

DEFUSING THE BOMB OR JUST CHIT-CHAT? COOPERATION BETWEEN THE EUROPEAN UNION AND JAPAN ON THE NPT

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I. INTRODUCTION

Relations between the European Union (EU) and Japan have been growing slowly but steadily. Initially they were merely economic, but the 1991 Hague Joint Declaration added a political and security dimension to the partnership, while at the same time creating a framework for dialogue.¹ Signing the 2001 Action Plan for EU–Japan Cooperation, the EU and Japan began what was to be a decade of cooperation and incorporated specific security issues into their agendas, including non-proliferation.² Their goals in the field of non-proliferation became even more concrete when they issued the 2004 Japan–EU Joint Declaration on Disarmament and Non-Proliferation.³

This paper covers the timeframe 2001–10, the so-called EU–Japan Cooperation Decade. Thus, the impact of events in 2011, the Tohoku earthquake and the Fukushima nuclear accident, are not assessed. The purpose of this research is to answer the following questions. To what extent have the EU and Japan cooperated on the promotion of the Non-Proliferation Treaty (NPT) since 2001? What are the driving forces

¹ Hague Joint Declaration, 18 July 1991, <<http://www.euinjapan.jp/en/relation/agreement/hague/>>.

² Japanese Ministry of Foreign Affairs, ‘An Action Plan for EU–Japan cooperation’, European Union–Japan Summit, Brussels, 2001, <<http://www.mofa.go.jp/region/europe/eu/summit/action0112.html#future>>.

³ Japan–EU Joint Declaration on Disarmament and Non-Proliferation, Tokyo, 22 June 2004, <<http://www.consilium.europa.eu/uedocs/cmsUpload/Joint%20Declaration.pdf>>.

* The author is grateful to Professor Hoshino Toshiya and Professor Takeuchi Toshiya for their valuable assistance as well as to officials in the European Commission, the Greek Ministry of Foreign Affairs, the Japanese Mission to the Conference on Disarmament and the Japanese Embassy to the EU for accepting to be interviewed and offering such enlightening information.

SUMMARY

Since the early 1990s the European Union (EU) and Japan have broadened their agendas to include security issues such as nuclear non-proliferation. Over the past decade they have intensified their bilateral dialogue and set specific goals as well as interacted in regional and multilateral forums. However, EU–Japan cooperation has been mainly communicative or declaratory, with low impact on the Non-Proliferation Treaty (NPT) regime. Nevertheless, compared to the previous decades, cooperation has improved and this has created a platform on which further measures can be built.

In order to make their cooperation more concrete and effective, the EU and Japan should set fewer and more feasible goals, focusing on customs cooperation and the nuclear export control regime. They should promote the harmonization of the nuclear export control system of the Association of Southeast Asian Nations (ASEAN) Plus Three countries and organize joint customs operations with a view to working more closely together during the 2015 NPT Review Conference, including the presentation of joint proposals at that conference.

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behind, and the barriers to, their cooperation? How should the EU and Japan foster their cooperation?

For each issue, EU–Japan cooperation is examined at a bilateral, regional and multilateral level and assessed in terms of three categories of cooperation: communicative, declaratory and operational. The assessment also takes into account three criteria: relevance, concreteness and impact. Next, the motivations behind the cooperation and the barriers to it are analysed.

In conclusion, the paper provides policy recommendations for actions that correspond to the capabilities of both countries, while not deviating from their interests. The proposed cooperation should not undermine the relations of the EU and Japan with their strategic security partners—in particular with the United States. The proposals suggested by this paper are aimed at being as concrete as possible, meaning specific actions for an effective promotion of the NPT.

II. BACKGROUND TO EU–JAPAN RELATIONS

Japan's bilateral relations with the EU started to flourish from the late 1950s, although until the 1990s they were frequently hampered by trade disputes. In terms of a political and security dialogue, it was not until the early 1980s that Japan and the European Economic Community (EEC) started to broaden their dialogue. A series of events such as the 1979 Iranian hostage crisis and the 1979–88 Soviet war in Afghanistan led to the establishment of closer ties and communication channels and the discussion of issues other than economic ones. A turning point was the 1991 Hague Joint Declaration, which codified the EEC–Japan dialogue and put it into a framework where political and security issues as well as cultural issues were part of the agenda.⁴

Further, the EU (as transformed in 1993 by the 1992 Maastricht Treaty) and Japan progressively deepened their partnership and made it more concrete. For the first time they worked on issues such as the United Nations Register of Conventional Arms and the wars in the former Yugoslavia and Cambodia, and added the concept of non-proliferation to their agendas.⁵ In 2001

⁴ Gilson, J., *Japan and the European Union: A Partnership for the Twenty-First Century* (Macmillan Press Limited: London, 2000), pp. 30–32.

⁵ Mykal, O., *The EU–Japan Security Dialogue: Invisible and Not Eye-Catching, but Sound and Comprehensive?* (Waseda University: Tokyo, 2007), p. 121.

the EU and Japan signed the Action Plan for EU–Japan Cooperation at the 10th EU–Japan Summit in Brussels, containing four pillars of cooperation: (a) peace and security, (b) economy and trade, (c) global and societal challenges, and (d) culture.

The first pillar enumerated certain areas where initiatives were to be taken: (a) strengthening of the UN; (b) arms control, disarmament and non-proliferation; (c) human rights, democracy and stability; (d) conflict prevention and peacebuilding; and (e) specific regional issues.⁶ Both sides committed themselves to holding annual meetings in order to review and support the implementation of the 2001 Action Plan.

The EU's and Japan's non-proliferation policies

Since the early 2000s the EU has been active in the promotion of the NPT and has made continuous efforts to become a prominent player in the non-proliferation regime, although its implementation suffers from serious drawbacks.⁷

The EU bases its approach on the concept of 'effective multilateralism', on the premise that international relations should be maintained and related problems should be solved within the structures of international organizations. However, some specific new elements are envisaged to implement the 2003 EU Strategy against Proliferation of Weapons of Mass Destruction, including conditionality in bilateral legal agreements and the use of coercive measures to be applied when other measures have been exhausted.⁸

The driving force behind this strategy was the increased fear of terrorism in the aftermath of the terrorist attacks on the USA of 11 September 2001 and the nuclear threat posed by both state and non-state actors. Further, the EU wanted to formalize its strategy and to promote its role as a key player in the non-proliferation regime after it lost prestige due to the divisions between EU member states

⁶ Japanese Ministry of Foreign Affairs, 'An Action Plan for EU–Japan cooperation', European Union–Japan Summit, Brussels, 2001, <<http://www.mofa.go.jp/region/europe/eu/summit/action0112.html#future>>.

⁷ See Van Ham, P., 'The European Union's WMD Strategy and the CFSP: a critical analysis', *Non-Proliferation Papers* no. 2, Sep. 2011, <http://www.nonproliferation.eu/documents/nonproliferationpapers/02_vanham.pdf>.

⁸ Council of the European Union, 'Fight against the proliferation of weapons of mass destruction: EU Strategy against Proliferation of Weapons of Mass Destruction', 15708/03, 10 Dec. 2003, <<http://register.consilium.europa.eu/pdf/en/03/st15/st15708.en03.pdf>>, pp. 2–13.

over the conflict in Iraq. The EU needed to show the international community that it could be considered a reliable and powerful actor.⁹ Since then the EU has made considerable efforts to promote the NPT, either through the NPT RevCons or by engaging in regional issues, such as in the case of North Korea.

Despite the EU's more active role, implementing its strategy in respect to the NPT is a serious challenge given that the EU includes two nuclear weapon states, France and the United Kingdom; states that are members of the North Atlantic Treaty Organization (NATO) and therefore subscribe to NATO's nuclear weapon policies¹⁰; and two members of the New Agenda Coalition (NAC) that was formed to promote nuclear disarmament, Sweden and Ireland. Clearly, such different groups have conflicting interests and goals in the nuclear non-proliferation regime. For some countries nuclear weapons are nothing but a threat, while for others they offer a guarantee for their national security. This has reduced cohesion among the EU member states, for example during the 2005 NPT RevCon.¹¹

Japan undoubtedly has a special role to play in the nuclear non-proliferation regime as the only country that has suffered the devastating effects of a nuclear strike. Consequently, it has been a strong advocate of nuclear non-proliferation and disarmament. However, Japan's policy has been characterized by some contradictory elements due to the Japan–USA security alliance, its overall security policy and the energy needs of the country.

