

# Negotiating Sovereignty: Japanese Power and the Non-Proliferation Treaty

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DANIELLE AMARAL MAKIO, APR 3 2019

The nuclear attack suffered by Japan at the end of World War II ushered in a new era in the context of international security and affirmation of hard power. The power demonstrated by atomic weaponry would divide the world between countries that had the weight of nuclear weapons in their arsenal and those who did not enjoy such technology. During the Russian-US arms race during the Cold War, the centrality of the nuclear debate amidst international relations was further highlighted: increasing efforts by various countries to build their own bombs grew substantially, as well as the demand for nuclear raw materials in several world regions (Ford, 2017: 402; 403).

Seeking to maintain the status quo within the new context inaugurated by the Hiroshima and Nagasaki attacks, the US and the USSR were at the forefront of constructing a new world order. Since its inception, negotiations were marked by the existence of two distinct groups of actors: those who already achieved nuclear technology and those who did not. In view of the imperatives of atomic weapons, as well as of the new dynamics of security established by them, the mere division of the group of negotiators between “nuclear” and “non-nuclear” already predicted the asymmetries involved in the negotiation process (Ruzicka & Wheeler, 2010: 72; 74).

The motivations that encouraged countries to arm themselves and the credibility of their promises of not doing so have been the subject of analysis by a number of scholars, including Scott Sagan, Jan Ruzicka, and Nicholas J. Wheeler. Roland Popp seeks to outline the contributions of the two Cold War superpowers throughout the negotiations, a line also followed by Thomas Graham Jr, who gives a picture of the US leadership over the course of the negotiations. On the other hand, William Walker and Nicholas J. Wheeler shed light on the position of non-nuclear countries in the middle of the discussions that led to the conclusion of the agreement. Fintan Hoey writes about Asian positioning centered in Japan, which was favorable to the signing of the document. Jacqueline C. Reich, making use of game theory, proposes to evaluate the achievement of the objectives of the treaty, an analysis in which she emphasizes the importance of the Russian and American leaders in the conduct of the negotiation rounds. Finally, Carlton Stroiber, Andreas Wenger and Liviu Horovitz make a general assessment, through a critical analysis of official documents and historical accounts of the agreement, from the start of the discussions to the finalization of the agreement.

The centrality of the discussions about the position of the USSR and the US in terms of protagonism and power is remarkable. The performance of other regions, however, is undervalued and treated in a superficial way, a fact that limits the construction of a properly attentive analysis of the impacts driven by the Nuclear Non-Proliferation Treaty (NPT) in the global context as a whole. The purpose of this paper is to provide a more detailed study of the negotiation process within the Asian countries, with Japan being selected here as a specific regional case due to the complexity and symbolic value of its participation in the negotiation process. Based on a contrast between the Japanese, North American, and Soviet actions, this essay aims to evaluate the asymmetries of power existing between the East and the hegemonic heyday of the Cold War during the agreement negotiation. Such factors, therefore, are determinant for the final document to have the requisite force to implement a new world order that would guide international security and the global balance of power.

From a brief analysis of the general context that dictated the beginning of negotiations, the following chapters will

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analyze: the phases of the negotiation process; the protagonism of the United States and the USSR; and the Japanese position on the progress of the negotiations and their effective contribution to the negotiation.

## The Negotiation Process: A Theoretical Approach

During the decades that took place after the end of the Cold War, there was a significant spread of nuclear weapons, a fact that raised hopes of further proliferation in the near future. Concerned about the prospect of atomic conflicts and the possibility of the establishment of a new world order in which the US no longer held the position of absolute hegemony in the West, President Eisenhower came to the public in 1953 and expressed his concerns in the famous "Atoms for Peace", speech in which he cried for the end of the nuclear race. Encouraged by this, the International Nuclear Energy Agency, an autonomous arm of the United Nations, was created in 1957; the same year when the first proposals for containment on the part of the US and the USSR were outlined. In the following year, Ireland submitted a formal proposal for a total ban on nuclear weapons of any kind. The Irish action had set the precedent for the submission of numerous proposals by peripheral states or members of the so-called "Third World." This fact drew the attention of the two world powers to the possible threat of the creation of a new regime that could not be aligned with the values and ideals of the dyad. Thus, in 1960, with a public invitation from Eisenhower to the USSR, the first formal approximation between both of them occurred (Arms Control Association, 2012; IAEA, 2017; UNODA, 2017).

