January 1975 On Japan's Ratification of the Nuclear Non-Proliferation Treaty (NPT)

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Summary:

An internal record evaluating the arguments in favor of Japan's ratification of the NPT.

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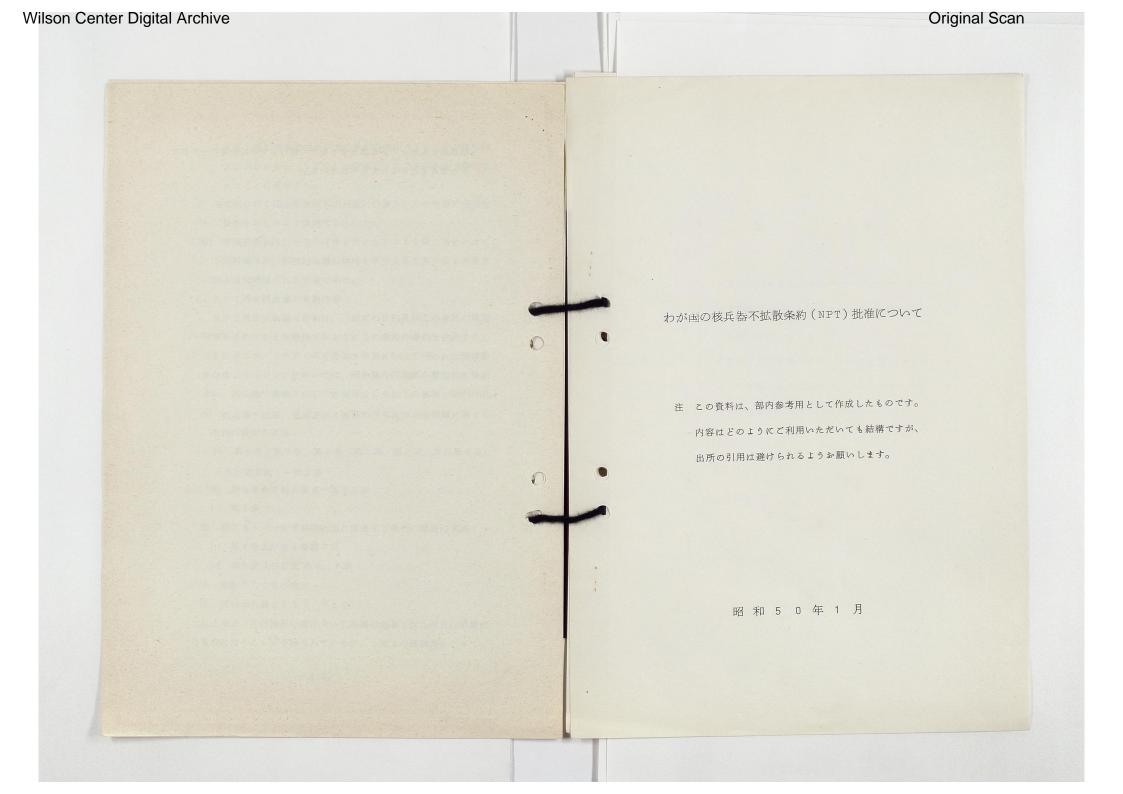
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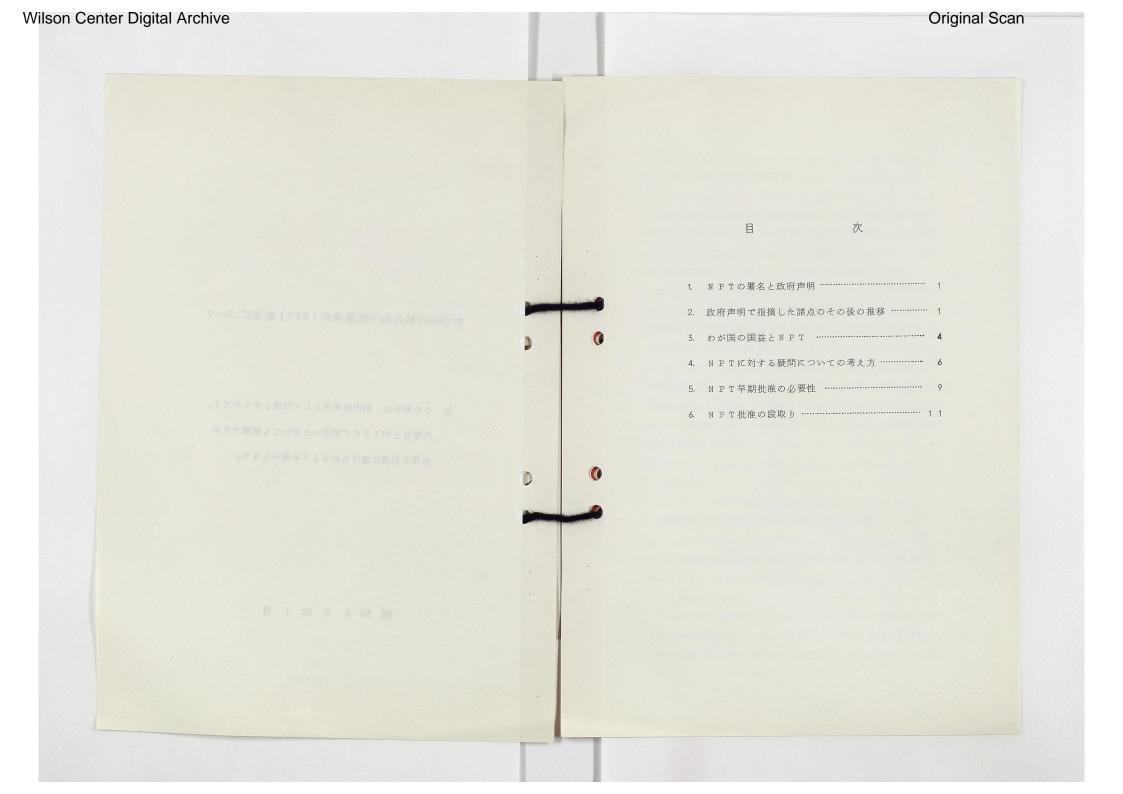
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N P T が成立した翌年の昭和44年末より米・ソ両国は、戦略兵器制限交渉(SALT)を開始し、昭和46年偶発戦争防止協定及びホツトライン改善協定、昭和47年5月ミサイル迎撃