As officially stated in the disarmament and non-proliferation policy outline in 2003, the Japanese approach has three dimensions: (a) the security policy; (b) the humanitarian perspective; and (c) 'the human security perspective'.¹² In general, Japanese non-

proliferation policy is based on three pillars. The first pillar is the 'three non-nuclear principles' (1967), which prohibit the production, possession and introduction of nuclear weapons in the Japanese territory. The second pillar is the 1955 Atomic Energy Basic Law, which prohibits the use of nuclear power for anything but peaceful purposes. The third pillar is Japan's compliance with the NPT and its promotion.

Japan, albeit with some reservations, signed the NPT in 1970 and ratified it in 1976.¹³ Since then, Japan has been a strong promoter of the NPT and has taken a number of initiatives such as submitting a series of draft resolutions to the UN General Assembly entitled 'Nuclear disarmament with a view to the ultimate elimination of nuclear weapons'. In addition, as a vocal supporter of the activities of the International Atomic Energy Agency (IAEA), in 1999 Japan became the first country with a complex civilian nuclear fuel cycle to conclude an additional protocol to its agreement on safeguards with the IAEA.

For Japan, the legacy of the Hiroshima and Nagasaki atomic bombings and the consequent sensitivity of the Japanese people on this issue have been a driving force in its promotion of the NPT. Moreover, in the face of security threats from China and North Korea and situated in a volatile environment that includes three countries with nuclear arsenals (China, North Korea and Russia), Japan considers nuclear weapons to be a direct threat to its security. Therefore it should come as no surprise that Japan has strongly promoted the NPT.

Nevertheless, Japanese policy has been criticized for lack of credibility because of its approach on disarmament. While pursuing an active non-proliferation policy and stating that it seeks the total elimination of nuclear weapons, Japan believes that US nuclear weapons are necessary for deterrence, for the indefinite future.¹⁴

Japan has constantly rejected any prospect of 'going nuclear', but there has been a debate since the 1960s about whether Japan would develop nuclear capabilities. In the mid-1960s, after China conducted its first nuclear device test while the USA was engaged in the Viet Nam War, the Japanese prime minister ordered a secret report about whether Japan should consider developing nuclear weapons. In 1995, after

⁹ Portela, C., 'The EU And the NPT: testing the new European nonproliferation strategy', *Disarmament Diplomacy*, no. 78 (2004).

¹⁰ Belgium, Bulgaria, Czech Republic, Denmark, Estonia, France, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, United Kingdom.

¹¹ Mölling, C., 'The grand bargain in the NPT: challenges for the EU beyond 2010', ed. J.P. Zanders, *Nuclear Weapons after the 2010 NPT Review Conference*, Challiot Papers 120 (EU Institute for Security Studies: Paris, Apr. 2010), pp. 51–69; and Müller, H., 'The NPT review process and strengthening the treaty: disarmament', *Non-Proliferation Papers* no. 10, Feb. 2012, <<http://www.nonproliferation.eu/documents/nonproliferationpapers/haraldmuller4f797b677acbf.pdf>>.

¹² Japanese Ministry of Foreign Affairs, Directorate General, Arms Control and Scientific Affairs, *Japan's Disarmament Policy* (Center for the Promotion of Disarmament and Non-Proliferation, Japan Institute of International Affairs: Tokyo, Mar. 2003), pp. 22–28.

¹³ Ogawa, S. and Schiffer, M., 'Japan's plutonium reprocessing dilemma', *Arms Control Today*, vol. 35, no. 8 (2005).

¹⁴ Toki, M., 'Sixty years after the nuclear devastation, Japan's role in the NPT', *Nuclear Threat Initiative*, 1 Dec. 2005, <<http://www.nti.org/analysis/articles/sixty-years-after-nuclear-devastation-japan/>>.

the North Korean nuclear crisis, the Japanese Defense Agency conducted similar research, concluding that Japan should abstain from any nuclear weapon programme and continue to rely on the US nuclear umbrella.¹⁵ More recently, in 2002, Japanese Cabinet Secretary Shinzo Abe stated that it would not be a violation of Japan's constitution to possess atomic bombs.¹⁶ These incidents do not lead to the conclusion that Japan is likely to go nuclear; on the contrary, it can be considered that this would be highly improbable. However, combined with the vast Japanese nuclear energy programme, the debate on whether Japan would develop nuclear weapon capabilities clearly undermines its non-proliferation policy.

III. EU–JAPAN COOPERATION TO PROMOTE THE NUCLEAR NON-PROLIFERATION REGIME

Between 2001 and 2010 the EU and Japan expanded their network of bilateral consultations. Playing a crucial role in this expansion was the annual EU–Japan Summit held by the Japanese prime minister, the president of the European Council and the president of the European Commission—the most high profile of their institutional mechanisms. At each summit, the EU and Japan review their cooperation on the promotion of the NPT, specify which actions should be taken for the following year and issue a joint declaration.

By examining the events and outcomes of these summits it can be observed that nuclear non-proliferation cooperation has been high on the EU–Japan agenda. The joint declarations that have been published are usually similar, reaffirming both actors' commitment to the non-proliferation regime and their willingness to work together towards the promotion of the NPT. However, the two actors have avoided making any statement on Israeli non-membership of the NPT and its de facto nuclear arsenal, which is one major barrier to a Middle East nuclear weapon-free zone, which both the EU and Japan support.

Consultations between the two actors have also been held at ministerial level in the margins of the

UN General Assembly as well as at the level of senior political officials. Another channel through which the EU and Japan have discussed the problem of nuclear non-proliferation is the EU Delegation to Japan. The delegation was established in 1974 and its mandate is to oversee EU–Japan cooperation on the basis of the 2001 Action Plan and also to promote EU interests and policies in Japan.¹⁷ The mission has been increasingly active in various fields, one of which is non-proliferation. Its contribution has been critical in increasing EU–Japanese interaction as well as in deepening Japanese understanding of the EU Common Foreign and Security Policy (CFSP).

Further, non-proliferation-oriented working experts meetings have been held between Japan and the Council Working Party on Non-Proliferation (CONOP). CONOP is the preparatory group of the Foreign Affairs Council and is attended by senior non-proliferation officials from the ministries of foreign affairs of EU member states. CONOP is responsible for NPT, non-proliferation and export control issues.¹⁸ These meetings are normally held twice a year, either in Brussels or alongside other multilateral meetings, such as meetings of the UN General Assembly in New York.¹⁹

Apart from the above-mentioned regular meetings on nuclear non-proliferation issues, the EU and Japan have maintained regular informal contact and consultations. There is a constant flow of information between the offices of the EU and the departments of the Japanese Government that are mandated to deal with EU–Japan relations.²⁰ Moreover, the EU and Japan consult with each other in all the multilateral forums in which they participate, such as the Conference on Disarmament, the UN General Assembly and the NPT RevCons. Prior to debating sessions or voting procedures, the EU and Japanese participants communicate in order to coordinate their stances. It has not been perceived

¹⁷ Hook, G. D. et al., *Japan's International Relations: Politics, Economics and Security* (Routledge: London, 2005), p. 293.

¹⁸ Feakes, D., 'The emerging European disarmament and non-proliferation agenda on chemical and biological weapons', *Disarmament Diplomacy*, no. 65 (2002).

¹⁹ Swedish Presidency of the European Union, 'Working Party on Global Disarmament and Arms Control (CODUN) and the Working Party on Non-Proliferation (CONOP) Troika between the EU and Japan', <http://www.se2009.eu/en/meetings_news/working_party_on_global_disarmament_and_arms_control_codun_and_the_working_party_on_non-proliferation_conop_troika_between_the_eu_and_japan.html>.

²⁰ Senior EU Commission official, Interview with author, Brussels, 23 Sep. 2010.

¹⁵ Chanlett-Avery, E. and Nikitin, M.B., *Japan's Nuclear Future: Policy Debate, Prospects and U.S. Interests*, Congressional Research Service (CRS) Report for Congress, RL34487 (US Congress, CRS: Washington, DC, 19 Feb. 2009), pp. 1–2.

¹⁶ Prideaux, E. and Nakamura, A., 'Japan may not want to go nuclear but it's no technical hurdle: analysts', Japan Times Online, 11 Oct. 2006, <<http://www.japantimes.co.jp/text/nn20061011a4.html>>.

as necessary to subject these contacts to standardized procedures.²¹

In addition to strengthening the framework of bilateral consultations during this decade, the EU and Japan have signed a series of documents addressing the problem of nuclear proliferation and the need to promote the NPT.

