

# Proposal:

A Comprehensive Approach  
to a Northeast Asia Nuclear Weapon-Free Zone

## Summary



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Research Center for Nuclear Weapons Abolition,  
Nagasaki University (RECNA)

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The Logo represents a deformed Chinese character “出”, which means “exit” or “departure”. Here it symbolizes the “exit” from the nuclear deterrence and “departure” for a Northeast Asia Nuclear Weapon-Free Zone. Nagasaki is famous for its port “Dejima” or Exit Island, the only port open to overseas during the period of national isolation in Japanese history.

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# Summary and Proposals

## Introduction

Nagasaki University was a victim of the atomic bombing in August 1945 and founded the Research Center for Nuclear Weapons Abolition (RECNA) three years ago. This proposal is written by the RECNA. The proposal will be submitted to concerned states and the international community and has been written with the sincerest of hopes that it serves as a proposal for policies so that Japan, being a victim of nuclear bombs, can contribute to realizing a nuclear weapon free world.

Japan's civil society played a critical role in conceptualizing a Northeast Asia Nuclear Weapon-Free Zone (NEA-NWFZ) over past decades. However, the various forms that a NEA-NWFZ might take did not gain much traction with states in the region (except for Mongolia) although these forms gained substantial local and city government-level support. In 2011, a conceptual breakthrough occurred when renowned international political scientist Morton H. Halperin (former Special Assistant to the U.S. President) was commissioned by Nautilus Institute to provide a framework whereby states could establish the geo-strategic conditions that would realistically realize a NEA-NWFZ. Halperin proposed to establish a NEA-NWFZ as an element of a Comprehensive Agreement on Peace and Security in NEA. He presented this concept at the Nautilus Institute workshop in Tokyo in November 2011.

The RECNA has held three international workshops in Nagasaki, Seoul and Tokyo in order to examine and develop the Halperin's proposal, and to make this Proposal. The workshops received support from other institutes that share interests in the comprehensive approach, including the Nautilus Institute. However, the RECNA is responsible for all contents of this Proposal.

This Proposal does not deal with the entire scope of Northeast Asian security; instead, it focuses on denuclearization issues while considering the implication denuclearization would have on regional security. On top of denuclearization, Northeast Asia is faced with various hot button issues, such as; territorial disputes, disputes on historical records, and rising military tensions stemming from United States, Japan, and China's new defense policies. Issues surrounding the denuclearization of Northeast Asia are not entirely unrelated to these problems; however, as this proposal will demonstrate, the NEA-NWFZ can be pursued relatively independently from these other issues. Furthermore, solving the nuclear weapons

issue will have a positive influence on various other issues.

The 70<sup>th</sup> memorial of the end of the Pacific War is in 2015. In Northeast Asia, Japan's colonization of Korea came to an end in 1945 and brought with it the National Liberation of Korea. However, it was the same year that led to the division of the Korean Peninsula and strained U.S.-North Korea and Japan-North Korea relations that are ongoing even today. It will also be the 70<sup>th</sup> anniversary since the atomic bombings of Nagasaki and Hiroshima. There are people ("hibaku-sha") still living in Japan and both Koreas who are experiencing medical aftereffects from the bombings and are "living testaments to the inhumanity" of nuclear weapons. We hope that this proposal will contribute to satisfying the yearning of the region for the unification of the Korean Peninsula and for a world free from nuclear weapons.

## **Chapter 1**

### **Northeast Asia's Current State of Dependence on Nuclear Weapons**

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#### **ROK and Japan's Dependence on Extended Nuclear Deterrence**

The Northeast Asian region's nuclear confrontation is severely aggravated as North Korea's nuclear weapons development program is currently triggering Japan and South Korea's stronger dependence on the U.S. extended nuclear deterrence. The result is a heightened risk of nuclear weapon use, whether intentional or not, and is diminishing international efforts towards achieving a nuclear weapon free world. There are many intertwining elements creating the current situation. These elements include North Korea feeling the U.S. nuclear weapons are a threat to its regime, a risk that there will be a growing base of Japanese and South Korean proponents for developing their own nuclear weapons should their trust in depending on U.S. extended nuclear deterrence be rattled, and the fact that strengthening of the missile defense system in the region as a means of extended deterrence could be seen as a threat to China. In order to resolve recent nuclear tensions in the Northeast Asian region, it is necessary to consider resolving all these issues.

The atomic bombings of Hiroshima and Nagasaki in 1945 and radioactive contamination of the Japanese fishing boats in 1954 by a U.S. hydrogen bomb test have left an anti-nuclear weapon sentiment in the hearts of many Japanese. As a result, the Atomic Energy Basic Act of 1955 banned the military use of nuclear energy. On the other end of the spectrum, were Japanese policies adopted to depend on U.S. extended nuclear deterrence following Chinese nuclear weapon tests in 1964. Introduced by Prime Minister Eisaku Sato in 1968, the Three Non-Nuclear Principles stated that "Japan shall neither possess,

manufacture, nor allow to bring in nuclear weapons”, and was coupled with Japan’s dependence on the U.S. nuclear umbrella. Since focus has been placed on North Korea’s nuclear weapon development program, Japan and the U.S. have enhanced discussions on possible measures to maintain the credibility of the extended nuclear deterrence, yet the discussion about the non-nuclear elements of deterrence has also been included. The “Two-plus-Two” meeting involving the top defense and diplomatic officials from the two nations reaffirmed its “commitment to the security of Japan through the full range of U.S. military capabilities, including nuclear and conventional” (**Paragraph 1.6**).

