

The importance of Nuclear Weapons Free Zones

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Some say that it is nothing but an illusion to think of a world totally without nuclear weapons. This might be true. Nonetheless, although the total abolition of nuclear weapons seems, at present, to be quite difficult, promoting Nuclear Weapons Free Zones (NWFZs) from a regional standpoint might encourage further large-scale non-proliferation processes. NWFZs are important elements to be brought into the debate when dealing with the non-proliferation of nuclear weapons on a global scale. Also for regional security reasons, NWFZs are crucial. In particular, there is a need for an NWFZ in Northeast Asia.

The ultimate goal of a Nuclear Weapons Free Zone (NWFZ) is to establish the abolishment of nuclear weapons in a certain geographical sphere; moreover, an essential issue to be promoted is the elimination of the danger of being involved in a nuclear war [1]. States that are included in a NWFZ promote security in the area by making an agreement neither to manufacture nuclear weapons of their own nor to host any nuclear weapons of others [1,2]. Furthermore, prevention for the area from being attacked by nuclear weapons, as specified in respective treaties, is achieved by obtaining security guarantees from nuclear-weapon states (also called 'negative security').

Since NWFZs are based on international treaties, they can be perceived as truly trustworthy measures with regards to the non-proliferation of nuclear weapons. Furthermore, NWFZs play a crucial role in nuclear disarmament as well, since they enhance regional (and ultimately, universal) security, regional detente, regional reliance, and they promote the complete elimination of nuclear weapons.

The proliferation of nuclear weapons is an issue which must not be left behind. It is a matter of common security and the common good. In this sense, the creation of new NWFZs is an effective way for achieving security on a regional basis, which in the end can be sewed up into a global 'quilt' of nuclear weaponless regions [3]. Whereas focusing on a global image from the beginning is difficult, focusing on the regional level allows us to ground our thoughts and actions.

The relation between the NPT and Nuclear Weapons Free Zones

The core of the global non-proliferation regime is the wide-spanning Treaty on the Non-Proliferation of Nuclear Weapons (NPT). The NPT prohibits transfer to, acceptance of, as well as the manufacture of any nuclear weapons or other military explosive nuclear devices whatsoever by non-nuclear-weapon states. However, as is clear from Article 2 of the Treaty, the stationing of nuclear weapons is not prohibited; in other words, a loophole to the regime exists. In contrast, Nuclear Weapons Free Zone treaties, in addition to all the matters that the NPT prohibits, do not allow for the stationing of nuclear weapons or of other nuclear explosive devices within the territories of state parties. Needless to say, NWFZ treaties are more rigorous than the NPT in terms of proliferation. To sign and ratify NWFZ treaties (and certain additional protocols) along with the NPT therefore promotes a healthy path towards nuclear disarmament and non-proliferation [1]. The establishment of an NWFZ should be seen not just as a measure for non-proliferation, but also as one for nuclear disarmament.

This fact is well recognised by the non-proliferation regime: Article VII of the NPT states that nothing in the Treaty 'affects the right of any group of States to conclude regional treaties in order to assure the total absence of nuclear weapons in their respective territories'; likewise, 'in the principles and objectives for nuclear non-proliferation and disarmament' adopted by the NPT Review and Extension Conference held in 1995, establishing NWFZs was recognised as a sophisticated approach which is strongly welcomed and valued by the international community [4]. There exists an exceedingly essential and mutually complementary relation between the different treaties belonging to the nuclear weapons regime, NWFZ treaties included.

The concept of a Nuclear Weapons Free Zone

The ultimate goals of NWFZs are accomplished through a binding legal instrument between two or more States which agree on the absence of nuclear weapons in a specific region, along with a series of verification and compliance mechanisms, as well as negative security guarantees by all nuclear-weapon states [5]. Nuclear weapons free regions, in a more general sense, need not be defined by groups of countries: Mongolia declared itself a Nuclear Weapons Free State and had its status confirmed by the UN General Assembly; in addition, following the end of the Cold War and the unification of the Federal Republic of Germany and the German Democratic Republic (DDR), the former DDR territory, now part of the NATO territory, was declared a nuclear weapons free area.

