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Bengt Broms
University of Helsinki

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PROPOSALS TO ESTABLISH A NORDIC NUCLEAR-WEAPON-FREE ZONE

*Bengt Broms**

I. INTRODUCTION

Today, after a long silence, the Nordic States are again investigating the idea of establishing a Nordic nuclear-weapon-free zone. The renewed exchange of views is no doubt partly related to the continuing development of nuclear weapons and partly to the fear that even in circumstances where nuclear weapons would not be used against the Nordic States they present a threat to the region should major war break out. This fear was mentioned by Dr. Urho Kekkonen, the President of the Republic of Finland, in an address he delivered at the Swedish Institute of International Affairs in Stockholm on May 8, 1978. He referred in this context especially to mini-nukes, precision-guided munitions, neutron bombs and cruise missiles. The use of such weapons cannot leave Northern Europe immune.

The Nordic States currently do not possess any nuclear weapons, and as parties to the Nuclear Non-Proliferation Treaty there is no likelihood that the Nordic States will even consider obtaining these weapons. While Denmark, Norway and Sweden have chosen this policy voluntarily, in the case of Finland Article 17 of the Paris Peace Treaty of 1947 includes a provision that "Finland shall not possess, construct or experiment with any atomic weapon."

While the Nordic nuclear-weapon-free zone was not discussed during the early 1970s, it was the subject of a lengthy exchange of views among the Nordic Governments during the 1960s. This exchange of views arose out of a more general discussion of nuclear-weapon-free zones in the late 1950s.¹

Indeed, the origin of the proposals to establish a Nordic nuclear-weapon-free zone can be found in the proposals to establish a nuclear-weapon-free zone in Central Europe. In 1956, the Soviet Union proposed the creation of a wide zone in Central Europe where armaments would be limited and under inspection. The zone was to have con-

* Professor of International and Constitutional Law, University of Helsinki. Judge, Iran-U.S. Claims Tribunal, The Hague, Netherlands.

1. On the establishment of nuclear-weapon-free zones in various parts of the world, see B. BROMS, *YHDISTYNEET KANSAKUNNAT* 340-46 (2d ed. 1978).

sisted of the German Democratic Republic and the German Federal Republic together with some neighboring states.² These States were to agree that no military units equipped with nuclear weapons would be maintained within the zone in question. The proposal was discussed for quite some time by the Disarmament Sub-Committee of the United Nations, but it was not accepted.

During the Twelfth Session of the General Assembly of the United Nations the Polish Foreign Minister, Rapacki, presented a plan which became known by his name. According to this plan Poland agreed to accept under a condition of reciprocity with the German Democratic Republic and the German Federal Republic a prohibition on the production and stockpiling of nuclear weapons on its territory. Later, the proposal was amended to include the territories of Czechoslovakia, the German Democratic Republic, and the German Federal Republic in addition to the territory of Poland. The proposal was by then more detailed, and included a prohibition of the use of nuclear weapons against this zone by the nuclear powers.³ In addition France, the Soviet Union, the United Kingdom and the United States were to agree not to maintain nuclear armaments for their military forces stationed on the territories concerned.⁴ The prohibition extended to installations designed for serving nuclear weapons, including launching equipment for the missiles. No nuclear weapons were to be delivered by the above mentioned four permanent members of the Security Council of the United Nations to the governments or other organs of the States belonging to the zone. Member States of NATO and the Warsaw Pact and Non-aligned States were to monitor the zone using observers and a ground and air control network with inspection posts. The Rapacki Plan would have been implemented by means of unilateral declarations of the States concerned without any formal treaty arrangement.

The leading Western Powers felt that the Rapacki plan did not deal with some other political problems, including the reunification of Germany and limitations of conventional forces. They concluded that the implementation of this plan would probably favor more member States of the Warsaw Pact than member States of NATO. These arguments led Rapacki to suggest that the existing nuclear position should be frozen in the zone during the first stage.⁵ During the second stage

2. I/II PROBLEME DER INTERNATIONALEN ABRÜSTUNG 508-09 (1964).

3. The Polish Memorandum has been published in DOCUMENTS IN AMERICAN FOREIGN RELATIONS 195-99 (P. Zinner ed. 1958).

4. *Id.* at 200.

5. Broms, *The Establishment of a Nuclear-Free Zone in Northern Europe*, 1975 SCANDINAVIAN STUDIES IN LAW 44-45.

the problem of the reduction of conventional armaments would be linked with the implementation of the denuclearization.

