

Nonproliferation, Arms Control and Disarmament: Asian Perspective

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Abstract

This paper examined the reason why little progress had been made on arms control and disarmament in the Asian region in the post-Cold War era, different from other areas of the world and studied the effective measures to promote the arms control and disarmament to accomplish human security in this region. First, several nonproliferation efforts were evaluated which tried to address “nuclear black market” in Asia, among which positive evaluations were granted to INFCIRC/540-type nuclear safeguards measures made by the IAEA, Proliferation Security Initiative (PSI) to seize the sensitive materials and equipments even on the high seas and in the air, and Container Security Initiative (CSI). Since nonproliferation has to be conducted along with disarmament efforts, measures to be addressed collectively were also studied and concluded that emphasis had to be placed upon to function long-stagnated nuclear-weapon-free zone treaties (NWFZ) as well as disarmament of small arms and light weapons (SALW). Research for this paper was conducted mostly using raw data and original documents from the UN-related organizations, arms control communities world-wide and various home pages of nonproliferation and export control organizations.

Key words: nonproliferation, PSI, CSI, IAEA, NWFZ, CTR

Introduction

Nonproliferation, Arms Control and Disarmament is a relatively new vocabulary, which could give an impression that emphasis is now placed on nonproliferation than disarmament. In a way, such impression could be corroborated by the fact that a series of new nonproliferation schemes have been introduced and proved to be effective to the extent that it was an important factor in finding out the “nuclear black market” located in various countries including South Africa, Pakistan, Malaysia, North Korea, and the UAE¹⁾. Such schemes include Container Security Initiative (CSI), Transshipment Country Export Control Initiative (TECI), and Proliferation Security Initiative (PSI). On the other hand, little progress has been made in recent years with regard to arms control and disarmament. Modest, but positive event is a UN action plan adopted to prevent, combat and eliminate the illicit trade of small arms and light weapons (SALW), but it goes without saying that much efforts have to be undertaken, internationally and regionally, before yielding a positive result. NPT (Non-Proliferation Treaty) Review Conference in 2005 betrays the rapidly decreasing power of arms control.

Such trends seems to have begun in the late 1990's; while the Prohibition of Chemical Weapons Treaty and Canada-led Personal Landmine Treaty were made into effect, respectively in 1997 and 1999, that was the last major accomplishments in the disarmament field. It is sometimes pointed out that increasing unilateralism by the US has largely contributed to the decay of disarmament. Certainly, following the US decision not to be a party to the Comprehensive Test Ban Treaty (CTBT) in 1999, Draft Verification Protocol on Biological Weapons Ban Treaty was also killed by the US decision in 2001 after years of consideration. Negotiation of a Fissile Material Cut-Off Treaty (FMCT) has not started as of today. In addition, concern is expressed over the failed attempts to ban weaponization of outer space in the Conference on Disarmament (CD). Such concern has been proved by a series of US Air Force documents, in particularly by “Counterspace Operations” published in August 2004²⁾, which refers to the possibility of destroying third-party's commercial satellites once an armed conflict occurs either on the earth or in outer space³⁾.

Stagnation of arms control and disarmament seems to have occurred less because of the US increasing unilateralism than because of the change of the world structure. Entering the 21st century, because major threats to the developed countries have shifted to the non-state actors, the effectiveness of traditional disarmament treaties is considerably undermined. Since arms control and disarmament treaties could bind only international

1) See, *e.g.*, Porth (2005) p.1.

2) USAF (2004).

3) *Ibid.*, pp. 31-34.

legal persons, or sovereign states, unless a state party is competent to implement the treaty provisions to prevent, suppress, and legally punish non-state actors, such treaty is useless at best, dangerous at the worst. Thus, it is understandable that more emphasis is put on nonproliferation to prevent non-state actors from obtaining sensitive materials, equipments and technology for weapons of mass destruction (WMD). However, nonproliferation measures tend to be interpreted that the main goal for such efforts is the determination to maintain the privilege of great powers unless it proceeds hand-in-hand with disarmament. Disarmament, equally requires sovereign states to relinquish some of their sovereignty, thereby convincing less privileged states as well. Thus, nonproliferation has to proceed simultaneously with arms control and disarmament efforts to keep the global society as one integral platform to work for the common interests. Also, it has to be taken note that, after all, nonproliferation is an instrument to accomplish disarmament; an ultimate goal.

