Volume 3 | Issue 8 | Article ID 1784 | Aug 03, 2005

Toward A Northeast Asia Nuclear Weapon-Free Zone

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[*While world attention focuses on the failure to reach agreement in the Six-Party talks in Beijing focusing on North Korea nuclear weapons, we present a report that reflects on the activities over several decades on the part of both states and citizens to frame a Nuclear Weapon-Free Zone for Northeast Asia as an alternative to the expansion of nuclear weapons states and the general breakdown of the Nuclear Non-Proliferation Treaty.*]

1. What is a Nuclear Weapon-Free Zone?

A Nuclear Weapon-Free Zone (**NWFZ**) is a concrete manifestation of international or regional efforts to limit nuclear weapons - the most destructive weaponry humankind has created. However, a NWFZ is meant to achieve more than this. The objectives of a NWFZ include not only limiting nuclear weapons, but also making a significant contribution to maintaining international peace and security in areas with varied historical backgrounds, some with long-standing disputes. In order to realize the objectives of ensuring regional security in this broader sense, NWFZs have been pursued, achieved and maintained. Currently, there are four NWFZs, each established and governed by an international treaty and named after the place associated with its negotiation.

As many as 113 nations have become parties to these treaties. If Antarctica, which is a kind of NWFZ, is also included, it means that 50% of the earth's land area, and nearly the entire land area of the Southern Hemisphere, have achieved the status of a NWFZ. All existing NWFZs have three common characteristics:

1. They prohibit the development, testing, manufacture, production, possession, acquisition, stockpiling, and transportation (on land and inland waters) of nuclear weapons anywhere within the zone. (Non-proliferation and non-deployment of nuclear weapons)

2. They prohibit the use or threat of use of nuclear weapons against nations and areas within the zone. (Negative Security Assurance - **NSA**)

3. They establish an on-going organization to ensure compliance with the treaty.

The second characteristic of NWFZs is especially significant. When NWFZs are advocated, there is a tendency to associate them solely with nonnuclear weapon states' obligations related to non-proliferation and non-deployment of nuclear weapons. However, all existing NWFZ treaties have protocols

requiring nuclear weapon states to provide NSAs. For example, the Tlatelolco Treaty (Section 2 of Protocol 2) stipulates a NSA, and with Russia's (former Soviet Union) ratification in 1979, all nuclear weapon states completed ratification of this protocol.

The Rarotonga Treaty (Section 1 of Protocol 2) also secures a NSA which Russia and China ratified in 1988 and 1989 respectively. The Western nuclear weapon states have also finally signed the protocols after France ended its nuclear testing program in March 1996. At present, all nuclear weapon states except the United States have completed ratification of the Treaty. Both the Bangkok Treaty (Section 2) and the Pelindaba Treaty (Section 1 of Protocol 1) request provision of an NSA by the nuclear weapon states. As yet, not a single nuclear weapon state has signed the Protocol of the Bangkok Treaty, whereas all nuclear weapon states have signed the Protocol of the Pelindaba Treaty; and, China, France and the United Kingdom have also ratified it.

When an NSA by all nuclear weapon states enters into force, nations within the NWFZ are essentially placed under a legally binding "Non-Nuclear Umbrella." Mechanisms for verification and consultation have been established to guarantee compliance with the obligations imposed by existing NWFZ treaties. They are the: "Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean Latin America Nuclear Prohibition Organization (OPANAL)," "(South Pacific Nuclear Free Zone Treaty) Consultative Committee," "Commission for the Southeast Asia Nuclear Weapon-Free Zone," and "The African Commission on Nuclear Energy."

