East is a common view.

Iranian ratification of the IAEA Additional Protocol will be one of the factors that could overcome these concerns. By ratifying the Additional Protocol, Iran would accept more stringent safeguards after the end of the implementation period of JCPOA. This would reduce concern that Iran might pursue secret or undeclared nuclear development in the future. In the JCPOA, Iran will pursue ratification of the Additional Protocol within eight years from adoption day of JCPOA.¹²

The problems discussed above that are not included in JCPOA, especially the security of the Middle East, also continue to complicate regional politics. For example, the Gulf States have called for expansion of military cooperation from the United States in exchange for their support for JCPOA.¹³

These problems can be considered byproducts of success wrought by consensus. JCPOA could be established in large part because it was restricted to negotiating parties that could compromise. The fact that the parties to the negotiations were limited (E3/EU+3 and Iran) has resulted in limitation of the issues that JCPOA addresses to the nuclear problem alone. As a result of this method of consensus building, the nuclear deal is insufficient as a framework for resolving the structures that promote arms races between Iran and the rest of the Middle East.

As Iran's nuclear development capability under the JCPOA and several factors such as the Middle East region are involved, continued involvement by the parties in negotiations will solve the factors that could not be addressed by JCPOA.

Suggestions for Japan

The Iran nuclear agreement provides perspectives for Japan to consider in its response to North Korea's nuclear issue. In particular, in moving towards a stage of dialogue and negotiation with North Korea, Iran's case has meaningful implications.

It is true that immediate dialogue with North Korea seems to be impossible. The Trump administration has said that every means for dealing with North Korea is on the table, and that it has prepared an array of options to prevent North Korea's nuclear and missile development plan, from strict economic sanctions, including secondary sanctions, to the exercise of military power. But regarding dialogue with North Korea, the United States has not changed its position that presumes abandonment of its nuclear and missile development.¹⁴

Also, it seems that the expansion of U.S. sanctions against North Korea is approaching the breadth of sanctions it had imposed on Iran before implementation of JCPOA. The scope of sanctions for financing activities includes not only the parties involved in nuclear and missile development but also managers of temporary workers dispatching projects. Other sanctions target people outside of North Korea, such as in China. In addition, the Trump administration redesignated North Korea as a state sponsor of terrorism on November 21, 2017.

Japan's stance on dialogue with North Korea has become more severe than ever. In a speech at the U.N. General Assembly in September, Prime Minister Shinzo Abe asserted that it was not for a "lack of dialogue" that North Korea expanded its nuclear program, noting that the agreement with the U.S. in 1994 and the Six-Party Talks that started in 2003 bought North Korea time.¹⁵

Yet an approach through sanctions similar to those used on Iran would not necessarily be effective for North Korea. Gary Samore considered the feasibility of the application of this process to North Korea from the agreement of the Joint Plan of Action by Iran and E3/EU + 3 agreed in November 2013 prior to the JCPOA agreement, and pointed out that this is difficult. The reasons are (1) past provisional

consensus has failed, frustrating belief in the value of Washington's diplomatic efforts; (2) North Korea is isolated from international trade and finance, avoiding the effect of economic sanctions through China's protection, and so sanctions have no influence on foreign policy; and (3) there are salient differences in the states of nuclear development and the transparency of the nuclear programs in Iran and North Korea.¹⁶

George Perkovich compared Iran's nuclear agreement with the 1994 U.S.-North Korea framework agreement. He identified a series of advantages in the Iran nuclear negotiation in terms of its contents, the monitoring and verification system for nuclear development, incentives for deterrence factors, cooperation, and characteristics of the political system.¹⁷ These aspects were not present in the North Korean agreement.

However, to settle the nuclear problem of North Korea, negotiations following the present use of hard pressure will certainly be necessary. Looking ahead to that time, it is important for Japan to obtain suggestions from the case of Iran on the method of involvement in negotiations.

The nuclear issue of North Korea may be affected by several factors like Iran. For example, the Six-Party Talks between North Korea, the United States, South Korea, China, Russia, and Japan that took place between 2003 and 2007 included working groups focused on denuclearization of the Korean Peninsula, as well as normalization of diplomatic relations between North Korea and the U.S. or Japan, energy cooperation, and peace and security in Northeast Asia.¹⁸ When an agreement is realized, it will rely on many elements for stable implementation.

Furthermore, it is necessary to consider under what kind of framework the next negotiations with North Korea will take place. Restarting the Six-Party Talks is certainly an option. It is likely that North Korea and the other five countries will return to implementing measures agreed through past meetings, and which could be effective means of resolving the North Korean nuclear problem. Also, if the working groups under the Six-Party Talks are maintained, they can be expected to solve remaining problems caused by limiting the primary focus of the negotiation to denuclearization.

However, compared to the mid-2000s when the Six-Party Talks were held, North Korea has strengthened its nuclear weapons and missile capabilities, and there have been various other changes in the international and regional environment. Against this background, a new negotiation framework may need to be pursued.