As this amendment did not change the negative attitudes of the Western Powers, the Government of Poland suggested at the Eighteen Nations Disarmament Conference in Geneva in 1962 that the zone in question be opened to any European State. Again nuclear weapons would first be frozen, after which there would be stages during which the denuclearization would be implemented. As the reception of the new proposal was again negative, the Gomulka plan was put forward by Poland on February 29, 1964. This plan's goal was now more limited, although the zone would have remained the same. Nuclear weapons and thermonuclear charges would be frozen at their existing levels and a control system would be established by the two major military alliances with control points. Even this proposal failed to find acceptance.

Although the above-mentioned Polish proposals did not succeed, they were of distinct importance as the predecessors to several plans which were later made concerning the establishment of a comparable Nordic nuclear-weapon-free zone. The first concrete proposal was made by the Swedish Foreign Minister, Osten Undén, in the First Committee of the General Assembly of the United Nations on October 26, 1961. Undén pointed out that various nuclear-weapon-free zones could be envisioned and that their establishment deserved general support. He suggested that the basic principles of the Rapacki plan should be extended to cover wider areas on a universal basis. Further nuclear weapons tests were to be prohibited, as was any future dissemination of nuclear weapons to countries which did not already possess them. The Secretary-General of the United Nations was to prepare a study on the willingness of those States which were not in possession of nuclear weapons to give up future manufacture and stockpiling of nuclear weapons on their territories.⁶

The reception of the Undén plan was divided. The leading Western Powers were of the opinion that the plan could not be considered without including in the discussions the problem of a general and complete disarmament under international observation. As compared with this attitude the Soviet Union together with several Socialist States and Non-aligned States adopted a favorable attitude. Surprisingly enough, the Government of Sweden sent a reply which was very reserved and which mainly stressed the need to prohibit nuclear

6. The General Assembly adopted the resolution including the Undén plan by 58 votes to 10, with 23 abstentions. The co-sponsors of the resolution were Austria, Cambodia, Ceylon, Ethiopia, Libya, Sudan, Sweden and Tunisia.

weapon tests by means of a treaty before the end of 1963.⁷ This attitude was sufficient to lead to the failure of the Undén plan.⁸

II. THE FIRST INITIATIVE BY PRESIDENT KEKKONEN

The Undén plan was, however, mentioned by President Kekkonen in a speech which he delivered in May, 1963.⁹ He stressed that the arms race was again accelerating and that the small States should, therefore, take initiatives to relieve the existing international tension. In his opinion the security of Finland was closely connected with the security of the Nordic countries in general. While Denmark and Norway were members of NATO, Finland and Sweden followed a policy of neutrality. None of the four States had either obtained nuclear weapons or wanted other States to stockpile such weapons on their territories. Thus, there was already a nuclear-weapon-free zone in existence. As this zone was based solely upon unilateral commitments of the States concerned, there was a need to confirm the unilateral undertakings by declaring the Nordic region a nuclear-weapon-free zone in order to stabilize the positions of all Nordic States. Thus, the region would be likely to remain free from speculation caused by the development of nuclear strategy. It would also be a means to ensure that the Nordic States would remain outside international tension. This is, in fact, the gist of the proposal to establish a nuclear-weapon-free zone covering the Nordic States. It is expected to strengthen the security of the Nordic States which do not have any individual wishes to obtain nuclear arms.

The Nordic States are not in similar positions insofar as the possibility of obtaining nuclear arms is concerned. It has already been mentioned that, under the Paris Peace Treaty, Finland is not allowed to possess any nuclear weapons. Sweden has no such limitations, but Sweden has consistently declared that nuclear weapons will not be acquired. Denmark and Norway are NATO member States. Nevertheless, up until the present day both Denmark and Norway have clearly indicated that they do not allow any stockpiling of nuclear weapons on their respective territories. However, in case of a military clash between the leading military alliances it would be possible that Denmark and Norway would be requested to change their policies and allow

7. The Swedish reply pointed out that unless a European Zone was established before the end of 1963, the Government of Sweden reserved its right to reconsider the situation in the light of the then existing circumstances.

8. When the Disarmament Commission began its work in May 1962, the problem of nuclear-weapon-free zones was not taken up and the Undén plan was not developed any further.

9. For the text of the speech, see FINNISH MINISTRY FOR FOREIGN AFFAIRS, *NORDIC NUCLEAR-WEAPON-FREE ZONE* 84-85 (1988).

nuclear weapons to be transferred to their respective territories. This would doubtless put the nuclear safety of the Nordic region into jeopardy. How could the establishment of a nuclear-weapon-free zone then change the situation?