2. Comparison of Existing NWFZs

There is an almost 30-year interval between the Tlatelolco Treaty, negotiated in the 1960s during the Cold War, and the Bangkok and Pelindaba Treaties, concluded after the end of the Cold War, close to the time of the conclusion of CTBT (Comprehensive Test Ban Treaty) negotiations. The four NWFZ treaties exhibit a clear evolution of concerns consistent with the era in which each was established. The main points of this evolution are summarized as follows:

(a) Peaceful Nuclear Explosion (**PNE**)

The Tlatelolco Treaty permits explosions of nuclear devices for non-weaponry purposes (such as civil engineering projects) under certain conditions. However, since entry into force of the Non-Proliferation Treaty (**NPT**) in 1970, which bans PNEs, subsequent NWFZ treaties have prohibited this activity.

(b) Port calls and transit by warships and aircraft carrying nuclear weapons

At the time of the establishment of the Tlatelolco Treaty, the issue of transit and portcalls by warships carrying nuclear weapons did not garner attention and thus, no special provisions were included in the Treaty. However, the issue became extremely hot and politically sensitive during the Rarotonga Treaty negotiations. The nuclear weapon states adhered to the NCND policy (that is, neither confirming nor denying the presence of nuclear weapons), while allies of nuclear weapon states adopted a policy of extended deterrence. Because of this, a universal prohibition on such portcalls was not achieved in later treaties. The

matter is left to the discretion of each party to the treaties. (See Article 5 of the Rarotonga Treaty; Article 7 of the Bangkok Treaty and Article 4 of the Pelindaba Treaty.)

(c) Dumping of radioactive waste

Although the Tlatelolco Treaty has no provision prohibiting the dumping of radioactive waste, subsequent NWFZ treaties do prohibit the dumping of radioactive waste at sea. For example, the Bangkok Treaty prohibits not only such dumping at sea, but also discharge into the atmosphere and disposition on land outside the territory of each nation. The Pelindaba Treaty prohibits import, trans-boundary movement, and dumping of radioactive waste.

(d) Exclusive Economic Zone (**EEZ**)

Each treaty has its own particular method of defining its geographical zone of application. The Tlatelolco and Rarotonga Treaties set their zones of application to include an expanse of international water in addition to the territory and territorial waters of countries within the zone. The Bangkok Treaty applies to the EEZ as well as to the territories and territorial waters of the state parties within the zone. The Pelindaba Treaty applies to the territories and territorial waters of the state parties within the zone.

(e) Armed attack on nuclear installations

The Pelindaba Treaty promotes mutual cooperation for the peaceful use of nuclear energy by stipulating that, "Each Party undertakes not to take, or assist, or encourage any action aimed at an armed attack by conventional or other means against nuclear installations…" It is the only NWFZ treaty to have such a provision.

3. Northeast Asia Nuclear Weapon-Free Zone (NEA-NWFZ): The History

A number of substantial arguments in favor of the establishment of a nuclear weapon-free zone in Northeast Asia have appeared in the post-Cold War era. Some of these are summarized as follows. In March 1995, after several years of collaborative work, a senior panel led by John Endicott (Center for International Strategy, Technology, and Policy (**CISTP**), Georgia Institute of Technology), presented a proposal for a Limited Nuclear Weapon-Free Zone in Northeast Asia (**LNEA-NWFZ**).

This first proposal for a NEA-NWFZ entailed the concept of a circular zone, consisting of a circular area with a 2000-kilometer radius from a center point at the Demilitarized Zone (**DMZ**) on the Korean Peninsula. The proposed zone would consist of the entirety of the ROK (Republic of Korea - South Korea), DPRK (Democratic Peoples Republic of Korea – North Korea), Japan, and Taiwan and also include some portions of China, Russia and Mongolia.

The United States, which maintains military bases in Japan and the ROK, would also be included as a relevant party to the treaty. In the expert meeting with five participants from the US, Russia, China, Japan and the ROK, this proposal was finally agreed upon but with a limitation that, "certain categories (of nuclear weapons) be excluded from inclusion during the initial stages of the Agreement, and that

emphasis be placed on nuclear warheads applicable to non-strategic missiles and other nuclear warheads or devices with 'tactical' applications." In other words, this proposal comprises a Limited Nuclear Weapon Free-Zone (**LNWFZ**) because it is applicable to non-strategic nuclear weapons only. Also, the group extended the geographical area of the proposal to an elliptical one (the shape of American football) with its major axis extending to part of Alaska, in the belief that a portion of US territory should be included in the NWFZ.

