

Nuclear weapons policies of Japan and human rights law including the Right to Life: Article 6 of the International Covenant on Civil and Political Rights

Submission to the United Nations Human Rights Council during its Periodic Review of Japan

Universal Periodic Review
42nd session, 23 January – 3 February 2023

Submitted July 14, 2022 by Basel Peace Office and:
Abolition 2000 Working Group on Nuclear-Risk Reduction, Aotearoa Lawyers for Peace, Coalition 3+3, Peace Depot, World Future Council and Youth Fusion.

Primary Contact:

Alyn Ware, *World Future Council and Basel Peace Office*

alyn@lcnp.org and info@baselpeaceoffice.org



Nuclear weapons policies of Japan and human rights law including the Right to Life

Table of Contents

1. Summary
2. Nuclear weapons and human rights law including the Right to Life
3. Other relevant international law
4. Experience of Japan as having suffered from nuclear weapons attack
5. Policy and practice of the Japan inconsistent with the law
 - 5.1 Extended nuclear deterrence
 - 5.2 Policy of first use of nuclear weapons;
 - 5.3 Failure to implement nuclear disarmament obligations;
6. Regional security without nuclear weapons
7. Positive policy actions undertaken by Japan
8. Recommendations

Endnotes

Separate Annex: Information about the submitting organizations

1. Summary

The civil society organizations making this submission contend that the policies and actions of Japan with regard to its policy and practice of nuclear deterrence are not in conformity with the Right to Life as interpreted by the UN Human Rights Committee in General Comment 36 of October 30, 2018, nor with other international law applicable to human rights.

Such policies and actions include:

- The Japanese policy of extended nuclear deterrence undertaken in cooperation with the United States which includes plans and preparations for the use of nuclear weapons on behalf of Japan;
- Support in its nuclear deterrence policy for the possible first-use of such weapons in an armed conflict;
- Insufficient action by Japan to implement the legal obligation to pursue in good faith negotiations for the complete elimination of nuclear weapons under strict and effective international control.

In times of high tensions involving nuclear armed and allied states, plans and preparations for the use of nuclear weapons, including the possible first use in an armed conflict, elevate the risk of nuclear war which would be a humanitarian catastrophe, severely impacting human health, the environment and

possibly civilization itself.

Compliance with the Right to Life with respect to nuclear weapons is therefore an urgent matter, impacting not only the rights of Japanese citizens, but also the rights of all humanity and the rights of future generations. The sovereignty of states – including the Japanese State – is protected under the UN Charter. However, this cannot serve as a reason to justify continued reliance on extended nuclear deterrence which threatens the sovereignty of all states and the human rights of all peoples.

In their failure to adequately comply with human rights and other international law, Japan is not alone. However, the fact that other states are also acting in violation of the International Covenant on Civil and Political Rights (ICCPR) and other relevant law with respect to their nuclear weapons policies does not relieve the Japanese government of their responsibilities.

In addition, the civil society organizations making this submission are taking a non-discriminatory approach. We also making submissions with regard to the nuclear armed countries and other countries under extended nuclear deterrence relationships, as their human rights obligations come up for review in the Human Rights Council and other relevant bodies.

There are some positive nuclear disarmament policy actions of the Japanese government which contribute partially to meeting their obligations under human rights law. These could be expanded upon in order to ensure full compliance.

2. Nuclear weapons and human rights law including the Right to Life

2.1 Nuclear weapons and the ICCPR

In paragraph 66 of General Comment No. 36 on the right to life set out in Article 6 of the International Covenant on Civil and Political Rights (ICCPR), the United Nations Human Rights Committee stated:

The threat or use of weapons of mass destruction, in particular nuclear weapons, which are indiscriminate in effect and are of a nature to cause destruction of human life on a catastrophic scale, is incompatible with respect for the right to life and may amount to a crime under international law.

States parties must take all necessary measures to stop the proliferation of weapons of mass destruction, including measures to prevent their acquisition by non-state actors, to refrain from developing, producing, testing, acquiring, stockpiling, selling, transferring and using them, to destroy existing stockpiles, and to take adequate measures of protection against accidental use, all in accordance with their international obligations.