Even though Japan has non-nuclear weapon policies in place, the fear of Japan gaining its own nuclear arsenal does not go away. The demeanor of a small fraction of politicians and certain government bureaucracies’ attitudes towards nuclear weapon dependence are typically the cause of these anxieties (**Paragraph 1.7**). One reason for suspicions over Japan’s intent towards nuclear armament is how Japan is incapable of producing a logical explanation for its plutonium policies. In context of the Northeast Asian region, this issue has become a backdrop to South Korea’s argument for its nuclear sovereignty (**Paragraph 1.8**).

North Korea and South Korea were at the peak of a possible nuclear war during the Cold War. Beginning in 1958, the United States began deploying tactical nuclear weapons in South Korea, which were not removed until 1991 following the end of the Cold War. It goes without saying that South Korea’s armed forces had cooperated with U.S. armed forces in maintaining nuclear war scenarios in ROK. In 1992, however, the two Koreas made a groundbreaking Joint Declaration of South and North Korea on the Denuclearization of the Korean Peninsula. It came into effect together with “The Agreement on Reconciliation, Non-aggression, and Cooperation and Exchange between the South and the North”. The preamble of the Joint Declaration even stated that their goal was “to create conditions and an environment favorable to peace and peaceful unification of Korea”. Thus, the declaration linked denuclearization intimately to reunification. The Joint Declaration on Denuclearization not only banned the production and development of nuclear weapons but also agreed to “not possess nuclear reprocessing and uranium enrichment facilities” (**Paragraph 1.10**).

The South-North Joint Nuclear Control Commission set forth by the Joint Declaration on Denuclearization crumbled and it became evident that North Korea was developing its nuclear program. Aimed at preventing the development, South Korea worked closely with the U.S. to carry out diplomatic efforts. South Korea simultaneously strengthened its dependence on U.S. extended nuclear deterrence. The ROK-U.S. Security Consultative Meeting, which has been held annually since 1968, between the U.S. Secretary of Defense and ROK Minister of National Defense has repeatedly reaffirmed the U.S. commitment to provide its “Nuclear

Umbrella". The two nations agreed to intensify the extended deterrence following North Korea's first nuclear weapons test in 2006 and established the "U.S.-South Korea Extended Deterrence Policy Committee" in 2011. The U.S. stated that it would "provide and strengthen extended deterrence for the ROK using the full range of military capabilities, including the U.S. nuclear umbrella, conventional strike, and missile defense capabilities", which once again emphasized the element of non-nuclear, conventional weapons in its extended deterrence (**Paragraph 1.11**).

While there had been a demand in South Korea for nuclear sovereignty to develop a nuclear program, North Korea's development of their nuclear program gave steam to new efforts in South Korea. Following North Korea's third nuclear test in February 2013, a survey showed 70% of the South Korean population backed developing their own nuclear weapons and several influential politicians reportedly expressed their desire for nuclear armament. Also, South Korea strongly emphasized their desire to amend the ROK-U.S. Agreement for Peaceful Use of Nuclear Energy into an agreement that includes a "comprehensive consent" clause similar to the one that Japan has under the Japan-U.S. Agreement, which continuously allows Japan to reprocess spent nuclear fuel.

In accordance with the Obama administration's "Nuclear Posture Review (NPR)", the role of nuclear weapons in nuclear deterrence is to be reduced while strengthening conventional weapon's role for extended deterrence in South Korea and Japan, which is a welcome move. Considering the tremendous destruction that nuclear weapons can cause, however, the sheer presence of any nuclear component in extended deterrence prevents alleviating nuclear tensions in Northeast Asia. **It is necessary to develop the concept of "non-military (deterrence) – strong, trusting political relationships between the United States and its allies and partners"**, as was referred to in the same NPR.

## North Korea's Development of Nuclear Deterrence

The graphite-moderated reactor came online in 1986 after North Korea signed the NPT (Treaty on the Non-Proliferation of Nuclear Weapons) in 1985. However, confrontations over the IAEA's inspection regarding the DPRK's initial declaration, as required by the NPT, became heated and North Korea announced its withdrawal from the NPT in March 1993. The situation led to rigid U.S.-DPRK meetings, which negotiations became the prototype of all following meetings regarding North Korea's nuclear program.

