Nuclear-Weapons-Free Zone in Northeast Asia: A South Korean Perspective

Recommended Citation

Bon-Hak Koo, "Nuclear-Weapons-Free Zone in Northeast Asia: A South Korean Perspective", NAPSNet Special Reports, June 30, 1994, https://nautilus.org/napsnet/napsnet-specia--reports/nuclear-weapons-free-zone-in-northeast-asia-a-south-korean-perspective/

By Bon-Hak Koo

Research Associate, Arms Control Research Center Korea Institute for Defense Analyses

A paper prepared for the Northeast Asia Peace and Security Network managed by Nautilus Institute for Security and Sustainable Development, Berkeley, California, June 1994.

Introduction

The end of the Cold War has virtually eliminated the possibility of a global nuclear war or even a world-wide conventional war. As the Cold War atmosphere has disappeared, it is true that the possibility of armed conflict between major powers has been considerably reduced. However, it is ironic that the post-Cold War world has turned out to be a more unstable and uncertain place than the previous one. The reason is that the post-Cold War period is an era of transition in which the old form is gone and the new form has yet to emerge. In this transitional period, instability and uncertainty, especially in the Asia-Pacific region, are more salient phenomena than ever before.

Though the Cold War strategic confrontation between the superpowers has gone, arms build-ups rather than arms control has been a striking phenomenon in post-Cold War Northeast Asia. In fact, East Asia has emerged as the world's largest arms-buying region by registering 35% of all major weapons purchases in 1992.

Regional countries have been increasing their military budgets, importing sophisticated weapons, and developing domestic defense industries. These may accelerate regional arms competition and bring about tensions in the region. Besides, the possibility of nuclear proliferation is the most critical issue which makes East Asian countries worrisome.

Growing concern on nuclear proliferation threatens efforts for the NPT and the CTBT, especially in East Asia. China carried out an underground nuclear test on June 10, 1994. North Korean nuclear suspicion has not been cleared yet. It is said that Japan could produce a nuclear bomb at short notice. Pakistan, like India, again rebuffed efforts to make it hold its fledgling nuclear arms program. China, increasingly powerful in the post-Cold War world, not only has nuclear weapons but has refused to go along with the test ban agreement. The Chinese Foreign Ministry issued a statement calling other nuclear weapons states to give up their policy of nuclear deterrence, and said that China would continue testing until a comprehensive test ban would be in place. Indian Prime Minister Narasimha Rao, in the address to the US Congress in May, made it clear that New Delhi will not abandon the nuclear option until the Nuclear Club is disbanded. Charles Schmitz, president of the Global Access Institute, said there were 100 tons of plutonium alone in the 35,000 to 45,000 Russian nuclear weapons waiting to be dismantled (1).

As the bipolar international security structure gives way to the uncertain post-Cold War era, new means must be found to prevent the proliferation of nuclear weapons and other weapons of mass destruction. A Nuclear Weapons Free Zone (NWFZ) is one non-proliferation tool deserving greater international attention in that effort. NWFZ may reinforce, supplement and even go significantly beyond the obligations contained in the NPT, the cornerstone of the non-proliferation regime. In addition, NWFZ could help diffuse regional tensions and instability (2).

It is the purpose of this paper to search for non-proliferation measures in the Northeast Asian region. NWFZ is one of the schemes. This paper, first, will try to define goals, meanings, and utilities of NWFZ; second, review NWFZ in various regions in historical perspective; third, evaluate regional countries' perceptions on NWFZ in Northeast Asia; and finally access South Korea's position on NWFZ in Northeast Asia.

NWFZ: Goals, Meanings and Utilities

 The problem of establishing NWFZ is closely associated with that of the non-proliferation of nuclear weapons. The principal aim pursued by the establishment of any NWFZ is to prevent the proliferation of nuclear weapons on a regional scale to safeguard the states of that region against their possible involvement in a

nuclear conflict.

A common motivation behind the calls for NWFZ is the belief among states that they would be more secure if their region were free of nuclear weapons. The Cuban missile crisis in October 1962 was a watershed event in the development of NWFZ because the non-nuclear weapon states in Latin America realized that they could fall victim to the consequences of nuclear war, and began to negotiate the Treaty of Prohibition of Nuclear Weapons in Latin America which bans nuclear weapons from the entire area.

