

DEVELOPING NUCLEAR LANDSCAPE IN THE ASIAN HEARTLAND: ROLE OF NUCLEAR-WEAPON STATES

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Changing strategic environment

In the post Cold War decade, especially after the tragic 9/11 events of 2001 and the 2003 war in Iraq, international security environment is substantially changing, including the strategic landscape in the Asia-Pacific region. Predominance of today's only hyper-power is not only demonstrated and felt strongly in international relations, but is leaving its imprint on tackling the major international issues. As of today the predominant position of U.S. is indisputable. It has not yet been affected by the shifts that are underway in the world, including in Europe and Asia. Expansion of NATO to the East (reaching 26 members), expansion of the European Union (reaching 25 members) and the steps undertaken to adopt a common EU Constitution that would coordinate even closer foreign, trade and economic policies of its members, are yet to make themselves felt in the Transatlantic relations.

In the East, globalization and the rise of China as the regional pre-eminent power are forcing the regional States to work closer politically and economically, with the ASEAN Regional Forum (ARF) serving as their multilateral venue, if not as the negotiating or decision making fora(y). As a result of increasing American pre-eminence on the world stage, Russia and China are stressing the need to multi-polarize the world and to that end they have declared forging a strategic partnership. However, the realities of power and imperatives of geo-economics demonstrate the limits of Russian-Chinese strategic collaboration, with each one following its economic and other interests and acceding to U.S. pressures.

The use at times of indiscriminate or dis-proportional force to fight terrorism and introduction of the doctrine of pre-emptive strike in Afghanistan and Iraq are raising legitimate questions as to where all this could lead and what, if any, role the United Nations Security Council is to play on questions pertaining to maintaining international peace and security, what role the Council's Permanent Members (PMs) could really play.

With the above changes, security perceptions and policies of many States are undergoing reappraisals and substantial changes. At the strategic level, many States are making fighting terrorism at the regional and global level, if not

their security, then foreign policy priority, with all the ensuing consequences. Some regimes are using the fight against terrorism as a pretext to crack down on their political opponents and adversaries. Ad hoc coalitions are formed to deal with emerging security related issues, while the existing UN based international security mechanism is either being brushed aside or turned to when surpassing it does not yield the expected results.

Realities of nuclear age

In the field of nuclear security, contrary to the expectations, the end of the Cold War did not bring “nuclear peace dividends”. The unfolding international events, including the recently busted nuclear-supply chain that had been operated by Pakistan’s top nuclear scientist Abdul Qader Khan, demonstrates that XXI century might prove even more dangerous than the previous one, unless resolute collective measures are taken to stop the spread of nuclear weapons or its technology. Whether that is possible depends on the collective will and actions of the members of the international community. The role of the P5 in this regard is of crucial importance. However, unfortunately they are sending mixed signals. U.S. and the Russian Federation are taking steps to reduce their nuclear stockpiles; the P5, together with other States, are trying to check the smuggling in nuclear weapons technology and uncontrolled sale of dual-use nuclear technology and equipment and to secure radioactive resources¹, etc. All this is welcomed and hailed by the international community.

On the other hand, double standard is being applied in dealing with the non-nuclear-weapon States (NNWSs) with some being favored while some others discriminated. Companies of some of the P5 or those of their closest allies are implicated in the clandestine and burgeoning nuclear weapons technology black-market. U.S., the strongest among the P5, is proceeding with its national missile defense and is lifting the ban on research on the so-called low-yield and bunker-busting nuclear weapons that are designed specifically to attack conventional enemy forces and weapons of mass destruction (WMD) hidden deep underground. Many believe that this would fuel regional nuclear arms race and lower the threshold of the admissibility of the use of nuclear weapons, making thus the use of such weapons “thinkable”. This cannot but adversely affect nuclear non-proliferation. It could be said that today the danger of proliferation of WMD and the means of their delivery are becoming one of the main sources instability.

¹ See Group of Eight joint statement of 3 June, 2003

The recent eastward expansion of NATO, that brought it at the borders of Russia, could impel the latter to accept NATO's own *cold war* era doctrine that superiority in conventional arms of the adversary needs to be countered by more robust nuclear arsenal with all the ensuing doctrinal and practical consequences². Absence of any commitment by the new member States of NATO not to allow stationing of nuclear weapons on their territories would only add validity to proponents of the nuclear deterrence doctrine within the Russian military and national security elite.

At the regional level, the fight against terrorism in West Asia will surely result in changing of the regional strategic landscape with its broad geo-political implications for the Middle East and adjacent regions. The question is still open as to what kind of change will it bring – more radicalization of the region, its democratization or a mix of both. The Middle East Road Map seems to be at an impasse, overtaken by violence and the unfolding events on the territories of the Palestinian Authority and Israel.

In South Asia, Indian Prime Minister's last year's talks in China resulted in opening of further opportunity for these two Asian giants to develop their political and trade relations. However, the Indo-Pakistani relations, relations of the two de facto nuclear-weapon States, have not yet fully normalized, with some signs that after the "cricket diplomacy" of this spring the two sides might move closer to addressing the contentious issue of Jammu and Kashmir. Due to discovery of enormous oil reserves in the Caspian Sea region and global focus on Afghanistan and Iraq, the Central Asian region is acquiring greater strategic importance. Iran's recent decision to speed up cooperation with the International Atomic Energy Agency (IAEA) and resolve the outstanding issues³ and be fully transparent in its future dealings with the Agency are being welcomed not only in the region, but well beyond it. At the same time Iran's experience demonstrated yet again the flaws and weaknesses of the NPT regime that need to be addressed and "fixed".

In our Northeast Asian region, the hopes of further normalization of relations between the Koreas have not been realized and the situation on the peninsula is still fraught with complications due to the question relating to DPRK's nuclear policy and activity.

² Though NATO has repeatedly indicated that it had no intention, no plan and no reason to deploy nuclear weapons on the territories of new member States, it has also nevertheless ruled out the possibility of abandoning the option of doing so.

³ these issues include the origin of the highly enriched uranium (HEU) discovered recently and the purpose of nuclear centrifuges which could be used to produce weapons-grade material

The post 9/11 world realized that nuclear weapons ambitions are not limited to States only, but that terrorist groups also have such ambitions. It was revealed that attempts had been made to obtain nuclear weapons or their components (as well as of chemical and biological weapons); some groups had even declared that acquiring nuclear weapons was their “religious duty”. Easy access to nuclear technology, including technology for enriching uranium and processing plutonium, coupled with the existence of demand for such weapons on the black market make the matter more dangerous and the situation more volatile.

