



# **Master's Thesis of International Studies**

# Japan's Nuclear Paradox: A Rationalist-Cognitivist Approach to Analysing Japan's Position on the Treaty on the Prohibition of Nuclear Weapons (TPNW)

일본의 핵 파라독스: 합리주의-인식론적 접근을 통한 일본의 핵무기 금지조약 (TPNW)에 대한 입장 분석

August 2023

Graduate School of International Studies Seoul National University International Cooperation Major

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## Abstract

This thesis aims to provide a comprehensive analysis of Japan's stance on the Treaty on the Prohibition of Nuclear Weapons (TPNW) by utilising the rationalist model of regime analysis formulated by Andreas Hasenclever, Peter Mayer, and Volker Rittberger. This analytical framework integrates realist, neoliberal, and constructivist assumptions within a rationalist paradigm, enabling a multifaceted examination of Japan's position on the TPNW. Despite Japan's status as a self-proclaimed leader in international nuclear disarmament and non-proliferation efforts, it has not ratified the TPNW. This paradoxical situation is attributed to Japan's reliance on the U.S. nuclear umbrella for security. Therefore, this thesis aims to synthesise and reconcile existing theories to provide a more accurate and complex explanation of Japan's stance and explore the potential for a shift in its position.

The thesis first reviews the literature on the impact and limitations of the TPNW and the theoretical framework of rationalism and weak cognitivism in regime analysis. Then, Japan's position on the TPNW is examined through power-based and interest-based approaches, followed by a synthesis of the two. In the subsequent chapter, the role of weak cognitivism in the realist-neoliberal rationalist framework is explored, and a different set of gain calculation is hypothesised in the event that the norm of extended deterrence is weakened.

The research concludes that the rationalist approach, supplemented with weak cognitivism, offers a more nuanced understanding of Japan's position on the TPNW. The analysis revealed that Japan's position is shaped by a cost-benefit calculation based on its national security interests, such as the U.S. nuclear umbrella, and its commitment to disarmament as a normative principle. The incorporation of weak cognitivism revealed that Japan's perception of its security environment and normative values can shift, leading to a possible change in its stance. The findings of this study have significant implications for the

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future of nuclear disarmament and non-proliferation efforts, particularly in Japan, and offer insights for policymakers, academics, and civil society groups.

**Keywords:** Treaty on the Prohibition of Nuclear Weapons (TPNW), Japan, rationalist model, regime analysis, weak cognitivism, extended deterrence

**Student Number :** 2022-28249

# List of Abbreviations

| 1MSP   | First Meeting of State Parties of the TPNW                                  |
|--------|---|
| 6PT    | Six-Party Talks   |
| СТВТ   | Comprehensive Test-Ban Treaty   |
| DNP    | Disarmament and Non-Proliferation   |
| DPRK   | Democratic People's Republic of Korea                                       |
| ICAN   | International Campaign to Abolish Nuclear Weapons                           |
| ICJ    | International Court of Justice  |
| IGO    | International Governmental Organisation                                     |
| JCPOA  | Joint Comprehensive Plan of Action  |
| MoD    | Ministry of Defense   |
| NAM    | Non-aligned Movement  |
| NFU    | No first use  |
| NNWS   | Non-Nuclear Weapon States   |
| NPT    | Nuclear Non-proliferation Treaty  |
| NWS    | Nuclear Weapon States   |
| OEWG   | Open-Ended Working Group  |
| RevCon | NPT Review Conference   |
| SAG    | Group of Eminent Persons for Substantive Advancement of Nuclear Disarmament |
| TPNW   | Treaty on the Prohibition of Nuclear Weapons                                |
| UNAEC  | United Nations Atomic Energy Commission                                     |
| UNGA   | United Nations General Assembly   |
| UNIDIR | United Nations Institute for Disarmament Research                           |
| UNODA  | United Nations Office for Disarmament Affairs                               |
| UNSC   | United Nations Security Council   |
| UNSG   | United Nations Secretary-General  |

| WMD | Weapons of mass destruction |
|-----|-----------------------------|
| LDP | Liberal Democratic Party    |

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### Introduction

### Study Background

When it comes to nuclear policy, Japan is a puzzle. It is both a beneficiary of the nuclear umbrella provided by the U.S. and also a self-proclaimed leader in the international nuclear disarmament and non-proliferation (DNP) effort. This dilemma was highlighted in 2013 when then-Prime Minister Shinzo Abe boasted at a U.N. General Assembly meeting on nuclear disarmament that the elimination of nuclear weapons had been "the Japanese people's unwavering aspiration since World War II."<sup>1</sup> Its history as the first and only country victim of wartime nuclear bombing is strongly engrained in Japan's identity.<sup>2</sup> This is reflected in Japan's active role in anti-nuke advocacy, such as the resolution plans for nuclear disarmament that it proposes to the UN General Assembly (UNGA) every year since 1994. On the other hand, Japan remains careful not to cross a line when it comes to criticising nuclear-weapon states (NWSs) or pushing for concrete measures for disarmament. This aspect of Japanese nuclear policy is best reflected in its firm rejection of the Treaty on the Prohibition of Nuclear Weapons (TPNW). The Japanese government regularly reiterates that Japan, which is still protected by the U.S. "nuclear umbrella," has no plans to sign the nuclear weapons ban treaty as it lacks support from both nuclear and non-nuclear states. Indeed, the TPNW prohibits any activity that concerns nuclear weapons, including "to develop, test, produce, acquire, possess, stockpile, use or threaten to use nuclear weapons."<sup>3</sup> The goal of the treaty is the total elimination of nuclear weapons. Today, the TPNW only counts 92 signatory states, which includes none of the nuclear weapon states

<sup>&</sup>lt;sup>1</sup> Thisanka Siripala, "Japan's Dilemma Over Nuclear Disarmament " *The Diplomat*, 2021.

<sup>&</sup>lt;sup>2</sup> Daisuke Akimoto, *Japan's nuclear identity and its implications for nuclear abolition* (Singapore: Palgrave Macmillan, 2020).

<sup>&</sup>lt;sup>3</sup> "Treaty on the Prohibition of Nuclear Weapons," n.d., accessed November 6, 2022, 2022, https:// treaties.unoda.org/t/tpnw.

(NWS) or their allies. Therefore, the TPNW only has a symbolic and normative value and no legal weight.<sup>4</sup>

### Purpose of Research

The unique status of Japan as a nuclear umbrella state, a nuclear threshold state, and an antinuclear weapons state has garnered significant interest among researchers in the field. However, existing analyses are constrained by their narrow theoretical frameworks and fail to offer a comprehensive and diverse theoretical perspective on Japan's paradoxical position on nuclear disarmament. Nobuyasu Abe, the former UN Under-Secretary-General for Disarmament Affairs, focuses on the normative significance of the TPNW.<sup>5</sup> Fintan Hoey from Franklin University Switzerland takes a neorealist perspective as he argues that Japan's position can be explained by its national security concerns and the primacy of extended deterrence.<sup>6</sup> Daisuke Akimoto, an Institute for Security and Development Policy expert, takes a more holistic approach, as his book addresses the different facets of Japan's nuclear identity from a classical realist, neorealist, classical liberal, and neoliberal perspective.<sup>7</sup> Still, he does not attempt to synthesise these views into a consolidated theory, or even to pit them against each other.

This thesis seeks to take a comprehensive approach to analyse Japan's position on the TPNW by considering realist, neoliberal and constructivist assumptions in an integrated manner. This research holds significance as it not only enhances our comprehension of the Japanese government's motives but also has the potential to shed light on strategies that could prompt a shift in the government's stance in the future. As it aims to fill the existing gap by incorporating

<sup>&</sup>lt;sup>4</sup> Benjamin A. Valentino and Scott D. Sagan, "The nuclear weapons ban treaty: Opportunities lost," *Bulletin of the Atomic Scientists* (July 16, 2017 2017), https://thebulletin.org/2017/07/the-nuclear-weapons-ban-treaty-opportunities-lost/.

<sup>&</sup>lt;sup>5</sup> Nobuyasu Abe, "Ban Treaty: will it abolish nuclear weapons? A Japanese perspective," *Global Change, Peace & Security* 30, no. 2 (2018/05/04 2018), https://doi.org/10.1080/14781158.2018.1467396.

<sup>&</sup>lt;sup>6</sup> Fintan Hoey, "Japan and Extended Nuclear Deterrence: Security and Non-proliferation," *Journal of Strategic Studies* 39, no. 4 (2016/06/06 2016), https://doi.org/10.1080/01402390.2016.1168010.

<sup>&</sup>lt;sup>7</sup> Akimoto, Japan's nuclear identity and its implications for nuclear abolition.

existing theories into a coherent framework instead of merely comparing them, it will use the rationalist approach to regimes as developed by Hasenclever, Mayer and Rittberger.<sup>8</sup> Their approach synthesises elements of realism and neoliberalism into a combined rationalist theory and uses a "weak" version of constructivism as a supplement. Thus, the aim of this thesis is to use Hasenclever et al.'s rationalist-cognitivist model to analyse Japan's seemingly contradictory stance on nuclear disarmament. In doing so, it explores the following question: What can the integration of rationalism and weak cognitivism tell us about the necessary conditions for Japan to shift its position on the TPNW?

By answering this question, this thesis identifies three potential contextual changes that could facilitate Japan's decision to ratify the TPNW:

- (1) The features of the TPNW are modified to make the gains of the treaty more equitable.
- (2) Japan's priorities on nuclear disarmament transition from relative gains to absolute gains,
- (3) Reliance on extended deterrence is abandoned by the Japanese government.

The thesis is organised as follows. Chapter 1 provides the literature review, focusing first on the discussion surrounding Japan's nuclear paradox, then on the impact and limitations of the TPNW, and lastly on the theoretical framework of rationalism and weak cognitivism in regime analysis. Chapter 2 explores the Japanese position regarding the TPNW, using a rationalist analysis approach that includes a power-based and interest-based approach before synthesising them. In Chapter 3, the contribution of weak cognitivism is examined through three models: the cognitive variables that causally precede rationalist ones, those that causally succeed rationalist ones, and an alternative model that considers the weakening of extended deterrence. The conclusion summarises the key findings and provides recommendations for future research.

<sup>&</sup>lt;sup>8</sup> Andreas Hasenclever, Peter Mayer, and Volker Rittberger, "Integrating theories of international regimes," *Review of International Studies* 26, no. 1 (2000), https://doi.org/10.1017/S0260210500000036.

### **Chapter 1. Literature Reviews**

### Japan's Paradoxical Position on Nuclear Weapons

Japanese nuclear policy has long been ambivalent. On the one hand, the devastating memories of the nuclear attacks on Hiroshima and Nagasaki have fuelled a strong anti-nuclear sentiment. This "nuclear allergy" is commonly cited as the main rationale for national policies advocating nonproliferation and abstaining from developing an independent nuclear arsenal.<sup>9</sup> On the other hand, there is a more realist side to Japan's nuclear security policy, as illustrated by its refusal to ratify the TPNW. This dichotomy in Japan's post-war history has been extensively studied, but often from a narrow theoretical perspective.

Japan's post-war identity as a "peace state" (*heiwa kokka*) and its impact on nuclear policy are well documented. Yuki Tatsumi from the Stimson Center outlines the series of policies taken by the Japanese government that consolidate its decision not to acquire nuclear weapons.<sup>10</sup> By enacting the Nuclear Power Basic Law (*Genshi-ryoku Kihon-ho*) in 1955, the government initially expressed its intention to utilise nuclear energy exclusively for peaceful objectives. In 1967, the Japanese Diet adopted the "Three Non-Nuclear Principles," which asserted that Japan would neither produce, possess, nor allow the introduction of nuclear weapons on its territory. Subsequently, Prime Minister Eisaku Sato outlined the "Four Nuclear Policies" during his address to the Diet, which encompassed promoting the peaceful use of nuclear energy, advocating for global nuclear disarmament, relying on extended deterrence from the United States, and supporting the Three Non-Nuclear Principles. In addition, Japan's dedication to a non-nuclear stance was exemplified through its participation in various international treaties and agreements aimed at promoting nuclear non-proliferation. Japan was

<sup>&</sup>lt;sup>9</sup> Richard J. Samuels and James L. Schoff, "Japan's Nuclear Hedge: Beyond "Allergy" and Breakout," *Political Science Quarterly* 130, no. 3 (2015).

<sup>&</sup>lt;sup>10</sup> Yuki Tatsumi, "Japan's Nuclear Option A Debate Revisted," *St Antony's International Review* 4, no. 2 (2009), http://www.jstor.org/stable/26472734.

among the early countries to join the IAEA, established in 1957, which consequently subjected its nuclear power plants and reprocessing facilities to regular inspections by the Agency. Furthermore, Japan reinforced its commitment to the peaceful use of nuclear energy by signing the Agreement between Japan and the United States regarding the Non-Military Use of Nuclear Power in February 1968. Lastly, Japan's endorsement of the NPT in 1976 (having initially signed the treaty in 1970) solidified its non-nuclear position. Since then, nuclear disarmament has remained a prominent aspect of Japanese foreign policy and Japan has demonstrated its dedication to international agreements that aim to control and prevent the spread of nuclear, chemical, and biological weapons.<sup>11</sup> It actively upholds and supports initiatives such as missile technology control regimes and various export control regimes. Additionally, Japan has taken on the responsibility of hosting the UN Conference on Disarmament Issues since 1989, and Japan continues to allocate resources to train officials from developing nations in matters concerning arms control and nonproliferation policies.

Behind closed doors, however, Japan's nuclear policy has been more ambivalent. The credibility of the Three Non-Nuclear Principles is questionable, and Eisaku Sato himself has privately called them "nonsense".<sup>12</sup> Furthermore, although the Three Non-Nuclear Principles were officially upheld by consecutive administrations, they did little to suppress pronuclearisation opinions within the government. According to Tatsumi, during the Cold War, the debate on nuclear policy mainly took place between what she defines as "neo-autonomist nationalists" and "pacifists".<sup>13</sup> Neo-autonomist nationalists, primarily consisting of conservative members of the Liberal Democratic Party (LDP), advocated that Japan can never achieve true independence under the U.S. nuclear umbrella, and so that it should consider acquiring its own arsenal. Pacifists, found in the opposition Japanese Communist Party and Social Democratic

<sup>&</sup>lt;sup>11</sup> Hughes Llewelyn, "Why Japan will not Go Nuclear (Yet): International and Domestic Constraints on the Nuclearization of Japan," *International Security* 31, no. 4 (2007).

<sup>&</sup>lt;sup>12</sup> Samuels and Schoff, "Japan's Nuclear Hedge: Beyond "Allergy" and Breakout," 481.

<sup>&</sup>lt;sup>13</sup> Tatsumi, "Japan's Nuclear Option A Debate Revisted," 80.

Party of Japan, argued that Japan should seek unarmed neutrality and abandon its alliance with the United States. Still, until recently, the debate on nuclear weapons has remained out of the public eye given that Japanese public discourse remained staunchly opposed to nuclearisation. The social taboo against openly discussing Japan's nuclear option persisted in spite of the emergence of nuclear powers in Japan's vicinity in the 1990s. Politicians faced intense criticism and even dismissal for hinting at direct deterrence by Japan. For instance, in 1999, the parliamentary vice minister of defence, Shingo Nishimura, was fired by Prime Minister Obuchi after suggesting Japan should consider possessing nuclear weapons.

In recent years, the debate over Japan's nuclearisation has reemerged, driven by the development of North Korean nuclear capability and the failure of the Six-Party Talks.<sup>14</sup> In 2010 already, Furukawa was highlighting how internal and external problems such as population ageing, a shrinking defence budget, and increasing Russian and Chinese capabilities were deepening Japanese reliance on U.S. extended deterrence and impeding upon the Global Zero.<sup>15</sup> Today, Tatsumi observes an erosion of the nuclear taboo, as politicians are more open about the possibility of a nuclear arsenal being in Japan's interests.<sup>16</sup> This also means that the debate on nuclear weapons has grown more reasoned, inclusive, and somewhat normalised. Even the more conservative elements of the 'neo-autonomists' consider the alliance with the U.S. as a pillar of Japanese security and do not advocate for Japan becoming a great military power. However, they do suggest the gradual abandonment of the Three Non-Nuclear Principles by permitting the U.S. to deploy nuclear weapons in Japan and some even propose the adoption of an independent nuclear deterrence capability.

<sup>&</sup>lt;sup>14</sup> Tatsumi, "Japan's Nuclear Option A Debate Revisted," 82.

<sup>&</sup>lt;sup>15</sup> Katsuhisa Furukawa, "Nuclear Arms Control and Disarmament: Views among Japan's National Security Community," *Security Challenges* 6, no. 4 (2010).

<sup>&</sup>lt;sup>16</sup> Tatsumi, "Japan's Nuclear Option A Debate Revisted," 83.

Despite the erosion of the nuclear taboo, observers in Japan agree that it is unlikely for Tokyo to abandon its non-nuclear position.<sup>17</sup> The most commonly cited reason is the invariably anti-nuclear sentiments of the population. Unfortunately, there have been no studies that consistently tracked the evolution of popular sentiment over the years. Still, extensive polling conducted over the decades provides conclusive evidence of the prevalence of a "nuclear allergy" among the Japanese public.<sup>18</sup> According to survey data published by *Yomiuri Shimbun*, the proportion of respondents answering "no" to the question "Do you want Japan to possess nuclear weapons?" rose from 74 percent to 84 percent between 1969 and 1981. In 2006, 80% of the Japanese public again expressed support for upholding former Prime Minister Eisaku Satō's three non-nuclear principles, even after North Korea conducted its first nuclear test.<sup>19</sup> In a more recent survey conducted in 2017, approximately 69% of Japanese respondents indicated their desire for Japan to remain non-nuclear, even if Pyongyang does not denuclearise.<sup>20</sup> Furthermore, findings from a nationally representative crisis simulation experiment conducted in 2018 exposed that an overwhelming 85% of the Japanese population would withhold their support for the U.S. employing nuclear weapons against North Korea, even if Japan were to suffer a nuclear attack. Thus, it comes as little surprise that the population is also vigorously in favour of Japan signing the TPNW. A survey conducted by Baron, Gibbons, and Herzog in 2020 demonstrates that 75% of the public wants the government to sign and ratify the treaty, with only 17.7% opposed and 7.3% undecided. Interestingly, their study observes that government criticism of

<sup>&</sup>lt;sup>17</sup> Llewelyn Hughes, "Why Japan will not Go Nuclear (Yet): International and Domestic Constraints on the Nuclearization of Japan," *International Security* 31, no. 4 (2007); Tatsumi, "Japan's Nuclear Option A Debate Revisted," 84.

<sup>&</sup>lt;sup>18</sup> Jonathon Baron, Rebecca Davis Gibbons, and Stephen Herzog, "Japanese Public Opinion, Political Persuasion, and the Treaty on the Prohibition of Nuclear Weapons," *Journal for Peace and Nuclear Disarmament* 3, no. 2 (2020/07/02 2020): 300, https://doi.org/10.1080/25751654.2020.1834961.

<sup>&</sup>lt;sup>19</sup> Mike M. Mochizuki, "Japan Tests the Nuclear Taboo," *The Nonproliferation Review* 14, no. 2 (2007), https://doi.org/10.1080/10736700701379393.

<sup>&</sup>lt;sup>20</sup> Baron, Gibbons, and Herzog, "Japanese Public Opinion, Political Persuasion, and the Treaty on the Prohibition of Nuclear Weapons."

the Treaty, based on security concerns, institutional factors, or normative arguments, fails to sway the population into opposing the TPNW.

