

Mongolia's experience in promoting the concept of single-State NWFZs
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A Nuclear Weapon-Free Zone (NWFZ) bans the manufacture, deployment and transit of nuclear weapons in a specific geographical region and expects the nuclear weapon states not to threaten or use nuclear weapons against such zones or states therein. Politically it is also an effective regional measure that promotes confidence and predictability in the region. NWFZs today cover 56% of the Earth's surface, 60% of the United Nations membership and 39% of the world's population. That is indeed a remarkable accomplishment which did not come easy.

So far the concept and practice of establishing such zones have been focusing on regional or group approach, i.e. established "on the basis of arrangements freely arrived at among the States of the region concerned". However, some states due to their geographical location or for some other valid reason, cannot form part of such regional (group) zones. Hence the issue of establishing single-State NWFZs has not yet been conceptually considered thus leaving more than a dozen states outside the NWFZ umbrella. 45 years have passed since the international community had undertaken a study on NWFZs. Now it is time to conduct a second study on NWFZs so as to not only to draw lessons, enrich the experience acquired in establishing NWFZs, but also to make sure that even individual states would not be left out as "blind spots" or "grey areas". Mongolia's experience in promoting its single-State NWFZ is still work in progress but could be instructive as a case study.

One of the regions that needs to be looked into as the next possible NWFZ is Northeast Asia where a conceptual approach is needed to start the ball rolling. To trigger a discussion of some of the issues involved Blue Banner shares its view on how it sees them.

A history lesson

All the five existing nuclear-weapon-free zones (NWFZs) had their own political and regional reasons to be established about which some of the previous panelists have pointed out in their papers. There is also plenty of literature available on the related issues. However, not much is known or written about Mongolia's reason for its 1992 proposal to establish a single-State NWFZ (SS-NWFZ) nor what has so far been achieved or yet to be achieved. There were two main reasons for the initiative: its geographical location and the cold war lesson.

Mongolia's policy has always been to support establishment of NWFZs as a regional arrangement that went beyond NPT obligationsⁱ and that the zones ensured that no nuclear weapon would be placed there under any circumstances or pretexts. Mongolia, former member of the Soviet block and ally of the Soviet Union, in 1967-1992 hosted the latter's military bases. In 1969, the Sino-Soviet ideological dispute turned into a military standoff which led to border clashes along some parts of their common eastern border and resulted in more than 1000 casualties. There was a risk of a possible Soviet preemptive surgical strike against Chinese nuclear facilities and installations with all the ensuing devastating military and political consequences. The Soviets at that time hinted about the possible surgical strike to their Warsaw pact allies and sounded possible U.S. reaction to such a strike. The U.S. response was that such Soviet action would lead to World War III. Had the U.S. indicated that it would remain "neutral" or "look the other way" to a possible Soviet strike that would surely have involved the U.S. as well, the 1962 Cuban missile crisis would have been just a footnote in history compared to the possible Sino-Soviet war. Mongolia, hosting Soviet bases nearest to the Chinese capital and its nuclear military infrastructure, would surely have been turned from the eastern "strategic bridge-head" of the Soviet bloc alliance to an actual battlefield of the two immediate nuclear "communist" rivals. The lesson learned by Mongolia from that incident was that hosting of foreign military bases, especially those that had dual use weapons meant that similar weapons of the countering sides would be trained on those bases and in case of conflict would have been used. Hence such a dangerous situation should never be allowed to repeat.