In December 2001 at the 10th EU–Japan Summit in Brussels, the two actors signed the Action Plan for EU–Japan Cooperation which, although not directly addressing the promotion of the NPT, stated that they would work together on non-proliferation issues at bilateral and multilateral levels, while at the same time cooperating closely on strengthening the IAEA.²² A cornerstone of cooperation on the promotion of the NPT was later established through the 2004 Japan–EU Joint Declaration on Disarmament and Non-Proliferation.

In the abovementioned declaration both actors recognized the serious threat posed by nuclear weapons and emphasized the dangers that emerge from the illicit WMD trade and from nuclear terrorism. They reaffirmed their mutual recognition as major partners and committed themselves to intensifying their efforts for more concrete cooperation, where applicable. They defined precise fields of cooperation, with the promotion of the IAEA Comprehensive Safeguard Agreement and the IAEA Model Additional Protocol among the primary goals, as well as the following priority areas in the nuclear export control field:

1. Cooperation in export controls regimes
2. Cooperation with like-minded partners to strengthen export controls
3. Controls on the export of weapons with a view to avoiding the risk that they could fall into the hands of terrorists
4. Assistance to third countries in need of technical assistance in the field of export controls
5. Strengthening of law enforcement capabilities to prevent weapons proliferation and of regional outreach efforts to enhance non-proliferation mechanisms

²¹ Senior official, Delegation of Japan to the Conference on Disarmament, Interview with author, Geneva, 17 Aug. 2010.

²² Japanese Ministry of Foreign Affairs, 'An Action Plan for EU–Japan cooperation', European Union–Japan Summit, Brussels, 2001, <<http://www.mofa.go.jp/region/europe/eu/summit/action0112.html#future>>.

6. Cooperation in the context of the Proliferation Security Initiative (PSI).

The basic approach emphasizes cooperation with like-minded countries within existing regimes, assistance to countries in order to promote compliance with IAEA standards and the introduction of measures to fight the illicit trade of nuclear weapons and their components.²³

Dialogue at forums

The most important forum for the non-proliferation regime is the UN, where the EU and Japan have the opportunity to discuss with other countries. The Disarmament and International Security Committee (First Committee) of the UN General Assembly and the Conference on Disarmament are the main forums of the UN dealing with this issue.

The Asia–Europe Meeting (ASEM), which was established in 1996 for the purpose of bringing Asia and Europe closer together, is another important forum. ASEM involves 19 Asian countries, including Japan, and the 27 EU member states; the European Commission is also represented. The meeting has, among other things, highlighted the importance of nuclear non-proliferation. In 2003, at the Fifth ASEM Foreign Ministers' Meeting in Bali, Indonesia, ministers issued a political declaration on 'Prevention of proliferation of weapons of mass destruction and their means of delivery'. ASEM participants, including Japan and the EU, have clearly stated their commitment to the non-proliferation regime, their willingness to promote the NPT and their support of the IAEA.²⁴

The Group of Eight (G8), of which Japan is a member and at which the EU is also represented, has also served as a multilateral forum for dialogue and communication. Linked to the 2010 NPT RevCon, G8 foreign ministers issued a comprehensive statement on nuclear non-proliferation, disarmament and peaceful

²³ 13th EU–Japan Summit, 'Japan–EU Joint Declaration on Disarmament and Non-Proliferation', Tokyo, 22 June 2004, <http://eeas.europa.eu/japan/docs/2004_disarm_en.pdf>, pp. 1–3.

²⁴ Asia–Europe Meeting (ASEM), 'Political Declaration on Prevention of Proliferation of Weapons of Mass Destruction and Their Means of Delivery', Annex 1, Chair's Statement, 5th ASEM Foreign Ministers' Meeting, Bali, 22–24 July 2003, <http://www.aseminfoboard.org/content/documents/FMM5_ChairStatement.pdf>, pp. 1–2.

uses of nuclear energy—the result of G8 talks in which Japan and the EU participated.²⁵

The Association of Southeast Asian Nations (ASEAN) Regional Forum and the Organization for Security and Co-operation in Europe (OSCE) are two additional communication channels for Japan and the EU.

North Korea

The case of the North Korean nuclear programme is mainly covered within the Six Party Talks, which were launched in 2003 after the USA discovered a clandestine nuclear programme and North Korea withdrew from the NPT. The talks bring together China, Japan, North Korea, the Republic of Korea (South Korea), Russia and the USA. The EU has not been an official member of the Six Party Talks, although it has offered political support to Japan and to the talks under various circumstances. For example, in July 2008 the Council of the EU issued a declaration on the Six Party Talks that welcomed recent results and expressed support for the negotiations between the six countries.²⁶

As stated in the 2004 Joint Declaration, Japan and the EU have tried to take joint measures to deal with the problem posed by North Korea. First, the Korean Peninsula Energy Development Organization (KEDO) was set up in 1995 by the USA, South Korea and Japan in order to implement an agreed framework for North Korea's nuclear programme. Under the agreement, North Korea had to suspend the proliferation-sensitive aspects of its programme and to comply with IAEA guidelines. In return, KEDO would finance and construct two light water reactors in North Korea and provide the country with an alternative source of energy²⁷. Both the EU and Japan were significant donors to the KEDO project. Between 1995 and 2005 Japan donated approximately \$500 million and the

²⁵ Group of Eight (G8), 'G8 foreign ministers' statement on nuclear non-proliferation, disarmament and peaceful uses of nuclear energy: a contribution to the 2010 NPT Review Conference', G8 Muskoka Summit, Ontario, 25–26 June 2010, <<http://www.g8.utoronto.ca/foreign/formin100330-nonprolif.html>>.

²⁶ Council of the European Union, 'Declaration by the Presidency on behalf of the European Union on the Six-Party talks', 22 July 2008, <http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/cfsp/101890.pdf>, p. 1.

²⁷ Korean Peninsula Energy Development Organization (KEDO), 'Agreement on terms and conditions of the accession of the European Atomic Energy Community to the Korean Peninsula Energy Development Organization', Brussels, 30 July 1997, <<http://www.kedo.org/pdfs/EUAscension.pdf>>, pp. 1–2.

EU, through the European Atomic Energy Community (EURATOM), approximately \$120 million²⁸. It was also agreed that Euratom would be represented on KEDO's Executive Board and its advisory committees. This offered the opportunity for the EU and Japan to cooperate in a multilateral environment in order to promote compliance with the NPT and the IAEA. It was envisioned that the IAEA would have continuous access to the North Korean main nuclear site at Yongbyon. In addition, although most of the personnel employed in the organization were contributed by South Korea, Japan and the USA, it was agreed that Euratom would also appoint some.²⁹

The KEDO light water project eventually failed since it neither convinced North Korea to suspend the proliferation-sensitive parts of its nuclear programme nor led to the installation of the light water reactors as promised. After a lot of temporary suspensions, the project was terminated on 31 May 2006 with North Korea being blamed for failing to fulfil its obligation in the agreement with KEDO.

Nuclear export control regime

Within the field of nuclear export control, the Nuclear Suppliers Group (NSG) and the Zangger Committee are important informal forums where states coordinate efforts to strengthen their national export controls. The Proliferation Security Initiative (PSI) has also strengthened communication within the community with a focus on enforcing strategic trade controls. Japan is a member of all three efforts, while the EU participates in the first two as an observer and has officially supported the PSI.³⁰ By participating in these forums, the EU and Japan have had several opportunities to cooperate in the promotion of the NPT and to take part in a variety of exercises and meetings. For example, in June 2009 they participated in the PSI's European Regional Operational Experts Group Meeting in Sopot, Poland, to discuss EU cooperation on WMD proliferation. The meeting was attended by both EU and non-EU members, including Japan. In

²⁸ Korean Peninsula Energy Development Organization, '2005 Annual Report', 31 Dec- 2005, <http://www.kedo.org/pdfs/KEDO_AR_2005.pdf>, p. 13.

²⁹ Korean Peninsula Energy Development Organization (note 27), pp. 1–2.

³⁰ Council of the European Union, 'Non-proliferation: support of the Proliferation Security Initiative (PSI)', 1 June 2004, <<http://www.consilium.europa.eu/uedocs/cmsUpload/st10052.en04.pdf>>, pp. 1–2.

addition, the EU and Japan have established a customs cooperation that includes nuclear export control.