For example, North Korea may want a bilateral dialogue with the United States. As another idea about the negotiation framework, German Chancellor Angela Merkel has proposed a solution to the problem based on Iran's nuclear agreement and showed her commitment to negotiations.¹⁹ China and Russia also suggested simultaneously stopping North Korea's nuclear and missile tests and halting joint

military exercises between the United States and South Korea at their foreign ministers' meeting in July 2017.²⁰ This seems to indicate China and Russia's interest in participating in solving the North Korea problem.

North Korea and the East Asia region have various problems other than the nuclear issue among the themes of the working groups of the Six-Party Talks. As various actors reveal their preferences for how to solve these problems, it is necessary to assume several scenarios about how to denuclearize North Korea.

As one of them, achieving denuclearization through negotiations may be an ideal outcome for Japan. South Africa and Ukraine are examples of countries that once possessed nuclear weapons and eventually abandoned them. In particular, a model that demonstrates the benefits of lifting economic sanctions, freezing nuclear development, and putting North Korea's nuclear program on international management, like JCPOA, may be more imaginable today thanks to Iran's successes. Such a way shows the possibility that Japan might emerge more smoothly from North Korea's nuclear threat.

However, as mentioned above, JCPOA is focused on Iran's nuclear development issue. In the negotiations with North Korea, in the process of focusing on denuclearization of North Korea, there is a possibility that a framework may be formed in which other problems between Japan and North Korea are deemphasized or neglected.

For example, the resolution of the issue of Japanese citizens abducted by North Korea is a high priority issue for the Japanese government. However, in a multilateral negotiation framework, if other parties believe that the abduction issue will interfere with negotiations on the nuclear issue, the abductions will be relegated to a low priority. In this case, efforts to resolve Japan's abduction problem may be regarded as an unstable factor in the agreed framework for North Korean denuclearization. Furthermore, if Japan does not participate in the negotiation framework, there is also the possibility that the abduction issue will not be considered at all in the process of dealing with North Korea.

Moreover, the agreement for denuclearization of North Korea may not necessarily be established immediately. For example, if bilateral negotiations make progress between the U.S. and North Korea, an eventual agreement may not be able to address Japan's security concerns, like the limitation of ballistic missiles, especially if the negotiations are conducted with an emphasis on U.S. security interests. If the types of missiles subject to prohibition are limited to North Korea's intercontinental ballistic missile, North Korea will maintain its ability to attack Japan. Furthermore, if such negotiations do not proceed, this situation may become static.

In such a situation, Japan may find itself in the same position as the GCC seeking to expand military cooperation with the United States after JCPOA. Of course,

cooperation with the United States will contribute to Japan's security. But there remains the problem that North Korea's nuclear weapons and missiles create incentives for an arms race. Moreover, if such a structure remains, it will not be consistent with the Japanese government's goal of transforming North Korea into a non-nuclear weapons state member of the NPT.

The target of the negotiation's outcome will depend on the members of the negotiation framework and their interests. While it is yet unclear what shape the negotiation framework for solving the North Korea nuclear issue will take, Japan must consider how to ensure the framework reflects its own interests.

Of course, in that respect it is desirable that Japan directly participate in negotiations like the resumption of the Six-Party Talks. On the other hand, should a negotiation framework be formed in which Japan cannot directly engage, indirect efforts such as reflecting Japan's intentions through individual discussion with the negotiation's parties will be necessary.

As another problem, Japan should also recognize that it is difficult to expect a comprehensive solution for the North Korea problem within a single outcome of the negotiation. Additionally, it is necessary to engage in negotiation frameworks that will realize the pursuit of Japan's goals in successive stages of negotiations and achievement accumulation.

JCPOA, too, began with the Tehran Agreement by E3 and Iran in 2003 and only succeeded after several agreements and their failures. Today, however, problems concerning the implementation and maintenance of the agreement have arisen against the background of the issues that past agreements did not address. To resolve this problem through negotiations, parties must deal with broader security issues including Iran's missile development.

Of course, this is not going well in the Middle East. In negotiations in East Asia as well, it is necessary to consider the framework of negotiations and the outcome targets, scrutinizing the possibility that these problems could arise.

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“The U.S. nuclear force posture is directly connected to the security of Japan and regional allies.”

The 2018 Nuclear Posture Review and Its Strategic Implications in the Asia-Pacific Region

MASASHI MURANO

Since January 2017, the Trump administration has carried out a comprehensive review of national defense policy. This includes the Nuclear Posture Review or NPR,¹ which is a document on nuclear strategy, nuclear force posture, and nuclear fundamental infrastructure. In this paper, I will compare the past NPRs, assess how the 2018 NPR is positioned within the history of the U.S.'s nuclear strategy, and analyze the influence of changes in nuclear employment policy and force structure shown there on Japan.