The answer lies in the nature of the zone to be established. The nuclear Powers must guarantee not to use nuclear weapons under any circumstances against the States forming the nuclear-weapon-free zone. This is the essential *quid pro quo* for the relinquishment of nuclear weapons by the States joining the zone. Without such a guarantee there would be no real advantage in the establishment of the zone. On October 15, 1974, during an official visit to Finland, President Podgorny declared that the Soviet Union was willing to give such a guarantee to the States forming a Nordic nuclear-weapon-free zone.¹⁰ Podgorny went on to state that the other nuclear Powers would be expected to join the giving of the guarantee. The guarantee would also further the aims of the Non-Proliferation Treaty. The Western nuclear Powers have so far not made any comparable statements.

Naturally, both Denmark and Norway are weighing their position in light of the wishes and reactions of their allies in NATO. They have the choice of relying on the NATO nuclear umbrella rather than becoming members of the Nordic nuclear-weapon-free zone. Since the presentation of the first proposal by President Kekkonen, the reactions of the leading statesmen and Governments in Denmark and Norway have been negative. They have explained that in order to be acceptable the proposal to establish this zone should include a *quid pro quo* for the loss of the NATO nuclear umbrella. As a possible *quid pro quo* the Danish and Norwegian leading statesmen have often mentioned the inclusion of the Kola Peninsula in the nuclear-free-zone. They claim that the Kola Peninsula is so heavily armed with nuclear weapons that only the inclusion of this region could be considered as a sufficient counterweight.¹¹

Denmark and Norway chose this condition carefully, quite probably because they felt that the Soviet Union would certainly not even consider its acceptance. Their calculation proved to be accurate. The Soviets responded negatively, explaining that no nuclear Power could even consider a proposal to include a part of its territory in a nuclear-weapon-free zone. This seemed to bring the matter to an end. There followed a long period during which the proposal to establish the Nor-

10. Broms, *supra* note 5, at 51.

11. See, e.g., PROTOCOLS OF THE NORDIC COUNCIL 1362-63 (1964) (statements of Norwegian Prime Minister Gerhardsen and Swedish Minister for Foreign Affairs Torsten Nilsson).

dic zone was not seriously debated, although it still appeared at times, especially in the pronouncements of the leading Finnish statesmen.

III. THE SECOND INITIATIVE BY PRESIDENT KEKKONEN

On May 8, 1978 President Kekkonen made a statement about the proposal to establish a nuclear-weapon-free Nordic zone in a speech at a meeting of the Swedish Institute of International Affairs in Stockholm.¹² Referring to his proposal of 1963, President Kekkonen went on to say that there had recently been a rapid development of nuclear weapons and that, as a result of this, the possibility of a global nuclear war had become much more real than before. It was, in the opinion of President Kekkonen, especially dangerous to think that a nuclear war, if ever there would be one, would remain a limited nuclear war. In his opinion this would be very unlikely and under such circumstances the Nordic States could hardly expect to be saved from the effects of a nuclear war — even if they would not be parties to such a war. A special warning was made with reference to cruise missiles.

As to the danger of cruise missiles, one needs only to take a look at the globe. It becomes immediately clear that in a war involving the leading Powers of the two major military alliances, cruise missiles would probably be passing over the territory of the Nordic States as the fastest route to the Northern regions of the Soviet Union and from the Leningrad and Kola regions to comparable goals in the opposing alliance. This fact illustrates the seriousness of the military situation in the Nordic region even if the Nordic States themselves would not have any interests in becoming parties to a military conflict. It should be remembered that under international law a neutral State is under an obligation to defend its territory during a state of war between other States; yet there would be great risks involved if the Nordic States were to take action against cruise missiles flying in their air space. There would also be a great risk that the States party to the military conflict would try to protect their own territories from nuclear attacks by pushing their air defence as far as possible outside their territories proper in an effort to counter the nuclear weapons and missiles before they enter their air space. During such attacks, counter attacks, and defensive tactics, the position of the Nordic States would become very vulnerable indeed.

Considerations like these led President Kekkonen to suggest that the Nordic countries take action to negotiate on arms control both among themselves and with the leading military Powers. The objec-

12. For the text of the address, see FINNISH MINISTRY, *supra* note 9, at 91-98.

tive would be a treaty arrangement which would give a sufficient guarantee of the safety of the Nordic States. Having said this President Kekkonen reached the conclusion that the proposal to establish a Nordic nuclear-weapon-free zone had not lost its immediacy and that the time would be ripe to give it serious consideration again.