Taking into account the importance of nonproliferation that interacts closely with disarmament, recent trends in nonproliferation, arms control and disarmament with emphasis in Asian nations would be explored. Using broader definition, when I refer to Asia, it is not only East Asia and Southeast Asia, but also South Asia and nations in central parts of Eurasia, as well as western Asia, often referred to as Middle East, are included. Russia is also covered by the study, because some parts of Russia are in Asia geographically and its security influence remains great. Also, since no substantial arms control could be attained in any area of the world without the constructive acquiescence, if not an active support, of the United States, the US is to be included in studying Asian perspective.

1. Asia as Center of Suspicion on the WMD Proliferation

Asia as a region has not experienced a distinguished change in security environment in the post-Cold War era. For example, East Asia has been an area where much more efforts have been put to contain conflicts among neighboring states than finding out the common security interests. Asia is also an area where a series of crisis on weapons of mass destruction (WMD) have happened; examples would include Iraq, North Korea, India, Pakistan, and Iran. Iraq, Iran and North Korea are categorized in the case in which they did not abide by their commitments to the Non-Proliferation Treaty (NPT). Such cases betray the limitation of the effectiveness of INFCIRC/153-type IAEA (International Atomic Energy Agency) safeguards agreements. Latest nuclear crisis on North Korea, which began in October 2002, has not been resolved in any manner; on the contrary, currently, even a possible nuclear experiment is referred to. Cases of India and Pakistan are different. They have become

nuclear-states outside the NPT regime.

The year 2004 was not eventless in Asia on the nuclear proliferation. In February, the existence of Dr. Khan's network, "nuclear black market" was confirmed. "Nuclear black market" disclosed finally forced this region to collectively combat the common threat of the spread of WMD. Then in August, Korea's past non-compliance with the IAEA safeguards agreement was found out. Korea's clandestine experiments on uranium enrichment and plutonium reprocessing between 1980's and 2000 also were an embarrassment to the NPT regime and a blow to the six-party consultation. Korea's case, however, seems to have been resolved by now, because the amount of the nuclear material concerned was no more than 200 milligrams, and because Korean government was quick to sincerely cooperate with the IAEA inspection; a nice gesture rarely found in other nation's nuclear suspicion⁴⁾. The fact that Korea's secret experiments were discovered in the process of the first verification in accordance with the Additional Protocol to the IAEA safeguards agreement (INFCIRC/540) to which Korea recently became a party, reassured the effectiveness of the new INFCIRC/540-type verification. INFCIRC/540-type verification in the Additional Protocol strengthens intrusive on-site inspections. Accordingly, IAEA, more strongly than ever, recommends the nations around the world to become a party to the Protocol.

Currently, among 64 nations which are parties to the Additional Protocol, 11 are Asian nations including Azerbaijan, Bangladesh, China, Indonesia, Japan, Korea, Mongolia, Tajikistan, Uzbekistan, Kuwait and Jordan⁵⁾. Indonesia and Japan are now subject to the Integrated Safeguards by the IAEA; the burden of on-site inspection is lessened under such safeguards as a model member which successfully proved the intention not to develop nuclear weapons⁶⁾.

2. Nonproliferation Measures

(1) World-Wide Trends: PSI as "Activity not Organization"

As already mentioned, Asia as a region has not particularly been active in initiating universal arms control and disarmament. Rather, each nation of this area tends to select either to cooperate or not with the US or European-led initiatives. Proliferation Security Initiative, or PSI, launched by US President in May 31, 2003 in Krakov, Poland, is one of the examples. "Interdiction Principles" of PSI, adopted in Paris in September 2003 requires

4) IAEA Board of Governors, held in November 2004, decided that no sanction be imposed on to Korea based on the report by the IAEA Director-General.