ミサイル(ABM)制限条約及び戦略攻撃兵器の制限に関する暫定協定を締結した。更に昭和48年6月の米・ツ首脳会談においては、核戦争防止協定が締結され、昭和49年7月の米・ソ首脳会談では、ABM制限条約の規制を更に強化するための議定書及び地下核兵器実験制限条約が締結され、戦略攻撃兵器については、現行暫定協定の有効期間満了前のできるだけ早い時期に新協定を締結する旨の合意ができた。ついで同年11月の米・ソ首脳会談では、戦略兵器運搬手段の総数規制、個別誘導複数弾頭(MIRV)を装備した大陸間弾道ミサイル(ICBM)及び潜水艦発射弾道ミサイル(SLBM)の総数規制等今後のSALT交渉のガイドラインにつき合意が得られた。また、わが国も参加しているジュネーヴ軍縮委員会においては、昭和46年海底非核化条約が成立し、目下全面的核実験禁止問題についての審議が活発に行われている。

(2) 非核兵器国(わが国)の安全保障

わが国のNPT署名以後の国際情勢は、核大国をめぐる緊張 緩和の進展により全体としてわが国をはじめとする非核兵器国 の安全度を高める方向に推移している。とくに日中国交正常化 による中国との友好関係の開始はわが国の全般的安全保障の強 化に貢献している。

また、わが国の安全が日米安全保障体制によりひきつづき保障されていることは言うまでもない。なお、非核兵器国の安全保障については、「核兵器による侵略又は脅迫を受けた核兵器不拡散条約締約国に対して国連憲章に従つて直ちに援助を与える」旨の米・英・ソ三国による宣言(昭和43年6月17日)及びこのような核侵略又は核脅迫は「安全保障理事国が国連憲章に基づく義務に従つて直ちに行動しなければならない事態を

ひき起すものであることを認める」旨の安全保障理事会決議(昭和43年6月19日)があり、わが国も署名の際の政府声明の中で、条約批准までの間、この決議の実施状況に注目する旨述べているが、この決議を実施する必要のある事態は現在までのところ発生していない。

- (3) 原子力平和利用における他の締約国との実質的平等性の確保 (4) この(3)は、今後とも原子力エネルギーへの依存度を高めざるをえない事情にあるわが国として特に重視してきた点である。
- (中) この点については、昭和46年わが国の立場を十分に反映したNPT保障措置モデル協定が作成され、その後その動向が注目されていたNPT未批准の非核兵器国たるユーラトム諸国(西独・伊・ベネルツクス三国、なお、BCの拡大と共に昭和48年1月ユーラトムに加入したデンマークおよびアイルランドは批准ずみ)は昭和48年4月IABAとの間に上記モデル協定の枠組に沿つた保障措置協定に署名した。他方わが国は、IABAとの数次にわたる保障措置協定予備交渉を行つてきた結果、昭和48年11月、わが国の計量管理体制(国内にある核物質の量についての現状を把握し、これら核物質を管理することにより、軍事目的への転用を防止するための体制)の整備を前提として、ユーラトムと同様の方式及び査察業務量を適用する旨の原則的合意をとりつけることができた。
- (・) なお、核兵器国との平等性については、米・英両国は、自 発的にIAEAの査察を受ける(ヴォランタリー・サブミッ ション)旨宣言し、米国は昭和47年11月IAEAに対し、 主要な非核兵器国(日本及び西独)がNPTの下で同等の査

察を受けることを条件に平和利用の原子力施設につき I A B A の査察を受ける旨の申し出を行い、目下 I A B A と交渉を行つている。又、英国もすでに I A B A との交渉に入つている。

3. わが国の国益とNPT

(1) 国益の見地からの検討の必要性

わが国がNPTを批准すべきかどうかを考えるに当つては、 署名の際の政府声明に述べられている諸点について進展があ つたかどうかを検討するだけでなく、わが国の国益の見地か らNPT批准の持つ意味を改めて考え直してみる必要があろ う。この点を考えるに当つて特に重要なのは次の諸点である と思われる。