In 1963 President Kekkonen had not done more than bring forward his idea in general terms.¹³ Then, in 1978, President Kekkonen listed certain elements which he regarded as necessary for the reaching of an agreement. The first element was the realization that the security concerns of all States in the area, as interpreted by the governments concerned, must be fully taken into account. The second element was that the leading Powers, whose strategic posture or military interests might be affected in any way by the proposed zone, should be entitled to participate in the negotiations from the very beginning. The third element was that the States forming the nuclear-weapon-free zone would have to receive an assurance from the nuclear Powers that they would not use nuclear weapons against the territories of the States forming the zone under any circumstances. This assurance would have to include a promise to refrain from any air defense activity over the Nordic States and from directing any missiles over the Nordic airspace. To this it was added that the initiative for the negotiations concerning the establishment of the proposed zone would have to come from the States in the area of the zone and that they shall carry out the negotiations in good faith, without coercion and pressure.

The reactions of the Scandinavian States were again very reserved. It was argued that the proposal was too one-sided. These doubts were based on the belief that a *quid pro quo* by the Soviet Union would still be needed. The Governments of Denmark and Norway let it be understood that there was no need for further consultations until the Soviet Union was prepared to let parts of its territory, especially the Kola Peninsula, become part of the nuclear-weapon-free zone. This precondition still seemed to be quite safe because of the often repeated Soviet view that a nuclear power could never be expected to agree to the extending of a nuclear-weapon-free zone to its own territory.

IV. NORDIC PROPOSALS

As a result of the doubts expressed by the Scandinavian States, the Government of Finland did not suggest any consultations between the Nordic States. On November 11, 1978 the Swedish Minister for Foreign Affairs, Hans Blix, addressed the establishment of the nuclear-

13. Broms, *supra* note 5, at 47.

weapon-free zone in a speech. He made a novel proposal suggesting the necessity of including the Baltic Sea in the Nordic zone. This was a condition which the Soviet Union was not willing to accept, however, because the Soviet fleet in the Baltic Sea includes nuclear submarines.

The debate in Norway took a new turn on October 3, 1980 when Ambassador Jens Evensen of Norway made a statement in favor of the establishment of the nuclear-weapon-free zone. He was prepared to accept a solution along the lines proposed by President Kekkonen in 1978. His statement came as a surprise. The Norwegian Government immediately presented objections. A lengthy debate followed and it was not until 1981 that a compromise was reached. According to the compromise, the idea of establishing a Nordic nuclear-weapon-free zone was to be seen in a wider perspective. The Government of Norway felt that the zone should cover parts of Central Europe in addition to the Nordic States. The Norwegian Government still believed that there was a need for a certain symmetry and felt that the Soviet Union ought to allow the Kola Peninsula, or at least parts of it, to be included in the zone. It was still generally believed that such a condition was unacceptable to the Soviet Union.

At this stage, however, President Leonid Brezhnev took an unprecedented step forward. When interviewed by the Finnish daily newspaper *Suomen Sosialidemokraatti*, he explained that the Soviet Union was now prepared to consider the inclusion of parts of the Kola Peninsula in the proposed Nordic nuclear-weapon-free zone. This announcement was greeted in Finland as a major change of policy and as a most important contribution to the Scandinavian debate. President Brezhnev also stated that the Soviet Union was prepared to guarantee the safety of the Nordic nuclear-weapon-free zone even if it would be the sole guarantor State. He added, however, that a joint guarantee given by the Soviet Union together with NATO Powers would be preferable.

Strange as it may seem, the Governments of the Scandinavian States took a very cautious attitude. The Governments of Denmark and Norway now stressed the importance of seeing the establishment of the Nordic nuclear-weapon-free zone in a wider European perspective and not as limited solely to the Northern parts of Europe. As no Nordic government initiated any official negotiations, the situation remained the same as before.

Soon the progress of the disarmament talks within the framework of the European Conference on Security and Co-operation and the SALT negotiations slowed down. The debate on the Nordic nuclear-

weapon-free zone continued, especially in Sweden, towards the end of 1982. The Government of Sweden proposed in January, 1983 that if a nuclear-weapon-free zone were established it should extend south from Scandinavia along the border between the Western and Socialist States, as a 150 kilometre-wide zone on both sides of the border.¹⁴

The spokesmen for the Soviet Union did accept the main ideas of the Swedish proposal. However, they believed that the proposed nuclear-weapon-free zone should be made wider. In the Soviets' opinion, the zone should be 250 to 300 kilometres wide on both sides of the frontier separating the two military blocs. The Government of Finland also adopted a positive attitude to the Swedish proposal, accepting it in principle. The Governments of Denmark and Norway have adopted a more cautious attitude, although they have expressed their satisfaction with the idea of extending the nuclear-weapon-free zone south from Denmark. This idea complies with the previous comments of these two Governments when they stressed the importance of seeing the establishment of the nuclear-weapon-free zone in a wider European perspective.