They must also respect their international obligations to pursue in good faith negotiations in order to achieve the aim of nuclear disarmament under strict and effective international control and to afford adequate reparation to victims whose right to life has been or is being adversely affected by the testing or use of weapons of mass destruction, in accordance with principles of international responsibility.

This paragraph complements and replaces *CCPR General Comment No. 14: Article 6 (Right to Life) Nuclear Weapons and the Right to Life*, adopted by the Human Rights Committee on 9 November 1984.¹

Under the ICCPR, Article 4(2), the right to life is non-derogable, to be observed in all circumstances, even in the event of a “*public emergency which threatens the life of the nation.*”

Japan is a state party to the ICCPR and as a result is obligated to implement its provisions in good faith according to Article 26 of the 1969 Vienna Convention on the Law of Treaties (*pacta sunt servanda*).

Even if the General Comment is not legally binding as such, it is considered the Committee's authentic and highly authoritative interpretation of Article 6 and the relevant practice thereto.

2.2 Nuclear weapons and other international human rights law

The **Right to Life** is also found in the *Convention on the Rights of the Child* (Article 6).

The **objective of nuclear disarmament** is found in the preamble to the *Convention on the Elimination of All Forms of Discrimination against Women*.²

The use and testing of nuclear weapons also threaten the **Right to Health** as affirmed in *General Comment No. 14 (2000) The right to the highest attainable standard of health (article 12 of the International Covenant on Economic, Social and Cultural Rights)*, which concludes that:

*'States should also refrain from unlawfully polluting air, water and soil, e.g. through industrial waste from State-owned facilities, from using or testing nuclear, biological or chemical weapons if such testing results in the release of substances harmful to human health.'*³

Further, the *Human Right to a Clean, Healthy and Sustainable Environment* is also violated by the policies taken by Japan⁴.

3. Other relevant law including international humanitarian law, laws of peace and security and the Nuclear Non-Proliferation Treaty

The obligations under *international human rights law* to not threaten or use nuclear weapons and to pursue comprehensive nuclear disarmament, are reinforced by the *international law applicable to armed conflict*, which includes international humanitarian law (*jus in bello*)⁵ and the laws of peace and security (*jus ad bellum*), in particular Articles 2 (3) and 2 (4) of the UN Charter.

The International Court of Justice in 1996 affirmed that this body of law, and additional elements of customary international law, render the threat or use of nuclear weapons generally illegal⁶ and require the pursuit and conclusion of nuclear disarmament in all its aspects under strict and effective international control.⁷

Since 1996, the UN General Assembly has called on UN member states to implement these obligations by negotiating a nuclear weapons convention – an international treaty to prohibit and eliminate nuclear weapons.⁸

The government of Japan has also accepted an obligation to work actively for nuclear disarmament under Article VI of the Nuclear Non-Proliferation Treaty.⁹

4. Experience of Japan as having suffered from nuclear weapons attack

A number of countries have been impacted by radioactive fallout from nuclear tests conducted in various locations around the world. However, **Japan is unique in being the only country to have suffered attack with nuclear weapons as part of armed conflict**. These attacks were made against urban areas – the cities of Hiroshima and Nagasaki – causing catastrophic humanitarian consequences. Over 300,000 people died from the blast, firestorm or radioactive fallout from the two nuclear bombs.

The nuclear bombings give Japan both an experience to report on - and a responsibility to prevent – the use of nuclear weapons and their impact on human populations.