A similar circular arrangement was proposed independently by Kumao Kaneko (former professor at Tokai University, former director of the Nuclear Energy Division of Japan's Ministry of Foreign Affairs, and a Japanese diplomat). His proposal differs from the LNWFZ described above. It is a comprehensive circular NWFZ, based on the idea that the obligations of the nuclear and non-nuclear weapon states within the zone would differ from each other, with the nuclear weapon states being required to eliminate their nuclear weapons within the zone on a step-by-step basis.

Meanwhile, Andrew Mack (former Director of the Department of International Relations, Australia National University) suggested that, "Perhaps the most obvious NEANFZ would be one which encompassed the two Koreas, Japan and Taiwan." Although Taiwan is not a "country," it is a member of APEC, and thus, it could justifiably qualify to be a part of the area constituting the NEA-NWFZ. Mack's paper appeared as a chapter of an UNIDIR report, of which he was an editor. The study was innovative, but notably did not refer to the research led by Endicott, suggesting that there may have been little exchange of information on this subject among researchers in those days.

While welcoming both the circular and elliptical NWFZ proposals, I have proposed what I believe is a more realistic geographical arrangement for a NEANWFZ. Entitled the "Three-Plus-Three Arrangement," the proposal takes into consideration the history of Northeast Asia and the urgent circumstances of its current situation. It proposes the conclusion of a trilateral NWFZ treaty among the core nations of Japan, the ROK, and the DPRK with protocols providing for negative security assurances (NSAs) from the surrounding three nuclear weapon states - the United States, China, and Russia. According to recent discussions among experts in Japan, it may be preferable to incorporate an NSA provision into the main text of the treaty rather than into a protocol. In this case, the treaty will be a six-party treaty with different obligations between the former three and latter three parties.

This approach could be pursued by taking advantage of the existing declared policies of the three key states. Specifically, the ROK and the DPRK have signed the "Joint Declaration on the Denuclearization of the Korean Peninsula" (January 20, 1992), in which they agreed to "refrain from the testing, manufacture, production, acceptance, possession, stockpiling, deployment and use of nuclear weapons," and to "use nuclear energy only for peaceful purposes." It is conceded that there have been various problems with these positions since they were announced; nevertheless, they do

remain their declared positions currently on record. In addition, Japan has its "three non-nuclear principles," which state that Japan will not manufacture, possess, nor allow the bringing-in of nuclear weapons. Also, Japan's 1995 Atomic Energy Basic Law prohibits use of nuclear energy for military purposes.

While pursuing Track II efforts to develop its LNWFZ initiative, the Endicott group came to the realization that the establishment of the circular or elliptical NWFZ would be extremely difficult, even if it were limited to non-strategic nuclear weapons. In such circumstances in which "little progress was likely on the major issues." toward the LNWFZ, the group suggested a new proposal as an interim step to overcome these difficulties. They proposed a first phase of the LNWFZ which would include, "Japan, the ROK, possibly Mongolia, and if its non-nuclear status is clarified, the DPRK". The proposal is very similar to the "Three Plus Three" scenario that I have suggested.

Following the developments of these concepts, it would be safe to say that today there is a general agreement on an approach to establishing a NEA-NWFZ which would consist of the ROK, DPRK, and Japan as the key components, and possibly Mongolia and Taiwan as well. A recent article in the Asahi Shinbun reports that, "Recently there is a prevailing view that the declared non-nuclear weapon states in the region should constitute the core of a NEA-NWFZ, as suggested by Umebayashi."

