

# THE TRIPARTITE NUCLEAR-WEAPON-FREE ZONE IN NORTHEAST ASIA: A LONG-TERM OBJECTIVE OF THE SIX-PARTY TALKS

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Although the ongoing nuclear problem of North Korea is resolved either peacefully through the six-party talks or militarily following the example of Iraq, that does not settle the inherent nuclear problem harbored in Northeast Asia. Besides North Korea's persistent nuclear weapon development activities, Japan's stockpiling of excessive plutonium has been a major source of regional and international concerns. Some politicians' pro-nuke advocacy has exacerbated such concerns. Facing North Korea's nuclear ambitions, South Korea has been under constant suspicion that it might choose to counter the North with its own nuclear weapon program. In short, the non-nuclear commitments of South and North Korea and Japan have been tainted in varying degrees and thus failed to acquire full trust from the international society. A failure of providing their non-nuclear commitments with full legality has added weights to these suspicions. This article proposes the tripartite

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nuclear-weapon-free zone (TNWFZ) among North and South Korea and Japan as a practical measure to faithfully implement and solidify the non-nuclear commitments made by the three countries. The TNWFZ aims at creating a legally binding and multilaterally formed institutional mechanism where the three parties reconfirm their non-nuclear will, build mutual confidence, and create environments conducive to regional peace, stability and prosperity. It can further its contributions in this respect by gradually extending geographical areas and enlarging memberships of the nuclear-weapon-free zone. The TNWFZ can be an objective of the ongoing six-party talks as well. If the most urgent problem of North Korea's nuclear development comes into settlement, the six parties could make use of the negotiating momentum to reach out to creating a broader nuclear-free region in Northeast Asia. The first step, as argued in this paper, would be a creation of the TNWFZ.

## **Introduction**

North Korea's stepped-up nuclear drive has astonished the international community. It started in October 2002 by Pyongyang's brazen admission of a secret uranium enrichment program in violation of the Agreed Framework. Since then, the DPRK obstructed monitoring activities of the International Atomic Energy Agency (IAEA) and evicted on-site inspectors from the country. It also has formally withdrawn from the Non-Proliferation Treaty (NPT) since January 2003. Thus, North Korea's decade-old nuclear problem has entered a new and more serious stage and once again, the nuclear problem is tabled as a top security agendum in Northeast Asia, thereby increasing tensions on the Korean peninsula.

The North's revelation of a uranium enrichment program was

made when a senior North Korean diplomat, Kang Sukjoo, a chief architect of the Agreed Framework, met with U.S. presidential envoy James Kelly in Pyongyang on October 4th, 2002. North Koreans first strongly denied, but with Kelly's pressing insistence they confessed, the existence of the enrichment program.

The DPRK is the only country in the world that has violated the NPT twice and finally withdrew from the treaty. The second nuclear standoff has hardened bad images of North Korea as an unreliable and unpredictable rogue state trying to do all sorts of messy things. It further fixated the North Korean leadership as a dictatorial regime obsessed with clinging to power at all costs while taking its people as hostage.

In December 1991, North and South Korea announced their intentions to denuclearize the Korean peninsula in the mutually agreed Joint Denuclearization Declaration. The DPRK further committed their non-nuclear will to the United States by signing the Agreed Framework in October 1994. North Korea's clear violations of these agreements led us to rethink whether it is possible to make a sincere agreement with North Korea. There has been no change in the North Korean position that it is willing to forgo the nuclear weapon option if sufficient inducements are given by the United States. Despite the North's persistent demand of bilateral talks with the United States, past experiences with the North Korean nuclear problem necessarily lead to highlighting the importance of multilateral assurances and supervision of the DPRK's compliance behavior.

On the other hand, South Korea has been strictly up to the spirit and the letter of the Joint Denuclearization Declaration. The commitment to achieve a non-nuclear Korean peninsula has been firmly upheld by the South Korean government for the last two decades. Japan has adhered to the three "non-nuclear" principles for more than three decades. Regardless of occasional pro-nuke remarks by some politicians, Japan's public sentiments against possessing nuclear weapons remain quite

strong.

Although the ongoing nuclear problem of North Korea is resolved either peacefully through the six-party talks or militarily following the example of Iraq, that does not settle the inherent nuclear problem harbored in Northeast Asia. Besides North Korea's persistent nuclear weapon development activities, Japan's stockpiling of excessive plutonium has been a major source of regional and international concerns. Some politicians' pro-nuke advocacy has exacerbated such concerns. Facing North Korea's nuclear ambitions, South Korea has been under constant suspicion that it might choose to counter the North with its own nuclear weapon program.

In short, the non-nuclear commitments of South and North Korea and Japan have been tainted in varying degrees and thus failed to acquire full trust from the international society. While Pyongyang has lost non-nuclear credentials entirely, Seoul and Tokyo have not been entirely free from international suspicions. A failure to provide their non-nuclear commitments with full legality has added weight to these suspicions. These circumstances bring a conclusion that although in different degrees, each country's non-nuclear policy is more or less incomplete, leaving much to be done.

This article proposes a tripartite nuclear-weapon-free zone (TNWFZ) among North and South Korea and Japan as a practical measure to faithfully implement and solidify the non-nuclear commitments made by the three countries. The TNWFZ aims at creating a legally binding and multilaterally formed institutional mechanism where the three parties reconfirm their non-nuclear will, build mutual confidence, and create environments conducive to regional peace, stability and prosperity. It can further its contributions in this respect by gradually extending geographical areas and enlarging the membership of the nuclear-weapon-free zone.