General requirements for NWFZ might be as follows: (a) non-possession principle -- a renunciation by participating states of the zone of the production and acquisition of nuclear weapons or other nuclear explosive devices, as well as direct or indirect control of such weapons or devices; (b) non-deployment principle -- an obligation not to permit the deployment of foreign nuclear weapons within the limits of the region. It is necessary to secure that such zones should be free from nuclear weapons; (c) non-use of nuclear weapons principle -- the nuclear powers must strictly respect the status of a nuclear-free zone and refrain from using or threatening to use nuclear weapons against the states of the zone.

A NWFZ, by definition, is a geographical area where, by treaty or formal convention, nuclear weapons are permanently banned. The precise terms of existing and proposed NWFZ agreements vary depending on regional characteristics, but such agreements typically outlaw the possession, deployment and use of nuclear weapons in a designated area. Participating countries in the zone are required: (a) not to develop, test, produce, acquire or otherwise possess nuclear weapons; (b) not to permit any outside state to store, install or deploy nuclear weapons on the zone territory; and (c) neither to give nor to receive assistance in the development and production of nuclear weapons. According to the UN General Assembly Resolution, nuclear weapon states are required to respect the total absence of nuclear weapons from such areas, not to violate in any way such zone's nuclear-free status, and to refrain from using or threatening to use nuclear weapons against NWFZ member states (3).

In this sense, NWFZ can promote the security of non-nuclear weapon states both by obtaining pledges from nuclear weapon states regarding the non-use of weapons against them and by discouraging or preventing the deployment of nuclear weapons within their own regions. They may also play an important arms control role: the withdrawal of nuclear weapons stationed outside the territories of the nuclear weapon states under the terms of a treaty establishing a NWFZ would have a considerable arms control impact (4).

NWFZs: A Historical Overview

Proposals have been made for the establishment of nuclear weapon-free zones in many parts of the world. Some of them aim at preventing horizontal proliferation. The proposals include rejection of deployment of nuclear weapons, addressing the question of nuclear weapon transits, inviting the nuclear weapon states to extend non-use assurances, and so on. However, the modalities differ from region to region.

Since the beginning of the nuclear age about half a century ago, efforts have been made in the world community to deal with the various implications of the existence of nuclear weapons. Many of them have been concerned with a wide range of specific measures aimed at the limitations, reduction and elimination of nuclear weapons and their delivery systems (5).

The idea of establishing a nuclear-weapon-free zone as a means of keeping the region concerned free of nuclear weapons began to attract the attention of the international community in the 1950s. Some of them are still being considered in various fora. However, agreement has been reached on only two of them.

The Antarctic Treaty

The Antarctic Treaty, concluded on December 1, 1959, was the first international agreement that, by establishing a demilitarized zone, ipso facto provided that nuclear weapons would not be introduced into a specified zone. The Treaty bans "any measures of a military nature," such as the establishment of military bases and fortifications, military maneuvers and the testing of any type of weapon. The Treaty entered into force on June 23, 1961.

Outer Space Treaty

The Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (Outer Space Treaty) entered into force on October 10,1967. The Treaty prohibits placing in orbit around the Earth of any objects carrying nuclear weapons or any other kinds of weapons of mass destruction, installing such weapons on celestial bodies or stationing them in the outer space in any other manner. The Treaty also affirms that the Moon and other celestial bodies are to be used exclusively for peaceful purposes and that the establishment of military bases, installations and fortifications, the testing of any type of weapons and the conduct of military maneuvers on celestial bodies are to be prohibited (6).

Sea-Bed Treaty

The Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and in the Subsoil Thereof (Sea-Bed Treaty) was opened for signature on February 11, 1971. It entered into force on May 18, 1972. The Treaty provides that the states parties to it undertake not to place on or under the sea-bed, beyond the outer limit of 12-mile coastal zone, any nuclear weapons or any other weapons of mass destruction or any facilities for such weapons. All parties have the right to verify through observation activities of other states in the area covered by the Treaty (7).

The Treaty of Tlatelolco

Unlike some of the examples previously mentioned, the Tlatelolco Treaty marked the first -- and heretofore the only -- application of establishing a NWFZ in a densely inhabited region. It was opened for signature on February 14, 1967, and entered into force on April 22, 1968. In many respects, the treaty serves as a model for other zones. Treaty members -- all of whom are non-nuclear-weapon states -- pledged to use exclusively for peaceful purposes the nuclear material and facilities under their jurisdiction. In addition, members agree that they will not allow nuclear weapons to be stationed, stored, installed, deployed or tested on their territory.