Further, Japan contributed to the accession of Estonia, Lithuania and Malta to the NSG in 2004 when the three countries joined the EU. The Permanent Mission of Japan in Vienna plays the role of NSG Point of Contact, and Japan played an important role in encouraging the countries to adopt the NSG guidelines.³¹ On their initiation into the group, the Japanese Press Secretary/Director-General for Press and Public Relations from the Japanese Ministry of Foreign Affairs welcomed the countries acceptance by the NSG.³² The outcome of this cooperation was twofold: (a) the NSG was strengthened; and (b) Japan helped the EU to improve its profile as a major player in the non-proliferation regime, since it appeared more coherent regarding its members' participation in the related multilateral forums.

It has been a long-standing goal of the participants of the NSG and the Zangger Committee to see export controls recognized as an important non-proliferation instrument in the framework of the NPT—including the EU and Japan. During the 2005 NPT RevCon the participating countries of the Zangger Committee submitted a working paper analysing the strategy and goals of the committee; they submitted a similar paper at the 2010 NPT RevCon.³³ Two years earlier, during the 2008 Preparatory Committee (PrepCom) of the 2010 NPT RevCon, the same countries submitted a working paper calling on other states to adopt and promote the NPT.³⁴ The working paper was finally co-sponsored by Armenia, Bosnia and Herzegovina,

Cape Verde, El Salvador, Iceland, Kazakhstan, the Former Yugoslav Republic of Macedonia, Moldova, Montenegro and Timor-Leste.³⁵

EU and Japan signed the Agreement on Cooperation and Mutual Administrative Assistance in Customs Matters. The agreement focuses on trade facilitation, measures against fraud and intellectual property rights. However, provisions on securing trade against the risk of mass-impact terrorism using chemical, biological, radiological or nuclear (CBRN) materials have also been incorporated.³⁶ Additionally, an EU–Japan Joint Customs Cooperation Committee was established that discussed, among other things, how to foster supply chain security.³⁷ Fostering supply chain security refers to efforts to strengthen security within the transport and logistics of cargo globally—of critical importance in detecting the illegal transfer of radioactive material.³⁸

Within this framework, the EU and Japan have been exchanging ideas on how to promote the revised International Convention on the Simplification and Harmonization of Customs Procedures (Kyoto Convention) and the World Customs Organization's Framework of Standards to Secure and Facilitate Global Trade (SAFE Framework).³⁹ Further, on 24 June 2010 they signed a mutual recognition of 'authorized economic operators'—internationally recognized certificates indicating that an operator's role in the international supply chain is secure and that

³¹ Berkofsky, A., 'True strategic partnership or rhetorical window dressing? A closer look at the relationship between the EU and Japan', *Japan aktuell* [Journal of current Japanese affairs], vol. 2 (2008), p. 28.

³² Japanese Ministry of Foreign Affairs, 'Statement by the Press Secretary/Director-General for Press and Public Relations, Ministry of Foreign Affairs, on the new participation of Estonia, Lithuania, Malta and China in the Nuclear Suppliers Group (NSG)', Tokyo, 28 May 2004, <<http://www.mofa.go.jp/announce/announce/2004/5/0528-2.html>>.

³³ Zangger Committee, 'Multilateral nuclear supply principles of the Zangger Committee', Paper presented at the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, New York, 3–28 May 2010, <http://www.un.org/ga/search/view_doc.asp?symbol=NPT/CONF.2010/WP.1>, pp. 1–11.

³⁴ Zangger Committee and co-sponsors, 'Procedures in relation to exports of nuclear materials and certain categories of equipment and material in relation to Article III (2) of the NPT', Paper presented at the Preparatory Committee for the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Second session, Geneva, 28 Apr.–9 May 2008, <<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/612/51/PDF/G0861251.pdf?OpenElement>>, pp. 1–2.

³⁵ Zangger Committee and co-sponsors, 'Procedures in relation to exports of nuclear materials and certain categories of equipment and material in relation to Article III (2) of the NPT', Paper presented at the Preparatory Committee for the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Third Session, New York, 4–15 May 2009, <http://www.zanggercommittee.org/Documents/WP40_ZACcosponsors.pdf>, p. 1.

³⁶ European Commission, 'Agreement between the European Community and the Government of Japan on cooperation and mutual administrative assistance in customs matters', Press release, 6 Mar. 2008, <<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:22008A0306%2801%29:EN:HTML>>.

³⁷ European Commission, 'Security, trade facilitation and protection of intellectual property rights: results of the 1st EC–Japan Joint Customs Co-operation Committee', Press release, 11 Feb. 2008, <<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/08/203&type=HTML>>, p. 1.

³⁸ Rossi, L., 'Safety and security: radioactive transportation', *Nuclear Energy Review* (2006), pp. 33–35.

³⁹ European Commission, The Second EC–Japan Joint Customs Co-operation Committee, Joint press release, Tokyo, 17 Sep. 2009, <http://ec.europa.eu/taxation_customs/resources/documents/common/whats_new/pr-ec-japan.pdf>, pp. 1–2.

its customs controls and procedures are efficient and compliant.⁴⁰

Cooperation during NPT Review Conferences

The NPT RevCons, together with their PrepComs, are the most important forums for the promotion of the NPT and are a cornerstone in the fight against the spread of WMD. The EU and Japan both participated in the 2005 NPT RevCon, with high expectations. However, the conference failed to come up with a final declaration and to adopt measures that would strengthen the NPT—leaving the treaty at a crucial crossroads.

Consequently, the stakes for the 2010 NPT RevCon were high. The EU and Japan took part in consultations both prior to and during the 2010 NPT RevCon. They also participated in an informal focus group whose contribution to the adoption of a final declaration was critical. The focus group included the five nuclear weapon states (China, France, Russia, the UK and the USA), Brazil, Cuba, Egypt, Germany, Iran, Indonesia, Japan, Mexico, Norway, South Africa and, as current EU president, Spain. Occasionally it included representatives from other countries as well as from the Council of the EU. The focus group served as the main body responsible for ‘building bridges’ and achieving agreement on the action plan of the final declaration.⁴¹

IV. EVALUATION OF EU–JAPAN COOPERATION

In assessing EU–Japan cooperation on the promotion of the nuclear non-proliferation regime during the decade 2001–10, it cannot be claimed to correspond to the two actors’ ambitions as set out in the 2001 Action Plan and the 2004 Joint Declaration, nor to their potential as key players on the global stage. Their cooperation has lacked concreteness and effectiveness. However, there has been progress when compared to past cooperation—albeit not well promoted.

The fields in which the EU and Japan have focused their initiatives are, in fact, in line with the goals that were set in the 2001 Action Plan and the 2004 Joint Declaration. Yet there have been important issues that they have not included in their common agenda, such as the NPT non-membership of India, Israel and Pakistan. Most of the concrete steps resulting from their cooperation have been either communicative or declaratory. Although strengthening the IAEA was set as a priority in both the 2001 Action Plan and the 2004 Joint Declaration, relatively few initiatives have actually been undertaken. At the same time, there have been some relevant cases of operational cooperation between the EU and Japan, such as KEDO. Further, the impact of their cooperation on the non-proliferation regime has been rather low. The effect of the two actors’ declarations would have been stronger if they had been combined with concrete action. It can be argued that the role of nuclear export control forums and the focus group at the 2010 NPT RevCon was substantial, but this cannot be largely attributed to the EU–Japan partnership.

Notwithstanding such an assessment, this level of cooperation is still of value. The fact that it has become common practice for the EU and Japan to consult with each other on a daily basis as well as within international forums cannot be disregarded. Within the framework of a slow but constantly progressing EU–Japan non-proliferation cooperation, there is a strong willingness by both sides to move ahead and work towards more action-oriented cooperation. At the 2010 EU–Japan Summit both actors appeared optimistic and determined to achieve that kind of partnership, which was reflected in the joint declaration issued in the aftermath of the summit.⁴² Another positive signal of ongoing progress is the fact that vis-à-vis the new EU–Japan action plan there have been numerous consultations and brainstorming sessions in order to set more sophisticated goals. The president of the European Council, Herman Van Rompuy, is an eager supporter of the EU–Japan partnership and has also called for less vague declarations.⁴³

⁴⁰ European Commission, ‘The European Union and Japan sign mutual recognition of authorised economic operators’, Joint press release, Brussels, 24 June 2010, <http://ec.europa.eu/taxation_customs/resources/documents/customs/policy_issues/customs_security/pr_eu_japan.pdf>, p. 1.