Mongolia proposes to establish a single-State NWFZ

With the withdrawal of Russian bases from its territory, Mongolia was no longer ally of a nuclear-weapon state and therefore had to address its security issues in the new circumstances based on its own national and broader regional interests. Mindful of the cold war lesson as well as Sino-Russian joint pledge not to use territories of bordering third states against each other, in September 1992 Mongolia declared its territory a NWFZ and pledged to work to have that status internationally guaranteed.ⁱⁱ The initiative was in line with its vital interests and the emerging post-cold war policy of non-nuclear-weapon states to actively promote reduction of regional tension and nuclear non-proliferation. When doing so Mongolia also bore in mind General Assembly resolution 3472 (XXX) regarding the concept of NWFZs and the understanding that "even individual states" may establish NWFZs. The goal in 1975, when the world was still divided into two competing military-political blocks, was to encourage establishment of zones "on the basis of arrangements freely arrived at among the States of the region concerned". Hence Article VII of the NPT read as follows: "Nothing in this Treaty affects the right of any group of States to conclude regional treaties in order to assure the total absence of nuclear weapons in their respective territories." Since there was no proposal to establish a SS-NWFZ, the issue was not pursued at that time at conceptual or practical levels. That of course did not rule out that such a zone could not be established in the future.

P5 position regarding SS-NWFZs

Mongolia's initiative was welcomed by the international community as a positive step contributing to enhancing regional stability and confidence-building. Even the P5 welcomed the initiative, though their support was limited to welcoming it only as a peace-loving declaration of intent of a United Nations member state, not more. They were not interested in giving full support to the initiative itself seeing it as potentially setting a precedent with unpredictable for them political and military consequences. Even the wide support of over 110 member states of the Non-Aligned Movement of the initiative declaring it as "a commendable contribution to regional stability and confidence building"ⁱⁱⁱ did not alter the P5 position on the issue. That is why in order to promote the issue more forcefully through multilateral diplomacy, in 1997 Mongolia proposed to United Nations Disarmament Commission, Assembly's subsidiary deliberative body, to consider the issue of establishing SS-NWFZs in parallel with the issue of guidelines of establishing new NWFZs "on the basis of arrangements freely arrived at among the States of the region concerned". To that end it submitted for the Commission's consideration a working paper on the issue^{iv} for the Commission's consideration.

Despite Mongolia's efforts and the growing international support of the initiative by the non-nuclear-weapon states, as a result of the uncompromising stance of the P5 and application of the rule of consensus when adopting the guidelines, its final text did not contain any reference to the concept or practice of single-State zones. However, on the insistence of Mongolia, a footnote to the guidelines mentioned Mongolia's initiative.^v At the meeting when the guideline was adopted in the Commission, Mongolia expressed the hope that with the passage of time the footnote would serve as a foothold to revisit the issue. In the meantime due to P5 negative position, Mongolia decided to demonstrate the possibility of establishing such a zone with its practical action and growing international understanding and support.

Development of NWFZ concept

Based on the experience of establishing the NWFZ in Latin America and the Caribbean, and in fact encouraged by it, in 1974 United Nations General Assembly has decided to undertake a comprehensive study of the question of NWFZs in all its aspects so as to promote establishment of such zones in various parts of the world. For that purpose in 1975 Ad Hoc Group of Qualified Governmental Experts that was established submitted its report on the Assembly.

The report underlined 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 (underlined by the author)."^{vi} Having considered the report, the General Assembly in part A of its resolution 3472 (XXX)^{vii} has expressed appreciation to the Governmental experts for the study and invited all Governments, the IAEA and other international organizations for their comments and asked the Secretary-

General to submit a report thereon. In its part B of the resolution, the Assembly has agreed to the following:

“I Definition of the concept of a nuclear-weapon-free zone

1. A “nuclear-weapon-free zone” shall, as a general rule, be deemed to be any zone , recognized as such by the General Assembly of the United Nations, which any group of States, in the free exercise of their sovereignty, has established by virtue of a treaty or convention whereby:
 - a) The statute of total absence of nuclear weapons to which the zone shall be subject, including the procedures for the delimitation of the zone, is defined;
 - b) An international system of verification and control is established to guarantee compliance with the obligations deriving from that statute.

II. Definition of the principal obligations of the nuclear-weapon States towards nuclear-weapon-free zones and towards the States included therein

2. In every case of a nuclear-weapon-free zone that has been recognized as such by the General Assembly, all nuclear-weapon States shall undertake or reaffirm, in a solemn international instrument having full legally binding force, such as a treaty, a convention or a protocol, the following obligations:
 - a) To respect in all its parts the statute of total absence of nuclear weapons defined in the treaty or convention which serves as the constitutive instrument of the zone;
 - b) To refrain from contributing in any way to the performance in the territories forming part of the zone of acts which involve a violation of the aforesaid treaty or convention;
 - c) To refrain from using or threatening to use nuclear weapons against the States included in the zone.