The voters' distaste for nuclear weapons offers a convincing explanation for Japan's lasting nonnuclear posture despite realist security concerns. However, as pointed out by Samuels and Schoff, public opinion does not entirely dictate policy, especially when it concerns matters of national survival.<sup>21</sup> Samuels and Schoff argue that Japan's ambivalence towards nuclear weapons is part of a hedging strategy that does not rule out the possibility of eventually acquiring nuclear weapons under certain conditions, notably the erosion of the non-proliferation regime. Similarly, Romei proposes that Japan's ambivalence strategically serves the purpose of appealing to various domestic and international audiences.<sup>22</sup> One of the primary targets of Japan's signalling is China and other regional rivals, which can derive important cues from statements regarding Japan's constitutional right to possess nuclear weapons. These statements have the effect of keeping Japan's adversaries uncertain about the country's ultimate security intentions. Simultaneously, Japanese officials have utilised Japan's decision to refrain from developing nuclear weapons, despite its latent nuclear capabilities, as a means to provide reassurance to the domestic audience regarding the security of the country all the while maintaining its moral position in promoting global peace. The third target audience is the United States, in an attempt to test American commitment to Japanese security by alluding to the nuclear option. The fourth and last target identified by Romei is the most conservative faction of the LDP and its voter base. Hence, Romei suggests that the paradox in the Japanese government's discourse on nuclear weapons stems from its attempt to appeal to different audiences: adversaries, allies, the Japanese public, and political factions. On the other hand, Llewelyn Hughes suggests that Japan's nuclear ambivalence is not a cohesive strategy. He argues that military planners see no strategic logic in nuclearization as they remain confident in

<sup>&</sup>lt;sup>21</sup> Samuels and Schoff, "Japan's Nuclear Hedge: Beyond "Allergy" and Breakout."

<sup>&</sup>lt;sup>22</sup> Sayuri Romei, "The legacy of Shinzo Abe: a Japan divided about nuclear weapons," *Bulletin of Nuclear Scientsits* 2022, https://thebulletin.org/2022/08/the-legacy-of-shinzo-abe-a-japan-divided-about-nuclear-weapons/.

U.S. deterrent power, and stable public opinion against it provides little incentive for policy change.

Today, there remains a deep divide between the Japanese public's position on nuclear weapons and the government's.<sup>23</sup> Most observers agree that even the most hawkish politicians have no intention to nuclearise, but that Japan's non-nuclear position remains conditional on American deterrence.<sup>24</sup> This delicate position has led to a nuclear policy that is ambivalent, at times contradictory. One of the most comprehensive research on this puzzle has been conducted by Daisuke Akimoto from Temple University. In his book Japan's Nuclear Identity and Its Implications for Nuclear Abolition, Akimoto explores four facets of Japan's complex nuclear identity: Japan as a nuclear-bombed state, a nuclear disarmament state, a nuclear-threatened state, and a nuclear umbrella state. However, he studies these different aspects individually, without considering how they relate to one another or influence policy. Other research usually focuses on a specific feature of Japanese nuclear attitude, or analyse policy under a narrow theoretical framework. For instance, Furukawa conducted his analysis on the second level.<sup>25</sup> After outlining the realist regional threats perceived by Japan, he focuses on the attitudes and responses of the Japanese strategic community, including government officials and political commentators. Romei focuses specifically on Shinzo Abe and his contradictory statements as a symbol of Japanese nuclear ambivalence.<sup>26</sup> Indeed, Abe's nuclear policy is remembered as a solidly pro-deterrence and pro-American one, even as he even hinted at the possibility of Japan acquiring its own arsenal if needs be. Samuels and Schoff's research on nuclear hedging offers a more nuanced perspective on Japan's nuclear interests.<sup>27</sup> They consider that Japan continuing to

<sup>&</sup>lt;sup>23</sup> Romei, "The legacy of Shinzo Abe: a Japan divided about nuclear weapons."

<sup>&</sup>lt;sup>24</sup> Tatsumi, "Japan's Nuclear Option A Debate Revisted."

<sup>&</sup>lt;sup>25</sup> Furukawa, "Nuclear Arms Control and Disarmament: Views among Japan's National Security Community."

<sup>&</sup>lt;sup>26</sup> Romei, "The legacy of Shinzo Abe: a Japan divided about nuclear weapons."

<sup>&</sup>lt;sup>27</sup> Samuels and Schoff, "Japan's Nuclear Hedge: Beyond "Allergy" and Breakout."

re-confirm American commitment to extended deterrence all the while maintaining the capacity to develop its own nukes consists of a hedging strategy. However, the authors pay little attention to Japan's participation in global non-proliferation and disarmament efforts, or to the significance of anti-nuclear sentiments amongst the Japanese population. Throughout publications, the Japanese people's "nuclear allergy" has been taken as a given rather than as a norm that can be constructed, strengthened or weakened, and that can in turn shape policy. For example, Tatsumi takes a historical approach as she observes a weakening of the nuclear taboo in parallel to a worsening regional security environment, but she refrains from discussing how the taboo (or lack thereof) and policy actually shape each other.<sup>28</sup> All of the above-mentioned studies offer insightful perspectives that the present research intends to build upon to develop a holistic and cross-theoretical approach to the topic.

### The TPNW: Context, Significance and Criticisms

The Treaty on the Prohibition of Nuclear Weapons (TPNW) is a landmark international agreement that aims to ban nuclear weapons worldwide. The UNGA adopted the TPNW on 7 July 2017, with support from 122 countries, one country opposed (Netherlands) and one (Singapore) abstention. The treaty was first adopted in 2017 by the UNGA and entered into force in January 2021 after receiving 50 ratifications.<sup>29</sup> The TPNW fills a major hole in international law, as prior to it, nuclear weapons were the only weapons of mass destruction (WMD) not subject to a comprehensive ban. It also represents a new approach to nuclear disarmament, one focused on humanitarian considerations and on the prevention of catastrophic consequences of nuclear weapon use. Therefore, the treaty has been hailed as a major step forward in the movement towards a safer world, but it has also been met with criticism from nuclear-armed states and their allies. The present section first discusses the historical context of

<sup>&</sup>lt;sup>28</sup> Tatsumi, "Japan's Nuclear Option A Debate Revisted."

<sup>&</sup>lt;sup>29</sup> UNODA, "Treaty on the Prohibition of Nuclear Weapons."

the treaty that led to its adoption. Then, it provides an overview of the TPNW including its purpose, key provisions, and significance. The last section analyses the criticism and controversies surrounding the treaty.

### Historical Context

The TPNW finds its roots in over fifty years of nuclear arms control, non-proliferation and disarmament discussion. Müller and Wunderlich describe the TPNW as a "dependent variable of the politics surrounding the [NPT]."<sup>30</sup> Indeed, the TPNW can be seen as an attempt to self-empowerment by non-nuclear weapons states (hereafter NNWSs). Traditionally, disarmament had been pursued at NPT conferences following a step-by-step process.<sup>31</sup> A disarmament agenda was indeed agreed upon at the NPT conferences of 1995 and 2000. However, at the 2005 RevCon, the Bush administration, followed by France and Russia, disengaged itself from the framework on the grounds that it had been agreed to by another administration, under different circumstances. This failure led NGOs and a few pro-disarmament governments to advocate for a new approach to nuclear disarmament — one not controlled by or dependent on nuclear weapons states (hereafter NWSs). Therefore, the creation of the TPNW is a testament to their commitment to pursue the "nuclear zero" on their own instead of remaining powerless bystanders to the power politics of NWSs.

This new approach to disarmament was characterised by its emphasis on the humanitarian impact of nuclear weapons as opposed to national security concerns.<sup>32</sup> In 2009, President Obama declared support for a nuclear-free world and provided a glimmer of hope that was quickly extinguished at the 2010 RevCon, during which NWSs significantly weakened

<sup>&</sup>lt;sup>30</sup> Harald Müller and Carmen Wunderlich, "Nuclear Disarmament without the Nuclear-Weapon States: The Nuclear Weapon Ban Treaty," *Daedalus* 149, no. 2 (2020): 171, https://www.jstor.org/stable/ 48591319.

<sup>&</sup>lt;sup>31</sup> Ibid.

<sup>32</sup> Ibid.

disarmament commitments. In 2012, UNGA Resolution 67/56 created an open-ended working group (hereafter OEWG) to develop proposals to take forward nuclear disarmament.<sup>33</sup> NWSs other than India and Pakistan boycotted the group, which only reinforced the position of members advocating to move forward without them. At the next RevCon in 2015, NWSs again showed an uncooperative attitude, blocked a series of previously agreed-upon disarmament measures, and dismissed the humanitarian aspect of nuclear weapons.<sup>34</sup>

Parallel to these disappointing results at consecutive NPT RevCons, nuclear weapons possessors were looking to modernise their arsenals and improve their capabilities.<sup>35</sup> This triggered a renewed sense of urgency over nuclear weapons, which was further exacerbated by new insights into the history and risks of near-deterrence failures. In addition, numerous countries had been establishing moral and ethical frameworks on sustainable development, human rights, conflict prevention, and climate change at both national and international levels. They wished for a certain consistency in their foreign and security policies, by integrating their policies on nuclear arms and on other types of weapons. Such developments in NNWS, starting with Ireland, Austria, New Zealand, Mexico and South Africa, produced three conferences on the *Humanitarian Impact of Nuclear Weapons* held in Norway, Mexico and Austria in 2013 and 2014.<sup>36</sup> Additionally, ban supporters used their majority at the UNGA to establish another OEWG and form a negotiating body. Eventually, this negotiating body produced a text that would become the TPNW.

<sup>&</sup>lt;sup>33</sup> "Open-ended working group on nuclear disarmament," n.d., accessed 3 March 2023, https:// www.reachingcriticalwill.org/disarmament-fora/oewg.

<sup>&</sup>lt;sup>34</sup> Müller and Wunderlich, "Nuclear Disarmament without the Nuclear-Weapon States: The Nuclear Weapon Ban Treaty."

<sup>&</sup>lt;sup>35</sup> Patricia M. Lewis, "Chapter 3: Nuclear Weapons: Peaceful, Dangerous, or Irrelevant?," in *Non-Nuclear Peace: Beyond the Nuclear Ban Treaty*, ed. Tom Sauer, Jorg Kustermans, and Barbara Segaert (Cham, Switzerland: Springer International Publishing AG, 2019).

<sup>&</sup>lt;sup>36</sup> Jonathan L. Black-Branch, *The Treaty on the Prohibition of Nuclear Weapons: Legal Challenges for Military Doctrines and Deterrence Policies* (Cambridge: Cambridge University Press, 2021). https://www.cambridge.org/core/books/treaty-on-the-prohibition-of-nuclear-weapons/2EC68A80C7F175B8E33BB53CB4F4276C.

The International Campaign to Abolish Nuclear Weapons (ICAN), a coalition of several NGOs, is the principal non-state champion of the TPNW, with the support of the Red Cross and like-minded governments.<sup>37</sup> ICAN is not the only civil society group that has attempted to make tangible change in nuclear weapons abolition, but it is the only one that has succeeded in establishing a treaty. Beatrice Fihn, Executive Director of ICAN from 2014 to 2023, explains that the key difference was that her organisation decided to create a normative treaty with or without NWS.<sup>38</sup> Instead of getting stuck on the approval of NWSs, ICAN started to count the signature of any state as a victory. This approach gave a tangible and reachable goal to the disarmament movement, which was successful in motivating and engaging more people. This perspective is not new. It was inspired by the success of the Landmines Campaign and the Cluster Munition Campaign and was influenced by the collaboration with humanitarian organisations not traditionally involved with nuclear weapons, such as OXFAM and Human Rights Watch. Furthermore, Fihn highlights that the TPNW would not have seen the light without the support of small and middle powers, such as Norway, Austria and Mexico, and she explains that this is part of "bringing democracy to disarmament."<sup>39</sup> In the UNGA, where each country has one vote, NNWSs can find strength in numbers. But the democratisation of disarmament is also about taking the issue out to the public and mobilising American or Russian citizens. For ICAN and the many other supporters of the nuclear ban, taking the discussion out of the control of NWSs and turning the nuclear ban into an international norm is a victory in itself. They adhere to the constructivist logic that norms influence state policy and behaviour.<sup>40</sup>

The First Meeting of States Parties (hereafter 1MSP) for the TPNW was held in June 2022 in Vienna, Austria, and resulted in the adoption of the Vienna Declaration and Vienna

<sup>&</sup>lt;sup>37</sup> "The campaign," n.d., accessed 2 March 2023, https://www.icanw.org/the\_campaign.

<sup>&</sup>lt;sup>38</sup> Beatrice Fihn, "How Transnational Civil Society Realized the Ban Treaty: An Interview with Beatrice Fihn," interview by Motoko Mekata, *Journal for Peace and Nuclear Disarmament*, no. 1, 2018.

<sup>&</sup>lt;sup>39</sup> Fihn, interview.

<sup>&</sup>lt;sup>40</sup> Fihn, interview.

Action Plan.<sup>41</sup> The Declaration reiterated the humanitarian basis of the TPNW and condemned any threats to use nuclear weapons. The States Parties resolved to implement all aspects of the treaty, including redressing harm caused by nuclear weapons use and testing, and to support the international disarmament and non-proliferation regime, including the NPT. The Action Plan contains 50 specific actions for taking forward the treaty's mission and realising commitments made in the Declaration. Decisions were made on practical aspects of moving forward with treaty implementation, including deadlines for the destruction of nuclear weapons and the establishment of a Scientific Advisory Group. 34 observer States participated in the meeting, including a handful of U.S. allies under the nuclear umbrella: Australia, Belgium, Finland, Germany, the Netherlands, Norway and Sweden.<sup>42</sup> Japan did not attend, citing that "Japan's policy is to work to *involve nuclear-weapon states* and make *realistic* efforts toward 'a world without nuclear weapons.'''<sup>43</sup>

### Significance and limitations of the TPNW

The TPNW prohibits its State Parties to Develop, test, produce, manufacture, otherwise acquire, possess or stockpile nuclear weapons or other nuclear explosive devices; use them or threaten to use them; or allow any stationing, installation or deployment of nuclear weapons on its territory.<sup>44</sup> Broadly speaking, the TPNW aims to achieve two interconnected goals. Firstly, as a disarmament treaty, it seeks to realise the longstanding aspiration of a world without nuclear

<sup>&</sup>lt;sup>41</sup> "First Meeting of States Parties," n.d., accessed 18 April, 2023, https://www.icanw.org/ tpnw\_first\_meeting\_of\_states\_parties.

<sup>&</sup>lt;sup>42</sup> Rebecca Davis Gibbons and Stephen Herzog, "The First TPNW Meeting and the Future of the Nuclear Ban Treaty," *Arms Control Today* (2022). https://www.armscontrol.org/act/2022-09/features/first-tpnw-meeting-future-nuclear-ban-treaty.

<sup>&</sup>lt;sup>43</sup> Ministry of Foreign Affairs of Japan, "Press Conference by Foreign Press Secretary ONO Hikariko," news release, 15 June, 2022, https://www.mofa.go.jp/press/kaiken/kaiken24e\_000139.html.

<sup>&</sup>lt;sup>44</sup> United Nations General Assembly, Treaty on the Prohibition of Nuclear Weapons, A/CONF.229/2017/8 (2017). Art. 1.

weapons.<sup>45</sup> Secondly, the TPNW aims to advance the objectives and principles of international humanitarian law (IHL), and promote its adherence, by preventing and mitigating the catastrophic consequences that the use of nuclear weapons would cause on a massive scale. Both of these goals are reflected in the preamble of the treaty and are interlinked.<sup>46</sup> Indeed, proponents of the TPNW see the total elimination of nuclear weapons as the only real guarantee of their non-use.<sup>47</sup> This concept goes head to head with the norm of deterrence defended by NWSs and umbrella states. Although the TPNW was successful in starting a conversation about nuclear weapons, proponents and opponents have been talking past each other.<sup>48</sup> While ban supporters accuse NWSs of not being serious about disarmament because of their lack of efforts to reduce stockpiles. NWSs claim ban supporters are not serious about disarmament because they approach it in an unrealistic way. The most common criticism voiced by opponents to the TPNW can be broadly organised under two categories: the TPNW is inefficient and even harmful because 1) its provisions are too weak and do not concretely contribute towards the goal of a world free of nuclear weapons, and 2) it excludes NWS by not catering for them. In the following, these two arguments and rebuttals are addressed as a way of presenting an overview of the function and goals of the TPNW.

### **Criticism 1: The TPNW's provisions are too weak**

The TPNW is legally meaningful in the sense that it explicitly prohibits the use of nuclear weapons in Article 1.1(e), filling a significant gap in the existing nuclear non-proliferation and

<sup>&</sup>lt;sup>45</sup> Magnus Løvold, "The Future of the Nuclear Taboo: Framing the Impact of the TPNW," *Journal for Peace and Nuclear Disarmament* 4, no. 1 (2021/01/02 2021), https://doi.org/ 10.1080/25751654.2021.1940701.

<sup>&</sup>lt;sup>46</sup> United Nations General Assembly, Short Treaty on the Prohibition of Nuclear Weapons.

<sup>&</sup>lt;sup>47</sup> Løvold, "The Future of the Nuclear Taboo: Framing the Impact of the TPNW."

<sup>&</sup>lt;sup>48</sup> Heather Williams, "A nuclear babel: narratives around the Treaty on the Prohibition of Nuclear Weapons," *The Nonproliferation Review* 25, no. 1-2 (2018/01/02 2018), https://doi.org/10.1080/10736700.2018.1477453.

disarmament regime.<sup>49</sup> Indeed, the NPT remains silent on nuclear weapons use. The TPNW marks the first time that the use of nuclear weapons is recognised to be unacceptable under international humanitarian law and thus places nuclear weapons on par with all other WMDs.<sup>50</sup> Still, the ban treaty's provisions have been criticised to be too weak.

Harald Müller points out several flaws in the treaty that makes it inapt to be the basis of a "world free of nuclear weapons".<sup>51</sup> First, the TPNW does not cover nuclear weapons research, an existing gap in the NPT that still needs to be addressed. Second, it is weaker than other agreements governing nuclear trade, such as the Nuclear Suppliers Guidelines and the Joint Comprehensive Plan of Action. Third, the verification measures in the ban treaty fall short of what is necessary to build trust in a world without nuclear weapons, as they only require compliance with the International Atomic Energy Agency's (IAEA) comprehensive safeguards which have proven to be insufficient in detecting clandestine nuclear activities.<sup>52</sup> Lastly, the Ban Treaty does not include any provisions for enforcement and only offers a limited clarification procedure that requires the agreement of all parties involved in a dispute.

Furthermore, Heather Williams of the Center for Strategic and International Studies observes that NWSs often compare the TPNW with Global Zero, a nuclear disarmament initiative led by Western states with the support of NWS.<sup>53</sup> Global Zero promotes a realistic and cautious step-by-step approach including deeper reductions in U.S. and Russian nuclear arsenals and a Fissile Material Cut-off Treaty (FMCT). Comparatively, the TPNW indeed appears to lack executive ambition. Additionally, Lawrence Freedman observes that the nuclear disarmament

<sup>&</sup>lt;sup>49</sup> United Nations General Assembly, Short Treaty on the Prohibition of Nuclear Weapons.