5) <http://www.iaea.org/> (date accessed: 9 Apr. 2005).

6) See, e.g., "Integrated Safeguards to Japan"(in Japanese), *Nuclear Material Control Center News*, Vol. 33, No.9 (Sept.2004), pp. 1-5.

a participating state to visit, search and even confiscate sensitive materials and equipments concerning WMD on the land, at sea and in the air under its jurisdiction. Traditional international law framework is intact as long as law enforcement measures may be taken based on territorial jurisdiction or nationality jurisdiction of vessel or aircraft. Awkward situation would occur if a vessel, the flag state of which is not a participant of PSI, is stopped, visited, or even inspected on the high seas by one of the PSI members, for only the flag-state can execute jurisdiction on the high seas. Accordingly, the US made mutual ship-boarding agreements with Liberia (Feb. 2004), Panama (May 2004), Marshall Islands (Aug. 2004) and Croatia (June, 2005) by which the US can, based on reciprocity, inspect vessel under the jurisdiction of such countries on the high seas.

While often underscored by the US high-ranking officials that PSI is “activity not organization”⁷⁾, and that they have no intention to develop PSI into a certain form of international institution, looking at the things proceeding, a question can be raised if it really could stay as only an activity. US Presidential proposals at the UN General Assembly in September 2003 as well as at the National Defense University in February 2004 have largely contributed to lead to UN Security Council Resolution 1540 adopted in April 2004, which could function as an instrument to actively support PSI. Resolution 1540 requires UN member states to make considerable efforts to forbid non-State actors to obtain WMD by strengthening national legislation on export and transshipment controls, border controls and law enforcement (item 1-3 & 6), and to present a first report to the 1540 Committee on the steps they had taken for that purposes by 28 October 2004 (item 4). Adopted under Chapter VII of the United Nations Charter, Resolution 1540 is legally binding on UN member states. As a result, PSI member or not, a state has to conduct activities in line with the PSI, if it is not as intensive as core participants.

In making Resolution 1540, it is reported that the US proposal to insert a provision on the right of visit onto a suspected vessel on the high seas was rejected by China as a derogation of current international law. Resolution 1540 being only a first step, there seems a possibility that the resolution would develop into an international treaty to criminalize the proliferation of WMD that provides for universal jurisdiction on the crime suspect. While it is considerably difficult to legally define “proliferation of WMD and their means of delivery”, there are precedents of UN adopted anti-terrorism treaties for 35 years ranging from high-jacking and unlawful acts to civil aviation, to kidnapping of diplomatic agents, and to terrorist bombings. US Department of State (DOS) Fact Sheet published on 27 December 2004 states that Resolution 1540 is not needed as authority of PSI measures since

7) See, *e.g.*, Denny (2003) p. 3.

PSI is an activity of like-minded nations and not an organization, and that the US does not have the intention to make it a treaty in the future. My impression is, however, that it might be translated into a UN treaty of universal jurisdiction in the future.

(2) Asian Cooperation on PSI and Other Transport Security Initiatives

Asian nations have been, in general, cooperative with US-led nonproliferation activities in recent years. In this regard, outstanding points are as follows: one would be the active cooperation of China to global nonproliferation, which is relatively a new development. Also notable is the stronger presence of India in this field. Japan's growing leadership in the nonproliferation field should be emphasized as well.

By the time G8 summit was held in June 2004, all G8 nations are included in the core members to the PSI, then being 15 nations (since then Argentina, Iraq, and Georgia were added)⁸⁾. In Asia, Japan is an original member and Singapore decided to participate in February 2004. First formal participation by Japan's Self Defense Forces in law enforcement training was carried out in October 2004 when Japan hosted PSI at sea training at Yokosuka and Yokohama ports ("team samurai 04"). Not only Singapore participated as a core member, but Cambodia, the Philippines, and Thailand for the first time participated in that training as an observer in October 2004. That is regarded as an enlarging nonproliferation network in the Southeast Asia⁹⁾.