It is, therefore, safe to say that the fundamental logic for North Korea's nuclear weapons program and its possible denuclearization was set in the agreement reached in June 1993 at the U.S.-DPRK Meeting. This fundamental logic had repeatedly appeared in later negotiations with some modifications. The logic is built towards **achieving the following**

**two principles: “guaranteeing the security assurance against the threat and use of force, including nuclear weapons” and “denuclearizing Korean Peninsula with proper verification systems”.**

The 1994 “Agreed Framework between the U.S. and the DPRK” added the element of energy assistance. The Joint Statement agreed on at the Six-Party Talks in September 2005 added the element of consultations between the concerned state parties with the intent of normalizing U.S.-North Korea and North Korea-Japan diplomatic relations and to promote a lasting peace in Northeast Asia. Even today, this important element should form the base of agreements. As will be demonstrated later, the September 19<sup>th</sup> Joint Statement remains crucial, even in 2015. North Korea’s diplomatic strategy since 2006, in which the DPRK continued to negotiate for denuclearization while conducting nuclear tests, can be defined as **a diplomacy that attempts to eliminate the threat against its regime and to normalize international relations by playing both the processes and the products of developing nuclear deterrence as diplomatic cards.** It must be assumed that such diplomatic strategy will continue taking place.

The 1994 Agreed Framework between the U.S. and the DPRK and its establishment of the Korean Peninsula Energy Development Organization (KEDO) in 1995 demonstrated promising success towards the end of 2000 (**Paragraph 1.13**). However, the U.S. policy did not continue because of the administration change, and the relationship between the U.S. and North Korea, which the Bush administration viewed as being a part of the Axis of Evil, became its worst. As a result, the KEDO process crumbled. Certain success and the ultimate failure of the KEDO process left a lesson to be learned. One lesson, which could be a precedent moving forward, is that KEDO succeeded in a multilateral scheme where the EU and nine other countries were involved in the U.S.-ROK-Japan centered program. On the other hand, a mechanism must be introduced to prevent hard-earned agreements from failing when a central player goes through administration changes.

The Six-Party Talks agreed on initial actions in February 2007 that were in line with the September 19<sup>th</sup> Joint Statement and North Korea froze three Yongbyon facilities (5 megawatt Experimental Reactor, the Reprocessing Plant (Radiochemical Laboratory) and the Nuclear Fuel Rod Fabrication Facility). They also established five working groups. One group deserving of attention is the “Northeast Asia Peace and Security Mechanism”. It was a possible platform for a more comprehensive discussion relating to denuclearization. In October of the same year, the six parties agreed on its second phase actions, which called for “the disablement of three facilities at Yongbyon” and “a complete and correct declaration of all its nuclear programs” by North Korea. It was estimated that, as of April 2009, the former agreement to disable North Korea’s facilities was 80% completed. Reaching an impasse on the

latter, the Six-Party Talks have not been held since December 2008.

In April 2009, North Korea announced its launch of the Juche Nuclear Industry, decided to build an experimental light water reactor in Yongbyon, and publicized that it would begin enriching uranium to feed the reactor. In November 2010, Siegfried Hecker, a former Director of the Los Alamos National Laboratory, and other U.S. experts were invited to take a tour of the Yongbyon facilities. The Kim Jong-un regime's nuclear deterrence policies and the possibility of denuclearization will be detailed in **Chapter 4**. North Korea's diplomatic position towards denuclearization remains unchanged, however, in that it is attempting to develop nuclear deterrence and to remove a threat towards its regime.

## Chapter 2

### Demand from the Global Nuclear Disarmament Objective

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The strong tide of global efforts, following President Obama's Prague speech, towards achieving a "Nuclear Weapon Free World" first manifested itself in the NPT Review Conference's 2010 Final Document. Each state party agreed that it "affirms that all States need to make special efforts to establish the necessary framework to achieve and maintain a world without nuclear weapons" and "expresses its deep concern at the catastrophic humanitarian consequences of any use of nuclear weapons". Moreover, all State Parties committed to "pursue policies that are fully compatible with the Treaty and the objective of achieving a world without nuclear weapons". Namely, in this commitment, all state parties, both nuclear and non-nuclear weapon states, agreed to place political obligations on state governments to evaluate security policies that stood in the way of achieving this goal and to alter such policies (**Paragraph 2.1**).

In 2013, the UN General Assembly held the sessions of the "Open-ended Working Group (OEWG) to develop proposals to take forward multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons". The OEWG report clarified the **political obligation placed on each and every signatory government** per the 2010 agreement by noting a new concept that "States have differentiated roles and functions". It goes without saying that nuclear weapon states were emphasized to verifiably reduce and eventually eliminate its nuclear weapons. The OEWG report, though, added that non-nuclear weapon States "have a role in promoting global nuclear disarmament" and that non-nuclear weapon States under extended nuclear deterrence could fulfill the role of "reducing the salience of nuclear weapons in security doctrines". The OEWG further discussed



