NUCLEAR DISARMAMENT IN THE NEW WORLD ORDER

*Mitsuru Kurosawa**

With the end of the Cold War era, international society has changed dramatically, and the situation surrounding the international security order has experienced a decisive transformation. Firstly, although the danger of the outbreak of world-wide nuclear war had been a constant threat, the international order based on the confrontation between the East and the West, especially between the United States and the Soviet Union, had kept international peace by pursuing the stability of East-West relations. With the disappearance of the confrontation between the East and the West, there emerge conflicts caused by regional, in particular ethnic and religious, differences in various areas of the globe.

Secondly, the central problem of arms control and disarmament in the Cold War era had been on nuclear weapons possessed by the two superpowers, and the negotiations have been conducted between these two states. In the post-Cold War era, the focus of arms control and disarmament has moved from nuclear disarmament to non-proliferation of weapons of mass destruction and missiles, and the effort has shifted to prevent the third-world countries from obtaining these weapons.

Thirdly, the United Nations which had been dormant during the Cold War days and had not exercised its functions provided for in the Charter because of the frequent use of veto powers by the permanent members, has began to revive itself as an efficient international organization. As we have seen in the field of peace keeping operations and collective enforcement actions in recent years, the fundamental function of maintaining international peace and security by the United Nations has been recovered in part in the post-Cold War era.

The international security order which has developed based on these new phenomenon, however, is still transitionary and it can not be said that the new international order has been established. This paper will discuss the development of an aspect of the new international security order which consists of many components;

---

* Professor of International Law, Faculty of Law, Osaka University.

nuclear arms control and disarmament. First, I will try to examine the international security order in the Cold War era, the concept of arms control, and the military and political role of nuclear weapons during that period. Secondly, I will deal with the post-Cold War era, and ask how the international security environment has changed, the kind of measures that have been taken or should be taken in the field of nuclear disarmament, and the role of nuclear weapons. In conclusion, I will show what a new international security order in the era following the post-Cold War era should be.

I The International Security Order in the Cold War Era

i) Arms Race by "Arms Control"

The fundamental international order in the Cold War era consisted of the East-West confrontation and military and ideological rivalry between the North Atlantic Treaty Organization (NATO) and the Warsaw Treaty Organization (WTO), the leaders of which were the United States and the Soviet Union respectively. The United Nations, which had been rendered largely ineffective by the veto powers of the two superpowers since its inauguration, could not be responsible for the urgent problems of international peace and security. Negotiations on arms control and disarmament also had been conducted mainly outside of the United Nations. In the Cold War days, the fundamental relationship had been confrontational with sporadic political détente, and resulted in the spiraling arms race.

The effort to try to mitigate the continuing arms race was the adoption of the concept of "arms control", which was the leading security policy of the time. The concept of "arms control" starts from the presumption that it is impossible to try to reduce and eliminate armaments as a realistic political option, and in those circumstances purports (i) to reduce the probability of an outbreak of nuclear war, (ii) to reduce the sacrifice should a nuclear war occur, and (iii) to reduce the cost of military preparation.[1)]

"Arms Control" hardly includes measures to reduce armaments, and pursues the goal of securing "strategic stability" between the East and the West, in particular between the United States and the Soviet Union. As a result, this sometimes includes measures to permit the increase of armaments. In order to reduce the danger of the outbreak of nuclear war, "arms control" is mainly concerned with "crisis stability" and "arms race stability". Under the concept of "arms control", the superpowers supported

---

1) For the fundamental concept of "arms control", see Hedley Bull, *The Control of Arms Race*, Weidenfeld and Nicolson, London, 1961; Donald G.Brennan, "Setting and Goals of Arms Control," in Donald G.Brennan (ed.), *Arms Control, Disarmament, and National Security*, George Braziller, N.Y., 1961, pp.19-42.

a "theory of deterrence" based on "mutual assured destruction (MAD)", a situation which purported to prevent nuclear war from occurring by maintaining an enormous second strike capability in the event of a nuclear attack.[2)]

However, the real arms race between the two countries has not been necessarily regulated by the above-mentioned purpose or theories. The Strategic Arms Limitation Talks (SALT) have begun since 1969, and they concluded the Anti-Ballistic Missile (ABM) Treaty and the Interim Agreement on Strategic Offensive Arms (SALT I Interim Agreement) in 1972, and the Treaty on Limitation of Strategic Offensive Arms (SALT II Treaty) in 1979. The ABM Treaty which limits their strategic defensive arms is in line with the MAD theory which requires keeping cities vulnerable to the second strikes. In the 1980s, however, President Reagan launched the Strategic Defense Initiative (SDI) which examined the possibility of deploying a strategic defense network, which would undermine the ABM Treaty.