China and Korea have not participated in the PSI¹⁰⁾. China's positive contribution to the PSI is, however, well appreciated by the US. In summer of 2003, China stopped on its soil an illicit trafficking of TBP, solvent to reprocess weapons-grade plutonium from spent fuel, to North Korea, after having received information from the US CIA. Then Undersecretary of States, Mr. Bolton, made a statement of appreciation over China's conduct as a proof of sharing the same purposes with the PSI members¹¹⁾.

Concerning other initiatives on counter-proliferation, Container Security Initiative (CSI) and Transshipment Country Export Control Initiative (TECI) are of more importance. Led by Bureau of Customs and Border Protection (BCBP) of Department of Homeland Security (DHS), CSI has been developed to identify and target containers that pose a risk for terrorism, using intelligence, automated information and prescreening. CSI allows US inspectors in foreign ports, based on reciprocity, to screen high-risk shipping containers before they are loaded in ships bound for the US. Currently, 37 ports (35 are in operation)

8) <http://japan.usembassy.gov/e/tp>; <http://www.state.gov/t/np/>; latest information is [state.gov/t/np/c10390.htm](http://www.state.gov/t/np/c10390.htm). ("Croatia Sign Mutual Shipboarding Pact with United States" (1 Jun. 2005)).

9) http://www.mofa.go.jp/mofa/gaiko/fukaku_j/psi (date accessed: between 1 Jun. 2003 and 20 May 2005).

10) China's position was explained in, e.g., *Export Control News* (in Japanese), Vol.15, No.2 (Nov. 2004), p. 34.

11) <http://asahi.com/international/update/0221/001.html> (date accessed: 21 Feb.2003).

of 20 countries are in various stages of CSI implementation. Customs and border protection authorities of 20 countries exchanged agreements for CSI with BCBP of the US DHS. In Asia, the following ports are in operation of the CSI: Singapore (10 March 2003), Yokohama, Japan (24 March 2003), Hong Kong (5 May 2003), Pusan, Korea (4 August 2003), Port Klang, Malaysia (8 March 2003), Tokyo, Japan (21 May 2004), Nagoya and Kobe, Japan (6 August 2004), Laem Chabang, Thailand (13 August 2004), Tanjung Pelepas, Malaysia (16 August 2004), Dubai, UAE (26 March 2005) and Shanghai, China (28 April 2005). Among 35 ports in operation, 12 are in Asia, while 20 being in Europe, 2 South America, and 1, Africa. China's cooperation with US-led initiative is well accepted by the US¹²⁾ .

Department of Commerce (DOC) has adopted TECI agreements with trade and export control agencies in key transshipment countries which are not members to international export control regimes, in order to assist effective export control measures. DOC also works with industry, including companies involved in the transportation of goods through transshipment country hubs, major consignees and end-users of goods located in hubs for preventing illicit transshipments. In Asia, Malaysia, Singapore, Thailand, Cyprus and the UAE made agreements with DOC for better enforcement of US export control laws¹³⁾ .

(3) Stronger Presence of China and India

(a) Nonproliferation Efforts of China

15 years ago, it was a difficult task to make China abide by nonproliferation regime. Strategy of the US was to make economic cooperation agreements in the fields of e.g., space trade (1988) and nuclear cooperation (1990)¹⁴⁾ . In return for granting preferable economic conditions to China, such agreements required China to comply with the parameters of export control regimes, in particular those of Missile Technology Control Regime (MTCR) and Nuclear Suppliers Group (NSG). However, until the end of 1990's, the following pattern repeated; China's noncompliance was found out, the US resorted to sanctions or at least made statements for that possibility, which was followed by the pledge of compliance for the future by China and sanction lifted. Then again, China's noncompliance was---¹⁵⁾ . Such situation

12) <http://www.bxa.doc.gov/ComplianceAndEnforcement/> ; and http://www.customs.gov/xp/cgov/border_security/international_act/ ; (Both accessed between 1 Nov. 2003 and 20 May 2005.) See also, e.g., *Export Control News* (in Japanese), Vol. 12, No.2 (Nov. 2001) – Vol.15, No.7 (Apr. 2005).

