

NWFZ in North-East Asia – is it possible ?
(paper presented by Amb. J. Enkhsaikhan of Mongolia)

Almaty, Kazakhstan

26 April, 2010

Introduction

First of all I would like to thank the organizers of this meeting entitled “Security and Cooperation in Northeast Asia and the OSCE” for organizing this forum and for inviting me to participate as a representative of a country that is an Asian partner of OSCE and is part of the Central and Northeast Asian sub-regions.

Security cooperation is surely needed in Northeast Asia, which, unlike Europe and Central Asia, does not have an established security cooperation arrangement or mechanism, and where the remnants of the cold war still affect interstate relations.

That is why I welcome this conference co-organized by the Kazakhstan Chairmanship of OSCE and the Austrian Center for International Studies. Today security is indivisible. Also both OSCE and Central Asia politically, economically and geographically border on Northeast Asia. On the other hand, the CSCE as a process has been a success and its experience can be useful for other regions, including the Northeast Asian region. Relevance of CSCE experience for other regions, including the Northeastern region is evident from the fact that a number of international fora were held last year alone discussing CSCE experience. I had the privilege of attending two, one held in April in Ulaanbaatar, Mongolia and the other one in June in Japan. It was understood that before any security arrangement could even be considered there should be sufficient political will to agree to such an arrangement which cannot be created without greater confidence and initial steps to promote multilateral security cooperation.

That is why I agree with the organizers of this meeting that before discussing risk reduction and conflict avoidance measures, we should discuss confidence and security-building measures. The participants of session 2 have dwelt on such measures. Once there is some degree of confidence, states could exchange views on possible bilateral and multilateral measures that could move further the security building process.

The Northeast Asian region and idea of a NEA-NWFZ

Turning to the Northeast Asian region, I believe that despite the emergence of some dialogue structures in the region and the Six Party Talks, the cold war era security structure and to some extent mentality still form the basis of security infrastructure and thinking. That explains why so far no formal concrete proposal has been tabled to discuss the future of the sub-regional

security structure¹. Informally, there might have been some ideas flagged regarding a possible mechanism for peace and security within or outside the framework of the working group established by the Six Party Talks.

Establishment of a NEA-NWFZ is a welcome idea. However, so far it lacks support at the governmental level, since that would mean addressing issues that would affect the national interests of not only of the states of the region but also of some extra-regional states as well. The issue of withdrawal of US nuclear umbrella from Japan and the Republic of Korea would have to be addressed in earnest. And that would be a very serious undertaking that would affect the geopolitical interests of the major powers of the region and the U.S. Again, as mentioned at the beginning of this paper, there needs to be more confidence building measures, since there is still distrust among some of the states of the sub-region dating from past history which needs to be adequately addressed, as it has been the case in Europe during the CSCE process.

On the other hand, there are numerous informal proposals to promote security in the sub-region, including establishing a nuclear-weapon-free zone in Northeast Asia (NEA-NWFZ) or even a “limited” NWFZ. Thus at the academic and non-governmental level there are a number of concrete proposals and even draft treaties to establish a NEA-NWFZ which could either formalize further the Six Party Talks structure (perhaps with the addition of Mongolia) or itself could form an important part of the future NEA-n security structure. One such proposal that is being informally discussed is the proposal to establish a NEA-NWFZ based on the so-called “3+3” formula, meaning two Koreas, Japan + China, Russia and the U.S. The proposal of establishing a limited NWFZ in Northeast Asia would include some parts of nuclear China, Russia and of the U.S. However, the chance of establishing such a zone is at present minimal.

It is clear that one of the most immediate challenges in establishing a NEA-NWFZ is denuclearization of the Korean peninsula. It would be impossible to have serious multilateral negotiations to establish a NEA-NWFZ without successfully addressing this issue. Once this issue is successfully addressed, the issues of nuclear umbrella or extended deterrence, of over-all political and military force structure in the region would have to be addressed. It is in these conditions that the contours of future multilateral security arrangement could emerge and the role of NEA-NWFZ in such an arrangement. The zone could either be an important part of such an arrangement or even form the basis of such an arrangement.