4. Significance of a Northeast Asia NWFZ

The undertaking to establish a NEA-NWFZ has great significance in that it will entail the reorganization of the current security arrangement in the region. The government of Japan (GOJ), along with Japan's ruling establishment, has recently been using manipulated information and relying on the logic of the US-led War on Terror, while emphasizing the threat against Japan in the region. The peace movement in Japan has been facing new challenges as a result of the expanded projection of Japanese military power. The peace movement must respond to this situation by resisting the GOJ's dangerous propaganda that emphasizes the need to strengthen Japan's military systems and capabilities. At the same time, it must develop proactive approaches to ease tension in Northeast Asia and create alternative plans to build peace through confidence building measures. The establishment of a NEA-NWFZ can be considered a concrete example among such alternatives.

A NEA-NWFZ, even if it entails only the three elements noted in Section 1, would make a significant contribution to confidence building and easing of tensions in the region as described below:

(a) From the Korean Peninsula's point of view, Japan's suspected nuclear weapons' development would be able to be verified by means of the NWFZ's verification measures. From the Japanese point of view, the DPRK's suspected nuclear development would also be able to be verified in a similar manner. By means of such verification measures, the rise of Japanese pronuclear rightists and ROK's supporters for "nuclear sovereignty," which is reinforced by mutual

suspicion toward each other, could be prevented.

(b) The GOJ has identified distrust toward China as part of its rationale for Japan's military buildup. In particular, it distrusts China's unilateral security assurance, a key component of Chinese nuclear policy, which states that China will not attack non-nuclear states with nuclear weapons under any circumstances. A NWFZ could make this security assurance legally binding. Similarly, Japan's concerns about Russia's nuclear weapons could be solved by a legally binding NSA from Russia. From the DPRK's point of view, formal assurances by the US "against the threat or use of nuclear weapons," as stipulated in the 1994 Agreed Framework, would become legally binding. Such security assurances will serve as the foundation for further disarmament in the region.

(c) Although prohibition against chemical and biological weapons would not be directly included in a NWFZ, the subject would naturally be on the table in NWFZ negotiations. Unlike the situation for nuclear weapons, international treaties already exist which prohibit chemical and biological weapons, and a NWFZ would necessarily be discussed in relation to these treaties. It would be possible to refer to CB weapons in some way in a NWFZ treaty.

(d) More generally, the mechanism established in the treaty for ensuring compliance of state parties is expected to serve as a venue where a wide range of security issues can be discussed. In order to prevent the deep-rooted distrust originating from Japanese colonial rule and the absence of a formal apology in the post-WWII era from developing into an unfortunate military conflict in the future, a highly transparent venue for consultation should be established. The mechanism for ensuring the compliance with the treaty could serve as the first step of such an arrangement. Its establishment would also signal the transformation from an obsolete security structure dependent upon US military forces to a new cooperative regional security framework.

5. Important Issues for Northeast Asia

(a) Plutonium

The 1994 "Agreed Framework" between the US and the DPRK requires the DPRK to implement the "1992 North-South Joint Declaration on the Denuclearization of the Korean Peninsula." Even if the 1994 Agreed Framework is discarded and a new agreement is reached, it is very probable that the "1992 Joint Declaration" would remain the basis for the new agreement. Under this "Joint Declaration," both Koreas are prohibited from possessing nuclear reprocessing and uranium enrichment facilities. However, North and South Korea would be cautious about the "Joint Declaration" becoming legally binding should Japan's enormous plutonium capability be left intact. For this reason, a NWFZ in this region must include Japan. One of the important benefits of a NEA-NWFZ is that Japan and two Koreas would be under a single verification system.

(b) Reliance on Nuclear Weapons in Security Policy

To become a state party to a NWFZ is not

necessarily the same as abandoning a security policy dependent on nuclear weapons. For example, it is logically possible for Japan to maintain its reliance on US nuclear deterrence, while at the same time joining the NWFZ framework. However, since the possibility of nuclear attacks against Japan would be eliminated as a result of legally binding security assurances of a NWFZ, US nuclear deterrence would then assume a retaliatory role with the use of nuclear weapons against possible nonnuclear attacks. In other words, a policy reliant on nuclear deterrence could persist under a NWFZ, but it would apply to nuclear weapons' use solely against non-nuclear weapons.