- (4) わが国の平和と繁栄を確保するためには、国際関係の安定が特に重要であり、わが国としては、日米安全保障体制を維持するとともに、平和外交の推進によつて国際関係の安定のため積極的貢献を行うべき立場にあること。
- (ロ) わが国にとつて産業エネルギー源の確保は緊急の課題であり、特に石油に代るエネルギー源としての原子力発電の重要性が高まつてきているが、核燃料の供給を海外に依存し、原子力技術の分野でも技術先進諸国との緊密な協力を必要としているわが国としては、原子力平和利用のための国際協力をできるだけ円滑に進め得る体制を整える必要があるとと。
- (2) わが国の国益と N P T

- (4) NPTは、核兵器国の増加を防止することによつて核戦争 勃発の危険を少なくし、国際関係の安定度を高め、軍縮の推 進、平和の確保をより容易にするような国際環境をつくりだ すことを主眼とし、原子力の軍事利用はこれを押える一方原 子力の平和利用はこれを推進しようとする条約である。
- (中) この点に関して、NPTは核兵器国と非核兵器国を差別する不平等条約であり、この差別を固定化するものではないか、との見方も一部にある。しかし、ここで見逃してならないことは、NPTは、現に核兵器を持つている国があるといり国際社会の現実を一旦認めた上で、上述のように核兵器国がこれ以上増加することを防止することによつて国際関係の安定度を高め、軍縮、とりわけ核軍縮の推進をより容易にするような国際環境をつくり出そうとするものであり、核軍備の全廃による核兵器国と非核兵器国との区別の解消という窮極の目標を目指して一歩前進しようとする条約であるということである。

(これとは逆に非核兵器国が核兵器国になることを認める ことによつて両者の区別を解消するという方法が、いかに危 険であるかについては異論はないであろう)。

(+) NPTは、非核兵器国に核爆発装置を製造、所持させない 義務を負わせるかわりに、平和核爆発の利用も含めてNPT 締約非核兵器国が原子力平和利用のあらゆる恩恵に浴し得る ようにすることを狙いとしている。国際原子力機関(IAEA) の場において、米国は、NPT第4条のNPT締約国の義務 との関連で米国がIABAに拠出している技術援助のための 贈与は、NPT締約国に優先して使用される旨述べ、ソ連も 同趣旨のことを述べており、また、米国はNPT第5条の平 和核爆発サービス提供のための組織をIAEA内に設置する 旨の決議案を提出し、採択される等最近の米ソの動きにも、 核兵器国がNPT上負つているかかる義務を重視しようとす る傾向がみられる。一方原子力利用の高度化に伴い、今後わ が国が求める原子力平和利用分野での国際協力の内容は、原 子力エネルギーの軍事利用にもつながり得る高度の技術のか らんだものとならざるを得ないため、NPT批准によつて核 問題に対するわが国の基本姿勢を明らかにするととなしには、 わが国が必要としているような国際協力の円滑な実施は期し 難い。

(=) 以上のように、NPTは、完全無欠な条約とは言えないとしても国際社会の現状のもとで上述のようなわが国の国益上の要請を最大限度で満たすことのできるこの分野での最も重要かつ基本的な条約である。

このようにみれば、わが国としては、NPTに参加し、原子力平和利用のための国際協力を推進し、アジアの平和国家として国際関係の一層の安定化に積極的に寄与する地位を固めるべきである。

4. NPTに対する疑問についての考え方

NPTに対しては前節でふれた核兵器国と非核兵器国の区別を 固定化するものではないかとの疑問のほかにも次のような疑問が 提起されている。

(1) わが国としては当面核武装を行い得ないにしても、核武装を

行い得る自由までも放棄すべきではないのではないか。

(ロ) N P T に入ればわが国の原子力の平和利用が阻害されるのではないか。また N P T に入らなくても核燃料の供給には支障がないのではないか。

これらの疑問に対する考え方は次のとおりである。

- (1) 「核武装の自由」について
- (4) 近い将来非核三原則の下でわが国自身が核武装すること は実際上ほとんど全く考えられない。また、アジア周辺諸 国との関係等わが国をとりまく国際環境からみてもこのような政策はとり得ないと考えられる。従つて、このように 現実性を欠く「核武装の自由」を例えば外交上の取引きに 使い得る可能性はほとんどない。
- (ロ) 長い将来にわたつて日本が核武装すべき事態が発生する可能性は皆無であるとは断言できないとしても、このような不確定要素を理由にNPTに参加せず、諸外国の疑惑を招き、原子力の平和利用等の面で不利益を蒙る等のリスクを冒すべきではなく、NPTに参加し、原子力平和利用面での国際協力を推進し、原子力平和利用のための能力全般の向上をはかることが得策であり、わが国の国際的発言力を高める所以である。
- (*) なお、将来万一日本が核武装しない限りその安全を確保できないというような「異常な事態」が生じたとしても、NPTから脱退することにより対処することが可能である。
 (NPT第10条の規定によれば、締約国はこの条約の対象である事項に関連する異常な事態が自国の至高の利益を危くしていると認めるときは、他のすべての締約国及び国連の安全保障理事会に対し3カ月前に通知した上でこの条

約から脱退する権利を有する。)