**“the role of nuclear weapon free zones in challenging the value and legitimacy of nuclear weapons” (Paragraph 2.2).**

A deepening awareness of the humanitarian impact of nuclear weapon use has led to a no-use declaration that states, “It is in the interest of the very survival of humanity that nuclear weapons are never used again, under any circumstances”. Certain states attempted to discourage such an argument from growing by emphasizing the critical role nuclear deterrence plays in guaranteeing security. Analyzing the controversy objectively, however, it is contradictory to emphasize the impact on humanity that using nuclear weapons could have while refusing to declare to not use nuclear weapons. **This contradiction can be resolved by pursuing security policies that deny the very possibility of using nuclear weapons (Paragraph 2.3).**

Included in the final document of 2010 NPT Review Conference was the need “to further diminish the role and significance of nuclear weapons in all military and security concepts, doctrines and policies”. This statement is significant in that, on top of reducing nuclear weapon hardware, it calls for a reduction of nuclear weapon policies. A standardized reporting format is necessary to assure the transparency of these reductions. Therefore, the Non-Proliferation and Disarmament Initiative (NPDI), which is a 12-nation group that includes Japan, has developed such a standard reporting format. One criterion in the standard format was to report “measures taken to diminish the role and significance of nuclear weapons in military and security concepts, doctrines and policies”. It was pointed out that states with security policies dependent on extended nuclear deterrence were also required to report this criterion (Paragraph 2.4).

**Since 2010, a defining characteristic of discussions regarding obligations under the NPT is a demand for policy changes by nations dependent on extended nuclear weapon deterrence. Japan and South Korea setting policies towards achieving a Northeast Asia nuclear weapon free zone would contribute greatly to increasing the NPT’s credibility and promoting denuclearization of the world (Paragraph 2.5).**

## **Chapter 3**

# **The Significance of a Northeast Asia Nuclear Weapon Free Zone and the Halperin Proposal**

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North Korea’s developing nuclear weapons program intensified Japan and South Korea’s dependence on nuclear deterrence, which has heightened the region’s nuclear

confrontation. Anxieties of a nuclear domino effect in Japan and South Korea cannot be ignored. The situation would be further complicated should Japan, South Korea, and the U.S. implement a joint missile defense program as a military response under the assumption that North Korea's developing ballistic missile program is linked to the development in their nuclear weapons program. The complication arises from the fact that the missile defense program would theoretically diminish the strength of China's strategic nuclear weapons.

The region's progressing nuclear dependence runs counter to the international community's goal of achieving a "Nuclear Weapon Free World". The reaction to heightened regional tensions caused by North Korea's nuclear weapons should not be to respond with strengthening dependence on extended nuclear deterrence or any military might, as is currently the case. Rather, focus should be placed on establishing a Northeast Asia Nuclear Weapons Free Zone (NEA-NWFZ), which would be the foundation for a cooperative security system in the region. Reflecting on the political obligations developed in the global nuclear disarmament arguments after the 2010 NPT Review Conference and placed on non-nuclear weapon states under extended nuclear deterrence, Japan and South Korea have an important role to play in this effort. Being the only country to have experienced nuclear bombings, Japan has an exceedingly large responsibility (**Paragraph 3.1**).

There have been various, detailed proposals since the end of the Cold War for a NEA-NWFZ. At present, the Three-plus-Three Arrangement, including its various modifications, is considered to be a concise and pragmatic, fundamental structure. In this scheme, Japan, South Korea and North Korea would be the "**Intrazonal States**" and the U.S., Russia, and China—nuclear weapon states under NPT with deep ties to the region—would be the "**Neighboring Nuclear Weapon States**". The Intrazonal States would form a geographic nuclear weapon free zone and would be required to assume non-nuclear obligations similar to other NWFZ treaties. The Neighboring Nuclear Weapon States would be required to provide security assurances not to attack the zone with nuclear weapons and, hopefully, with conventional weapons (negative security assurances) as parties of the treaty itself rather than of its protocol (**Paragraph 3.2**). Details of the NEA-NWFZ are found in **Chapter 6**.

The 2011 Halperin Proposal was significant in that it shifted the framework of the arguments on a NEA-NWFZ from scheme-centered arguments to approach-centered arguments. In order to overcome the difficulties he had faced in working towards North Korean denuclearization, Halperin proposed establishing the NEA-NWFZ as one of the six elements for a "Comprehensive Agreement on Peace and Security in Northeast Asia". Halperin suggested that six elements to be included in the Comprehensive Agreement are as follows: 1. Termination of the State of War, 2. Creation of a Permanent Council on Security, 3. Mutual Declaration of No Hostile Intent, 4. Provisions of Assistance for Nuclear and Other Energy, 5.

Termination of Sanctions, and 6. Nuclear Weapons Free Zone.

The Halperin Proposal has been backed for the following reasons that include Halperin's own arguments for the case: 1. Accepting North Korea's de facto nuclear weapon state may collapse the international non-proliferation system and lead to a domino effect in Japan and South Korea. 2. Therefore, international efforts, which should be tangible, should continue so long as there remains even a sliver of hope that North Korea can be denuclearized. 3. There must be a new approach that avoids placing blame for stalled past negotiations towards denuclearization of Korean Peninsula on one another. 4. Although there is a need for a comprehensive approach that simultaneously solves multiple pending issues, the approach should not attempt to solve all of the regional security issues at once. Rather, it should be a restrained approach that comprehensively solves issues directly related to denuclearization. 5. Reaching an agreement on the denuclearization issues could shape the discussion on solving the region's other security issues.