<sup>&</sup>lt;sup>50</sup> Løvold, "The Future of the Nuclear Taboo: Framing the Impact of the TPNW."

<sup>&</sup>lt;sup>51</sup> Harald Müller, "What Are the Institutional Preconditions for a Stable Non-Nuclear Peace?," in *Non-Nuclear Peace : Beyond the Nuclear Ban Treaty*, ed. Tom Sauer, Jorg Kustermans, and Barbara Segaert (Cham, Switzerland: Springer International Publishing AG, 2019).

<sup>&</sup>lt;sup>52</sup> See also Newell Highsmith and Mallory Stewart, "The Nuclear Ban Treaty: A Legal Analysis," *Survival* 60, no. 1 (2018/01/02 2018), https://doi.org/10.1080/00396338.2018.1427371, https://doi.org/ 10.1080/00396338.2018.1427371.

<sup>53</sup> Williams, "A nuclear babel: narratives around the Treaty on the Prohibition of Nuclear Weapons."

campaign is most often targeted towards the P5 when in reality, states isolated from the international community, notably DPRK, or non-state actors are most likely to break the tradition of non-use.<sup>54</sup> The TPNW fails to address how disarmament can be promoted to these actors.

However, such criticism misinterprets the function and nature of the TPNW. In Tannenwald's words, "the ban treaty is best seen as a stigmatization, rather than a disarmament, treaty".<sup>55</sup> Although views diverge on the specifics of the classification of nuclear norms,<sup>56</sup> scholars agree that the central goal of the advocates of the treaty was to delegitimise nuclear weapons on the same ground as chemical or biological weapons, and "codify under international law the 'nuclear taboo' or moral imperative not to use nuclear weapons".<sup>57</sup> Across publications, authors agree that the norm of disarmament comes in direct conflict with the norm of deterrence.<sup>58</sup> Nina Tannenwald argues that the humanitarian aspect of the ban treaty exerts significant normative pressure upon NWS, as it highlights the glaring gap between the value they attribute to nuclear weapons and their self-identification as upholders of international law and humanitarian values.<sup>59</sup> She considers that the TPNW strengthens norms of non-use and non-

<sup>&</sup>lt;sup>54</sup> Lawrence Freedman, "Disarmament and Other Nuclear Norms," *The Washington Quarterly* 36, no. 2 (2013/04/01 2013), https://doi.org/10.1080/0163660X.2013.791085, https://doi.org/10.1080/0163660X.2013.791085.

<sup>&</sup>lt;sup>55</sup> Nina Tannenwald, "How Strong Is the Nuclear Taboo Today?," *The Washington Quarterly* 41, no. 3 (2018/07/03 2018): 101, https://doi.org/10.1080/0163660X.2018.1520553, https://doi.org/10.1080/0163660X.2018.1520553.

<sup>&</sup>lt;sup>56</sup> Freedman, "Disarmament and Other Nuclear Norms."; Nina Tannenwald, "The Great Unraveling: The Future of the Nuclear Normative Order," in *Meeting the Challenges of the New Nuclear Age: Emerging Risks and Declining Norms in the Age of Technological Innovation and Changing Nuclear Doctrines*, ed. Nina Tannenwald and James M. Acton (Cambridge, Mass: American Academy of Arts & Sciences, 2018); Müller and Wunderlich, "Nuclear Disarmament without the Nuclear-Weapon States: The Nuclear Weapon Ban Treaty."

<sup>&</sup>lt;sup>57</sup> Alberto Perez Vadillo, *Beyond the Ban: The humanitarian initiative of nuclear disarmament and advocacy of no-first-use nuclear doctrines*, British-American Security Information Council (2016), 3, https://basicint.org/wp-content/uploads/2018/06/BeyondtheBan\_APerezVadillo\_May2016.pdf.

<sup>&</sup>lt;sup>58</sup> See, e.g.: Freedman, "Disarmament and Other Nuclear Norms."; Tannenwald, "The Great Unraveling: The Future of the Nuclear Normative Order."; Müller and Wunderlich, "Nuclear Disarmament without the Nuclear-Weapon States: The Nuclear Weapon Ban Treaty."

<sup>&</sup>lt;sup>59</sup> Tannenwald, "The Great Unraveling: The Future of the Nuclear Normative Order."

possession, while it goes head-to-head with the norm of deterrence, as well as with norms that associate nuclear weapons with prestige and great power status. According to John Borrie of the UN Institute for Disarmament Research, the stigmatisation and eventual ban of anti-personnel mines and cluster munitions offer lessons for a normative approach to disarmament.<sup>60</sup> Although entirely different and heavier implications are attached to nuclear weapons, the treatment of these banned weapons shows that persuasive ideational reframing of the weapon in question can produce positive results, including concrete legal action.

Importantly, Magnus Løvold highlights that a framing focused on the prohibition of the use of nuclear weapons rather than on disarmament is the strength of the TPNW, as the treaty leans on an already well-established norm of non-use.<sup>61</sup> While a framing that emphasises the Treaty's disarmament provisions (or lack thereof) indeed supports the argument that the Treaty is ineffective, focusing on the prohibition of the use of nuclear weapons reinforces the case for the TPNW's effectiveness as an instrument of international law. Hence, the TPNW's lack of specific measures such as a verification system is not an oversight. It very intentionally left the verification measures to be negotiated in future protocols, when and if NWSs decide to accede.<sup>62</sup> Discussions on verification measures were left out intentionally and not out of lack of seriousness, because they would slow down momentum and because they were not needed to achieve the normative function of the treaty.

#### **Criticism 2: The TPNW failed to include Nuclear Weapons States**

The entry into force of the TPNW is a powerful signal that nuclear weapons possession is no longer tolerated by the international community. The fact that the nuclear ban campaign was successfully led by small and medium-sized states and civil society groups despite intense

<sup>&</sup>lt;sup>60</sup> John Borrie, "Humanitarian reframing of nuclear weapons and the logic of a ban," *International Affairs (Royal Institute of International Affairs 1944-)* 90, no. 3 (2014), http://www.jstor.org/stable/24538512.

<sup>&</sup>lt;sup>61</sup> Løvold, "The Future of the Nuclear Taboo: Framing the Impact of the TPNW."

<sup>&</sup>lt;sup>62</sup> Williams, "A nuclear babel: narratives around the Treaty on the Prohibition of Nuclear Weapons," 55.

opposition by NWSs is an impressive feat of self-empowerment. Still, the treaty has no legal value as long as NWSs do not ratify it, which is often cited by umbrella states as one of the main reasons why they refuse to accede. Japanese Foreign Minister Suzuki has explained Japan's absence from TPNW 1MSP as follows: "The cooperation of nuclear-weapon states is necessary to change the reality, but not even one nuclear-weapon state has signed the treaty. Therefore, [...] Japan, as the only country to have experienced wartime atomic bombing, must work so that nuclear-weapon states participate. To that end and based on the trust of our sole ally the United States, Japan will first work to advance realistic initiatives to realize a world without nuclear weapons".<sup>63</sup>

Williams argues that the lack of participation from NWSs in treaty negotiations was mostly intentional.<sup>64</sup> The TPNW was born out of the frustration of NNWSs in how ineffective the "step-by-step" approach to disarmament was and the lack of progress at NPT RevCons. The TPNW is a result of the self-empowerment of NNWSs, previously excluded from decision-making. Furthermore, some ban proponents see existing disarmament efforts such as New START as "surface devaluing" that does not fundamentally change the importance that NWS attribute to their nuclear arsenals.<sup>65</sup> The prohibition treaty aims to entirely reframe nuclear weapons as morally unacceptable and illegitimate in a rational process that Finnemore and Sikkink call "strategic social construction".<sup>66</sup> As Nobuo Hayashi has argued, a prohibition treaty breaks from the security-focused, consequentialist view that had dominated the discussion on nuclear weapons, in favour of a deontological approach that considers them to be unacceptable

<sup>&</sup>lt;sup>63</sup> Ministry of Foreign Affairs of Japan, "Press Conference by Foreign Minister HAYASHI Yoshimasa," news release, 21 January, 2022, https://www.mofa.go.jp/press/kaiken/kaiken22e\_000053.html#topic6.

<sup>&</sup>lt;sup>64</sup> Williams, "A nuclear babel: narratives around the Treaty on the Prohibition of Nuclear Weapons."

<sup>&</sup>lt;sup>65</sup> Nicholas Edward Ritchie, Pathways to nuclear disarmament: delegitimising nuclear violence, 2016, Working Paper, The University of York.

<sup>&</sup>lt;sup>66</sup> Martha Finnemore and Kathryn Sikkink, "International Norm Dynamics and Political Change," *International Organization* 52, no. 4 (1998): 888, https://doi.org/10.1162/002081898550789.

and even evil, and must be banned irrespective of their potential efficacy.<sup>67</sup> Under this framework, nuclear weapons are not seen as the asset of a particular state, but as a collective liability which very existence threatens the entire planet. By prohibiting nuclear weapons, the emphasis shifts from solely trying to change the policies of NWS to changing the international environment's normative stance towards nuclear weapons and the states possessing them. Such an approach empowers the international community, as legitimacy must be collectively attributed by society and not something that NWS can unilaterally claim.<sup>68</sup> Hence, the lack of willingness of ban proponents to compromise with states relying on deterrence was not a miscalculation. It was a deliberate effort for NNWS to claim greater agency in nuclear disarmament discussions, and the absence of NWS and allies was instrumental to the success of TPNW negotiations.<sup>69</sup>

#### Criticism 3: the TPNW harms existing non-proliferation efforts

Critics of the Ban argue that Article 18 of the TPNW "supersedes" the NPT:

The implementation of this Treaty shall not prejudice obligations undertaken by States Parties with regard to existing international agreements, to which they are party, where those obligations are consistent with the Treaty. (Article 18)

This critique assumes that the TPNW contradicts the NPT, or at least allows for alternative interpretations of the latter.<sup>70</sup> Another common criticism is that the TPNW would grant NNWS a reason to disrupt NPT RevCons and further deepen divisions between nuclear and non-nuclear

<sup>&</sup>lt;sup>67</sup> Nobuo Hayashi, "On the Ethics of Nuclear Weapons: Framing a political consensus on the unacceptability of nuclear weapons" (ILPI-UNIDIR NPT Review Conference Series, 2015).

<sup>&</sup>lt;sup>68</sup> Ritchie, Pathways to nuclear disarmament: delegitimising nuclear violence.

<sup>69</sup> Williams, "A nuclear babel: narratives around the Treaty on the Prohibition of Nuclear Weapons."

<sup>&</sup>lt;sup>70</sup> Highsmith and Stewart, "The Nuclear Ban Treaty: A Legal Analysis."

states when it comes to the nuclear nonproliferation regime.<sup>71</sup> Additionally, the ban treaty has been accused of undermining the IAEA because of its mandate to designate an international authority to verify the elimination of nuclear weapons, which would compete with the Agency.

These are non-issues. The TPNW requires its Members to carry the same verification obligations they have under the NPT, as well as the IAEA's Additional Protocol.<sup>72</sup> Article 18 of the TPNW cannot "supersede" the NPT, because the undertakings of the ban treaty do not contradict those of the NPT for NNWS. As highlighted by Alexander Kmentt, president-designate of the first meeting of TPNW States-Parties, the most active promoters of the TPNW such as Ireland, South Africa, and Mexico, are also staunch supporters of the NPT.<sup>73</sup> The TPNW inherently reinforces Article 6 of the NPT, which requires state parties to pursue disarmament. Furthermore, the claim that the TPNW creates divisions in the NPT review process is not supported, as the ban is a result of existing divisions in the NPT community, not the cause of them. Although the TPNW does not bridge existing divisions within the NPT,<sup>74</sup> the ban treaty is also not a showstopper for nuclear disarmament negotiations, as negotiations had already stalled prior to the ban's negotiation. Ultimately, the impact of the ban on NPT review process divisions depends on how actors handle it, and ban supporters will likely not disrupt the process as severely as the Bush administration did in 2005.

### Implications of the TPNW

The TPNW enshrined the nuclear taboo in international law, which is not to be underestimated. Although all U.S. allies have rejected the treaty, anti-nuclear sentiment remains strong in Japan

<sup>&</sup>lt;sup>71</sup> Tannenwald, "How Strong Is the Nuclear Taboo Today?," 102.

<sup>&</sup>lt;sup>72</sup> Müller and Wunderlich, "Nuclear Disarmament without the Nuclear-Weapon States: The Nuclear Weapon Ban Treaty."

<sup>&</sup>lt;sup>73</sup> Alexander Kmentt, "The Humanitarian Case for Banning Nuclear Weapons: An Interview With Alexander Kmentt," interview by Carol Giacomo, 2022.

<sup>&</sup>lt;sup>74</sup> Michal Onderco, "Nuclear Ban Treaty: Sand or Grease for the NPT?," in *Non-Nuclear Peace: Beyond the Nuclear Ban Treaty*, ed. Tom Sauer, Jorg Kustermans, and Barbara Segaert (Cham: Springer International Publishing, 2020).

and most NATO states.<sup>75</sup> The ban treaty directly clashes with deterrence policies, and opened up policy options for U.S. allies that already are ambivalent towards nuclear weapons and that must answer to the expectations of their parliament and population. Indeed, the TPNW prohibits the "stationing, installation or deployment of any nuclear weapons or other nuclear explosive devices"<sup>76</sup> and so is explicitly incompatible with the policies of countries hosting the American arsenal such as Germany and the Netherlands.<sup>77</sup> But how about Japan, which does not host American nuclear weapons? Article 1(1)(d) prohibits Member States to "Use or threaten to use nuclear weapons or other nuclear deterrence arguably promotes, at the very least, the continuance of nuclear weapons possession and stockpiling which is prohibited by art 1(1)(a) [of the TPNW]".<sup>79</sup> In the case of Japan, the government has expressly endorsed extended deterrence and given unconditional support to the U.S. umbrella:

The nuclear deterrence of the United States is essential to ensure Japan's security as well as regional peace and security no matter what. The TPNW's provisions limit the activities and actions related to all forms of nuclear weapons. Therefore, I cannot help but say that the treaty negates the nuclear deterrence."<sup>80</sup>

<sup>&</sup>lt;sup>75</sup> Tannenwald, "How Strong Is the Nuclear Taboo Today?," 102.

<sup>&</sup>lt;sup>76</sup> United Nations General Assembly, Short Treaty on the Prohibition of Nuclear Weapons, Art. 1(1)(g).

<sup>&</sup>lt;sup>77</sup> Mika Hayashi, "NATO's Nuclear Sharing Arrangements Revisited in Light of the NPT and the TPNW," *Journal of Conflict and Security Law* 26, no. 3 (2021).

<sup>&</sup>lt;sup>78</sup> Abe Nobuyasu, former United Nations Under-Secretary-General for Disarmament Affairs, argues that Article 1(1)(d) is incompatible with extended deterrence. United Nations General Assembly, Short Treaty on the Prohibition of Nuclear Weapons, Art.1 (1)(d); Nobuyasu Abe, "Grappling with the TPNW: Options for Japan," (2022). https://www.apln.network/analysis/commentaries/grappling-with-the-tpnw-options-for-japan.

<sup>&</sup>lt;sup>79</sup> Anna Hood and Monique Cormier, "Can Australia Join the Nuclear Ban Treaty Without Undermining ANZUS?," *Melbourne University Law Review* 44, no. 1 (2020 2020).

<sup>&</sup>lt;sup>80</sup> Ministry of Foreign Affairs of Japan, "Press Conference by Foreign Press Secretary YOSHIDA Tomoyuki," news release, 4 August, 2021, https://www.mofa.go.jp/press/kaiken/ kaiken22e\_000028.html#topic3.

Hence, nuclear deterrence is incompatible with the TPNW, an assessment shared by France, the U.K. and the U.S.<sup>81</sup>

To sum up, although the TPNW's name suggests that it seeks to eliminate nuclear weapons, its immediate goal is to shift the discourse around nuclear weapons from a security-based one to focus on their humanitarian and environmental consequences. This reframing of nuclear weapons is crucial in changing the values and beliefs surrounding them, which is the primary objective of the TPNW. This process, which Nick Ritchie defines as devaluing, involves reducing the significance, delegitimising, and marginalising nuclear weapons in the NWS's declaratory and operational politics.<sup>82</sup> The TPNW's effectiveness lies not in its legal impact but in its potential to exert social pressure and cause an ideational shift. Consequently, details such as verification or more diverse membership were not prioritised, as they are not essential to achieving the treaty's normative effect.<sup>83</sup>

Putting the misperceptions by opponents aside, ban supporters must admit that the change in narrative brought about by the TPNW does present some risks. In today's context, democracy is under a double attack, from right-wing populists domestically, and from the rise of autocracies globally. Ban supporters must consider the extent to which they wish to stigmatise democratic governments and promote divisions between democracies, as this can fuel the aims of both right-wingers and autocratic nations.<sup>84</sup> Furthermore, normative pressure will not have the same efficiency in democracies and in nondemocratic countries such as Russia and China.

<sup>&</sup>lt;sup>81</sup> United States Mission to the United Nations, "Joint Press Statement from the Permanent Representatives to the United Nations of the United States, United Kingdom, and France Following the Adoption.," news release, 2017, https://usun.usmission.gov/joint-press-statement-from-the-permanent-representatives-to-the-united-nations-of-the-united-states-united-kingdom-and-france-following-the-adoption/; See also Hood and Cormier, "Can Australia Join the Nuclear Ban Treaty Without Undermining ANZUS?."; Hayashi, "NATO's Nuclear Sharing Arrangements Revisited in Light of the NPT and the TPNW," 490.

<sup>&</sup>lt;sup>82</sup> Ritchie, Pathways to nuclear disarmament: delegitimising nuclear violence.

<sup>83</sup> Williams, "A nuclear babel: narratives around the Treaty on the Prohibition of Nuclear Weapons."

<sup>&</sup>lt;sup>84</sup> Müller and Wunderlich, "Nuclear Disarmament without the Nuclear-Weapon States: The Nuclear Weapon Ban Treaty."

The tools promoted by ICAN, such as blaming private financing of nuclear weapons or persuading local governments and parliaments to embrace the TPNW are vastly more effective in democracies. Hypothetically, this may lead to a Russian-Chinese nuclear weapons oligopoly instead of a nuclear-weapon-free world. Therefore, ban supporters must either develop targeted tools to penetrate autocratic NWS or pursue step-by-step disarmament through negotiations involving more nuclear-armed states, rather than relying solely on normative pressure to achieve a nuclear-weapon-free world. While a zero-nuclear world is the ultimate goal, dependency on a nuclear deterrent is still preferable to an autocratic nuclear weapons oligopoly.

On a more positive note, the TPNW has generated significant momentum for countries both supporters and sceptics - to push forward an agenda related to nuclear disarmament and risk reduction.<sup>85</sup> The renewed focus on initiatives like the Non-Proliferation and Disarmament Initiative or the activation of the Japan-led "groups of eminent persons" demonstrates this interest.<sup>86</sup> It is worth noting that many umbrella sites are involved in these efforts, and while the TPNW may not necessarily help build bridges, some states on opposing sides are actively seeking ways to overcome these divides. Additionally, the TPNW provides these countries with good reason to encourage further incremental steps towards nuclear disarmament with the NWSs within the alliance.

### Theoretical Framework: Rationalist approach to international regimes

Overview of regime theory

<sup>85</sup> Onderco, "Nuclear Ban Treaty: Sand or Grease for the NPT?."