Treaty members are required to accept comprehensive IAEA safeguards virtually identical to those required under the NPT and established a regional organization called OPANAL to oversee and review treaty implementation. Under Tlatelolco, the IAEA is empowered to conduct special inspections by the request of regional state members to the Treaty.

Two important protocols to the Treaty deal with requirements to be observed by outside powers. Protocol I requires outside states that control territory within the zone to apply the terms of the Treaty to those areas; Protocol II commits nuclear-weapon states not to violate the treaty's terms and not to use, or threaten to use, nuclear weapons against Treaty members.

The Treaty does allow development and use of "peaceful nuclear explosions," which were perceived as having great economic potential. The US, however, has formally rejected this concept and unilaterally interprets the Treaty's ban against nuclear weapons as inherently including a ban against "peaceful nuclear devices." In its ratification of the Treaty's protocol, the US said it would consider that "the technology of making nuclear explosive devices for peaceful purposes is indistinguishable form the technology of making nuclear weapons." This potentially destructive issue has not emerged, however, because no state within the Tlatelolco Treaty's zone of application has a program

to develop peaceful nuclear explosives (8).

The Treaty does not place a ban on facilities serving strategic nuclear systems. The Preparatory Committee for the Denuclearization of Latin America (COPREDAL), suggested in its interpretation of the Treaty in 1967 that each party is free to grant or deny permission for the transit of nuclear weapons through its territory, territorial waters and ports. However, the right of states in the zone to deny permission for transit is very much a hypothetical one, since nuclear weapon states do not disclose the whereabouts of their weapons. They do not therefore normally ask for permission of transit for ships or aircraft carrying them (9). In this light, the Treaty is partially successful, but is significant in that it is the first NWFZ treaty in an inhabited area.

The Treaty of Rarotonga

On August 27, 1984, spurred by the risks of nuclear war and the environmental dangers associated with nuclear weapons and nuclear wastes, Australia, New Zealand and the other 13 states of the South Pacific Forum endorsed the idea creating a nuclear-free zone in the South Pacific. The zone is referred to as a NFZ, not a NWFZ, because it also bans the dumping of radiological waste in the zone.

The South Pacific Nuclear Free Zone Treaty (Treaty of Rarotonga) was opened for signature on August 6, 1985, and entered into force on December 11, 1986. The Treaty area encompasses large sea areas, but most provisions apply only on land and, consequently, nothing in the Treaty affects the exercise of the rights of any states under international law with regard to freedom of the seas (10).

The provisions of the Rarotonga treaty mirror those of Tlatelolco, banning the acquisition, development, stationing and testing of nuclear weapons within the zone. But the SPNFZ pact goes further than Tlatelolco or the NPT by explicitly banning the acquisition, development and use of peaceful nuclear explosives. The Treaty is unique in that it also bans parties from dumping, or aiding the dumping, of nuclear wastes and other radioactive matter at sea within the zone (although it does not prohibit dumping on land), and obliges them to prevent dumping at sea within their national waters by non-parties. In addition, Rarotonga more clearly spells out the rights of member states to individually approve or deny port calls and transit by vessels carrying nuclear weapons. There are currently no nuclear-weapon states or nuclear weapons deployed in the Treaty's zone of application (11).

The Treaty of Rarotonga has succeeded in restraining the

geographical proliferation of nuclear weapons in the region, although the virtually universal adherence to the NPT by regional states means that the region could be considered a de facto NWFZ even in the absence of the Treaty (12).

NWFZ in Northeast Asia A Rationale

It is a remarkable fact for students of this region of the world that Northeast Asia is indeed one of the most sensitive regions. The Korean peninsula is at the core of the conflict, and the North Korean nuclear issue heightens the tension between North and South Korea.

The establishment of a NWFZ in Northeast Asia should serve to protect the indigenous population from the scourge of a nuclear arms race. Such a measure could add one very important safeguard against the advent of escalated tensions resulting from the stationing of nuclear weapons by any third party into such a proposed denuclearized zone. This could enhance the possibility of zone states remaining outside the immediate dangers of a nuclear weapons exchange, as well as protecting them from a policy of nuclear blackmail by such powers.