III. Scope of the definitions

3. The above definitions in no way impair the resolutions which the General Assembly has adopted or may adopt with regard to specific cases of nuclear-weapon-free zones nor the rights emanating for the Member States from such resolutions.”

The definition reflected agreement of states in some areas and disagreement on others. Since there were disagreements on some aspects of the definition, the resolution was adopted by a vote of 82-10-36. Thus some states registered reservations regarding the definition considering it as

an attempt to impose a set of universal guidelines on states wishing to form such zones or requiring that zones conform to an established form or pattern. Views were also expressed that NWFZs should not jeopardize the legitimate security interest of states and that the definition needed to reflect the wider security implications and the prevailing political environment. Despite the mandate given to the Ad Hoc group, the study did not focus on “all aspects” of NWFZs but only on establishing “regional” (i.e. group) zones since at that time that was perceived to be the main viable form of zones.

Encouraged by the progress in establishing of NWFZs in Southeast Asia and on the African continent, in January 1997 United Nations General Assembly has asked the Disarmament Commission to take up the issue of “Establishment of NWFZs on the basis of arrangements freely arrived at among the States of the region concerned” (i.e. reflecting the regional or group approach to NWFZs) so as to help promote establishment of additional zones. In 1997-99 the Commission has considered the issue and presented its outcome to the Assembly. Based on the report the Assembly adopted resolution A/RES/54/56 in which it endorsed the principle and guidelines of establishing NWFZs “on the basis of arrangements freely arrived at among the States of the region concerned”^{viii}. The guideline has pointed out that each NWFZ is a product of the specific circumstances of the region concerned and highlights the diversity of situation in different regions, and that establishment of NWFZs is a dynamic process and that the experience of established zones clearly demonstrates that they do not have “static structures”. Reflecting the different positions of states or groups of states, the guidelines also underlined that it can be regarded as “non-exhaustive list of generally accepted observations in the current stage of the development of NWFZs and were based on current practices and available experiences only.” All these underline once again that the definition was work still in progress.

The initiative leads to a special status

Mongolia’s goal was to acquire security assurances of the P5, including of its immediate neighbors Russia and China. Therefore it worked to explain to them its goal and why it would benefit the P5 as well. The P5 informed Mongolia that they had nothing against the initiative per se however they were against setting a precedent whereby other individual states would be encouraged to declare their territories single-State NWFZs and expect P5 security assurances. A long search for mutually acceptable resolution of the issue resulted in a temporary compromise whereby Mongolia would not insist on single-State zone concept, while the P5 would agree to Mongolia’s special status, continued consideration of the issue in General Assembly and address Mongolia’s broader security concerns. Thus in 1998 General Assembly adopted resolution 53/77 D entitled “Mongolia’s international security and nuclear-weapon-free status”^{ix} in which the Assembly welcomed Mongolia’s declaration of its nuclear-weapon-free status and expressed conviction that internationally recognized status of Mongolia would contribute to enhancing stability and confidence-building in the [Northeast Asian] region.^x

In implementation of the resolution, in February 2000 Mongolia adopted a national legislation on the issue. On their part, in October of that year the P5 have made a joint statement providing security assurances to Mongolia in connection with the status,^{xi} in which they reaffirmed that their commitments reflected in Security Council resolution 984 (1995) of 11 April 1995 to provide positive and negative security assurances to the non-nuclear-weapon states parties to the NPT applied to Mongolia. Though Mongolia officially welcomed the P5 joint statement as an important step in institutionalizing the status,^{xii} unofficially it complained both about its form and content. Content-wise it said that the statement had been made in the spirit of the cold war period and did not reflect the real situation on the ground or Mongolia's relations with each one of them. As to the form, it said that it was a political statement and not a legally binding commitment that are provided to NWFZs. After almost decade of on-again and off-again talks on the issue, it was agreed that if Mongolia would not press for conclusion of an international treaty providing security assurances to it, the P5 could agree to sign a joint declaration affirming their intent to respect the status and not to contribute to any act that would violate it. With that understanding in September 2012 the P5 and Mongolia signed parallel declarations^{xiii} as a result its quest for conclusion of a multilateral international treaty providing security assurances came to an end.