The Role of the P5

The danger of nuclear weapons proliferation is not the sole pressing world issue. Today the international community needs to focus on the issues related to ensuring basic human security, as reflected in the Millennium Development Goals, such as eliminating extreme poverty, coping with HIV/AIDS pandemic, ensuring of basic human rights and freedoms, addressing the acute environmental issues, including provision of safe drinkable water to the overwhelming majority of the world’s population, etc. However, the political, strategic and technological developments mentioned earlier distract from focusing on these pressing issues and demand further efforts to halt vertical and horizontal proliferation of nuclear weapons. In all these the policies of the P5, their obligations both as NWSs and as the PMs of the UN Security Council with the veto power, are of decisive importance.

The role of the P5 in the matters of maintaining and strengthening of international peace and security is exceptionally important. During the Cold War and the bipolar world the fate of the world depended to a great extent on the relations between the two super-powers and their allies. The track record of the P5 during the Cold War has been mixed. In the post Cold War period despite raised expectations, their track record has hardly improved. The vast majority of States increasingly believe that the P5 are not doing enough to live up to their responsibilities neither as PMs of the Security Council nor as NWSs under the NPT regime. Some even believe that the P5 have failed to meet fully the responsibilities and expectations under the UN Charter and the NPT and therefore the present arrangements need to be changed. Others, mindful of the realities of power and the enormous responsibilities of the PM/P5, are somehow less categorical in their judgment.

With respect to NPT, most believe that the central bargain struck in 1968 in the treaty between NWSs and NNWSs have not been kept by the former,

that the P5 are ignoring their legally binding obligation under Article VI of the NPT to engage in good faith negotiations with respect to nuclear disarmament. It is believed that actions of NWSs, including development of new types of nuclear weapons, ignoring ICJ conclusion on their obligation to pursue in good faith nuclear disarmament negotiations “in all its aspects under strict and effective international control” are but clear examples of such highhanded and irresponsible attitude. It is believed that in some cases the P5, if their own national interests are not directly affected, tend to “look the other way”. In some cases direct negotiations are altogether avoided or the issues are not addressed properly.

The reasons behind such attitude of the P5 in many cases are seen as lack of political will, national strategic motivations and calculations, profit motives, leverage building, double standard, complacency with the existing status quo, rivalry in one area (that was especially evident during the Cold War) and protecting the common interest of NWSs as a group in another area. All this in the past half a century, especially since the end of the Cold War, has produced an exclusive “political culture” among the P5 and the corresponding decision-making that are at times secretive, non-transparent and self-serving.

As the foremost nuclear powers, the U.S. and Russia bear the principal responsibility in nuclear disarmament. Though they have committed to substantively reduce their nuclear arsenals, still much is expected from them. Once the two nuclear powers substantially reduce their arsenals, the other P3 (i.e. France, U.K. and China) are expected to join the nuclear arms reduction talks and processes. In the mean time it is expected that the P3 would refrain from conducting nuclear weapons related development activities or increase their arsenals. France and U.K. need to be commended for reducing their nuclear arsenals, setting thus a good example for China to follow.

Nuclear capability is not a privilege for those that possess them, but rather an added responsibility. Any misuse or abuse of their authority would impel others, especially the nuclear capable States, to acquire nuclear capability. Double standard in the approach to some nuclear related issues does not help in raising confidence. Despite its relative success, the thirty years of non-proliferation regime shows how the credibility of the P5 is gradually falling, even though after the 1995 and 2000 NPT review conferences there was still some hope that the P5 would at last live up to their commitments, especially to the ultimate goal of complete elimination of nuclear weapons. This low credibility provides opportunity for some nuclear capable States to opt openly for the

nuclear option and for abolition of NPT, while for some others, parties to NPT, to pursue their own clandestine weapons programs. Ignoring the situation and non-recognition of the de facto nuclear-weapon States is not a viable option. The changing political realities and new circumstances need new thinking from the P5, thinking in much broader terms, in terms of the interests of the international community as a whole.

This author believes that the 13 practical steps to advance systematically and progressively towards a nuclear-weapon-free world, the recommendations of the Canberra Commission and of the Tokyo Forum in themselves (concerning CTBT, FMCT, TMD and other issues) already represent broad possible road-maps to address the nuclear non-proliferation and related issues. What is needed is a realistic, practical and forward-looking approach on the part of the P5 and agreement on concrete follow-up measures.

Role of non-nuclear-weapon States

The NNWSs, constituting the overwhelming majority of the international community, also have an important role to play in promoting nuclear non-proliferation through various international mechanisms and arrangements. Their vast territories represent arenas of proliferation and possible use of nuclear weapons. Moreover, violators of the NPT regime do not necessarily have to be NWSs only. Although the NPT is the sole global mechanism in promoting and strengthening nuclear non-proliferation, the revelations of the last few years have amply demonstrated that both NWSs and NNWSs need to take tangible steps to strengthen the NPT regime by addressing its weaknesses and imbalances, and ensuring strict implementation of all the provisions of the Treaty. Accession of States to the IAEA Additional Protocol is important in this respect, though by far not sufficient. The question of violations of NPT treaty obligations needs clear response and action on the part of the international community, without distinguishing whether the violators are NWSs, nuclear-capable States, major non-nuclear powers or others. No one stands to benefit from the unraveling of the regime. It is to be hoped that the 2005 NPT review conference would focus on this issue one of its priorities.

Nuclear security assurances – litmus test for the P5

One of the still sensitive issues on the non-proliferation agenda is providing by NWSs of legally binding security assurances (SAs) to NNWSs that are parties to NPT, i.e. going beyond the heavily conditional, half-hearted

political assurances that had been given by the P5 in Security Council resolution 984 (1995). The “Principles and Objectives for Non-Proliferation and Disarmament”, adopted almost a decade ago at the 1995 NPT review and extension conference, widely recognized the need for further steps to assure the NNWSs party to the NPT against the use or threat of use of nuclear weapons and pointed out that these steps could take the form of an internationally legally binding instrument.