## Chapter 4

### The Possibility of North Korea's Denuclearization

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At the March 31, 2013 Central Committee of the Workers' Party of Korea, First Secretary Kim Jong-un introduced a new strategic line on "carrying out economic construction and building nuclear armed forces simultaneously" and reaffirmed such a "promoting two fronts simultaneously" strategy during his 2013 New Year Address. The new strategy is a manifestation of a crucial change in that it has relativized its "military first (Songun) doctrine". Depending on the circumstances, tensions could potentially rise as high as they did in 2010. North Korea's provocative shock techniques have been analyzed as being aimed at altering the rules of the game and as difficult as it may be, it is crucial to be patient and react with a level head (**Paragraph 4.1**).

The North Korean Supreme People's Assembly adopted a "Law on Consolidating Position of Nuclear Weapons State" in April 2013 and set forth policies and doctrines for use of nuclear weapons. Around the same time, North Korea announced the Yongbyon graphite-moderated reactor would resume operations, and satellite imagery taken in August 2013 showed expanded uranium enrichment facilities. These developments implied that North Korea was solidifying its long-term position on maintaining its nuclear deterrence. But this does not necessarily mean that North Korea contends that its denuclearization is possible only after "the global denuclearization", or in other words after achieving a "World without

Nuclear Weapons”, as it was once stated by North Korea in the spring of 2013.

In June 2013 the DPRK National Defense Commission emphasized that the denuclearization of the Korean Peninsula means “the complete one that calls for denuclearizing the whole peninsula including South Korea and aims at totally ending the U.S. nuclear threat to the DPRK” and then proposed “senior-level talks between the authorities of the DPRK and the U.S.” North Korea has since repeated the same line of argument for its denuclearization on the condition of complete elimination of threats. **It can be inferred that North Korea is staying their course in maintaining their nuclear deterrence while attempting to diplomatically remove the U.S. threat. It should be considered that a sufficient possibility of denuclearizing North Korea still exists (Paragraph 4.2).**

Because of the limited availability of information, assessments of North Korea's nuclear weapon capabilities often differ. One thing that is certain from the three nuclear weapon tests is that North Korea does in fact possess nuclear explosive devices. What has not been agreed on is whether or not North Korea has weaponized the devices to be loaded on delivery vehicles (Paragraph 4.3). As of the end of 2014, it has been estimated that North Korea is in possession of enough fissile material (plutonium and highly enriched uranium) to produce twelve nuclear warheads. According to the available information, North Korea's nuclear fissile material production capabilities are rather limited. However, it is difficult to predict how North Korea's capabilities will develop in the coming future. It is important to recognize that **as more time lapses until denuclearization negotiations resume, the more time is available for the situation to worsen (Paragraph 4.4).**

Since firing its first long-range ballistic missile, Taepodong-1, in August 1998, North Korea has launched five long-range ballistic missiles/satellites. Rather than showing any signs of contradiction, publicly available technological information shows that all three launches since 2009 were satellite launches. It would then be reasonable to assume that the 1998 and 2006 launches carried the same purpose. However, it goes without saying that each of these launches leads to improving North Korea's ballistic missile launching capabilities. **The North Korean missile issues should be treated as an issue for the dual-use and crossover between space and ballistic missile technologies. The discussion needs to begin by exploring what standards are expected of all nations (Paragraph 4.5).**

The United Nations Security Council has repeatedly made Presidential Statements and resolutions in response to North Korea's nuclear weapon tests and “launches using ballistic missile technology”. Nuclear weapon issues can be traced back to North Korea's announcement to withdraw from the NPT in 1993, whereas missile issues can be traced back to the moratorium on ballistic missile test launches that resulted from the U.S.-DPRK talks following the Taepodong-1 launch at the end of August 1998. It is important to recall that the

U.N. Security Council resolution demanding North Korea to not conduct “any launch using ballistic missile technology” first appeared in Resolution 1874 in 2009, which was the resolved in context of banning North Korea’s nuclear weapons development. **When the primary issue of weapons of mass destruction (especially nuclear weapons) at hand is resolved, ballistic missile issue will become relatively a lesser concern (Paragraph 4.6).**

## Chapter 5

### A Comprehensive Approach to the Denuclearization of Northeast Asia

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Halperin’s six elements included in his Comprehensive Agreement remain necessary. However, there must be a detailed deliberation on how to structure such elements into an agreement. Considering the processes and details for establishing a peace treaty that replaces the armistice treaty, the element of “Terminating the Korean War” will be an especially enormous undertaking. In fact, what is necessary for a comprehensive approach in its initial stage is a fundamental treaty like something exemplified by the “Mutual Declaration of No Hostile Intent”, which is one of Halperin’s six elements. It should be a legal instrument to set political and ethical standards for the future that respects equal sovereignty and establishes a relationship based on respect and trust. In this respect, similar to the ASEAN Treaty of Amity and Cooperation in Southeast Asia (TAC), a Northeast Asia TAC was proposed during the workshop. As described above, this Proposal suggests that the agreement reached in a comprehensive approach should be composed of both legally enforceable, concise political agreements and agreements with details being introduced in phases (Paragraph 5.1).