In 1963 the Tokyo District Court held that the nuclear bombings of Hiroshima and Nagasaki were in violation of the laws and customs of war, because the attacks did not distinguish between military and civilian targets and inflicted unnecessary suffering. The Court ruled that the bombings, as an indiscriminate bombardment on undefended cities were unlawful acts.¹⁰

In its submission to the International Court of Justice for the Advisory Opinion on the Legality of the Threat or Use of Nuclear Weapons, the Japanese government stated that:

“The government believes that, because of their immense power to cause destruction, the death of and injury to human beings, the use of nuclear weapons is clearly contrary to the spirit of humanity that gives international law its philosophical foundation.”¹¹

The Japanese policy and practice of extended nuclear deterrence, which includes options to use nuclear weapons in armed conflict, are in contradiction to the experience of Hiroshima and Nagasaki and the legal responsibilities of Japan to prevent nuclear attacks the likes of which the Tokyo District Court has ruled illegal, and according to which the Japanese government itself has stated as being *“contrary to the spirit of humanity that gives international law its philosophical foundation.”*

5. Policy and practice of Japan inconsistent with the law

5.1 Extended nuclear deterrence

Japan has a defence policy that includes nuclear deterrence undertaken in cooperation with the United States. This policy is expressed by the National Defence Program Outline, examples of which include:

“Japan’s basic defense policy is to possess an adequate defense capability of its own while establishing a posture for the most effective operation of that capability to prevent aggression. In addition, a defense posture capable of dealing with any aggression should be constructed, through maintaining the credibility of the Japan-U.S. security arrangement and insuring the smooth functioning of that system. Against nuclear threat Japan will rely on the nuclear deterrent capability of the United States.” (3-(1)) National Defense Program Outline, Japan National Defense Council, October 1976.¹²

“U.S. extended deterrence, with nuclear deterrence at its core, is essential: Japan will closely cooperate with the United States to maintain and enhance its credibility.” Japan National Defence Program, 2019 and Beyond.¹³

The extended nuclear deterrence policy of Japan provides for: a) the threat of use of nuclear weapons to defend Japan, b) the possibility of use of nuclear weapons in retaliation against a nuclear attack, and c) the possibility of the first use against an adversary in an armed conflict.

All three policy provisions are prohibited under human rights law and other international law.

In General Comment 36, the UN Human Rights Committee held that the **threat or use** of nuclear weapons is inconsistent with the right to life, without making any qualifications or exemptions. The preamble to the Treaty on the Prohibition of Nuclear Weapons affirms that *‘any use of nuclear weapons would be contrary to the rules of international law applicable in armed conflict, in particular the principles and rules of international humanitarian law’*, again without any qualifications or exemptions.¹⁴ And the **first use** of nuclear weapons would clearly be a violation of international humanitarian law, including the principles of proportionality and discrimination, which must be

respected at all times as affirmed by both the International Court of Justice in 1996 and the States Parties to the Non-Proliferation Treaty in 2010.¹⁵

5.2 First use of nuclear weapons

The policy of first-use of nuclear weapons is of specific concern as it increases markedly the risks of a nuclear war occurring by crisis escalation, miscommunication or accident. In addition, maintaining such a policy prevents progress on nuclear disarmament. So long as Japan and other nuclear armed and allied states maintain first-use options, they will remain outside of nuclear disarmament processes. The first-use option means that they believe that they need to retain nuclear weapons for a wide range of security scenarios – not just to deter a nuclear attack.

If, on the other hand, they adopt no-first use or sole purpose policies, it means that their nuclear arsenals are considered suitable only to counter the nuclear weapons of others. They can therefore enter into negotiations for complete nuclear disarmament, as long as these negotiations include the establishment of robust and effective verification and enforcement measures to ensure that all nuclear-armed states disarm, disable and destroy their nuclear weapons according to an agreed timeframe.

No-first-use is a feasible defence policy for adoption by nuclear armed and allied states. Two of the nuclear armed States (India and China) have already adopted no-first-use (NFU) policies.

The current US Administration is considering the possibility of adopting a NFU policy. President Biden has expressed support¹⁶, and NFU resolutions were recently introduced in the US Senate and House of Representatives.¹⁷

However, support from the US President does not necessarily mean that this will become policy. President Obama tried at least twice in his presidency to adopt NFU or sole purpose policies but was unsuccessful. Indeed, the possibility for the US to adopt an NFU policy is severely hampered by US allies including Japan, which have argued that they require a US first-use option in order to defend themselves from threats from conventional, biological and chemical weapons, in addition to nuclear threats.¹⁸ Such positions supporting the first-use option for nuclear strikes cannot be defended legally, politically or militarily.