The NPR has been formulated in the past three times: in the Clinton administration in 1994, Bush in 2001, and Obama in 2010. It is the foundation of a declaratory policy that explains the U.S.'s nuclear strategy with transparency and aims to deter potential adversaries and assure allies and partners. In the Trump administration's review work, the staff involved in the formulation of the 2001 NPR participated heavily.² Dr. Keith Payne, one of the core advisors, has been known for pursuing nuclear war-fighting capability by taking a standpoint of strengthening deterrence.

In light of this, it was expected that the Trump administration's NPR would greatly change its direction from the Obama administration's 2010 NPR which advocated a "world without nuclear weapons," aiming to reduce the role of nuclear weapons, and return to the Bush administration's 2001 NPR which supported flexible nuclear capabilities and robust missile defense.

Background to the Current Situation

Change in Threat Perception: Returning to Great Power Competition

Indeed, the 2018 NPR is similar to the 2001 NPR in terms of employment policy and force structure. However, the threat perception of the nuclear issue is significantly different. The 2001 NPR addresses the U.S.'s capabilities against asymmetric threats such as the proliferation of weapons of mass destruction and the "rogue states" and terrorists who are responsible for it, not traditional nuclear states like Russia.

While the 2001 NPR emphasized the hard approach based on physical offensive and defensive capabilities, the Obama administration's 2010 NPR was trying to solve the problem with a soft approach. In the 2010 NPR, "prevention of nuclear terrorism" and "nonproliferation of nuclear weapons" were top priorities, and furthermore,

the United States itself promoted reduction of the role of nuclear weapons in its own security policy, thereby enhancing the international nonproliferation regime and legitimating the trend of disarmament.

In other words, as a prerequisite for shifting the emphasis point of the U.S.'s nuclear policy, the past NPRs were based on a positive evaluation that the strategic environment among the major powers over nuclear issues would improve to some extent. Phrases like "Russian reset," which was advocated at the beginning of the Obama administration, were exactly what symbolized this.

However, the international security environment since 2010 has been moving in the opposite direction from such expectations. The beginning of the 2018 NPR states how uncertain the security environment has been in the last eight years, and the focus of the nuclear issue especially returns to the "great power competition" with Russia and China. On the threat assessment against Russia and China, although there is a difference in degree between them, the focus is on (1) violations of international agreements; (2) strengthening not only strategic nuclear forces, but also non-strategic (tactical) nuclear forces and their various delivery systems; (3) challenging the U.S.'s and allies' superiority in the conventional realm with counter-space, counter-cyber, and anti-access/area denial (A2/AD) capabilities, and expansion of underground facilities, and (4) change of the status quo by potential use of force and challenge to the international order by casting a "nuclear shadow." Although high officials in the government and military have recognized such problems as separate points before, it is important that the NPR has pointed out that the impact of nuclear weapons is not limited to the nuclear level: they have influence also at the conventional and gray-zone levels.

Issues

Declaratory Policy: Redefining the Role of Nuclear Weapons

The 2018 NPR completely denies the "sole purpose" and "no-first-use (NFU)" policies that the Obama administration was considering (but had not adopted) in terms of nuclear employment, and it expands the role of nuclear weapons to deter non-nuclear strategic attacks. In this sense, Trump's NPR has been criticized as lowering the threshold for the use of nuclear weapons. However, the U.S. has not lowered the threshold, but potential adversaries are increasing their intentions and capabilities to cross the threshold so far. Opportunistic creeping expansion with a nuclear shadow and counter-space and counter-cyber capabilities could degrade and disrupt the U.S.'s nuclear command and control. Limiting damage against cyber and electromagnetic pulse attacks that cause serious damage to civilians and critical infrastructure come at a tremendous cost. Even if we conduct a conventional or cyber counterforce operation, there is no confirmation that it can be prevented

beforehand. Therefore, leaving room for deterrence by punishment would not be wrong. Indeed, if deterrence fails, there is still a question of what scale to retaliate on what kind of target, but the difficulty of making such a decision is the same in traditional strategic nuclear deterrence.

Strategic Implication of Underwater-Based, Low-Yield Nuclear Options

The reversal of sole purpose and NFU suggests that U.S. nuclear weapons can be used preemptively, not only for retaliation. This seems to be related to the reason why the Trump administration reviewed its nuclear force structure, especially with two low-yield nuclear options, which are the low-yield variant submarine-launched ballistic missile (SLBM), the “tactical trident,” and the new sea-launched cruise missile (SLCM) as a follow-on system of the Tomahawk land-attack missile nuclear, TLAM-N.

The 2018 NPR explains the primary role of these systems as deterrence against a limited use scenario by Russian intermediate-range nuclear forces (INFs) or other non-strategic nuclear forces. This assessment is correct, but these underwater-based systems have a global impact. In other words, they also have a very important meaning in the tailored deterrence posture in the Asia-Pacific theater.

