# **Toward A Northeast Asia Nuclear Weapon-Free Zone**

# Umebayashi Hiromichi

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By Umebayashi Hiromichi

[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 -  $\mathbf{NSA}$ )

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 nonproliferation 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

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

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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

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  $% \left( {{{\mathbf{F}}_{\mathbf{n}}}^{T}} \right)$ 

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 Weaponcarrying 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

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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.

Umebayashi Hiromichi is President of Peace Depot Japan, and International Coordinator for the Pacific Campaign for Disarmament & Security (PCDS). This is an abbreviated version of his reportfor Nautilus, published on

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