For more on first-use versus no-first use policies, please see *No-First Use of Nuclear Weapons: An Exploration of Unilateral, Bilateral and Plurilateral Approaches and their Security, Risk-reduction and Disarmament Implications*.¹⁹

5.3 Failure to implement nuclear disarmament obligations

5.3.1. Opposition to negotiations for a nuclear weapons convention

Since 1996, the United Nations General Assembly as adopted a resolution on follow-up to the International Court of Justice Advisory Opinion calling for implementation of the nuclear disarmament obligation through negotiations leading to the conclusion of a nuclear weapons convention, a global treaty prohibiting nuclear weapons and providing for their elimination under strict and effective international control.

In 2010, States Parties to the NPT agreed that “*All States need to make special efforts to establish the necessary framework to achieve and maintain a world without nuclear weapons. The Conference notes the Five-Point Proposal for Nuclear Disarmament of the Secretary-General of the United Nations, which proposes inter alia the consideration of negotiations on a nuclear weapons convention or a framework of separate mutually reinforcing instruments backed by a strong system of verification.*”

Since 2014 the UN General Assembly has also adopted an annual resolution calling for negotiations on a nuclear weapons convention and providing for a High-Level Meeting at the UN for countries to report on progress and to commemorate the International Day for the Elimination of Nuclear Weapons.²⁰

Despite this, Japan refrains from fully supporting such negotiations. This includes abstaining on the annual UN General Assembly resolution on the nuclear weapons convention and UN High-Level Meeting.

5.3.2. Opposition to the Treaty on the Prohibition of Nuclear Weapons

In 2017, a number of non-nuclear countries negotiated a *Treaty on the Prohibition of Nuclear Weapons*.²¹ The Treaty, which entered into force in January 2021, is an important contribution by non-nuclear states to codify and implement international law prohibiting nuclear weapons. Japan has not joined the Treaty, and expresses opposition to it, including voting against the UN resolution which supports the Treaty.²²

Japan is not alone in this. None of the nuclear armed or allied states support the Treaty or intend to join. Even when nuclear armed and allied states become ready to relinquish nuclear deterrence, they would probably negotiate a separate agreement.²³ This is primarily because the TPNW does not include adequate measures for verification of nuclear disarmament or to ensure compliance, and there is no process of confidence building measures or phased elimination to assist in maintaining the security of countries as they relinquish nuclear deterrence and nuclear weapons.²⁴ However, there are proposals for protocols to the TPNW that would provide the possibility for nuclear weapon and/or allied states to join.²⁵

5.3.3. Step-by-Step process

Japan participates in a number of initiatives advancing a *step-by-step process* for nuclear disarmament (See Section 7). These initiatives include promotion of measures which are helpful to nuclear risk reduction, non-proliferation and arms control, such as an end to nuclear tests, control of fissile materials and lowering the operational readiness to use nuclear weapons (de-alerting).

However, with the exception of the 2010 NPT final document which has not been implemented, none of these initiatives supported by Japan include a framework or process to achieve the comprehensive prohibition and elimination of nuclear weapons. As such, the step-by-step process cannot be viewed as fulfilling their nuclear disarmament obligations.

6. Security without nuclear weapons – a North-East Asian NWFZ

The organizations making this submission recognize that Japan's reliance on nuclear deterrence arises primarily due to regional nuclear threats and unresolved conflicts in North-East Asia, including with North Korea, China and Russia.

It would be possible for Japan to address these conflicts and threats by non-nuclear means including non-nuclear deterrence provide by the United States. And it is certainly possible to address these threats with a no-first-use policy. However, the reluctance of Japan to relinquish nuclear deterrence entirely while these nuclear threats remain is understandable.

In this situation, the proposal for a North-East Asian nuclear weapon free zone (NWFZ) appears to offer the most feasible solution to reducing regional conflicts and nuclear threats sufficiently for Japan to be able to relinquish reliance on nuclear deterrence without diminishing its national security.