Since the presentation of the Swedish proposal, the Danish situation appears to be such that the majority of the Parliament is at times of different opinion than the Government on the issue of establishing the Nordic nuclear-weapon-free zone. In the recent past, this majority has passed several resolutions asking the Danish Government to undertake further studies of the zone issue. To clarify the situation, Danish Minister for Foreign Affairs Elleman-Jensen outlined the official position of Denmark in November, 1985 as follows.¹⁵ He pointed out that Denmark together with the other Nordic States already forms a nuclear-weapon-free zone and that no Nordic State wants to change this existing situation. Insofar as the establishment of a Nordic nuclear-weapon-free zone by means of an official treaty was concerned, Denmark felt that its membership in NATO would have to be given very careful consideration. The defence strategy of Denmark is based on its membership in NATO, but the establishment of the nuclear-weapon-free zone would mean that Denmark must give up the NATO nuclear umbrella. The Danish Government did not wish to break off solidarity with the other NATO member States. The same conclusion had already been reached by the Dyvig Committee of the Danish legis-

14. The Swedish Prime Minister Olof Palme explained the Swedish position in a speech delivered in Helsinki on June 1, 1983. See 4 UD INFORMERAR 13 (1984). On the views presented in Sweden, see O. BRING, *NEDRUSTNINGENS FOLKRÄTT* 169-71 (1987).

15. See DANISH FOREIGN OFFICE, NO. 31, *SPØRSMÅLET OM EN KJERNEVÅPENFRI SONE I NORDEN* 63-64 (1985).

lature in 1984. The Dyvig Committee had pointed out that an isolated Nordic nuclear-weapon-free zone would alter the premises of the Danish defence. It would also mean that the other members of NATO could no longer plan their military strategy in reliance on the solidarity of Denmark in defence. Furthermore, in the Dyvig Committee's opinion, the creation of the Nordic nuclear-weapon-free zone could not guarantee that nuclear weapons would not be used against Denmark.

Later the Danish Folketing (Parliament) did establish an Ad Hoc Committee on Security Affairs. The Ad Hoc Committee has made an effort to find a consensus among the members of the Folketing concerning the policy choice for the defence of Denmark. However, views are still quite divided, especially as far as the establishment of the Nordic nuclear-weapon-free zone is concerned.

In 1982, the Government of Norway submitted a report (No. 101) to the Storting (Parliament) on the basic issues of the security policy to be followed.¹⁶ In this report the Government said that if Norway decided to join a Nordic nuclear-weapon free zone it would mean that Norway would give up its nuclear option not just in peace, but also during war. This solution was said to differ considerably from the present Norwegian policy of defence which supports the idea that nuclear weapons will not be transferred to the territory of Norway but which, nevertheless, leaves Norway the option to decide otherwise in case of necessity. The change of policy remains fully open to Norway because the present situation is based solely on self-imposed restrictions.

Insofar as the security guarantees are concerned, the Norwegian report includes a statement to the effect that the negative security guarantees suggested by the Soviet Union would interfere with the Norwegian defence policy. Therefore, the position of Norway could and should not be changed unless in connection with wider consultations with European States. Also, it would be most important to discuss the establishment of the Nordic nuclear-weapon-free zone fully with the NATO member States.

The Standing Committee on Foreign Affairs of the Parliament prepared a report in May, 1984.¹⁷ This report followed mainly the same ideas which had been presented by the Government report of 1982. As a result of the discussion in the Parliament, the Norwegian Ministry for Foreign Affairs decided in 1984 to set up the so-called Colding

16. See also, Innst. S. nr. 225 (1983-1984).

17. FINNISH MINISTRY, *supra* note 9, at 56-58.

Committee to study the issue of establishing a Nordic nuclear-weapon-free zone. The report of the Colding Committee was published in November, 1985.

The Colding report starts from the premise that the establishment of the nuclear-weapon-free zone does not necessarily lead to incompatibility with the membership of Norway in NATO. The zone could, however, be regarded as a departure from the defence strategy of NATO. Therefore, the joining of the zone could only be implemented as a result of consultations within NATO and with the participation of the nuclear weapon States.