13) See, e.g., <http://www.bis.doc.gov/ComplianceAndEnforcement/ExecutiveSummary.htm> (date accessed: 4 May 2005.).

14) See, e.g., Congressional Hearings, 10 Apr. 1997; China-United States 3 Agreements Regarding Commercial Satellite Launches, 17 Dec.1988 & 26 Jan.1989. Cited in *International Legal Materials*, Vol.28 (1989), pp. 596-610.

15) See, e.g., Aoki (1999) pp.1-28.

changed. In November 2000, China announced that security trade and export control laws would be enacted with the export licensing catalogues of sensitive items and technologies. By October 2002, China has the whole range of export control laws of “catch-all” principle with end-user and end-use certification system, licensing system, and list control method¹⁶⁾. China’s national regulations met with the standards of MTCR, NSG, and Australia Group (AG), which was proudly announced by the first China’s white paper on national nonproliferation policy, in December 2003¹⁷⁾.

China was one of the first countries which supported seven points proposal on nonproliferation in a speech made by President Bush at National Defense University in February 2004¹⁸⁾. In May 2004, China became a member of NSG, and continues to apply for the membership of MTCR¹⁹⁾.

On operational level, however, not everything was rosy. After 2002, US Sanctions have been imposed on to China’s proliferation of sensitive materials and technology to Iran²⁰⁾. However, the difference is that China is now a firm believer that nonproliferation is a national interests to China, in order not to have potential military rivals, thus building a peaceful Asia in which China can focus on its economic development as well as to be the regional leader representing the global justice²¹⁾. Confidence-Building measures between China and Russia also continues to work²²⁾.

(b) India’s Surge: Improving Relationship with the US

With the nuclear explosion in May 1998, India and Pakistan became nuclear states outside the NPT. India’s nuclear doctrine was published in January 2003 to reassure international community²³⁾. Pakistan promulgated national laws to prevent illicit trafficking of materials and equipments for WMD and their means of delivery. Pakistan announced that it would become a party to the CTBT provided that India accedes to that treaty. Both nations, however, have not signed the treaty yet. Among 44 nations the ratification of which is necessary for the entering into force of the CTBT, only 3 countries are now non-signatory: India, Pakistan and North Korea.

16) See, e.g., Table of China’s laws and regulations on export control is seen in Yuan (2002) p. 6.

17) See.e.g., Lieggi (2003).

18) *Export Control News* (in Japanese), Vol.14, No.5 (Feb. 2004), p. 33.; see, also, Kerr (2004).

19) *Export Control News* (in Japanese), Vol.14, No.4 (Jan. 2004), p. 30; *idem*, Vol.14, No.5 (Feb.2004), p. 33.

20) See, e.g., *Export Control News* (in Japanese), Vol.15, No.4 (Jan. 2005), p. 34.

21) *China Daily*, (3 Dec. 2003), pp. 1-2.

22) *Export Control News* (in Japanese), Vol.14, No.2 (Sept. 2004), p. 39.

23) Aug.17, 1999, India released a draft report on Indian nuclear doctrine. Full text is cited in “India’s Draft Nuclear Doctrine” *Arms Control Today*, (Jul./Aug.1999).

Recently, the US-India ties have been steadily strengthened especially in the fields of hi-technology trade and antiterrorism measures. Promising results yielded through a bilateral High Technology Cooperation Group (HTCG) established in November 2002, led to the setting up of a strategic framework, known as the Next Step in Strategic Partnership (NSSP) in January 2004 in order to expand cooperation in four specific areas: high-technology trade, civilian space program, civilian nuclear activities, and missile defense²⁴⁾. First phase of the NSSP included measures to assure that exported goods and technologies from the US would be made available in India in accordance with US export control laws and regulations²⁵⁾. On 17 September 2004, second phase agreement was concluded as an international cooperation based on Security Council Resolution 1540. Thus, will India also be a core member of PSI? It is reported in the Indian media that in March 2004, the US asked India to participate in PSI. Currently India seems rather hesitant to become an active participant. Reasons would include that core members are mostly US close allies the labeling of which India does not want, and that relationship with Iran is likely to be damaged by becoming an active member²⁶⁾.

