

Laying the Groundwork for Promoting Nuclear Disarmament: An East Asian Perspective

Introduction

Since the late 2000s, there has been a renewed emphasis on the importance of taking steps toward nuclear disarmament. Beginning with an op-ed by the ‘Four Statesmen’ in the Wall Street Journal in 2007, a number of world leaders spoke about the need to work toward a world without nuclear weapons. In 2008, the Governments of Australia and Japan created the International Commission on Nuclear Non-proliferation and Disarmament, co-chaired by former Foreign Ministers Gareth Evans and Yoriko Kawaguchi. In 2009, U.S. President Barack Obama delivered a speech in which he recommitted the United States to pursuing a world free of nuclear weapons. The United States and Russia, under a new START, which was concluded in 2010, agreed to reduce their strategic nuclear arsenal as low as 1550 warheads, and 700 deployed strategic delivery systems (or 800 possessed). When the treaty obligations are fulfilled by the two countries, the total number of nuclear weapons will be reduced to one-fourth of the peak in the 1980s. The 2010 NPT Review Conference successfully adopted an action plan containing 64 concrete steps to promote nuclear disarmament, non-proliferation and peaceful use of nuclear energy. It urged NWSs to step up their disarmament efforts with the principles of transparency, irreversibility and verifiability. The final document of the 2010 NPT Review Conference also referred to a humanitarian dimension of use of nuclear weapons, which was followed by series of conferences on the humanitarian impact of nuclear war.

However, the rising tensions in a number of regions present obstacles to nuclear disarmament. Such challenges include North Korea’s nuclear and missile testing and its provocative foreign policy, rising tensions in East Asia, questions over the nature of Iran’s nuclear program, which have not completely swept away, continued, or even upgraded nuclear rivalry between India and Pakistan.

Also the pessimistic prospects for the next round of US-Russia arms control negotiation, particularly in light of Russia’s seizure of Crimea and continuing efforts to destabilize Ukraine. The United States and Russia should remain committed to their leadership role in reducing nuclear weapons, as they still possess the vast majority of nuclear weapons in the world. But this bilateral relationship over arms control will face a major challenge as it steps into a post-new START phase. Russia and the United States have

not agreed on the agenda of a post new START round of arms control negotiation.

Deterioration of regional security environment and rise of nuclear rivalries in some regions also eclipse the trend of a world free of nuclear weapons. Particularly, situations in South Asia, the Middle East, and East Asia require special attention. In addition, tension between Ukraine and Russia overshadows security environment in Europe. These challenges indicate that disarmament discussions and dialogue at multilateral forums may not be sufficient to create momentum and concrete initiatives to nuclear arms reduction.

The NPT (Nuclear Non-Proliferation Treaty) review process is the most universal and legitimate multilateral forum for discussing measures and steps toward the total elimination of nuclear weapons (although some nuclear-armed states remain uncommitted to the treaty). It sets universal trends of discourse on, and setting norms with regard to disarmament measures. Decisions and action plans, which were adopted by the NPT Review Conferences, bind NPT member states politically. However, the implementation of decisions and action plans is left to each member state, and furthermore, they do not bind non-member nuclear armed states such as India, Pakistan, and Israel, as well as DPRK (debatable, though). NPT has functioned as a forum to set general trends and norms, rather than a platform for the implementation of disarmament measures.

In reality, while the NPT process provides trends and norms, major achievements in the actual reduction of nuclear weapons have been made through bilateral arms control negotiations between the United States and the Soviet Union/Russia. Other NWSs have not been engaged in a formal arms reduction process with other NWSs.

The role of nuclear weapons in security strategy and policy is different in each nuclear-armed state, given the difference of strategic priorities of each state. When strategic priorities depend on the state's environmental, strategic alignments, the role of nuclear weapons in its national strategy is naturally identified differently. For non-nuclear weapon states, the role of nuclear weapons, which they expect in their security policies, varies depending on their relationships with nuclear weapon states and security environment in which they position. This suggests that it is difficult to find a universal formula for nuclear disarmament, which would fit to all nuclear armed states. Rather than binding all nuclear armed states in a set of universal norms and rules, addressing incentives of nuclear disarmament in the context of regional security is critical to envisioning concrete steps toward promoting nuclear disarmament.