Propping up the creation of the TNWFZ in Northeast Asia, nine rationales are put forward in this article. They explain why the

TNWFZ need be seriously considered and what effects it could bring forth for peace and stability in the region. The rationales will become the basis of developing concrete measures for establishing the TNWFZ. Before getting into the details of the TNWFZ, for better grasping of the regional situation faced by the three countries, the pending problem of North Korea's nuclear is analyzed by comparing the early 1990s and the present.

### **Differences between Ten Years Ago and Now**

There exist five major differences between the first nuclear problem in the 1990s and the second we are facing now. First, North Korea's American counterpart is different. Compared to the Clinton administration, the Bush administration has very different perceptions on the leadership of North Korea and takes fundamentally different approaches toward the DPRK. Such differences are highlighted in dealing with the Agreed Framework and demanding higher and more rigorous levels of transparency and verification.

Distressed with providing incentives to rogue states for ending their misdemeanors that should not have occurred in the first place, the U.S. Republican Party had been a vocal critic of Clinton's North Korea policy, and the tone of these criticisms was inherited by the Bush administration. In his confirmation hearing, Secretary Powell referred to the DPRK leadership as "the dictator" and said that the United States and its allies in the Pacific would remain vigilant as long as the North's military threat continues.<sup>1</sup> He also pointed out that verification and monitoring regimes were missing in the Clinton administration's negotiation with North Korea.<sup>2</sup> President Bush expressed "some skepticism

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1 *Text: Powell Opening Statement Before Senate Foreign Relations Committee, January 17, 2001, available at <http://www.usinfo.state.gov>.*

about the leader of North Korea” and worried that part of the problem in dealing with North Korea is the lack of transparency.<sup>3</sup> The three leading House members urged President Bush not to prejudice his ability to refine U.S. policy toward North Korea by committing himself to the Agreed Framework.<sup>4</sup> Congressman Henry Hyde further elaborated a hard-nosed Republican position on the DPRK, saying that verification is the key to dealing with North Korea since the DPRK’s demonstrated willingness to embrace adequate verification measures is “a signal of a genuine break with the past and a commitment to future cooperation.”<sup>5</sup> In the end, North Korea was labeled as part of the “axis of evil” by the Bush administration.

Second, there have been dramatic changes in the international security environment after the 9/11 terror attacks. Since 9/11, it has been regarded as part of a war against terrorism to bar rogue regimes and terrorist groups from developing weapons of mass destruction (WMD). International understanding and cooperation against WMD proliferation has never been as strong as today. Whoever the target is, multilaterally coordinated efforts, often coercive, will be justified with full support of the global community. North Korea is no exception in this context. China and Russia, having their own war against terrorism, will not be able to protect North Korea when more pressing steps are taken in case current mild approaches of soothing the North eventually

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2 *Secretary of State Collin Powell’s Hearing of the Senate Foreign Relations Committee on the Fiscal Year 2002 Foreign Operations Budget*, *Federal News Service*, Washington, D.C., March 8, 2001.

3 *Remarks by President Bush and President Kim Dae-Jung of South Korea*, Office of the Press Secretary, The White House, March 7, 2001.

4 House International Relations Committee Chairman Henry Hyde, House Republican Policy Committee Chairman Christopher Cox and Rep. Edward Markey sent a letter to President Bush on March 2, 2001. Steven Mufson, “Flexibility urged on N. Korea,” *Washington Post*, March 3, 2001, p. A16.

5 *Henry Hyde’s Speech at the American Enterprise Institute* in Washington, D.C. on March 13, 2001. See <http://www.nautilus.org/napsnet/dr/index.html#item2>.

fail.

Third, today's nuclear problem—Pyongyang's kick-out of IAEA inspectors, withdrawal from the NPT, and avowal of accumulating nuclear weapons and deterrence capabilities—is a reality whose existence was confirmed by the North Korean authorities. However, the nuclear problem in the 1990s was a suspicion due to Pyongyang's persistent denial. This means that North Korea has little ground to justify its refusal to accept international demand to dismantle the relevant facilities, to reveal all necessary information, and to fully cooperate with the IAEA for thorough inspections.

Fourth, the North Korean confession is full proof that it has violated four major international agreements: the NPT, the IAEA Safeguard Agreement, the Joint Denuclearization Declaration and the Agreed Framework. Reluctance and willful deceptions against international norms and rules have hardened bad images of North Korea as an unrealistic and unpredictable rouge state. Making little of international obligations it assumed, the North Korean regime is indeed a renegade leadership. This gives added credit to the Bush administration's rigid perceptions and approaches toward North Korea.

Fifth, the current international conditions in North Korea are far worse than those of ten years ago. Despite food and other assistances from abroad during the last ten years, a series of natural disasters in the mid 1990s made already fragile economy even worse. And an economic hardship disrupts the political order that is the main prop of North Korean society. According to a North Korean defector, in the early 1990s, North Korea was able to sustain itself without foreign food aid and there existed self-confidence in the elite community that they could stand outright against external pressures and steer a so-called brinkmanship strategy.<sup>6</sup> Nowadays, North Korea is not as strong as before in terms of mental as well as economic power. On the verge of collapse, its economy cannot sustain itself without foreign assistance, and societal control is loosened in depth and width.