- (2) 原子力の平和利用について
- (イ) 今後わが国の産業動力源はますます原子力発電への依存度を高めざるを得ず、わが国としては、そのための核燃料などの供給確保には万全の措置を講ずる必要がある。現在わが国は濃縮ウランの大宗を米国に依存しており、今後当分の間この傾向が続くと考えられるが、昭和46年以来米国政府は、NPT上の米国の外国に対する義務(NPT締約国である米国は、NPT第3条第2項にいう保障措置が適用されない限り、非核兵器国に核燃料等を提供しない義務を負つている)と相容れない場合には外国に対する濃縮ウランの供給を停止することがあり得るとの立場をとつており、(外国の顧客とのウラン濃縮契約にその旨明記ーわが国の顧客との間ではサイド・レターで確認ーーさせている)、わが国としてはNPT加入によつて、このような核燃料供給の不安定要因のひとつを取り除く必要がある。
- (ロ) わが国のほとんど全ての核物質は、現在すでに二国間原子力協定により国際原子力機関(IAEA)の保障措置のもとにおかれている。

N P T に入つた場合の保障措置はすでに昭和46年のモデル協定で確保されたとおり現行の保障措置に比し簡素化、合理化および産業機密保護が図られている。さらにわが国が国際原子力機関との間で行う保障措置協定締結のための予備交渉では、産業機密が漏洩することのないような方式で保障措置を受けることを確保する点を眼目としているので、N P T 参加によつて原子力平和利用の面で支障を来すおそれはない。

- 5. N P T 早期批准の必要性
- (1) NPTをめぐる最近の情勢と早期批准の必要性

上記2のとおり、署名の際の政府声明をめぐる情勢がその後進展をみていること、上記3.のようにわが国の国益の見地からみても、NPT批准が必要であると考えられることに加え、最近のNPTをめぐる次のような国際情勢をも勘案すれば、わが国としては、できるだけ早期にNPT批准を実現すべきものと考えられる。

- (イ) インドの核実験以後の情勢を背景として、核の一層の拡散 を防止するためにより積極的な措置を講じることが国際的な 急務とされており、こうした国際情勢の中でわが国のNPT 批准は国際政治上大きな意味を持つに至つている。
- (r) 米国政府がイスラエル、エジプトに対してNPT下の保障 措置よりも厳しい保障措置の受諾を要求している模様であり、 また原子力平和利用面での技術協力についてNPT締約国を 非締約国より優遇するとの考え方を示しており、NPT体制 強化のための具体的措置をとる必要があるとの考え方が国際 的に台頭している。従つてNPTの枠外にとどまることの不 利益は今後増大する可能性がある。
- (+) わが国等の強い主張によりNPTの規定にとり入れられた
 NPT再検討会議の準備が進み、同会議は昭和5 D 年 5 月に
 開催されることがほぼ本決りになつた。この会議の目的は「
 前文の目的及びこの条約の規定が実現されることを確保する
 ようこの条約の運用を検討する」ことにあり核軍縮の推進、
 原子力平和利用の推進などの具体策について活発な討議が行
 われるものと予想されるが、この会議はNPT締約国の会議

であるので、わが国が、この会議に参加し、わが国の立場を 充分に主張し得るためには、会議開催前に批准することが前 提となる。

- (=) わが国とともにその動向が注目されていたNPT未批准の非核兵器国たるEC諸国(西独、伊、ベネルックス3国)は、すでに昭和49年4月NPT保障措置協定に署名しており、国内手続上の問題から批准が遅れると見られているイタリアを除いて批准のための議会の承認手続をすでに終了(西独、オランダ)あるいは、近く終了する(ベルギー、ルクセンブルグ)見通しとなつている。
- (#) このような情勢のもとで、署名後4年半を経過し、わが国が最も重視してきた平和利用面での実質的平等性の確保の見通しがついた今日、わが国がいつまでも批准を逡巡する場合、わが国のイメージダウン、NPT体制の弱体化による国際関係の不安定化、原子力平和利用面でわが国に対する不利益が生ずる等の悪影響が生じる可能性も高まつていると判断される。

(2) 批准遅延の不利益

以上の点につき、わが国としてはむしろNPTをさしあたりは批准しないとの態度を示し、NPTの枠外から核兵器国を批判する立場を保ち、これを挺子として軍縮の推進を迫る方が得策であるとの考え方が一部にある。しかし、(イ)上記4.(1)のとおり、わが国がNPT批准をのばし、形骸的な「核武装の自由」を維持してみても、これを外交上の取引材料として利用することは殆んど不可能であり、わが国がNPTを批准しないことによる対日不信感の増大は、核軍縮を求めるわが国の発言を説得力に欠くものとする恐れがあり、それよりもNPTに参加し、

原子力平和利用面での国際協力を推進し、原子力平和利用のための能力全般の向上をはかることが得策であり、また軍縮推進のためのわが国の国際的発言権を高める所以であること、及び(中上記 5.(1)のとおり、最近の国際的な趨勢として、NPT批准遅延により具体的不利益が生じる可能性が高まつていることを考え合せれば、批准をひきのばすとの政策はとるべきではない。

6. N P T 批准の段取り

(1) 政府の方針

政府は、従来の方針どおり、NPTの批准に備えて、まず原子力の平和利用の分野における他のNPT締約国との実質的平等性を確保するため、国際原子力機関との間の保障措置協定締結の予備交渉を進めるべく、必要な準備を行つている。政府としては、これらの準備が整い次第、保障措置協定締結のための予備交渉を再開することとし、この交渉の結果をふまえ、かつ関係方面の了解を得たうえで、できるだけ速やかに国会の承認を求めたい考えである。