In defining an NWFZ, it is necessary to consider whether the area in question is populated [6]. To this extent, we can say that there exist five NWFZs in the world today; the Latin and Caribbean NWFZ, the South Pacific NWFZ, the Southeast Asia NWFZ, the African NWFZ, and the Central Asian NWFZ. Each zone is legitimised by specific treaties, namely, the Treaty for Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco), the South Pacific Nuclear Free Zone Treaty (Rarotonga Treaty), the Treaty on the Southeast Asia Nuclear Weapons Free Zone (Bangkok Treaty), the Treaty on the Nuclear Weapons Free Zone in Africa (Pelindaba Treaty), and the Central Asia Nuclear Weapons Free Zone Treaty (Semipalatinsk Treaty) [7].

The main and most obvious objective of an NWFZ is the 'total abolition of nuclear weapons' [8]. As mentioned above, NWFZ treaties comprehend both aspects that are considered by the NPT (the production, transfer, and so forth of nuclear explosive devices) and aspects that

are neglected by the NPT (the stationing of nuclear weapons). However, NWFZs are also meant to guarantee that State Parties will not be targeted by existing nuclear-weapon states. This, in brief, is granted by negative security assurances which are granted by the nuclear-weapon states. Such assurances raise the security level of non-nuclear states which take the path down permanent disarmament to an even higher and definite stage.

Brief historical background

The idea of NWFZs arose in 1956, prior to the constitution of the NPT. In March 1956, a proposal was presented to a United Nations Committee on Disarmament which sought to obtain partial arms restrictions, the establishment of regions under constant inspection, as well as a prohibition of the stationing of nuclear equipped forces, nuclear weapons and hydrogen weapons, on German soil and in neighbouring states [9]. This proposal, which had been presented by the Soviet Union, was adopted and rephrased in a more sophisticated form by the Foreign Minister of Poland, Adam Rapacki, and presented during a session of the United Nations General Assembly in October 1957 [10]. Nevertheless, this idea to establish a denuclearised zone in Central Europe was suppressed due to the Cold War; more in general, although several proposals were made towards the denuclearisation of Europe – for example, of the Balkan Peninsula (1957) and of Northern Europe (1959) [11] – none have come to fruition.

Analysing NWFZs

Although it is clear that the establishment of NWFZs is a vital step in the direction of non-proliferation and disarmament, doing so involves many steps and is thus a complicated process. However, history proves that, albeit complicated, it is not impossible: today there are three established Nuclear Weapons Free Zones supported by treaties that have entered into force (The Pelindaba Treaty and the Semipalatinsk Treaty have not yet entered into force.) Today, 74% of all of the territories not encompassed by nuclear weapon powers (these territories include Antarctica) are situated within NWFZs, including 99% of all the land in the southern hemisphere. Out of 195 States, 114 belong to such denuclearised zones, comprising about 1.8 billion people who do not live under the direct shadow of nuclear war. This means that, indeed, there are successful models for establishing further similar zones. The existing zones can be analysed and compared in order find defining features, common strengths, and particular weaknesses.

A quick overview of the three active NWFZs reveals two fundamental criteria for the creation of a successful denuclearised zone: a strong bondage between regional states and stable relations with the nuclear-weapon states. The first highlights the necessity of strong regional organisations such as the Organisation for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (OPANAL) in Latin America, the Pacific Islands Forum (PIF) in the South Pacific, Association of South East Asian Nations (ASEAN) in Southeast Asia, and African Union (AU) in Africa. From this point of view, the NWFZ being established in Central Asia (between Turkmenistan, Kyrgyzia, Uzbekistan, Tajikistan, and Kazakhstan) does not have a strong and reliable regional organisation. And although establishing an NWFZ does not require as a *sine qua non* such an organisation, its presence will be central to the success of the project in the long run.

Furthermore, many states that live under the umbrella of an NWFZ possess a common history. Common historical understandings among regional states work to strengthen the bond within the region. One of the qualifications for the establishment of an NWFZ derives from the historical question of whether states were 'directly' involved in the Cold War or not [12]. The bondage/history relation becomes controversial when dealing with countries that were not at the periphery of the Cold War. For regions, however, that were not strongly involved in the Cold War and that are also linked by strong regional organisations, it is easier to establish an NWFZ. Still, for such regions, the end of the Cold War provided a trigger. For example, the establishment of an NWFZ in Southeast Asia was largely conditioned to the withdrawal of the United States' army from the Philippines. Nuclear weapons were a symbol of the Cold War; thus, it can be assumed that some – though not strong – involvement in the Cold War and the legacy which derived from it did not hinder but rather endorsed the establishment of an NWFZ.