According to the 2010 NPR, the role of the retired TLAM-N could be substituted by strategic bombers and globally deployable Dual-Capable Aircraft, or DCA.³ Certainly, these aerial assets can deliver a B61 variant, one of the existing low-yield nuclear bombs, and its visibility is effective as a deterrent signal. In addition, bombers with the AGM-86B and the Long-Range Standoff (LRSO) cruise missiles will provide the essential flexibility for a regional tailored deterrence posture. However, bombers cannot stay in the same airspace for a long time. Also, promptness of the air-breathing stand-off system is not enough to attack time-sensitive targets, even if it is supersonic.

Further, even if Japan abolished the three non-nuclear principles, it is not appropriate to deploy DCA with B61 to forward bases such as Misawa, Kadena, or even Guam, once a contingency happens under the A2/AD environment. Especially, U.S. stealth DCA and bombers are hard to detect and intercept in the air. North Korea and China’s leaders have some incentives to use their theater range missiles early in a confrontation to counter perceived U.S. advantages for power projection. This is because detection and neutralization have a much higher probability of success while these assets are on the ground. If they misunderstand the rapid deployment of these assets as intended for tactical nuclear preemption, they may be driven in their analysis to exploit a “window of vulnerability” to degrade and/or neutralize U.S. capability on the ground in Japan or Guam with a conventional or nuclear first strike. Although the 2018 NPR maintains the possibility to deploy DCA in Northeast Asia, considering the risk of undermining

the crisis stability, the NATO-like, DCA-based extended deterrence posture has not been applied in Asia.

On the other hand, underwater-based, survivable low-yield options can fill the escalation ladder gap caused by the retirement of TLAM-N. According to the NPR, these low-yield options are not intended for “nuclear war-fighting.” Indeed, if the quantity of tactical tridents can be kept to a small number, it is impossible to launch a full first strike against Russia and China’s second-strike capabilities, so it is just a flexible escalation control toolkit.⁴

However, while the 2018 NPR emphasizes the U.S.’s counterforce capabilities and the specific tailored deterrence strategies for each country is described, demand for these low-yield weapons seems to have been considered based on capability assessments through some classified war games and specific nuclear operational plans. Considering counterforce targeting, in view of the fact that the nuclear forces of Russia, China, and North Korea are composed mainly of transporter erector launcher-based load-mobile systems, it makes sense to target assets such as mobile launchers and their shelters, or hardened silos.

There are only intercontinental ballistic missile (ICBM) or SLBM means to prompt a disarming attack on these hardened or time-sensitive targets. However, nuclear warheads currently tipped on Minuteman-III and Trident D5 missiles have very high yields of at least 100 to 300 kilotons to destroy hard targets, if a surface explosion occurs with a large amount of fall-out, so they cannot be easily used for counterforce without collateral damage.

Minuteman-III can also upload a low-yield warhead, but the ICBM is restricted in its trajectory because the launch site is limited to the U.S. homeland, and if it aims at target at Eurasia, it will pass through Russian airspace, and there is a possibility that its third-stage motor will fall in that area. Such an incident may be misunderstood as a nuclear attack against Russia, and in the worst case it may cause launch on alert.

By contrast, the tactical trident can choose a trajectory that can be launched from anywhere in the ocean, taking advantage of high accuracy and long range, and avoid misunderstanding. Furthermore, if ballistic missile submarines (SSBNs) approach the target and launch, they can shorten the time to impact, and reliably penetrate the adversary’s air defense. For example, if Trident is fired from the waters near Guam, it will be able to destroy the North Korean mobile missile base within 18 minutes. This is faster than waiting until the tactical fighter aircraft is ready and flies over North Korea from air force bases in Japan or South Korea. This advantage cannot be substituted by DCA, air-launched cruise missiles, or even SLCM.

The speed of SLCM is inferior to SLBM. However, unlike bombers, it is possible to sustain in a specific area for a certain period of time and move to closer the target. Unlike a ballistic missile, it is an advantage that cruise missiles can change their

target information after launch. It is also possible to supplement the limited number of SSBNs with other nuclear-powered attack submarines (SSNs) to distribute potential vulnerabilities.⁵ In this regard, the Virginia-class Block IV with additional vertical launch systems (VLS), here the Virginia Payload Module, would play an important role. If it used the common VLS, it is possible to equip the surface ship with SLCM, but usually Aegis destroyers need to equip various weapon systems such as Standard Missiles (SM) for integrated air and missile defense missions. Due to the new cruise missile, it is undesirable for a limited number of ballistic missile defense (BMD)-capable Aegis destroyers to reduce the capacity for SM-6 and SM-3. Therefore, the new SLCM should be installed on SSNs like TLAM-N.

Taken together, although the role of the nuclear SLCM is to raise Russia's opposition to the INF treaty violation as a surface reason, in reality it is a flexible option to deter North Korea and China, and it plays an important role in reassuring East Asian allies, including Japan.

For Further Deepening of Extended Deterrence

The framework of extended deterrence in Asia today is (1) a flexible strike capability consisting of nuclear and non-nuclear forces, (2) comprehensive and robust missile defense and defeat, (3) joint commitment through military exercise, and (4) consultation mechanism on extended deterrence. This structure has not changed much from the 2010 NPR, and the combinations of hardware and software are basically appropriate. With this in mind, what kind of measures are necessary to further deepen these cooperative relationships?