- (2) 保障措置協定締結交渉とNPT批准との関係
- (4) わが国は、NPT署名の際の政府声明において、わが国が 締結する保障措置協定の内容は、他の締約国が締結する保障 措置協定の内容に比して、わが国にとり実質的に不利な取扱 いとなつてはならないこと及び、政府としてはこの点を十分 考慮したうえでNPTの批准手続をとる考えであることを明 らかにしている。従つて政府としては、NPT批准手続をと

るに先立つて、まず、わが国が締結する保障措置協定の内容が他の国のそれと比べて実質的に不利な取扱いとならないことを確認するための交渉を国際原子力機関(IAEA)と行わなければならない立場におかれている。

- (中) 他方NPT第3条第4項によれば、NPT発効(昭和45年3月5日)後180日の期間の後に批准書又は加入書を寄託する国は、寄託の日までに保障措置協定交渉を開始しなければならず、「その協定は、交渉開始の日の後、18ヶ月以内に効力を生ずるものとする」とされている。従つて、この条項にいう保障措置協定交渉を開始するという事実によつて一定期間経過後、同協定を発効せしめる義務が生じることになる。
- (イ) 政府は以上のような事情を考慮して、昭和47年以降、
 IAEAの了承のもとに上記のNPT第3条第4項の規定の
 適用を受けない予備交渉を行い、昭和48年11月には、わ
 が国がユーラトムと同様な国内査察の技術的条件を整えれば、
 IAEAはわが国に対してユーラトム並みの待遇を与えることについて基本的な合意に達した。そこでわが国としては、
 今後この合意の内容を盛りこんだ保障措置協定を作成するための交渉をIAEAとの間で進める必要があるが、この交渉もあくまで予備交渉の継続であつて、NPT第3条第4項にいう交渉ではないことを明らかにして、これを行う方針であり、IAEA側もこの点につきはつきりした了解を与えている。
- (=) 従つて、わが国が今後予備交渉を継続する目的は、あくまで政府声明の要請がIAEAとの間の保障措置協定において 充たされるかどうかを確認することにあり、この点が確認さ

れてもそれで直ちにNPT批准がきまるわけではない。NPT 批准は、この予備交渉の結果のみならず、NPT署名の際の 政府声明において述べられている他の2点、即ち、軍縮及び 非核兵器国の安全保障についての考慮を含め、わが国の国益 確保の上から考慮すべき問題につき、総合判断に基づく政治 的決定が行われてはじめて可能となるものである。 On Japan's Ratification of the Nuclear Non-Proliferation Treaty (NPT)

NOTE:

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- 1. Signature of the NPT and government statements

The government of Japan agreed with the spirit of the Treaty and signed the Treaty on February 3, 1970, from the standpoint that the proliferation of nuclear weapons increases the risk of nuclear war and that preventing the proliferation of nuclear weapons is necessary for world peace and is therefore consistent with the policies of the government of Japan.

At that time, in light of the importance of the Treaty, our government emphasized in its statement that regarding the criticism upon the Treaty, the government would be very interested in (a) the implementation of nuclear disarmament, (b) ensuring the security of non-nuclear states, including Japan, and (c) ensuring substantial equality in the peaceful use of nuclear energy with other parties. In particular, with regard to (c), it was pointed out that the ratification procedure of the Treaty will be carried out with due consideration so that the contents of safeguards agreements concluded with the International Atomic Energy Agency (IAEA) under this Treaty will not be substantially disadvantageous to Japan compared to other parties (especially the Euratom countries).

2. Subsequent developments of the issues pointed out in the government statement

Compared to the time of the signature, the situation regarding the aforementioned points has shown the following progress.

(1) Implementation of nuclear disarmament

The United States and the Soviet Union began negotiations on Strategic Arms Limitation Talks (SALT) at the end of 1969, the year after the establishment of the NPT, and concluded the Agreement on Measures to Reduce the Risk of Outbreak of Nuclear War and the Hotline Modernization Agreement in 1971, the Treaty on the Limitation of Antiballistic Missile Systems (ABM), and the Interim Agreement on the Limitation of Strategic Offensive Arms in May 1972. Furthermore, at the U.S.-Soviet Summit held in June 1973, the Agreement on the Nuclear War Prevention was concluded. At the U.S.-Soviet Summit held in July 1974, the ABM Treaty Protocol to strengthen the regulation of the 1972 ABM Treaty and the Treaty on the Limitation of Underground Nuclear Weapon Tests were concluded. With regard to strategic offensive weapons, an consensus was formed to conclude a new agreement as soon as possible before the expiration of the current interim agreement. Subsequently, at the U.S.-Soviet summit meeting held in November of the same year, an agreement was reached on guidelines for future SALT negotiations, such as the total number of delivery systems for strategic weapons, the total number of Intercontinental Ballistic Missiles (ICBM) and Submarine Launched Ballistic Missiles (SLBM) equipped with Multiple Independently targetable Reentry Vehicles (MIRV). Meanwhile, the Geneva Conference on Disarmament, in which Japan participates, established the Seabed Arms Control Treaty in 1971 and is currently actively discussing the issue of a total ban on nuclear tests.