Though negotiations on providing SAs to NNWSs parties to NPT are slow, if not altogether stalled, they are being overtaken by events, especially by the changes in nuclear policies of some major nuclear-weapon States. Thus the new U.S. national strategy to combat WMD underlines that U.S. might retaliate with a nuclear strike in response not only to nuclear, but also chemical or biological attacks on the U.S., its troops, or friend and allies. It is widely believed that the above shift in nuclear policy, together with the doctrine of pre-emptive strikes, could make the use or the thought of using nuclear weapons more likely than any time before. Different States, obviously, are drawing different conclusions from it. Therefore the negotiations on providing SAs to NNWSs need to be vigorously pursued so as not to weaken further the NPT regime. In this the NWSs are expected to play the leading role. Thus the assurance that a nuclear attack will not be launched on a nuclear-weapon State from a territory of a NNWS could easily be materialized if all NWSs pledge not to use nuclear weapons first. Surely the post Cold War relations of the P5 would allow them to make such pledges.

The above measure could be coupled with withdrawal of all nuclear weapons from the territories of NNWSs⁴ or by excluding the use of nuclear weapons from the protection given in military alliances. It should be noted that all the above measures are within the exclusive power of NWSs which are the owners of nuclear weapons and some are even leaders of military alliances. The de facto emergence of additional nuclear-weapon States such as Israel, India, Pakistan and DPRK (all in Asia) though complicates the equation, nevertheless underlines the urgency of addressing this question in all its seriousness and in all its aspects.

Nuclear weapons cannot be des-invented, though the existing ones can be destroyed or, as temporary measure, could be placed under an agreed international control. The question of nuclear weapons would not go away; it

⁴ Today U.S. nuclear weapons are still remain deployed in Belgium, Britain, Germany, Greece, Italy, the Netherlands and Turkey.

can only be ignored at our own peril. There is thus an imperative need to restrain nuclear-weapon proliferation, both vertical and horizontal. Vertical proliferation, which is continuing, is inducing some nuclear-capable NNWSs to go-nuclear and is thus promoting horizontal proliferation.

Growing importance of NWFZs

A few decades ago, at the height of the Cold War, the question of creation of NWFZs was still more of a hypothetical and theoretical nature. Today it has become a reality. By their very nature, NWFZs are called upon to play an important supportive role in promoting non-proliferation⁵. They parallel and complement the NPT. According to the latter, States parties have pledged not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, not to receive the transfer of or control over such weapons as well as not to receive or seek assistance in their manufacture. On the other hand, the States forming part of NWFZs also undertook not to permit testing, use, storage, installation or deployment of nuclear weapons or nuclear explosive devices on their territory. According to NPT a NNWS party to the treaty is not prohibited to allow nuclear weapons to be stationed and deployed on its territory, and thus pose a security threat to other States, including to NWSs. On the other hand, the States parties to NWFZs cannot pose such a threat because of the total absence of nuclear weapons on their territory or on the territory of the zone. Moreover, the scope of the verification regime of NWFZs goes beyond the application of IAEA safeguards, which is empowered to insure only that NNWSs do not divert nuclear material to build nuclear explosives. The IAEA does not monitor such activities as clandestine import of nuclear weapons or the use of territory by third States for manufacturing or testing of nuclear weapons in NWFZs. Moreover, the regional control mechanisms, set up in accordance with NWFZ treaties not only oversee and review the application of IAEA safeguards system within their respective zones, but also provide additional control measures reflecting the specifics of the zone (which can be considered as peer pressure).

Today almost 2/3 of the members of the United Nations form part of nuclear-weapon-free regional arrangements as arms control measures. They cover the vast spaces of the Southern Hemisphere, including Latin America, the entire continent of Africa, South-East Asia and the Pacific and have

⁵ Today 115 States with a combined population of 1.7 billion people covers, together with Antarctica, over 50% of the world's landmass

contributed to development of a body of norms of international law on keeping vast territories nuclear-weapon-free. This is a big and an important achievement. However, still much more needs to be done not only to strengthen the regime, but also to exclude the vast remaining territories of the planet from nuclear weapons or their infrastructure⁶, especially regions of tension or potential conflicts, including the Middle East, South Asia and the Korean peninsula.

Based on the experience of creation of four regional NWFZs, in 1999 UN General Assembly adopted guidelines for the creation of future NWFZs⁷. These guidelines, if followed, are expected to be supported by the P5. It is to be hoped that these guidelines would be helpful first and foremost for the creation of such a zone in the Middle East. In order to further improve the effectiveness of existing and future NWFZs, such measures as making the NWFZ treaties operational not only in peace time, but also in times of war, prohibiting attacks on nuclear facilities of NWFZs, making unconditional the positive and negative nuclear security assurances of NWSs, envisaging of actions or sanctions in cases when a NWS violates a NWFZ treaty, strengthening of provisions against nuclear waste dumping in NWFZ treaties, etc need to be undertaken. Together with revitalizing the non-proliferation regime, these and other practical issues need to be addressed both by States parties to NWFZS and by NWSs.

Asian nuclear challenges

Besides the fact that in 1945 Japan was subject to devastating effects of the then rudimentary nuclear weapons, there is probably no place today in the world where nuclear proliferation concerns are more acute than Asia. It is home of what S.B. Cohen, called the *shatterbelt* regions, i.e. large, strategically located regions with conflicting States that are also caught between conflicting interests of great powers. Asia is a continent which witnesses rivalries and lacks both regional arms-control mechanisms and adequate transparency. The only existing arms control regimes are the Rarotonga and Bangkok NWFZs, while the region is also home to 2 *jure de* and 2 *de facto* nuclear-weapon States, to an aspiring State and a number of nuclear capable States. Though the threat of Iraqi WMDs seems to be having been exaggerated in 2003, the questions pertaining to Iranian nuclear-weapon program is still the focus of attention of arms control

⁶ Theoretically territories of over 75 States (excluding those of *de jure* and *de facto* nuclear-weapons States)

⁷ see UNGA official records. Fifty-fourth session. Supplement No. 42 (A/54/42): "Establishment of nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the region concerned"

experts. The developments on and around the Korean peninsula demonstrate the urgency of taking effective measures to address the question of de-nuclearization of the peninsula which, if allowed to continue, could destabilize not only the peninsula, the Northeast Asia, but the entire non-proliferation regime. The six party talks are seen today as a possible mechanism for tackling this issue, though the first two rounds are giving the impression that the major parties are more poised to mark time and score propaganda points than negotiate in earnest.