## Rationales for the TNWFZ

### ***1. Overcoming the Limitations of Other NWFZ Proposals in Northeast Asia***

It is John Endicott's proposal of Limited Nuclear Weapon Free Zone in Northeast Asia (LNWFZ-NEA) that is most widely discussed and well known. Since 1992, the proposal has been formulated by a group of experts from the concerned countries. Up until now, two promising ideas have been discovered. The first one is a circular area centering on the DMZ in Korea with an extent of 1,200nm covering North and South Korea, Japan, Taiwan, and parts of China, Mongolia, and Russia. The second is elliptical, again centering on the DMZ, and additionally includes a part of Alaska.<sup>7</sup> All the countries within the area should be members of the treaty. The term "limited" means that weapon systems and geography are two constraining factors. First, in the case of China, which has significantly fewer nuclear warheads than those of the U.S. or Russia, only tactical weapons are dealt with and strategic ones excluded. Second, geography is defined with the aim of minimizing the impacts on deployment and operation of Chinese and Russian strategic nuclear weapons.

Kumao Kaneko has proposed to make a nuclear-weapon-free zone of a full circular area with a 2,000km radius from a center point at Panmunjom in the DMZ.<sup>8</sup> North and South Korea, Japan, Mongolia, China, the U.S., Great Britain and France belong to the treaty. Com-

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6 Seongwhun Cheon's interview with a formal North Korean official, October 29, 2002.

7 *The Bordeaux Protocol of the Limited Nuclear Weapons Free Zone for Northeast Asia*, Center for International Strategy, Technology and Policy at the Georgia Institute of Technology, Atlanta, Georgia March 1997, pp. 61-63.

8 Outline of a "Northeast Asia Nuclear-Weapon-Free Zone Treaty" by Kumao Kaneko, October 1999; Kumao Kaneko, "Japan needs no umbrella," *The Bulletin of the Atomic Scientists*, March/April 1996, pp. 46-51.

pared with Endicott's idea, Kaneko's proposal is comprehensive in terms of the obligations of both non-nuclear and nuclear parties. Kaneko asks non-nuclear parties not only to give up a nuclear weapon option, but also to forgo ballistic missiles development for military purposes. Non-nuclear parties are also required to accept the full-scope IAEA safeguards and to increase transparency of their peaceful nuclear activities. For nuclear parties, the proposal demands strict negative security assurances, a no-first-use commitment, removal of all non-strategic nuclear weapons within the NWFZ in 10 years, and elimination of all strategic nukes through bilateral or multilateral arrangements in 20 years.

At the moment, the two proposals seem to have stalled, with no significant progress expected in the near future. Several factors might have affected their rather slow progress. First, and most significant, is that they create a sort of obligatory asymmetry among the parties by covering nuclear haves and have-nots simultaneously in a single legal framework. Second, by including nuclear weapon states, the sensitive security issue of redeployment or dismantlement of nukes is put forward in the very beginning of what might have to be a long cooperative process. That deep-rooted mistrust and tension among the countries remained high in Northeast Asia will have negative effects on any cooperative effort. Third, in a region with little experience in multilateral security cooperation, increasing the number of parties will make negotiations less smooth and more difficult than with fewer members.

Basically, the two proposals are too ambitious to produce a meaningful result in the foreseeable future. Northeast Asia may need intermediate, feasible and practical measures that can overcome these obstacles. The TNWFZ presented in this article is an appropriate candidate for this purpose as it specifically focuses on the three non-nuclear parties in Northeast Asia and thus limits its membership, obligations and applied area.<sup>9</sup>

In the discussion on creating a nuclear weapon free zone, two ques-

tions are typically raised; whether the idea is desirable and whether it is feasible. For the issue of desirability, no objection could be made against the necessity and usefulness of a nuclear weapon free zone. The ultimate goal of a nuclear weapon free zone—to eliminate all nuclear weapons and achieve stable peace in the region—is worth a sincere pursuit. On the other hand, there exist many reservations as to the second question of feasibility. The idea of the tripartite NWFZ results from such reservations.

There are two very practical reasons for these reservations.<sup>10</sup> First, the LNWFZ-NEA mixes two categorically different statuses of membership of the NPT: a nuclear weapon state (NWS) and a non-nuclear weapon state (NNWS). This aspect of the LNWFZ-NEA is what makes its implementation most challenging. With the mixture of NWS and NNWS status, the LNWFZ-NEA brings about doubly heavy burdens; that is, not only creating a NWFZ among non-nuclear weapon states, as is a traditional mission of a NWFZ, but also by making parts of NWS territories nuclear-free and carrying out reduction of tactical nuclear weapons. It is doubted whether nuclear arms control among the three nuclear weapon states in Northeast Asia can be negotiated and conducted in parallel with a nuclear weapon free zone among the other non-nuclear weapon states. It seems possible only in the theoretical context or at first glance. But with some second thoughts, it is easily understood how difficult it would be to combine the two already immensely difficult jobs. It is more plausible that either a nuclear arms control or a nuclear weapon free zone among non-nuclear weapon states comes first and the other follows.

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9 The first appearance of the TNWFZ idea was the following newspaper article, Cheon Seongwhun and Tatsujiro Suzuki, "A nuclear-free zone in Korea and Japan," *Korea Herald*, June 13, 2000, p. 6.

10 Cheon, Seongwhun, "The Limited Nuclear Weapon Free Zone in Northeast Asia: its limits and the road ahead," *The International Journal of Korean Unification Studies*, Vol. 10, No. 2, Winter 2001, pp. 206-208.

Secondly, the current LNWFZ-NEA lacks a clear-cut objective. In the Expanded Panel's deliberations, there are some phrases that reflect what the LNWFZ-NEA is trying to achieve; for example, "to create a new cooperative security system," "to support enhanced transparency, dialogue and confidence between all the parties," and "the ultimate goal to realize the removal of all nuclear weapons."<sup>11</sup> These are, however, just expressions of principles with no practical details. In order to draw as much support and interests from the regional countries as possible, it is important that any idea of the NWFZ harbors clear-cut and realistic objectives that could provide some tangible benefits to the member states.