International regulation of strategic offensive arms did not include the reduction of arms, but purported principally to keep the status quo and permitted the new expansion of arms in some areas. Their main purpose was to keep the arms race within a wide framework in order that the future arms race would not become uncontrollable. The SALT I Interim Agreement stipulates that there shall be no deployment of new intercontinental ballistic missiles (ICBMs), submarine-launched ballistic missiles (SLBMs) and modern submarines, and the SALT II Treaty provides for a freeze of the total number of nuclear arms, including bombers as well as missiles, and sets sub-limits for special arms. The sub-limit, however, permits further increases of ICBMs with MIRVs (multiple independently targetable reentry vehicles) and SLBMs with MIRVs, which means the Treaty permits further development and deployment of sophisticated modern weapon systems.

These regulations were mainly concerned with the number of the nuclear-weapon delivery systems, that is, missiles and bombers, and did not regulate the number of nuclear warheads. Accordingly, the number of warheads increased tremendously, in one case by ten times, by deploying MIRVs. Furthermore, since these regulations were not concerned with the qualitative development of arms, they were free to develop and deploy qualitatively improved weapon systems.

ii) The Role of Nuclear Weapons

2) N.J. Rengger analyzes that the arms control in the Cold War has been largely a "great power concern", and it subordinated the interests of "international society" to that of particular members of it (Rengger, "Arms Control, International Society, and the End of the Cold War," *Arms Control*, Vol.13, No.1, April 1992, p.41.).

It is necessary to examine that kind of role nuclear weapons had in the Cold War era from a military and political point of view. Militarily, in the western countries nuclear weapons were thought to be used as second strikes and to be useful to deter an attack by enemies due to the threat of massive retaliation. The principal strategy in those days was "flexible response strategy", which means to respond flexibly in accordance with an enemy's attack, and Western countries were ready to escalate from defense by conventional weapons ultimately to the use of strategic nuclear weapons. The strategy presupposed the use of nuclear weapons first against an attack by conventional weapons only, and precluded the concept of "no-first-use" of nuclear weapons.

In discussions on negative security assurances, that is, no-use of nuclear weapons against non-nuclear-weapons states (NNWSs), the United States did not exclude the possibility of the use of nuclear weapons against NNWS (e.g. East Germany) allied with nuclear-weapon states (NWSs) (e.g. Soviet Union), and the Soviet Union permitted the possibility of the use of nuclear weapons against NNWSs on whose territory nuclear weapons are deployed (e.g. West Germany). In the Cold War era where confrontation of the two blocks was severe, both sides were ready to use nuclear weapons against an attack with conventional weapons, and nuclear weapons were generally thought to be usable in armed conflicts.

Accordingly, nuclear weapon systems were always under alarm condition and ready for use and bombers with nuclear weapons were always ready for taking-off. This alarm condition was necessary to convince enemies of the validity of nuclear deterrence theory, but it was prone to aggravate the possibility of the use of nuclear weapons by misjudgment, miscalculation, or accident.

In fact, nuclear weapons have never been used after Hiroshima and Nagasaki, although the use of nuclear weapons has been considered by the United States in the cases of the Korean War and the Vietnam War. Neither in Europe where the East-West confrontation was most severe, nor during the Cuban missile crisis where the United States and the Soviet Union were on the brink of nuclear war were nuclear weapons ever used. You may explain these facts as cases where nuclear deterrence well worked. However, it is also possible to think that it was natural for political leaders to hesitate in using nuclear weapons because it would have lead to the destruction of the globe with its tremendous power.

Although nuclear weapons have never been used militarily since the end of the second world war, nuclear weapons have been ready for use any time, and the threat of the use of nuclear weapons has been hanging over people all over the world.

Now we move to the political role of nuclear weapons, and we will find out that

they have played a very significant role. The NWSs, because of the possession of nuclear weapons, have shown themselves as big powers, and enjoyed privileged status in international society. The states which have developed and increased their nuclear weapons have been thought to be advanced and great powers because the development and increase of nuclear weapons need immense resources, a high level of technology and excellent scientists and technologists. The main motivation for nuclear weapons has been to bolster a nation's prestige or pride, as well as for better national security.