Although the persistence of nuclear deterrence is logically possible under a NWFZ, it must be emphasized that all nations agreed to "a diminishing role for nuclear weapons in security policies" at the 2000 Review Conference of NPT. The policy to use nuclear weapons solely against non-nuclear weapon attacks, as mentioned above, would constitute a clear violation of the NPT agreement because it entails an obvious expansion of the role of nuclear weapons. Therefore, a new NWFZ treaty must include a provision stipulating that non-nuclear weapon state parties commit to abandoning reliance upon nuclear weapons in every aspect of their security policies.

(c) Portcalls and Transit by Nuclear Weapon-carrying Warships

As discussed in Section 2, all existing NWFZs leave the prohibition of portcalls and transit of territorial water by nuclear weapon-carrying vessels to the discretion of each party to the treaty; thus, there is no universality to the prohibition. However, in response to overwhelming public opinion, Japan has committed to banning both portcalls and transit by nuclear weapon-carrying vessels, relying upon its three non-nuclear principles as the basis for this policy. It is noted that although official documents suggesting the existence of secret accords between Washington and Tokyo have been repeatedly disclosed, the GOJ has denied their existence. Therefore, on the optimistic side, a NEANWFZ could be the first NWFZ that prohibits portcalls and transit of territorial water by nuclear weapon-carrying vessels. On the pessimistic side, the GOJ may continue to show strong resistance to even the mere idea of any negotiation of a NEA-NWFZ in order to observe secret accords with the US and in the process, continue to deceive its people.

(d) Obligation for Anti-Nuclear-Weapon Education

A NEA-NWFZ would be the first NWFZ established that actually is home to a large number of victims of nuclear weapon attacks. The victims of both Hiroshima and Nagasaki bombings live not only in Japan, but also on the Korean Peninsula. Therefore, a distinctive element could be incorporated into a NEA-NWFZ that contributes to global nuclear disarmament by stipulating state parties' obligation to educate citizens all over the world about the realities of the physical and social suffering of these victims.

(e) Prohibition of armed attack on nuclear power plants

Regardless of the arguments for and against nuclear power, a NEA-NWFZ

would need to acknowledge the reality of the many nuclear power stations currently in operation; therefore, it would be necessary to include provisions to prohibit any deliberate armed attack on nuclear power plants, attacks that would result in enormous damage to citizens.

6. Conclusion

The political and diplomatic path to realize the proposed NEA-NWFZ is necessarily affected by a host of variables. It is desirable to seize the opportunity to establish the NEA-NWFZ, while at the same time, carefully observing the development of various ongoing processes in the region, such as inter-Korean talks, Japan-DPRK normalization talks, and other multilateral talks, such as the current Six-Party talks process, which involves the same six countries that would be party to the "Three Plus Three Nations Arrangement" of a NEA-NWFZ.

In addition, in terms of the process to establish a NWFZ in the region, the ASEAN Regional Forum (**ARF**), the sole Asia-Pacific regional multilateral forum devoted exclusively to security issues, should be recognized as having the potential of becoming a significant forum for negotiation of this subject. Since its establishment in 1994, the ARF has been actively discussing the peace and security of the Korean Peninsula, and all states potentially concerned with a NEANWFZ, including the DPRK, are members of the ARF.

Regardless of the process undertaken, there is no doubt that civil society in its pursuit of "human security" will play a critical role in advancing frameworks for cooperative security beyond national borders. Future objectives for peace NGOs in the region will necessarily include:

1. Strengthening concerted NGO efforts in the ROK and Japan with the common goal of: "Not a War, a NWFZ Instead"
2. Mobilizing parliamentarians in both countries to take actions to realize a NEA-NWFZ.

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This is an abbreviated version of his report for Nautilus, published on August 11, 2005. Published at Japan Focus August 11, 2005.