Suggestions for Japan

(1) Upgrading the Extended Deterrence Dialogue (EDD)

The EDD is a consultative framework for strengthening and deepening mutual understanding of the deterrence of the U.S.-Japan alliance, which has been regularly held since 2010. This is a special framework that is being conducted only in Japan (and South Korea), except for NATO's Nuclear Planning Group, and it is extremely important to continue to implement it in the future. To that end, it should be upgraded to a form that integrates it with high-level consultations like "2+2."

(2) Conducting joint training and tabletop exercises with Pacific Command (PACOM) & Strategic Command (STRATCOM), and creating the joint operational plan/concept plan

Joint exercises on extended deterrence and sharing and formulation of operational plans including nuclear first-use scenarios should be conducted.

Nuclear operation is not the responsibility of regional combatant commands such as PACOM, but the strategic command has command and control of major targeting planning. Therefore, linking the contents of the EDD with the joint operational planning process through the U.S.-Japan Bilateral Planning Committee, seamlessly constructing its escalation ladder from the gray-zone to conventional and nuclear domains, in a more specific form of nuclear option should be guaranteed. Based on these plans, it is desirable to repeatedly conduct U.S.-Japan joint exercises involving not only U.S. Forces Korea and PACOM, but also STRATCOM, to constantly check and share practical issues. Among the exercises are the risk of forward deployment of DCA at the time of crisis, the military and political utility of increasing the presence of DCA and strategic bombers, the frequency of deployment of SSBNs in Guam, as well as tactical trident or SLCM against time-sensitive targets such as mobile missiles, based on the necessity to use them as a prompt disarmament means at an appropriate time, which should also be verified in each operational plan.

(3) Political support for the U.S.'s nuclear modernization programs

The U.S. nuclear force posture is directly connected to the security of Japan and regional allies. It is appropriate that the 2018 NPR took over the nuclear modernization programs, but the defense budget continues to be capped by the Budget Control Act of 2011 and will not allow optimism. Japan should understand the programs' importance and support them, including low-yield options, LRSO, and ground-based strategic deterrent, from the standpoint of the alliance.

(4) Robust multilayered regional and U.S. homeland missile defense and defeat

It is extremely important that Japan has decided to acquire Aegis Ashore and SM-6 in strengthening the multilayered U.S.-Japan joint missile defense to cope with an adversary's combination of ballistic and cruise missiles salvo attack. In addition to the limitation of the defense budget, if it is difficult to introduce additional interceptors by requesting Terminal High Altitude Area Defense deployment to U.S. forces in Japan, then seamless U.S.-Japan cooperation connecting mid-course to upper and lower tier terminal phases air defense system should be strengthened. In order to strengthen missile defense, coordination of not only interceptors but also sensor networks is indispensable. In this sense, strengthening terrestrial forward sensors deployed in South Korea and Japan will contribute not only to defense of Japan, but also to ensure the defense of Guam, Hawaii, and the U.S. homeland. We should also advance technical cooperation in space-based sensor layers, such as the hosted payload of space-kill assessment satellites and pre-boost phase defense technology such as "left of launch."

(5) Strengthening anti-submarine warfare (ASW) against SLBM/SLCM threats and providing U.S. submarines with operational assurance

Regarding the nuclear force posture, the 2018 NPR does not deny the possibility of deployment of DCA and non-strategic nuclear weapons in Northeast Asia, but in view of the A2/AD environment, which is expected to become more severe in the future, it seems too hard to continue to identify these as deployable assets. As a result, it is expected that the U.S. nuclear forces in the Asia-Pacific region will tend to rely on submarine-based systems. In particular, in order to maximize the deterrent effect and potential efficiency of the tactical trident as a flexible prompt strike capability and the nuclear SLCM which is relatively slower and shorter than SLBM, the allies including Japan should firmly conduct ASW in the surrounding waters, to assure that the U.S.'s submarine force can focus on its deterrent mission and prompt strike capability, if deterrence fails.

(6) Technical cooperation: R&D for offensive and defensive hypersonic technologies

Trident SLBM is sufficient to penetrate adversaries' existing air defense systems. However, before the United States, China and Russia already have developed various hypersonic systems such as boost gliders as well as air-breathing missiles. In particular, because of their altitude and unique trajectory, boost gliders cannot be intercepted by existing mid-course defense systems. We should consider defensive measures against hypersonic systems and also consider how to offset them by offensive tactical hypersonic systems. Japan will begin fundamental research study on short-range boost glide systems from FY2018.⁶ This is aimed at remote island defense, but technically it is similar to the Conventional Prompt Global Strike program, and depending on the booster it could extend the range to intermediate-range ballistic missiles. To accelerate this practical use, it may be preferable to apply the hypersonic technology with the United States and other partners.