This is particularly true in Asia. Asia is currently in a period of great strategic

uncertainty, as multiple states including China expand their military capabilities, tensions over territorial disputes intensify in East and South China Seas, and historical differences deteriorate relationships among major regional players.

Until now, various reports have been commissioned by international commissions, panels, and other private initiatives, which have prescribed valuable proposals for furthering nuclear disarmament. However, due to political sensitivities and the difficulty in making a consensus within these initiatives, they have not fully considered the regional strategic context as a core agenda of nuclear disarmament. If a nuclear disarmament timeline can be categorized into two phases, namely minimization phase and elimination phase, as done by a report of the International Commission on Nuclear Non-Proliferation and Disarmament, this report will focus its work on trying to provide the groundwork for designing a strategy of minimization phase, from a regional security perspective, for multilateralizing nuclear disarmament efforts by engaging nuclear armed states other than the United States and Russia in nuclear disarmament. The process of realizing nuclear arms control and disarmament in East Asia would require synchronization of regional security détente and disarmament measures in multilateral arenas.

1. Characterizing Strategic Environment in East Asia

While the risk of nuclear war between major powers has been reduced since the Cold War period, the role that nuclear weapons play in shaping security relationships in East Asian remains critical. In particular, three characteristics of regional security environment of the region, namely, high-nuclear density, persistent reminiscence of the Cold War, and changing status quo with the rise of China and other emerging states in Asia, all affect the undertaking of nuclear disarmament in the region.

All the states of East Asia either possess nuclear weapons or security guarantees from nuclear-weapons state. China, Russia and North Korea are nuclear armed, while the United States provides security guarantees to both Japan and South Korea.

North Korea, having conducted three nuclear tests and several missile launches, is steadily developing its nuclear weapon capabilities. Although it is not clear whether it has already acquired credible capability to launch nuclear attacks on Japan, ROK and the United States, it certainly poses threats to the regional stability, given its behavior is rather unpredictable, and exploits other states' willingness to engage North Korea in order to extract benefits from negotiations. In this sense, North Korea's WMD threats remain an essential issue to be addressed in order to realize the denuclearization of Northeast Asia. Though unknown, North Korea may have the capability to detonate

nuclear devices as well as the certain amount of separated plutonium which could be enough for 12 (6 to 18) warheads, and delivery capability with ballistic missiles reaching to U.S. territories as well as Japan. North Korea has an enrichment site at Yongbyon. Additional sites may provide another source of fissile material.

With regard to Chinese nuclear posture, it is estimated that China may have a stockpile of 200 to 300 warheads, with more than 100 warheads deployed on DF-3, DF-3, DF-5, DF-21 and DF-31/31A ballistic missiles. China has also constructed at least three Jin-class ballistic missile submarines (SSBN), each of which can carry 12 JL-2 ballistic missiles which may be deployed as early as this year. China's deployment of new road-mobile and sea-based ballistic missiles may afford China a more resilient second-strike capability.

Although Russia is normally considered a European power, Russia has deployed a significant portion of non-strategic nuclear weapons east of the Ural Mountains. Moreover, Russia has pointed to China's growing number of ballistic missiles as one possible rationale for withdrawing from the 1987 Intermediate-range Nuclear Forces (INF) treaty. At present, the United States government believes that Russia may be circumventing or violating the INF treaty by deploying a new two-stage RS-26 intercontinental-range ballistic missile intended for regional deterrence missions, as well as a 2,000 km-range ground-launched cruise missile.

Meanwhile, the predominance of the United States in the region, with its sound forward deployment capabilities, constitutes a major element of Asian regional security order. NNWSs such as Japan and ROK were also beneficiaries of U.S. extended deterrence. Although, as mentioned below, there has been debate over the diminishing role of nuclear weapons in security strategy of the United States and increasing importance of conventional element of U.S. forces, a major element of U.S. extended deterrence remains nuclear deterrence. Under the changing strategic environment in East Asia, with the rise of China's military capability and some constraints on the U.S. 'pivot' to Asia, U.S. allies and partners seek more credible extended deterrence.

