Faces of Competitiveness in Asia Pacific

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NUCLEAR-WEAPON-FREE ZONES IN THE ASIA AND PACIFIC REGION IN THE CONTEXT OF GLOBAL SECURITY

Summary: The author presents the idea of Nuclear-Weapon-Free Zones creation in the modern world. The main attention is dedicated to Nuclear-Weapon-Free Zones in the Asia and Pacific region created on 20th and 21st century breakthrough. The author particularly describes the history of conclusion and main principles of the treaties initiated by states of the region, which established Asian non-nuclear zones – Treaty of Rarotonga, Treaty of Bangkok and Treaty of Semipalatinsk. Attention is also paid to a non-nuclear area created by a single state – Mongolia. In summary, the author presents the influence of treaties on disarmament process in the modern world.

Keywords: disarmament, international treaties, nuclear weapon, Nuclear-Weapon-Free Zones.

1. Introduction

The idea of the limitation of the proliferation of nuclear weapon – the tragic results of which the world could see after its use in Hiroshima and Nagasaki – was born after finishing the Second World War. It definitively changed the code of war as it introduced a new kind of weapon, so special and powerful in substance that it broke the weak international equilibrium which had existed until then. This new code of war ethics brought with it the sense that nuclear weapon use had no legal limits, no respect for political borders and finally no moral reasoning. Furthermore, this weapon became the main actor of the so-called “Cold War Era” for half a century. It gave super powers to two of the largest countries in the world, increased the military power of others and worst of all became coveted by countries looking for regional or world status through its possession.¹

The Polish government was very active in this area of activity, and several times notified initiatives to protect world against using nuclear weapon in possible conflicts. In January 1946 the Polish Minister of Foreign Affairs Zygmunt Modzelewski,

during the first session of the United Nations General Assembly, introduced the proposal of the contracts which would forbid using atomic energy in different aims than peaceful.²

One of the first initiatives to create Nuclear-Weapon-Free Zones (NWFZs) was conceived with a view of preventing the emergence of new nuclear weapon states. In March 1956, a proposal was presented by the Soviet Union to the United Nations Committee on Disarmament, which sought to obtain partial arms restrictions, the establishment of regions under constant inspection, as well as a prohibition of the stationing of nuclear equipped forces, nuclear weapons and hydrogen weapons on the German territory and in neighbouring states.³ The Polish government, which was afraid of the nuclearization of West Germany and wanted to prevent the deployment of Soviet nuclear weapons on its territory, on 14 February 1958 put forward a proposal by Polish Foreign Affairs Minister Adam Rapacki, for a NWFZ in Central Europe, well known in the future as the Rapacki Plan.⁴ The plan supposed that the zone would consist of Poland, Czechoslovakia, the German Democratic Republic, the Federal Republic of Germany, and other European countries, which would have to accede to the zone.

In the area, the stationing, manufacture, stockpiling of nuclear weapons and of nuclear delivery vehicles would be prohibited. The nuclear powers would have to respect the nuclear weapon free status of the zone and undertake not to use nuclear weapons against the territory of the zone.

In the political climate of the 1950s, the Rapacki Plan had no chance of becoming a subject of serious international negotiations. Nonetheless, several of its elements were later adopted as guidelines for the creating the Treaty on the Non-Proliferation Nuclear Weapon (NPT) signed on 1 July 1968⁵ and establishment of denuclearized zones.

Although Minister Rapacki’s idea was suppressed due to the Cold War, several proposals were made towards the denuclearization of Europe – for example, of the Balkan Peninsula (1957) and of Northern Europe (1959)⁶ – none have come to fruition.

The Unden’s plan specified in 1961-62, which was brought to the Scandinavian Peninsula denuclearization, was leaning on the idea of the atomic zone introduced

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² J. Kaczmerek, Plan Jaruzelskiego na tle polskiej myśli rozbrojeniowej po II wojnie światowej [The Jaruzelski’s Plan at the background of Polish idea of disarmament after the Second World War], Wojskowy Przegląd Historyczny 1988, nr 2, p. 27.