The report included the idea that the zone should be wider than the one which would cover only Nordic States. Following the earlier policy of Norway, the report pointed out that the zone should cover also those regions in neighboring countries where nuclear weapons are stationed, including especially the Kola Peninsula. The Baltic region was also mentioned in this context. In addition to the geographical extension of the zone the report insisted that conventional armaments be included in the discussions, and that in this context the Soviet Union would have to reduce its conventional forces on the Kola Peninsula and in the Baltic region. In addition, conventional armaments would have to be reduced in the German Democratic Republic and Poland, as well.

The report also refers to the verification problem. In this context the Soviet Union would have to agree to a verification system similar to the one applied to the other States forming the zone. As to the follow-up to the report, the Colding Report suggests that the questions be taken up at the biannual meetings of the Nordic Foreign Ministers as well as in other high-level meetings between the representatives of the Nordic States.

The participation of Iceland in the Nordic nuclear-weapon-free zone did not belong to the original version proposed by President Kekkonen. Later he let it be understood that, should Iceland be interested in joining the zone, it would be welcome to participate in the negotiations. In March, 1985 the Icelandic Minister for Foreign Affairs Hallgrímsson submitted to the Lathing (Parliament) a report on the Government policy in this matter.¹⁸ This report adopted a negative attitude, as it was explained that the establishment of the zone would not enhance the security of Iceland. Doubts were also expressed as to whether the zone would even enhance the security of the other Nordic States.

18. *Id.* at 54-55.

The establishment of the Nordic nuclear-weapon-free zone was discussed later in 1985 in Iceland's Parliament, which decided to adopt a resolution on this idea in May, 1985. This resolution did not include any definite stand on the problem, but suggested rather that the Foreign Affairs Committee of the Parliament should investigate the matter in order to find out whether the participation of Iceland in such a zone would be advisable. In April, 1986 the new Minister for Foreign Affairs Matthiesen stressed the need to investigate the balance of conventional armaments in the same context as the establishment of the zone. In his opinion the matter should be taken up in the first place among the members of NATO. He saw, however, no reason why Iceland could not participate in the Nordic consultations, too.¹⁹

While the views concerning the establishment of a Nordic nuclear-weapon-free zone thus differ among the Nordic States, it should be noted that no Nordic State has adopted a firm negative stand against the establishment of the zone. On the whole, one might draw the conclusion that Finland has always been most favorable to the idea, and that the Swedish Government has adopted a somewhat less enthusiastic attitude but has tried to present different alternative solutions to the problem in actual practice.

The views of Denmark and Norway, as well as of Iceland, have always been very reserved. This is indicated by the various preconditions proposed by Denmark and Norway ever since the idea was first presented. This is understandable when one takes into account the fact that Denmark, Norway and Iceland have to consider their duties as members of NATO. One might even say that while Finland and Sweden — should they join the Nordic nuclear-weapon-free zone — do not stand to lose anything, the position of the member States of NATO is different. They risk losing the membership in this military alliance if NATO decides that member States are not allowed to give up the nuclear weapon option. This situation could only change if the leading members of NATO agree to the establishment of the nuclear-weapon-free zone, and especially if they agree to give negative guarantees to all those States which form the zone.

What, then, are the views of the leading NATO member States? A general reservation as to the establishment of nuclear-weapon-free zones in Europe is characteristic of the military strategies of France, the United Kingdom and the United States.²⁰ As far as the Nordic

19. This had been suggested by Prime Minister Olof Palme in his speech, *supra* note 14.

20. On October 21, 1974, Senator Symington explained in the First Committee of the General Assembly of the United Nations that the United States was interested in the establishment of nuclear-free zones provided the following four conditions were fulfilled: (1) the initiative must

nuclear-weapon-free zone is concerned, the Governments of these three States have expressed their doubts as to the necessity of such a zone. The zone is relatively narrow and is located where the NATO and Warsaw Pact States are geographically very close to one another. Given these circumstances, the three Governments feel that the zone does not give any added guarantee to the States forming the zone. In addition, from the point of view of NATO, the Nordic zone would not be any reinforcement of the current strategic position. In fact, it has been argued, especially by the Government of the United States, that the Nordic zone would be more advantageous for the Soviet Union and the Warsaw Pact States because they would all know that no nuclear weapons could be stored within the territories of the NATO member States which join the zone. A conventional attack against the States forming the zone could not be resisted with nuclear weapons.

Although the French Government has strong doubts as to the advisability of the establishment of the Nordic nuclear-weapon-free zone, President Mitterrand has admitted that he personally can well understand those Governments which support the idea in the belief that it would give an added feeling of security to their populations. The Governments of France, the United Kingdom and the United States have been unanimous in saying that they will not attack with nuclear weapons any State which does not possess nuclear arms or which belongs to a nuclear-weapon-free zone assuming that such a State is not attacking their own State or is not an ally to another State which opens up an armed conflict against one of the nuclear member States of NATO.

