

Tapping into the potential of NWFZs and protecting their Achilles' heel



Growing importance of NWFZs

Nuclear-weapon-free zones (NWFZs) are important and practical regional measures of non-nuclear-weapon states (NNWSs) in promoting the goals of nuclear non-proliferation and strengthening confidence among states. At present, the seabed, Antarctica and outer space, known as global commons, are recognized as uninhabited NWFZs. There are also five NWFZs in inhabited areas: Latin America and the Caribbean, the South Pacific, Southeast Asia, the entire African continent and Central Asia. These include 118 states covering about 84 million km² of the world's landmass, representing almost 40% of its population and making up 60% of the membership of the United Nations. It is a big achievement. However, it should not be seen as a symbol of past achievement but serve as a tool for further broadening the base of the nuclear-weapon-free world (NWFZ).

The definition of NWFZs is based on the first comprehensive study of NWFZs in all their aspects by multilateral political and diplomatic means and is reflected in the 1975 United Nations General Assembly (UNGA) resolution 3472 B: total absence of nuclear weapons in the zone, commitment of the five nuclear weapon states (P5) to respect the status of the zone and refrain from using or threatening to use nuclear weapons against the states of the zone and developing an effective verification and control system. Establishment of a NWFZ in the Middle East¹ is currently under discussion, and informal discussions are underway to establish such regional zones in Northeast Asia and the Arctic; these can be considered the second generation of zones, in the regions with disputes and where nuclear weapon states have particular stakes.

Due to NATO's nuclear doctrine, establishing such a zone in any or all of Europe is, at present, politically not ripe for formal discussion, although the idea of establishing such zones originally came from Europe in the mid-1950s. The war in Ukraine and threats to use nuclear weapons clearly show that security assurances of nuclear weapon states provided to NNWSs are far from being credible to ensure durable peace and stability.

1 known now as a Weapons of Mass Destruction Free Zone in the Middle East



Mongolia's nuclear neighborhood

During the Cold War, Mongolia was allied with the Soviet Union and, as such, faced double Cold Wars: East-West and Sino-Soviet. Both of its neighbors are nuclear-weapon states, and Mongolia had witnessed over 500 nuclear weapons tests in its vicinity, at times finding itself downwind of radioactive fallout. In 1967, as a result of the sharp increase in Sino-Soviet disputes, the Soviets, with the agreement of the then Mongolian government, had set up military bases consisting of several divisions, with some bases armed with dual-capable weapons.

The Cold War era lesson

In 1969, when the Sino-Soviet ideological dispute turned into a military standoff and border clashes, there was a high risk of a possible Soviet pre-emptive strike against Chinese nuclear facilities and installations, with all the ensuing devastating political, military, humanitarian and ecological consequences. The Soviets not only hinted at their intention to their Warsaw Pact allies but also sounded out the US reaction to such action. The US response at that time was that such action would lead to World War III. Had the US indicated that they would remain “neutral” or “look the other way,” the 1962 Cuban Missile Crisis would have been a footnote in history compared to such a devastating Sino-Soviet conflict. Hosting the nearest Soviet bases to the Chinese political center and its nuclear military infrastructure, Mongolia would have surely turned from the eastern “strategic bridgehead” of the Soviet bloc to an actual battlefield of the two immediate communist rivals and perhaps the US’s reaction to that. The lesson learned from this 1969 incident was that hosting military bases, especially equipped with dual-capable weapons, meant that Mongolia was a legitimate nuclear target. Had nuclear weapons been used by the two or even three sides, Mongolia would have surely turned into trampled and irradiated grass.

When normalizing relations in the late 1980s and early 1990s, Russia and China agreed not to use territories of neighboring third states against each other. That understanding, and the lesson of 1969, led Mongolia to promote its national security based on non-alignment with any great power, by political and diplomatic means and actively contributing to regional peace and stability. Thus, when the Russian bases were withdrawn from its territory, it accepted the concept and practice of NWFZs. However, the concept recognized only group state zones and did not

address individual state cases by following the 1968 Treaty on the Non-Proliferation of Nuclear Weapons (NPT), which only recognized the right of groups of States to establish NWFZs. This group approach to NWFZs is known as the traditional approach, though the materials of the 1975 comprehensive study on the issue had mentioned that NWFZs could be established on entire continents and even by individual countries.² Since there was no proposal to establish single-State zones until 1992 by Mongolia, the issue was not pursued at conceptual nor practical levels.

Mongolia's single-State zone initiative

Bearing in mind its Cold War lesson, as well as the existing gap in the concept and practice of establishing of NWFZs, in 1992 Mongolia, pursuing its own vital interests and wishing to contribute to disarmament and regional trust-building, declared its territory a NWFZ and pledged to have that status internationally guaranteed. That was a novelty in international relations. The international community, including the P5, welcomed the initiative. Nevertheless, the latter were reluctant to fully support it since they believed it might set a precedent of them providing assurances to individual states as well as discourage establishing traditional, i.e. group, zones. However, most of the traditional zones had been established by that time. After the talks, the P5 agreed to recognize Mongolia as a state with a unique nuclear-weapon-free status, as reflected in UNGA resolution 53/77 D of 1998.