(2) Security of non-nuclear weapons state (Japan)

Since the signature of the NPT, the international situation has been favoring the security of Japan and other non-nuclear weapons states as a whole, as tensions have eased among nuclear powers. In particular, the establishment of friendly relations with China through the normalization of diplomatic relations between Japan and China has contributed to strengthening Japan's overall security.

Needless to say, Japan's security is continuously guaranteed by the Japan-U.S. security arrangements. Incidentally, with regard to the security of non-nuclear weapons states, there was a declaration by the United States, the United Kingdom, and the Soviet Union (June 17, 1968) that "in accordance with the United Nations Charter, assistance will be provided to the Parties to the Nuclear Non-Proliferation Treaty who have suffered an invasion or threat by nuclear weapons," and a Security Council resolution (June 19, 1968), which states that such an aggression or threat with nuclear weapons "will create a situation in which the member states of the Security Council must act in accordance with their obligations under the United Nations Charter." In the government statement at the time of signature, Japan also stated that it would pay attention to the implementation of this resolution until the ratification of the Treaty. There has not been a situation that the resolution is required to be implemented so far.

- (3) Ensuring substantial equality with other parties in the peaceful use of nuclear energy
- (a) This point (3) has been particularly important for Japan, which is in a situation where it has to continue to increase its dependence on nuclear energy.
- (b) In this regard, the Model Safeguards Agreement of the NPT, which fully reflects Japan's position, was drawn up in 1971. And Euratom countries, which were non-nuclear weapons states that were not ratified the NPT and have since attracted attention (West Germany, Italy, Benelux. Denmark and Ireland, which joined the Euratom in January 1973 along with the expansion of the EC, already ratified the Treaty), signed a safeguards agreement with the IAEA in April 1973 in accordance with the framework of the above Model Agreement. Meanwhile, in November 1973, as

a result of several preliminary negotiations on safeguards agreements with the IAEA, Japan reached an agreement in principle to apply the same method and workload of inspection as Euratom, on the premise that Japan's system of accounting for and control (a system for preventing the diversion of nuclear material to military purposes by understanding the current state of the quantity of nuclear material in Japan and managing such nuclear material) should be organized.

- (c) Regarding the equality with nuclear-weapons countries, the United States and the United Kingdom declared that they would be voluntarily inspected by the IAEA (Voluntary Submission). In November 1972, the United States proposed to the IAEA that it accepts IAEA inspections to its nuclear facilities for peaceful use, on the premise that major non-nuclear weapons states (Japan and West Germany) undergo equivalent inspections under the NPT. The United States is currently negotiating with the IAEA. In addition, the United Kingdom has already entered negotiations with the IAEA.
- 3. Our national interest and the NPT
- (1) The necessity of examination from the viewpoint of national interest

In considering whether Japan should ratify the NPT, it is necessary not only to consider whether progress has been made on the points stated in the government statement at the time of the signature of the NPT but also to reconsider the significance of the ratification of the NPT from the viewpoint of Japan's national interest. The following are thought to be particularly important in considering this point.

- (a) Stabilization of international relations is particularly important to ensure the peace and prosperity of Japan. Japan is in a position to maintain the Japan-U.S. security arrangements and make an active contribution to the stability of international relations through the promotion of peaceful diplomacy.
- □(b) Securing industrial energy sources is an urgent issue for Japan. In particular, nuclear power generation is becoming increasingly important as an energy source in place of oil. However, Japan, which relies on foreign countries for its supply of nuclear fuel and needs close cooperation with technologically advanced countries in the field of nuclear technology, needs to establish a system to promote international cooperation for the peaceful use of nuclear energy as smoothly as possible.
- (2) Our national interest and the NPT
- [](a) The NPT aims to create an international environment that reduces the risk of an outbreak of nuclear war by preventing an increase in the number of nuclear weapons states, enhances the stability of international relations, and makes it easier to promote disarmament and ensure peace. It is a treaty to suppress the military use of nuclear energy while promoting the peaceful use of nuclear energy.
- (b) In this regard, the NPT is an unequal Treaty that discriminates between nuclear and non-nuclear weapons states. Some argue that such discrimination might be fixed. However, it should not be overlooked that the NPT recognizes the reality of the international community that some countries actually possess nuclear weapons, and that, as mentioned above, its aim is to create an international environment that will enhance the stability of international relations and make it easier to promote disarmament, especially nuclear disarmament, by preventing further increases in the number of nuclear weapons states. Furthermore, this Treaty aims to achieve the ultimate goal of eliminating the distinction between nuclear and non-nuclear weapons states through the total abolition of nuclear arms.