The aftermath of the Cold War also reveals the importance of having stable relations with the nuclear powers. In order for an NWFZ to be effective, it requires recognition from nuclear-weapon states so as to ensure the absolute denuclearisation of the region, even in the event of war. Therefore, co-operation from these states is necessary.

In his thesis, Tosaki describes four obstacles in establishing NWFZs: the existence of threshold states; the possibility of being attacked by neighbouring nuclear-weapon states; the temptation of possessing nuclear weapons as a deterrent to deal with the proliferation of biological and chemical weapons; and as a means to forge an alliance with nuclear-weapon states [8]. In considering these obstacles, the first and the last can be solved, as proven by the Latin American, South African, and Asian cases.

The problem is that although many emphasise the importance of establishing more NWFZs, there is little success in achieving this goal. Not enough qualifications do yet exist that stimulate the establishment of NWFZs. These qualifications are the existence of an initiative state, time for negotiation, assured transcendence of states, detainment of the neutrality for denuclearisation, environmental preparation, and general détente [13].

Peaceful and military uses: what differentiates the two?

Another key issue, and probably one of the most difficult issues in establishing NWFZs, is that the borderline between peaceful and military uses of nuclear devices is quite ambiguous.

There are two possibilities for contemplating this issue. The first is that there is an urgent need in drawing a legal line between peaceful and military uses of nuclear technologies. This is based on the anxiety of the dual use of these technologies. As we face a serious energy shortage in the years to come, the need to secure energy will emerge as an essential issue: therefore to use and develop energy-supplying systems via nuclear power is inevitable and indispensable. However, proliferation is the dark side of nuclear energy [14], and reaching a consensus in this context is a difficult task which involves many actors and their expectations.

The second possibility is to distinguish between types of nuclear explosions, namely, whether they are for peaceful uses or not. The reason why the nuclear non-proliferation regime still retains its value is because there is a formal treaty on which the regime is based. However, the criterion to define whether an explosion is a peaceful one or not has yet to be decided upon. NWFZ treaties prohibit nuclear weapons but do not prohibit the peaceful use of nuclear

energy, explosives included. But to what extent is the legal framework sensitive to the boundaries between peaceful and not peaceful? The question remains unsolved. One can only mention that the recognition of this borderline problem has resulted in the provisions in the Rarotonga, Bangkok, and Pelindaba treaties that prohibit all nuclear explosive devices regardless of their intended use. While peaceful nuclear explosions for landscaping or other purposes were seriously considered in the 1960s, those ideas seem to have been abandoned.

A Nuclear Weapons Free zone in Northeast Asia?

Among the various proposals to establish NWFZs that followed the end of the Cold War, there is one in particular which deals with Northeast Asia.

The proposal of the Northeast Asia NWFZ arose out of a series of meetings that began in 1991 between retired diplomats and officers from South Korea, Russia, Japan, China, and the United States. Today, the proposal for an NWFZ in Northeast Asia is being promoted in a limited way and through a Track-II level process (i.e. through non-official channels). Official conferences and discussions are not yet held, which means that there are many high hurdles to overcome.

The main actors that are promoting the establishment of this zone are Peace Depot [15], the International Physicians for the Prevention of Nuclear War (IPPNW) [16], and the Tokyo Physicians for Elimination of Nuclear Weapons (TPENW) [17]. These organisations have held a number of sessions at a non-governmental level and advocated the importance and necessity of establishing an NWFZ in Northeast Asia, as well as the process that must be taken to achieve this task.