When tackling the nuclear issue one should bear in mind its economic dimension and prospects of peaceful nuclear development as well. Thus the role of nuclear energy in Northeast Asia has the tendency to increase. If by mid 1990s the share of nuclear energy in ROK was 36%, in Taiwan 28.8% and in Japan 33.8%, it is estimated that by 2010 almost 1/2 of the world's nuclear energy will be produced and consumed in this region. Therefore along with the question of nuclear weapons, the questions of nuclear wastes, especially high level radiological waste (HLW), and other nuclear related questions need to be addressed⁸.

Mongolia's nuclear environment, national security concept

Nuclear non-proliferation and nuclear disarmament processes are not the responsibility of NWSs alone, as mentioned above. If in bilateral disarmament processes NNWSs cannot play a direct role, in multilateral negotiations on non-proliferation and creation of NWFZs they can play a very important role. With respect to the latter even the States that due to their geographical location cannot form part of regional NWFZs can nevertheless contribute to consolidation and expansion of NWFZs, and set positive precedents, including in addressing nuclear and other security related issues simultaneously or in package.

For most of the post World War II period Mongolia has been an active, if not enthusiastic, participant in two ideological cold wars: East-West and Sino-Soviet. The latter led to the stationing of Soviet troops in Mongolia which were equipped not only with a conventional arsenal but also with some weapons of

⁸ At present HLW is put into interim storage which it has to sit for 30-40 years for its radioactivity and heat production to decline. Being still highly hazardous HLW then needs to be stored somewhere permanently. Most HLW, the most dangerous kind, is spent fuel from over 400 nuclear power reactors in more than 30 countries. The question of permanent nuclear waste repositories is the most controversial nuclear issue after the question of nuclear-weapon proliferation.

mass destruction. At the height of the Sino-Soviet confrontation, when a “limited” nuclear exchange appeared a possibility, Mongolia faced the danger of being involuntarily drawn into the nuclear standoff, if not something more ominous. That Cold War experience prompted Mongolia – when the Soviets/Russians withdrew their troops and their weapons in the early 1990s – to declare its territory a nuclear-weapon-free zone. The National Security Concept of Mongolia, adopted in 1994, declared that thenceforth Mongolia’s foreign policy would be based on political realism, non-alignment, pursuit of its own national interests, and participation in international efforts to strengthen international peace and security.

With respect to Mongolia’s two nuclear-weapon-wielding neighbors, which during the Sino-Soviet dispute considered Mongolia an important military buffer or factor, the Concept underlined the importance of maintaining balanced relationships, neutrality in their bilateral disputes, and developing mutually beneficial cooperation with each one of them. Addressing the nuclear aspect of security, the Concept called for ensuring the nuclear-weapon-free status of Mongolia at the international level and for making it an important element of efforts to strengthen the country’s security by political means.

Mongolia declares itself a NWFZ

The first step in turning Mongolia into a NWFZ was made at the United Nations.

In his address to the General Assembly of the United Nations in September 1992 Mongolian President P. Ochirbat formally declared Mongolia’s territory a nuclear-weapon-free zone, adding that his country would work to have that status internationally guaranteed. President Ochirbat’s address was important because by declaring Mongolia’s territory nuclear-weapon-free, he was in fact saying that the country would not take sides with either one of its neighbors or allow its territory to be used by one neighbor against the other. In future nuclear calculations Mongolia wanted to be transparent and predictable. By doing so it was not only affirming independence of its foreign policy, but also trying to define its place and role in future Asian nuclear equation, and in future Asian security mechanism or architecture that would eventually emerge in the region.

In January 1993 in the Treaty on Friendly Relations and Cooperation signed between Mongolia and the Russian Federation, the latter pledged to respect Mongolia’s prohibition of the deployment on or transit through its

territory of foreign troops and weapons of mass destruction. In October of that year, China followed suit and declared that it welcomed and supported Mongolia as a nuclear-weapon-free state and that it would respect Mongolia's decision to become a nuclear-weapon-free zone. The other three nuclear-weapon States that is the United States, France and Britain also expressed their support for the initiative⁹. Thus the United States (the position of which influenced that of Britain and France), in its statement in October 1993, underlined the applicability of its negative and positive security assurances to Mongolia. It also stated that if Mongolia ever faced a threat and referred the matter to the UN Security Council, the United States would consider appropriate steps. It is worth noting that the U.S. pledge referred not only to a possible nuclear threat but also to external threats to Mongolia in general. Soon, the Non-Aligned Movement¹⁰ also expressed full support for the initiative.

It is obvious that political support, however broad, cannot in itself create a credible regime or zone. The discussions and negotiations that Mongolia held bilaterally with members of the P5 in 1993-95 on the ways and means of institutionalizing its status revealed that though they supported in principle the initiative, nevertheless were cautious about setting a precedent for other States to set up single-State NWFZs, thus complicating, in their view, the post-cold war geopolitical landscape, their nuclear calculations as well as undermining, as they saw, the incentives for States to create traditional (regional) zones. At the same time the P5 avoided engaging in discussing the initiative in-depth bilaterally, each one advising Mongolia to consult on the matter with the other 4 members. Such stalling or foot-dragging tactics lasted about two years. Then they changed tactics and declared that on nuclear issues they acted as a group and therefore Mongolia was expected to approach them as a group. Based on the broad political support for its policy and following the P5 suggestion Mongolia decided to take concrete steps within the UN to have its status defined and internationally recognized. Since the U.S. acted more decisively than the rest, it was decided that Mongolia's main P5 contact would be the U.S.

⁹ Their support was both expression of their support for Mongolia's bold policy and at the same time a way of getting Mongolia's support for the indefinite extension of NPT in 1995.

¹⁰ The Non-Alignment Movement, established in 1961 at the height of the Cold War, is an international coalition of 114 States supporting the principle of non-alignment

Negotiating with the P5

Mongolia's first attempt to get the needed P5 and others' attention was to propose in 1996 the creation of a Central Asian Nuclear-Weapon-Free Zone (CANWFZ) with the participation of Mongolia as one of the zonal States. This immediately drew opposition from Mongolia's immediate neighbors – Russia and China. Their argument was, and most probably rightly so, that since Mongolia did not border on any of the other Central Asian States, it was impossible for them to agree to have Mongolia included in the future CANWFZ. Bearing in mind the difficulties of its immediate neighbors, Mongolia (and Kyrgyzstan, the other co-sponsor of a draft resolution on supporting CANWFZ) did not press for any action to be taken at the 1996 session of the General Assembly.