The 3+3 framework for a North-East Asian NWFZ proposes that the three territorial nations (Japan, South Korea and North Korea) relinquish nuclear weapons and policies to be defended by them in return for legally binding commitments by China, Russia and the United States not to threaten or use nuclear weapons against the territorial nations. This framework has already received cross-party support amongst Japanese and South Korean parliamentarians, as well as interest from diplomats of all six countries.²⁶

7. Positive policy actions

Japan has made some positive steps to reduce the risk of nuclear war and contribute to the achievement of a nuclear-weapon-free world. These include participating in the *International Partnership for Nuclear Disarmament Verification*,²⁷ advancing nuclear disarmament measures at the *Nuclear Non-Proliferation Treaty Review Conferences* especially in 2000 and 2010 and participating in the *Stockholm Initiative* from 2018.²⁸

In addition, Japan has been a leader in advancing nuclear non-proliferation and disarmament education nationally and internationally including through promotion and implementation of the *UN Study on Disarmament and Non-proliferation Education*.²⁹ And Japan has been active at the UN General Assembly on advancing dialogue and action on nuclear disarmament including by sponsoring UNGA resolutions such as *A/RES/75/71 Joint Courses of Action and Future-oriented Dialogue towards a world without nuclear weapons*,³⁰ although there is some concern that Japan has been weakening the nuclear disarmament calls in this resolution in recent years.³¹

While promising, these actions are insufficient to offset the transgression of human rights law and other international law by Japan in the ongoing policies and practices outlined above. However, they serve as a basis for further action that could feasibly be taken by Japan.

8. Recommendations

We recommend that Japan:

1. Support implementation of the P5 statement of January 3, 2022 that '*a nuclear war cannot be won and must never be fought*',³² including through promoting the adoption of no-first-use policies by all nuclear armed states in order to ensure that a nuclear war is never fought;
2. Announce a policy of Japan to relinquish its reliance on the first-use of nuclear weapons in its extended nuclear deterrence relationship with the United States;
3. Propose regional negotiations for a North-East Asia nuclear-weapon-free zone in order to phase out reliance on nuclear deterrence without reducing national or regional security;
4. Follow-up the commitments agreed in the 2010 NPT Review Conference by promoting the start of negotiations on a nuclear weapons convention or package of agreements for the global prohibition and phased elimination of nuclear weapons under strict and effective verification and compliance;
5. Encourage States Parties to the Non-Proliferation Treaty (NPT) to commit at the 2022 NPT Review Conference to achieve the global prohibition and elimination of nuclear weapons no later than 2045, the 75th anniversary of the NPT and the 100th anniversary of the United Nations.

For further information supporting these recommendations, we refer to the two civil society working papers to the 10th NPT Review Conference: *Exploration of Unilateral, Bilateral and Plurilateral Approaches and their Security, Risk-reduction and Disarmament Implications* (Footnote 19) and *NWC*

Reset: Frameworks for a Nuclear-Weapon-Free World (footnote 25).

Endnotes:

¹ See *CCPR General Comment No. 14: Article 6 (Right to Life) Nuclear Weapons and the Right to Life*. Adopted at the Twenty-third Session of the Human Rights Committee on 9 November 1984. <https://www.refworld.org/docid/453883f911.html>

² The Convention affirms that "... the strengthening of international peace and security, the relaxation of international tension, mutual co-operation among all States irrespective of their social and economic systems, general and complete disarmament, **in particular nuclear disarmament under strict and effective international control...** will promote social progress and development and as a consequence will contribute to the attainment of full equality between men and women." Convention on the Elimination of All Forms of Discrimination against Women, preambular paragraph 11.