Addressing the right of peaceful use of nuclear energy is included in Halperin’s six elements. This Proposal suggests adding elements regarding the rights of peaceful exploration of space and the ban of all weapons of mass destruction on top of nuclear weapons to the comprehensive approach. These additional two elements will inevitably be brought up in the discussion of the six elements. Rather than complicating the entire matter, resolving these issues will smooth the process (Paragraph 5.2).

#### Proposal of a “Comprehensive Framework Agreement for the Denuclearization of Northeast Asia”

Considering the history of past, failed joint statements among North Korea, U.S. and other countries, Halperin proposes a methodology where a legally binding agreement should be made first, and then followed by negotiations for details. In principle, this Proposal agrees

with Halperin's methodology. When political leadership is weak, however, it can be difficult and take too much time to go through parliamentary processes necessary to ratify legal instruments (**Paragraph 5.3**).

Based upon such considerations, the "Comprehensive Framework Agreement for the Denuclearization of Northeast Asia" (CFA) is proposed in this Proposal as an instrument to be concluded and effectuated by signatures of state heads of the Six-Party Talks. It would also be possible, in this case, to include specific provisions within the CFA that are requested to be ratified and become strictly legally binding. Appointing an independent non-governmental, authoritative expert group for support and verification of CFA processes could alleviate concerns regarding the CFA being overruled by changing administrations. The expert group will be deeply involved in the process leading up to manifesting the CFA, and work for support and verification to ensure continuity of negotiations after an initial agreement is reached.

Specific Chapters of a "Comprehensive Framework Agreement for the Denuclearization of Northeast Asia" are divided into "Declaratory" or "Actionable" categories and are composed of the following four (**Paragraph 5.4**):

- (1)**Declare to terminate the Korean War and provide for mutual nonaggression, friendship, and equal sovereignty among CFA state parties.** States lacking diplomatic relations will endeavor to succeed in normalizing its diplomatic relations. Encourage negotiations among states concerned for the Korean War Peace Treaty. (Declaratory)
- (2)**Assure equal rights to access all forms of energy, including nuclear energy.** Establish a Northeast Asia Energy Cooperation Committee that is dedicated to contributing to the stability of Northeast Asia and the peaceful reunification of the Korean Peninsula. The invitation for committee members extends beyond the six-parties and is open to any state or state groups supporting the cause. Participation of Mongolia and Canada would be welcome. (Declaratory. Actionable details will be decided by the Committee)
- (3)**Agree on a treaty to establish a Northeast Asia Nuclear Weapon Free Zone.** It will include requirements to join the NPT and other details mandated to achieve a NWFZ. Signatory states are obligated to join the Chemical Weapons Convention. The agreement will protect the rights of signatory states for peaceful space exploration in accordance with the 1967 Outer Space Treaty. An article will be provided to place collective sanctions on states in violation of the treaty, while restricting any unilateral sanction imposed by an individual state party on account of treaty matters. (Actionable)
- (4)**Establish a permanent Northeast Asia Security Council.** The primary objective of this council will be to ensure the implementation of the CFA. The secondary objective

will be, when appropriate, to serve as a platform for discussions involving various Northeast Asian security issues. In the future, the council is expected to deal with more comprehensive security issues. The council could host the verification mechanisms of the NEA-NWFZ. The Six-Parties will form the initial members of the Council, while member states of the Energy Cooperation Committee and any other states offering to cooperate for Northeast Asian security are welcome to be general members. (Actionable)

## Northeast Asia Nuclear Weapon Free Zone Treaty

The proposed “Northeast Asia Nuclear Weapon Free Zone Treaty” includes characteristics unique to the region, as shown below:

**State Parties:** A six party treaty in a “Three-plus-Three Arrangement” (South Korea, North Korea, and Japan are “Intrazonal States” and the U.S., China, and Russia are “Neighboring Nuclear Weapon States”) would be the most likely to succeed in the current state of affairs. It would be even more desirable for Mongolia, a country with recognized Nuclear Weapon Free Status, to join the NEA-NWFZ as a diplomatic strategy following up its 20<sup>th</sup> anniversary of its nuclear weapon free declaration in 2012 (**Paragraph 5.5**).