(7) Deepening regional trilateral cooperation

Assuming a contingency on the Korean Peninsula, Japan holds decisively important logistical bases, and the Korean Peninsula and Japan have been an integrated operational theater.⁷ However, North Korea's blackmail against Japan through nuclear and missile threats could decouple this geostrategic linkage. For that reason, Japan should continue to seek close cooperation not only with the United States but also with South Korea. Specifically, it is desirable that a more efficient joint BMD network be established by connecting various radars deployed in South Korea with U.S.-Japan sensor networks of and interlocking with Command and Control, Battle Management, and Communications in Hawaii. From the same context,

Japan and the United States should discuss the advantages and disadvantages of deploying TPY-2 radar in Taiwan and deepening ASW cooperation with it. In addition, it is necessary to understand and share South Korea's efforts including its strike capability against North Korea and its policy (kill chain, Korea Massive Punishment and Retaliation, U.S.-South Korea missile guidelines, etc.). The degree to which the United States and South Korea can suppress North Korea's missile forces has a great influence not only on Japan's missile defense capability but also on the calculation when developing Japan's strike capability in the future.

(8) Strengthening Japan's intelligence, surveillance, and reconnaissance (ISR) capabilities and developing counter-attack capability as a part of allied missile defense and defeat

In considering damage limitation, it is better to have more strike capability. Distributing these capabilities will also reduce vulnerabilities of U.S. assets. Japan should seek limited counter-attack capabilities. Besides F-35 with standoff cruise missiles such as Joint Strike Missile, Joint Air-to-Surface Standoff Missile, and Long Range Anti-Ship Missile, a combination of a submarine and Tomahawk can be considered. The latest version of Tomahawk can also be launched from a torpedo tube, and it will fit Japanese submarines without VLS. Moreover, even if Japan has its own capabilities, they will function within the framework of the U.S.-Japan alliance. Japan's counter-attack capabilities are intended to limit damage from second and third waves of attack rather than be a deterrent. Even if Japan cannot prevent the first salvo attack, it can reduce and suppress the adversary's number of remaining missiles before the next wave, and the probability of interception by missile defense improves.

It is important to note that targets have different priorities in different countries. Therefore, when conducting a joint operation, closer prior consultation on target selection and identification is required. In doing so, Japan possesses its own ISR capability and it is important to gather intelligence from peacetime to coordinate adaptive, joint targeting coordination with the United States. In this regard, equipping a targeting sensor on Global Hawks acquired by Japan will help to deepen the EDD and joint exercises.

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“To create a nuclear weapons-free world in the future, Japan must vigorously seek solutions with the international community, but to remain secure from threats in East Asia, Japan must maintain some form of deterrence.”

Final Thoughts

YUKI TATSUMI AND PAMELA KENNEDY

In the summer of 2017, North Korea fired two test missiles over Hokkaido.¹ North Korea's sixth nuclear test followed in September,² and by November, North Korea claimed it had tested an intercontinental ballistic missile capable of reaching the U.S. mainland.³ In response to these provocative actions by North Korea, the Abe administration condemned each test and reaffirmed its commitment to maintain close cooperation with the U.S., as well as enhancing its own defense capability, such as ballistic missile defense. Even as the Japanese government continues its attempt to lead international efforts to promote nuclear disarmament and nonproliferation, the threat from North Korea is a sobering reminder that Japan must continue to rely on U.S. extended nuclear deterrence for its own security.

The policy briefs in this volume have tackled the many dimensions of Japan's delicate balancing act between deterrence and disarmament. One conclusion that can be drawn from these essays is that there is no simple, or even comprehensive, policy solution for Japan to solve this dilemma. As Mukai discussed, the nuclear threats to Japan exist in both short and long terms, requiring policymakers to maintain sufficient deterrence against North Korea through cooperation with the U.S., while Japan's diplomats also work with international partners on nonproliferation and disarmament efforts. But as developments on the disarmament side progress with the recent Treaty on the Prohibition of Nuclear Weapons (TPNW), there is growing awareness of the difficulties of seeking functional deterrence and disarmament policies simultaneously, and of the differing perspectives of nuclear weapon states and non-nuclear weapon states. As Sato showed, the TPNW reinforces this distinction, and its approach might not have enough flexibility to include non-nuclear states like Japan that support disarmament but have an interest in nuclear deterrence. Japan has compelling interests in both policies and has found itself caught in the middle, despite a decades-long and uniquely informed opposition to the use of nuclear weapons.⁴

A significant part of the issue is the murky nature of the challenges posed by China, not only to Japan as its long-term security concern, but also to the broader international community in nuclear nonproliferation. On one hand, the threat from North Korea is immediate and inarguable. On the other hand, China is strategically obscure, to an extent. Its aggressive activities in the East and South China Seas have raised alarm throughout Asia, and Japan's Air Self-Defense Force has responded to a growing number of Chinese incursions into Japanese airspace in recent years — yet the Chinese government insists it is “peacefully developing.”