⁴¹ Potter, W. et al., ‘The 2010 NPT Review Conference: deconstructing consensus’, Center for Nonproliferation Studies (CNS) Report, 17 June 2010, <http://cns.miis.edu/stories/pdfs/100617_npt_2010_summary.pdf>, pp. 5–7.

⁴² 19th EU–Japan Summit, ‘Joint Press Statement’, Tokyo, 28 Apr. 2010, <<http://www.mofa.go.jp/region/europe/eu/summit/joint1004.html>>.

⁴³ Van Rompuy, H., ‘A changing EU and a changing Japan in a changing world’, EU Institute in Japan-Kansai, Kobe University, Kobe, Japan, 25 Apr. 2010, <http://www.kobe-u.ac.jp/en/info/topics/t2010_04_26_01-2.htm>; and Senior European Commission official,

V. ANALYSIS OF EU–JAPAN COOPERATION

Motivation for cooperation

EU–Japan cooperation to promote the NPT is part of an overall political and security dialogue. The motivation for this cooperation is mainly political, since neither Japan nor the EU considers the other a basic security partner. However, their common interest in the NPT also adds a security dimension, and until the late 1990s there was a need to manage trade disputes.

The two partners have recognized each other as important political actors since the early 1990s. For Japan, the 1992 Maastricht Treaty, which established the EU and introduced the CFSP, was a clear signal of the EU's increasing importance in world politics and security.⁴⁴ In parallel, the EU realized in the early 1990s that it should adopt a more coherent Asian strategy. The 1995 EU Commission document 'Towards a New Strategy for Asia', which was updated in 2001, created a framework for the EU strategy for the following decade.⁴⁵

With the Iranian and North Korean nuclear programmes as well as the India–Pakistan conflicts (including nuclear proliferation dimensions) posing considerable threats not only to Asian countries but also to the EU through potential spillover effects, it became increasingly imperative for the EU to take a more concrete, comprehensive and tailored approach towards Asia.⁴⁶ Moreover, the rise of China, including both its economic expansion and its military development programme, has raised serious concerns for both Asian countries and the rest of the world—including the EU.⁴⁷ The 1997–98 Asian financial crisis also affected Europe, highlighting the dependence of the two continents on each other as a result of globalization.⁴⁸ Thus, apart from promoting multilateral cooperation, enhancing bilateral relations and forming a closer partnership with Japan was identified as a priority for the EU, and work towards

Directorate-General for External Affairs, Interview with author, Brussels, 23 Sep. 2010.

⁴⁴ Hook et al. (note 17), pp. 295–98.

⁴⁵ Gilson (note 4), pp. 114–16.

⁴⁶ Lindsay, J. M. and Takeyh, R., 'After Iran gets the bomb: containment and its complications', *Foreign Affairs*, vol. 89, no. 2 (2010), pp. 33–50.

⁴⁷ Kaplan, R., 'China's grand map', *Foreign Affairs*, vol. 89, no. 3 (2010), pp. 22–42.

⁴⁸ European Commission, 'Europe and Asia: a strategic framework for enhanced partnerships', Communication from the Commission, COM (2006) 469 final, 4 Sep. 2001, <http://ec.europa.eu/development/center/repository/strategy_asia_2001_en.pdf>, pp. 1–28.

this goal officially started with the signing of the 2001 Action Plan.⁴⁹

The EU and Japan have both been keen to improve their profile in the non-proliferation regime. The EU, as part of efforts to promote its role as a political and security actor, strengthened its ties with major actors by signing a joint summit declaration with Canada (2005), a joint statement with China (2005) and a joint action plan with India (2005). All of which included provisions for cooperation on disarmament and nuclear non-proliferation. In addition, in 2005 an EU–USA declaration on enhancing cooperation in the field of non-proliferation and the fight against terrorism as well as a joint programme of work on the non-proliferation of WMD were adopted. The EU also needed to upgrade its role in the non-proliferation regime and seek alliances to support the NPT in order to avoid divisions among its members, as occurred over the Iraq War. Thus, cooperation with Japan on the NPT was one more step to enhance its cooperation with major actors and improve its profile.

Japan has also been inclined towards developing a more active security role since the early 1990s. A turning point for Japan was the 1991 Gulf War when, corresponding to related calls, it dispatched minesweepers and offered financial support, and then received severe criticism from the USA for its 'chequebook diplomacy'. Japan realized that it had to adopt a more proactive stance in order to maintain a high profile in world politics.⁵⁰ Since then Japan has tried to foster its security role and, among other things, has promoted disarmament, non-proliferation and cooperation with like-minded actors.

Another incentive for cooperation on non-proliferation was the convergence of the two actors' security policies, including concern over nuclear terrorism. The September 2001 terrorist attacks reinforced the need to confront the threat in both the EU and Japan. The sarin gas attack on the Tokyo subway (1995) and al-Qaeda's attacks on Madrid (2004) and London (2005) further highlighted the need to effectively deal with terrorism.

Moreover, the EU approach to non-proliferation was developed to some extent in order to demonstrate that effective multilateralism could be a viable alternative to the unilateralist policy of the USA, as exercised in

⁴⁹ Cameron, F., *Prospects for EU–Asia Relations*, European Policy Centre (EPC) Working Paper no. 12 (EPC: Brussels, Oct. 2004), pp. 4–8.

⁵⁰ Hook et al. (note 17), p. 157.

particular by the first administration of US President George W. Bush, and cooperation with Japan was sought as a logical part of that multilateralist policy.⁵¹

With regard to North Korea, there were two additional arguments for EU engagement in the issue and joint work with Japan. First, such engagement was within the framework of reciprocity between the two actors. Japan was an important donor in the reconstruction of the Balkans after the war in the former Yugoslavia contributing 150 billion yen (1.5 billion euros) as of 2004 to humanitarian aid and mine clearing and infrastructure projects in the region.⁵² As a consequence, becoming involved in the problem of North Korea was a trade off on the part of the EU. Second, such engagement can be attributed to the intention of the EU to lift the arms embargo on China that was imposed after the events of Tiananmen Square in 1989. This would have had negative consequences on the East Asian security environment and the North Korean issue due to the close ties between China and North Korea. Therefore, Japan prompted the EU to contribute to the attempts to convince North Korea to abandon its nuclear programme in order to prevent the EU from carrying out its intention to lift the arms embargo.⁵³

Ever since the economic dimension became dominant in the two actors' relationship, easing the trade disputes between them has served as a further inducement to cooperate. In order to deal effectively with these disputes, the EU and Japan started to meet more frequently and came to the conclusion that incorporating political and security issues into their agenda, and hence non-proliferation too, would lay the groundwork for improving their trade relations.⁵⁴

Constraints

Despite the progress that has been achieved over time, there have been specific factors limiting the potential of the EU–Japan partnership, and these can be looked at in terms of politics, security and economics.

The most significant limitation has been the lack of interest in undertaking specific initiatives that would

⁵¹ Portela (note 9).

⁵² Japanese Ministry of Foreign Affairs, 'Japan's actions towards construction of peace in the Western Balkans', July 2004, pp. 1–3, <<http://www.mofa.go.jp/region/europe/balkan/action.pdf>>, pp. 1–3.

⁵³ Berkofsky, A., *The European Union in North Korea: Player or only Payer?*, Istituto per gli Studi di Politica Internazionale (ISPI) Policy Brief no. 123 (ISPI: Milan, Mar. 2009), pp. 1–3.

⁵⁴ Gilson (note 4), pp. 28–38.

bring tangible results that will get the headlines. Interviewing relevant personnel from both sides, it can be argued that the EU and Japan have been satisfied with the level of cooperation they have achieved up to now. Personnel from the European Commission and the Japanese Ministry of Foreign Affairs have also expressed this satisfaction, although they have admitted that neither the EU nor Japan considered the option of concrete joint actions during the 2005 and 2010 NPT RevCons. This can be attributed to the fact that the two actors did not expect more from each other concerning non-proliferation issues. However, there is a paradox. On the one hand, the EU and Japan have declared that they are satisfied with their cooperation on nuclear non-proliferation and, on the other, that they seek a more concrete and effective partnership in the future. In reality, as illustrated, their cooperation has been mainly declaratory and communicative with low impact on the NPT regime.