⁶ The concept for an NWFZ in Northern Europe was proposed repeatedly: the first proposal was made by the former Soviet Union in 1959, followed by Sweden in 1961, Finland in 1963 and 1978.
in the Polish proposal. The plan, accepted by The United Nations Organization, foresaw the prohibition of the production, acquisition, deployment and storing nuclear weapon on this area.

The most advanced decisions relating to creating denuclearized zones ("Nuclear-Weapon-Free Zones") were described in the Treaty of Non-Proliferation Nuclear Weapon. Article VII foresaw the possibility of containing regional arrangements about the creation of denuclearized zones, which would let protect some areas of our globe from disposing and applying nuclear weapon.\(^7\) Document admits that the possibility applies to the non-proliferations regimes of the states parts and these which did not accept NPT because of discriminatory nature,\(^8\) but these countries are able to accept the principle of non-proliferation.

The idea of nuclear weapon free zones was leaning on the principle of the full confidence between the states which will not aim to the entry of the nuclear weapon, if they recognize that their possible rivals in the region do not possess ambitions of the atomic states. Moreover, the idea of the NWFZs completely excludes the possibility of disposing any nuclear weapon independently who controls it, in contrast to NPT. Therefore, we can affirm that denuclearization zones are steps towards creating a better nuclear-free world.

The definition of the NWFZ was passed first time by the UN General Assembly in 1975. The denuclearized zone was recognized as a geographically defined area (according to geographical co-ordinates, the borders of states or continents), entirely free from nuclear weapon and the nuclear delivery vehicles according to contract among states in region. The idea of the NWFZs precedes the Nuclear Non-Proliferation Treaty (NPT), emerging from a desire for an alternative means of defense against nuclear weapons.

The UN General Assembly recommended that states setting up NWFZ should be guided by the following principles:\(^9\)

- obligations relating to the establishment of such zones may be assumed not only by groups of states, including entire continents or large geographical regions, but also by smaller groups of states and even individual countries (for example Mongolia);

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• NWFZ arrangements must ensure that the zone would be, and would remain, effectively free of all nuclear weapons;
• the initiative for the creation of a NWFZ should come from states within the region, and participation must be voluntary;
• whenever a zone is intended to embrace a region, the participation of all militarily significant states, and preferably all states, in that region would enhance the effectiveness of the zone;
• the zone arrangements must contain an effective system of verification to ensure full compliance with the agreed obligations;
• the arrangements should promote the economic, scientific, and technological development of the members of the zone through international co-operation on all peaceful uses of nuclear energy;
• the treaty establishing the zone should be of unlimited duration.

Additionally, the United States established its own criteria as conditions for supporting the creation of NWFZ. These conditions stipulate that the establishment of the zone should not disturb existing security arrangements to the detriment of regional and international security or otherwise abridge the inherent right of individual or collective selfdefense guaranteed in the UN Charter. Moreover, a zone should not affect the rights of the parties under international law to grant or deny other states transit privileges, including port calls and overflights; and no restrictions should be imposed on the high seas freedoms of navigation and overflight, the right of innocent passage of territorial and archipelagic seas, and the right of transit passage of international straits.

The states which create the zone decide what they want to use to assure the security from existing regimes, they define the notion as wide it protects nuclear weapon and they specify, if the coordinated centers nonproliferation treat related only to warheads or to all the kinds of explosive installations and even the centers of the transfer.

Efforts to ensure the absence of nuclear weapons in other populated parts of the world have been successful. By a series of treaties, eight major NWFZs have been established; they cover more than half of the world’s continents (74% of all the land outside of nuclear-weapon state territory), including 99% of the Southern Hemisphere land areas, while excluding most sea areas. They contain 119 states (out of some 195) and 18 other territories. Some 1.9 billion people live in the denuclearized zones. They include:
• Latin America and the Caribbean (by the Treaty of Tlatelolco, opened for signature in 1967 but entered into force in 2002 – 35 years and 8 months later),