Having been rebutted on the proposal of creating a CANWFZ with its participation, in 1997 Mongolia proposed at the session of the United Nations Disarmament Commission to consider the concept of a single-State zone as a non-traditional way of creating NWFZs. Though some member States supported the idea believing that not all States could be part of regional agreements or that the single-State zone could later develop into a regional zone, the P5 opposed it as a concept, as something unconventional that could, as they said, undermine (!?!!) the incentives for States to create traditional zones. For them consideration of a novel, non-traditional approach was out of question. To make their point to Mongolia, U.S., France and U.K. jointly made simultaneous demarches in Ulaanbaatar, Geneva and New York, saying that pushing for a single-State NWFZ resolution at the General Assembly would be “premature, unhelpful and possibly counterproductive”. That position of the P3 (which was tacitly supported by Russia and China) prompted Mongolia and the P5 to search for a way to accommodate some of Mongolia's demands as well as the P5's position.

As a result of negotiations it was agreed that Mongolia's unique geopolitical situation (which included its unique location, non-alignment with any of its neighbors or with any other major power, non-membership in any military alliance or bloc) required equally unique, innovative approach and solution. It was thus agreed that the P5 would recognize and support Mongolia's unique status, but not as a zone in a traditional sense, but as a “unique case”. The NWSs also recognized and agreed that a broader approach to Mongolia's security was required for its status to be more credible and viable. That understanding formed the basis of the 1998 United Nations General Assembly

resolution 53/77 D entitled “Mongolia’s international security and nuclear-weapon-free status”¹¹.

Being a compromise, the resolution deliberately did not define Mongolia’s status, which was left for Mongolia itself to define, bearing in mind not only its national interests, but also international practice and the legitimate interests of its immediate neighbors. The resolution reflected the understanding of the need for a broader approach to Mongolia’s security as a way to making the future status more viable, and perhaps making it an element or a factor in future regional security arrangement(s).

Mindful of Mongolia’s own role in defining the status, in February 2000 the State Great Hural (parliament) of Mongolia adopted a special legislation on Mongolia’s status: a law and a resolution. The content of the law is to some extent similar to the basic provisions of international treaties on the creation of NWFZs¹². It couldn’t have been otherwise, since these instruments reflected the best and agreed practice of creation of such zones. Besides, it was believed that doing otherwise would have given the P5 an excuse not to support the legislation. When the legislation was adopted and its content officially communicated to the P5, a long silence ensued. Then it was communicated to the Mongolian side that the legislation was an internal affair of Mongolia and that is why the P5 would not comment on its content. This surprised the Mongolian side since the provisions of the legislation dealt with nuclear-weapon related issues, with many of them having effect well beyond Mongolian territory. On the other hand, it is a common practice that not only nuclear and security related legislation, but even human rights related legislation of many States are made “their business” by some of the P5. Therefore this approach of the P5 cannot be considered but as a clear manifestation of double standard, if not outright discrimination. To this day the P5 have not officially reacted to the legislation.

¹¹ see the text of UNGA resolution A/53/77D.

¹² The main provisions of the law deal with definition of such notions as “nuclear weapon” and “nuclear-weapon-free status”, prohibitions resulting from the NWFS, uses of nuclear energy and technology, verification and liability. According to the law the prohibited activities include not only development, manufacturing or otherwise acquiring, possessing or having control over nuclear weapons, but also stationing or transporting nuclear weapons by any means, testing or using nuclear weapons as well as dumping or disposing nuclear-weapons grade radioactive material or nuclear waste. The law also banned transportation of nuclear weapons, parts thereof or nuclear waste through the territory of Mongolia. See document A/55/56 – S/2000/160 of 29 February, 2000

Though the term *negotiations* has been used in this sub-heading, it should be pointed out that almost no negotiations in the traditional sense took place between the representatives of Mongolia and the P5, i.e. defining the problem, committing to a negotiated solution of the pending issues, developing a framework and actually negotiating and agreeing. The P5 avoided directly discussing the pending issues with Mongolia and their representative could not commit himself to any definite stance, always referring to the divergent positions of each member of the P5.

P5 joint statement on security assurances

The aim of any NWFZ is not to have it acknowledged as such by other States but to practically contribute to the goal of non-proliferation and to receive clear nuclear SAs from NWSs, i.e. from the P5. Mongolia, in compliance with operative para. 3 of UNGA resolution 53/77 D, which invited Member States, including the five nuclear-weapon States, to consolidate and strengthen Mongolia's external security, proposed that measures be undertaken to provide Mongolia with SAs. Thus in 1999 it proposed to the P5 that a legal instrument be adopted that would reaffirm the P5's commitment to respect Mongolia's independence, sovereignty and its nuclear-weapon-free status, to refrain from the threat or use of force, including nuclear, refrain from political or economic coercion, to undertake consultations with Mongolia and among themselves on the measures to ensure the status and Mongolia's external security, and to agree to seek immediate UN Security Council action in case Mongolia's security was threatened. The P5 agreed, though reluctantly, to address this issue.

Having consulted among themselves and without follow-up consultations with Mongolia, the P5 have announced that they were prepared to make a joint statement on SAs to Mongolia "in connection with the latter's NWFS". They stated categorically that no negotiations were possible on the content as well as the form of the statement. Mongolia was hoping that the P5, bearing in mind its unique case, including its geopolitical location, its past role of an involuntary military buffer, its stark imbalance in political, economic and military power as compared to its neighbors, its status of non-alignment with any great power and of not belonging to any political or military alliance or security arrangement, etc., they would provide jointly or separately both political as well as nuclear SAs in the manner that they had provided earlier to Kazakhstan, Ukraine and Belarus¹³.