<sup>&</sup>lt;sup>86</sup> Shatabhisha Shetty and Denitsa Raynova, *Breakthrough or Breakpoint? Global Perspectives on the Nuclear Ban Treaty*, European Leadership Network (2017).

Since the launch of regime analysis in the 1980s, scholars from every branch of international relations have attempted this exercise.<sup>87</sup> The present section offers an overview of the existing theories. Then, it elaborates on the analytical framework introduced by Hasenclever, Mayer and Rittberger, which this thesis will be following. We must start with the question central to regime analysis: Why are regimes created? In answering this question, regime theorists assume that norms influence patterns of state action, but in a way that is consistent with state interests.88 Thus, regime theory bridges the reflectivist and rationalist traditions. However, scholars have yet to reach a consensus on the answer to this central question.

Liberal theoretical approaches were the first to approach the question of regimes and international organisations. Neoliberal institutionalists see regimes as a way to promote international peace by enabling states to pursue common interests, such as economic prosperity In particular, Neofunctionalists such as Haas support integration between states to reduce the likelihood of conflict.89 However, neoliberalists were labelled "idealists" by the dominant realist school of thought. Starting with Waltz and Mearsheimer, neorealists do not consider that cooperation on low-level issues can influence realpolitik and national security concerns: "institutions have minimal influence on state behaviour, and thus hold little promise for promoting stability in the post-Cold War world."90 Neorealists only see regimes as a reflection of the powerful states' interests. In more recent years, constructivists have provided a third way of approaching regimes. They go beyond the dichotomic debate on whether or not regimes are impactful and attempt to understand how and why regimes function the way they do. Notably, social constructivists have studied how regimes are both spreaders of norms and the result of the

<sup>&</sup>lt;sup>87</sup> Hasenclever, Mayer, and Rittberger, "Integrating theories of international regimes."

<sup>&</sup>lt;sup>88</sup> Stephan Haggard and Beth A. Simmons, "Theories of International Regimes," *International Organization* 41, no. 3 (1987), http://www.jstor.org/stable/2706754.

<sup>&</sup>lt;sup>89</sup> E. B. Haas, "Technocracy, pluralism and the new Europe," in *A New Europe?*, ed. S. Graubard (Boston, MA: Beacon Press, 1963).

<sup>&</sup>lt;sup>90</sup> John J. Mearsheimer, "The false promise of international institutions," Article, *International Security* 19, no. 3 (1994), https://doi.org/10.2307/2539078.

institutionalisation of norms. However, although constructivists have opened up the discussion regarding regimes, they have not reached a unified and consolidated conclusion of their own.

There are other ways of categorising approaches to regime theory than along the lines of realism, liberalism and constructivism. Haggard and Simmons classify theoretical views on regimes as structural, game-theoretic, functional, and cognitive.91 They consider the first three to be centred around the state, which is seen as a unified rational actor, while the cognitive approach considers regimes to be conditioned by ideology and consensual knowledge above all else. However, Haggard and Simmons highlight that the dichotomy between ideology and norms on one hand, and state interests on the other, is misleading. They acknowledge that only within specific normative and epistemological contexts do "interests" exist, and they cannot be comprehended outside of such circumstances. Keohane (1988) groups the rationalistic approach on the one hand and the reflective approach on the other. Rationalists expect that international institutions are formed in contexts where they are expected to reduce uncertainty and alter transaction costs in favour of states with the greatest political authority. However, rationalists fail to address how interests evolve as a result of changes in belief systems. Reflectivists attempt to fill this gap by emphasising the role of human subjectivity and pre-existing practices in institution-building. Lastly, Mearsheimer (1994), categorises four contenders to his realist approach to international institutions: liberal institutionalism, collective security, and critical theory.

#### Rationalist approach to international regimes

This thesis follows the theoretical framework developed by Hasenclever, Mayer and Rittberger.<sup>92</sup> They identify power-based, interest-based, and cognitive-based approaches to

<sup>91</sup> Haggard and Simmons, "Theories of International Regimes."

<sup>92</sup> Hasenclever, Mayer, and Rittberger, "Integrating theories of international regimes."

regime analysis, upheld respectively by realists, neoliberals, and constructivists. Hasenclever et al. cite Gilpin, Krasner and Grieco as central proponents of the power-based approach. From their realist point of view, "power is no less central in cooperation than in discord among nations".<sup>93</sup> According to the rules of hegemonic stability, a regime cannot be upheld without a dominant actor that spearheads and leads it. Additionally, they argue that although regimes are difficult to create and maintain, they are most likely to succeed when "the expected gains are 'balanced' (at least for the most powerful members) such that relative losses do not accrue".<sup>94</sup> Neoliberals, on the other hand, emphasise that institutions allow states to pursue and realise common interests. Furthermore, they want to avoid putting a regime at risk because regimes represent sunk costs. Additionally, they are hesitant to break agreed-upon rules because a negative reputation would harm their future chances of finding partners.

Lastly, constructivists criticise both realists and neoliberals for taking the preferences of actors as an exogenous fact and not as something to be theorised upon. Furthermore, Hasenclever et al. differentiate "weak" cognitivism from "strong" cognitivism within the constructivist approach to regime theory. Weak cognitivists emphasise the part that causal beliefs play in the emergence and transformation of regimes. Hence, they research the function of epistemic communities in the coordination of global policy as well as, more broadly, the workings of governmental learning. Strong cognitivists, on the other hand, focus on social knowledge rather than on causal beliefs. They reject the notion of states being rational actors and argue that "states are as much shaped by institutions as they shape them."<sup>95</sup> According to Hasenclever et al., institutionalised cooperation initiates a process where actors come to respect the interests of others. Hence, this view tends to attribute a larger degree of effectiveness and robustness to international institutions than liberalism or neorealism.

<sup>&</sup>lt;sup>93</sup> Ibid., 9

<sup>94</sup> Ibid., 10

<sup>95</sup> Ibid., 11

Hasenclever, Meyer and Rittberger further propose that the realist power-based approach and the liberalist interest-based approach can be integrated into a single rationalist approach to international regimes.<sup>96</sup> The two theories share important commonalities regarding regimes analysis, making them complementary rather than contradictory. First, we must consider if states are mainly concerned with relative or absolute gains. Hasenclever et al. suggest that international regimes are only necessary in 'problematic social situations' where uncoordinated pursuit of individual interests leads to suboptimal outcomes. In "non-problematic situations"<sup>97</sup>, regimes are not expected to be created or to be consequential.

Hasenclever et al.'s theory further distinguishes between problematic social situations where actors are concerned with absolute gains versus relative gains and suggests that neoliberal hypotheses are appropriate for the former, while realist hypotheses are appropriate for the latter.<sup>98</sup> Consequently, in situations in which actors are mainly concerned with relative gains, the likelihood of regime creation is low, and even if it is created, the regime is likely to be unstable and ineffective. In order to create a stable regime in this context, realists propose that the regime must include mechanisms to make gains more equitable. Conversely, when absolute gains concerns are dominant, the likelihood of regime creation is high. Neoliberals add that to be successful, a regime should include solid compliance mechanisms to ensure that both present and future governments comply with the rules at sufficient levels, providing assurance to each other. This leads us to the following realist-neoliberal debate: under what circumstances do states prioritise absolute gains over relative gains? Even realists such as Grieco acknowledge that states can pursue either relative or absolute gains depending on the circumstances, such as

<sup>96</sup> Ibid.

<sup>&</sup>lt;sup>97</sup> "Non-problematic situations" can be zero-sum situations or situations of Harmony. In a symmetrical game called Harmony, the ordering of preferences is CC>DC>CD>DD. This game does not present a cooperation problem because both players prefer to cooperate regardless of the other's actions. Zero-sum situations are also not problematic in this sense, as every outcome is Pareto-efficient, meaning that the interpretation of rationality is the same for both individual and collective interests.

<sup>98</sup> Hasenclever, Mayer, and Rittberger, "Integrating theories of international regimes."

issue area and relationships.<sup>99</sup> This observation highlights the need for a contextualised rationalist theory that specifies when relative gains concerns are prioritised, or when they are dominated by calculations of absolute gain.

Various realist and neoliberal authors propose different theories to determine when states value relative gains or absolute gains. In Grieco's theory, states' sensitivity to relative losses is influenced by the history and present of their relationship with another state.<sup>100</sup> The longer the relationship and the more antagonistic it has been, the more sensitive they are to relative gains concerns. However, relative gains concerns tend to be less of an issue when the states have a common enemy or when the power difference is too large to affect their relative positions. This may explain the high level of cooperation between the US and Europe during the Cold War. Furthermore, cooperation in economic issues is less likely to be affected by relative gains concerns than security cooperation. States are more concerned with relative gains when the gains at stake are easily transformed into military capability or bargaining power. However, other analyses of different system levels and variables are worth consulting as well. For instance, democratic peace theory literature suggests that stable peace between democratic states minimises the importance of relative gains concerns as a barrier to cooperation among nations with democratic political systems.<sup>101</sup>

## Contribution of cognitivism to rationalist theory

So far, we have discussed how regimes are more likely to be formed in absolute-gainsdominated situations and unlikely in relative-gains-dominated situations. Different contextual

<sup>&</sup>lt;sup>99</sup> Joseph M Grieco, *Cooperation among Nations: Europe, America, and Non-Tariff Barriers to Trade* (Ithaca: Cornell University Press, 1990)., quoted in Hasenclever, Mayer, and Rittberger, "Integrating theories of international regimes."

<sup>&</sup>lt;sup>100</sup> Grieco, Cooperation among Nations: Europe, America, and Non-Tariff Barriers to Trade.

<sup>&</sup>lt;sup>101</sup> Michael W. Doyle, "Kant, Liberal Legacies, and Foreign Affairs," *Philosophy & Public Affairs* 12, no. 3 (1983): 230.

factors determine whether states pursue absolute or relative gains. However, how can rational state actors pivot from one logic to another? The central goal of the present research is not to merely identify if states are pursuing relative gains or absolute gains when it comes to nuclear weapons regimes but to understand how they can shift their perspective in order to collaborate on the issue.

This brings us to the second part of the framework used in this thesis. Hasenclever et al. argue that weak cognitivism can supplement rationalist theory, without the two being integrated into a single theory.<sup>102</sup> As shown in Figure 1, cognitivist variables can either precede or follow rationalist ones. First, cognitivist theory can explain how states come to define their interests. Rationalist analyses require information on actors, their perceived options, and their attributed payoffs to construct a game matrix. These essential components are assumed or established expost, without questioning actors' beliefs about cause-effect relationships. Weak cognitivist theories can provide deeper explanations of regimes and other outcomes by shedding light on the conditions of governmental learning and the influence of ideas on actors' perceived options and payoffs. The second model of the rationalist-cognitivist synthesis reverses the causal chain. There, ideas intervene between interests and outcomes, such as regime formation. In this approach, ideas serve as focal points that help explain the behaviour of actors in negotiations and their willingness to coordinate towards a common goal. However, Hasenclever et al. believe that a 'grand synthesis' that also incorporates the perspective of strong cognitivists is not feasible.<sup>103</sup> Strong cognitivists, such as Kratochwil, Ruggie, and Cox, reject neoliberal and realist scholars' positivist theory of knowledge, which they consider flawed for neglecting intersubjective understandings and focusing solely on observable facts and objective measurement of variables. In contrast, rationalists continue to emphasize a "sophisticated positivistic" approach to explaining international institutions, including formulating and empirically testing causal hypotheses. Hasenclever et al. argue that the incompatibility of the

<sup>103</sup> Ibid., 30-31.

<sup>&</sup>lt;sup>102</sup> Hasenclever, Mayer, and Rittberger, "Integrating theories of international regimes," 25-30.

### (A) Cognitive Variables Causal Preceding Rationalist Ones



#### (B) Cognitive Variables Causal Succeeding Rationalist Ones

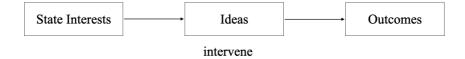


Figure 1: Models of a rationalist-cognitivist synthesis. (Figure by Hasenclever, Mayer, and Rittberger, "Integrating theories of international regimes," 26.)

epistemologies and ontologies of rationalists and strong cognitivists makes it challenging, if not impossible, to imagine a fully-fledged rationalist-sociologist synthesis that preserves the fundamental assumptions and concerns of both approaches.

As Keohane and Nye have written, "contemporary world politics is not a seamless web; it is a tapestry of diverse relationships. In such a world, one model cannot explain all situations."<sup>104</sup> To sum up, the liberalist, neorealist, and cognitive perspectives all offer a coherent argument on regime creation, but none offers strong enough evidence to establish itself as the definite winner. Hence, Hasenclever, Mayer, and Rittberger's synthesis of the three approaches offers a compelling framework to analyse the case of the TPNW. Rather than cherrypicking unrelated variables conveniently fitting one of the theories, a rationalist approach complemented with a cognitivist analysis shall provide a deeper and more comprehensive understanding of why Japan has not joined the TPNW all the while maintaining a strong anti-nuclear norm.

<sup>&</sup>lt;sup>104</sup> R.O. Keohane and J.S. Nye, "Interdependence in World Politics," in *Power and Interdependence* (Longman, 2001), 4.

# Chapter 2. Rationalist Analysis of Japan's Position Relating to the TPNW

Despite international efforts to create a legally binding agreement prohibiting nuclear weapons and strong domestic support for denuclearisation, the Japanese government has taken an uncooperative stance towards the formation of the TPNW. This has led to surprise and disappointment among non-nuclear states, international NGOs, and peace activists, especially in regard to Japan's opposition to the UNGA resolution initiating negotiations for the treaty. For decades, Japan has showcased its identity as a "nuclear-bombed state" and has been active in anti-nuclear weapons activism on the international stage.<sup>105</sup> In order to examine the paradox between Japan's nuclear identity and its opposition to the TPNW, this chapter applies Hasenclever et al.'s rationalist analysis to the case. Power-based and interest-based approaches are studied and are then synthesised into a single rationalist theory.

## Power-based approach

Japan's refusal to sign the Treaty on the Prohibition of Nuclear Weapons (TPNW) can be attributed to neorealist concerns based on power and the prioritisation of relative gains. Japan is a "nuclear-threatened state" that is acutely aware of the dangers posed by Chinese and North Korean nuclear and missile program development.<sup>106</sup> This fear is further amplified by Japan's experience as the only victim of a wartime nuclear attack, leading Japan to seek reassurance from the American nuclear umbrella. By relying on this nuclear umbrella, Japan benefits from nuclear deterrence without incurring the cost of building and maintaining a nuclear arsenal. Therefore, signing the TPNW would result in a loss of relative gains for Japan and a weakening of its security.

<sup>&</sup>lt;sup>105</sup> Akimoto, Japan's nuclear identity and its implications for nuclear abolition.

<sup>106</sup> Ibid.

This section begins by providing a brief overview of neorealist cooperation theory, highlighting the importance of relative gains in states' decision-making processes. It then examines the regional threats that Japan perceives and the internal and external balancing strategies it employs in response. Thirdly, this chapter explores the US-Japan alliance and Japan's reliance on extended nuclear deterrence. Finally, it concludes that Japan chooses not to accede to the TPNW because doing so would mean losing the relative advantage it currently possesses.

#### Relative gain concerns: theoretical overview

Forced to coexist in an anarchical context, the primary interest of all states is survival.<sup>107</sup> This makes states acutely sensitive to threats to their capacity to ensure security and sovereignty. For this reason "while some states may seek to ensure their security through maximisation of their relative power, Realism finds that a fundamental goal of states is "to prevent advances in the relative power of others".<sup>108</sup> Defensive realists such as Waltz go as far as to argue that states prioritise the maintenance of the balance of power over maximising their own power.<sup>109</sup> In other words, they would rather forfeit an occasion of maximising their absolute gains if that means another state would achieve relatively greater gains. In addition, states are also worried about asymmetric gains because their partners gaining a relative advantage grants them bargaining capabilities that could be used to renegotiate the structure of cooperation further to their benefit, not just in this arrangement but in others as well. For these reasons, "when faced with the

<sup>&</sup>lt;sup>107</sup> K.N. Waltz, *Theory of International Politics* (McGraw-Hill, 1979), 126.

<sup>&</sup>lt;sup>108</sup> Joseph M. Grieco, "Realist Theory and the Problem of International Cooperation: Analysis with an Amended Prisoner's Dilemma Model," *The Journal of Politics* 50, no. 3 (1988): 602, https://doi.org/10.2307/2131460.

<sup>&</sup>lt;sup>109</sup> Waltz, Theory of International Politics, 127.

possibility of cooperating for mutual gains, states that feel insecure must ask how the gain will be divided. They are compelled to ask not 'Will both of us gain?' but 'Who will gain more?'"<sup>110</sup>

From this logic on relative gains stems the realist pessimism when it comes to international cooperation: "a state will decline to join, will leave, or will sharply limit its commitment to a cooperative arrangement if it believes that partners are achieving, or are likely to achieve, disproportionate gains as a result of their common endeavor."<sup>111</sup> Still, Grieco recognises that states can be interested in relative *and* in absolute gains, depending on the situation. This makes it clear that a contextualized rationalist theory must take into account the impact of relative gain concerns.<sup>112</sup> To develop such a theory, one must identify the circumstances that give rise to significant concerns about relative gains and those where these concerns are minor or can be overridden by considerations of absolute gain. Essentially, the theory must specify the conditions under which relative gains are a significant factor in decision-making and those where they can be outweighed by other considerations.

Many of the factors identified by Grieco as shaping the context of international cooperation are relevant to Japan's stance on the TPNW. First, the treaty has a permanent duration, indicating a long-term commitment. Second, Japan has witnessed North Korea's violation of the NPT, revealing the risks of trusting nuclear agreements. Third, the issue of nuclear weapons is vital for Japan's national security. Finally, joining the TPNW would mean going against the preferences of the United States, a key ally. Considering these context-specific variables, the realist perspective, which highlights the difficulties of cooperation in the absence of clear national interests, seems fit to explain Japan's stance.

<sup>&</sup>lt;sup>110</sup> Ibid., 105.

<sup>&</sup>lt;sup>111</sup> Grieco, "Realist Theory and the Problem of International Cooperation: Analysis with an Amended Prisoner's Dilemma Model," 603.

<sup>112</sup> Hasenclever, Mayer, and Rittberger, "Integrating theories of international regimes."

## Regional threats faced by Japan

Northeast Asia is the most likely theatre of nuclear war, with the presence of four nuclear-armed states, as well as nuclear threshold states Japan, South Korea, and Taiwan.<sup>113</sup> Therefore, it is natural that Japan's most pressing security concern is the three illiberal nuclear powers that it is surrounded by.<sup>114</sup> First, China is seen as "an unprecedented and the greatest strategic challenge in ensuring the peace and security of Japan", in stark contrast to the 2013 NSS which had labelled China as a "strategic partner".<sup>115</sup> Today, Japan expresses particular concern over China's growing military expenditure and the development of its nuclear and missile program. Since the end of the Cold War, decades of fast growth have allowed China to surpass Japan to become the world's second-largest economy. With its newfound wealth, China has been focusing on enhancing its maritime military capabilities and adopting a more assertive military stance in the region.<sup>116</sup> While Japan attempted to engage with China throughout the 1990s and the early 2000s, Japan's view of China shifted dramatically with the Senkaku/Diaoyu Islands incidents between 2010 and 2012.<sup>117</sup> A 2021 report by the Japanese Ministry of Defense (hereafter MoD) highlights that Chinese maritime activities in the Sea of Japan, the East China Sea and the Pacific Ocean have augmented both quantitatively and qualitatively.<sup>118</sup> The report also calls attention to the fact that Chinese military spending has increased 42-fold in 30 years. Both foreign and Japanese observers agree that China will militarily dominate the region within

<sup>&</sup>lt;sup>113</sup> Ramesh Thakur, "Multilateral Diplomacy and the United Nations: Global Governance Venue or Actor?," in *The New Dynamics of Multilateralism: Diplomacy, International Organizations, and Global Governance*, ed. Jr. James P. Muldoon et al. (NY, USA: Rouletge, 2018).