In addition, non-nuclear weapon states in the region, namely Japan and South Korea along with Taiwan, have extensive civilian nuclear power programs. Japan is the only non-nuclear weapons state that has nearly full scale nuclear fuel cycle capacity, and South Korea is interested in recycling of nuclear spent fuel, with its own research agenda for pyro-processing, a kind of reprocessing technology. Such technology may be diverted into the production of weapon-usable materials, and be perceived as a latent nuclear weapon capability, which may potentially pose a sense of threats to others even if they are under IAEA's safeguards. Due to the lack of trust among states in the region,

it is true that even nuclear energy programs under the IAEA safeguards may pose some security concerns to the international community. In this sense, the nuclear fuel cycle program of Japan, the largest program among non-nuclear weapon states, would require a more accountable or credible plan to manage separated plutonium.

In Southeast Asia, with the economic rise, some countries such as Vietnam are interested in nuclear power programs, in order to meet their rising energy demand. With China's ambitious plan of expansion of its nuclear power generation, Asia is the center of growth of nuclear activities. Rapid economic development also increases the risk of spread of sensitive, dual-use technology and items.

With regard to the general (non-nuclear) political and security environment, along with the reminiscence of the Cold War rhetoric, namely strong inclination toward nationalism, divided nations, and balance of power dynamics, Asia is entering the period of great changes in strategic landscape. Cold War-like logics overshadow the overall political and security environment in the region. U.S. alliances with regional partners such as Japan and ROK are linchpins of the regional security architecture. Due to historical legacies, however, U.S. regional allies are not able to establish effective security relationships among themselves. For the same reason, Japan and China are not able to get engaged in sustainable strategic dialogue. Instead, accelerated by the historical legacy and territorial dispute in East China Sea, the two countries are competing for political influence over the rest of Asia, and for the blessing by the United States on the legitimacy of their positions in the post-war international order.

The rise of China is a major factor to shape the regional strategic environment. China explains its rise as a peaceful one, and has no intention to challenge the international order. In the meantime, China seeks a 'new model of major power relations' with the United States, the core notion of which is not yet clear to others. This notion is received by Japan, the United States and other states with great caution, seen as China's willingness to reign the region at most, or China's denial of U.S. predominance and intervention in Asian strategic relationships. China's assertiveness in the maritime domain affirms such anxiety. It awakes a suspicion on its intention whether China tries to establish its preeminence as a dominant regional power to shape the international relations in the region. Although it may be natural for China to seek to increase its influence in regional politics as its power grows, its assertive maritime behavior in East and South China Sea, trying to change the status quo by coercion or pressure, certainly has adverse effect on the establishment of peaceful and stable regional security environment.

The Chinese assertiveness will also remind Japan of the utility of alliance or security

partnership with the United States, and justify other regional states' buildup of more robust defense and enforcement capabilities, which may eventually provoke arms races in Asia. In fact, Southeast Asia is a hotspot of maritime capability buildup. (some concrete examples such as Vietnam's acquisition of submarines from Russia along with the nuclear power plant deal...) In such a strategic environment, the role of nuclear weapons in deterrence, though remaining as an ultimate guarantor, may not be as big as it used to be in the US-Soviet bipolar system. Rather, the role of conventional deterrence has been increasing. Further, in such a circumstances, non-military measures diplomacy and dialogue should be given a high priority in order to prevent the destabilization of the regional security environment.

In sum, in order to establish a formula/prescription to further promote dialogue and subsequent implementation of nuclear threat reduction and disarmament in East Asia, it is necessary to address both nuclear and non-nuclear elements of strategic relationships among regional actors, as well as the balance among them.

2. Toward Arms Control Dialogue in East Asia

(1) Addressing Asymmetric Nuclear Relationship between the United States and China

As seen in the matrix below, there are significant differences in nuclear policy of two major nuclear players in East Asia. It makes it difficult to apply the experiences and lessons during the Cold War of the arms control relationship between two superpowers into the situation in East Asia.