Another major constraint has been the complexity of the EU's CFSP, which is applied by the Council of the EU. Initially, representation of the EU abroad was problematic but, through the 1999 Amsterdam Treaty, the EU acknowledged this flaw and established the post of High Representative of the Union for Foreign Affairs and Security Policy (HR). Javier Solana, a former Spanish Foreign Minister and NATO Secretary General, was appointed to the post and his role was to speak on behalf of the EU in the area of the CFSP. However, he still faced problems concerning budget and representation.⁵⁵ Thus Henry Kissinger's famous words 'Who do I call if I want to speak to Europe?' vividly capture the problem of cooperating with the EU on foreign and security policy—a problem that becomes even greater for Japan. Considering the cultural differences, the lack of geographical proximity and the two actors' limited political contacts until the early 1990s, it comes as no surprise that it has been hard for Japanese politicians and bureaucrats to establish a coherent partnership with their EU counterparts.

Another flaw of the EU's CFSP has been the conflicting security policies pursued by EU member states, the most well-known example being the division among them over the Iraq War. A similar problem occurs in the non-proliferation field, where diverging national strategies can undermine the overall EU non-proliferation policy. A clear example of this was at

⁵⁵ Luzzatto Gardner, A. and Eizenstat, S., 'New treaty, new influence?', *Foreign Affairs*, vol. 89, no. 2 (2010), pp. 104–20.

the 2005 NPT RevCon where the EU tried to become a key player, and to some extent its contribution was important, but individual member states tried to pursue their agendas as well.⁵⁶ This diversification makes it harder for the EU to establish a coherent policy and for other countries to understand its non-proliferation policy and choose to cooperate with it.

The need to adopt decisions by consensus within the EU can also be a constraint. As described by a senior officer of the Japanese Delegation to the Conference on Disarmament, the EU mission to the conference spends most of its time and energy on achieving internal consensus and as such does not seem interested in seeking further, concrete and formal cooperation with other countries.⁵⁷ This then impedes cooperation with third countries, including Japan. The Lisbon Treaty introduced some additional exceptions where decisions on the basis of a qualified majority vote can be adopted.⁵⁸ However, the decision-making process remains inflexible and, for Japan, the difficulty in understanding how the CFSP is applied makes bilateral cooperation with individual EU members more attractive.

A further problem for EU–Japan cooperation on the NPT is the lack of a coherent and comprehensive EU strategy on East Asia. EU papers on its strategy towards East Asia show only vague goals in the area of promoting security and no specific plans on how to achieve them.⁵⁹ In contrast with the USA, which has signed security alliances and maintains military forces in East Asia, the EU has confined itself to joint declarations, action plans and initiatives that do not address the major security issues in the region. The lack of a concrete East Asian strategy can be attributed not only to the problems of the CFSP that are analysed above, but also to the lack of military capabilities that leaves the EU incapable of pursuing a role in the region similar to that played by the USA.

All of these problems lead to low Japanese expectations from the EU. In 1993 Christopher Hill introduced the concept of the ‘capability–expectations

gap’ created by the European Community’s integration progress and the optimism about its future, meaning that expectations from inside the Community and from third countries are much higher than it can meet.⁶⁰ According to Michito Tsuruoka, a reverse capability–expectations gap occurs in the case of EU–Japan security relations. He claims that Japan expects less from the EU than the latter can actually offer.

Another explanation for the lack of concrete nuclear non-proliferation cooperation is, ironically, the lack of trade disputes between the EU and Japan. There are no serious difficulties in their trade partnership (still the most important dimension of their relations), which reduces the motivation to cooperate on security issues in general.⁶¹ Nevertheless, the security challenges that both actors face can independently serve as strong motivating factors for them to cooperate, while the lack of trade disputes can be characterized as a positive element. The EU and Japan have begun negotiating a free trade agreement (FTA), following the EU–South Korea FTA.⁶² Such an agreement, if accomplished, could bring the two actors closer together and in turn lead to a closer security partnership. Therefore, under specific conditions that have eased trade friction between them, the EU and Japan may cooperate more closely and effectively on the NPT.⁶³

Finally, the goals that were set for the EU and Japan in the 2001 Action Plan (which contains more than 100 areas of interest) were sometimes vague, overambitious and out of step with the potential of their partnership.⁶⁴

VI. AN AGENDA FOR FUTURE COOPERATION

The EU and Japan, despite flaws in their cooperation on the NPT, need to continue to view each other as valuable partners. However, they should consider how to make the partnership more coherent and effective by taking advantage of existing characteristics.

⁵⁶ Muller, H., ‘The 2005 NPT Review Conference: Reasons and Consequences of Failure and Options for Repair’, The Weapons of Mass Destruction Commission, no. 31, 2005, <<http://www.blixassociates.com/wp-content/uploads/2011/03/No31.pdf>> pp. 1–12.

⁵⁷ Senior official, Delegation of Japan to the Conference on Disarmament (note 21).

⁵⁸ Dagand, S., ‘The impact of the Lisbon Treaty on CFSP and ESDP’, *European Security Review*, no. 37 (2007), p. 2.

⁵⁹ Men, J., ‘East Asia: the acid test for Europe’s common foreign policy’, *Europe’s World*, no. 9 (2009).

⁶⁰ Hill, C., ‘The capability–expectations gap, or conceptualizing Europe’s international role’, *Journal of Common Market Studies*, vol. 31, no. 3 (1993), pp. 305–20.

⁶¹ Mykal (note 5), pp. 149–53.

⁶² Ozeki, K., ‘EU growing more open to negotiating FTA with Japan’, *Daily Yomiuri* (Tokyo), 25 Oct. 2010.

⁶³ Senior official, Mission of Japan to the EU, Interview with author, Brussels, 23 Sep. 2010.

⁶⁴ Berkofsky, A., ‘EU–Japan relations: not much or more than meets the eye?’, Presentation at the workshop ‘EU–Japan Relations in the Decade Ahead’, Tokyo, 2 Dec. 2009, <http://www.jean-monnet-coe.keio.ac.jp/references/axel_berkofsky_02.pdf>, pp. 1–3.

The formal and day-to-day contacts already provide a mechanism that should simply be expanded further. The next step should then be to define the aims of the EU–Japan partnership. Since the two actors do not have the necessary leverage to apply coercive diplomacy or a ‘carrot and stick’ method, they should rather focus on their strong economic linkages with countries around the world and the high technological capabilities of their industries. The EU and Japan could greatly contribute to strengthening the nuclear export control regime and could help empower the IAEA. In order to do so, the two actors should set fewer and more concrete goals in their new Action Plan, while elaborating the ways and means to achieve them.

Further, it would be beneficial for the EU–Japan partnership if they sought closer cooperation with the USA. Both actors have been traditional allies and have had long-standing bilateral partnerships on security issues. Additionally, the USA maintains the necessary leverage to make a comprehensive non-proliferation policy more efficient.

Specific recommendations for what the EU and Japan could do jointly in order to foster the NPT regime fall within three broad guidelines: (a) a Japan–EU initiative to create a nuclear export control regime in East Asia; (b) EU–Japan joint customs operations; and (c) focused cooperation at the 2015 NPT RevCon and in the preceding PrepCom.

Promoting the nuclear export control regime

As mentioned above, the EU and Japan should set the empowerment of the nuclear export control regime as a goal in their new action plan. They could, for example, propose a nuclear export control system at the ASEAN Regional Forum to be applied by the ASEAN+3 countries.

The first step for the EU and Japan would be to form a common nuclear export control model that they regard as modern and effective to be the basis for discussion with Asian countries.⁶⁵ The model should not be proposed as a common system for adoption by other Asian countries but as an instrument for harmonizing policies and fostering cooperation. More ambitiously, a common nuclear export control regime

for Asia could serve as a long-term goal for the two actors, but attempting to establish such a regime now would not be feasible. ASEAN countries have expressed strong interest in strengthening national export controls, but integration would probably be rejected by the organization’s members. Harmonization could nevertheless be a major step towards increasing security without raising issues of sovereignty.

The objective should be a comprehensive strategic trade control system that includes dual-use products and provisions for intangible transfers of technology. The states adopting it should apply the agreed standards in their national legislation within a time frame and would be committed to cooperating on enforcement, including criminal law aspects. The approach could build on existing European and Japanese cooperation efforts with countries in the region in fields such as legislative review, export licensing and enforcement.