Under this context, the first round of negotiations began. Restricted to the participation of the two superpowers, this moment is marked by the arrangement of both interests and aims to guarantee the persistence of the hegemony of these countries during the new coming order. Throughout this bilateral period there were some divergences between the actors, which were more easily overcome after China's first successful nuclear test in 1964, which raised the haste of the process. In 1966, the USSR submitted a new NPT proposal which, once accepted by the US, inaugurated a period of multilateral negotiations whose conclusion in 1968 culminated with the signing of the document. The final body of the treaty, which will be more carefully studied posteriorly, is influenced by the active participations of other countries during the second round of negotiations. Between these, Japan rose as an important advocate for substantive conceptions made by the superpowers (Arms Control Association, 2012; IAEA, 2017; UNODA, 2017).

The analysis of the whole negotiating process of the NPT must be made under the light of the cultural differences that mark the performance of the various agents. According to Peter Berton, cultural differences impact the way each negotiator deals with the bargaining process. Since it is through the subjectivity that surrounds the culture that actors shape, the way they process the messages they receive, a fact that, in the latter instance, impacts their behavior throughout the negotiation. In such a way, it is possible to define that Japan, a state particularly marked by a dual culture, ethical and implicit, values good relations between the parties involved and expresses its opinions in a diluted way, without resorting to clear and objective statements. On the other hand, the United States, given its exaltation of the normative and symbolic bases that have led to its independence, tends to demonstrate a much more legalistic stance, watching over normativity and praising for its so called exceptionalism. Finally, the USSR, at that time represented by Khrushchev, has its position strongly influenced by the Russian Self, whose culture of harder matrices results in a much more aggressive position throughout the negotiations, being an actor that presents more intransigence (Berton, 1998: 215; 219; Hoey, 2017; Sagan, 2011).

Moreover, according to G.R. Berridge, it is essential to have a pre-negotiation phase which ensures that the parties involved in the negotiation process are able to clarify to one another that there are common and divergent interests at stake, that there is the imminence of a disaster whose inevitability is certain if there is no negotiation, and finally, that there is a possible solution to the problem (Berridge, 2005: 61; 63). The author further specifies that such a phase begins once the parties become aware that a negotiation is a better alternative than maintaining the status of the litigation. With regard to the NPT, it can be noted that this phase begins with Eisenhower's invitation to the USSR in 1960, when the powers began the first dialogues on the nuclear issue. In the meantime, it is possible to establish that the counterpart of non-negotiation would be nuclear war, which proves the existence of a solution to the eminent problem: the drafting of the treaty. Japanese participation, which began to take place formally after 1967, begins after the start of negotiations for the signing of the agreement, but during the meetings between the US and the

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USSR, where there were already efforts by Washington to get closer to Japan in an informal manner in order to begin preparations for the opening of negotiations (Berridge, 2005: 61; 63).

On the other hand, Raymond Cohen proposes that, in intercultural negotiations, given the different personalities demonstrated by negotiators with different cultural frameworks, the central intention of the pre-negotiation period should be to establish closer and respectful interpersonal relations between the merchants. This fact can be observed in the efforts demonstrated by Eisenhower in seeking to establish closer relations with the leader of the USSR in a context of escalating tensions in the middle of the Cold War (Cohen, 1998: 83; 85).