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10 U.S. State Department Briefing Document, 8 December 1995.
11 J. Goldblat, op. cit., p. 19.
with a protocol of negative security assurances ratified by the five big Nuclear Weapon States (NWS) (China, France, Russia, the UK and US);

- The South Pacific, 13 island states including Australia and New Zealand (by the Treaty of Rarotonga, opened 1985, entered into force 1986, 16 months later, with negative security assurances and a ban on nuclear testing ratified by the four NWS, but not the US);

- Southeast Asia, including Brunei Darussalam, Cambodia, Indonesia, Myanmar, the Philippines, Thailand, and Vietnam (by the Treaty of Bangkok, opened 1995, and entered into force five and half months later in 1997, no NWS protocols);

- Africa (by the Treaty of Pelindaba, opened 1996, entered into force July 2009, but the protocols are not yet ratified by the US and Russia);

- Mongolia (by a declaration in 1995);

- Central Asia (Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan – separated from Mongolia by a 40 kilometer wide corridor where China and Russia meet; opened 2006, entered into force two and a half years later in March 2009, but with no protocol ratification by NWS).  

Additionally (and of some relevance to efforts to create an ANWFZ), certain uninhabited areas of the globe were formally denuclearized, specifically the 1959 Antarctic Treaty, the 1967 Outer Space Treaty, and the seabed, the ocean floor, and the subsoil thereof under the 1971 Seabed Treaty and the 1979 Moon Agreement.

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

In the Asia and Pacific region there exist three NWFZs established by group of the state-parties and one zone created by separated country (Mongolia).


In 1983, because of growing number of the nuclear test explosions in the South Pacific, at the 15th South Pacific Forum at Tuvalu, Australia officially submitted proposal of the establishment of a nuclear-free zone in the region (SPNFZ). Finally, after the negotiations among all the member-states of the Forum, a treaty establishing

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13 J. Goldblat, op. cit., p. 19.  
15 J. Goldblat, Nuclear Weapon..., op. cit., p. 41.  
the proposed zone was signed on 6 August 1985, at Rarotonga in the Cook Islands.\textsuperscript{17} Three protocols annexed to the treaty were intended for signature by extra-zonal states.

The Treaty of Rarotonga entered into force on 11 December 1986, upon the deposit of the eighth instrument of ratification.\textsuperscript{18} The zone encloses area of 13 states-parties: Australia, Cook Islands, Fiji, Kiribati, Nauru, New Zealand, Niue, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu, and Vanuatu (see Figure 1).\textsuperscript{19}

Figure 1. Nuclear-Weapon-Free Zone in South Pacific

Source: http://www.nti.org/h_learnmore/nwfztutorial/mm_map_existing/existing_05.html.

The Treaty prohibits the manufacture or acquisition by other means, as well as the possession or control of any nuclear explosive device by the countries of the

\textsuperscript{17} J. Goldblat, Nuclear Weapon..., \textit{op. cit.}, p. 22.


zone. It also bans seeking or receiving assistance in the manufacture or acquisition of nuclear explosive devices. Additional Protocol to the Treaty, prohibiting tests of any nuclear explosive device anywhere within the zone, was opened for signature by all five declared nuclear weapon powers, but it was clearly addressed to France, the only state which at the time of signing was engaged in such tests in the region.

The Treaty comprises three additional protocols ratified by nuclear weapon states, which specify relations between NWS and the states of the zone. These are as follows:

- Protocol I calls on each Party with respect to the territories situated within the SPNFZ for which it is internationally responsible, to apply the prohibitions of the Treaty.
- Protocol II (negative security assurances) ratified by China, France, the United Kingdom, and the Soviet Union.
- Protocol III (ban on nuclear testing in the nuclear-weapon-free zone) ratified by China, France, the United Kingdom, and the Soviet Union.\(^{20}\)


The idea of setting up a Nuclear-Weapon-Free Zone in South-East Asia (SEANWFZ) was developed on 27 November 1971 in Kuala Lumpur, when the original five members of the Association of South-East Asian Nations (ASEAN) signed Declaration on the Zone of Peace, Freedom and Neutrality.\(^{21}\) Declarations defined the determination of the ASEAN States to assure recognition and respect for a Zone of Peace, Freedom and Neutrality (ZOPFAN) in South-East Asia. On 16 December 1995, the Treaty on the South-East Asia Nuclear-Weapon-Free Zone was signed in Bangkok.