Work still in progress ...

However, its quest for other forms of security assurances based on part III of General Assembly resolution 3472 (XXX) that declared that resolutions “which the General Assembly had adopted or may adopt with regard to specific cases of nuclear-weapon-free zones nor the rights emanating for the Member States from such resolutions”. Since 1998 the General Assembly has adopted without vote 11 resolutions on the issue welcoming its declaration and efforts. This fact itself already says a lot. Since 2010 the P5 have been co-sponsoring these resolutions that express the conviction that the internationally recognized status of Mongolia would contribute to enhancing stability and confidence-building in the [Northeast Asian] region. Yet the P5 is still reluctant to formally “welcome the status” in the resolution on the issue.

Is Mongolia's case an exceptional one ?

Mongolia's case cannot be considered as an exceptional one, even by the definition given by the General Assembly in 1975 or the guidelines adopted in 1999. Contemporary international relations are based on the sacred principles of sovereign equality of states. It is the duty of the P5 that are also Permanent Members of the Security Council that according to UN Charter of the United Nations is conferred with the “primary responsibility for the maintenance of international peace and security”. There are other cases that could be considered as serving the interests of not only of an individual country but the region as a whole. Take the example of South Asia. Pakistan proposed to establish a NWFZ in South Asia as far back as in 1972. The issue acquired political importance especially after India's 1974 nuclear testing. Since then the issue was constantly on the Assembly's agenda. With the 1998 nuclear weapon tests by India and Pakistan

when they crossed the nuclear Rubicon, both have become de facto nuclear-weapon states. With that the proposal of establishing of a NWFZ in South Asia came to a halt since the region's two militarily most significant states had acquired nuclear weapons. Judging by their past relations these two states have had a number of wars, conflicts and border skirmishes. Since 1998 their nuclear arsenals have rapidly increased. No wonder that when studies were undertaken on humanitarian consequences of nuclear weapons, the most cited example of possible use of nuclear weapons was between India and Pakistan due to various reasons, including increase in tension over the disputed territories in Kashmir, a possible terrorist attack and that both states are bordering on each other so time for decision making on the possible use of such weapons is almost non-existent.

Bearing the above in mind, ideas are being flagged to have Nepal declare itself a SS-NWFZ declaring reflecting that status the country's Constitution.^{xiv} A similar idea of establishing a single-State zone or a limited NWFZ is flagged in Sri Lanka.^{xv} There is also an idea to declare its SS-NWFZ status and link it with the Southeast Asian NWFZ. In Bangladesh a draft bill to establish there a NWFZ had been submitted to its parliament. The draft legislation makes reference to principles and goals of the United Nations Charter, the NPT and other international instruments aimed at nuclear disarmament, the 1996 ICJ Advisory Opinion, UNSC resolution 1540 and other relevant international documents. The draft also includes a provision on banning investment of government funds in ventures connected with manufacturing of nuclear weapons or their delivery vehicles. According to the draft the violators of the legislation would pay compensation for damages *as per* "polluter pays" principle.^{xvi}

Beyond the South Asian region, one can to look at other non-nuclear-weapon states that are not members of political-military alliances nor form part of established NWFZs. There are a dozen states, including some island states in the vast Pacific region that might chose to clearly define their nuclear-weapon-free status (not necessarily as a single-State NWFZ) and acquire from the nuclear-weapon states (where needed) or regional powers pledges that they would respect the status and would not contribute to any act that would violate it. Such understanding that practically reduces further the areas of nuclear-weapon related activities is especially important at a time when a new vertical nuclear arms race is underway that might "require" placing of not actual nuclear weapons but of supporting structures such as surveillance, tracking or homing devices, etc.to serve the nuclear weapon systems.