In the light of these comments by the Governments of the leading member States of NATO, it is evident that the Governments are looking at the situation from their own strategic perspective. Apparently these Governments acknowledge that the Soviet Union has a stronger conventional arms position in Northern Europe and that, therefore, the nuclear option from Denmark, Iceland and Norway is an important counterweight. It is also apparently regarded as an important part of the NATO military strategy.

As to the opinions of the Soviet Union, one may conclude that the basic attitude of the Soviet Union has not changed. This can easily be seen from the concessions the Soviet Union apparently would be prepared to make in allowing parts of the Soviet territory to become parts of the zone to be established.²¹ As to the People's Republic of China,

come from States situated in the region concerned; (2) all important States of the region must be included in the nuclear-free zone; (3) the necessary security arrangements should not be disturbed; and (4) a satisfactory system of verification must be arranged.

21. Thus, President Chernenko confirmed in 1985 that the Soviet Union is ready to commit

it has not taken any stand as to the idea of the establishment of a Nordic nuclear-weapon-free zone. It has, however, explained that it would not use nuclear weapons against any State which does not possess these weapons or which belongs to a nuclear-weapon-free zone.

Thinking in terms of the common strategies adopted in the disarmament negotiations, one might even reach the conclusion that the positive attitude of the Soviet Union in this particular case is to a great extent responsible for the negative attitude adopted by NATO member States. This is not so surprising because it is a well-known truth that whatever one party proposes in disarmament negotiations is usually suspected of being solely in favor of the party concerned.²² Therefore, many well-meant proposals have in the past been rejected in the general disarmament negotiations. It is to be hoped that this will not be the case concerning the Nordic nuclear-weapon-free zone. The idea should, at least, be fully discussed between all the parties concerned and the decision to be reached should be based on the consideration of all relevant factors.

V. LEGAL PROBLEMS

The establishment of a nuclear-weapon-free zone naturally involves legal problems. The first one is normally the choice of the legal method to adopt when the zone is being created. As far as the Nordic zone is concerned there are two major alternatives: a multilateral convention or unilateral declarations. Many factors favor the choice of the first mentioned alternative. Some of these factors are purely practical, but the convention method would be the result of negotiations between the States concerned, or as a result of an international conference between such States. In both cases the States participating in the negotiations would be in a position to express their views as to the specific questions arising, and any problems could be solved as a result of direct multilateral negotiations which would be more practical than other methods — including unilateral declarations.

As it is impossible to think of the establishment of the Nordic nuclear-weapon-free zone without negative guarantees, such guarantees — or at least the terms concerning the undertaking to give guarantees — should be included in the convention creating the zone. The guar-

itself not to use nuclear weapons against such Nordic States as become parties to the nuclear-weapon-free zone. The assurance can either be given in a multilateral treaty or in a bilateral treaty with each zonal State. The same promise was given by Mikhail Gorbachev in a speech delivered in Murmansk on October 1, 1987. He went on to say that the States concerned will have to decide whether the guarantees be given in the form of multilateral or bilateral treaties, unilateral declarations, or in some other way.

22. See Broms, *supra* note 5, at 54-55.

antees should expressly state that the guarantor States agree not to use nuclear weapons against any State party to the zone under any circumstances. In case parts of the Soviet territory would be included in the zone, the guarantee would have to be formulated taking this into account. The same is true, of course, of the alternative solution whereby the Nordic zone would extend south from Denmark.

Although the verification problem has been raised as a supposedly difficult problem, due to recent developments in the disarmament negotiations the problem of verification is no longer as complicated as it was a few years ago when on-site inspections still caused great difficulties between the leading military Powers. It will be necessary, however, to decide whether the verification is to be implemented through the States parties to the multilateral convention to be drafted, or whether it would be advisable to involve an international organization like the International Atomic Energy Agency. In this respect, the Treaty of Tlatelolco offers in this respect a model solution of how the International Atomic Energy Agency is being used as a controlling organ.²³ Because of the geographical proximity of the Headquarters of this organization, its services could be recommended.