¹³ i.e. to respect Mongolia's independence and sovereignty, refrain from the threat or use of force, refrain from economic coercion and provide negative and positive nuclear SAs

The P5 joint statement was made on 5 October 2000 in the First Committee of United Nations General Assembly¹⁴. It reaffirmed their commitment to cooperate with Mongolia in implementation of resolution 53/77D and declared that the general positive SAs made in Security Council resolution 984(1995) as well as their unilateral negative SAs made in April 1995 applied to Mongolia (!) and that the two immediate neighbors confirmed legally binding commitments undertaken by them with respect to Mongolia “though the conclusion of bilateral treaties with Mongolia regarding these matters”.

When reading out the statement, the U.S. representative made clear that the statement was being made because of Mongolia’s “good standing” as regards to NPT and that its unique geographic status needed unique approach. He underlined that the P5 believed that their action would further strengthen the NPT by demonstrating their flexibility in responding to the security concerns of NPT NNWSs in special situations (!). It was also pointed out that the P5 hence had fully carried out the commitment to Mongolia they undertook as NWSs, consistent with the terms of resolution 33/77D¹⁵.

The joint statement did not represent political nor nuclear SA. Instead of providing Mongolia with the assurance to respect its sovereignty and independence, to respect its nuclear-weapon-free status, not to use or threaten to use force, including nuclear weapons, against it, and not to contribute to any act which would constitute violations of the status, the P5 simply declared that they reaffirmed their commitment to Mongolia to cooperate in the implementation of resolution 33/77 D, their commitment for positive nuclear security assurances reflected in Security Council resolution 984 (1995) and reaffirmed, “in case of Mongolia, their respective unilateral negative security assurances as stated in their 1995 separate declarations”¹⁶. The joint statement did not add anything to the existing Mongolian status.

The statement did not elaborate on Mongolia’s nuclear-weapon-free status but rather in no uncertain terms it underlined that Mongolia did not enjoy any special status beyond that of a NNWS party to NPT. It was a perfect example of making a statement without breaking new ground. In short, in response to General Assembly’s request to consolidate and strengthen Mongolia’s external security, the P4 pledged that under certain conditions they would not to use nuclear weapons against Mongolia. For Russia this statement was even a step

¹⁴ see UN document a/55/530 – S/2000/1052 of 27 October, 2000

¹⁵ see document [A/55/C.1/PV.6](#)

¹⁶ see document A/55/530 – S/2000/1052 of 31 October 2000

backward from its commitment under the 1992 treaty that in its relations with Mongolia it would abide by the principle of ... non-use or threat of use of force. Only China's position that it would not use or threaten to use nuclear weapons against any NNWS or NWFZ at any time under any circumstances was partially reassuring. Partially, because what Mongolia was expecting from the P5 was reaffirmation of the assurance on the non-use or threat of use of force, as it had been the case with Kazakhstan, Ukraine and Belarus. When writing this, the author by no means is implying that any one of the P5 has intention to threaten or use force against Mongolia. The reason that it is pointed out here is to show how partial steps and half hearted measures can create more problems than actually solving the issue.

Para. 4 of the P5 statement stated that the People's Republic of China and the Russian Federation ... confirmed the legally binding commitments undertaken by them with respect to Mongolia through the conclusion of bilateral treaties with Mongolia regarding these matters. Russia, in the friendship treaty with Mongolia mentioned above, indeed pledged to "respect Mongolia's policy of not admitting the deployment on and transit through its territory of foreign troops, nuclear and other weapons of mass destruction."¹⁷ That provision, important as it may be, cannot be seen as sufficient to be considered as nuclear SA. What Mongolia was hoping to acquire in nuclear terms from Russia and China was not so much a pledge not to use or threaten to use nuclear weapons, important as they may be, but rather a pledge to respect the status, cooperate in the strengthening of the status as well as not to engage in, authorize, contribute to or encourage in any way the performance of acts that could lead to destabilization and hence violation of its sovereignty, security interests and the special status.

As to China, to this day no bilateral legally binding commitment has been made to Mongolia regarding its status nor regarding the nuclear SA, although on 22 October 1993 the spokesman of the Foreign Ministry of China welcomed and expressed support for Mongolia as a nuclear-weapon-free State and declared that its pledge not to use or threaten to use nuclear weapons against NWFZs and States applied to Mongolia¹⁸. Mongolia was hoping that China's reaffirmation of its nuclear pledge would be accompanied by a pledge not to contribute at any time and under any circumstances at any act that would constitute violation of Mongolia's NWFS.

¹⁷ see United Nations General Assembly document A/CN.10/195 of 22 April 1997, p.3

¹⁸ *ibid.*

Despite the above-mentioned shortcomings and undeterred by the content of the P5 joint statement, Mongolia welcomed it as a first step, as a sign of political will on the part of the P5 to implement resolution 53/77D. That is why it qualified the joint statement as an important step towards institutionalizing Mongolia's status at the international level. Mongolia took the opportunity to reaffirm its readiness to cooperate with all the member States of the United Nations and the relevant UN bodies in enhancing the effectiveness and strengthening the credibility of the status¹⁹.

In search for the ways of acquiring SAs from the P5, in early 2001 Mongolia tried to see if a United Nations Security Council resolution could be adopted or a statement of the President of the Council be made in this regard. The consultations revealed that though the non-permanent members of the Council were open-minded, the P5 were reluctant, saying that that would set a precedent, as if precedent setting necessarily meant something "bad", as if international relations do not develop through precedent setting events. It was indicated that the P5 needed more time to positively review their position. However, the P5 joint statement as well as their reluctance to address the issue of SAs cannot ignore the fact that even after General Assembly resolutions 53/77D and 55/33S²⁰, after the joint statement of the P5 on this issue, the content of the "status" from international legal point of view still remained undefined and thus unclear.

Sapporo spirit

Bearing the above in mind the United Nations, with the support of the Sapporo prefecture of Japan, sponsored in Sapporo city in September 2001 an independent expert group meeting of representatives of the P5 and Mongolia to try to identify the "status" and the ways of strengthening it. At the meeting the Mongolian representative underlined that since its delegation could not agree with the P5 view that the Mongolian legislation had no international relevance and that the "status" was no more than recognition by the P5 of a "NNWS in good standing with NPT", this difference in approach to Mongolia's status created difficulty in the implementation of UNGA resolution. Moreover he pointed out that none of the relevant international documents elaborated on the content of the "status" and that is why the Mongolian delegation looked forward to defining the status.