A NWFZ in Northeast Asia could eventually assist in the process of establishing a new environment of confidence-building between the countries of Northeast Asia. With the reduction of nuclear ambiguity and the removal of the necessity of forging a strategy for unilateral deterrence, the foundation could be created for the establishment of legal commitments to maintain Northeast Asia free of nuclear weapons. The spirit of confidence that would emerge between and among states of the region could possibly spill over to other fields and eventually help restore political tranquillity.

Since proposals regarding establishing a NWFZ were mostly developed by Communist countries, it is true that most western countries including South Korea have tended to reject the idea of NWFZ. However, after the end of the Cold War confrontation between the superpowers and the subsequent reduction of nuclear arsenals in the US and Russia, it is urgent to consider the issue of denuclearization in Northeast Asia to consolidate peace and security of the region.

The necessity to investigate a NWFZ in Northeast Asia can be identified as follows: First, nuclear weapons may cause tensions and conflict among regional countries. In Northeast Asia, the US, Russia, and China possess nuclear weapons, Japan has both the technological and material base to develop nuclear weapons, and North Korea is suspected of pursuing a nuclear weapon program. In this regard, it is hard to expect peace and security in Northeast Asia without solving nuclear issues. Second, there is

a nuclear imbalance in Northeast Asia. Though the US and Russia withdrew tactical nuclear weapons from the region, China has not reduced nuclear weapons and some of its Chinese nuclear arsenal is targeted toward regional countries. This not only makes non-nuclear states in the region feel insecure, but also negatively affects confidence-building among regional countries. Third, it is necessary to restrain non-nuclear countries' desire to develop a nuclear program. North Korea's announcement to withdraw from the NPT and the continuing nuclear suspicion may instigate regional countries to go for nuclear. Fourth, a regional NWFZ may guarantee the denuclearization of the Korean peninsula.

Nevertheless, in the current security environment, there are more restraining factors than facilitating factors for NWFZ in Northeast Asia. Western countries' negative attitude toward a NWFZ is the stumbling block to the establishment of a NWFZ. In addition, strategic importance of nuclear weapons has made western countries reject NWFZ proposals made by the communist countries. The US worried that establishing a denuclearized zone might not only jeopardize the US deterrence, but also hinder free access to allies' ports and bases by American ships and aircraft carrying nuclear weapons. Japan, also, worried that denuclearization of the region might divest American nuclear umbrella from Japan. Another restraining factor is the desire of non-nuclear countries to develop nuclear weapons. Since 3 of 6 regional countries possess nuclear weapons, non-nuclear weapon countries are easily overcome by nuclear temptation.

However, the changing security environment in the post-Cold War era facilitates the establishment of NWFZ in the region. First, the end of the Cold War has significantly reduced the effectiveness of nuclear weapons as a means of deterrence. Second, the withdrawal of American and Russian nuclear weapons from the region contributes to a favorable environment for establishing NWFZ in Northeast Asia. Third, a global concern for nuclear proliferation provides a rationale for the establishment of a regional NWFZ. Fourth, the denuclearization declaration on the Korean peninsula, though it has not been implemented yet, provides a turning point toward a NWFZ in the region. In this sense, the current security environment is more lucrative for the establishment of a regional NWFZ than any other time since the end of the World War II.

Nevertheless, for the successful materialization of the idea of NWFZ, the following conditions must be satisfied: First, nuclear threat by any nuclear power against non-nuclear countries must be eliminated. In other words, nuclear powers must declare negative security assurances. Second, nuclear powers must come to an agreement toward "no-first-use" principle. Third, nuclear powers must agree to reduce their nuclear arsenals. Chinese participation in this agreement is essential for the success of

denuclearization. Fourth, China should reduce and reposition theater nuclear weapons, corresponding to the reduction of American and Russian tactical nuclear weapons. Fifth, the suspicion on the Japanese nuclear program must be cleared. Lastly, the North Korean nuclear program should be transparent. These conditions are essential for a NWFZ in Northeast Asia to materialize.

North Korea's Position

North Korea, so far, has consistently supported and proposed a regional NWFZ. Since North Korea proposed to establish a non-nuclear and peace zone in Northeast Asia in March 1981 in a joint announcement between the Japanese Socialist Party and the Korean Workers' Party, it frequently expressed its support to establish a NWFZ in Northeast Asia.