Land-locked Mongolia borders on two nuclear-weapon states that are known in history for their adversarial relations. They also have adversarial relations with other nuclear weapon states, especially the U.S. In such a case Mongolia, as a state with internationally recognized nuclear-weapon-free status, needs a more credible security assurance than a declaration of intent that it will not be pressured under any circumstances to violate its status and thus harm the legitimate interests of others and regional stability. Mongolia's policy is clear and is widely recognized as contributing to regional confidence and predictability. On the other hand, other states or territories that are not in such an unenviable location as Mongolia, may not to require legally

based security assurances from the P5 or regional powers. In such a case the goal would be to ensure that nuclear weapons or upholding such weapon infrastructures are kept out of the respective states or territories, contributing thus to greater regional confidence and stability. In that sense they would not serve as “blind spots” or “grey areas” for creeping nuclearization and instead would become part of an inclusive nuclear non-proliferation world governance.

Another issue that could contribute to the reduction of nuclear tension and promoting greater confidence is to have political-military alliances reduce reliance on nuclear weapons or even forego the nuclear option for which demand is increasing. Thus following the examples of four members of the NATO alliance, other members can forego stationing of nuclear weapons in peacetime, while those five that host nuclear weapons could work for their gradual reduction and total withdrawal. That would be in the spirit of the NPT and mark a concrete contribution to moving the world to a nuclear-weapon-free world through the alliance structures. These are not easy tasks but given common sense and rising expectations they are doable.

Establishing a NEA-NWFZ

The issue of denuclearizing the Korean peninsula is one of the hot topics on security and nuclear weapons agenda. However, to be more effective a broader approach to the issue seems to be needed, i.e. denuclearizing the entire Northeast Asian region. That means establishing a NWFZ consisting of the two Koreas and Japan, with the U.S., Russia and China providing security assurances to them, known as the 3+3 formula. Establishing a NEA-NWFZ has extensively been discussed for the past two decades, though mainly on an unofficial level, mainly at the levels of think tanks and civil society organizations. These discussions have produced a list of useful ideas and proposals. The most recent ones are a comprehensive approach to the issue proposed by the Nautilus Institute^{xvii} which was modified and further developed by the RECNA^{xviii}. Panel on Peace and Security of Northeast Asia (PSNA) established in 2016 is providing a venue for experts, academics and civil society organizations for frank exchange of views and ideas on the issue. In 2013 UN Advisory board on Disarmament matters recommended to UN Secretary-General at that time to “take action towards establishing NEA-NWFZ”, however no tangible action has been undertaken.

There is a saying in Mongolia that a duck is calm when the lake is calm. In other words the country’s interests are best served when the regional security environment is stable. Hence in 2013 at the UN High-Level meeting on disarmament Mongolia has stated that the country was “prepared, on an informal basis, to work with the countries of Northeast Asia to see if and how a NWFZ could be established in the region. Though ... that would not be easy and would require courage, political will and perseverance, it is doable”^{xix}. A number of informal meetings of civil society organizations, including on the sidelines of NPT prepcoms and revcons have been held, however no concrete result has yet been registered.

Blue Banner, Mongolian NGO committed to promoting the goals of non-proliferation and nuclear disarmament, has undertaken an independent study of the issue (called Plan B) and has come to a conclusion that a bold conceptual approach is needed, first and foremost from the U.S. and the DPRK to start discussing more seriously the issue of denuclearizing the Korean peninsula. The DPRK needs to make a decision in principle to denuclearize under certain conditions and not only work “towards” that goal. On the other hand, the U.S. needs to review its nuclear umbrella doctrine at least with respect to South Korea and Japan since they separately and together with the U.S. have overwhelming conventional advantage. Extended deterrence that *excludes* nuclear weapons would not be against the basic bilateral security commitments of the US to Japan and the Republic of Korea. Such tailored ‘non-nuclear’ extended deterrence would allow to consider the issue of establishing a NEA-NWFZ. Unlike the JCPOA^{xx} or the Budapest memoranda^{xxi}, NWFZ security assurance would be legally binding so that no change of government or administration would allow renegeing on or violating the agreement. It would also be logical and politically more acceptable if the U.S. provides security assurances to the DPRK while at the same time the other two nuclear-weapons states i.e. Russia and China would provide security assurances to the two U.S. allies as parties to NEA-NWFZ. The security assurances provided by the U.S., China and Russia would signal that their assurances would equally be credible for their recipients. Content wise, the NEA-NWFZ treaty could also contain provisions on providing broad economic assistance to the DPRK in the form of a mini Marshall Plan that would benefit all states or groups of states involved and would strengthen confidence and the economic basis of regional cooperation. Blue Banner believes that it would result in a win-win outcome for all.