<sup>&</sup>lt;sup>114</sup> Ministry of Foreign Affairs of Japan, National Security Strategy, 8 (2022).

<sup>&</sup>lt;sup>115</sup> Prime Minister of Japan and His Cabinet., National Security Strategy, (2013).

<sup>&</sup>lt;sup>116</sup> Jennifer Lind, "Why Shinzo Abe Thought Japan Had to Change: Will His Vision for a Stronger Country Outlive Him?," *Foreign Affairs*, July 12, 2022, https://www.foreignaffairs.com/articles/japan/2022-07-12/why-shinzo-abe-thought-japan-had-change.

<sup>&</sup>lt;sup>117</sup> Scott Harold W., *Regional Responses to U.S.-China Competition in the Indo-Pacific: Japan* (Santa Monica, CA: RAND Corporation, 2020).

<sup>&</sup>lt;sup>118</sup> Japan Ministry of Defense, China's Activities in East China Sea, Pacific Ocean, and Sea of Japan, (2021).

the next decade. China's alleged String of Pearl strategy, its anti-access/area denial (A2AD) activities and its "strategic partnership" with Russia are all seen as part of a Grand Strategy to shift the regional power balance in its favour and are therefore threats to the national security of Japan.<sup>119</sup> The war in Ukraine has done nothing to reassure Japan. "Today's Ukraine could be tomorrow's East Asia," Prime Minister Kishida Fumio warned last year.<sup>120</sup>

When it comes to nuclear deterrence, Japan views China's strategy as relying on two main principles: the first is to guarantee the survivability of its limited strategic nuclear weapons, while the second involves creating ambiguity about the quantity and deployment of its nuclear forces to complicate its adversaries' decision-making process.<sup>121</sup> The crux of China's nuclear strategy lies in enhancing the inadequacy of U.S. intelligence-gathering abilities, preserving survivability, and making its opponents' decision-making as complicated as possible to reduce the appeal of a first strike. However, China has adopted a policy of no first use (NFP), which is consistent with the deployment of its nuclear arsenal according to its latest White Paper.<sup>122</sup> Unlike Russia and the U.S., China stores its nuclear warheads separately from its missiles ("de-mating"). As a result, there would be a considerable delay for China to arm its missiles with nuclear warheads before launching an attack, making a surprise nuclear attack improbable. However, the Japanese strategic community has expressed doubts about China's demating practice and its lack of transparency in the operational system of its missile forces.<sup>123</sup> Indeed, if China wants to ensure credible deterrence against the U.S., it must inevitably keep the size and deployment of its arsenal secret. As such, China has refused to provide transparency on

<sup>&</sup>lt;sup>119</sup> Daisuke Akimoto, "China's Grand Strategy and the Emergence of Indo-Pacific Alignments," *Institute for Security & Development Policy*, 2021, https://isdp.eu/chinas-grand-strategy-and-the-emergence-of-indo-pacific-alignments/; Bill Emmott, "What Japanese Deterrence Would Look Like," *Project Syndicate* (2023). https://www.project-syndicate.org/commentary/japan-defense-build-up-deterrence-against-china-russia-north-korea-by-bill-emmott-2023-02?barrier=accesspaylog.

<sup>&</sup>lt;sup>120</sup> "'Ukraine today could be East Asia tomorrow': Japan PM warns," France 24, 10 June 2022.

 <sup>&</sup>lt;sup>121</sup> Nobumasa Akiyama, ""No first use" in the context of the U.S.-Japan Alliance," *Asian Security* 18, no. 3 (2022/09/02 2022), https://doi.org/10.1080/14799855.2021.2015652.

<sup>&</sup>lt;sup>122</sup> The State Council of the PRC, China's National Defense in the New Era, (2019).

<sup>123</sup> Akiyama, ""No first use" in the context of the U.S.-Japan Alliance."

the status of its forces, offering only information on its NFU doctrine. However, this lack of transparency contradicts traditional arms control measures and may undermine strategic stability.

Another major concern for Japanese national security is the North Korean nuclear and missile development program. By December 2022, the MoD considered that "North Korea intends to bolster its nuclear capabilities both in quality and in quantity at the maximum speed. When considered together with its rapid development of missile-related technologies, North Korea's military activities pose an even more grave and imminent threat to Japan's national security than ever before."<sup>124</sup> Ever since DPRK withdrew from the NPT in 1994, Japan has been taking an active role in the multilateral effort to denuclearise North Korea, notably within the framework of the Six-Party Talks (6PT).<sup>125</sup> However, over the years 6PT proved to be ineffective, and neither sanctions nor aid were successful in convincing DPRK to halt its nuclear program. Between 2006 and 2017 North Korea conducted a total of six nuclear tests. Additionally, in a blatant violation of UNSC resolutions, DPRK conducted 63 ballistic missile launches in 2022 alone.<sup>126</sup> As of August 2023, diplomacy between Japan and North Korea remains at a standstill. Progress on the abduction issue has not been made since 2016, when North Korea ceased investigations, and North Korea continues to conduct missile tests.<sup>127</sup> In recent years, high-level communication between the two nations has been sparse, the last occasion being a conversation between Japanese Prime Minister Abe and North Korean President Kim Yong Nam during the 2018 Pyeongchang Olympic Winter Games.

<sup>&</sup>lt;sup>124</sup> Ministry of Foreign Affairs of Japan, Short National Security Strategy, 9.

<sup>&</sup>lt;sup>125</sup> Yoichiro Sato, "Explaining Japan's North Korea Policy," in *The North Korea Crisis and Regional Responses*, ed. Utpal Vyas, Ching-Chang Chen, and Denny Roy (Honolulu, HI: East-West Center, 2015).

<sup>&</sup>lt;sup>126</sup> U.S. Congressional Research Service, North Korea's Nuclear Weapons and Missile Programs (14 April 2023).

<sup>&</sup>lt;sup>127</sup> Rachel Blomquist and Daniel Wertz, "An Overview of North Korea-Japan Relations," *National Committee on North Korea* (2022). https://www.ncnk.org/resources/briefing-papers/all-briefing-papers/ overview-north-korea-japan-relations.

As a response to the above threats, as well as Russia's invasion of Ukraine, the Yoshida government has declared the ambitious decision of near-doubling Japan's defence budget over the next five years.<sup>128</sup> Additionally, in the latest NSC and National Defense Strategy (NDS), the government has made it clear that it intends to assume a leading role in Japan's self-defence and discourage any attempts by others to make "unilateral changes to the status quo." This strong commitment to internal balancing can be seen as a shift away from a pacifist doctrine towards a realistic strategy of national defence that acknowledges the real possibility of an attack on Japanese territory.<sup>129</sup> Notably, the new Japanese strategy includes the goal of acquiring "counterstrike capabilities" which refers to a missile force that can be utilised for rapid retaliation or even pre-emptive strikes.<sup>130</sup> While the concept of a pre-emptive strike ability is contentious for pacifist Japan, the main objective is not to employ the new missile force, but to have it as a deterrent. However, this new strategy presents one glaring weakness: financing. Doubling the defence budget would represent a cost of approximately \$320 billion. With a skyhigh public debt, a stagnating economy and a population in decline, it is less than certain the funding will be secured.<sup>131</sup> Additionally, the newly proposed Japanese defence posture still presents some massive gaps. For instance, the NDS introduces cooperation between the Japanese Coast Guard (JCG) and the Japanese Self-Defense Forces (JSDF) as a response to intensifying Chinese maritime activity. However, no concrete procedure has yet to be adopted. The execution of this idea will be problematic, given that legally, the JCG is prohibited from

<sup>128</sup> Emmott, "What Japanese Deterrence Would Look Like."

<sup>&</sup>lt;sup>129</sup> Watanabe Tsuneo, "What's New in Japan's Three Strategic Documents," *Center for Strategic & International Studies* (2023). https://www.csis.org/analysis/whats-new-japans-three-strategic-documents.

<sup>130</sup> Emmott, "What Japanese Deterrence Would Look Like."

<sup>&</sup>lt;sup>131</sup> Xiao Liang and Nan Tian, *The proposed hike in Japan's military expenditure*, Stockholm International Peace Research Institute (2023), https://www.sipri.org/commentary/topical-backgrounder/2023/proposed-hike-japans-military-

expenditure#:~:text=On%2023%20December%202022%2C%20the,spending%20since%20at%20least% 201952.

having a military role.<sup>132</sup> Until its new defence strategy can be implemented (if it ever is), Japan's conventional deterrence remains unsatisfactory.<sup>133</sup>

## Japan as an umbrella state

Given the high-tension environment Japan finds itself in, it comes as no surprise that it attempts to balance internally, as covered above, but also externally. Since the beginning of the U.S.-Japanese alliance (signed in 1951, renewed in 1960), relying on American extended deterrence has been the cornerstone of Japanese security policy, albeit with some tradeoffs. During the Cold War, the U.S.-Japanese alliance carried significant risks and costs for Japan, such as the risk of being drawn into a nuclear war between the United States and the Soviet Union. Additionally, Japan provided military bases to the United States, paid subsidies, and had to deal with the negative consequences of hosting a foreign military presence, including environmental damage and incidents like the rape of local women. Nonetheless, the alliance allowed Japan to avoid spending heavily on its military, with Japanese military spending amounting to only one per cent of GDP, which is half the global average and notable given Japan's wealth. In post-war Japan, rebuilding Japan's economy while relying on the United States for its security needs was adopted as the best policy to ensure national survival.<sup>134</sup> Following the end of the Cold War and the emergence of North Korea as a nuclear-armed state, Japanese policymakers have been actively striving to safeguard the integrity of the U.S. nuclear umbrella.<sup>135</sup> Today, although the U.S.-Japan alliance still carries considerable trade-offs, relying on a strong alliance with the US

<sup>&</sup>lt;sup>132</sup> Guibourg Delamotte and Hideo Suzuki, "More of the Same or Different? Japan's New Security and Defense Policy," *The Diplomat*, 17 February 2023.

<sup>133</sup> Emmott, "What Japanese Deterrence Would Look Like."

<sup>&</sup>lt;sup>134</sup> Lind, "Why Shinzo Abe Thought Japan Had to Change: Will His Vision for a Stronger Country Outlive Him?."

<sup>&</sup>lt;sup>135</sup> Hughes, "Why Japan will not Go Nuclear (Yet): International and Domestic Constraints on the Nuclearization of Japan."

remains the most cost-effective option for ensuring Japan's security.<sup>136</sup> This holds even more true given the revival of great power competition between the U.S. and Russia and China, as highlighted in the 2018 U.S. Nuclear Posture Review (NPR).<sup>137</sup> This opinion is shared by the Japanese government. In the 2022 NSS, one of the "Fundamental Principles Concerning Japan's National Security" was that "the Japan-U.S. Alliance, including the provision of extended deterrence, will remain the cornerstone of Japan's national security policy."<sup>138</sup> Subsequently, in recent years, the Japanese government has been expressing fear of abandonment more strongly.<sup>139</sup>

Given how crucial extended deterrence has been for its national security, Japan is naturally concerned about the credibility of American deterrence.<sup>140</sup> Realist parliamentarian Shigeru Ishiba highlights how Japan has been slow to check the credibility of extended deterrence, as opposed to NATO countries which secured nuclear deterrence through nuclear sharing.<sup>141</sup> The more realist voices within the Japanese government have been criticising the American "neither confirm nor deny" policy regarding the location of nuclear weapons, and demanding more information-sharing in this regard. Additionally, Japan has been expressing fear that the U.S. would renegade its commitment to extended deterrence. In particular, the Japanese government has always opposed the U.S. declaring an NFU policy.<sup>142</sup> The introduction of NFU has been considered multiple times in the U.S., including by the bipartisan Strategic

<sup>142</sup> Akiyama, ""No first use" in the context of the U.S.-Japan Alliance."

<sup>&</sup>lt;sup>136</sup> Samuels and Schoff, "Japan's Nuclear Hedge: Beyond "Allergy" and Breakout."

<sup>&</sup>lt;sup>137</sup> Akimoto, Japan's nuclear identity and its implications for nuclear abolition.

<sup>&</sup>lt;sup>138</sup> Ministry of Foreign Affairs of Japan, Short National Security Strategy, 5.

<sup>&</sup>lt;sup>139</sup> Following Glenn H. Snyder's concepts of "fear of entrapment" and "fear of abandonment" in alliance theory. See Glenn H. Snyder, "The Security Dilemma in Alliance Politics," *World Politics* 36, no. 4 (1984), https://doi.org/10.2307/2010183.

<sup>&</sup>lt;sup>140</sup> Fumihiko Yoshida, "Japan Should Scrutinise the Credibility of the US Nuclear Umbrella: An Interview with Shigeru Ishiba," *Journal for Peace and Nuclear Disarmament* 1, no. 2 (2018), https://doi.org/10.1080/25751654.2018.1507414.

<sup>&</sup>lt;sup>141</sup> Yoshida, "Japan Should Scrutinise the Credibility of the US Nuclear Umbrella: An Interview with Shigeru Ishiba," 466.

Posture Commission in 2009, before the Obama Administration's 2010 Nuclear Posture Review (NPR), and during a 2016 review of nuclear policy at the end of the Obama administration. However, all three assessments concluded that the strategic situation was not favourable for a U.S. NFU declaration. The newspaper *Tokyo Shimbun* reported on April 6, 2021 that a former senior Obama administration official claimed that the Japanese government's opposition to an NFU declaration was the main reason the U.S. government abandoned the idea in 2016.<sup>143</sup> According to Japan, such a declaration by the U.S. could weaken its commitment to extended nuclear deterrence. Nonetheless, some European countries, such as Poland, also expressed concerns about the U.S. NFU, and some American experts believed that an NFU declaration would diminish America's commitment to its allies. Therefore, it is debatable whether the Japanese government's stance was the sole impediment to an NFU declaration.

Still, concerns over a potential American NFU declaration were once again exacerbated by the election of President Biden, which had stated that he would carry on President Obama's "world without nuclear weapons" agenda.<sup>144</sup> Before leaving office in 2017, then-Vice President Biden declared:

Given our non-nuclear capabilities and the nature of today's threats—it's hard to envision a plausible scenario in which the first use of nuclear weapons by the United States would be necessary. Or make sense.

President Obama and I are confident we can deter—and defend ourselves and our Allies against—non-nuclear threats through other means.<sup>145</sup>

<sup>&</sup>lt;sup>143</sup> Tokyo Shimbun, "【独自】核兵器の先制不使用案は「日本の反対で断念」 オバマ政権元高官 が証言 [Scoop: Former High-ranked Official of the Obama Administration Testified, Idea of NFU Declaration was 'Given up Due to Japan's Opposition']," 6 April 2021, https://www.tokyo-np.co.jp/ article/95967.

<sup>&</sup>lt;sup>144</sup> Akiyama, ""No first use" in the context of the U.S.-Japan Alliance."

<sup>&</sup>lt;sup>145</sup> Joe Biden, Remarks by the Vice President on Nuclear Security, (2017).

Additionally, the Democratic Party presented NFU as its policy goal during the 2020 presidential campaign.<sup>146</sup> Once again, Japan and other U.S. allies lobbied the American government to refrain from setting an NFU policy or a "sole purpose" policy, which would establish that the US would use nuclear weapons only in specific situations, such as deterring a direct attack on the US or retaliating after a strike.<sup>147</sup> The effort proved to be successful, as the 2022 NPR explicitly rejected the possibility of a no-first-use policy against nuclear attack.<sup>148</sup>

As demonstrated by its staunch opposition to the U.S. NFU declaration, Japan is highly reliant on American extended deterrence. Japan fears that the American commitment to collective self-defence may be weakened, resulting in a loss of credibility of extended deterrence. This would leave Japan more vulnerable to attacks by its nuclear-armed neighbours.

## Relative advantages gained by the umbrella state status

From a neorealist perspective, relying on the American nuclear umbrella grants Japan relative gains vis-à-vis both NWS and NNWS. First, let's take a look at Japan's security advantage relative to NNWS. According to Waltz's defensive realism, in a world where nuclear weapons exist, the concept of nuclear deterrence has become a critical component of maintaining peace.<sup>149</sup> A state would not attack another with nuclear weapons unless success is assured: "Uncertainty of response, not certainty, is required for deterrence because, if retaliation occurs, one risks losing all."<sup>150</sup> In Waltz's view, once states obtain second-strike capability, war

<sup>&</sup>lt;sup>146</sup> "Party Platform," 2020, accessed 4 May 2023, https://democrats.org/where-we-stand/party-platform/.

<sup>&</sup>lt;sup>147</sup> Demetri Sevastopulo and Henry Foy, "Allies lobby Biden to prevent shift to 'no first use' of nuclear arms," *Financial Times* (London), 30 October 2021, https://www.proquest.com/trade-journals/allies-lobby-biden-prevent-shift-no-first-use/docview/2603919845/se-2?accountid=6802.

<sup>&</sup>lt;sup>148</sup> Hans Kristensen and Matt Korda, "The 2022 Nuclear Posture Review: Arms Control Subdued By Military Rivalry," *Federation of American Scientists*, 27 October, 2022, https://fas.org/blogs/security/ 2022/10/2022-nuclear-posture-review/.

<sup>&</sup>lt;sup>149</sup> Kenneth N. Waltz, "The Origins of War in Neorealist Theory," *The Journal of Interdisciplinary History* 18, no. 4 (1988), https://doi.org/10.2307/204817.

<sup>&</sup>lt;sup>150</sup> Waltz, "The Origins of War in Neorealist Theory," 626.

becomes irrational under all circumstances. As a result, the probability of major wars between states that possess nuclear weapons has significantly reduced. As long as extended deterrence is credible, Japan is similarly at a near-zero risk of a major war. Offensive realist Mearsheimer has a more pessimistic view of deterrence. In *The Tragedy of Great Power Politics*, Mearsheimer argues that evolutions in weapon technology and warfighting do not change the fundamental dynamics of international relations and recurrent patterns of conflict. According to him, nuclear weapons possession does not eliminate the risk of conventional war or of low-level nuclear exchange. Precisely because of the horrifying nature of nuclear weapons, policymakers would ensure that conventional war does not escalate into a full-fledged nuclear war.<sup>151</sup> In short, Mearsheimer's offensive realism considers that conventional warfare is still possible between nuclear powers, but that nuclear escalation would be deterred. All in all, both strands of neorealism consider that being under a nuclear umbrella provides a relative advantage over not being in one, although the defensive realists consider these relative advantages as being greater than offensive realists.<sup>152</sup>

This conclusion begs the following question: If nuclear deterrence can drastically improve national security, why doesn't Japan develop its nuclear arsenal? Surely Japan (and all other nuclear threshold states) would be better off with its own arsenal, rather than depending on American extended deterrence. The fact that many states have decided to forego nuclear weapons in spite of strong incentives highlights a major caveat of neorealist deterrence theory. Waltz himself readily admits that neorealism is a general theory designed to explain systemic outcomes, and is far too broad to explain unit-level decisions such as the acquisition of nuclear weapons.<sup>153</sup> Buzan, Jones and Little offer an alternative strand of neorealism that takes into

<sup>&</sup>lt;sup>151</sup> John Mearsheimer, *The Tragedy of Great Power Politics* (New York: Norton, 2001), 132.