**Flexibility in Effectuating the Treaty:** Doubts over achieving a NEA-NWFZ repeatedly point towards the lack of mutual trust between the states within the region. As the Treaty of Tlatelolco, which overcame difficulties between Brazil and Argentina to enter into force, demonstrates, however, the system in which articles enter into force can be flexible in order to facilitate achieving a NEA-NWFZ. For instance, the entry-into-force requirements of the NEA-NWFZ treaty can be provided for through ratification by the three nuclear weapon states (U.S., Russia, China) and two non-nuclear weapon states (Japan and Korea). It may be plausible to provide an option for Japan and Korea to withdraw from the treaty after three to five years, if North Korea continues not to join. By ratifying the treaty under this scheme, Japan and South Korea will enjoy security assurances sooner against the potential threats from nuclear weapon states other than the U.S. As for the benefits to North Korea, an article can be included to provide North Korea with a certain period of time to dismantle its nuclear weapons and facilities, while the U.S. provides immediate security assurances in exchange for North Korea’s ratification (**Paragraph 5.6**).

**Requirements Prior to Negotiations:** Considering that states with nuclear weapons are involved in negotiating a NEA-NWFZ Treaty, there is a need to address the issue of guaranteeing that negotiations are held in good faith once the negotiations commence. For example, North Korea would be requested to commit to a moratorium of

nuclear weapon tests and other nuclear weapon related activities. The United States, South Korea, and Japan would likely be requested to commit to a moratorium of joint military exercises around the Korean Peninsula. Such mutually agreed “**prior moratoriums**” should be adopted before negotiations. The “prior moratoriums” should also explore **alleviating current sanctions** imposed on North Korea (**Paragraph 5.7**).

**Eliminating Dependence on Extended Nuclear Deterrence:** When a NWFZ treaty is fully implemented, international law prevents the threat or use of nuclear weapons against the zone. This implies that non-nuclear weapon states within the NWFZ do not need extended nuclear deterrence or a nuclear umbrella. This is why a NWFZ is a recommendable mechanism towards cooperative security that does not depend on nuclear weapons. (Because the proposed CFA includes a non-aggression agreement, non-nuclear weapons states in NEA-NWFZ are protected from attacks and threats by conventional weapons, as well as by nuclear weapons. Considering past negotiations for a nuclear weapon-free Korean Peninsula, the possibility of including conventional weapons in the security assurances exists regarding a NEA-NWFZ.) Nonetheless, there are many concerns and fear over losing the nuclear umbrella. The argument for the fear is that states will be defenseless if one state violates the treaty and either attacks or threatens to attack other states. However, once a state violates the treaty, the treaty becomes null and void; the state of affairs will return to pre-treaty conditions, thus they will not be defenseless. To further alleviate anxieties, the treaty could provide that states may take sanctions against the offender in accordance with international law and their individual national constitution (**Paragraph 5.8**).

## Views to the Diplomatic Process

United Nations has recently been a platform for furthering discussions on a NEA-MWFZ. The Advisory Board on Disarmament Matters held in 2013 discussed the NEA-NWFZ. The results were recommendations to the Secretary General that the UN consider taking appropriate actions to establish the NWFZ and play a proactive role to establish regional forums for transparency and trust. Such a proposal coming from the United Nations is a large leap forward. Mongolian President Elbedgorj expressed his support for the NEA-NWFZ concept at the United Nations High Level Meeting on Nuclear Disarmament in September 2013 and reported on the commencement of the “Ulaanbaatar Dialogue on Northeast Asian Security” to build trust, which was also a major step. As the UN Disarmament Commission reported in 1999, any initiative to establish a NWFZ must come from the free will of the regional nations concerned. In this respect, **it is essential that Japan and South Korea, individually or collectively, take initiatives to establish a NEA-NWFZ (Paragraph 5.10).**



Although there may be other possibilities, resuming the Six-Party Talks would be considered most appropriate and practical to ensure a credible platform for the discussion of the “Comprehensive Framework Agreement for the Denuclearization of Northeast Asia”. Reportedly, North Korea, China, and Russia share an affirmative attitude towards resuming the Six-Party Talks at present. Considering that the United States is dealing with a vast amount of diplomatic problems, it is time for Japan and South Korea to act. Considering the NPT 2010 Final Document that expresses strong support of the Six-Party Talks, the upcoming 2015 NPT Review Conference will be a significant diplomatic platform to address the issue.

Considering the above analyses, the following proposals are made for a “Comprehensive Approach to a Northeast Asia Nuclear Weapon- Free Zone”:

## Proposal

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### Proposal One:

**Establishing a NEA-NWFZ should not be an attempt at merely denuclearizing North Korea. Rather, the objective should be to solve various security issues closely linked to the nuclear issues in Northeast Asia through concluding a “Comprehensive Framework Agreement (CFA) for the Denuclearization of Northeast Asia”.**

The CFA includes the following in its Chapters: (1) a declaratory chapter to terminate the Korean War and to provide for mutual non-aggression, friendship, and equal sovereignty, (2) a declaratory chapter to assure equal rights to access all forms of energy, including nuclear energy, and to establish a Northeast Asia Energy Cooperation Committee that is dedicated to contributing to the stability of Northeast Asia and the peaceful reunification of the Korean Peninsula, (3) a chapter to agree on an actionable treaty to establish a NEA-NWFZ that includes all the necessary provisions for a NWFZ, (4) an actionable chapter to establish a permanent Northeast Asia Security Council, which will ensure the solid implementation of the CFA and to be open to discuss the region’s other security issues. Through analyzing North Korea’s international and national policies up to the present, this paper concludes there is a sufficient possibility that North Korea will agree to a properly designed NEA denuclearization process.