Related to the aforementioned model, it is possible to apply Marcelo Brito's Interest / Expectation / Attitude, according to which the context in which an agent is inserted along with its perceptions, opinions, and needs matters once it impacts its interests. Due to the influence of the environment that surrounds the subject, it is possible to affirm that its personal impulses, its way of judging a situation may be changed, culminating in an influence upon its expectations. Finally, the choice for continuing a certain attitude, therefore, reveals itself as an externally informed decision, which can be either taken as an action, an inhibition, or a predisposition. Thus, the subjective framework that shapes the formation of negotiators' personalities also leads to the determination of their formal stance in the negotiations. With regard to the NPT, it can be said that both the US and the USSR were influenced by the context of the Cold War and the escalation of tensions that, together with strongly ideological internal engines, led to the taking of a position of predisposition that allowed them to act on the issue of their oppositions of values, contemplating the construction of the good relations foreseen by Cohen. In a similar way, Japan had its interests influenced as its neighbors adopted nuclearization processes, which added to Japan's search for security and total domain over its threatened territory, culminating into a will to negotiate from the Nippon side (Brito, 2005: 6; 8; Hoey, 2017: 75-80).

Concerning the negotiation phases, William Zartman explains the importance of finding a formula, the central element that will determine the central objective of the whole negotiation process and will lead to the construction of the agenda and the determination of details, specific questions about the agreement to be drawn up, so that an agreement can contemplate the common interest between the parties involved. In the agreement analyzed, the formula found by the US and the USSR was the definition of the parameters that guide the possession and use of nuclear material. The definition of the details, during the first moment, was focused on the theme of non-transferability of nuclear material. In the meantime, one of the details determined that non-nuclear states are not to accept nuclear weapons or devices of any nature, whether for their possession or mere storage in their territories. In a second moment, the topics of peaceful use and disarmament will be covered, for example, by the establishment of the detail that guarantees the right to manipulate nuclear material for peaceful use according to the determination of the articles I and II of the Agreement (Sagan, 2011: 34; Zartman, 2000: 159; 161).

Zartman also states that the negotiation of the terms of an agreement can take place on the basis of the concession / convergence model, according to which a state, in order to allow for the convergence and continuity of negotiations, chooses to concede, even if the ideal parameters are not fulfilled (Zartman, 2008: 118; 120). In the NPT, it is possible to infer numerous moments when there were concessions, such as the one made by the US about shared ownership. While it supported allowing shared possession of nuclear weapons by countries and international organizations, the USSR was vehemently opposed. The milestone of the Chinese bomb in 1964, however, caused tensions to escalate to a point where the US saw the need to accept the Soviet position in order to have continuity in the negotiation process. Article I of the Agreement was thereby created (Hoey, 2017: 75; 77; Sagan, 2011).

Roger Fisher exposes the risks that a state runs when signing a potentially costly agreement for itself. The author proposes that to defend itself against such risks an actor must be able to calculate both the benefits that a possible treaty will bring and the advantage of opting for signing rather than maintaining its current status. This is how the concept of BATNA (Best Alternative to a Non-Negotiated Agreement) emerges: an instrument that allows a country to analyze whether an agreement is truly a good option. In the analysis proposed here it is possible to determine that for the US, a possible BATNA would have been to construct its nuclear arsenal and grant the shared possession of the same via NATO. For the USSR, whose greatest fear was the nuclearization of West Germany and China, BATNA would have been to continue to increase its military force and strengthen its influence in the Balkans. Finally, for Japan, beginning its own process of nuclearization as a way to defend itself against Chinese power was the most

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obvious BATNA (Fisher, 2005: 95; 96; Sagan, 2011: 34).

In studying multilateral negotiation processes, Johan Kaufman argues that there are two possibilities for decision-making that can occur: consensus with a resolution and consensus without a resolution. The NPT is a clear example of the first case, since the parties were able to agree on the terms of the treaty allowing the drafting of a finalized and valid document (Kaufman, 1998: 336; 337).