<sup>&</sup>lt;sup>152</sup> For a comparative analysis of Waltz and Mearsheimer on nuclear deterrence, see Krieger Zanvyl and Ariel Ilan Roth, "Nuclear Weapons in Neo-Realist Theory," *International Studies Review* 9, no. 3 (2007).

<sup>&</sup>lt;sup>153</sup> Scott D. Sagan and K.N. Waltz, *The Spread of Nuclear Weapons: A Debate* (New York: W. W. Norton and Company, 1995), 803.

account unit-level characteristics to explain state behaviour on the international scene.<sup>154</sup> The decision to develop a nuclear arsenal is a domestic outcome, and so it is necessary to macros in domestic circumstances such as political stability and social cohesion to explain it.

In the case of Japan, the "1968/70 Internal Report" is an essential document to understand its decision-making process behind nuclear weapons. The report, formed of two parts, the first completed in 1968 and the second in 1970, reveals that a covert nuclear plan had been seriously considered at the time.<sup>155</sup> In the study, both technical and political aspects of the issue were examined. The authors determined that Japan possessed the necessary technological expertise to create a functional warhead and delivery system, but identified the absence of a suitable testing facility as a significant obstacle. Additionally, the study revealed that Japan's limited size and dense population made it uncertain whether they could establish a reliable second-strike capability, crucial for deterrence. Furthermore, the report suggested that a selfreliant Japanese nuclear deterrent could destabilise the region and potentially be perceived as a threat not only in Washington but also in Moscow and Beijing. The report also emphasised that the Japanese public's staunch opposition to nuclear weapons posed a major challenge on the domestic political front. In 1995, another report by the then-Japanese Defense Agency (JDA, which became the Ministry of Defense in 2007) reached similar conclusions.<sup>156</sup> It established that acquiring nuclear weapons would lead to unfavourable trading conditions and emphasized that Japan's withdrawal from the NPT would significantly harm the global nuclear nonproliferation regime.

<sup>&</sup>lt;sup>154</sup> B. Buzan, Charles Jones, and Richard Little, *The Logic of Anarchy: Neo-realism to Structural Realism* (New York: Columbia University Press, 1993).

<sup>&</sup>lt;sup>155</sup> Yuri Kase, "The costs and benefits of Japan's nuclearization: An insight into the 1968/70 internal report," *The Nonproliferation Review* 8, no. 2 (2001/06/01 2001), https://doi.org/ 10.1080/10736700108436850.

<sup>&</sup>lt;sup>156</sup> Robert Johnson, "Japan Closes the Nuclear Umbrella: An Examination of Nonviolent Pacifism and Japan's Vision for a Nuclear Weapon-Free World," *Asian-Pacific Law & Policy Journal* 13, no. 2 (2012).

All in all, the US nuclear umbrella was deemed the most favourable option for Japan's security, as it was considered to be the least likely to exacerbate the regional security climate or ignite public opposition. Additionally, it is more cost-efficient for Japan to rely on extended deterrence than to develop its own nuclear program.<sup>157</sup> The U.S. Congressional Budget Office estimates that over the 2021-2030 period, nuclear forces would cost a total of \$634 billion.<sup>158</sup> Yearly, the U.S. spends approximately \$44.2 billion on nuclear weapons activities.<sup>159</sup> Even the youngest and smallest NWS, North Korea, is estimated to be spending \$642 million annually on nuclear weapons. According to ICAN, NWS spend on average 5% of their total military spending on nuclear weapons. In December 2022, the Cabinet set Japan's 2023 budget for the SDF at 6.8 trillion yen, or \$52 billion.<sup>160</sup> Five per cent of this number would be \$2.6 billion. These estimates do not include the costs to remediate the environment contaminated by nuclear weapons, or to compensate victims of nuclear use and testing. In 2011, Global Zero conducted a cost analysis that included "unpaid/deferred environmental and health costs, missile defences designated for safeguarding against nuclear weapons, nuclear threat reduction, and incident management."<sup>161</sup> The results showed that the comprehensive cost of global nuclear arsenals exceeded the cost of nuclear weapons system maintenance and development by more than 50%. It is impossible to predict how much Japan would be spending on nuclear weapons were it to develop its own arsenal, but what is certain is that Japan benefits from the protection and deterrence provided by the United States' nuclear arsenal without the immense cost and resources required to develop and maintain their own independent nuclear program.

<sup>&</sup>lt;sup>157</sup> Samuels and Schoff, "Japan's Nuclear Hedge: Beyond "Allergy" and Breakout."

<sup>&</sup>lt;sup>158</sup> Congressional Budget Office, *Projected Costs of U.S. Nuclear Forces, 2021 to 2030* (May 2021), https://www.cbo.gov/publication/57240#\_idTextAnchor001.

<sup>&</sup>lt;sup>159</sup> ICAN, *Squandered: 2021 Global Nuclear Weapons Speding* (June 2022), https:// assets.nationbuilder.com/ican/pages/2873/attachments/original/1655145777/ Spending\_Report\_2022\_web.pdf?1655145777.

<sup>&</sup>lt;sup>160</sup> Liang and Tian, *The proposed hike in Japan's military expenditure*.

<sup>&</sup>lt;sup>161</sup> Global Zero, *World Spending on Nuclear Weapons Surpasses \$1 Trillion per Decade* (June 2011), 1, http://nuclearactive.org/wp-content/uploads/2020/06/GZ-Nuclear-Weapons-Cost-Global-Study-2011.pdf.

Although many factors weighed in Japan's cost-benefit calculation of not adopting the bomb, ultimately, the reassurance provided by the U.S. nuclear umbrella was what made this decision possible.<sup>162</sup> Had it not been for extended deterrence, Japan might have had to take the drastic step of acquiring nuclear weapons following China's nuclear test in 1964. Instead, Japan was able to take the middle ground between developing an independent deterrent and complete renunciation.

Overall, Japan's dependence on American extended deterrence offers it significant advantages over both NNWSs and NWSs. Deterrence makes adversaries less inclined to engage in conflicts with Japan and reduces the risk of nuclear escalation. This gives Japan an edge over NNWSs that lack a similar level of deterrence. Moreover, by relying on the American nuclear umbrella, Japan avoids the immense costs and resources that are required to develop and maintain an independent nuclear arsenal. Instead, Japan can allocate those resources to more productive endeavours such as improving its conventional military capabilities, investing in technology, or addressing social and economic needs. Therefore, Japan's dependence on American extended deterrence enhances its security and allows it to focus on other vital areas of development.

Therefore, the current position of the Japanese government regarding nuclear disarmament is consistent with neorealism's principles, which suggest that it is difficult for nation-states to engage in international cooperation without clearly defined national interests. It was established that the TPNW is incompatible with extended deterrence. As a nuclear-umbrella state, Japan would forfeit its relative advantages over NWS and NNWS were it to sign the treaty.

<sup>162</sup> Hoey, "Japan and Extended Nuclear Deterrence: Security and Non-proliferation."

## Interest-based approach

For decades, the Ministry of Foreign Affairs of Japan (hereafter MOFA) and the Japanese government have been dedicated to diplomatic efforts and initiatives aimed at nuclear DNP. Japan's contribution to DNP spans multiple disciplines and is both unilateral and multilateral. Japan's high level of commitment and cooperation aligns with neoliberal institutionalism principles.<sup>163</sup> The Japanese government has repeatedly asserted that it has the responsibility to lead the international effort for DNP. However, this commitment is undermined by Japan's dependence on the U.S. nuclear umbrella and its refusal to accede to the TPNW.<sup>164</sup>

Drawing on the literature on state interests and international cooperation, this section provides a rational institutional and interest-based perspective on the anticipated behaviour of Japan in the context of disarmament. Neorealist theory, highlighting Japan's relative gains from nuclear deterrence, showcased that ratifying the ban treaty would undermine Japan's security. However, taking a neoliberal institutionalist approach, the section contends that universalising the TPNW would result in absolute gains. Therefore, it concludes that Japan must prioritise absolute gains over relative gains before considering ratifying the TPNW.

This chapter begins by providing a brief overview of institutionalist theory, emphasising the importance of absolute gains in international cooperation. Subsequently, it presents evidence that Japan is committed to assuming a leadership role in multilateral disarmament efforts, underscoring the government's recognition of the value of nuclear multilateralism beyond the TPNW. The third section argues that according to institutionalist theory, ratifying the ban treaty would entail a loss of relative gains for Japan. Finally, the fourth section contends that universalising the TPNW would generate absolute gains, which would strengthen Japan's security.

164 Ibid.

<sup>&</sup>lt;sup>163</sup> Akimoto, Japan's nuclear identity and its implications for nuclear abolition.

## Neoliberal institutionalism on absolute gains

Hasenclaver, Mayor and Rittberger's rationalist theory of international regimes is based on the premise that both neoliberalism and realism provide valuable perspectives on the nature and effectiveness of regimes in different contexts.<sup>165</sup> While the previous chapter examined the realist literature on relative gains, the focus now shifts to neoliberal arguments that explore the conditions under which states prioritise absolute gains in multilateral cooperation.

Neoliberalism and realism share the basic assumption that states are rational actors that respond to incentives in pursuit of their interests. However, the concept of "complex interdependence" introduced by Keohane and Nye departs from realism by suggesting that the costs of conflict are too high, thus prompting states to explore alternative ways to reduce the role of force and foster greater cooperation.<sup>166</sup> As observed by Schelling or Milner, interdependence is a mixed-motive game.<sup>167</sup> While all parties involved in a relationship may benefit from cooperation, the distribution of those gains can be a source of struggle. Therefore, interdependence does not necessarily lead to harmony, but rather a combination of conflict and cooperation.

In this context, international regimes serve a specific *function*: to allow states to overcome conflicts of interest and achieve mutual gains.<sup>168</sup> They provide a useful tool for altering payoffs and increasing mutual interests through a multilateral approach. By linking issues and sharing information among partners, the costs of unilateral or bilateral transactions can be reduced, which alters payoffs and increases the mutuality of interests. Issue linkage and information-sharing also help to reduce uncertainty about the policies and actions of others,

<sup>&</sup>lt;sup>165</sup> Hasenclever, Mayer, and Rittberger, "Integrating theories of international regimes."

<sup>&</sup>lt;sup>166</sup> R. O. Keohane and J.S. Nye, *Power and Interdependence* (Longman, 2001).

<sup>&</sup>lt;sup>167</sup> T.C. Schelling, *The Strategy of Conflict* (Harvard University Press, 1980); Helen Milner, "The Assumption of Anarchy in International Relations Theory: A Critique," *Review of International Studies* 17, no. 1 (1991).

<sup>&</sup>lt;sup>168</sup> R.O. Keohane, "Cooperation and International Regimes," in *After Hegemony: Cooperation and Discord in the World Political Economy* (Princeton University Press, 2005).

which increases expectations about their behaviour in the future. In today's interdependent world, *ad hoc* calculations of interest are not sufficient. Participation in or subscription to multilateral international institutions provides access to information and knowledge, making interest calculations more predictable and efficient.

Additionally, Robert Axelrod and Robert Keohane propose that international regimes can constrain state behaviour and enhance the likelihood of long-term cooperation through three key dimensions: mutuality of interest, the shadow of the future, and the number of partners involved.<sup>169</sup> These dimensions impact the ability and willingness of states to choose cooperation over defection. In particular, Axelrod's work on the Prisoner's Dilemma demonstrated that the payoff structure of a game influences the likelihood of cooperation among players, meaning that the mutuality of interests determines the level of cooperation between states.<sup>170</sup> For these reasons, Hasenclever et al. argue that mechanisms to make the gains more balanced and mitigate members' relative gains concerns are necessary in international regimes.<sup>171</sup>

Overall, international regimes provide a platform for states to collectively pursue their goals, foster mutual benefits, and promote long-term collaboration. However, neoliberals and realists concur that the driving force behind the creation of these institutions and consistent behaviour is the pursuit of state interests. By reinforcing such conduct, international institutions allow states to maximise their interests. Nonetheless, when situations are dominated by relative gains, international regimes' influence may be limited, and cooperation may be challenging. Thus, Hasenclever, Mayer, and Rittberger argue that in situations where actors are mainly concerned with absolute gains, neoliberal theory is applicable, whereas in cases dominated by relative gains, realist theory is more relevant.<sup>172</sup>

<sup>&</sup>lt;sup>169</sup> Robert Axelrod and Robert O. Keohane, "Achieving Cooperation under Anarchy: Strategies and Institutions," *World Politics* 38, no. 1 (1985): 227, https://doi.org/10.2307/2010357.

<sup>&</sup>lt;sup>170</sup> Axelrod and Keohane, "Achieving Cooperation under Anarchy: Strategies and Institutions," 228-38.

<sup>&</sup>lt;sup>171</sup> Hasenclever, Mayer, and Rittberger, "Integrating theories of international regimes."

<sup>&</sup>lt;sup>172</sup> *Ibid.*, 17.

## Japan's dilemma

Japan's disarmament diplomacy is in an ongoing dilemma: the tension between its dependence on US extended nuclear deterrence and the ethical considerations surrounding nuclear weapons. This issue has become even more pressing as the humanitarian impact of nuclear weapons has come to the forefront of the international conversation regarding nuclear disarmament.<sup>173</sup> What is certain is that the power considerations alone are an insufficient explanation for Japan's actions. Realism acknowledges that states can seek security through security assurances, but Japan, which has the capability to develop nuclear weapons, has made a political decision not to pursue such an option as opposed to France, for instance. For this reason, Maria Rost Rublee argues that "Japan is 'weak' militarily only by design."<sup>174</sup> Instead of responding to regional challenges, such as the North Korean tests, with force, Tokyo is prioritising strategies that emphasise institutions, diplomacy, and values while rejecting any strategies involving a potential Japanese nuclear capability.

In particular, the Japanese government has time and again shown a willingness to take a leadership role in DNP efforts.<sup>175</sup> In 2019, then-Minister of Foreign Affairs Motegi said:

Japan is the only country to have suffered from atomic bombing. As such, I believe Japan has a duty to lead efforts by the international community toward realising a world without nuclear weapons.<sup>176</sup>

<sup>&</sup>lt;sup>173</sup> Nobumasa Akiyama, "Disarmament and the non-proliferation policy of Japan," in *Routledge Handbook of Japanese Foreign Policy*, ed. M.M. McCarthy (Taylor & Francis, 2018).

<sup>&</sup>lt;sup>174</sup> Maria Rost Rublee, "Taking Stock of the Nuclear Nonproliferation Regime: Using Social Psychology to Understand Regime Effectiveness," *International Studies Review* 10, no. 3 (2008): 443.

<sup>&</sup>lt;sup>175</sup> Johnson, "Japan Closes the Nuclear Umbrella: An Examination of Nonviolent Pacifism and Japan's Vision for a Nuclear Weapon-Free World."

<sup>&</sup>lt;sup>176</sup> Ministry of Foreign Affairs of Japan, "Press Conference by Foreign Minister MOTEGI Toshimitsu," news release, 17 September, 2019, https://www.mofa.go.jp/press/kaiken/kaiken4e\_000690.html#topic9.

For instance, in 1998 and 1999 Japan unilaterally held three sessions of the Tokyo Forum, a disarmament initiative in response to nuclear testing by India and Pakistan.<sup>177</sup> Additionally, in 2008 Japan and Australia collaborated to establish the 'International Commission on Nuclear Non-proliferation and Disarmament' (ICNND), a bilateral effort aimed at promoting nuclear disarmament and non-proliferation. This initiative later transformed into the multilateral 'Non-Proliferation and Disarmament Initiative' (NPDI) in 2010, aiming to enhance the NPT regime and foster cooperation between NWSs and NNWSs, with the ultimate goal of achieving a nuclear-free world. Another example of Japan's initiative in the field is the "Group of Eminent Persons for Substantive Advancement of Nuclear Disarmament" (SAG), established in 2017 with the goal to create a set of recommendations for the international community promoting progress in nuclear disarmament, and to foster greater cooperation and understanding among States by bridging gaps between NWS and NNWS.<sup>178</sup>

These efforts by the Japanese government could be a response to Japanese civil society and public opinion, which strongly opposes nuclear weapons. The Japan Confederation of Aand H-Bomb Sufferers Organization (*Nihon Hidankyo*) and the Japan Association of Lawyers Against Nuclear Arms (JALANA) are two examples of civil society groups that have made tremendous contributions towards a humanitarian approach to DNP.<sup>179</sup> Moreover, the growing disparity between the Japanese government's official stance and public opinion has led to a *hibakusha* (atomic bomb victim) organisation initiating a petition in 2020 to endorse joining the U.N. treaty, which garnered over 13 million signatures.<sup>180</sup> In addition, a public opinion survey

<sup>177</sup> Akimoto, Japan's nuclear identity and its implications for nuclear abolition.

<sup>&</sup>lt;sup>178</sup> Government of Japan, "Working paper submitted by Japan" (2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, New York, 2021).

<sup>&</sup>lt;sup>179</sup> Lili Chin, Geetha Govindasamy, and Md Nasrudin Md Akhir, "Japanese Non-State Actors' Under-Recognised Contributions to the International Anti-Nuclear Weapons Movement," *All Azimuth* 11, no. 2 (2022).

<sup>&</sup>lt;sup>180</sup> Ryo Sasaki, "13 million sign petition urging all nations to ban nuclear weapons," *Asahi Shimbun* 2021, https://www.asahi.com/ajw/articles/14106594.

conducted in August 2019 showed that 75 per cent of the Japanese populace supports the ban treaty.<sup>181</sup> Tomonaga, a member of the SAG, observes that the younger generation tends to support extended deterrence policy, as a result of DPRK's missile program and nuclear threats.<sup>182</sup> However, despite the fact that younger generations may only possess secondary knowledge of the bombings of Hiroshima and Nagasaki, the Japanese population still displays robust negative attitudes towards such weapons, and the younger generations remain more averse to nuclear weapons compared to populations in most other nations.<sup>183</sup>

Yet, despite global and domestic efforts to promote a nuclear ban, Japan has consistently refrained from supporting such a measure, undermining its longstanding position as a leader in the nuclear disarmament community.<sup>184</sup> Instead, Japan emphasises its commitment to pursuing the three pillars of the NPT - non-proliferation, disarmament, and peaceful use of nuclear technology - in a balanced manner. Japan advocates for a step-by-step approach, which it considers to be more realistic than a nuclear ban that may be too extreme for NWSs to accept. The Japanese government sees itself as a mediator between NWSs and NNWSs, playing a vital role in bridging the divide between the two groups.<sup>185</sup>

<sup>&</sup>lt;sup>181</sup> Siripala, "Japan's Dilemma Over Nuclear Disarmament ".

<sup>&</sup>lt;sup>182</sup> Masao Tomonaga, "Can Japan be a bridge-builder between deterrence-dependent states and nuclear weapon ban treaty proponents?," *Medicine, Conflict and Survival* 34, no. 4 (2018), https://doi.org/10.1080/13623699.2019.1565099.

<sup>&</sup>lt;sup>183</sup> Johnson, "Japan Closes the Nuclear Umbrella: An Examination of Nonviolent Pacifism and Japan's Vision for a Nuclear Weapon-Free World."