Countries which are members of the Treaty of Bangkok (Brunei Darussalam, Cambodia, Indonesia, Laos, Malaysia, Myanmar, Philippines, Singapore, Thailand, and Vietnam – see Figure 2) may use nuclear energy for their economic development and social progress, but are prohibited from developing, testing, manufacturing or otherwise acquiring, possessing or having control over nuclear weapons, both inside and outside the zone. Research on nuclear explosive devices is not expressly banned. The parties will not allow other states to engage in such activities on their territories, including the use of nuclear weapons.\(^{22}\) Additionally, the treaty contains a protocol which describes relations between NWS and state parties of the treaty.

\(^{20}\) Russia is recognized as inheriting the Soviet Union’s treaty commitments.


\(^{22}\) *Building a Weapons of Mass Destruction Free Zone.... op. cit.*, p. 65.
The protocol is open for signature by China, France, Russia, the United Kingdom, and the United States. These NWS would undertake to respect the treaty and not to contribute to any act which constitutes a violation of the treaty or its protocol by States Parties. They would also undertake not to use or threaten to use nuclear weapons against any State Party to the treaty and not to use or threaten to use nuclear weapons within the SEANWFZ. None of the nuclear weapon states (NWS) has yet signed the protocol, largely due to the U.S. and France because they object to the inclusion of continental shelves and exclusive economic zones (EEZ).23


The history of Nuclear-Weapon-Free Zone in Mongolia (see Figure 3) reaches 1974, when the UN General Assembly in the Resolution 3261 F declared the possibility

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of creation a Single-State Nuclear-Weapon-Free Zone (SS-NWFZ). The Resolution concluded 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".

In 1992 Mongolian President Pun살maagin Ochirbat announced before the 47th session of the UNGA that Mongolia's territory would be a NWFZ and that it would work to have its status internationally recognized. Its NWF policy includes non-deployment and a ban on transit through its territory of foreign troops, as well as nuclear and other weapons of mass destruction.

The United Nations Disarmament Conference on the 4th of December 1998 yielded the Resolution 53/77 D adopted by the 53 General Assembly of the United Nations, in which all the States welcome the decision of Mongolia to declare its territory a nuclear-weapon-free zone and are willing to include the item "Mongolia's international security and nuclear-weapon-free status" in the agenda for the next general assemblies.

On 3 February 2000 the Parliament of Mongolia adopted and entered into force document "Law of Mongolia on its nuclear-weaponfree status".

![Figure 3. Nuclear-Weapon-Free Zone in Mongolia](http://www.nti.org/h_lemmone/nwftutorial/mm_map_existing/existing_06.html)

![Map of Mongolia](image)

The Treaty prohibits an individual, legal person, or any foreign State on the territory of Mongolia from developing, manufacturing or otherwise acquiring,
possessing, or having control over nuclear weapons; stationing or transporting nuclear weapons by any means; testing or using nuclear weapons; dumping or disposing nuclear weapons-grade radioactive material or nuclear waste, and transporting nuclear weapons, parts, or components thereof, as well as nuclear waste or any other nuclear material designed or produced for weapons purposes through the territory of Mongolia. The law does not prohibit the peaceful use of nuclear energy. It covers the territory of Mongolia in its entirety, including its air space, land, waters, and the sub-soil.\(^\text{24}\)

5. Treaty on a Nuclear-Weapon-Free Zone in Central Asia (Semipalatinsk Treaty 2006)

The Treaty on a Nuclear-Weapon-Free Zone in Central Asia (CANWFZ) was first formally proposed by Uzbek President Islam Karimov at the 48th session of the UN General Assembly in 1993. On 28 February 1997, the Heads of State of the five Central Asian States issued the Almaty Declaration, adopted at the summit of the Central Asian states on the Aral Sea problems, which endorsed the creation of a Nuclear-Weapon-Free Zone in Central Asia.\(^\text{25}\) Since then successive General Assembly resolutions have called for the establishment of such a zone. The creation of a nuclear-weapon-free zone in Central Asia could be an important element in the strengthening of regional security, but the realization of this idea will take a great deal of time and much effort.