(c) Japan's Growing Leadership in Nonproliferation

Japan has been more actively involved with nonproliferation efforts beginning in 1990's. Asian Senior-level Talks on Non-Proliferation (ASTOP), held twice in Tokyo, in November 2003 and in February 2005, is one such example. Although increasing necessity exists against terrorism measures in Asia, many nations in this area have not equipped with appropriate national legislation on security trade and export control laws. That is partly because they have been outside the export control regimes including NSG, MTCR, AG, and Wassenaar Arrangement (WA), and thus, until recently they did not find a reason to be bothered by such laws and regulations to harm the benefits of the free trade. As a part of regional cooperation, Japan invited senior-level officials from ASEAN (Association of Southeast Asian Nations) 10 nations, China (participated only in the second ASTOP), Korea, the US and Australia to confirm a shared goal, to provide information concerning the measures already taken by countries with more experiences. At the first ASTOP, detailed information on PSI and its Interdiction Principle were provided to the participants for future consideration.

Outreach activities on security trade and export control laws have been steadily

24) See, e.g., Peter Slevin, "US to send India Nuclear, Space Technology", *Washington Post*, (13 Jan.2004) p.A14. See, also, Kenneth I. Juster, Undersecretary of Commerce, "Cybersecurity: A Key to US-India Trade", <http://www.state.gov/p/sa/rls/rm/37039.htm> (date accessed: 3 Apr. 2005).

25) See, "US and India: Building Global Partnership", *FICCI News*, (21 Apr. 2004).

26) Kazi (2004) pp.20-21;Kapila (2004).

undertaken by Japan. Since 1993, Asian Export Control Seminar has been held for 12 times in Japan that has constructed a firm framework on which oversea seminars were held twice hosted by the local governments and Japan²⁷⁾. UAE and Pakistan participated for the first time in 2004 in Asian Export Control Seminar, thereby 21 nations gathered including China and Mongolia.

Asian Export Control Policy Dialogue has been already twice held in Tokyo²⁸⁾, in 2003 and 2004, which led to the basic principles for improvement of the national legislation (“catch-all”) and implementation in accordance with export control regimes. Further, based on ASEAN-Japan Action Program in 2002, 7 export control seminars were conducted in 7 different ASEAN countries between 2004 and 2005. Similar engagement, outreach activities and cooperation measures have been taken in various mechanisms of the APEC (Asia-Pacific Economic Cooperation) as well.

An example of Positive outcomes of such interacting efforts includes bilateral agreements to prevent indirect or circumventive trade between Singapore (April 2004) and Hong Kong (May 2004).

3. Little Progress in Arms Control

(1) Chilling Relationship between the US and Russia

In 2004, not a single meeting of an offensive transparency working group of the Consultative Group for Strategic Security (CGSS) was held for the latest US-Russia Strategic Offensive Capabilities Reduction Treaty (SORT), or Moscow Treaty, signed in May 2002. Since Moscow Treaty does not provide for how to count the reductions on both side for purposes of the Treaty, nor does it contain verification provisions different from the traditional bilateral arms control treaties, regular consultation and exchange of information at CGSS could have been treated as a more important mechanism to build mutual confidence and expand transparency²⁹⁾. Although no longer an enemy to each other, nuclear rivalry continues. Responding to the termination of ABM treaty in June 2002 and the US MD to be deployed, Russia is now developing new offensive strategic capabilities designed to countermeasure US MD. On the US part, it is studying the feasibility of developing smaller nuclear weapons that can penetrate deep under ground, known as “bunker busters”³⁰⁾.

27) Beijing Seminar was held in 2004 and Seoul Seminar in 2005.

28) Eight countries participated: Australia, China, Hong Kong, Japan, Korea, Singapore, Thailand and the US.