Each country has its own individual objectives, and they are not necessarily overlapping. Therefore the question comes down to how much common ground is shared by the countries working for the LNWFZ-NEA. If there exist significant differences between their objectives, the prospect of the LNWFZ-NEA would not be as bright. The Beijing Summary Report that categorizes various proposals in three baskets demonstrates the wide spectrum of issues expected to be covered within the context of the LNWFZ in Northeast Asia.<sup>12</sup> In consequence, this report manifests the fact that the objectives of the LNWFZ-NEA are not well defined and members' interests are diverse and dispersed.

## ***2. Endowing Legally Biding Status to Non-Nuclear Commitments***

The TNWFZ provides North and South Korea and Japan with a legally binding institution that would help to demonstrate their non-

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11 Expanded Senior Panel's Deliberations at the Meeting of Expanded Senior Panel for *Limited Nuclear Weapons Free Zone for Northeast Asia* held on October 8-9th, 2001 at Swiss Grand Hotel, Seoul, South Korea.

12 "Beijing Summary Report," Sixth Expanded Senior Panel on the Limited Nuclear Weapons Free Zone for Northeast Asia, September 16-20, 2000.

nuclear will to international society. A major drawback in their non-proliferation policies has been the lack of legalities. Only North Korea ratified the Joint Denuclearization Declaration, a violation of which could be made quite conveniently under the totalitarian dictatorship. Seoul was concerned that parliamentary ratification of a document signed with Pyongyang might produce the wrong impression that it was formally recognizing North Korea, which is against the Constitution. So the Joint Declaration is no more than a tactical arrangement susceptible to changes in the political environment. To make matters worse, it has yet to be sincerely implemented.

Similarly, Japan's three non-nuclear principles is merely a political commitment with no solid legal back-ups. It is entirely free and right for the Japanese government to change or discard the principles anytime when it thinks necessary. The absence of legal follow-ups diminishes the integrity of the principles. Encroaching on the credibility of Japanese government's non-proliferation commitment, it has become a major source of international suspicions. Even in Japan, there is a persistent demand to change the principles into a legally binding format.<sup>13</sup>

One of the major purposes of the TNWFZ is to provide the three countries' non-nuclear commitments with internationally binding legal status. With multilateral parties, the South Korean government will become less reluctant to ratify such an agreement since it can be considered as one of many international agreements where both South and North Korea retain membership. In the case of Japan, Tokyo will be able to make use of the TNWFZ as a vehicle to reinforce its non-nuclear commitments toward both domestic and international audiences. By having a more concrete institution to internationally super-

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13 Cheon Seongwhun's Interview with Kumao Kaneko, December 12, 1999. There exist different views as well. For example, one opinion argues that Japan should not legalize the three principles and should go for nuclear. See Joe Ogata, "Nuclear allergy: Japan's aversion to nuclear acquisition," *The International Relations Journal*, Summer 1997, pp. 109-125.

vise their living up to the commitments, the TNWFZ will be conducive to reinforcing mutual confidence among the three parties as to each other's nuclear intentions and activities. It will also increase the international community's confidence of the nuclear policies of the three parties together.

### ***3. Assisting Positive Evolution of the Korean Declaration***

The Joint Declaration has failed to be put into practice, largely due to a showdown as to mutual inspection procedures.<sup>14</sup> Instead, the Geneva Agreed Framework has played a major role in curbing the North's nuclear ambitions during the past decade.

Several points prevent us from anticipating a prompt implementation of the Declaration. First of all, it is hardly likely for North and South Korea to resume bilateral inspection talks in the foreseeable future. Since the nuclear issue remains an effective bargaining tool in dealing with the United States, North Korean elites seem not eager to discuss it with South Korea. Despite the improved relations between Seoul and Pyongyang driven by the sunshine policy of Kim Dae Jung and followed-up by President Roh Moo Hyun, North Korean attitudes have not shown much change, as they stick to opening only limited channels for sucking in economic benefits from South Korea. Being in such a fragile condition, the Pyongyang regime worries that the aftermath of active exchanges and cooperation with fellow South Koreans might lead to the end of its existence.<sup>15</sup> It is hardly expected that a full-

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14 For more details on the mutual inspection negotiations, see Cheon Seongwhun, "Regional non-nuclear options from South Korea's perspective," in Kihl Young Whan and Peter Hayes, eds., *Peace and Security in Northeast Asia: the Nuclear Issue and the Korean Peninsula* (Armonk, N.Y.: M.E. Sharpe, 1997), pp. 398-401.

15 For reasons why it is difficult for North Korea to accept extensive cooperative offers from western countries including South Korea and for North Korean regime's special characteristics, see Nicholas Eberstadt, *The End of North Korea* (Washington, D.C.: The AEI Press, 1999).

scale and enduring bilateral dialogue regarding nuclear issues can be held anytime soon. Proportionally, the prospect of implementing the Joint Declaration becomes dim.

Second, neither the Agreed Framework nor the ongoing six-party talks can guarantee the simultaneous implementation of the Joint Declaration. Although North Korea mentioned its intention to comply with it in the Agreed Framework, there were no detailed provisions on how to harmonize the Agreed Framework with the Joint Declaration. If the parties to the Agreed Framework had been sincerely committed to a successful implementation of the Joint Declaration, at least some measures, even symbolic ones, could have been adopted for that purpose. For example, South Korean inspectors, as part of inspection teams, could have been invited to verify North Korean nuclear facilities in return for similar North Korean inspections of South Korean nuclear facilities. All parties of the six-party talks have agreed, in principle, to a non-nuclear Korean Peninsula. However, it cannot be assured that the outcome of the six-party talks would be different from that of the Agreed Framework in regard to the Joint Declaration.