It took almost three decades of talks between Mongolia and the P5 to have them finally to agree to sign the 2012 Joint Declaration regarding Mongolia's nuclear-weapon-free status, whereby they pledged to respect that status and not contribute to any act that would violate it, recognized by Mongolia as post-Cold War security assurance lite. Nevertheless, the P5 still refuse to welcome Mongolia's status in the UNGA, believing it might affect their policy of deterrence and limit their ability to meet their security commitments. On the other hand, in 2022 United Nations Secretary-General António Guterres qualified Mongolia's policy as a positive contribution to realize a NFWF and expressed the hope that other states would follow its example.

² Official Records of the General Assembly, Thirtieth Session, Supplement No. 27A (A/10027/Add.1)



Recognizing and protecting NWFZs' Achilles' heel

A weak NWFZ regime does not benefit any state, whether they have nuclear weapons or not. A recent study on the strengths and weaknesses of NWFZs undertaken by Mongolian NGO Blue Banner³ found that even with the establishment of additional zones, the territorial coverage of NWFZs will not be comprehensive since there are nearly two dozen states⁴ that cannot be part of traditional zones due to their geographical location or for other valid political or legal reasons. As such, they represent potential blind spots and grey areas — the Achilles heel of the NWFZ regime. In their number and the area they cover, these NNWSs far exceed some established zones. Though some, such as ocean nations, have small populations, in terms of international law they are large ocean nations with rich natural resources and are placed in strategic locations that disproportionately affect vital military and commercial shipping routes. It is no wonder that the great powers are currently showering them with special attention.

The role that the above non-committed individual states can play in today's interdependent world should not be underestimated. Disregarding their security interests, especially at a time when great power rivalries are intensifying, would allow such powers to use them as pawns, negatively affecting strategic stability. On the other hand, if the role of such states is duly recognized and respected, they and their territories could serve as indispensable building blocks in establishing a NWFZ.

Excluding individual NNWSs from the emerging NWFZ regime would be a violation of the UN Charter, of the principles of sovereign equality of states, of equal and legitimate security for all, of the right of states to individual or collective self-defense, etc. Hence, international law needs to protect these states to strengthen international peace and security.

Time, space and technology are becoming major geopolitical factors. The nuclear arms race is increasing again, with even more unforeseeable implications due to technological "progress." Today, some nuclear weapon states are openly trying to use their

3 Blue Banner is Mongolian NGO established in 2005 and devoted to promoting the country's NWFS policy nationally and internationally, and contributing to the common efforts of strengthening nuclear non-proliferation and promoting disarmament.

4 They include land-locked, neutral, South Asian, island states as well as dependents on some western states not included in NWFZ treaties.

weapons as political instruments of pressure and blackmail, not only against other nuclear weapon states but even NNWSs.

The NFW that we are all trying to establish will be only as strong as its weakest link. Therefore, individual states need to acquire assurances that they would not be drawn into or used in the increasing great power rivalries for influence or even spheres of influence. This could be done by making the NWFZ regime inclusive. Recognizing single-State zones would not only safeguard the interests of these states but also serve as an effective political tool for furthering the common, noble objective. Adoption of national legislation outlawing nuclear weapons or making declaration thereon and acquiring P5 security assurance with agreed two-way verification mechanisms in the form of traditional assurance on the non-use or threat of use of nuclear weapon or security assurance lite would make these states part of the NWFZ regime. Strengthening the regime and security assurances would encourage other states to join or facilitate joining the zones. That does not preclude any state, based on its sovereign right to decide whether to make use of such political or international legal safeguard mechanisms or find other ways to promote its security interests that do not affect those of others.

Conclusion

All the above leads to the conclusion that a second comprehensive study of NWFZs needs to be undertaken with the participation of all states, not just some pre-designated or chosen ones as in 1975. The study needs to make use of the nearly half-century of rich international experience in establishing traditional zones and dispute settlement so as to facilitate establishing second-generation zones where tailored monitoring and verification mechanisms might be needed. Measures need to be devised to ensure speediest entry into force of the P5 protocols to NWFZ treaties and the balance of rights and commitments of nuclear weapon states and states parties to NWFZs. The study must also turn its attention to the Achilles heel of the NWFZ regime, which is becoming more than a conflict prevention and confidence-building measure. The P5 security assurances need to revert back to the originally intended goal of non-use or threat of use of nuclear weapons without any reservations or unilateral interpretative statements that turn the expected commitments into indirect warnings on the conditions of possible use of nuclear weapons.



In a broader sense, the statements of nuclear weapon states that they would not rule out the use of their weapons against NNWSs if those states participate in an invasion or attack in association or alliance with a nuclear weapon state raises many questions for not only for NNWSs but also for the NWFZ regime. Likewise, sensitive political issues such as the role of current nuclear umbrella states, the status of nuclear-armed states outside the NPT and their possible role, if any, in the regions concerned also need to be considered by the second study.

In short, tapping into the full potential of the NWFZ concept and protecting its Achilles' heel would strengthen world peace and stability. The time for action is now.

Blue Banner NGO
November 2023
Ulaanbaatar, Mongolia