³ Paragraph 34, General Comment No. 14 (2000) The right to the highest attainable standard of health (article 12 of the International Covenant on Economic, Social and Cultural Rights) <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=4slQ6QSmIBEDzFEovLCuW1AVC1NkPsgUedPIF1vfPMJ2c7ey6PAz2qaojTzDJmCOy%2B9t%2BsAtGDNzdEqA6SuP2rOw%2F6sVBGTpvTSCbiOr4XVFTqhQY65auTFbQRPWNDxL>

⁴ On October 8, 2021, the UN Human Rights Council adopted Resolution 48/13 recognizing the Right to a Clean, Healthy and Sustainable Environment as a Human Right. See, <https://www.ohchr.org/en/statements-and-speeches/2022/04/right-healthy-environment#:~:text=As%20you%20all%20know%2C%20on,real%20reality%20for%20all%20of%20us>.

⁵ International humanitarian law (IHL) restricts military actions during armed conflict. In particular, IHL prohibits:

- direct attacks on civilians or attacks which fail to discriminate between combatants and civilians;
- attacks which cause superfluous injury or unnecessary suffering to combatants;
- attacks which cause severe or long-term damage to the environment;
- attacks which cause damage to neutral parties;
- attacks which are disproportionate to the military requirements to respond to the precedent attack.

These prohibitions are codified in various treaties including the Hague Conventions of 1899 and 1907, the Geneva Protocol of 1925 and the Geneva Conventions of 1864, 1906, 1929 and 1949, plus the Geneva Protocols of 1977. The International Court of Justice has affirmed that IHL has the status of customary international law, applying universally regardless of whether or not a country is a party to the relevant conventions.

⁶ The Court included a caveat to its affirmation of the general illegality of the threat or use of nuclear weapons, which was that it could not determine whether or not their might possibly be a legal threat or use in the extreme circumstance when the very survival of the state was at stake.

⁷ Legality of the Threat or Use of Nuclear Weapons, International V=Court of Justice, Advisory Opinion delivered on July 8, 1996. <https://www.icj-cij.org/public/files/case-related/95/095-19960708-ADV-01-00-EN.pdf>. Dispositif and summary of the decision at <https://www.icj-cij.org/public/files/case-related/95/7497.pdf>

⁸ See, for example, [A/RES/70/56](https://www.un.org/News/Press/docs/2015/1512/151207.html), *Follow-up to the advisory opinion of the International Court of Justice on the legality of the threat or use of nuclear weapons*, adopted by the UNGA on Dec 7, 2015.

⁹ "Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control." Treaty on the Non-Proliferation of Nuclear Weapons (NPT), Article VI, at <https://www.un.org/disarmament/wmd/nuclear/npt/text/>

¹⁰ Shimoda et al v the State (of Japan), December 7, 1963. Sourced at <https://www.internationalcrimesdatabase.org/Case/53/Shimoda-et-al/>

¹¹ Written statement of Japan to the International Court of Justice, June 14, 1995. <https://www.icj-cij.org/public/files/case-related/95/8670.pdf>

¹² National Defence Program, approved by the Japanese government cabinet, October 29, 1976. Sourced at <https://worldjpn.grips.ac.jp/documents/texts/docs/19761029.01E.html>

¹³ National Defense Program Guidelines for FY 2019 and beyond, Japan Ministry of Defence, December 2018. https://www.mod.go.jp/en/d_act/d_policy/national.html.

¹⁴ *Treaty on the Prohibition of Nuclear Weapons*, Entered into Force on January 22, 2021. Preambular paragraph 10. <https://treaties.unoda.org/t/tpnw>

¹⁵ The final document adopted by consensus by the States Parties to the NPT at the 2010 NPT Review Conference states that: "The Conference expresses its deep concern at the catastrophic humanitarian consequences of any use of nuclear weapons, and reaffirms the need for all States at all times to comply with applicable international law, including international humanitarian law."

¹⁶ See [President Biden Says He Supports a No First Use Policy: Let's Hold Him to That](https://www.usdoj.gov/inspr/newsroom/2021/04/06), Union of Concerned Scientists, and [Mission Possible: Revisiting the o First Use of the Nuclear Weapon](https://www.european-council.europa.eu/media/assets/4/4F/DF/2021/04/06/210406_1012955976B3EABD23847BA64EF.smitwa-001-xmlnofirstuse.pdf), Carlo Trezza, European Leadership Network, April 6, 2021.