Under the circumstances, the Joint Declaration is no more than a piece of paper. It is of no use rhetorically repeating intentions to implement a document. Leaving the Joint Declaration unimplemented may trigger misunderstandings and suspicions that North and South Korea attempt to nullify the document by letting down its profiles. Of course, it would not be possible to scrap the document in an abrupt manner. International society has appreciated the progress made by the two Koreas in signing the Joint Declaration and has shown keen interests that their non-proliferation commitments remain intact. The TNWFZ is a promising alternative that allows North and South Korea to disembark from the old wrecked ship and to board a new one with the support of their confident neighbor—Japan.

#### ***4. Stemming North Korea's Attempts to Go Nuclear***

North Korea's nuclear ambition has been persistent and enduring. Among the three apparatuses to prevent North Korea from developing nuclear weapons—the Agreed Framework, IAEA full-scope safeguards, and the Joint Declaration—the first two have been crippled and the third has been left moribund.

In fact, there have been many suspicions that North Korea violated the Agreed Framework and continues to have a secret nuclear weapon program. For example, a Republican-led North Korea policy group argued that since 1994, North Korea has sought nuclear assistance from Pakistan and Russia and attempted to purchase dual-use items in Europe and Japan. It also made it clear that there is “significant evidence” of the nuclear program being continued, including uranium enrichment and high explosive tests.<sup>16</sup> According to the group's report, North Korea's nuclear activities at Yongbyon were frozen, but Pyongyang kept its nuclear weapon program on track using other routes in other areas. The DPRK's nuclear confession proves the report's arguments to be correct. Even President Clinton indirectly confirmed that North Korea was continuing its efforts to secretly develop nuclear weapons.<sup>17</sup> In the presidential memorandum authorizing \$15 million for KEDO, Mr. Clinton said he would send KEDO the money even though *he could not legally certify that Pyongyang had stopped acquiring uranium-enrichment technology* [emphasis added].

By confessing its second secret attempt to develop nuclear weapons and by withdrawing from the NPT in the end, North Korea has exacerbated its nuclear standoff against the international community. Clearly, revelation of the enrichment program is to rub salt into the wound. At

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16 North Korea Advisory Group, *Report to the Speaker U.S. House of Representatives*, November 1999, p. 2.

17 Bill Gertz and Rowan Scarborough, “Inside the Ring,” *Washington Times*, March 3, 2000.

the same time, however, it draws sharper attention from the international community and consolidates its willfulness to bring a final and complete resolution of the problem. The simple reason is that nobody wants to be fooled twice by a rogue state. Such a rigid mood is articulated in the phrase: "Fool me once, shame on you; fool me twice, shame on me," and this is a prevalent atmosphere in the U.S. Congress.<sup>18</sup>

Some vagueness as allowed in the Agreed Framework would not be permitted this time. A complete dismantlement of nuclear weapons and related facilities and comprehensive inspections are going to be the only end point. The question is how to get there. A renewed North Korean nuclear problem will take either of two courses, depending on Pyongyang's response.

The hopeful course is to follow the peaceful resolution scenario where the DPRK follows the South African model. The North Korean leadership would announce its intention to halt its nuclear weapon programs, deliver the relevant information to the IAEA, and accept full-scale inspections from the Agency. In accordance with the North's moves, the U.S. would take responsive measures to meet the DPRK's demands. A detailed schedule of reciprocal actions will be decided in the bilateral talks expected to open once a positive step is taken by North Korea.

The gloomy course is to follow the military clash scenario where the DPRK resists yielding to the international pressures and sticks to its nuclear weapon program. Escalated tensions and failure to compromise in the course of diplomatic and economic pressures will lead to an inevitable use of military force. Since much patience from the west is not expected, it will largely depend on North Korea whether the gloomy course is diverted to a peaceful resolution or not. When all the measures except the military one are exhausted, a preemptive and sur-

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18 Steve LaMontagne, "North Korea's nuclear program: an assessment of U.S. options," *Policy Forum Online*, The Nautilus Institute, October 30, 2002.

gical strike option to the nuclear facilities will be exercised. It will add fuel to the preemptive strike flames that the Bush administration bestowed a legal trapping on the preemptive strike option in its National Security Strategy report.<sup>19</sup> It should be noted that the international community is determined to root out North Korea's nuclear weapon gene at this time.

While resolving the current nuclear crisis with North Korea following one of the two paths or other interim ones, the TNWFZ can be an additional solid layer to forbid North Korea from going nuclear and to become complementary for the ultimate resolution of the North Korea's nuclear problem. Information-sharing, transparency and verification measures embodied in the TNWFZ would allow South Korea and Japan to double-check the North's nuclear activities and intentions.

### ***5. Ridding International Suspicions over Nuclear Intentions of South Korea and Japan***

The TNWFZ is conducive to enhancing transparency and thus reducing international suspicions over South Korea's and Japan's nuclear policies and activities.