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### Proposal Two:

**In addition to standard provisions for a NWFZ treaty, a NEA-NWFZ treaty should include the following elements:**

(1) the treaty will, at the very least, include all six states in the Six-Party Talks. North Korea, South Korea, and Japan will form a geographic nuclear weapon free zone, and as neighboring nuclear states, U.S., China, and Russia will provide security assurances against the use or threat of use of nuclear weapons as well as conventional weapons against the zone, (2) all parties are requested to join the Chemical Weapons Convention, (3) the treaty will assure the rights of peaceful exploration of space as provided for by the Outer Space Treaty, (4) North Korea is obliged to dismantle its nuclear arsenals and related facilities within a time

frame with ample allowance, (5) the entry-into-force provision of the treaty will be made with incentives to enhance the likelihood of North Korea, South Korea, and Japan joining the treaty (**Paragraphs 5.5 & 5.6**).

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### **Proposal Three:**

**The Six-Party Talks should be resumed to discuss the “Comprehensive Framework Agreement for the Denuclearization of Northeast Asia”.**

The Six-Party Talks established the working group for “Northeast Asia Peace and Security Mechanism”, which signifies its interest in exploring the denuclearization of the Korean Peninsula from a more comprehensive point of view. Considering the NPT 2010 Final Document strongly supported the resumption of the Six-Party Talks, the international community should unite to urge the resumption of the Talks before and after the 2015 Review Conference. Rather than dragging in the past, the resumed Six-Party Talks should take a fresh and bold approach, such as the “Comprehensive Framework Agreement” proposed here.

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### **Proposal Four:**

**Utilizing the opportunity of existing international support to promote a NEA-NWFZ, regional non-nuclear states Japan and South Korea should, individually or collectively, launch an initiative towards establishing a NEA-NWFZ** that includes the “Comprehensive Framework Agreement for the Denuclearization of Northeast Asia”. In 2013, the United Nations Advisory Board on Disarmament Matters recommended the Secretary General to consider appropriate action for the establishment of a NEA-NWFZ. Also, the Mongolian president expressed his enthusiasm in support of a NEA-NWFZ at the United Nations High-level Meeting on Nuclear Disarmament in 2013. As can be found in a 1999 United Nations Disarmament Commission document, establishing a nuclear weapon free zone requires initiatives from the states within the zone.

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### **Proposal Five:**

**The year 2015 should be used as an opportunity to begin the processes for a “Comprehensive Framework Agreement for Denuclearization of Northeast Asia”.**

The year is the 70<sup>th</sup> memorial of the end of World War II, atomic bombings on Nagasaki and Hiroshima, and the division of the Korean Peninsula. The international community, and especially Northeast Asian nations, should make 2015 the year to begin endeavors towards achieving a “Comprehensive Framework Agreement for Denuclearization of Northeast Asia”. The CFA will be the foundation for easing tensions and normalizing relations in NEA and for moving towards a cooperative regional security system.

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### **Proposal Six:**

**By proposing to establish a NEA-NWFZ, Japan and South Korea should fulfil their obligations set forth by the 2010 NPT Review Conference and contribute to maintaining the credibility of the Treaty.**

In the new review cycle following the 2010 NPT Review Conference, all State Parties, including non-nuclear weapon States, have a political obligation to “pursue policies that are fully compatible with the Treaty and the objective of achieving a world without nuclear weapons” (2010 NPT Review Conference Final Document, Action Plan 1). Furthermore, instead of focusing solely on the reduction of nuclear weapon hardware, the Review Conference agreed on the need “to further diminish the role and significance of nuclear weapons in all military and security concepts, doctrines and policies”. In this context, the obligations posed upon non-nuclear weapon States relying on extended nuclear deterrence, such as Japan and South Korea, are clearer.

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### **Proposal Seven:**

**Concerned states should consider establishing an independent non-governmental “Expert Group for the Denuclearization of Northeast Asia” so that denuclearization processes will not be influenced by**

## **administration changes within the concerned states.**

Diplomatic negotiations between nations bear difficulties because they could be influenced by unrelated international incidents, domestic political shifts, or conflicts. Negotiations regarding the denuclearization in Northeast Asia have not been an exception. It is, therefore, necessary to construct a device to minimize such negative influences. Maintaining the wide-ranging public support, just as support by Japanese heads of local municipality demonstrated, is one meaningful method of doing so. Furthermore, it is necessary to consider establishing an “Expert Group for the Denuclearization of Northeast Asia”, which would contribute towards maintaining stable negotiations by working parallel to the negotiations. Concerned states should agree to establish and support such an “expert group”.