Its expansive military modernization, including nuclear capabilities, is known to be ongoing, but the government is not transparent about the development. In addition, although China is a member of the Nuclear Supplier Group, and has agreed to align its export control policies with the standards of the Australia Group and the Wassenaar Arrangement, the lack of transparency in how Beijing implements these policies, including its past history of suspected transfer of missile technologies that are subject to control under the Missile Technology Control Regime to Pakistan, can be a source of concern in the international community's effort to continue to uphold the global nuclear nonproliferation regime. Against the background of the complicated, often strained relationship between Beijing and Tokyo, it is reasonable to interpret China's actions as posing a long-term strategic threat to Japan's security.

Yet even as Japanese policymakers contemplate options for deterrence and disarmament, they must weigh the consequences of their decisions in a broader security context. For example, as Mukai points out, should Japan attempt to move away from nuclear deterrence of North Korea to conventional deterrence, China would likely view Japan's buildup of defensive capabilities as a serious threat to regional stability,⁵ which could trigger even more assertive behavior by China in the East China Sea. Japan's decision to enhance its conventional deterrence capability would also trigger a serious conversation between Tokyo and Washington on the potentially major adjustments to the division of responsibility between the U.S. military and the Japan Self-Defense Forces, including Japan possibly leaving the nuclear umbrella. Japan moving away from nuclear deterrence would send a strong message to the international community, particularly to other countries under extended nuclear deterrence — but could complicate Japan's security in these other ways.

Even setting aside the challenge of China, room for policy maneuvering on North Korea is tight. As the case studies in this volume, one of South Asia and the other of the Joint Comprehensive Plan of Action with Iran, have shown, there is no lack of scholarship in Japan on nuclear proliferation and emerging nuclear states. But North Korea's situation is stubbornly different enough that lessons from other attempts to address nuclear proliferation offer more cautions and caveats than tested methods. As Okuda emphasized, the Iran nuclear agreement was a success by two measures — halting nuclear development and lifting sanctions — but could not comprehensively address the array of security issues relating to Iran in the Middle East.⁶ The agreement itself was only possible because the Iranian government was willing to consider giving up its nuclear program. Like Mukai mentioned, where there is a will, there is a way to obtain nuclear capabilities, and the adage is the same for abandoning nuclear development. North Korea demonstrates no interest in ending its nuclear and missile development programs; indeed, one could argue that the U.S. tried this approach already with North Korea in the form of the Agreed Framework signed in 1994. Under this agreement, North Korea agreed to abandon

its nuclear program, and in exchange the Korean Peninsula Energy Development Organization — initially founded by the U.S., Japan, and South Korea in 1995, with an additional nine countries and the European Union joining later — would provide energy assistance to North Korea. However, not only did the 1994 Agreed Framework utterly fail, it also resulted in giving North Korea more time to conceal its nuclear program and continue its development. Today, the power and advantage of its nuclear capability has become central to North Korea's interactions with its neighbors and the U.S. What incentive could any nation offer North Korea to halt its nuclear production and reduce its arsenal now? Learning from the uncertain future of the Iran agreement, Japan can bear in mind that any negotiations with North Korea will need to work through the problems piecemeal. But the ability to hold a genuine negotiation is another matter.

The nuclear development of India and Pakistan, likewise, have marked distinctions. Kurita illustrated the incentives that were necessary to bring India into the international regime controlling nuclear weapons — and that made Pakistan want the same treatment. Nonproliferation efforts failed in these cases, but India has worked diligently to join multinational export control regimes and show a level of responsibility as a *de facto* nuclear power. Though Pakistan remains outside these international structures, the government still shows an inclination to join, if problems surrounding Pakistan's history of proliferation activities can be satisfactorily resolved. Importantly, there has been a relationship and dialogue between the U.S. and both countries. For Pakistan in particular, despite the current mutual mistrust with the U.S., this relationship has been a factor in Pakistan's efforts to cultivate a similarly responsible image as a nuclear power.⁷ North Korea, by contrast, is isolated both by severe international sanctions and by the choice of its leaders, and still considers itself at war with the U.S. Unlike Pakistan, the prestige of being a responsible nuclear power is not sufficiently attractive to North Korea to serve as an incentive to submit to international nuclear inspections or join export control groups. Unlike both India and Pakistan, which developed nuclear weapons for the purpose of threatening each other, North Korea seeks to threaten countries both within and outside its region. If Japan learns anything from the cases of India and Pakistan, it might well be that North Korea is a textbook example of what could have gone wrong in South Asia: unwillingness to make concessions to gain prestige, a lack of dialogue, and isolation.