#### South Korea

Despite consistent and arduous efforts to demonstrate its peaceful uses in the nuclear field, concerns are frequently raised about Seoul's true intentions. Such concerns often misunderstand Seoul's will to devote itself to peaceful uses of nuclear energy for the well-being of its people and hinder its research and development programs for that

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<sup>19</sup> *The National Security Strategy of the United States of America* (Washington, D.C.: The White House, September 2002).

purpose. South Korea's military standoff with North Korea may be a major contributor to such deflected views. For example, the U.S. Department of Energy noted, "in North and South Korea, they interact dangerously with painful energy vulnerabilities, storage problems, and *political-military incentives to at least seriously consider nuclear weapons*" [emphasis added].<sup>20</sup> North Korea's persistence on acquiring nuclear weapons would be another important impetus.

Resolving international nuclear suspicions is vital for South Korea's national interest. Several points can be addressed in this regard. First, nuclear power is the key energy source in the ROK, as shown in its current reliance on nuclear energy for more than 40% of its electricity demand. This trend will continue in the future. Unless reliable alternative energy resources are found, dependence on nuclear energy will be growing. So in terms of energy security, peaceful uses of nuclear power are a critical national policy. The problem with nuclear suspicions is that it causes visible or invisible adverse effects that stand in the way of South Korea's nuclear industry and R&D activities.

Second, suspicions that South Korea can break the most widely agreed international norm of non-proliferation could degrade the South's national image and harm the credibility of its national policies as a whole. In the tightly interwoven international society, nuclear discredit will bear much negative burdens on South Korea by isolating the ROK, diminishing its diplomatic capabilities, and thus bringing out much difficulties and frustration in key issue areas.

Third, nuclear suspicions will keep neighboring states in constant nervousness. This will induce unnecessary tensions and could cause an arms race in the region, which is obviously not what the South Korean government and people would like to see.

Fourth, nuclear suspicions will have adverse effects on the unifica-

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20 U.S. Department of Energy, "Policy Forum: Energy Futures," *The Washington Quarterly*, Autumn 1996, p. 94.

tion process. This is a much more serious repercussion on Korean interests in the long term than the previous three points. Believing that a unified Korea will go nuclear, neighboring countries understandably will make every effort to stand in the way of Korean unification. Unless South and North Korea make sure that they are non-nuclear and will remain so in the future, they cannot expect the external support and assistance that will be essential in the unification process. It should be remembered that West Germany's strong advocacy that unified Germany would not pursue weapons of mass destruction facilitated German unification by allaying the security concerns of neighboring states as well as the four key countries. In a recent U.S. national security report, the concern of unified Korea's nuclear possession also led to demands that the U.S. forces should remain in Korea after unification in order to ensure a non-nuclear Korean peninsula.<sup>21</sup> For Koreans, a nuclear weapon option is a useless "card," if it was ever thought to be so, and should be readily discarded for the more sacred and desperate goal of national unification.

Unfortunately, in spite of all these rationales, it may not matter how much effort South Korea puts into resolving international suspicions unless the North-South showdown does come to an end. Here is where there is an important role to be played by a reliable third party. If Japan joins North and South Korea to make a nuclear-weapons-free region, the TNWFZ can transform the bilateral confrontation into a more lenient and less conflicting mode, at least in the nuclear field. This will bring about changes in the perspective of the international community toward being more comfortable and trustful of South Korea's nuclear policies and activities.

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21 The United States Commission on National Security/21st Century, *Seeking A National Strategy: A Concert For Preserving Security And Promoting Freedom*, April 15, 2000.

## Japan

Japan, as the only victim of nuclear bombs, has been a loyal member of the global non-proliferation regime. Japan's non-nuclear policy based on the three non-nuclear principles, "not to possess, not to bring, and not to introduce," is also well known. However, there have been constant suspicions over Japan's nuclear intention despite her strong commitment to non-proliferation and disarmament. Most recently, three important factors have contributed to renewed concerns over Japan's nuclear intentions.

First, Japan's technical capability has grown, especially its civilian nuclear fuel cycle capability, with an increasing inventory of separated plutonium.<sup>22</sup> As of the end of 1998, the plutonium inventory in Japan was about 5 tons, and 25 tons or more are now stored in Europe (UK and France) as a result of commercial reprocessing contracts.<sup>23</sup> Although Japanese efforts to increase the transparency of its civilian nuclear programs, such as the adoption of a "no plutonium surplus" policy, have been noteworthy, the fact remains that Japan's nuclear capability is now sufficient to develop nuclear weapons in a very short time. With other advanced technical capabilities, such as missile and guidance technologies, political will is the only remaining barrier for Japan to develop nuclear weapons.

Second, Japan's security policy has adapted itself to the changing

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22 For information about Japan's nuclear capability, see S. Harrison, "Japan and nuclear weapons," in S. Harrison, ed., *Japan's Nuclear Future: The Plutonium Debate and East Asian Security* (Washington, D.C.: Carnegie Endowment for International Peace, 1996), pp. 3-44. For international concerns over Japan's civilian plutonium programs, see E. Skolnikoff, T. Suzuki, and K. Oye, *International Responses to Japan's Plutonium Programs*, Center for International Studies (CIS) Working Paper, C/95-5 (Massachusetts Institute of Technology: Cambridge, Massachusetts), August 1995.

23 D. Albright and L. Barbour, "Separated inventories of civil plutonium continue to grow," *Plutonium Watch* (Washington, D.C.: Institute for Science and International Security), May 1999.

security environment in the post-Cold War era. The most important change is the newly revised “Guidelines for US-Japan Security Cooperation,” adopted by the Diet in 1999. The new Guidelines now allow Japan to cooperate with US military operations outside Japan, in the “surrounding region.” Another important policy decision made by Japan was to participate in the development of a Theater Missile Defense (TMD) system with the U.S. This policy was clearly influenced by the situation in North Korea, especially after the missile launch in 1998, although it is not clear how the TMD system could be effective against North Korean missile attacks on Japan.