¹⁹ see UN document A/54/491 – S/2000/994

²⁰ the second UNGA resolution on the item adopted in 2000

After two days of meeting, the experts agreed that “Mongolia did not ... enjoy legally defined international nuclear-weapon-free status”²¹. The experts concluded that the best way to strengthen the status would be to conclude a trilateral (Mongolia + two immediate neighbors) or multilateral (Mongolia + P5) agreement that would define both the international status and the content of SAs to be provided by the P5. As a follow-up to those recommendations, in 2002 Mongolia approached its immediate neighbors and presented them the draft elements of a possible future agreement, to which the neighbors in principle responded positively. They perhaps realized that providing assurances, even political, to an unidentified “status” was neither logical nor credible.

Other nuclear-related issues

Besides being completely surrounded by two great powers with nuclear arsenals, Mongolia is also surrounded by “silent” nuclear threats, i.e. by over two dozen nuclear installations and facilities (which, if mismanaged, could be potential “Chernobyls”) and nuclear waste repositories (where the neighbors are storing spent nuclear fuel). Thus Russia has officially confirmed possession of 200 mln. tons of national nuclear waste, from low to highly toxic ones. Moreover, according to Russia’s Minister for Nuclear Industry, it is planning, on commercial basis, to become an international repository for radioactive nuclear wastes. The largest repository would be in the area of Krasnoyarsk, on the north of Mongolia²². Not only is China’s nuclear industry producing its “own” nuclear wastes, but it has displayed high interest in becoming a commercial importer of nuclear wastes from abroad. Thus in mid-1980s it was seeking to import nuclear wastes from Western Europe. In 2000 it was negotiating commercial arrangements of accepting 200 000 drums of radioactive waste from Taiwan’s nuclear power plants²³, most probably to be deposited in the Gansu province, that borders with Mongolia. Since the P5 do not have agreements with IAEA on strict and rigorous inspection of their nuclear facilities, the question of safety of facilities and repositories in Russia and China acquire special significance for Mongolia.

²¹ see UN document A/57/59 of 20 March 2002

²² see “Russia Sees Payoff in Storing Nuclear Wastes from Other Nations”. *The New York Times*. 26 May, 2001. Also “Will Russia be nuclear waste dumping ground?” *Argumenty y Fakty*. No. 17, 2002

²³ see “China and Taiwan Pursue Secret Nuclear Waste Deal” *The New York Times*, 14 March, 2000

The third neighbor that does not directly border with Mongolia - Kazakhstan - has 233.000 tons of its own radiation waste to be made safe and large quantities of contaminated equipment. Kazakhstan, following the example of Russia, has openly expressed interest, on commercial basis, to store on its territory low or intermediate-level nuclear waste from other countries²⁴.

Non-nuclear aspects of security

In Mongolia's case the non-nuclear aspects of security is as important as its nuclear-weapon-free status, since the former directly affects the latter's credibility and sustainability. Non-nuclear aspects of Mongolia's security are additional security safeguards that Mongolia would not be influenced or manipulated to alter or "make exceptions" with regard to its nuclear-weapon-free status. That is why implementation of resolution 53/77 D implies broadening of Mongolia's foreign relations and expanding its outreach. In recent years it joined the World Trade Organization, became dialogue partner of ARF, was admitted to the Council for Security Cooperation in the Asia-Pacific and is taking part in some of the working group meetings of the Asia-Pacific Economic Cooperation (APEC), pending its full membership. Bearing in mind its location and economic realities, measures are being taken to address Mongolia's economic vulnerability and ecological challenges. Having recognized the importance of non-nuclear aspects of Mongolia's security in principle, the P5 are expected to work with Mongolia in addressing them.

Mongolia's case in the regional context

Mongolia is the world's first UN-recognized State with a special nuclear-weapon-free status that also bans transit of nuclear weapons through its territory²⁵. However it is not the first attempt in Asia by individual States to officially ban nuclear weapons on their territory. In the Asia-Pacific region, in early 1980's the Government of New Zealand adopted a legislation²⁶ that banned nuclear weapons on its territory. However, no follow-up measures have been taken by New Zealand to institutionalize the status at the international level.

In 1983 Australia proposed the establishment of a NWFZ in the South Pacific and as a result of negotiations among the South Pacific Forum members

²⁴ It is believed that it would take 200.000 years for intermediate-level waste to decay to be sufficiently to be safe

²⁵ Sarah J. Diehl and James Clay Moltz "Nuclear Weapons and Nonproliferation". 2002

²⁶ New Zeland Nuclear Free Zone, Disarmament and Arms Control Act, 1987

the Rarotonga treaty was signed in August 1985. The treaty prohibits the manufacture or acquisition by other means, as well as the possession or control of not only nuclear weapons, but of any nuclear explosive device by the countries of the zone. Moreover, the treaty bans dumping radioactive matter at sea anywhere within the zone. The weakness of the treaty is that it allows each State party to make an exception for nuclear weapons that may be aboard foreign ships visiting its ports or navigating its territorial sea or archipelagic waters, and for weapons that may be aboard foreign aircraft visiting its airfields or transiting its airspace.

Elsewhere in the Asia-Pacific region, the Philippines have reflected in its Constitution the goal to be nuclear-weapon free. This desire of the Philippines and of other ASEAN countries materialized in 1995 when the SEANWFZ treaty was signed. It marked a new ground by foreseeing “fact-finding missions” to clarify and resolve ambiguous situations as well as by requiring States parties to subject their peaceful nuclear energy programs to strict nuclear safety assessments and dispose radioactive wastes and other radioactive material consistent with IAEA recommended guidelines and standards.

In 1970s Nepal tried to turn its territory into a zone of peace, while Ceylon (Sri Lanka) proposed to turn the entire Indian Ocean into a zone of peace. Since mid-1970s some of the countries of the Middle East have been proposing to turn that volatile region, which is partly in Asia, into a NWFZ. The five Central Asian states are finalizing the draft treaty that would turn that vast region in the heart of Asia into a NWFZ. Proposals have also been made to create a NWFZ in South Asia, though with its proponent – Pakistan – becoming a de facto nuclear-weapon State, the proposal seems to be abandoned, at least for now.