29) See, e.g., “US-Russian Nuclear Rivalry lingers”, Arms Control Today, (Jan/Feb 2005), p. 2. See, also “US-Russian Arms Reduction Body Yet to Meet”, Arms Control Today (Mar. 2004) http://www.armscontrol.org/act/2004_3/newsbriefs.asp#Export (date accessed: 8 Mar.2004).

Under the circumstances, positive results in Russian-US arms control would include the Arrangement on Cooperation in Enhancing Control on Manportable Air Defense Systems (MANPADS) that was signed in February 2005³¹⁾ .

(2) FMCT and PAROS

Differences remain to be solved between the US on one side and Russia and China on the other in the Conference on Disarmament (CD). The US has not and would not accept the strategy that Russia and China have employed in the CD, linking the start of a negotiation of the FMCT with the re-establishment of ad hoc Committee on Prevention of Arms Race in Outer Space (PAROS). Russia and China aim to negotiate or at least, try to discuss on the possibility of negotiating a treaty to ban weaponization of outer space³²⁾ . The obvious target is missile defense program by the US and its allies. A series of joint proposals by Russia and China on banning space weapons in the CD have not attracted enthusiastic support, for it is Russia and China, other than the US, who have tested and maintained Anti-Satellite (ASAT) weapons- a type of space weapons- program. Although the US basically supports the start of negotiating a FMCT, its objection to provide for verification provisions in a treaty could pose a threat to reach a satisfactory draft treaty in the future. At present, nuclear states but China declare their moratorium on producing weapons-grade fissile materials.

(3) G8 Global Partnership and other Threat Reduction Initiatives

Russian weapons-grade fissile materials have been the focus of the concerns since the dissolve of the Soviet Union, and the situation has not been dramatically improved up until now. Considerable period has elapsed since cooperative Threat Reduction (CTR) Program began in accordance with Nunn-Lugar Act of 1991³³⁾ . CTR had been developed into various forms of multilateral cooperation, finally into G8 Global Partnership in June 2002 Kananaskis Summit. G8 and 13 additional cooperative states are now engaging this Partnership for the purposes of preventing terrorists or states that support them from acquiring WMD. Such efforts remain to be evaluated a success. The fear is commonly shared in the international community that loosely managed WMD, nuclear materials and equipments in the former Soviet Union might be unwittingly put in the hands of terrorists.

30) See, e.g., “US not hypocritical in Pursuing Nuclear “Bunker Buster” Option: Rumsfeld”, *Space War* (4 Jun. 2005). <http://www.spacewar.com/2005/05060453902.ikj1aw1i.html> (date accessed: 4 Jun. 2005).

31) *Export Control News* (in Japanese), Vol.15, No.5 (Feb. 2005), p. 31.

32) See, e.g., CD Press Document (7 Sept. 2004); Press Release (7 Aug. 2003); CD/1725 (27 Jan. 2004); CD/PV.933 (13 Jul. 2003); CD/1687 (8 Oct. 2002).

33) Concrete results in the Clinton administration was published on 20 Nov. 2003 “Lugar wants Expanded Nunn-Lugar Program to Combat Proliferation”. <http://uninfo.state.gov/topical/pol/arms/03111902.htm> (date accessed: 9 Dec. 2003); see, also, “US, Russia Hail First Joint Venture in Closed Nuclear City” Washington File (6 Nov. 2003).

In May 2004, US Secretary of Energy announced “Global Threat Reduction Initiative (GTRS)”, which aims to retrieve all the high-enriched uranium (HEU) having exported to approximately 40 countries from Russia and the US within a decade. Arms control experts are, in general, of the opinion that it is a hard task to really accomplish³⁴⁾ .