Thirdly, Japan’s domestic taboo regarding security debates has been loosening. For example, for the first time since the end of World War II, the Japanese Diet has formally set up an Investigation Committee on the Constitution. Although there is no explicit pre-condition, it is generally assumed that setting up the committee itself will open up the public debate over the revision of article 9 of the Constitution. In addition, questions have been raised regarding the credibility of the Japanese government’s non-nuclear policy. Recently declassified information from the US government shows that Japanese government was aware of the fact that nuclear weapons were moved into Japanese territory, a violation of one of the three non-nuclear principles (i.e. introduction).<sup>24</sup>

Given those changes described above, it is important for Japan to strengthen its commitment to its non-nuclear policy. In fact, it is a good timing for Japan to take new security initiatives in Northeast Asia. Dialogue between North Korea and Japan has been resumed, and a historic summit talk with North Korea took place. There are good

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24 H. Krinstensen, *Japan Under the Nuclear Umbrella: U.S. Nuclear Weapons and Nuclear War Planning in Japan During the Cold War*, A Working Paper by the Nautilus Institute for Security and Sustainable Development, Berkeley, California, July 1999, and R. S. Norris, W. M. Arkin, and W. Burr, “How much did Japan know?,” *The Bulletin of the Atomic Scientists*, January/February 2000, pp. 11-13, pp. 78-79.

rationales for Japan to promote NWFZ in the region.<sup>25</sup>

### ***6. Facilitating Cooperation in the Nuclear Field***

The TNWFZ can be a concrete basis for facilitating cooperation between Japan and South Korea in the peaceful uses of nuclear energy in two ways. In the policy dimension, Japan is a leading country to faithfully accept the concept of openness and put various transparency measures to use in the nuclear industry. With strenuous efforts, such as allowing more intrusive inspections than is required by the IAEA, Japan has maintained a high level of credibility on peaceful nuclear activities. The Japanese government has been laborious in educating the public by launching the so-called a “peace education” program regarding the dangers and uselessness of nuclear weapons. It has effectively taken advantage of the historical scars of Hiroshima and Nagasaki.

At the same time, Japan has been very active in non-proliferation diplomacy by organizing important international gatherings, fostering healthy policy debates, and proposing constructive alternatives. This is why Japan’s credibility is kept at a high level despite intermittent pro-nuclear remarks from government officials.<sup>26</sup> From the South Korean

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25 See for example, M. Halperin, *The Nuclear Dimension of the U.S.-Japan Alliance*, The Nautilus Institute for Security and Sustainable Development, Berkeley, California, 1999, and Asahi Shimbun Asia Network Report 2000, “Cooperative security in northeast asia,” *Asahi Shimbun*, Marh 2000. Both papers reexamined Japan’s security policies in the region and suggested promoting NWFZ in the region is one reasonable policy option for Japan.

26 For example, on October 20, 1999, Shingo Nishimura, Vice Minister of Japan Defense Agency, said that Japan should acquire nuclear weapons. *Associated Press*, October 20, 1999. Minister of Foreign Affairs, Kono Yohei, made an immediate refutation against his remark and said that Japan’s three non-nuclear principles will remain intact. Mr. Nishimura resigned immediately when his remark became a political contention.

perspective, the TNWFZ is expected to create auspicious environments where Seoul's nuclear credibility can be elevated to the level of Japan. If international society comes to regard more a trustful South Korea as closely engaged with Japan rather than being alone, it will pave the way for removing barriers to the developments of South Korea's nuclear industry.

In the technology dimension, the TNWFZ can foster favorable conditions where bilateral cooperation for the peaceful uses of nuclear energy is promoted. According to some scientists in South Korea, Japan has been less forthcoming in technology cooperation with South Korea than they hoped. Commercial interests may be a significant factor that leads to Japan's hesitation. Another important factor is believed to be Japanese suspicion over South Korea's non-nuclear will. The TNWFZ will effectively get rid of this obstacle and provide a solid foundation for stronger bilateral cooperation in nuclear R&D.

### ***7. Contributing to International Non-Proliferation Efforts***

The TNWFZ will have contributions to reinforcing international non-proliferation regimes in many ways. First, the three countries and other nuclear weapon states that participate in the TNWFZ can demonstrate their commitments to international non-proliferation efforts. Second, incorporating North Korea, a notorious rogue state, will eliminate a major threat to the non-proliferation regime. Third, the TNWFZ will increase the nuclear transparency of the three countries and reduce suspicions over the non-nuclear commitments of the parties among themselves as well as internationally. Fourth, by providing negative security assurance in the region where major powers' nuclear forces are positioned closer at hand than in any other NWFZ, nuclear weapon states can demonstrate strong commitments against using or threatening to use nuclear weapons against non-nuclear states. This will reinforce the nuclear weapon states' position to

encourage non-nuclear weapon states to adhere to non-proliferation norms and rules. Fifth, by resolving the nuclear issue, the three countries can be relieved and readily move on to tackle other proliferation-related issues such as chemical and biological weapons developed by North Korea.