As the political role of nuclear weapons is a crucial factor in the motivation for nuclear proliferation, many more nations would have possessed nuclear weapons if there had not been any attempt to establish the non-proliferation regime.

Since 1971 when the People's Republic of China became a permanent member of the U.N. Security Council, the states which are permanent members and the states which possess nuclear weapons coincidentally have been the same. It means those who have nuclear weapons have veto power in the U.N. Security Council. This fact tremendously increased the political meaning of possessing nuclear weapons. The motivation of India which detonated "a peaceful nuclear device" in 1974 was to be the greatest power in the region, as well as to mitigate security concerns in connection with China. The nuclear development race between Argentina and Brazil was also to take hegemony in the region.

The Nuclear Non-Proliferation Treaty (NPT) prohibits the acquisition of nuclear weapons by the NNWSs, but does not regulate further nuclear development by the NWSs. Under the NPT regime the NWSs have continued the qualitative and quantitative development of their nuclear systems, which has resulted in highly valuing the possession of nuclear weapons as a national asset. In spite of the general feeling that the military use of nuclear weapons seems impossible because of their immense destructive power, the NWSs have been increasing their nuclear weapons because they have perceived nuclear weapons to be very useful as a political tool in international politics.

II International Security in the Post-Cold War Era

i) Nuclear Reduction and Proliferation Danger

From the end of 1980s to the beginning of 1990s, the international system fundamentally based on the East-West rivalry for 40 years has collapsed and we have entered a new era after the Cold War era. The process began with Gorbachev's perestroika and glasnost policies, leading to revolution of the Soviet social system, democratization of Eastern Europe, the unification of East and West Germanies,

dismantlement of the Warsaw Treaty Organization, and at last the collapse of the Soviet Union. The remarkable character of arms control and disarmament during this time has been the process of substantive nuclear reduction by the United States and the Soviet Union or the Russian Federation on one hand, and the increase of the danger of proliferation not only of nuclear weapons but also of other weapons of mass destruction and missiles on the other hand, and the shifting of international efforts for arms control and disarmament from the former to the latter.[3)]

Although the process of the Strategic Arms Reduction Talks (START) had began in 1982, we had to wait until the end of the Cold War in order to arrive at the conclusion of the START Treaty. At the summit in Malta in December 1989, Presidents Bush and Gorbachev proclaimed the end of the Cold War and confirmed the transition from the days of confrontation to the new era of cooperation. In July 1991, they concluded the START I Treaty, agreeing to the substantial reduction of strategic nuclear weapons of both countries which could not have been even imagined during the Cold War era. The Treaty provides for the reduction of their nuclear warheads to 6000 each, meaning the reduction by one third of their 11000 to 12000 nuclear warheads through complex counting rules.

They continued negotiations and in January 1993 the United States and the Russian Federation signed the START II Treaty agreeing to the further reduction of nuclear warheads to 3000-3500 by 2003, and to the total elimination of ICBMs with MIRVs. With the START I and II Treaties, they agreed to the substantive reduction of strategic nuclear forces, eliminating the confrontation based on strategic nuclear forces as a symbol of East-West confrontation, and leading to the complete demise of the Cold War structure. With these measures, the focus of arms control and disarmament have shifted to non-proliferation.

The conclusion of two START Treaties does not mean the total resolution of the strategic nuclear forces issue. The entry into force of the START II Treaty presupposes the entry into force of the START I Treaty. After the signature but before the ratification of the START I Treaty, the Soviet Union as a nation has disappeared in December 1991. Ukraine, Kazakhstan and Byelarus as well as Russia and the United States have signed the Protocol to the Treaty, because the former Soviet nuclear weapons have been deployed in those new countries. In spite of the fact that for the START I Treaty to enter into force, the ratification of the Protocol by the five countries is necessary, Ukraine's position is not clear so far and demands some measures to strengthen their

3) Ronald F. Lehman II, "Arms Control: Passing the Torch as Time Runs Out," *Washington Quarterly*, Vol.16, No.3, Summer 1993, p.42.

security and economic assistance. The United States, the Russian Federation and other western countries should respond positively to their demands in order to secure the Treaty's entry into force and its implementation.[4)]

In spite of the welcome ending of the Cold War, the disappearance of the U.S.-Soviet world hegemony brought many regional conflicts to the surface. The first case was the Iraqi invasion of Kuwait. After the end of the so-called Gulf War, the United Nations Special Commission (UNSCOM) and the International Atomic Energy Agency (IAEA) conducted on-site inspections in accordance with Security Council Resolution 687, and found out that Iraq had been developing clandestine nuclear weapons programs. This fact gave a big shock to the NPT regime because Iraq had been subjected to IAEA inspections as a party to the NPT and the IAEA reported no problem with Iraq.