North Korea, in the joint announcement of 1981, proposed to: (1) eliminate and abolish all nuclear weapons from Northeast Asia; (2) ban to develop, test, produce, possess, transport, import, or use nuclear and bio-chemical weapons within the region; (3) withdraw all foreign military troops and bases from the region; (4) ban all aggressive military alliances in the region; and (5) establish a NWFZ on the Korean peninsula, Japan, and the adjacent waters. This proposal contains not only the idea of NWFZ, but also the idea of establishing peace zone in the region.

However, North Korea's intention in proposing such ideas is that by proposing a regional NWFZ, it intends to reduce the US nuclear threat by eliminating the US tactical nuclear weapons stationed in South Korea. Therefore, North Korea's proposal was basically purported to eliminate US nuclear weapons from South Korea. North Korea also aimed at divesting the US nuclear umbrella from South Korea. If North Korea successfully divests the US nuclear umbrella from South Korea, North Korea could maintain military superiority in the North-South military balance.

It is apparent that North Korea's objective is to eliminate the US nuclear threat. It also wants to restrain the possibility of Japanese nuclear armament. Thus, North Korea will continue to support and propose a regional NWFZ.

The US Position

The US has traditionally been holding fast a negative position toward a NWFZ. The US initially opposed the Treaty of Tlatelolco, only signing the Protocol II in 1971, and the Protocol I in 1981. It still refused to sign the Treaty of Rarotonga. In this context, the US may reject the idea to establish a NWFZ in Northeast Asia.

Since the US security policy has depended heavily on its nuclear weapons, nuclear deterrence is a fundamental element of the US military strategy. In addition, the US policy of NCND (neither confirm nor deny) has been hindering the establishment of NWFZ.

The US worries that NWFZ may damage the US deterrence power and hinder American ships and aircraft carrying nuclear weapons. Also, NWFZ in Northeast Asia may divest the American nuclear umbrella over South Korea and Japan, hence, weaken the US political influence over the two countries.

However, as the security environment has been changing in the post-Cold War era, the US negative attitude toward a NWFZ may change to a positive one. As the security environment changes, the importance of nuclear weapons has been weakened. In addition, the US already confirmed that all tactical nuclear weapons have been eliminated from South Korea. Therefore, the US will slowly change its position toward a NWFZ from a negative to a positive one.

Russian Position

Russia has been the most active in proposing NWFZ in Northeast Asia. Since Khrushchev first proposed NWFZ in all Asia-Pacific region in 1959, it has constituted an important element of any arms control proposal of the former Soviet Union. In the 1980s, the former Soviet Union proposed the denuclearization of the Korean peninsula, outrightly supporting the North Korean denuclearization proposal. In March 1984, Konstantin Chernenko, the Secretary General of the Soviet Communist Party, officially supported the North Korean proposal in his meeting with Kim Il Sung in Moscow.

Gorbachev presented a more concrete form of NWFZ in Northeast Asia. In proposing "All Asian Conference" in May 1985, Gorbachev proposed: (1) a comprehensive test ban in Asia-Pacific and Indian Ocean; (2) non-use of nuclear weapons in Asian continent; (3) non-use of nuclear weapons by nuclear powers against non-nuclear countries; (4) unconditional participation of NPT by non-nuclear countries. Especially, he proposed to establish denuclearization zone on the Korean peninsula, Southeast Asia, and South Pacific in his Vladivostok announcement in July 1986.

Establishment of NWFZ in Asia-pacific region is at the core of the Russian arms control proposal in Asia. Russia has been very active in proposing NWFZ in Asia-Pacific region for the following reasons. First, faced with the necessity to reduce nuclear weapons, NWFZ in Northeast Asia is helpful to maintain nuclear balance in the US-Russian relations. Second, a NWFZ may neutralize the US nuclear superiority. Third, a NWFZ may prevent Chinese nuclear arms build-up. With the end of nuclear

confrontation with the US, it is important to check Chinese nuclear build-ups. Fourth, a NWFZ may prevent nuclear proliferation in Northeast Asia. Nuclear proliferation may create tensions and conflict among regional countries which is not beneficial to the Russian national interests. Fifth, a NWFZ may check Japanese nuclear armaments. Nuclear-armed Japan will be a serious threat to Russian security. In this regard, Russia will strongly and continuously support a NWFZ in Northeast Asia.

Chinese Position

The Chinese position on regional NWFZ has been very ambiguous. Though China proposed a NWFZ in the late 1950s, China's position on NWFZ has been very obscured since the Chinese success in testing a nuclear explosive in 1964. Although China has supported consistently denuclearization of the Korean peninsula, a regional NWFZ is an another question because it may affect Chinese nuclear programs and strategy.