United States		China
✓ 1550 strategic warheads 'deployed'	nuclear arsenals	✓ 300 warheads 'possessed'
✓ MAD with Russia		✓ mainly medium range
✓ No recognition of China as a peer competitor	Nuclear doctrines	✓ Minimum deterrence to limited deterrence?
✓ "Trust but Verify"		✓ Not seeking parity
✓ Diminishing role of nuke in national security policy	Arms control principles	✓ Confidence building through declaratory policies (NSA, NFU)
✓ Shaping global order		✓ Expanding areas for freedom of action and exerting influence in regional politics (territorial)
✓ Regional stability through predominance	Strategic objective	✓ A2/AD capabilities
✓ Forward deployment, preparing for regional contingencies		✓ developing maritime capabilities
✓ Missile defense	Conventional forces	✓ No allies to assure
✓ Extended deterrence	Assurances to allies	

So far, neither China nor the United States shows interest in getting engaged in arms control dialogue while they have started strategic dialogues at various levels on agenda related to their nuclear policies and strategic issues for confidence building. However China and the United States may not be able to work together for nuclear arms reduction in the absence of the formula of stable strategic relationship that provides a baseline for arms control..

If the United States and China under current asymmetric nuclear relationship try to establish a stable strategic relationship, which would lead them into nuclear threat reduction and disarmament, two paradoxes must be resolved.

Paradox I: Is the symmetry as a given factor for the stability?: Pursuit of 'symmetry' in strategic forces and doctrine established the *pro forma* balance of power in case of the Cold War US-Soviet strategic stability. But if China does not seek parity with the US, and the US may not recognize the vulnerability (officially), they need to seek the stability under asymmetries.

Paradox II: Asymmetric strategic relationship may require a fine-tuned modality of stability. However, the sophistication of a notion of strategic stability in this particular relationship may highlight the gaps that exist between two NWSs. Subsequently, the best mix of nuclear and conventional elements of deterrence both in punitive and denial capabilities as well as the combination of political and strategic (or military) stability are taken into account in a formula of stability. As Chinese and U.S. strategies are changing, it seems the stability is a kind of moving target, and extensive political

maneuvering should be required for both sides to agree on the state of stability.

(2) The Relationship between Declaratory Policies and Arms Control Principles

One of the important factors that have maintained the arms control process between the United States and Russia effective has been confidence building through the practices of verification. The two states have shared a principle for making arms control effective to establish (or to mutually agree on the perception of the establishment of) strategic stability between them. But it was possible only because they had clearly defined the scope of arms control under a common perception/definition of the state of 'strategic stability' with a strategic principle of 'mutual assured destruction,' and an arms control principle of 'trust but verify (which China has not accepted yet).'

In East Asia, among major nuclear powers, namely China, the United States, and Russia, mutually agreed concepts of the state of stability and the role and modality of arms control does not exist. In order to establish a more stable strategic relationship between the United States and China as a foundation for nuclear disarmament, it is necessary to have better mutual understanding on nuclear policies, and agree on principles of the relationship and arms control.

(3) Diminishing Role of Nuclear Weapons in the U.S. Nuclear Posture: Nuclear-Conventional Paradox?

In the debate for the 2010 NPR (Nuclear Posture Review), the major attention was paid to whether the United States decides to limit the role of nuclear weapons. Some argued that U.S. commitment to alliance obligation could be achieved by limiting the role of nuclear weapons while others argued for the maintenance of status quo. As a result, the NPR narrowly defined the 'fundamental role' of U.S. nuclear weapons as 'to deter nuclear attack on the United States, our allies, and partners.' It also suggested the future course of declaratory policy as 'the United States will consult with allies and partners regarding the conditions under which it would be prudent to shift to a policy under which deterring nuclear attack is the sole purpose of U.S. nuclear weapons.' But at the same time, it did not step into the 'sole purpose' by stating 'there remains a narrow range of contingencies in which U.S. nuclear weapons may still play a role in deterring a conventional or CBW attack against the U.S. or its allies and partners.'

The 2010 NPR also indicated the growing importance of the role of conventional elements, such as missile defense cooperation, counter-WMD capabilities, and conventional power-projection capabilities, in addition to the development of conventional prompt global strike capabilities, in extended deterrence. It mentioned

that ‘enhancing regional security architectures are key parts of the U.S. strategy for strengthening regional deterrence while reducing the role and number of nuclear weapons.’