As the demise of the Cold War brought the demise of the Soviet Union with it, in the former Soviet Union there emerged the serious problem of the danger of nuclear proliferation in addition to the above-mentioned implementation problem of the START I Treaty. While strategic nuclear arms still remain in four new states, tactical nuclear weapons have already been withdrawn into Russian territory. Because of the collapse of the Soviet Union which had kept monolithic control over nuclear weapons, physical protection of the nuclear weapons which are deployed in or withdrawn to the Russian Federation is not quite enough, and many fear that they may fall into the possession of unauthorized persons or smuggled to other countries. There are also deep concerns about the control of plutonium and highly-enriched uranium which will be taken out of dismantled nuclear weapons. An additional concern is the many nuclear scientists and technologists who lost their jobs, and we can not deny the possibility that they may be employed by third-world countries which are eager to develop nuclear weapons. The program to establish international science and technology centers in Moscow and Kiev to employ these scientists and technologists is in active progress, but it seems that they alone are not enough for this serious problem.[5)]

North Korea, which had agreed to accept the IAEA safeguards after 7 years refusal,

---

4) For Ukrainian nuclear problems, see John F. Mearsheimer, "The Case for a Ukrainian Nuclear Deterrent," *Foreign Affairs*, Vol.72, No.3, Summer 1993, pp.50-66; Steve Miller, "The Case against a Ukrainian Nuclear Deterrent," *Ibid*, pp.67-80.

5) For nuclear weapons in the former Soviet Union, see Ivo H. Daalder and Terry Terriff, "Nuclear Arms Control: Finishing the Cold War Agenda," *Arms Control*, Vol.14, No.1, April 1993, pp.5-37; Steve Miller, "Western Diplomacy and the Soviet Nuclear Legacy," *Survival*, Vol.34, No.3, Autumn 1992, pp.3-27; Spurgeon M.Keeny, Jr., et al., "Nuclear Weapons in the Former Soviet Union," *Arms Control Today*, Vol.23, No.1, January/February 1992, pp.3-37.

announced its desire to withdraw from the Treaty in March 1993. As North Korea refused demands by the IAEA for special inspections of the two facilities in Yonbyon, some countries including the United States want to apply U.N. sanctions against North Korea. The case in which a state which is isolated in international society is developing a nuclear weapons program, shows how deep and serious the problem of non-proliferation in the post-Cold War era is.

In South Asia, India and Pakistan are refusing to join the NPT and are continuing their nuclear and missile programs. Both countries own nuclear facilities not under the IAEA safeguards, and are producing nuclear materials indigenously.

In the Middle East, Israel has been believed to possess many nuclear weapons, and chemical weapons were used during the Iran-Iraq War in 1980s. The use of chemical weapons by Iraq against Israel was feared during the Gulf War in 1991. Although the Chemical Weapons Convention was signed by more than 130 states in January 1993, many Arab countries refuse to sign it as long as Israel possesses nuclear weapons. There are some concerns about the intentions of Iran, Libya and Algeria toward nuclear weapons development.

On the other hand, some measures which strengthened the NPT regime have been taken. South Africa, which has been one of the most suspicious states as to the development of nuclear weapons, acceded to the NPT in July 1991 and accepted the IAEA full-scope safeguards. Several states surrounding South Africa also acceded to the NPT and the security environment in southern Africa has been highly improved. In South America, Argentina and Brazil, who were competing with each other's nuclear program for a long time without signing the NPT, changed their policies in 1990 and agreed to accept the IAEA full-scope safeguards. France and China, which had refused to join the NPT because it represented the superpower's world domination, joined the NPT in 1992.