China opposes reducing its tactical and theater nuclear weapons, and restraining activities of Chinese nuclear submarines operating in the South China Sea and testing nuclear explosions. In addition, non-use of nuclear weapons and negative security assurance toward the regional countries may impede Chinese political influence in the region. Thus, China maintains a reluctant position to the establishment of nuclear weapon free zone in the region.

Moreover, since tactical and theater nuclear weapons of the US and Russia in the Northeast Asian region have been reduced, China does not need to hesitate to establish a NWFZ in the region. The Japanese nuclear potential may affect Chinese attitude on NWFZ in Northeast Asia. Thus, China will reserve its traditional ambiguous position on NWFZ.

Japanese Position

Japan maintains a dual attitude toward NWFZ in the region. Japan, on the one hand, agrees to establish a NWFZ in principle, but opposes to establish it in the Northeast Asian region, on the other hand. Japan has shown an exceptional position toward a NWFZ within the United Nations framework. Though western countries have shown negative attitudes toward nuclear arms reduction, Japan has consistently voted for plans to establish NWFZ in Africa, the Middle East, South Asia, and Indian Ocean (13). Japan also voted for the Treaty of Tlatelolco and the Treaty of Rarotonga (14).

Though Japan has not shown a clear position on NWFZ in Northeast Asia, it seems to maintain a negative position on NWFZ in Northeast Asia for the following reasons: First, Japan seems to

regard that a NWFZ in Northeast Asia would jeopardize the American nuclear umbrella over Japan. Japan's security is almost totally dependent upon US security commitments. Thus, US nuclear deterrence is critical to Japanese security. Second, NWFZ may hinder Japanese nuclear capability. Even though Japan officially rejects any possibility to develop nuclear weapons, NWFZ may prevent Japan from developing nuclear capability even for the peaceful purpose.

Denuclearization of The Korean Peninsula

Amid continuing concern about future nuclear intentions on the peninsula, South and North Korea have been involved in a complex political dialogue concerning the establishment and implementation of NWFZ on the Korean peninsula.

In July 1991, North Korea submitted a proposal for the establishment of a nuclear-free zone on the Korean peninsula to the Conference on Disarmament in Geneva. The DPRK proposed that North and South Korea should negotiate all legal and practical matters related to establishing a zone and adopt a joint declaration no later than the end of 1992. This declaration would include a ban on testing, manufacturing and possessing nuclear weapons by both North and South Korea. It would also prohibit the deployment and passage of nuclear weapons within the entire peninsula. In particular, North Korea stated that the US must withdraw all its nuclear weapons deployed in the region. Finally, North Korea required the nuclear weapon states to express their willingness to guarantee the status of a nuclear-free zone and to provide negative security assurances (15).

In November 1991, South Korea affirmed that it would not manufacture, possess, store, deploy or use nuclear weapons and undertook voluntarily never to possess nuclear fuel reprocessing or even enrichment facilities in its Declaration of Non-Nuclear Korean Peninsula. The US subsequently withdrew all its nuclear weapons deployed on South Korean territory and, on 18 December 1991, South Korean President Roh declared South Korea free of all nuclear weapons and announced a willingness not to proceed with the annual Team Spirit military exercises with the US. He also called upon North Korea to conclude and ratify a safeguards agreement with the IAEA as soon as possible.

Following President Roh's announcement, on December 31, 1991, North and South Korea agreed on a "Joint Declaration on the Denuclearization of the Korean Peninsula." The six-point declaration embraced the following:

(1) forbids the manufacture, acceptance and use of nuclear weapons;

(2) confirms uses of nuclear energy only for peaceful purposes;

(3) bans the running of nuclear enrichment and reprocessing facilities;

(4) provides for the conducting of mutual inspections;

(5) establishes a South-North Nuclear Control Commission;

(6) enters into effect after being ratified respectively.

The agreement contains the idea of NWFZ by prohibiting positioning, development, acquisition and testing of nuclear weapons, and provides for the creation of a bilateral verification regime. It goes beyond the NPT and all other NWFZ agreements by banning either side from possessing uranium enrichment and plutonium reprocessing facilities. In February 1992, South and North Korea exchanged the instruments of ratification of this agreement, obliging both parties not to "test, produce, receive, possess, store, deploy or use nuclear weapons."