Although such a trend is generally favorable to the objective of reducing the role of nuclear weapons, some uncertainties must be properly addressed in order to avoid the stability-instability paradox. In comparison with nuclear deterrence, deterrence by conventional forces may increase uncertainty or difficulty in strategic calculations. First, conventional forces may have a lower threshold for actual use of such forces than mobilizing of nuclear forces. And it would be difficult to calculate the costs and benefits of conventional military operations. Second, the inclusion of missile defense (although it may provide only limited capability against sophisticated long-range missile attacks) and CPGS into the formula of deterrence will make a formula of strategic stability more complicated, and obviously create even greater asymmetry in military doctrines between the United States and other nuclear weapon states.

A large variance, with broader scope of approaches and targets, in strategic calculations would be a source of miscalculation and misunderstanding on both sides of confrontation. It would cause unnecessary, unwanted escalations of the situation.

(4) China’s Strategic Ambiguity

While China maintains relatively small scale of nuclear arsenal, China’s approach to deterrence heavily relies on ambiguity in its capabilities. The lack of transparency is rather considered as a strategic asset for China to make up the inferiority of its nuclear arsenal both in quality and quantity. Instead, China rather emphasizes ‘transparency’ in its doctrine. It claims that it maintains No-First-Use policy, saying in “China’s National Defense in 2010,” that ‘China will not be the first to use nuclear weapons at any time and under any circumstance, and unequivocally commits that under no circumstances will it use or threaten to use nuclear weapons against non-nuclear weapon states or nuclear weapon free zones.’ China also claims that their warheads are not “mated with” delivery vehicles. The modernization of nuclear arsenal certainly poses questions over sustainability and credibility of such declaratory policies. For example, introduction of SSBN inevitably changes de-alert status of nuclear weapons, as nuclear warheads must be mated with delivery vehicles (SLBM) in submarines while engaged in patrol mission.

While China has not developed its nuclear arsenal despite its ability in the last decades, China takes a different approach to expand its military influence in the region. China’s Anti-Access and Area-Denial (A2AD) capabilities may have certain deterrence effect.

With A2AD capability, China could prevail militarily in a limited area (within the first island chain, for example) in a relatively short period of time while it could conduct military operations to achieve strategic (or sub-strategic) objective such as gaining control over Taiwan, by denying U.S. force deployment capabilities in reaction to contingency on Taiwan. The U.S. Quadrennial Defense Review (QDR) saw the China's development of A2AD capabilities as undermining the dominant US capabilities to project power, which may result in threatening the integrity of US alliances and security partnerships, reducing US security and influence and increasing the possibility of conflict.

3. Security Assurances

Currently, U.S. security assurances remain a key element of security policies of NNWSs such as Japan and South Korea, and the forward deployment capability and overall security role that the United States plays in East Asian provides stability. If the region tries to reduce the role of nuclear weapons, alternative measures of security assurance for NNWSs should be pursued. The followings are some issues that need to be addressed.

(1) Assessing the Utility of the Concept of Nuclear Weapons Free Zone in East Asia

Northeast Asia along with South Asia is a part of the whole Asia where nuclear weapons free zone (NWFZ) arrangement is absent. In other parts of Asia, denuclearization is spreading through NWFZ arrangements. So far, Southeast Asia, Central Asia, and Mongolia as a single state, are formally recognized as nuclear weapons free zones. In the meantime, in East Asia, although there are ideas of NWFZ floating, as a step toward the elimination of nuclear weapons, a formal political/diplomatic agenda has not yet been adopted.

The foundation of such ideas is to provide negative security assurance (NSA) to non-nuclear weapon states. Does such a declaratory policy by NWSs have a bearing on the credibility for NNWSs to leave their fate to such a political and legal commitment, given the current strategic environment in East Asia? In most proposals, an East Asian NWFZ, when realized, would cover Japan, South Korea and North Korea as the subjects to be granted security guarantee from NWSs.

The peculiarity of a case of NWFZ in East Asia, in comparison with other NWFZs, is that regional nuclear armed states including China and North Korea are internal players indivisible from the regional strategic dynamics while in other NWFZs, member states in the region are all guaranteed NSA by external NWSs. (note: Arguably, this

view may be challenged by those who would see China as an internal actor in Southeast Asian security dynamics, or who would view U.S. global roles in various parts of the world.)