### ***8. Supporting Peace Building Efforts on the Korean Peninsula***

The TNWFZ can be an important political confidence building measure (CBM) in the process of searching for a new peace mechanism on the Korean peninsula. Political and diplomatic reconciliation efforts have been very visible since the mid 1990s. South Korean President Kim Dae Jung released Japan and the U.S. from the long-time South Korean demand of “harmonization and parallelization,” which required linking the two countries’ relations with North Korea to inter-Korean relations. As a result, active dialogues have been carried out between Pyongyang and Washington. Issues such as missile development and export and the return of remains of American soldiers who died during the Korean War have been negotiated and some tangible results obtained. U.S. humanitarian aid has been increased. Tokyo also started resuming political talks with Pyongyang last December since its abrupt stop in November 1992, when a suspicion was raised that North Korea kidnapped a Japanese woman. A historic summit meeting between the two countries was held in September 2002. The TNWFZ can become a complementary measure to the ongoing trend for dialogue, giving momentum for completing cross-recognition in Northeast Asia and the creation of a stable peace mechanism on the Korean peninsula.

In addition, the TNWFZ is a significant military CBM for enhancing regional security. By reinforcing their will not to possess nuclear weapons, the three parties will be able to increase mutual confidence in the military area. In turn, the TNWFZ will also provide other countries

within and without Northeast Asia with more confidence and less worries about the security policies of North and South Korea and Japan.

### ***9. Promoting Multilateral Security Cooperation in Northeast Asia***

Since the end of cold war, cooperative security has been highlighted as a new security concept guiding the security order in the 21st century. Cooperative security is to seek increased security and stability through cooperative engagement. Cooperative engagement is a strategic principle that attempts to accomplish security through institutionalized consent rather than threats and coercion.<sup>27</sup> At the practical level, cooperative security seeks to devise agreed-upon measures to prevent war and to do so primarily by preventing the means for successful aggression from being assembled.<sup>28</sup>

Following this trend, establishing international norms and rules, rather than arms race and competition, is emphasized to curb arms build-up, reduce tension and pursue peaceful coexistence. Multilateral security cooperation and dialogues are mainstream. For instance, in Europe, the Organization on Security and Cooperation in Europe (OSCE) plays an important role for stability and peace in the region. The treaty regulating Conventional Forces in Europe (CFE) has been successfully implemented. In the Asia-Pacific, multilateral frameworks such as the Asian Regional Forum (ARF) and the Council for Security Cooperation in the Asia Pacific (CSCAP) are performing vivid activities. There are numerous proposals to organize multilateral security frameworks in Northeast Asia.<sup>29</sup>

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27 Janne Nolan, "The concept of cooperative security," in Janne Nolan, ed., *Global Engagement: Cooperation and Security in the 21st Century* (Washington, D.C.: The Brookings Institution, 1994), p. 4.

28 *Ibid.*, p. 5.

29 For example, former Japanese Prime Minister Yashiro Nakasone argued for the

The TNWFZ is a timely measure fitting into the current trend of strengthening multilateral cooperative security. Creating a NWFZ by the three countries is a measure for achieving cooperative security and enhancing regional peace through rules and institutions. If successfully implemented, the TNWFZ would make it possible to enlarge the area of cooperation by incorporating other countries and help facilitate broader security cooperation in the region.

### **Concluding Remarks**

The TNWFZ is an issue of condensation and comprehensiveness. Various issues in the areas of politics, diplomacy, military and economy and diverse positions of the concerned countries are interlaced. Indeed, the TNWFZ is a representative model of how keen national interests of the states in Northeast Asia are entangled. This hints that creating the TNWFZ would not be an easy task at all. Such difficulty, however, should not be an excuse for giving up our efforts to establish the TNWFZ. Quite the reverse, it should give a motivation to move on to the TNWFZ, which bears much significance for regional security, prosperity and stability.

The TNWFZ can be an objective of the ongoing six-party talks as well. If the most urgent problem of North Korea's nuclear development is settled, the six parties could make use of the negotiating momentum to reach toward creating a broader nuclear-free region in Northeast Asia. The first step, as argued in this paper, would be a creation of the TNWFZ.

Of course, it should be noted that the TNWFZ is not the end of a

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necessities of an Asian security system. *JoongAng Ilbo*, September 22, 1992. Former President Kim Dae Jung has proposed, in several occasions, to establish a multilateral security mechanism in Northeast Asia.

long journey for perpetual peace in the region. If successfully implemented, it is essential to broaden membership and the region; for example, by involving Mongolia, which announced a nuclear-weapon-free status unilaterally, and some parts of Russian and Chinese territories. In the long run, the TNWFZ is hoped to become a basis for a Pan-Pacific Nuclear-Weapon-Free Zone (PPNWFZ) connecting Southeast Asia, the South Pacific and Latin America, covered by the Bangkok Treaty, Rarotonga Treaty and Tlatelolco Treaty.

The nine arguments presented in this article provide sufficient illustration that the TNWFZ is a subject worth seriously pursuing among the concerned parties. For the purpose of embracing the TNWFZ as a desirable and feasible policy measure, more in-depth studies need be focused on the following areas:

- Objects and activities that are prohibited in the TNWFZ
- Possible geographical area of application
- Issue of visits and passage rights of nuclear ships and aircraft in the TNWFZ area
- Role of nuclear weapon states and regional non-participants and possible protocols to be signed by these countries
- Safeguard and verification measures
- Location, organization and administration of the Headquarter apparatus
- Dispute settlement procedures and mechanism
- Measures to enhance peaceful uses of nuclear energy and mutual energy cooperation
- Means to induce North Korea's active participation
- Impact of TNWFZ on security strategies of neighboring nuclear weapon states.

This package of agenda can be studied in the track-II level initially between South Korea and Japan, later inviting North Korea. When

there are some concrete findings and mutual understandings about these research subjects, the government of the three nations will be able to take up the TNWFZ as a formal agenda for policy consultations.