¹⁷ See, *No-First-Use Act, 117th US Congress First Session*, <https://adamsmith.house.gov/cache/files/e/5/e58528a5-908a-4312-85a0-66c3cc7ef630/31D081012955976B3EABD23847BA64EF.smitwa-001-xmlnofirstuse.pdf>

¹⁸ See "No First Use' Nuclear Policy Proposal Assailed by U.S. Cabinet Officials, Allies", Wall Street Journal, August 12, 2016.

Implications. Civil society working paper to the 10th NPT Review Conference, https://nofirstuse.global/wp-content/uploads/2022/01/WP-on-NFU_Civil-Society_FINAL.pdf

²⁰ UNGA Resolution entitled **Follow-up to the 2013 high-level meeting of the General Assembly on nuclear disarmament**, which “Calls for the urgent commencement of negotiations in the Conference on Disarmament on effective nuclear disarmament measures to achieve the total elimination of nuclear weapons, including, in particular, on a comprehensive convention on nuclear weapons.” Text at <https://www.reachingcriticalwill.org/images/documents/Disarmament-fora/1com/1com21/resolutions/L23.pdf>. Voting at <https://reachingcriticalwill.org/images/documents/Disarmament-fora/1com/1com21/votes-ga/444DRXIIPP14.pdf>.

²¹ See <https://treaties.unoda.org/treaty/98>

²² UNGA [A/RES/75/40](https://www.un.org/News/Press/docs/2017/1701/170103.p5-statement-on-preventing-nuclear-war-and-avoiding-arms-races/), *Treaty on the Prohibition of Nuclear Weapons*. Voting at <https://reachingcriticalwill.org/images/documents/Disarmament-fora/1com/1com20/votes-ga/399DRII.pdf>

²³ The States Parties to the NPT indicated in the 2010 NPT Review Conference final agreed document that the elimination of nuclear weapons could be achieved through “*negotiations on a nuclear weapons convention or a framework of separate mutually reinforcing instruments backed by a strong system of verification*”.

²⁴ The TPNW negotiators rejected a proposal from Netherlands to include such a process in the Treaty. The proposal, which was called a Temporality Clause, would have provided possibility for a phased adherence to the TPNW by those countries currently adhering to nuclear deterrence.

²⁵ See, for example, [NWC Reset: Frameworks for a Nuclear-Weapon-Free World](https://www.3plus3.org/), a civil society working paper to the 10th NPT Review Conference.

²⁶ See 3+3 Coalition for a North-East Asia Nuclear-Weapon-Free Zone <https://www.3plus3.org/>

²⁷ See *International Partnership for Nuclear Disarmament Verification* <https://www.ipndv.org/>

²⁸ The Stockholm Initiative for Nuclear Disarmament, launched by the government of Sweden, brings together 16 Non-Nuclear Weapon states, some of them in nuclear alliances, to advance nuclear risk-reduction and disarmament measures. Participating states include: Argentina, Canada, Ethiopia, Finland, Germany, Indonesia, Japan, Jordan, Kazakhstan, the Netherlands, New Zealand, Norway, the Republic of South Korea, Spain, Sweden and Switzerland. See <https://www.government.se/government-policy/stockholm-initiative-for-nuclear-disarmament/>

²⁹ UN Study on Disarmament and Nonproliferation Education <https://www.un.org/disarmament/topics/education/>

³⁰ A/RES/75/71, Joint Courses of Action and Future-oriented Dialogue towards a world without nuclear weapons. Adopted 16 December 2020. <https://www.mofa.go.jp/files/100146622.pdf>.

³¹ See *Japan's weakened UN draft resolution on nukes erodes trust*, The Mainichi, October 27, 2017. <https://mainichi.jp/english/articles/20171017/p2a/00m/0na/004000c>

³² Joint Statement of the Leaders of the Five Nuclear-Weapon States on Preventing Nuclear War and Avoiding Arms Races, January 3, 2022. <https://www.whitehouse.gov/briefing-room/statements-releases/2022/01/03/p5-statement-on-preventing-nuclear-war-and-avoiding-arms-races/>