<sup>&</sup>lt;sup>184</sup> Tomonaga, "Can Japan be a bridge-builder between deterrence-dependent states and nuclear weapon ban treaty proponents?."

<sup>&</sup>lt;sup>185</sup> In January 2021, Foreign Press Secretary Yoshida stated: "In order to overcome the current distrust and division among nuclear-weapon states and non-nuclear weapon states as well as among non-nuclear weapon states, I believe the steady path would be to rebuild relationships of mutual trust and form a shared foundation for mutual cooperation and efforts, although this seems a long way off. From this perspective, in order to work on building bridges for that, the Government of Japan has been making efforts in the Non-Proliferation and Disarmament Initiative (NPDI) in which non-nuclear weapon states with shared objectives gather, and has received very beneficial proposals by holding meetings of the Group of Eminent Persons for Substantive Advancement of Nuclear Disarmament. Based on this, we will work to build relationships of trust and form a shared foundation." Ministry of Foreign Affairs of Japan, "Press Conference by Foreign Press Secretary YOSHIDA Tomoyuki."

Although Japan sees itself as a leader in the DNP movement, its efforts have been called "timid and passive".<sup>186</sup> One of Japan's main criticisms of the TPNW is that the treaty has exacerbated tensions between NWSs and NNWSs.<sup>187</sup> However, this claim overlooks the reality that such divisions have already been escalating for many years due to the NWSs failure to fulfil their obligations under Article 6 of the NPT.<sup>188</sup> Therefore, the foundation of Japan's effort to bridge the gap between parties is flawed in itself. Masao Tomonaga, a member of the SAG and a supporter of the TPNW, suggests that the Japanese government's bridge-building strategy shows that it recognises the treaty's importance for achieving a nuclear-free world without explicitly stating so, although it cannot openly embrace it due to the deteriorating international security situation. Although the end result is the same, this is a very different posture from the one taken by NWSs, particularly the U.S.

Many analysts see Japan's continued reliance on the American umbrella as damaging its reputation as a leader in the DNP regime. Two reasons are often cited: first, other countries may view Japan's dependence on the nuclear umbrella as hypocritical, and second, some experts suggest that the eventual erosion of the umbrella could compel Japan to pursue its own nuclear arsenal.<sup>189</sup> For instance, in a 2010 meeting of the foreign ministers of Japan, China, and Korea in South Korea, Japan's foreign minister accused China of being the only nuclear-armed country that is increasing its nuclear arsenal. In response, China's foreign minister dismissed the accusation, stating that Japan, which is protected by the U.S. nuclear umbrella, has no grounds to make such claims.<sup>190</sup>

<sup>&</sup>lt;sup>186</sup> Maria Rost Rublee, "The Nuclear Threshold States," *The Nonproliferation Review* 17, no. 1 (2010/03/01 2010): 57, https://doi.org/10.1080/10736700903484660, https://doi.org/10.1080/10736700903484660.

<sup>&</sup>lt;sup>187</sup> Ministry of Foreign Affairs of Japan, "Press Conference by Foreign Minister Taro Kono," news release, 27 October, 2017, https://www.mofa.go.jp/press/kaiken/kaiken4e\_000431.html#topic6.

<sup>&</sup>lt;sup>188</sup> Tomonaga, "Can Japan be a bridge-builder between deterrence-dependent states and nuclear weapon ban treaty proponents?."

<sup>&</sup>lt;sup>189</sup> Johnson, "Japan Closes the Nuclear Umbrella: An Examination of Nonviolent Pacifism and Japan's Vision for a Nuclear Weapon-Free World."

<sup>190</sup> Ibid.

The evidence presented above highlights Japan's commitment to taking a leadership role in multilateral disarmament efforts, demonstrating the government's recognition of the broader importance of nuclear multilateralism. Yet, not ratifying the TPNW seriously damages Japan's credibility as a leader of the DNP movement, and as an international citizen in general.

#### Relative gains concerns are an obstacle to TPNW ratification

In 2019, when confronted by the press about Japan's refusal to ratify the TPNW, then-Minister of Foreign Affairs Kono Taro explained the government's position with the following statement:

Unfortunately, nuclear weapons states are not participating at all in the Treaty on the Prohibition of Nuclear Weapons and even among non-nuclear weapon states, *there are no countries participating for which realization would be a threat*. Amidst this, the one-sided efforts to advance participation in the Treaty have only widened a sense of distance between nuclear weapons states and non-nuclear weapons states. Thus, the Government of Japan has upheld an approach of not participating in the Treaty, and there is no particular change to that.<sup>191</sup> [emphasis added]

This statement highlights that Japan does consider participating in the ban treaty to be a threat. The relative advantages that extended nuclear deterrence grants Japan were discussed in the previous chapter. If Japan signed the TPNW, it would lose the security assurance provided by the American umbrella and likely have to compensate for the security loss by strengthening its conventional capabilities. This section covers additional drawbacks of ratifying the nuclear ban treaty, as well as some of the advantages. It concludes that a cost-benefit analysis demonstrates that signing the TPNW is not in Japan's interest.

<sup>&</sup>lt;sup>191</sup> Ministry of Foreign Affairs of Japan, "Press Conference by Foreign Minister Taro Kono," news release, 6 November, 2019, https://www.mofa.go.jp/press/kaiken/kaiken4e\_000571.html#topic9.

A major detriment of ratifying the TPNW would be the impact on Japan's relationship with the United States. The U.S. has been applying pressure on its allies to ensure that they would not join the ban treaty.<sup>192</sup> Additionally, Japanese experts have noted that MOFA is hesitant to push too hard on disarmament due to concerns over potential U.S. disapproval.<sup>193</sup> This dependency on the U.S. nuclear umbrella creates an obstacle to disarmament, as it undermines the potential for more forceful Japanese leadership to advance regional or global disarmament. For instance, MOFA bureaucrats have admitted that there are tensions between the Disarmament and North American sections of the Ministry. While the Disarmament section recognises the importance of promoting nuclear disarmament, it is hesitant to do so forcefully for fear of upsetting the United States, as stated by a MOFA official in an interview conducted in Tokyo in July 2003. Conversely, the North American section is concerned that MOFA's advocacy for disarmament could harm Japan's relationship with the United States.<sup>194</sup> Overall, Japan is highly influenced by the American position on nuclear weapons, and fear of abandonment leads MOFA to oppose measures that could facilitate disarmament. For instance, Japan opposes the idea of a nuclear-free zone in Northeast Asia, abstains from joining the New Agenda Coalition to avoid being confrontational, and takes a cautious approach towards the Fissile Material Cutoff Treaty.<sup>195</sup> It is difficult to predict the American response if Japan were to sign the TPNW, but there is little doubt that it would signal its disappointment at the very least. It is likely that the US would view Japan's signing of the TPNW as a setback for its own nuclear policy and for its alliance with Japan. Although it might not be a dealbreaker for the U.S.-Japan

<sup>&</sup>lt;sup>192</sup> Daniel Hurst, "US warns Australia against joining treaty banning nuclear weapons," *The Guardian* 2022, https://www.theguardian.com/world/2022/nov/09/us-warns-australia-against-joining-treaty-banning-nuclear-weapons.

<sup>&</sup>lt;sup>193</sup> Rublee, "Taking Stock of the Nuclear Nonproliferation Regime: Using Social Psychology to Understand Regime Effectiveness."

<sup>&</sup>lt;sup>194</sup> Ibid., 443.

<sup>&</sup>lt;sup>195</sup> Rublee, "The Nuclear Threshold States."

alliance, Japan ratifying the ban treaty against the wish of the U.S. would undoubtedly put a strain on their bilateral relations.

Another risk of Japan exiting the American nuclear umbrella is that it could embolden its nuclear-armed adversaries. Thinking of deterrence in the context of the offence-defence balance is helpful. Karen Ruth Adams from the University of Montana incorporates the three settings into a theory of offence-defence-deterrence balance, and observes the following:

If even one nuclear state, like its great power predecessors, embarks on conquest and other efforts that imperil the survival of less powerful states while its nuclear peers rest comfortably in the knowledge that they are more secure than the most powerful states in the defense- and offense-dominant eras ever were, less powerful states will perceive that deterrence dominance is doubly dangerous— making them, at once, more attractive targets than nuclear-armed great powers and less important allies than their counterparts in offense- and defense-dominant eras.<sup>196</sup>

According to this theory and considering that we are today in a deterrence-dominated era, NNWSs are at their most vulnerable state. Other things being equal, an attack on Japan from the DPRK or China would remain unlikely even if Tokyo ratifies the TPNW. Still, without extended deterrence, they could be emboldened to show more aggressiveness, making accidental escalation more likely.

Despite the potential loss of relative security, Japan could gain several benefits by joining the TPNW. For one, it would be a gesture of goodwill to the international community. Japan would regain some legitimacy as a leader in the DNP movement. In this sense, improving its damaged reputation by ratifying the ban treaty would grant Japan a degree of ontological

<sup>&</sup>lt;sup>196</sup> Karen Ruth Adams, "Attack and Conquer? International Anarchy and the Offense-Defense-Deterrence Balance," Article, *International Security* 28, no. 3 (Winter2003/2004 2003): 82, https://doi.org/ 10.1162/016228803773100075.

security.<sup>197</sup> Additionally, a good reputation can be directly translated into advantages within the international community. Indeed, Lebovic and Voeten have demonstrated that countries which actively participate in the provision of collective goods are treated more positively than those that do not.<sup>198</sup> One such advantage is the privilege of pressuring other states to contribute to DNP through public shaming. Second, Japan joining the TPNW would be a positive step to improve relations with regional powers. Notably, South Korea and China are anxious about the "normalisation" of Japan. Tokyo's commitment to the ban treaty would be a powerful gesture to reassure its neighbours and move away from an arms race. Lastly, ratification would be received very positively domestically. As discussed previously, the Japanese public is overwhelmingly in favour of the treaty, and civil society has been pushing for ratification for years. International regimes can provide domestic audiences with a credible signal on the appropriateness of their government's policies.<sup>199</sup> In that sense, the Japanese government's ratification of a major disarmament treaty would go beyond its intrinsic value and be a powerful show of commitment to Japan's tradition of pacifism.

Overall, ratifying the TPNW presents advantages and disadvantages to Japan. Joining the treaty would grant Japan some reputational brownie points and might improve relations with neighbours, but tensions in the US-Japanese alliance and the emboldenment of Japan's adversaries present a net loss of security. In both realist and neoliberal theories, national security is the primary concern of states. Therefore, under their combined rationalist framework, the cost-benefit analysis clearly demonstrates that Japan should not ratify the TPNW.

<sup>&</sup>lt;sup>197</sup> See Jennifer Mitzen, "Ontological Security in World Politics: State Identity and the Security Dilemma," *European Journal of International Relations* 12, no. 3 (2006), https://doi.org/10.1177/1354066106067346.

<sup>&</sup>lt;sup>198</sup> James H. Lebovic and Erik Voeten, "The Politics of Shame: The Condemnation of Country Human Rights Practices in the UNCHR," *International Studies Quarterly* 50, no. 4 (2006).

<sup>199</sup> Ibid.

#### Universalisation of the TPNW and absolute gains

The previous section explored Japan's potential loss of relative advantage in ratifying the TPNW, based on the assumption that NWSs would not ratify the treaty. However, what if the TPNW achieves universal ratification? In this section, I argue that the universalisation of the nuclear ban treaty would result in absolute gains.

NNWSs would be the major winners of the universalisation of the TPNW. Banning nuclear weapons would require no change of policy on their part, but would significantly increase their security. All NNWSs (except for South Sudan) are party to the NPT and have given up prospects of future nuclearisation. Therefore, they see no downsides to the TPNW. In fact, the TPNW would represent a democratic achievement in the global arena, with small and medium-sized states, as well as civil society groups, demonstrating their strength against great powers.<sup>200</sup> Overall, the TPNW would signify a victory for NNWSs, reinforcing the importance of collective action and international cooperation towards achieving global disarmament. Additionally, the elimination of nuclear weapons would contribute to increasing safety from non-state actors, as well. Indeed, Scott Sagan argues that "the spread of nuclear weapons to new states, and indirectly to terrorist organisations, will be made less likely if the United States and other nuclear-armed nations are seen to be working in good faith toward disarmament."<sup>201</sup> Sagan further contends that in a world free of nuclear weapons, the incentive for former nuclear-armed states to punish and prevent any new state's decision to acquire atomic bombs would be significantly stronger. Paradoxically, the possession of vast nuclear arsenals by current nuclear states may sometimes lead them to tolerate new nuclear proliferators. In a world without nuclear weapons, such complacency would be deemed imprudent and prompt the once-nuclear-armed states to uphold and enforce nonproliferation measures more vigorously. Thus, the

<sup>&</sup>lt;sup>200</sup> Fihn, interview; N. Tannenwald, "The Humanitarian Initiative: A Critical Appreciation," in *Non-Nuclear Peace : Beyond the Nuclear Ban Treaty*, ed. Tom Sauer, Jorg Kustermans, and Barbara Segaert (Cham, Switzerland: Springer International Publishing AG, 2019).

<sup>&</sup>lt;sup>201</sup> Scott D. Sagan and Kenneth N. Waltz, "Is Nuclear Zero the Best Option?," *The National Interest*, 2010, 88.

universalisation of the TPNW would make all NNWSs, numbering the majority of the international community, considerably more secure from nuclear weapons.

Ratifying the TPNW is the most costly for NWSs. They would lose the sunk cost of having developed and maintained their nuclear arsenals for decades, and the safe disposal of nuclear warheads would incur a significant cost of its own. Additionally, and as pointed out by Müller, the "nuclear zero" is not simply the world as it is today, minus nuclear weapons.<sup>202</sup> It will be necessary to create new political institutions that can address the issue of competition between (former) nuclear powers. These institutions should be responsible for verifying compliance and enforcing measures in a denuclearised world, potentially using military means as a last resort. Additionally, they should oversee the disarmament process, ensuring that it moves forward and maintaining constant vigilance. Campbell Craig goes as far as to argue that denuclearisation will have to be overseen by a world government.<sup>203</sup> Most proponents of the nuclear ban do not advocate for such an extreme proposal, but it is likely that the strong level of cooperation and coordination needed in a denuclearising and the denuclearised world will have to entail a breach of sovereignty. Japan, along with other NNWS, would not be affected by these measures.

Overall, the universalisation of the TPNW would produce absolute gains. This is under the optimistic assumption that NWSs will reach a sufficient level of mutual trust to coordinate disarmament efforts, and would be willing to relinquish a degree of sovereignty. The elimination of nuclear weapons would therefore come at a cost for NWSs, but if achieved, a world without nuclear weapons would ultimately be a safer one. The TPNW provides a roadmap towards the goal of a nuclear-free world, but it needs to be complemented by more practical and enforceable measures.<sup>204</sup> These should include robust institutions to verify compliance and enforce

<sup>&</sup>lt;sup>202</sup> Müller, "What Are the Institutional Preconditions for a Stable Non-Nuclear Peace?."

<sup>&</sup>lt;sup>203</sup> Campbell Craig, "Can the Danger of Nuclear War Be Eliminated by Disarmament?," in *Non-Nuclear Peace: Beyond the Nuclear Ban Treaty*, ed. Tom Sauer, Jorg Kustermans, and Barbara Segaert (Cham, Switzerland: Springer International Publishing AG, 2019).

<sup>&</sup>lt;sup>204</sup> Müller, "What Are the Institutional Preconditions for a Stable Non-Nuclear Peace?."

disarmament and mechanisms for managing potential violations and crises. For Japan, joining the TPNW would mean aligning with other NNWSs, and the universalisation of the treaty would allow it to reap the net security gains that a nuclear-free world would bring.

Japan's commitment to disarmament and non-proliferation has been a central aspect of its foreign policy for decades. However, Japan's dependence on the U.S. nuclear umbrella has limited its ability to take a strong stance on the TPNW, undermining its leadership role in multilateral disarmament efforts. This chapter has demonstrated that a rational institutionalist perspective, prioritising absolute gains over relative gains, provides a compelling argument for Japan to support the universalisation of the TPNW. By doing so, Japan would enhance its security and strengthen the global disarmament regime.

## Synthesis: a consolidated rationalist approach

Hasenclever, Mayer and Rittberger argued that a rationalist theory of regimes that integrates both realism and neoliberalism can explain how a change in the context of interaction can lead to a shift from prioritising relative gains to absolute gains.<sup>205</sup> In the first part of this chapter, I have demonstrated that a realist, power-based approach effectively explains the Japanese government's current position on the TPNW. By rejecting the nuclear ban treaty, Japan is making the choice to maintain the relative advantage granted by the U.S. nuclear umbrella. Consequently, Japan's security would decrease if it committed to ratifying the TPNW before NWSs. Indeed, Japan would unilaterally surrender the protection offered by American extended deterrence, which would put it at a higher risk of aggression. However, I have argued that the universalisation of the TPNW would produce absolute gains, as consistent with institutionalist theory. If international institutions are successful in establishing practical, enforceable measures for nuclear denuclearisation, the world would be a safer place for all. This is illustrated in Figure

<sup>&</sup>lt;sup>205</sup> Hasenclever, Mayer, and Rittberger, "Integrating theories of international regimes."

2. Of course, the condition for this is for all NWSs to accept to destroy their arsenals and cooperate with each other and with the international community, at the cost of their own security and sovereignty. This is unlikely to happen any time soon.

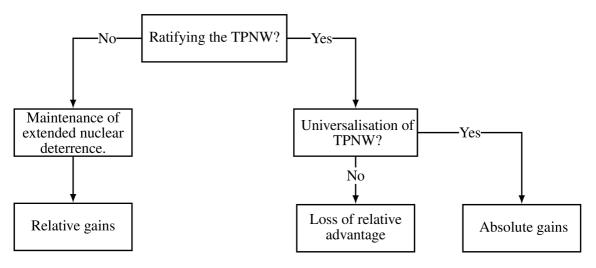


Figure 2. Japan's gains calculation

The period between Japan's ratification of the TPNW and its universalisation would be marked by a reduction in Japan's security. Given the current tense security climate, it may be challenging for Japan to consider signing the treaty. However, if Japan shifts its focus from relative gains concerns to absolute gains concerns, it can be conceived that Japan would support the treaty and spearhead the efforts towards its universalisation. Rationalist theory has its limitations in explaining this shift. Following Hasenclever, Mayer and Rittberger's framework, it is necessary to turn towards weak cognitivism to understand how states can transition from prioritising relative gains to absolute gains.<sup>206</sup>

The calculation of gains mentioned above is based on the assumption that extended nuclear deterrence is both real and dependable, which is a neorealist perspective. However, this assumption is not universally accepted, and some scholars dispute the reliability of extended deterrence. Therefore, a different approach to calculating gains is proposed in the next chapter, based on an alternative set of interests and assumptions.

<sup>&</sup>lt;sup>206</sup> Ibid.

## Chapter 3. Contribution of Weak Cognitivism

Hasenclever, Mayer and Rittberger supplement their rationalist explanation of international regimes with what they refer to as "weak cognitivism".<sup>207</sup> They argue that cognitivism can explain how states can shift their focus from relative gains to absolute gains by examining the actors' causal and social knowledge. This perspective assumes that knowledge and ideas can shape state behaviour in the international system, thereby complementing the rationalist account. Hasenclever et al. offer two models of a rationalist-cognitivist synthesis, as illustrated in Figure 1, in Chapter II. In the first model, ideas help shape state interests, preferences and perceived options. In the second, ideas intervene between interests and outcomes such as regime formation.