## **Japan and the NPT: Asymmetry and Bargaining**

At the time of the negotiations that culminated in the NPT, Japan, under Sato's rule, had some of its national sovereignty threatened by the US occupation and administrative control over the Okinawa region. Seeking to regain full control over its entire territory, strengthen its lines of defense in view of the nuclear expansion that engendered the region, and seek new sources of raw material for the domestic industry, the Japanese president sought to reclaim its dominion over the aforementioned island and possibly use nuclear technology at the civil and military level, thus keeping the Japanese options open if the future would require more aggressive military activity. (Hill, 2010: 52; Hoey, 2017: 159-161).

On the other hand, concerned about the escalation of nuclearization, the United States was reluctant from the outset to grant Japan its nuclear autonomy. Seeking to guarantee the maintenance of Japan as a close ally, and to ensure a greater balance of power in the Asian region – which was already at major risk due to the non-alignment of nuclear weapons between India and China – Washington, under Nixon, proposed to Japan the provision of strong protection in exchange for maintaining the US occupation and non-nuclearization of the country (Hoey, 2017, p.163; Langdon, 1975, p.63).

The initial proposal did not please Sato, who avoided the signing of a document that would castrate any Japanese nuclear aspiration. Because of the harsh diplomacy of the United States and the clear asymmetry of power between the two countries, Japan's room for maneuvering was limited, especially in a bilateral bargain. Japan saw the multilateral phase of the NPT negotiations as a way of influencing decisions that would shape its nuclear future without many concessions being required. By joining the negotiating table, Japan then reverted to a discourse on the liberation of the use of nuclear technology for non-military purposes and the periodic review of the non-nuclear option, thus allowing the next government to change the arms policy of the countries participating in the treaty (Hoey, 2017: 164; Sato, 1987: 145).

It is known, therefore, that the Japanese pressures for the peaceful use of nuclear technology were contemplated in the final version of the agreement, demonstrating a concession made by the dyad of the superpowers to a country of minor structural power. It is possible to approach such an event in the light of the contributions of Zartman and Guy Faure. The first author proposes that one of the ways in which an agent can ensure that his interest is addressed is through the use of the model of reduction of alternatives. According to such concept, a negotiator will always opt for the most self-centered option and will attempt to present it in such a way as to lead the other party to believe that it is the only possible solution to the conflict. In this way, it can be inferred that Japan, using a threat maneuver, informs the US and the USSR that, if the negotiation is not in line with its aspirations, it will then take a non-collaborative stance, damaging all business process (IAEA, 2017; Zartman, 2007: 85; 86).

The attitude of Japan results in a successful action, because, according to Zartman and Faure, regardless of the structural power held, the signature of any state has, in legal terms, the same weight, and the power of veto shared by all parties involved in the negotiations. In this way, Japan had greater conjectural power within the process, a fact that, in order to overcome the impasse, concessions were made by the most powerful party. It is thanks to situations like the one shown that the authors affirm that it is extremely difficult for there to be total victories in a negotiation process (Faure & Zartman, 2005: 115; 118).

## **Conclusion**

The strong role played by the United States and the USSR throughout the negotiating process that would lead to the

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construction of the NPT is no more than an attempt to maintain its status quo in the global balance of power through the institutionalization of a regime that would allow its continued hegemony not only in the economic, political and military, but also nuclear level. The bilateral phase of the negotiations already indicated a clear primacy of the interests of the dyad throughout the agreement, a fact that was even more explicit during the period of cooption of other states to join the debate.

The case of Japan, thus, becomes emblematic because it both characterizes the US's intention to maintain its presence in the Asian region as well as the Soviet interest in seeking to balance the proliferation of pro-nuclear positions in the East. The already systematic Yankee presence on Japanese territory, coupled with the pressures of the international community and the nuclear threat of its neighbors, made Japan a weakened actor amid a particularly asymmetrical debate. It is a fact that the good performance of the country in the negotiations guaranteed the contemplation of some of its interests. But the immense power held by the US and the USSR, nevertheless, ensured that the new world order forged by the NPT would perpetuate nuclear power as a source of structural divergences (Cirincione, 2007: 49).

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