It was in this international scene that President Bush announced his "Non-Proliferation Initiative" on July 13, 1992. It includes the U.S. decision not to produce plutonium or highly-enriched uranium for nuclear explosive purposes. The U.S.will also focus special efforts on those areas where the dangers of proliferation remain acute, notably in the Middle East, the Persian Gulf, South Asia, and the Korean peninsula. This policy emphasizes the compliance with and enforcement of international non-proliferation norms, support for special inspections, harmonization of export controls, and regional efforts for non-proliferation. In addition, the conclusion of the Chemical Weapons Convention, and strengthening of the NPT, the Tlatelolco Treaty, the IAEA, the Biological Weapons Convention and the Missile Technology Control Regime (MTCR) are mentioned.

ii) The NPT Extension Conference and Nuclear Disarmament

The most important conference on arms control and disarmament during the post-Cold War era will be the NPT extension conference which will be held in April/May 1995 in New York. At the conference the participants will decide whether to extend the NPT indefinitely or for an additional fixed period or periods by a majority vote. The fifth NPT review conference will be held at the same time. At the last four review conferences, the progress of nuclear disarmament was the most controversial issue and NNWSs criticized the discriminatory character of the NPT. Although with some progress in nuclear reduction in the post-Cold War era the discrimination in the Treaty seems to be somewhat reduced, the following measures should be taken in order to proceed from the post-Cold War era toward establishing a new international security order.

(a) Implementing the START Treaties

The United States and the Soviet Union or the Russian Federation have agreed to substantially reduce their nuclear arsenals, but neither Treaty has yet entered into force. Although both countries are partially implementing their obligations by putting their nuclear weapons off-alert or dismantling some systems, their complete implementation can not be secured without the ratification of the Treaties. As the ratification of the Protocol to the START I Treaty by Ukraine is crucial for implementing the Treaties, states concerned should take various measures which would motivate Ukraine to ratify. In Russia, some measures are also necessary to get support domestically for their smooth implementation.

More difficult will be the Russian nuclear dismantlement work, because Russia does not have enough technical and financial means to implement its promise of deep reductions. This means the obligation assumed by Russia can not be implemented without help from foreign countries. The United States has already started a cooperative denuclearization process under Nunn-Lugar legislation and other G-7 countries are also providing technical and financial assistance. The sooner the dismantlement work proceeds, the fewer the opportunities for the unauthorized seizure of nuclear weapons by terrorists or others and the safer the world will be. Stringent control over the nuclear materials derived from dismantled nuclear weapons is needed, and an international control system over plutonium would be necessary.

(b) Comprehensive Test Ban (CTB)

A comprehensive ban on nuclear testing, as provided for in the preamble of the NPT, is an effective measure to stop the qualitative nuclear race, mitigating the

discriminatory nature of the Treaty. For this reason the highest priority has been given to a CTB in disarmament measures. As in the Cold War era, the SALT Agreements did not regulate qualitative aspect of the arms race, the NWSs have continued improving the quality of their armaments, which have required the conduct of testings. The United States expressed as their policy a "step-by-step approach", seeing a CTB as an ideal but making no significant progress in that direction.

In spite of the advent of the end of the Cold War which meant there was no longer a necessity to compete with the Soviet Union, the Bush Administration was very reluctant to negotiate a CTB. After the U.S. House of Representatives approved a one-year moratorium on testing, the U.S. Senate in August 1992 passed draft legislation which stipulates a nine-month moratorium, 15 tests in the following three years and a complete ban after that. This draft legislation became law in October. The new Clinton Administration has examined the problems of whether to resume testing after the moratorium, and whether to continue small-scale testing after 1996 as nuclear laboratories demand. On July 2, 1993, President Clinton announced the continuation of the moratorium and urged other NWSs to follow, and France and Russia announced their willingness to continue the moratorium.[6)]

Under these circumstances, the move toward a CTB has been made and the Geneva Conference on Disarmament, on August 10, unanimously gave the mandate to negotiate a CTB to the ad hoc Committee on Nuclear Test Ban. Substantive negotiation will start from January 1994. We can be optimistic of its progress because the decision was supported by all NWSs, although China conducted a nuclear test in October.

The main reason why the United States changed their position from reluctance to support is the recognition by the Administration that a CTB is indispensable for effective non-proliferation and for getting maximum support for an indefinite extension of the NPT in 1995. From this point of view, it is urgent to sign a CTB treaty or to agree on the fundamental structure of the treaty before the extension conference.[7)]

(c) Production Cut-Off of Nuclear Materials for Weapons Purposes

In its non-proliferation initiative of July 1992, the United States announced the

---

6) For the reasons not to resume nuclear testing, see "Nuclear Explosive Testing: The 8 Reasons Not to Resume Testing," *The Defense Monitor*, Vol.22, No.5, 1993.