When defining Northeast Asia, there are several different opinions. In general, this scheme is thought to contain Japan, South Korea, North Korea, and parts of China and Russia, though some also include Mongolia. The important element in this proposal is that this region of the world contains two of the nuclear-weapon states as accepted in the current non-proliferation regime (i.e. China and Russia). This is an unprecedented challenge since none of the four existing NWFZs contain mainland areas that are part of the territory of nuclear-weapon states; in other words, there is no model for what could become a treaty that establishes an NWFZ in Northeast Asia. The Latin American, South Pacific and African zones include, however, small dependencies of nuclear-weapon states. Therefore, the criteria and measures of participation of states within the presupposed area are the keys in promoting this idea of establishing an NWFZ in the region.

The establishment of an NWFZ in Northeast Asia would be a crucial act in coping with the security issues of the Korean Peninsula and Japan. Hence, initiatives by South Korea and Japan are indispensable. Both countries are under the umbrella of nuclear security of the United States and in order to take initiatives, both states must grow out of this military and mental dependence. However, this step must be taken simultaneously. This is because both South Korea and Japan are restraining each other in the field of security policy, and since nuclear policy is firmly attached to this issue, security will not be achieved if the two states take steps individually. Walking the same path will take the two states to obtain the same goal, which will lead the region to achieve increased security. Also, movements for establishing an NWFZ will bring about a trust-building processes as well as a sense of common security for the region:

this is not just a by-product of denuclearising the region, but has an even more crucial meaning [18].

In assessing the establishment of an NWFZ in Northeast Asia, there are several issues to keep in mind. First, there is the matter of American bases located in the region; specifically in South Korea and Japan. These locations have long been in dispute in the context of the presence of nuclear missiles and materials in the region. The United States regards itself as the authority broker in Northeast Asia and, needless to say, the security within this specific region cannot be considered without the coordination of the United States. Therefore, it would be truly risky to exclude the presence of the United States from the region.

There is also the problem of the remainder of the total eradication of historical hostilities. In order to create a certain NWFZ, there is a strong need of a well-built organisation as a integrity-enhancing factor for the region. This integrity could be based on the common and cultural background of the region. Therefore, measures toward the mediation of hostilities and a certain form of integrated identity are crucial in the establishment process of an NWFZ in Northeast Asia. Political and economic diversity and constant transfigurations are facts that must also be intensely studied. There may be ways in which the Six Party Talks might serve as a ground for negotiations towards a more concrete proposal for an NWFZ in the region. However, the talks have not yet seen significant achievements considering nuclear disarmament at the moment.

Conclusion

Nuclear Weapons Free Zones have a tremendously important role to play in non-proliferation and disarmament issues. Since nuclear non-proliferation and disarmament are enormously complex tasks, it is impossible to achieve the ultimate goal of complete disarmament by approaching this issue globally from the very beginning. Thus, I propose to start from regional approaches and ultimately sew them up into a one big global quilt. In this sense, using the logic of NWFZs to reinforce the nuclear non-proliferation and disarmament regime can be understood as an effective measure towards universal disarmament. NWFZs themselves will not and cannot stop proliferation of nuclear weapons; they are just one of the many options in the non-proliferation regime that must be used adequately. Reciprocal actions and strong mutual relations with global approaches such as the NPT are needed. This essential connection will further reinforce the capability that the NWFZs retain.

As the proverb goes, 'many a little makes a mickle'. I believe this idea also applies to nuclear non-proliferation and disarmament. It is still too early to give up. As a highly sophisticated scholar once noted, 'the desire to concur a nuclear war is nothing but a proof of arrogance of people that have forgotten respect to this beautiful earth' [19]. Consideration of the proliferation of nuclear weapons is an invariable issue which all of us must not leave behind. It is a matter of common security, as was said by the Palme Committee (1982). We must contemplate nuclear weapons issues not just as a state-based interest issue, but rather as an overall issue posed to all of humanity.

