

Single-State NWFZs – a response to NWFZ blind spots*

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The first part of this thematic session entitled "Establishment of the second generation of NWFZs" has extensively touched upon the issue of establishing group zone in North-East Asia, a region that has many unresolved and contentious issues that could impeded swift establishment of a NWFZ in the region. I am sure that with open-minded approach, with perseverance, and what is most important, with the necessary political will a NWFZ in North-East Asia could be established, since it is in the vital interests of all the states of the region and of global peace and stability. Since such a zone is being contemplated in a region where there is not regional security mechanism, the zone and its structure could form the basis of the future regional security mechanism. I express the hope that the discussions that we are having in Ulaanbaatar would be useful for embarking on a serious discussion of the establishment of the zone in this important and dynamic region.

Another important, and not yet fully explored, issue of the second generation of NWFZs is establishment of single-State nuclear-weapon-free zones (single-State NWFZs). The norms of international relations, both formal and implied, apply equally to all States. With growing integration and interdependence, regionalism is spreading, embracing different spheres of human activity, including security of States, which is evident by the existence of political-military alliances, permanent and *ad hoc* alignments as well as regional NWFZs. However, when it comes to individual states, it is more difficult for them to ensure their security than for groups of states, especially if they form part of regional groups or alliances. Being left out of regional mechanisms for geographical,

* Presentation made at thematic session II of GPPAC/NEA 24 May, 2007, Ulaanbaatar, Mongolia

political or geo-political reasons makes them quite vulnerable to outside pressures, especially political, military and economic pressures. The logic of *safety in numbers* applies to nuclear issues just like to any other issues. Individual states are more prone to pressures of nuclear-weapon states to play some role in their geo-strategic calculation.

With expansion of regional (traditional) NWFZs, as it was pointed out in the first half of this thematic session, the physical area of activity of nuclear-powers is shrinking. That is why importance of individual states, especially that are strategically situated, is increasing for them. With the emergence of *de facto* nuclear powers nuclear calculations of both *de jure* and *de facto* nuclear powers are becoming even more complicated, requiring them to try to make use of individual States not parties to NWFZs in their calculations. That is why it is important that international law and international community address the issue of such individual (read – very vulnerable) states, the number of which is over a dozen.

In 1975 "United Nations comprehensive study on the question of nuclear-weapon free zones in all its aspects" when considering composition of nuclear-weapon-free zones took due note of the cases of individual states. That is why the study pointed out that "obligations relating to the establishment of nuclear-weapon-free zones may be assumed not only by groups of states, including entire continents or large geographical regions, but also by small groups of states and even individual countries (*emphasis added – J.E.*)¹. Furthermore, in 1976 the UN General Assembly expressed the hope that the foregoing study – together with the subsequent views, observations, and suggestions offered on it – would further enhance whatever efforts a country or countries may take concerning NWFZs and be useful in the establishment of such zones.²

However, *cold war* mentality was operating more in terms of groups of states and there was no attempt by individual states to establish single-State NWFZs, since establishment of even group (traditional) NWFZs in places where strategic interests of the two superpowers were not directly affected, was difficult, if not impossible. The few countries that

¹ See UNGA, 30th Session. Official Records, document no. 27 (A/10027/add.1, p. 31). The resolution "Comprehensive Study on the Question of Nuclear-Weapon-Free Zones in All Its Aspects" was adopted on 10 December, 1976

² See paragraph 8 of UNGA resolution 31/70.

adopted national legislation banning nuclear weapons did not go all the way to turn their territories into NWFZs and to acquire the security assurances of the five nuclear-weapon States (the P-5). Most probably it was almost unimaginable during the *cold war* to get the P-5 to agree to recognize a single-State NWFZ and acquire security assurances, since establishment of even traditional zones in relatively "easy" areas was very difficult.

In any case the *cold war* is over and one of the main obstacles to establishing additional NWFZs and expanding the area of the nuclear-free world has disappeared. However, establishing only regional (traditional) NWFZs would leave blind spots that could tempt, nuclear powers, when deemed strategically important or necessary, to make use of them and place there nuclear weapons or parts thereof, or elements of strategic nuclear systems, like the one that we are witnessing today in even in Eastern Europe that is already part of the NATO alliance. Though a number of countries, including New Zealand, Austria and Mongolia have adopted ground-breaking legislation banning nuclear weapons on their territories, the single-State NWFZ would go further and require the nuclear-weapon States to provide the necessary security assurances and would also create international mechanism that would deal with the issues of monitoring and cases of violations of the status.