7) James F. Leonard, *Strengthening the Non-Proliferation Treaty in the Post-Cold War World*, Washington Council on Non-Proliferation, October 1992, pp.6 and 10; Trever Findlay, *A Comprehensive Nuclear Test Ban: Post-Cold War Prospects*, Australian National University Research School of Pacific Studies, September 1992, pp.10-12; Darryl Howlett and John Simpson, "The NPT and the CTB: Linkages, Options and Opportunities," *Arms Control*, Vol.13, No.1, April 1992, pp.85-107.

decision that the U.S. would not produce nuclear materials for weapons purposes. The U.S. explained that its intention for the decision was to encourage countries in regions of tension such as the Middle East and South Asia to take similar actions. As the nuclear arms race between the U.S. and Russia was over and the age of nuclear disarmament has come, there is no need to produce nuclear materials for weapons purposes any more.

Accordingly, it is extremely urgent to start negotiations for a new treaty on the subject. Although some NWSs are still producing nuclear materials for weapons purposes, the necessity to increase nuclear forces has declined in the post-Cold War era. In order to persuade some countries not to develop a nuclear weapons program, it is indispensable for the NWSs to stop producing these materials. This measure is a precondition to asking such states as Israel, India and Pakistan not to produce these materials.[8)]

On September 27, 1993, President Clinton proposed a multilateral convention prohibiting the production of highly-enriched uranium or plutonium for nuclear explosives purposes or outside of international safeguards.

(d) Negative Security Assurances and No-First-Use

Negative security assurances which prohibit the use of nuclear weapons against the NNWSs parties to the NPT have been discussed since the time of treaty negotiation, but full assurances have not yet been given. Although at the U.N. Special Sessions on Disarmament in 1978 and 1982, all five NWSs proclaimed their intentions to provide negative security assurances, these were not good enough for NNWSs, because they were conditional, their forms were not uniform, and they were merely expressions of intention and not legally binding. These shortcomings depended on the confrontation between the East and the West based on the Cold War structure. Now that the Cold War is over, this reasoning has no validity today.

It seems natural for the NWSs to undertake a legally binding obligation not to use nuclear weapons against the NNWSs which voluntarily abandon the option of nuclear weapons and accept it as a legally binding obligation by acceding to the NPT or other treaty establishing nuclear-weapon-free zones (NWFZs). More complete negative security assurances will be a big incentive for non-parties to the NPT to accede to it.[9)]

---

8) Rufus H. Shumate and Lewis A. Dunn, "Nuclear Material Arms Control: Reassessment Continues," in Lewis A. Dunn and Sharon A.Squassoni (eds.), *Arms Control: What Next?* Westview Press, 1993, pp.123-124.

9) For security assurances to NNWSs, see George Dunn, *Security Assurances for Non-Nuclear-Weapon States as a Part of the 1995 Bargain to Extend the Non-Proliferation Treaty*, Lawyers Alliance for World Security, February 1993.

The NWSs should take one step more to proclaim a no-first-use policy and begin negotiations for a treaty on no-first-use of nuclear weapons,[10] because the doctrine of extended deterrence has lost its raison d'être by the improvement of the East-West relationship, the democratization of Eastern Europe, and the dissolution of the WTO. The need to complement the inferiority in conventional weapons with nuclear weapons has disappeared with the conclusion and implementation of the Conventional Forces in Europe (CFE) Treaty. Also, as tactical weapons in Central Europe have already been withdrawn, the physical base for the doctrine seems to have disappeared. As the theoretical and physical support of the doctrine has broken down, the NWSs should take a no-first-use policy.

The no-first-use of nuclear weapons does not prohibit the use of nuclear weapons as retaliation against an enemy's first use of nuclear weapons. However, it is the first and indispensable measure necessary for the eventual complete prohibition of the use of nuclear weapons.

(e) Nuclear-Weapon-Free Zones and Regional Security

NWFZs which provide for the "complete absence of nuclear weapons" in a region, is complementary to non-proliferation. The participation of Brazil, Argentina and Chile in the near future to the Tlatelolco Treaty in Latin America would make the Treaty complete. If the United States, the United Kingdom and France change their mind and sign the Protocol 2 of the Rarotonga Treaty of the South Pacific, the Treaty will be strengthened.