(Conversely, there would be no objection on how dangerous it is to resolve the distinction between the two countries by allowing non-nuclear weapons states to become nuclear weapons states)

- (c) The NPT is intended to ensure that non-nuclear weapons states can benefit fully from the peaceful use of nuclear energy, including the use of peaceful nuclear explosions, instead of imposing obligations on non-nuclear weapons states not to produce or possess nuclear explosive devices. At the International Atomic Energy Agency (IAEA), the United States stated that bestowal for technical assistance that the United States contributes to the IAEA in connection with the obligations of the NPT parties under Article IV of the NPT will be used preferentially over the parties, and the Soviet Union has made the same statement. The United States also submitted a resolution to establish an organization within the IAEA to provide peaceful nuclear explosion services under Article V of the NPT. The resolution was adopted, and it exemplifies the recent moves by the United States and the Soviet Union's tendency to emphasize the obligations that nuclear weapons states bear under the NPT. Meanwhile, with the advancement of utilization of nuclear power, the contents of international cooperation in the field of peaceful use of nuclear energy that Japan seeks in the future must be related to advanced technologies that could lead to the military use of nuclear energy. Therefore, it is difficult to ensure smooth implementation of international cooperation that Japan needs without clarifying our basic stance on nuclear issues through the ratification of the NPT.
- (d) Although the NPT is not perfect, as stated above, it is the most important and fundamental Treaty in this area that, under the current circumstances of the international community, can meet Japan's national interests to the fullest extent.

From this perspective, Japan should participate in the NPT, promote international cooperation for the peaceful use of nuclear energy, and solidify its position as a peaceful country in Asia to contribute to further stabilization of international relations.

4. Our opinions on the questions regarding the NPT

Regarding the NPT, the following questions have been raised in addition to the questions mentioned in the previous section on whether the NPT will fix the distinction between nuclear and non-nuclear weapons states.

- (a) Even if Japan cannot arm itself with nuclear weapons for the time being, it should not give up its freedom to arm itself with nuclear weapons.
- (b) If Japan joins the NPT, its peaceful use of nuclear energy may be hindered. Moreover, the supply of nuclear fuel may not be hindered even if Japan does not join the NPT.

The following is the response to such questions.

- (1) Regarding the "freedom of nuclear armament"
- (a) It is virtually impossible for Japan to arm itself with nuclear weapons under the Three Non-Nuclear Principles in the near future. In addition, such policies cannot be taken in view of the international environment surrounding Japan, such as relations with neighboring countries in Asia. Therefore, there is little possibility that such unrealistic "freedom of nuclear armament" can be used for diplomatic leverage, for example.

- (b) Even if it is impossible to assert that there is no possibility that Japan will be armed with nuclear weapons in the long term, it is a good idea to participate in the NPT, promote international cooperation in the area of peaceful use of nuclear energy, and improve the overall capacity for the peaceful use of nuclear energy, and ultimately enhance Japan's international voice, rather than to take risks not participating in the NPT on the grounds of these uncertainties, causing suspicions from other countries and being disadvantaged in the area of peaceful use of nuclear energy.
- (c) In the event of an "extraordinary circumstances" in which Japan cannot ensure its security unless it is armed with nuclear weapons in the future, Japan may withdraw from the NPT to deal with the problem. (According to Article X of the NPT, if they find that extraordinary circumstances in relation to a matter covered by the NPT jeopardizes their supreme interests, they shall have the right to withdraw from the NPT after giving three months' notice to all other parties and the Security Council of the United Nations.)
- (2) Peaceful use of nuclear energy
- (a) Japan's industrial power sources will have to increase its dependence on nuclear power generation in the future, and Japan needs to take every possible measure to secure the supply of nuclear fuel for this purpose. At present, Japan depends on the United States for the majority of enriched uranium, and this trend is expected to continue for the time being. Since 1971, the U.S. government has been in a position to suspend the supply of enriched uranium to foreign countries if it is incompatible with the U.S.' obligations (the United States, as a party to the NPT, is obligated not to provide the nuclear fuel, etc. to non-nuclear weapons states unless safeguards under Article III.2 of the NPT applied to them) to foreign countries under the NPT (which is clearly stated in the uranium enrichment contract with foreign customers confirmed in a side letter with Japanese customers). Japan needs to eliminate the causes of instability in the supply of nuclear fuel by joining the NPT.
- (b) Almost all of Japan's nuclear materials are already under the safeguards of the International Atomic Energy Agency (IAEA) through bilateral nuclear agreements. \Box

As was already secured by the 1971 Model Agreement, safeguards under the NPT have been promoting simplification, rationalization, and industrial secret protection compared to the existing safeguards. Furthermore, the objective of Japan's preliminary negotiations with the International Atomic Energy Agency for the conclusion of safeguards agreements is to ensure that safeguards are taken in such a way that industrial secrets do not leak. Therefore, there is no risk of causing hindrance to the peaceful use of nuclear energy by joining NPT.

5. The necessity for early ratification of the NPT $\hfill\square$

(1) Recent developments surrounding the NPT and the need for early ratification

As described in the above 2., the situation surrounding the government statement at the time of the signature showed progress thereafter. Considering also from the viewpoint of Japan's national interest as is described in the above 3., the ratification of the NPT is considered necessary. In addition, considering the recent international situation surrounding the NPT as is discussed in the following sections, Japan should realize the ratification of the NPT as soon as possible.