Special attention should be paid to the participating countries’ concerns regarding uninterrupted access to nuclear energy. Therefore, their right to the peaceful use of nuclear energy should be explicitly recognized. Further, the establishment of an interstate advisory committee with the participation of all signatory countries should be envisaged with two branches: one corresponding to the regulators needs and the other dealing with the industry. The former would also be responsible for accession negotiations with other countries. Finally, there would have to be specific clauses regarding inspection procedures and penalties for non-compliant states.

The EU and Japan both already have financial instruments in place that could support such a programme. Apart from offering financial and technological assistance to the countries involved in order to improve their nuclear export control systems and harmonize them with the proposed model, they should also engage related personnel to train their counterparts.

The above-mentioned proposal would have important benefits and would be feasible for several reasons. It is widely acknowledged that there is the need for a comprehensive and integrated approach to nuclear export policy in East and South East Asia. This stems from the nuclear challenges that the region has been facing since the beginning of the 21st century. Apart from the traditional state-level nuclear threats, nuclear trafficking and smuggling have also emerged, putting the region at immense risk overall. The A. Q.

⁶⁵ Miyamoto, T., ‘A Japanese supplier’s perspective on export control’, Presentation at the International Seminar on the Role of Export Controls in Nuclear Non-Proliferation, Vienna, 7–8 Oct. 1997, <<http://www.nuclearsuppliersgroup.org/Leng/PDF/SeminarControl1.pdf>>, pp. 55–61.

Khan network's activities, the North Korean nuclear programme and the activities of terrorist groups in the region have increased the risk of illicit activities.

The region already hosts trade and trans-shipment nodes, including major international ports that are astride critical proliferation-sensitive pathways from East Asia to the Middle East. As the volume of regional trade and commerce continues to grow, so will the potential vulnerabilities of Asian states.⁶⁶

In order to effectively address this problem, strengthening national legislation and capabilities and interstate cooperation is necessary. The export control systems of East and South East Asian states are diverse in terms of both comprehensiveness and technological capabilities. In general, there is a direct relationship between the export control system and the level of economic and political development in a country. Many Asian countries do not have adequate technical capabilities in order to apply sufficient controls and, as a result, are not able to meet their security requirements or promote cooperation among themselves.⁶⁷

The EU and Japan have the potential to promote such a proposal and to assist countries in the region in adapting to its requirements. They both have advanced technological and economic capabilities, and both boast efficient nuclear export control systems. Despite the problems faced by both actors due to illegal dual-use exports by companies, they have made considerable efforts to tackle nuclear trafficking and smuggling and their role is still considered to be prominent.⁶⁸ In East and South East Asia, Japan is considered to have developed the most sophisticated nuclear export control system, while the common legislation that is the basis for the European system, including an integrated control list, is often referred to as a model.⁶⁹

Equally important is the fact that the ASEAN+3 members recognize the two actors as prominent players in this field. Japan has been active in assisting other Asian countries to improve their national capacities in terms of nuclear export control. It has undertaken various initiatives, including organizing seminars, holding bilateral and multilateral talks with countries and groups (including ASEAN members),

⁶⁶ Prosser, A., 'Nuclear trafficking routes: dangerous trends in Southern Asia', *Defense Monitor*, no. 4 (2004), pp. 2–12.

⁶⁷ Jones, S. A., *Current and Future Challenges for Asian Non-Proliferation Export Controls: A Regional Response* (Strategic Studies Institute: Pennsylvania, PA, 1 Oct. 2004), pp. 8–20.

⁶⁸ Toki, M. and Lieggi, S., 'Japan's struggle to limit illegal dual-use exports', *Bulletin of the Atomic Scientists*, vol. 64, no. 4 (2008).

⁶⁹ Jones (note 67).

and providing technical assistance to states in order to improve their capabilities. Japan's efforts have been evaluated as fruitful and the need for their intensification has been underlined.⁷⁰

In parallel, the EU has also been promoting national capacity building in the export control field since 2004. In December 2004 the pilot project 'Reinforcing EU Cooperative Threat Reduction Programs: Community action in support of the EU Strategy against Proliferation of Weapons of Mass Destruction' was launched, sponsored by the European Parliament and implemented by Stockholm International Peace Research Institute (SIPRI). The project ran until December 2006 and received positive feedback when it was presented at the Third Meeting of the Council for Security Cooperation in the Asia Pacific Export Controls Experts Group in Japan in 2007.⁷¹ In March 2008 the EU built on this earlier success and began a 'Long Term Programme' on export control of dual-use goods, implemented by the German Federal Office of Economics and Export Control (BAFA). The programme now includes 14 partner countries and its progress has also been assessed with positive results.⁷²

Both the EU and Japan have strong records of assisting other countries in this field. Therefore, a joint initiative proposing a specific nuclear export control model, supported by dedicated assistance to states prepared to adopt it, would be received as credible and promising—and the likelihood of the proposal being widely approved and implemented would be high.

Concerning the choice of the ASEAN Regional Forum and the ASEAN+3 to promote such a proposal, these forums are considered the most suitable because they cover the geographical area of East and South East Asia, while both Japan and the EU are represented at the Regional Forum. Moreover, although ASEAN was

⁷⁰ Tosaki, H., 'Export controls in Asia unpopular but indispensable measures for non-proliferation and development', Presentation at the First Meeting of the Council for Security Cooperation in the Asia Pacific Study Group on Countering the Proliferation of Weapons of Mass Destruction, Singapore, 28 May 2005, <<http://www.cpdnp.jp/pdf/003-07-001.pdf>>, pp. 20–26.

⁷¹ Akiyama, N., 'Chairman's report (Final)', Third Meeting of the Council for Security Cooperation in the Asia Pacific Export Controls Experts Group, Tokyo, 9–10 Feb. 2007, p. 3, <<http://www.cscap.org/uploads/docs/XCXGReports/3XCXGRpt.pdf>>; and Senior official, Mission of Japan to the EU (note 63).

⁷² German Federal Office of Economics and Export Control (BAFA), 'Summary of the interim internal assessment of the LTP', Eschborn, 2009, <http://www.eu-outreach.info/eu_outreach/services/publications/other_publications/summary_ltp_internal_report.pdf>, pp. 1–8.

founded as an organization orientated towards trade and development, it has become active in the nuclear non-proliferation field as well, organizing seminars and promoting the 1995 Treaty on the Southeast Asia Nuclear Weapon-Free Zone (Bangkok Treaty).⁷³ Since 2009 the ASEAN Regional Forum has also organized two meetings on disarmament and non-proliferation.⁷⁴ Finally, as well as geography, participation and focus, ASEAN incorporates the necessary structures for the promotion of such a proposal.

With respect to China and the USA, it is possible that the two countries will see the EU–Japan initiative as a potential threat to their roles in the area and might not welcome the proposal. However, there are no clear signs that they will try to hamper either. In fact, the benefit to the USA of a more secure environment would most likely outweigh any possible reservations. As regards China, despite its military development and nuclear capabilities, the EU and Japan can probably be optimistic about its response. Since the beginning of the 21st century, China has amended its nuclear export control system, it has joined the NSG and the Zangger Committee and it has held bilateral consultations with the EU and Japan on non-proliferation.⁷⁵ This can be put within the framework of an overall intention by China to show greater responsibility as an international actor and to engage itself at multilateral forums. Moreover, even if its approach were negative, the EU and Japan would have the leverage to convince China if other East and South East Asian countries approved the proposal.⁷⁶

Fostering customs cooperation

The EU and Japan can also strengthen the nuclear non-proliferation regime and reduce the risks of trafficking by fostering their customs cooperation.

As described above, the two actors have promoted closer customs cooperation since 2008 when they

signed a customs cooperation agreement intended to promote the World Customs Organization's SAFE Framework. In September 2009, an ASEM joint customs operation, codenamed 'Diabolo II', was conducted in Tokyo with the aim of placing shipments under surveillance and detecting and seizing prohibited goods, including those related to WMD. The operation was the result of agreement at the 2007 ASEM meeting in Yokohama, partly organized by the European Commission and the European Anti-Fraud Office. With the exception of Brunei Darussalam, China and India, all ASEM members participated, and the operation was supported by both Interpol and Europol.⁷⁷

The EU and Japan should expand their non-proliferation cooperation by organizing joint customs operations that focus on nuclear weapon-related material. Initially, Japan and the EU member states should be the only participants, and after evaluating their performance and correcting any possible flaws they should invite other countries to join them. The successful operation Diabolo II should serve as a blueprint⁷⁸. This does not mean that countries that are not members of ASEM should be excluded, but that ASEM members should be considered as a promising target group due to the success of Diabolo II. Joint customs operations should be promoted regardless of the implementation of the harmonization of the nuclear export control system of the ASEAN+3 countries.