Currently, Japan and South Korea are under U.S. nuclear umbrella. Japan, in particular, seeks a stable strategic relationship with, or deterrence vis-à-vis, China through the US-Japan alliance. Can all NWSs including China agree that Japan and South Korea would be given the assurance that they would not be attacked with nuclear weapons while they maintain their extended deterrence relationship with the United States? Alternatively, they may be required to abandon U.S. nuclear umbrella in exchange for receiving NSA. Are they convinced that NSA through NWFZ would be better off than U.S. extended deterrence? Or, is it possible to envision a phased transition from the co-existence of extended deterrence with NSA to NSA through a NWFZ arrangement, as a foundational architecture of security assurance to NNWSs, without posing the sense of vulnerability to NNWSs in the region?

What is the status of North Korea, which claims itself as a nuclear armed state? Is it a nuclear armed state to provide NSA to NNWSs, or a NNWS to be granted NSA? If the latter is the case, the denuclearization of North Korea becomes the precondition for realizing NWFZ in East Asia. While North Korea did not believe U.S. unilateral declaration of negative security assurance, how could it accept multilateral NSA including the United States?

These questions always lead into “the chicken or the egg” causal dilemma. That is whether confidence building should come first, as a necessary condition for the establishment of a NWFZ and nuclear disarmament, or commitment by NWSs to NSA would facilitate the easing of tensions among states, which eventually lead into the elimination of nuclear threats from the region.

In order to address this dilemma, it is necessary to identify the conditions for declaratory policies to be effective and credible.

(2) Implication of the Ukraine Situation on East Asian Non-Proliferation and Disarmament Scenes

The Ukraine situation may inhibit a new arms control initiative between the United States and Russia. It may correctly or wrongly provide lessons in non-proliferation and disarmament on how the relationship between a major NWS and a NNWS would take shape in the absence of profound and enduring confidence among regional security stakeholders.

The international community perceived that Russia's behavior to disregard various legal and political arrangements associated with the settlement of the breakup of the Soviet Union, including the Budapest Memorandum on Security Assurance in 1994, Helsinki Declaration in 1975 and the U.N. Charter. Russia's behavior devalued legal and political commitments.

Russia's pressure against Ukraine was exerted from the disparity between Russia and Ukraine in military capability and Ukraine's vulnerability in energy dependency. Even though this case of an infringement cannot be judged whether it constitutes "an armed attack," Ukraine's security interests were severely damaged.

As a result, the logic that by giving up nuclear weapons, Ukraine gained security benefit, which was underlying assumption for the post-breakup security arrangements between Russia and former Soviet republics that transferred nuclear weapons to Russia. The ultra-nationalists in Ukraine claimed that Ukraine was threatened by Russia because it gave up nukes upon independence. Such an argument suggests that the vulnerability of a NNWS vis-à-vis the provocation or hostile attitude of a nuclear-armed state could be recovered by nuclear deterrence. Hence a NNWS in such a vulnerable position might be tempted to seek security assurance by other NWS or by itself.

It should be emphasized that the situation of Asian allies such as Japan and ROK under the formal arrangement of U.S. extended deterrence is different from the situation of Ukraine, which is not in a legal security arrangement with the United States. The United States would be more committed to the security of Asian formal allies. Therefore, U.S. response to the situation of Ukraine is simply inapplicable to the US-Japan relationship.

However, when turning our eyes into other Asian countries, there are states, in particular the Philippines and Vietnam, who are confronted with China's pressure and assertive actions in South China Sea without extended deterrence by anyone including the United States. The Philippines moved to re-establish a *de facto* alliance relationship with the United States, while Vietnam has so far not been seeking any security arrangement with others. Also how DPRK learns lessons from the fate of Ukraine, along with the case of Libya, should be carefully assessed.

The Devaluation of political and legal commitments of security assurance caused by Russian behavior may undermine the credibility of declaratory policy measures among NNWSs. Declaratory policies can effectively contribute to confidence building and subsequent détente as well as arms control/threat reduction, when such policies were

conceived as enduring commitments which are resilient to the ups-and-downs of the relationships. Russia's violation of the political commitment of security assurance to Ukraine under the Budapest Memorandum may give an impression that declaratory policy is easily broken, and the principle of the rule of law may be weak to guarantee the peace and stability of strategic relationships.