## Model 1: Cognitive variables causally preceding rationalist ones

The first model delves into cognitive variables to shed light on the formation of state interests, addressing a notable gap in rationalist theory which tends to treat state interests as either preassumed or established retroactively.<sup>208</sup> Cognitivism offers explanations on how perceived options and payoffs are shaped by causal beliefs, leading states to (re)define their interests and priorities.

First, it is necessary to understand what are the existing norms on nuclear weapons. Nina Tannenwald identifies a large number of norms on nuclear weapons including non-use or no-proliferation, and refers to them collectively as the "nuclear taboo".<sup>209</sup> She argues that the humanitarian aspect of the ban treaty exerts significant normative pressure upon NWSs, as it highlights the glaring gap between the value they attribute to nuclear weapons and their self-identification as upholders of international law and humanitarian values. Tannenwald considers

<sup>&</sup>lt;sup>207</sup> Hasenclever, Mayer, and Rittberger, "Integrating theories of international regimes."

<sup>208</sup> Ibid., 26.

<sup>&</sup>lt;sup>209</sup> Tannenwald, "How Strong Is the Nuclear Taboo Today?."

that the TPNW strengthens norms of non-use and non-possession, while it goes head-to-head with the norm of deterrence and norms that associate nuclear weapons with prestige and great power status. Her research suggests that a commitment to disarmament is incompatible with a milder non-use norm, which lays at the basis of deterrence. Müller and Wunderlich take a slightly different approach as they identify four sets of norms in the nuclear order: constraints on use, political restraint, nonproliferation, and disarmament.<sup>210</sup> They argue that the TPNW sharpens them all except for political restraint. On the other hand, Lawrence Freedman identifies four major norms that claim to prevent nuclear war; disarmament, nonproliferation, non-use and deterrence.<sup>211</sup> In spite of methodological differences, all three authors consider the norm of disarmament to be inherently incompatible with the norm of deterrence.

In the case of Japan, the nuclear taboo is uncomfortably coexisting with the norm of deterrence. The two opposing ideas lead to the sometimes confusing Japanese stance on nuclear deterrence, as discussed previously. As is evident by the outcome of Japan prioritising the nuclear umbrella over the TPNW, the norm of deterrence has the upper hand. Still, it could be argued that if the norm of deterrence was strong enough, Japan would have developed its own nuclear arsenal. Maria Rost Rublee argues that the domestic normative aversion against nuclear weapons, reinforced by the nascent international nonproliferation norm, originally compelled conservative policymakers to relinquish their nuclear ambitions and depend on US security assurances.<sup>212</sup> Subsequently, government elites gradually internalised and embraced the normative principles of the nuclear nonproliferation regime, prompting them to rethink the parameters of a successful state. As a consequence, the state has persisted in its nuclear restraint despite regional threats such as North Korea's nuclear tests, which could have otherwise triggered the acquisition of nuclear capabilities.

<sup>&</sup>lt;sup>210</sup> Müller and Wunderlich, "Nuclear Disarmament without the Nuclear-Weapon States: The Nuclear Weapon Ban Treaty."

<sup>&</sup>lt;sup>211</sup> Freedman, "Disarmament and Other Nuclear Norms."

<sup>&</sup>lt;sup>212</sup> Rublee, "Taking Stock of the Nuclear Nonproliferation Regime: Using Social Psychology to Understand Regime Effectiveness."

According to this model, the tension between the norm of deterrence and the nuclear taboo has shaped Japan's perception of interests and explains its balanced approach between maintaining the American nuclear umbrella and pursuing DNP efforts on the international stage. Subsequently, this suggests that if the nuclear taboo can overtake the norm of deterrence, Japan would start prioritising disarmament and the absolute gains of the TPNW, over the relative advantage of extended deterrence.

#### Model 2: Cognitive variables causally succeeding rationalist ones

In the second model of rationalist-cognitivist integration, ideas intervene between interests and outcomes such as regime foundation (see Figure 1b). In this approach, ideas define whether or not parties can coordinate their behaviour in a mutually beneficial way.<sup>213</sup> Garrett and Weingast argue that conventional functional explanations of cooperation are flawed because they do not consider the multiple possibilities for cooperation in mixed motives situations.<sup>214</sup> These situations cannot be easily explained in terms of efficiency and self-interest, which are the variables used by rationalists. The deficiency in functional explanations is often ignored because of their *post-hoc* nature. However, cognitive factors can address this issue. According to Garrett and Weingast, ideas that create convergent expectations can help actors coordinate their behaviour in a mutually beneficial way and explain the content of the resulting regime.

Johnson argues that Japan is the "linchpin" of the DNP regime.<sup>215</sup> Japan's strong support for the nuclear disarmament regime stems from its unique experience as the only country to have been a victim of a nuclear attack. This tragedy has given Japan a perceived legitimacy to advocate for the regime's goal of eradicating nuclear weapons. For instance, according to

<sup>&</sup>lt;sup>213</sup> Hasenclever, Mayer, and Rittberger, "Integrating theories of international regimes," 28.

<sup>&</sup>lt;sup>214</sup> Geoffrey Garrett and Barry R. Weingast, "Ideas, Interests, and Institutions: Constructing the European Community's Internal Market," in *Ideas and Foreign Policy*, ed. Goldstein Judith and O. Keohane Robert (Ithaca, NY: Cornell University Press, 1993).

<sup>&</sup>lt;sup>215</sup> Johnson, "Japan Closes the Nuclear Umbrella: An Examination of Nonviolent Pacifism and Japan's Vision for a Nuclear Weapon-Free World," 105.

Rublee, if Japan were to be perceived as potentially withdrawing from the NPT, other countries on the threshold of developing nuclear weapons may also begin to question the regime's effectiveness and consider leaving.<sup>216</sup> Hence, Japan's position towards the TPNW also holds a certain weight, and its ratification has the power to contribute towards the success of the treaty.

In 2020, Michal Onderco wrote that once the TPNW enters into force, parties would start engaging in "consistent constructivism — a recognition that a clash of interests may inevitably lead to preference of one norm over another".<sup>217</sup> This suggests that states have a range of conflicting norms to select from when developing responses to specific situations. In the present case, we have established that the nuclear taboo and nuclear deterrence are the two major norms conflicting with each other. The successful adoption of the treaty demonstrates that the nuclear taboo is prevalent within the international community. As the nuclear taboo is further normalised and institutionalised at the expense of the norm of deterrence, public shaming could create pressure for governments to conform to it.<sup>218</sup> In this context, international organisations and notably the United Nations have the crucial role of making public the extent to which governments comply with prevailing norms, and also of providing a forum where norms can be discussed and challenged.

The relationship between the two models of rationalist-cognitive synthesis is not always clearcut and mutually exclusive. Rather, they often coexist and overlap, making it challenging to categorise certain situations. This is because norms can shape interests, interests can shape norms, and the interplay between competing interests and norms ultimately determine outcomes. In either context, it is necessary to also take into consideration changes at the domestic and individual levels. Hasenclever et al. illustrate their framework with the example of

<sup>&</sup>lt;sup>216</sup> Rublee, "The Nuclear Threshold States."

<sup>&</sup>lt;sup>217</sup> Onderco, "Nuclear Ban Treaty: Sand or Grease for the NPT?," 138.

<sup>&</sup>lt;sup>218</sup> Lebovic and Voeten, "The Politics of Shame: The Condemnation of Country Human Rights Practices in the UNCHR."

the formation of the Conventional Armed Forces in Europe (CFE) Treaty during the Cold War, and argue that "the factor that contributed most to the context change is that the Soviet Union began to see the world differently and to re-define its interests as a result."<sup>219</sup> Gorbachev's 'new thinking', the reorientation of Soviet foreign policy and security policy, and the newfound influence of civilian leaders over the military led to the creation of a "new context of interaction".<sup>220</sup> In other words, governmental learning is a major factor that explains a state's shift from one norm to another, and from prioritising relative gains over absolute gains. In this context, I want to consider the hypothetical situation in which the norm of extended deterrence is weakened to the point that it is dismissed.

#### Thought experiment: Japan's gains calculation without extended deterrence

The previous two models were based on the assumption that Japan is effectively protected by American extended deterrence. However, what if the nuclear umbrella were to entirely lose credibility? This could happen for several reasons, both at the practical and ideological level. Hayward Alker, Richard Ashley, Friedrich Kratochwil, and John Ruggie highlight the significance of "intersubjective meanings" in international institutional activity.<sup>221</sup> According to their perspective, comprehending how individuals perceive institutional norms and rules, and the discourses they participate in is equally crucial when assessing the importance of these norms as compared to merely observing behavioural changes resulting from their implementation. In essence, their approach underscores the role of ideas, perceptions, and communication in shaping the impact and effectiveness of international institutions, adding a deeper layer of understanding to their assessment. The present section draws from this idea as it re-imagines Hasenclever, Mayer and Rittberger's cognitive model on the premise that Japan is

<sup>&</sup>lt;sup>219</sup> Hasenclever, Mayer, and Rittberger, "Integrating theories of international regimes," 25.

<sup>&</sup>lt;sup>220</sup> Ibid., 24.

<sup>&</sup>lt;sup>221</sup> Friedrich Kratochwil and John Gerard Ruggie, "International Organization: A State of the Art on an Art of the State," *International Organization* 40, no. 4 (1986): 765.

not protected by extended deterrence, or at least that the Japanese government believes that it is not. First, I argue that extended deterrence is a belief like any other, and could be deconstructed. Then, I present the gain calculation based on the hypothesis that extended deterrence is dissolved. I conclude that in this scenario, ratifying the TPNW only provides gains for Japan.

Relativist theories may consider extended deterrence as a given, but constructivists remind us that deterrence is merely an idea and subject to deconstruction. Tannenwald and Acton identify three key threats to deterrence: technological developments, such as advances in missile accuracy and remote sensing, which challenge the survivability of arsenals and secondstrike capabilities; political discourse discrediting deterrence due to arguments that new nuclear states and terrorist organizations act irrationally and cannot be deterred; and ethical criticisms from humanitarian campaigns and the Catholic Church, eroding the legitimacy of deterrence by questioning its moral justifications.<sup>222</sup> Additionally, Samuels and Schoff point out that the U.S. nuclear arsenal has become smaller and less visible, although it is more accurate and potent than before.<sup>223</sup> In 1991, the United States completed the withdrawal of its land-based nuclear weapons from Asia, marking a significant step in reducing its overall nuclear stockpile, which has been reduced by approximately 75% since then. There are ongoing considerations for further reductions. However, in recent times, U.S. reassurance efforts have shifted towards emphasizing the capability and flexibility of specific nuclear systems. This shift, however, has been compromised by the retirement of some systems that were once regarded as vital for fulfilling mission-critical objectives. All of these dynamics contribute to Japan's doubts about the American umbrella, as reviewed in Chapter 2.

If we assume Japan's lack of extended deterrence protection, ratifying the TPNW offers clear advantages. Not ratifying would come at a reputational cost, potentially leading to perceptions of disregarding international norms. Conversely, embracing the TPNW would enhance Japan's international reputation as a responsible and peace-seeking nation, which

<sup>222</sup> Tannenwald, "The Great Unraveling: The Future of the Nuclear Normative Order."

<sup>223</sup> Samuels and Schoff, "Japan's Nuclear Hedge: Beyond "Allergy" and Breakout."

adheres to global non-proliferation norms. By joining the collective effort towards nuclear disarmament, Japan would gain trust from the international community, reinforcing its status as a credible and cooperative actor on the world stage. Furthermore, universalization could lead to improved relations with neighbouring countries, particularly in the tense and often volatile East Asian region. By unequivocally supporting universal nuclear disarmament, Japan can ease these concerns and foster a climate of trust and cooperation, which in turn can pave the way for more stable and constructive diplomatic relationships. Furthermore, such a move would send a powerful message of commitment to nuclear disarmament, inspiring other nations to follow suit and reinforcing the strength of the nuclear taboo. As more states join the TPNW, the collective effort towards nuclear disarmament gains momentum, creating a more secure global environment. In this scenario, NWSs also benefit, as they can retain their arsenals while witnessing a threshold country like Japan moving away from nuclearisation. This shift fosters a sense of greater security across the world. Therefore, by ratifying the TPNW, Japan can harness absolute gains, improve its reputation, foster regional stability, and contribute to a safer international order.

If Japan ratifies the TPNW and the treaty is subsequently universalised, however, Japan would gain relative gains, relatively to NWSs that would face significant challenges and costs in dismantling their nuclear arsenals. For these states, retaining nuclear capabilities has been perceived as integral to their national security and strategic doctrines. The process of disarmament would require complex negotiations, substantial financial investments, and a reassessment of their security postures. In this regard, NNWSs like Japan would achieve relative gains, as they would enhance their security without incurring the burdensome costs and complexities associated with nuclear disarmament.

In conclusion, if Japan assumes a lack of extended deterrence protection, ratifying the TPNW offers both absolute and relative gains. Embracing the treaty regardless of universalisation would enhance Japan's reputation as a responsible and peace-seeking nation, foster regional stability, and strengthen the global effort towards nuclear disarmament, resulting

in absolute gains. On the other hand, if the TPNW achieves universalization, Japan would enjoy the security of a nuclear-free world while avoiding the burdensome costs and complexities of nuclear disarmament, leading to relative gains compared to NWSs. Overall, Japan's decision to ratify the TPNW carries significant implications for its security and international standing. The dynamics of this thought experiment are summarised in Figure 3. Although the likelihood of deterrence being entirely dismissed is rather unlikely, it is important to recognise that the supposed division between ideology and knowledge, juxtaposed with interests, is entirely artificial and can lead to misconceptions. According to Haggard and Simmons, "interests" are inseparable from specific normative and epistemic frameworks, and their true nature cannot be comprehended in isolation from these contexts.<sup>224</sup> In essence, interests are deeply intertwined with the underlying beliefs and understanding of the situation, and their interpretation is contingent upon the prevailing norms and knowledge at play.

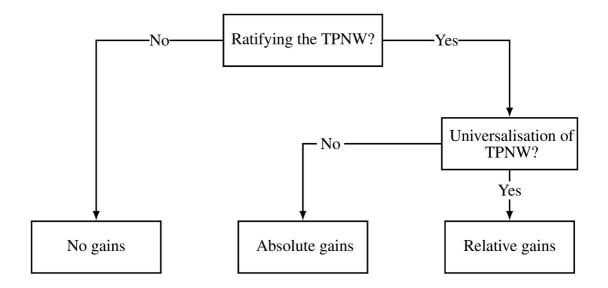


Figure 3. Japan's hypothetical gains calculation assuming that extended deterrence dissolves

<sup>&</sup>lt;sup>224</sup> Haggard and Simmons, "Theories of International Regimes," 22.

# Conclusion

### Review of hypotheses

This thesis sought to take a comprehensive approach to analyse Japan's seemingly contradictory position on the Treaty on the Prohibition of Nuclear Weapons (TPNW) by integrating realist, neoliberal, and constructivist assumptions. By using Hasenclever, Mayer, and Rittberger's rationalist-cognitivist model, the research aimed to identify the necessary conditions for Japan to shift its stance on the TPNW. The exploration of this question has shed light on potential contextual changes that could facilitate Japan's decision to ratify the treaty. Through the analysis, three crucial contextual changes emerged as potential triggers for Japan to consider ratifying the TPNW.

First, modifying the features of the TPNW to make the gains of the treaty more equitable could address Japan's concerns about its unique status as a nuclear umbrella state and an anti-nuclear weapons state. Ensuring that the treaty offers concrete benefits and reassurances to all signatories, regardless of their nuclear status, may encourage Japan to reevaluate its position. However, this proposition raises significant challenges, as the TPNW was originally designed as a normative treaty symbolising the NNWSs' impatience with NWSs' lack of commitment towards disarmament. Altering the treaty to accommodate extended deterrence or other exceptions would contradict its core purpose and undermine its effectiveness. Such modifications could render the treaty ineffective and diminish its symbolic value as a collective call for nuclear disarmament. Therefore, we must explore alternative approaches that can address Japan's concerns while preserving the integrity and impact of the TPNW.

Second, a shift in Japan's priorities on nuclear disarmament from relative gains to absolute gains may lead to a reconsideration of its stance on the TPNW. Recognising the profound importance of achieving a world free from nuclear weapons, Japan may choose to prioritise collective security interests over its traditional reliance on extended deterrence. This shift in mindset could be influenced by governmental learning or normative pressure from the international community, encouraging Japan to prioritise the potential absolute gains that could be achieved through the universalisation of the TPNW. However, for Japan to consider this path, it must believe that universalisation is a viable and achievable objective, which necessitates a clear evaluation of the treaty's feasibility and international support. Embracing absolute gains would require Japan to weigh the potential short-term security loss against the long-term vision of a safer, nuclear-free world under the umbrella of universal nuclear disarmament.

The third change that could compel Japan to sign the TPNW is the cessation of its reliance on extended deterrence. This could occur due to the lifting or discrediting of the American nuclear umbrella, or a broader loss of credibility in the norm of deterrence itself. Should Japan no longer depend on extended deterrence for its security, signing the TPNW becomes a compelling option. In this scenario, signing the treaty offers Japan significant gains without incurring any tangible losses, making it a strategic move towards strengthening its security and demonstrating its commitment to global nuclear disarmament. By forgoing reliance on extended deterrence, Japan can position itself as an active advocate for a nuclear-free world and solidify its reputation as a responsible and peace-seeking nation on the international stage.

By considering these potential contextual changes, this thesis concludes that Japan's ratification of the TPNW is feasible if the features of the treaty become more equitable, Japan's priorities on nuclear disarmament evolve, or if Japan ceases to rely on extended deterrence. However, this thesis remains theoretical in nature and does not argue that these changes are possible, or even desirable. Further research and analysis are necessary to assess the likelihood and implications of these potential changes in the Japanese and international context.

### Limitations and Further Research

While this thesis has provided valuable insights into the potential triggers for Japan's ratification of the TPNW, it is essential to acknowledge its limitations and identify avenues for future research. Firstly, the analysis relies on theoretical assumptions and does not offer concrete predictions regarding Japan's future actions. It is crucial to conduct empirical research to assess Japan's evolving stance on the TPNW in light of changing international dynamics and domestic factors. Secondly, the focus on the rationalist-cognitivist model in this thesis may overlook other relevant factors that could influence Japan's decision-making process. Future research could further explore the role of domestic politics, civil society, and regional security dynamics in shaping Japan's approach to the TPNW. Additionally, the thesis primarily examines Japan's perspective, but an in-depth analysis of the viewpoints of other key stakeholders, such as NWSs and other NNWSs, would contribute to a more comprehensive understanding of the dynamics surrounding the TPNW. Furthermore, the potential changes proposed in the conclusion raise complex questions about the feasibility and implications of modifying the TPNW and shifting Japan's security priorities. Detailed policy analysis and scenario-based studies are needed to assess the practicality and consequences of these changes.

In conclusion, while this thesis has laid the groundwork for understanding Japan's position on the TPNW, there is ample room for further research to explore the practicality, implications, and broader context surrounding Japan's complex nuclear identity and potential ratification of the treaty. By addressing these limitations and pursuing empirical investigations, future research can offer valuable insights into the complex dynamics of nuclear disarmament and Japan's role in shaping the global nuclear non-proliferation agenda.

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