In addition to the more general legal problems, there are many specific questions to be answered. For example, one might refer to the possibility of including the Baltic Sea in the Nordic nuclear-weapon-free zone. Here the question arises concerning the legal status of the high seas. As far as the right to innocent passage through the territorial sea of the States forming the Nordic nuclear-weapon-free zone is concerned, the solutions will have to be carefully considered, taking into account the rules of customary international law and the provisions included in the new Convention on the Law of the Sea. In this context a special issue concerning the passage of nuclear-weapon military vessels or military vessels carrying nuclear material in the Baltic Sea or some parts thereof will also have to be solved.²⁴

If the Nordic nuclear-weapon-free zone were extended to cover territories under Danish administration, notably the Faeroese Islands

23. The system of control is founded on a treaty drafted by the signatories in conjunction with the International Atomic Energy Agency. The signatories are expected to give information in the form of reports to the Agency for the Prohibition of Nuclear Weapons in Latin America and to the International Atomic Energy Agency. On the authorization of Council of the Agency, the Secretary General of the Agency is entitled to ask for special reports in case of need. The Council of the Agency and the International Atomic Energy Agency have been empowered to make special investigations.

24. See Article 23 of the Law of the Sea Convention. U.S. Convention on the Law of the Sea, Oct. 7, 1982, Art. 7, U.N. Doc A/CONF. 62/122. On the problem of passage through the straits to and from the Baltic Sea, see B. JOHNSON-THEUTENBERG, *FOLKRÄTT OCH SÄKERHETSPOLITIK* 226-28, 233-35 (1986).

and Greenland, this would have to be taken into account in the drafting of the multilateral convention. This is also the case for the Jan Mayen Island.

Further problems to be solved include provisions concerning the entry into force of the convention. Apparently the convention will have to be ratified by all States concerned before it enters into force. Similarly, consideration has to be given to the problem of whether to allow a State which has ratified the convention to denounce it due to unforeseen events. In this respect the Treaty of Tlatelolco deserves to be looked into closely.²⁵ In so far as the time during which the convention would be in force is concerned, it seems to be appropriate not to limit it. This solution is based mainly on the nature of the undertaking of the parties to the convention. To choose a relatively short renewable term of validity would not seem to create the necessary confidence in the entire undertaking. It would be likely to lead to very strong doubts, at least among the present member States of NATO, because they would be giving up their nuclear umbrella when entering into the Nordic nuclear-weapon-free zone. To agree to do so and be faced with the possibility of only a temporary arrangement would probably not be acceptable.

These are only examples of the legal issues to be addressed in the drafting of the convention to establish the Nordic nuclear-weapon-free zone. There are certainly other difficulties depending on the number of the parties and of the extent of the zone and, in particular, depending on the extension of the zone to cover territories at a long distance from the Scandinavian State. There one has to remember that the parties to the convention cannot regulate the legal status of the maritime territories and the high seas outside the territorial waters or their extensions in the form of fishing and exclusive economic zones and the continental shelves concerned.

VI. CONCLUSIONS

Although the establishment of the Nordic nuclear-weapon-free zone has been debated at length both within the Nordic States and outside their circle among the Great Powers, no final conclusions have been made so far. As has been mentioned, following a lengthy period of silence the Nordic States have, during the last few years, again expressed an increased interest in this basic idea.

25. See also Garcia-Robles, *The Latin-American Nuclear Weapon-Free Zone*, in *THE ARMS RACE AT A TIME OF DECISION*, ANNALS OF PUGWASH 1983 215-16 (Rotblatt & Pascolini eds. 1984).

The most recent exchange of views indicates that the Foreign Offices of the Nordic States have included the zone idea among those which are being constantly surveyed. Because it is generally understood, however, that the establishment of the Nordic nuclear-weapon-free zone cannot be seen as an isolated phenomenon, but must be accepted as a part of wide disarmament perspectives and negotiations, the Nordic States have adopted a "wait and see" attitude. No Nordic State is, for the time being, trying to influence the views of the other States concerned. The future developments will most certainly depend on the Great Power relationships in general. A possible lessening of international tension would seem to be the decisive factor at this stage, in view of continued negotiations between the States concerned.

It is hoped that the nuclear weapon Powers would try to better understand that for the Nordic States — due to their geographical position between the two major military alliances, and to the membership of some in NATO — the problem of nuclear security is of a different type than for those States which have chosen the nuclear weapon alternative for their defence. The Nordic States have not chosen this alternative and are, therefore, seriously concerned with their security in the event of a military conflict between the major military alliances. In addition, it must be underlined that at least the official Government view in Finland has been that regional military tension would diminish as a result of the establishment of the Nordic nuclear-weapon-free zone.²⁶ It is hoped that the nuclear-weapon Powers will, by and by, believe this, too.

26. President Mauno Koivisto said in a statement on the twentieth anniversary of the proposal for a Nordic nuclear-weapon-free zone, May 28, 1983, that the guiding thought of President Kekkonen had lost none of its validity. On the contrary, it has gained more importance recently.