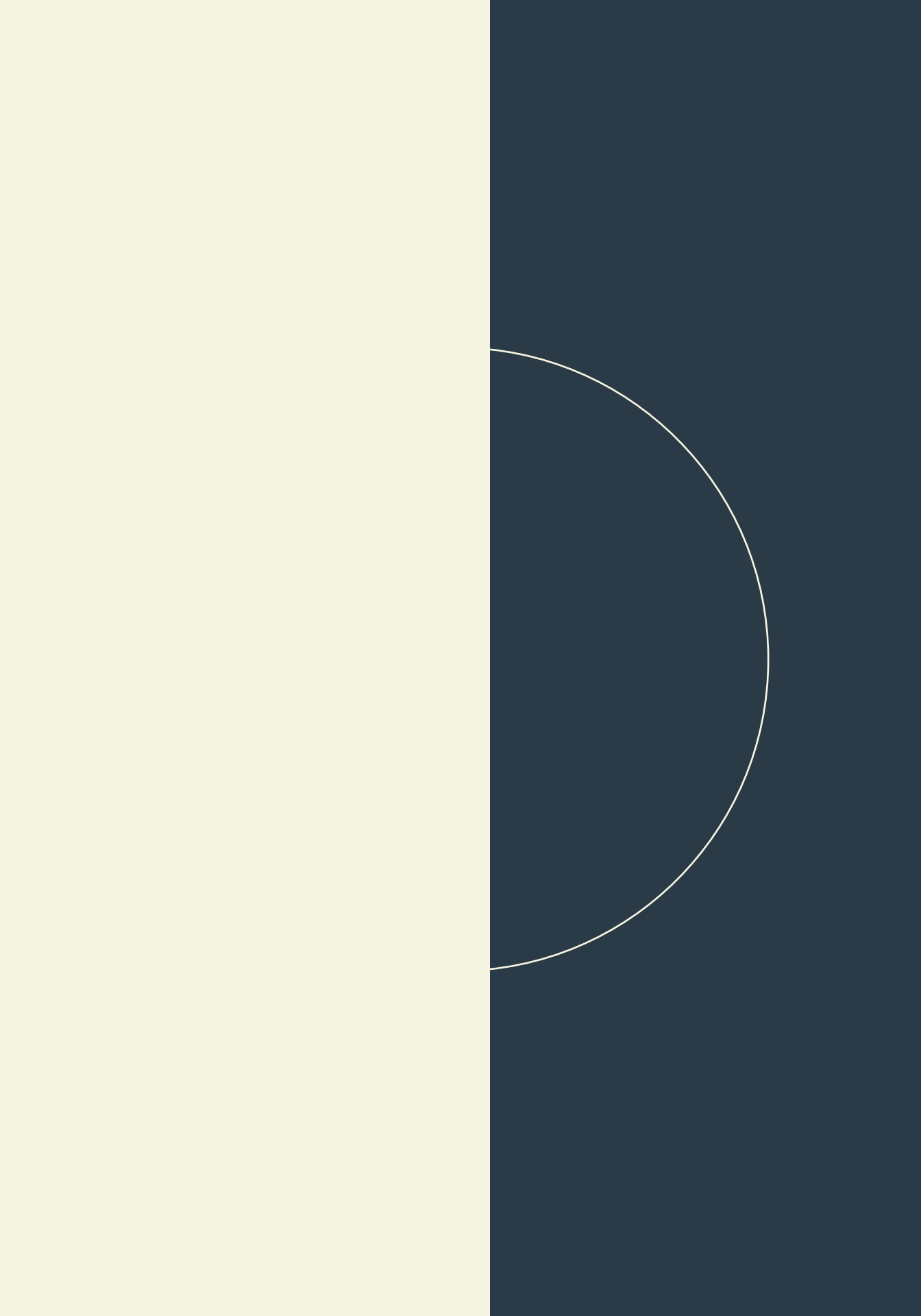
As Japan charts its path to continue to balance nuclear deterrence and nuclear disarmament, it must do so with American policy in mind. The alliance constrains Japan's defense-related decision-making, but especially on nuclear issues. As a non-nuclear weapons state, Japan will ultimately need to work within the U.S.'s choices, as Murano discusses.⁸ The 2018 Nuclear Posture Review signals some of the options that the Trump administration might pursue, and the method of extended deterrence in East Asia might see adjustments in the coming years that lead to more

effective deterrence. Or President Trump himself, in between trading threats with North Korean leader Kim Jong-un and considering nuclear preemptive strikes, or even by meeting with Kim, might bring additional uncertainty into East Asia's security status quo. Dependent upon U.S. extended deterrence, Japan will have to navigate changes in American policy and rhetoric as best it can.

There are fewer answers than questions in Japan's search for nuclear deterrence and disarmament policies. Japan's security needs are clear, but the complexity and uniqueness of the problems it faces require an elusive balance. To create a nuclear weapons-free world in the future, Japan must vigorously seek solutions with the international community, but to remain secure from threats in East Asia, Japan must maintain some form of deterrence. At least Japan knows, from its own experience in dealing with an emerging nuclear power and from other nuclear proliferation crises, that the solutions will grow from international efforts. As policymakers consider options for both deterrence and disarmament, they can ensure that Japan's voice continues to be heard as a strong advocate for nonproliferation.

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6. See Chapter 4, pages 59-60.
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About the Experts



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