- (a) Against the backdrop of the situation after India's nuclear test, it is an urgent international task to take more proactive measures to prevent further proliferation of nuclear weapons. Under these international circumstances, Japan's ratification of the NPT is of great significance in international politics.
- (b) The US government is reportedly demanding Israel and Egypt to accept stricter safeguards than those under the NPT. The U.S. government also expressed the view that preferential treatment would be given to NPT parties over non-parties in technical cooperation in the area of peaceful use of nuclear energy. Moreover, there is growing international opinion that concrete measures should be taken to strengthen the NPT system. Therefore, the disadvantages of staying outside the framework of the NPT may increase in the future.
- (c) Preparations for the NPT review meeting, which was incorporated into the NPT's provisions based on Japan's insistence, have progressed, and it has almost been decided that the meeting will be held in May 1975. The purpose of this meeting is to "consider the implementation of this Treaty in order to ensure that objectives of the preamble and the provisions of this Treaty are realized." It is expected that lively discussions will be held on specific measures such as the promotion of nuclear disarmament and the promotion of peaceful use of nuclear energy. But since it is a meeting of the NPT signatories, it is assumed that we ratify it before the opening of the meeting in order for us to participate in this meeting and fully assert our position.
- (d) The EC countries (West Germany, Italy, and Benelux), which are non-nuclear weapons states, do not ratified the NPT and drew attention together with Japan, have signed the NPT Safeguards Agreement in April 1974. Parliament's approval procedures for ratification are completed (West Germany, the Netherlands) or soon to be completed (Luxembourg, Belgium), except for Italy, which is expected to be delayed due to domestic procedural problems.
- (e) Under these circumstances, after four and a half years since the signing of the Treaty the prospects for substantial equality in the field of peaceful use, which Japan has been most emphasizing, have emerged. If Japan continues to hesitate to ratify the Treaty, it is regarded to be more likely that adverse effects, such as the deterioration of Japan's image, destabilization of international relations due to the weakening of the NPT system, and disadvantages to Japan in terms of peaceful use of nuclear energy, will occur.
- (2) The disadvantage of the delay of the ratification

Regard these points, there is a view that it would be more advantageous for Japan not to ratify the NPT for the time being, maintain its position of criticizing nuclear weapons states from outside the framework of the NPT, and to press them to promote disarmament by utilizing this position as leverage. However, (i) as described in 4.(1), it is almost impossible for Japan to postpone its ratification of the NPT and maintain its titular "freedom of nuclear armament" as a diplomatic bargaining chip. Moreover, increasing distrust for Japan because of its refusal to ratify the NPT could undermine Japan's demand for nuclear disarmament. Rather, it is advisable for Japan to participate in the NPT, promote international cooperation in the field of peaceful use of nuclear energy, and enhance its overall capacity for the peaceful use of nuclear energy. It will enhance Japan's international voice in promoting disarmament. And (ii) As described in 5.(1), considering the increasing possibility of specific disadvantages arising from the delay in ratification of the NPT under the recent international trend, policy of postponing ratification should not be taken.

(1) The policy of the government

In preparation for the ratification of the NPT, along with previous policy, the government is making necessary preparations to advance preliminary negotiations with the International Atomic Energy Agency for the conclusion of safeguards agreements in order to ensure substantial equality with other NPT parties in the field of peaceful use of nuclear energy. With the completion of these preparations, the government intends to resume preliminary negotiations for the conclusion of safeguards agreements and seek Diet approval as soon as possible based on the results of the negotiations with the consent of relevant parties.

- (2) Relationship between negotiations to conclude safeguards agreements and ratification of the NPT
- (A) In its statement issued at the time of the signature of the NPT, Japan made clear that the contents of the safeguards agreements concluded by Japan should not be treated in a substantially disadvantageous manner in comparison to those concluded by other parties. The government of Japan also intends to undertake ratification procedures for the NPT with due consideration of this point. Therefore, prior to ratifying the NPT, the government is in a position to conduct negotiations with the International Atomic Energy Agency (IAEA) in order to confirm that the contents of the safeguards agreements concluded by Japan are not substantially disadvantageous compared to those of other countries.
- (b) On the other hand, according to Article III, Paragraph 4 of the NPT, a country depositing their instruments of ratification or accession within 180 days from the date of entry into force (March 5, 1970) of the NPT shall commence negotiations on safeguards agreements not later than the date of deposit. And it is said that "the agreement shall enter into force not later than 18 months after the date of initiation of negotiations." Therefore, the fact that negotiations on safeguards agreements under this Article are to be commenced will lead to the obligation to bring into force the agreement after a certain period of time.
- (c) Taking into account the above, the government of Japan, with the approval of the IAEA, held preliminary negotiations after 1972, which were not subject to the provisions of Article III.4 of the NPT. In November 1973, a consensus was formed in principle that IAEA would grant Japan the same treatment as Euratom if Japan established the technical conditions for domestic inspections same as Euratom. Therefore, Japan needs to proceed with negotiations with the IAEA to draw up the safeguards agreement that incorporate the contents of this consensus. Japan has made it clear that this is the continuation of preliminary negotiations and not the negotiations prescribed in Article III.4 of the NPT. The IAEA has given a clear understanding of this point.
- (d) Therefore, the purpose of Japan's future preliminary negotiations is to confirm whether the request in the government statement will be fulfilled in the safeguards agreement with the IAEA. Even if this is confirmed, the ratification of the NPT will not be decided immediately. The ratification of the NPT will only be possible when a comprehensive political decision is made based not only on the results of the preliminary negotiations but also on issues that need to be taken into account in order to ensure Japan's national interests, including disarmament and the security of non-nuclear weapons states, which were the two points mentioned in the government statement at the time of the signature of the NPT.