Subsequently, North Korea signed the IAEA safeguards agreement on January 30, 1992, thus, steps towards the creation of a NWFZ were taken. The DPRK provided the IAEA with a partial inventory of its 16 nuclear facilities. The IAEA began ad hoc inspections of North Korean nuclear installations, but there was still lingering concern that North Korea was withholding some important information regarding the past reprocessing activities. In addition to the fact that North Korea remains reluctant to agree to a reciprocal inspection scheme with South Korea, North Korea's withdrawal from the NPT in March 1993 heightened the suspicion on its nuclear weapon program.

South Korea's Position on NWFZ in Northeast Asia

Up until today, South Korea has not expressed any official position toward NWFZ in Northeast Asia. Regarding the denuclearization of the Korean peninsula, President Roh Tae Woo first announced "A Declaration for Denuclearization and Peace of the Korean Peninsula" on November 8, 1991. Later South Korea signed the Joint Denuclearization of the Korean Peninsula on February 19, 1992, at the 6th North-South High-Level Talks.

Based on these two documents, South Korea's position is that South Korea: (1) shall not produce, possess, store, deploy, or use nuclear weapons; (2) shall not possess nuclear reprocessing facilities and uranium concentration facilities; (3) wants to maintain the US nuclear umbrella; and (4) allows transit rights of the US ships and aircraft carrying nuclear weapons.

Therefore, even though it agreed to denuclearization of the Korean peninsula, South Korea might have a negative attitude toward a NWFZ in a regional level. South Korea worries that a regional NWFZ might damage the US nuclear deterrence power and divest the US nuclear umbrella over South Korea. South Korea also worries that a NWFZ may affect its policy to allow transit rights of the US ships and aircraft carrying nuclear weapons.

South Korea believes that for the successful implementation of NWFZ in Northeast Asia, the following conditions should be met: (1) all regional countries must participate in a regional NWFZ; (2) regional nuclear powers should guarantee non-use of nuclear weapons against non- nuclear countries; (3) NWFZ in Northeast Asia should not negatively affect regional security environment; (4) NWFZ should not prevent participating countries' transit rights which are guaranteed by international laws; (5) NWFZ should include a verification methods which could check violations of participating countries; and (6) NWFZ should contribute to peace and stability of Northeast Asia.

At this moment, South Korea's immediate concern is to successfully implement the Joint Declaration of Denuclearization of the Korean peninsula. Since North Korea refused to clear suspicion regarding its on nuclear program, South Korea cannot take a further step toward a regional NWFZ. If the Joint Denuclearization Declaration could be successfully implemented, then South Korea may agree to expand the scope of denuclearized zone step by step. For example, at the first stage, it is acceptable for South Korea to establish a limited deployment zone within the radius of 1,500 km from Seoul. All nuclear weapons should be withdrawn from the zone. Next, the zone may expand to 2,500 km from Seoul to include almost all areas of Japan, and part of China and Russian Far Eastern region. In addition, NWFZ in Northeast Asia should contain international inspection regime which includes all regional countries.

However, transit rights should not be restrained at the initial stage. Since South Korea and Japan depend on their security on American nuclear umbrella, they can not refuse the US ships and aircraft carrying nuclear weapons to visit their ports and bases. If an initial and limited NWFZ is successfully implemented, then transit rights can be revised.

Conclusion

There is no consensus in NWFZ theory or practice on whether a nuclear weapon-free zone should extend to portions of the high seas, to straits used for international navigation, and to international air space contingent to the zone, or whether it should affect the right of innocent passage through territorial waters. Nor is there agreement on whether the transit of nuclear

weapons through a NWFZ by outside powers should be permitted. There is also the question of whether "peaceful" nuclear explosive devices are allowed within a NWFZ and whether negative security guarantees (i.e., the pledge not to use or threaten to use nuclear weapons within the zone) offered by the nuclear powers are a prerequisite to a zone's effectiveness and should apply without reservations (16).

From the review of the concept of NWFZ, general requirements might be as follows: a renunciation by participating states of the zone of the production and acquisition of nuclear weapons or other nuclear explosive devices, and an obligation not to permit the deployment of foreign nuclear weapons within the limits of the region. It is necessary to secure that such zones should be really free from nuclear weapons, and the relevant agreements should not contain any loopholes for violations of the nuclear-weapon-free status of those zones. The nuclear powers must strictly respect the status of a nuclear-weapon-free zone and refrain from using or threatening to use nuclear weapons against the states of the zone.