Experts from all five Central Asian states agreed on the text of a treaty establishing a Central Asian Nuclear-Weapon-Free Zone (CANWFZ) at a meeting held in Samarkand in Uzbekistan from 25-27 September 2002. The zone comprises five former Soviet Asian Republics: Kazakhstan, Kirgistan, Tajikistan, Turkmenistan, and Uzbekistan (Figure 4).\(^\text{26}\) The Treaty entered into force on 21 March 2009. This is the first nuclear-weapon-free zone located entirely in the northern hemisphere. It borders two nuclear-weapon States – China and the Russian Federation.\(^\text{27}\)

Under the treaty, countries which are its members undertake not to research, develop, manufacture, stockpile, acquire, possess, or have any control over any


nuclear weapon or other nuclear explosive device, not to seek or receive assistance in any of them, or assist in or encourage such actions. The receipt, storage, stockpiling, installation, or other form of possession of any nuclear weapon or nuclear explosive device on the territory of the member states is not allowed. Each party pledges not to carry out nuclear weapon tests or any other nuclear explosion and prevent any such nuclear explosion at any place under its control. The parties agreed not to allow the disposal on their territory of radioactive waste from other states.²⁸

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**Figure 4. Nuclear-Weapon-Free Zone in Central Asia**

Source: http://www.nti.org/h_learmore/nwftutorial/mm_map_exisiting/existing_08.html.

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**6. Conclusion**

Nuclear-Weapons-Free Zones play an unusually important role in non-proliferation and disarmament issues. The establishment of internationally recognized this kind of zones by relevant countries on the basis of voluntary agreement is one of the most important and effective ways to advance nuclear non-proliferation and disarmament. It is beneficial to regional and world peace, stability, and security. NWFZs demonstrate a new security posture where states do not need a nuclear weapon to be safe from

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attack, but more importantly they show that full nuclear disarmament and world peace are goals that can be pursued at the same time, not sequentially.

Since nuclear non-proliferation and disarmament are enormously complex tasks, it is impossible to achieve the ultimate goal of complete disarmament by approaching this issue globally from the very beginning. Obviously NWFZs themselves will not and cannot stop proliferation of nuclear weapons. They are just one of the many options in the non-proliferation regime that must be used adequately. Reciprocal actions and strong mutual relations with global approaches such as the NPT are needed. This essential connection will further reinforce the capability that the NWFZs retain.

The global community does not have to wait for international peace to begin full disarmament. As the UN representative from Nepal, Gyan Chandra Acharya, stated at the most recent UN Disarmament Commission meeting:29 “disarmament is not a choice; it is a compelling security imperative. Global peace and security lies in collective prosperity, not in armaments”.30 The NWFZs in Asia are one of the best examples of how to realize the increasing of global security and how the world can be get free from nuclear threat.

References


STREFY BEZATOMOWE W REGIONIE AZJI I PACYFIKU
W ASPEKcie BEZPIECZEŃSTWA GLOBALNEGO

Streszczenie: Autor przedstawia ideę tworzenia nuklearnycych stref bezatomowych we wspólnocznym świecie. Szczególną uwagę poświęca nuklearnym strefom bezatomowym w rejonie Azji i Pacyfiku powstałym na przełomie XX i XXI wieku. Szczegółowo opisuje historię zawarcia oraz główne założenia traktatów zainicjowanych przez państwa regionu, a ustanawiających azjatyckie strefy bezatomowe – Traktatu z Rarotonga, Traktatu z Bangkoku oraz Traktatu z Semipalatyńska. Zwraca także uwagę na utworzenie strefy bezatomowej przez pojedyncze państwo – Mongolię. W podsumowaniu autor przedstawia wpływ traktatów na procesy rozbrojeniowe we wspólnocznym świecie.