Conclusion. All the above mentioned suggestions as well as the wealth of experience accumulated in establishing the five traditional NWFZs in the past 45 years indicate that it is time to undertake the second comprehensive study of the question of NWFZs this time truly “in all its aspects”. The study should make sure that the security assurance provided by the nuclear-weapon states are more credible, that the reservations and interpretative declarations that are made by the P5 when signing protocols to NWFZs are in line with the object and purpose of respective zones and meant to assure the states parties to NWFZs. The study should make sure that non-traditional (meaning the non-group NWFZs) cases are given serious consideration and thus making sure that no “blind spots” or “grey areas” are left in promoting a truly inclusive nuclear-weapon-free world. The issue of establishing NEA-NWFZ as well as establishing Middle East as a zone free of nuclear weapons and all other weapons of mass destruction need to be given special considerations, especially the political challenges that hinder progress.

ⁱ Meaning prohibition of placing nuclear weapons on the territory of a NWFZ under any pretext

ⁱⁱ See UNGA document A/47/PV.13 of 6 October 1992

ⁱⁱⁱ Para. 86 of the Final document of the IX Summit held in Cartagena in October 1995

^{iv} See document A/CN.10/195 of 22 April 1997

^v Footnote “g” of the guidelines read as follows: “Owing to its unique geographical circumstances, Mongolia had 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.”

^{vi} See UNGA, 30th Session. Official Records. Document No. 27A (A/10027/add.1, p.31)

^{vii} See UNGA resolution 3472 (XXX) adopted on 11 December 1975

^{viii} See document A/51/182/Rev.1, pp. 71-79

^{ix} See UN document A/RES/53/77 D of December 4, 1998

^x More about this issue see: Enkhsaikhan Jargalsaikhan. A Model for an Innovative Approach to Nuclear-Weapon-Free Zones. *The Non-Proliferation Review*, Vol. 12, 2001 – Issue 1, also Enkhsaikhan Jargalsaikhan. Converting a Political Goal to Reality: The First Steps to Materialize Mongolia’s nuclear-weapon-free status. *The Mongolian Journal of International Affairs*. Vol. 17, 2012

^{xi} See UN document A/55/530 - S/2000/1052 of 31 October 2000

^{xii} See UN document A/55/491 - S/2000/994 of 17 October 2000

^{xiii} See UN documents A/67/393 – S/2012/721 of 26 September 2012 and A/67/517 – S/2012/760 of 15 October 2012

^{xiv} Nepal As a Single-State NWFZ. Achin Vanaik. see www.article-9.org

^{xv} <https://www.dailynews.lk/2018/07/31/features/158367/revisiting-nuclear-weapon%E2%80%93free-zones-south-asia>

^{xvi} https://www.worldfuturecouncil.org/wp-content/uploads/2016/02/WFC_2012_National_Legislative_Measures_to_Further_Nuclear_Abolition.pdf

^{xvii} The Nautilus Institute for Security and Sustainability and Woodrow Wilson International Center for Scholars, USA

^{xviii} Research Center for Nuclear Weapons Abolition, Nagasaki University, Japan

^{xix} See UN document A/68/PV.11 of 26 September 2013 (p.6)

^{xx} Joint Comprehensive Plan of Action of 2015, also known as the Iran nuclear deal

^{xxi} International documents signed by the U.S., Russia and the United Kingdom providing political security assurances to Ukraine, Byelorussia and Kazakhstan in connection with the latter three transferring Soviet nuclear weapons on their territories to the Russian Federation and acceding to the NPT.