However, many allies of nuclear weapon states have gained acceptance for their policies of non-deployment in peace-time, but oppose the idea of extending it to apply also in times of crisis and war. Another basic constraint embodied in the NWFZ concept is the commitment (by the nuclear weapon states) not to use nuclear weapons against the zone and (by the member states) not to allow the use of such weapons from zone territory. But since nuclear weapons may well be within the nuclear free zone some of the time, they may also be there at the outbreak of war, in which case there will be strong incentive for them to be fired from the zone territory (17).

It is true that the concept of NWFZ is beneficial to keep peace and stability in regional and global contexts. Also the concept may contribute to confidence-building among participating countries. However, it is very difficult to implement the idea among countries where confidence among them are not yet matured. The current security environment of Northeast Asia, for example, is not stable and secure enough for the idea of NWFZ to materialize. The post-Cold War security environment of Northeast Asia is still uncertain, and regional countries pay much attention on building-up their armed forces. In this circumstance, a regional NWFZ may not be acceptable for some regional countries.

For South Korea, it is more urgent to successfully implement the Joint Denuclearization of the Korea Peninsula which was signed in 1992 between North and South Korea. Though all American nuclear weapons have been withdrawn from South Korea, as long as military threat from North Korea continues, South Korea can not give up

American nuclear umbrella and the transit rights of American ships and aircraft carrying nuclear weapons.

If denuclearization of the Korean peninsula is successfully implemented, then South Korea will welcome a regional NWFZ. However, since the US, Russia and China possess nuclear weapons, it should be introduced in a gradual manner in order not to cause a negative attitude from nuclear powers. Establishing a limited deployment zone is acceptable at the initial step in a small area around the Korean peninsula. Then, if the limited zone is successful, the scope may expand to include Japan, adjacent waters, and part of China and Russia. Nevertheless, transit rights should not be restrained, as in the Treaty of Rarotonga.

ENDNOTES 1. Korea Times, June 17, 1994.

2. Jon Brook Wolfsthal, "Nuclear-Weapon-Free Zones: Coming of Age?" Arms Control Today, vol. 23, no. 2 (March 1993), p. 3.

3. UN General Assembly Resolution 3472B (XXX), 30th Session (December 11, 1975); Shannon Selin, Canada as a Nuclear Weapon-Free Zone: A Critical Analysis, Issue Brief no. 10, Canadian Centre for Arms Control and Disarmament (August 1988), p. 2.

4. Helen Leigh-Phippard, "Nuclear-Weapons-Free Zones: Problems and Prospects," Arms Control, vol. 14, no. 2 (August 1993), p. 93.

5. United Nations Department of Disarmament, Nuclear Weapons: A Comprehensive Study (New York: United Nations, 1991), p. 120.

6. United Nations, Nuclear Weapons, pp. 126-127.

7. United Nations, Nuclear Weapons, p. 127.

8. Jon Brook Wolfsthal, "Nuclear-Weapon-Free Zones: Coming of Age?" Arms Control Today, vol. 23, no. 2 (March 1993), p. 4.

9. Leigh-Phippard, "NWFZs: Problems and Prospects," p. 96.

10. United Nations, Nuclear Weapons, p. 122.

11. Wolfsthal, "NWFZs: Coming of Age?" p. 5.

12. Paul Power, "The South Pacific Nuclear-Weapon-Free Zone," Pacific Affairs, vol. 59, no. 3 (July 20, 1987), p. 459.

13. Sipri Yearbook 1980, pp. 429-430.

14. Sipri Yearbook 1981, pp. 391-401.

15. Leigh-Phippard, "NWFZs: Problems and Prospects," p. 107.

16. Selin, Canada as a Nuclear Weapon-Free Zone, p. 2.

17. Sverre Lodgaard, "Nuclear Disengagement Zones and No First Use Doctrines as Arms Control Measures," in Desmond Ball and Andrew Mack (eds.), The Future of Arms Control (Sydney: Australian National University Press, 1987), p. 129.

View this online at: https://nautilus.org/napsnet/napsnet-special-reports/nuclear-weapons-free-zone-in-northeast-asia-a-south-korean-perspective/

Nautilus Institute
608 San Miguel Ave., Berkeley, CA 94707-1535 | Phone: (510) 423-0372 | Email: nautilus@nautilus.org