(4) Nuclear-Weapon-Free Zone Treaties

Southeast Asia Nuclear Weapons-Free Zone Treaty (SEANWFZ), or Bangkok Treaty, was a long-desired instrument as a part of Zone of Peace, Freedom, and Neutrality (ZOPFAN) declared by original five members of the ASEAN in 1971. While all ten ASEAN nations are currently parties to Bangkok Treaty, some of its value, at least, is compromised by the fact that none of five nuclear weapon states (NWS) has signed the Protocol in which NWS are to pledge not to use or threaten to use nuclear weapons within SEANWFZ. The main reason for unsuccessful “negative security assurances” by NWS is that SEANWFZ covers continental shelves and exclusive economic zones (EEZ) of the states parties within the Zone, which implies NWS would be under the obligation that neither the Law of the Sea (LOS) Convention (1982) nor other NWFZ treaties have imposed on once ratifying the Protocol. LOS Convention provides that while each coastal state has sovereign rights on continental shelf and in the EEZ over natural resources, otherwise such areas are treated as high seas. Ongoing consultations have been held between ASEAN and NWS, but no nation has signed as of yet³⁵⁾ .

As another NWFZ treaty, Central Asian Nuclear-Weapon-Free Zone (CANWFZ) Treaty was adopted five years after five Central Asian States, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan, launched an initiative of setting up of a NWFZ in 1997. The negotiation of the text was concluded in Samarkand meeting in September 2002. Then came the first consultative meeting between five Central Asian nations and NWS in order to facilitate the agreement on the Protocol annexed to the Treaty with respect to negative security assurances³⁶⁾ . Pledges by the NWS have not been granted to the five Central Asian states, for the sphere of obligation of NWS is somewhat vague. A question remains to be solved if other commitments of the future parties to CANWFZ including the possibility of allowing Russia to introduce nuclear weapons in emergencies should overrule the CANFWZ treaty (Article 12).

34) Latest concrete results yielded from CTR is cited in USDOS, *United States Initiatives to Prevent Proliferation*, DOS Pub. No.11254, (1 Jun. 2005), pp. 3-4. See, e.g., Claire Applegarth “U.S. Says it Will Complete Russian Nuclear Security Upgrades by 2008, *Arms Control Today*, (Jan/Feb. 2005). <http://www.armscontrol.org>. (date accessed: 3 May 2005).

35) See, e.g., “Southeast Asia Nuclear-Weapon-Free Zone Treaty (Treaty of Bangkok)” *CNS Inventory*, SEANWFZ-2.

36) See, e.g., UNDoc. A/C.1/57/L.24/Rev.1 (2 Oct. 2002); “Central Asian Nuclear-Weapon-Free Zone (CANWFZ)” <http://www.disarmament.un.org.8080/rcpd/centasia.htm> (date accessed: 4 Apr. 2004).

Mongolia, since 1992, has been declaring itself a nuclear weapons free zone; UN General Assembly has been making a biannual welcoming resolution since 1998.

Surrounded by nuclear states, and having complicated history and resources implications, establishing NWFZ is a desirable step to develop at least a part of Asia into a more stable region.

Conclusion

More than a decade, progress of arms control and disarmament has been slow in Asia. Dr. Khan's nuclear network found out in February 2004 and subsequent UNSC resolution 1540 forced Asian region to collectively combat WMD proliferation through export and border control laws, strengthened law enforcement system and active involvement with a variety of transport security mechanisms. Since improvement of security trade and export control laws has just begun in many countries in this region, it is necessary that adequate cooperation and guidance be provided in regional frameworks including in various organs and mechanisms of ARF (Asian Regional Forum), ASEM (Asia-Europe Meeting) and APEC. Efforts have been already made in that direction, thus it is desirable in the next decade, a further promotion on regional cooperation must be intensively pursued. It would also constitute an ongoing confidence-building steps in this region.

Simultaneously, disarmament efforts have to be steadily made in order to produce a result, however modest it may be. First, differences must be resolved on the scope of the Bangkok Treaty as well as the interpretation of Article 12 of the Central Asia NWFZ Treaty to make NWS ratify the Protocol thereto. More compromise should be made on the part of NWS, considering their privileged status tolerated by the non-nuclear weapons states. Second, continuous work has to be undertaken to prevent the illicit trafficking of SALW and MANPADS. Under the present circumstances, modest but steady efforts are strongly needed.

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