Studies are also being undertaken on the possibility of creating a NWFZ for Northeast Asia (NWFZ-NEA)²⁷ or a Limited-Nuclear-Weapon-Free Zone for Northeast Asia (LNWFZ-NEA)²⁸. In early 1990s in the Joint declaration on the Denuclearization of the Korean Peninsula, the two Koreas have pledged to denuclearize the peninsula. All these testify to the growing interest of the States of the Asian continent, like those of other parts of the world, to outlaw nuclear weapons on their territory or in their region.

Mongolia’s case vividly demonstrates that given good will, determination and innovative approach, each State can make its unique contribution to

²⁷ see Andrew Mack. *A Northeast Asia Nuclear-Free Zone: Problems and Prospects* (in *Nuclear Policies in Northeast Asia*). 1990. Also Xia Liping. *Nuclear-weapon-free zones: Lessons for non-proliferation in Northeast Asia*. 2001

²⁸ Xia Liping, *ibid*.

strengthening nuclear non-proliferation and enhance predictability, and thus contribute to regional security and stability. Unique cases should not only be acknowledged as such, but also need to be approached constructively and creatively for the attainment of the common goals. To achieve this, understanding and cooperation of the immediate neighboring States are very important. With increasing peaceful uses, nuclear related issues are acquiring multiple dimensions that need innovative approaches and solutions, especially new thinking on the part of the P5. Clinging to old solutions, trying to address today's problems with yesterday's solutions or half solutions in this fast changing world would only create more problems. Since many issues are inter-linked, in many cases they need to be approached holistically. The broad approach used in Mongolia's case, addressing simultaneously nuclear and non-nuclear aspects of security, could be useful in other "special" or "exceptional" cases, including when approaching the DPRK's nuclear problem. If Mongolia and its supporters prevail, the notion of single-State NWFZ could become a reality, and not a remote theoretical probability, enabling the countries, that by geography or otherwise cannot form part of traditional regional zones, to follow suit and ensure their own security by political means and contribute to that of the region.

Denuclearization of the Korean Peninsula

The North Korean nuclear problem is an issue that can determine not only the geopolitical landscape of Northeast Asia and of the Asian continent in general, but also the future and viability of the non-proliferation regime. Allowing the DPRK, party to NPT, to withdraw from it and pursue nuclear weapons and nuclear capability option would have serious consequences for regional arms race, including nuclear arms race. It would also surely affect the non-proliferation regime as the world knows.

The North Korean nuclear issue has a long history. One of the high points in the attempts to denuclearize the peninsula was the signing in January of 1992 of a joint North and South Korean Declaration on the Denuclearization of the Korean Peninsula. Adopted almost simultaneously with the "Agreement on Reconciliation, Non-Aggression and Exchange and Cooperation between the South and the North", it represented an important first step in turning the peninsula into a NWFZ. By its content, the joint denuclearization agreement went beyond the provisions of NPT and of creation of a NWFZ, and was hailed as such. Thus the agreement banned both sides from possessing uranium

enrichment and plutonium reprocessing facilities, and as such was seen by the international community, if implemented, as substantially strengthening the non-proliferation regime. Mongolia, like many other countries, welcomed the agreement and expressed the hope that its full realization would be followed soon. The modality of verification, the role of “challenge inspections” and some other issues needed to be agreed upon. The ensuing events and complications have not permitted implementation of the agreement. DPRK’s membership of NPT as well as implementation in full by all its parties of the 1994 Agreed Framework provide a concrete roadmap for denuclearizing the peninsula. The grievances of the parties should be addressed and, if deemed reasonable, taken into account in the search for a lasting solution. Acrimonious rhetoric will not help address the real issues but rather aggravate the situation.

The question of nuclear weapons and the threat that they pose to a region affect the interests of all the States of that particular region and thus cannot be considered a mere bilateral issue. Nor can other nuclear issues be taken lightly if they would somehow affect national security interests of other States. Withdrawal of DPRK from the NPT does not solve the proliferation problem. In fact it complicates the issue and could set a precedent for future would be proliferators. The only way out of the present situation is a political and diplomatic one, by focusing not only on the nuclear issues, but also the political context of denuclearization and addressing the non-nuclear aspects of security of North and South Korea in conjunction with the wider security issues and implications. In Korea’s case the negotiations would succeed only if they are accompanied by effective confidence-building measures.

Mongolia supports broad negotiated settlement of the DPRK nuclear issue on the basis of ensuring the nuclear-free status of the Korean peninsula, establishing normal relations with it and providing it with traditional security guarantees. In that sense the fact that the current talks involve six parties with common as well as different interests and incentives are a welcome sign. Focusing solely on nuclear weapons aspects would not lead to a permanent solution. Nor would half-hearted solutions end in fully successful outcome. Though the talks directly involve only six parties, its outcome has regional and even global implications. Therefore other States or groups of States need to support indirectly the talks by indicating their position, and especially their readiness to actively promote realization of the agreements to be reached. On a number of occasions Mongolia expressed its readiness to support any efforts

and initiatives aimed at making the Korean Peninsula a region of peace, mutual trust and international cooperation²⁹.

Conclusion

The nuclear landscape in the Asian heartland, like in the rest of Asia and the world, is rapidly changing. The NPT regime has not been able to adequately freeze horizontal or vertical proliferation. If not addressed properly, the regime could gradually unravel with all the ensuing consequences for world peace, stability and security. It is difficult to address today's nuclear-related issues based on the thinking or mindset of 1970s or even of 1990s. Due to realities of power the role of nuclear-weapon States is important today as it was during the Cold War. However, with the changing circumstances and emerging new realities the role of other States, especially nuclear capable States is increasing. These new realities demand that the P5 adopt a new thinking in line with the emerging realities. Mongolia's case is exactly a case in point, even if it is not a burning issue. In line with that the Korean case demonstrates that the question of denuclearization of DPRK needs to be addressed in a broader regional context as well as by addressing DPRK's wider security interests and needs. The issue is not a military one, but a political and legal. The challenge is to find such a solution that would be politically acceptable to all the parties concerned, and that would at the same time discourage others from weakening the non-proliferation regime. The only way to do that is through negotiations and reviewing the weaknesses of the NPT regime. In that respect the questions of strengthening of the NPT regime and halting vertical proliferation should be duly addressed by the next NPT review conference in 2005.

²⁹ see Statement of the spokesman of the Ministry of Foreign Affairs of Mongolia dated 13 August, 2003