Mongolia's foreign policy priorities

With the end of the East-West cold war and normalization of Russian-Chinese relations in early 1990s a most favorable condition was created for Mongolia to pursue its national interests in conjunctions with those of its immediate neighbors and the regional interest as a whole. This

¹ During the cold war some proposals have been made to establish a NWFZ in the sub-region. Thus the DPRK had on numerous occasions proposed to establish such a zone. However, in the context of the cold war, none of the proposals have been followed-up by the initiators nor would they have been supported by the adversaries.

allowed it to review its external environment and define anew its security and foreign priorities and policies. A search for an alternative to ideologically driven foreign policy based on a military-political alliance resulted in the adoption in early 1990s of three seminal and interrelated basic documents: the Concept of National Security, the Concept of Foreign Policy and the Basis of the State Military Policy of Mongolia. Unlike in the past, the country took a comprehensive approach to security. It also recognized that ultimately the main guarantors of the national security are the Mongolian people itself (especially its unity) and the State, and that security needed to be pursued primarily by political and legal means. The basis and *raison d'être* of security and foreign policies were to defend and promote the country's clearly defined vital interests. Foreign policy was to be based on realism, the Charter of the United Nations and other principles and norms of international law.

The realistic approach to foreign policy, naturally, meant that its top priority would be relations with its two immediate neighbors – Russia and China. Hence Mongolia declared that it would adhere to the principle of a balanced relationship with them, and that maintaining balance would not mean keeping a mechanical equidistance between them or taking identical positions on all issues, but rather strengthening trust and developing all-round good-neighborly relations and cooperation with both of them. It also declared that when cooperating with them it would be mindful of their policies in regard to Mongolia's vital interests.² As to a future possible dispute between the immediate neighbors, if such a dispute were to arise and if it did not directly affect its vital interests, Mongolia would pursue a policy of non-involvement and neutrality.

The normalization and improvement of Sino-Russian relations, and their agreement not to use territories of their third neighboring states to the detriment to each other's interests created a sound basis for a more stable relationship in the region. On its part, when Mongolia concluded treaties of friendly relations and cooperation with Russia and China (in 1993 and 1994 respectively), it pledged not to allow other countries to use Mongolia's territory or airspace against the interests of any of its immediate neighbors. These commitments form the legal basis of Mongolia's policy of neutrality. As a concrete measure to promote further its policy of good-neighborliness, in 1992 Mongolia declared its territory a NWFZ.

A realistic approach to foreign policy also meant that Mongolia would pursue an open foreign policy and acquire, as a counterweight to the overwhelming influences of China and Russia, as many partners as possible. Hence it declared a "third neighbor" policy which is not limited to establishing of formal relations with other countries or holding formal membership in regional or international organizations. The policy meant creating realistic economic and political interests of other countries, especially of the industrially developed ones.

² The National Security Concept of Mongolia defined the vital national interests of the country as consisting "in the existence of the Mongolian people and their civilization, the country's independence, sovereignty, territorial integrity, inviolability of State frontiers, relative economic independence, sustainable ecological development and national unity" (Para. 3 of the Concept of National Security of Mongolia. Ulaanbaatar, 1995).

Nuclear-weapon-free policy and its possible relevance for NEA

In order to play a more pro-active and constructive international role, in early 1990s Mongolia declared that it would refrain from joining any military alliance or grouping, would not allow the use of its territory or air space against any other country, and would prohibit the stationing on its territory of foreign troops or weapons, including nuclear and other weapons of mass destruction. It is in line with this policy that in September of 1992, when Russian troops were being fully withdrawn, the President of Mongolia declared the country a single-State NWFZ and that the Government would work to have that status internationally guaranteed. Mongolia does not have nuclear-weapons capability, nor the intention to develop nuclear weapons. Nor does it want to be under a “nuclear umbrella” or allow the stationing of nuclear weapons or parts of such weapons on its territory. This policy is both a manifestation of its commitment to nuclear non-proliferation and of its desire for neutrality and non-involvement in nuclear rivalries of not only Russia and China, but of all nuclear-weapon states.