After the disintegration of the Soviet block, to which Mongolia belonged and witnessed first-hand the threat of Sino-Soviet nuclear rivalry, in September 1992 when Soviet/Russian troops were being withdrawn, it declared its territory a nuclear-weapon-free zone and that it would work to have that status internationally recognized.³

Bearing in mind its past experience of Soviet era, when Mongolian territory hosted Soviet troops that had weapons of mass destruction and the fact that these weapons could be been used in possible Sino-Soviet confrontation that surely would have involved Mongolia and destabilize the entire Asian region, it declared that even single States had the right to establish NWFZs and thus benefit from the security assurances of the P-5 and the support of the international community. In doing so it made reference to the comprehensive study of 1975 and UNGA resolution 31/70 mentioned above.

³ UNGA, 47th Session, 13th Meeting, Verbatim Records, document no. A/47/PV.13, 1992, p.11.

To encourage a debate on the idea and concept of single-State NWFZ, the Mongolian delegation at the United Nations in April 1997 introduced in the working group of the United Nations Disarmament Commission a working paper on the principles for establishing such a zone when it started consideration of an item entitled "Establishment of nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the region concerned".⁴ Though many delegates supported Mongolia's paper, it was decided that the issue needed to be addressed at some later stage and that the Commission needed to focus on establishment of regional zones. Bearing in mind the majority view, Mongolia and its supporters agreed to postpone the consideration of the working paper, and thus the issue of single-State NWFZ, until a later date.⁵ Postponing consideration of this issue only does not resolve this question that affects or could affect national security of almost one dozens states and could affect the entire network of NWFZs and of the objective of nuclear-free world as the *blind spots*.

Despite the absence of legally defined concept of single-State NWFZs, in practice there is a growing recognition of its importance, as reflected in the declarations of support of Mongolia's nuclear-weapon-free status. Thus United Nations General Assembly has adopted 5 resolutions inviting member states to cooperate with Mongolia in consolidating and strengthen ... its nuclear-weapon-free status. The conference of states parties to NWFZ treaties, held in Mexico in 2005 also expressed full support of Mongolia's status, so did on a number of occasions the ARF and other intergovernmental organizations. Individually the major powers, including Mongolia's immediate neighbors Russia and China have expressed readiness to negotiate a treaty that would institutionalize Mongolia's status internationally.

There is growing support for Mongolia's initiative (thus for the creation of single-State NWFZ) within the non-governmental community

⁴ See UNGA document A/CN.10/195 of

⁵ The final report of the Disarmament Commission on the issue of "Establishment of nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the region concerned" noted in the footnote that "Owing to its unique geographical circumstances, Mongolia has declared its nuclear-weapon-free status in order to promote its security. This status was welcomed by the General Assembly in its consensus resolution 53/77 D of 4 December 1998. See Official Records of UNGA. Fifty-fourth session. Supplement No. 42 (A/54/42), p. 10.

as well, including by GPPAC, which sees establishment of such zones as a form of conflict prevention. GPPAC/NEA held in February 2005 saw Mongolia's realistic approach in addressing nuclear issues involving individual states. It called on the United Nations to "support institutionalization of Mongolia's nuclear-weapon-free status as a positive example of creation of non-traditional NWFZs and thus un-tapping to the fullest the potential of NWFZs."⁶

Therefore it is time to make the next logical step and institutionalize Mongolia's status as the first full-fledged single-State NWFZ by concluding an international treaty to that effect (Russia and China have indicated their readiness to take such action) with the required security assurances from the P-5⁷ and, as it has already been pointed out in GPPAC/NEA regional plan for 2006-2010, to conduct a feasibility study on creation of single-State NWFZs as part of the second wave of creation of NWFZs that would address the issue of potential *blind spots*.

Creation of single-State NWFZs could also be practically useful as the first step in establishing complicated NWFZs that involve states that are under "nuclear umbrella" of nuclear powers and thus negotiate from the standpoint of tactical advantage compared to other parties to negotiations. In such cases the state under "nuclear umbrella" could, as interim measure and gesture of good will, leave the "nuclear protection" and acquire negative security assurances from the P-5. This could facilitate the atmosphere at negotiations aimed at establishing a regional (traditional) NWFZs.

⁶ See: Tokyo Agenda: Towards Creation of a Regional Mechanism for Peace. GPPAC. Tokyo, 2006

⁷ In October 2000 the P-5 made joint statement on providing security assurances to Mongolia in connection with its nuclear-weapon-free status, which underlined that their separate statements on security assurances made in the Security Council in 1995 applied to Mongolia. Mongolia declared that it considered their joint political statement as manifestation of political will on the part of the P-5 and as the first important step in institutionalizing the status.