There is no doubt that the EU and Japan have the economic and technological capabilities to organize these kinds of operation. Moreover, their customs agreements and the provisions of the 2001 Action Plan and the 2001 Joint Declaration on Terrorism for cooperation between Europol and the Japanese police authorities have set the framework for such projects. Diabolo II also gave the EU and Japanese customs personnel a chance to interact and acquire experience. Further, the EU has been active in joint customs operation projects, some of which have included WMD-related materials. Therefore, an EU–Japan joint customs project would be a feasible and effective

⁷³ Jones (note 67), pp. 16–18.

⁷⁴ Singaporean Ministry of Foreign Affairs (MFA), 'MFA Press Statement: 2nd ASEAN Regional Forum Intersessional Meeting on Non-Proliferation and Disarmament', Singapore, 5–7 July 2010, <http://app.mfa.gov.sg/2006/press/view_press.asp?post_id=6179>.

⁷⁵ Fan, J., 'China non proliferation export control system: evolution and revolution', Belfer Centre for Science and International Affairs, 26 Feb. 2008, <http://belfercenter.ksg.harvard.edu/files/Jishe_Fan_Export_Control_MTA_Talk_1.pdf> pp. 22–27.

⁷⁶ Senior official, Mission of Japan to the EU (note 67); Greek Ministry of Foreign Affairs official, Interview with author, Athens, 22 Sep. 2010.

⁷⁷ European Commission, 'ASEM Joint Customs Operation "Diabolo II"', Brussels, 29 Jan. 2010, <<http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/10/23&type=HTML>>, pp. 1–5.

⁷⁸ European Commission, 'Success in the fight against counterfeiting: results of ASEM joint customs operation', Brussels, 29 Jan. 2010, <<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/10/99&type=HTML>>, pp. 1–2.

nuclear non-proliferation and counterterrorism measure.

The 2015 NPT Review Conference and the Preparatory Committees

The EU and Japanese nuclear policies show no significant divergence and therefore there should be no great hurdle to the two actors committing themselves to joint working papers during the 2015 NPT RevCon and the related PrepComs.

Further, taking into consideration their willingness to contribute to NPT RevCons, their close communicative cooperation and the Japanese willingness to work together with other countries during the conferences, there is clearly common ground for joint action. Moreover, both the EU and Japan made considerable efforts to promote consensus in the 2005 and the 2010 conferences. A proposal made by two important political actors encompassing at least 28 countries would certainly have the dynamics to contribute to the non-proliferation regime and possibly to attract other partners.

The EU and Japan should take advantage of their official contacts and their day-to-day communication and submit common positions, initially at the PrepComs and later at the 2015 NPT RevCon, focusing on nuclear export control and strengthening the IAEA. For the reasons given above, a joint working paper on these issues would bring more results than a joint proposal on issues such as the universalization of the NPT, where the two actors do not have such high leverage.

These policy recommendations, if adopted, would not only have a positive impact on the NPT regime but would be profitable for the EU and Japan as well. Both would improve their profiles as political and security actors and promote their roles in the non-proliferation regime. Moreover, since the recommendations are in line with the concepts of 'effective multilateralism' and 'soft power', they would have a positive effect on the credibility of their non-proliferation policies. Further, due to the characteristics of the proposed cooperation, the EU–Japan initiative would pose no security challenge and so the two actors' relationships with other countries and most importantly with the USA would not be undermined. In fact, if they could achieve a closer partnership with the USA, a new trilateralism might be established between the three actors. Additionally, Japan would reduce the security

risk posed by North Korea and would improve its profile in East and South East Asia. As far as the EU is concerned, its cooperation with Japan would offer the opportunity of raising its stakes in a region of increasing importance.

A strong signal would also be sent regarding the EU and Japan's bilateral relations, highlighting the potential in their partnership as well as the need to foster and maintain it. The two actors might then expect more from their partnership and invest more capital in cooperation. The international community might also perceive EU–Japan cooperation as a more significant factor and this would also have a positive impact on the attention it receives. Overall, undertaking concrete initiatives and submitting joint working papers during the 2015 NPT RevCon would serve as a point of reference for the EU–Japan partnership and would be a significant step towards the further deepening of their relations.

VII. CONCLUSIONS

Since the early 1990s the EU and Japan have broadened their agendas to include security issues such as nuclear non-proliferation. During the decade 2001–10 they intensified their dialogue and set specific goals. Apart from official meetings, it has become common practice for the two actors to consult with each other and have day-to-day informal contacts. Moreover, the EU and Japan have interacted at regional and multilateral forums. However, despite improvement over time, their cooperation has been mainly communicative or declaratory, with low impact on the NPT regime.

In order to make their cooperation more concrete and effective, the EU and Japan should set fewer and more feasible goals, focusing on the IAEA and the nuclear export control regimes. First, they should promote the harmonization of the nuclear export control systems of the ASEAN+3 countries through a joint initiative. Second, they should foster their customs cooperation further. Third, they should work together prior to and during the 2015 NPT RevCon, making joint proposals based on their work on these issues.

ABBREVIATIONS

ASEAN	Association of Southeast Asian Nations
ASEAN+3	ASEAN Plus Three
ASEM	Asia–Europe Meeting
CFSP	Common Foreign and Security Policy
CONOP	Council Working Party on Non-Proliferation
EU	European Union
IAEA	International Atomic Energy Agency
NATO	North Atlantic Treaty Organization
NPT	Non-Proliferation Treaty
PrepCom	Preparatory Committee
RevCon	Review Conference
WMD	Weapon(s) of mass destruction

A EUROPEAN NETWORK

In July 2010 the Council of the European Union decided to create a network bringing together foreign policy institutions and research centres from across the EU to encourage political and security-related dialogue and the long-term discussion of measures to combat the proliferation of weapons of mass destruction (WMD) and their delivery systems.

STRUCTURE

The EU Non-Proliferation Consortium is managed jointly by four institutes entrusted with the project, in close cooperation with the representative of the High Representative of the Union for Foreign Affairs and Security Policy. The four institutes are the Fondation pour la recherche stratégique (FRS) in Paris, the Peace Research Institute in Frankfurt (PRIF), the International Institute for Strategic Studies (IISS) in London, and Stockholm International Peace Research Institute (SIPRI). The Consortium began its work in January 2011 and forms the core of a wider network of European non-proliferation think tanks and research centres which will be closely associated with the activities of the Consortium.

MISSION

The main aim of the network of independent non-proliferation think tanks is to encourage discussion of measures to combat the proliferation of weapons of mass destruction and their delivery systems within civil society, particularly among experts, researchers and academics. The scope of activities shall also cover issues related to conventional weapons. The fruits of the network discussions can be submitted in the form of reports and recommendations to the responsible officials within the European Union.

It is expected that this network will support EU action to counter proliferation. To that end, the network can also establish cooperation with specialized institutions and research centres in third countries, in particular in those with which the EU is conducting specific non-proliferation dialogues.

<http://www.nonproliferation.eu>



FOUNDATION FOR STRATEGIC RESEARCH

FRS is an independent research centre and the leading French think tank on defence and security issues. Its team of experts in a variety of fields contributes to the strategic debate in France and abroad, and provides unique expertise across the board of defence and security studies.

<http://www.frstrategie.org>



PEACE RESEARCH INSTITUTE IN FRANKFURT

PRIF is the largest as well as the oldest peace research institute in Germany. PRIF's work is directed towards carrying out research on peace and conflict, with a special emphasis on issues of arms control, non-proliferation and disarmament.

<http://www.hsfk.de>



INTERNATIONAL INSTITUTE FOR STRATEGIC STUDIES

IISS is an independent centre for research, information and debate on the problems of conflict, however caused, that have, or potentially have, an important military content. It aims to provide the best possible analysis on strategic trends and to facilitate contacts.

<http://www.iiss.org/>



STOCKHOLM INTERNATIONAL PEACE RESEARCH INSTITUTE

SIPRI is an independent international institute dedicated to research into conflict, armaments, arms control and disarmament. Established in 1966, SIPRI provides data, analysis and recommendations, based on open sources, to policymakers, researchers, media and the interested public.

<http://www.sipri.org/>