Mongolia’s nuclear-weapon-free status policy enjoys the support of the international community which is manifested by the consideration of this issue by the General Assembly of the United Nations every second year and the adoption of resolutions in its support.

The novelty of Mongolia’s policy is that it is working to institutionalize a single-State NWFZ status. Some nuclear-weapons states are still hesitant to support the concept of single-State zone because, they believe, that could discourage others from establishing regional (i.e. traditional) zones. Establishment of three new NWFZs after Mongolia’s initiative has clearly demonstrated that such apprehensions are baseless.

The concept of single-State zones is not a complete novelty. The right of any country to pursue its security without undermining that of others is a well recognized right. That especially applies to nuclear security issues. For this reason the 1975 “UN comprehensive study on the question of nuclear-weapon-free zones in all its aspects” specifically pointed out that “obligations relating to establishment of nuclear-weapon-free zone 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). Furthermore, in 1976 the UN General Assembly expressed the hope that the above-mentioned, 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.

Life is rich in its diversity. And Mongolia is not the only one that cannot form part or benefit from regional (traditional) zones. International practice has vividly demonstrated that establishment of single-State zones could be an interim measure for the establishment of traditional zones. Thus for example the Tlatelolco treaty, the first international treaty that established a NWFZ in Latin America and the Caribbean, had a special entry into force provision

whereby before the entry into force of the treaty for the region as a whole, every country that had ratified the treaty was considered as single-State zones. Thus for almost three decades almost thirty countries of Latin America and the Caribbean separately were *ad hoc* single-State zones ! And none from the international community, including the five nuclear-weapon states doubted their legal status. This precedent could, with some variations, be used in Northeast Asia.

The importance of denuclearization of the Korean peninsula, as pointed out, is a *sine qua non* for establishing a NEA-NWFZ. However, it is not the only important precondition. Northeast Asia is a region where two states – Japan and the Republic of Korea – are under nuclear umbrella of the United States. That means that NEA-NWFZ cannot be established as long as these two states remain under the nuclear umbrella of a nuclear-weapon state. Bearing in mind the relative disbalance of military power in the region, it would be difficult to imagine Japan leaving US nuclear umbrella without nuclear or other credible assurances from other states of the region. The same would apply for the Republic of Korea with regard to the DPRK. Therefore until NEA-NWFZ is negotiated and until the treaty eventually enters into force, the two Koreas and Japan could get security assurances from the three nuclear-weapon states present in the region – China, Russia and the U.S.³ A temporary arrangement could be made for China and Russia to provide nuclear security assurances (similar to those that the P5 are expected to provide to NWFZs) to Japan, while the U.S. could provide similar assurances to the DPRK (cross assurances). And these assurances could be linked together and even include conventional assurances so as to make sure that all non-nuclear-weapon states would be treated equally despite disbalance of military forces. Such *ad hoc* assurances to single-State zones could create the necessary confidence to enter into multilateral negotiations regarding establishing a NEA-NWFZ which could form an important part, if not the basis, of the regional security mechanism. So to the question asked by this paper if NEA-NWFZ could be established the answer would be yes it can be established but would need a non-traditional approach (perhaps establishing first *ad hoc* single-State zones) that could strengthen confidence. This could take some time. The multilateral negotiations strengthened by ad hoc security assurances would be more productive if they are held bearing in mind the contours of a possible security arrangement for the sub-region.

³ The five nuclear-weapon states (the P5) have provided separate security assurances to Ukraine, Belarus and Kazakhstan in early 1990s.