Therefore, it is a daunting task for the international community, in particular NWSs, to restore the confidence on political and legal commitments on security arrangements by NWSs, in order to further promote nuclear disarmament.

(3) Impact of Humanitarian Issue on the Role of Nuclear Weapons

With regard to the diminishing role of nuclear weapons, it is also important to take note the implication of rising discourse on humanitarian impact of the use of nuclear weapons. The humanitarian issue has been debated in various forums including NPT Review Conferences in the past. The 1996 ICJ Advisory Opinion on the Legality of the Threat or Use of Nuclear Weapons said that "the threat or use of nuclear weapons would generally be contrary to the rules of international law applicable in armed conflict, and in particular the principles and rules of humanitarian law." But the following description with regard to situations of self defense where the very survival of a state was at stake allowed the justification of use or threat of use of nuclear weapons.

Then it was the 2010 NPT Review Conference that, for the first time, included a phrase to refer to the humanitarian concern in its final document. Then, the Conference on the Humanitarian Impact of Nuclear Weapons was launched, and held its first meeting in Oslo in March 2013, the second in Nayarit, Mexico, in February 2014. The third meeting will be convened in Austria in December 2014. The international community is still divided over whether this momentum should be further directed toward the establishment of a nuclear weapons convention, which would comprehensively prohibit the use, possession, production and other activities related to nuclear weapons. Therefore, it is still premature to assess the impact of such a rise of humanitarian discourse on nuclear weapons although it certainly helps delegitimizing nuclear weapons in international security. Nevertheless, it is certain that there will be growing needs for strategic planning to take into account such humanitarian consideration, in such areas as a targeting policy (or growing taboo for counter-value target policy).

4. Agenda for Moving Forward

Under the current circumstances, it is not likely, in the foreseeable future, that the

United States and China, along with Russia, would be engaged in a formal arms control talks, which may lead into formal arms reduction arrangement. China will not agree on disclosing the numerical information on its nuclear arsenal, including the number of warheads, the size of fissile material stockpile, the number and variety of ballistic missiles until China would become confident in acquisition of credible deterrence capability with more sophisticated nuclear strike capabilities.

It is understandable that, given that China is in an inferior position vis-à-vis the United States and Russia, China tries to secure deterrence with the ambiguity or the lack of transparency. Nevertheless, if all nuclear armed states are to be involved in nuclear disarmament, it is essential to address the transparency issue, without which parties concerned cannot determine where to start.

As the groundwork to prepare for that moment, there should be some measures.

(1) Agreeing on Principles

- Sharing mutual strategic concerns.
- Developing a common concept of strategic stability in the US-China context and then US-Russia-China triangle, and establishing a common ground for building principles of arms control.
- Promoting US-China strategic dialogue on arms control, with more binding, credible commitment by both. Need for incentives for China to be engaged. It should address transparency in force structures and nuclear doctrines, mutual understanding of strategic objectives and interests.
 - Rebalancing the balance between nuclear and conventional elements of extended deterrence, given US regional alliances remain stabilizing elements of regional security dynamics.
 - Considering a possibility of taking into account non-strategic, and political elements, namely economic interdependence with globalized supply chains in threat reduction.
- Thinking about measures to reassure NNWSs in the region, including jointly reaffirming the role of U.S. extended deterrence (in nuclear and conventional), as a stabilization measure until an alternative security arrangement will be in place.
- Identifying a most appropriate framework/forum of starting such strategic dialogue.

(2) Confidence Building Measures

- Continuing and strengthening P-5 dialogue for NPT process. (Currently, P-5 dialogue addresses terminology and transparency issues.)
- US-China mutual visit to nuclear-related activities including fissile material production sites, and missile defense sites (possibly involving U.S. allies to some

extent.)

- Inviting China to the inspection activities as a part of implementation of new START obligations
- China's declaration of the size of fissile material stockpile
- Mutual visit to selected strategic assets (ICBM fixed-sites)