Notes

1. Mitsuru Kurosawa, *Issues in Disarmament: An Introduction*, 2nd ed., Toshindo, Tokyo, 1999.
 2. Ben Sanders, Nuclear non-proliferation: a survey of the world after the NPT Conference, in: *Disarmament in the Last Half Century and its Future Prospects*, Disarmament Topic Paper 21, United Nations Publications, New York, 1995.
 3. See Yoko Okashiwa, *The denuclearisation of the South Hemisphere*, in: *Disarmament in the 21st Century*, Hiroshima Peace Institute, Hiroshima, 2002. Okashiwa proposes a state in which all the existing NWFZs must work together in creating a more larger-scale zone, so called a 'Patchwork System'.
 4. For more information, see NPT/CONF.1995/32 (Part I), 1995 Review and Extension Conference of the Party to the Treaty on the Non-Proliferation of Nuclear Weapons Final Document Part I, Organisation and work of the Conference, New York, 1995. Decisions considering NWFZs are listed in Decision 2 'the Principles and objectives for nuclear non-proliferation and disarmament', articles 5-7.
 5. See United Nations General Assembly Resolution 3472B, adopted December 11 1975.
 6. The Antarctic Treaty, which entered into force on June 23, 1961, is a treaty that has the character of an NWFZ Treaty. However, when defining an NWFZ as a permanently populated region, Antarctica does not fit in. However, that does not mean that the state of Antarctica is insignificant; on the contrary, it is truly an important landscape for nuclear non-proliferation and disarmament process macrocosmically.
 7. The Central Asian Nuclear Weapon-Free Zone and the attached Protocol were adopted in February 2005 by the significant initiative of the United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific. Although it was adopted by the five Central Asian countries that are involved, the signing of the Treaty is not yet completed. However, in the joint statement adopted in Tashkent (A/59/733, S/2005/155), the five countries expressed their desire to sign the Treaty as soon as possible. The ceremony is expected to take place in Semipalatinsk, Kazakhstan.
 8. Hirofumi Tosaki, *Nuclear Weapons-Free-Zone and nuclear non-proliferation*, in: *International Politics in the non-Proliferation of Weapons of Mass Destruction*, Yushindo-Kobunsha, Tokyo, 2001.
 9. Hiroshi Ide, *The History on Nuclear Disarmament Negotiation*, Shin-Nippon Syuppannsya, Tokyo, 1987, p. 72.
 10. See James R. Ozinga, (1989.) *The Rapacki Plan: the 1957 proposal to denuclearise Central Europe, and an analysis of its rejection*, Mcfarland & Company, Jefferson, NC, 1989.
 11. The concept for an NWFZ in Northern Europe was proposed repeatedly: the first proposal was made by the former Soviet Union in 1959, followed by Sweden in 1961, Finland in 1963 and 1978.
 12. Hisaichi Fujita, *Qualifications to the denuclearisation of Northeast Asia*, in: *Disarmament Issue References*, No. 254, Utsunomiya Disarmament Research Institute, Tokyo, 2001, p. 12.
 13. From the *Asahi Shimbun*, August 8, 1998.
 14. United Nations, *The United Nations and Nuclear Non-Proliferation*, The United Nations Blue Books Series Volume III), United Nations Publications, New York, 1995, p. 30.
 15. Launched in November 1997, The Peace Depot is a non-profit, independent peace research, education and information institution which aims to build a security system that does not rely on military power. It became incorporated as a non-profit organisation (NPO) in January 2000 under the
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- Japanese NPO Act. For more information, see the Peace Depot homepage (<http://www.peacedepot.org/index.html>).
16. Founded in 1980, awarded the Nobel Peace Prize in 1985, the International Physicians for the Prevention of Nuclear War is a non-partisan, global federation of national medical organisations in 58 countries dedicated to research, education, and advocacy relevant to the prevention of nuclear war. For more information, see the IPPNW homepage (<http://www.ippnw.org>).
 17. Inaugurated in 1988, the Tokyo Physicians for Elimination of Nuclear Weapons is a society of physicians and those working in medical fields protesting against nuclear war and appealing for the elimination of nuclear weapons. For more information, see the TPENW homepage (<http://www.ask.ne.jp/~hankaku>).
 18. See John E. Endicott, A Limited Nuclear-Weapons-Free-Zone in Northeast Asia: A Track-II Initiative, The Acronym Institute (<http://disarm.igc.org/Plnwfznea.html>). See also Captain Mark E. Rosen, Nuclear Weapons Free Zones: Time for a fresh look, *Duke Journal of Comparative and International Law* 8 (1) (1997) 29-78.
 19. A phrase used by Kuniko Inokuchi, the former ambassador of disarmament from Japan. See Kuniko Inokuchi, *War and Peace*, The University of Tokyo Press, Tokyo, 1989.
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