With the demise of the Cold War and the radical change in international circumstances, the possibility to establish new NWFZs has increased. In Africa, as South Africa acceded to the NPT, the attempt to establish a NWFZ since 1960 has become reality, and the OAU/UN group is now drafting a treaty establishing an African NWFZ which is expected to be signed in two years. In Southeast Asia, with the Cold War influence gone and increased stability in the region, the ASEAN conference of foreign ministers, in July 1993, decided to begin drafting a treaty on a Southeast Asia NWFZ. On the Korean peninsula, although recent events do not permit us to be optimistic, the two Korean countries signed the Declaration of Denuclearization of the Korean Peninsula in December 1991.

---

10) Lewis A. Dunn and Frank W, Jenkins, "Nuclear Arms Control in the Post-Cold War World," in Lewis A. Dunn and Sharon A. Squassoni (eds.), *Arms Control: What Next?* Westview Press, 1993, p.19; Jozef Goldblat, "Issues Facing the 1995 NPT Extension Conference," *Security Dialogue*, Vol.23, No.4, December 1992, p.30.

Positive support by NWSs is indispensable for NWFZs because otherwise it would be very difficult to establish them and even if they are established they would not be strong enough. Nevertheless, the initiative to establish a NWFZ must come from the regional states concerned. With the demise of the Cold War favorable conditions have emerged for establishing NWFZs, and it is desirable to try to establish NWFZs in various regions in the world with the encouragement and support from the NWSs. This measure would strengthen the current NPT regime.

In the Middle East and South Asia conditions for NWFZs are not yet mature, though it would be hoped that these regions would be made free from nuclear weapons. In these regions, some measures should be taken to normalize their relations by compiling confidence-building measures such as the increase in transparency of military activities or the extension of communication links. In the Middle East, the peace process is progressing now between Israel and the PLO and Jordan. On these steps regional peace and security should be pursued.

In South Asia, India and Pakistan have concluded an agreement not to attack the nuclear facilities of the other. They should now agree not to deploy nuclear weapons or nuclear missiles, that is, to keep the status quo, and undertake not to threaten to use nuclear weapons. In this context it is also necessary for China to make some confidence-building measures with India. India and Pakistan should build confidence in each other and resolve their differences such as the Kashimir problem, and try to establish a NWFZ.

As one of the most remarkable phenomena in the post-Cold War era is the increase of regional conflicts, it is urgent to strengthen regional security systems by positively taking various measures to build security and confidence among regional states.

iii) The Role of Nuclear Weapons

The military and political role of nuclear weapons in the post-Cold War era has decreased considerably because the United States and the Soviet Union or the Russian Federation have agreed to a substantial reduction of their nuclear forces. They agreed to reduce their strategic nuclear warheads by 70 %, and withdraw their tactical nuclear weapons deployed mainly in the Central Europe. The reduction of the strategic nuclear weapons has a political meaning, while the withdrawal of the tactical nuclear weapons rather has a military meaning because they are supposed to be used in the early stage of a conflict between the East and the West.

We can confirm that the military and political role of nuclear weapons in the context of the East-West relations or the U.S.-Russia relations has significantly decreased because of the end of the Cold War. Indeed the meaning of nuclear weapons on a global

level has decreased. But on a regional level, the meaning of nuclear weapons seems to be increasing. For example, the nuclear weapons of Israel in the Middle East and those of India and Pakistan in South Asia, and nuclear development of North Korea in the Korean peninsula and those in Iran or Libya show that nuclear weapons can play an important role in regional hegemony, and that the possibility of the use of nuclear weapons in regional conflicts is increasing.

The general trend of the increase in regional conflicts is one of the characteristics of the post-Cold War era, and also increases the possibility of the use of weapons of mass destruction, including nuclear weapons. This leads to the second characteristic of the post-Cold War, that is, the proliferation of weapons of mass destruction and missiles. It is urgent to prevent the spread of these weapons to regions with potential conflicts, because the role of nuclear weapons is decreasing on the global level, but increasing on the regional level.[11)]

III A New International Security Order

Strategic nuclear warheads will have been reduced to 3000-3500 in the beginning of the 21st century if the START Treaties are implemented accordingly. As is clear from the U.S. statements at the time of the signature of the START II Treaty, the number of 3500 was decided to keep deterrence in any circumstance. In this sense, the Treaty is still the result of the thinking during the Cold War. In the START II negotiation, the Russian Federation argued for a reduction to 2000 warheads.

It seems to me that the 3000-3500 warheads are too many in an age where the Cold War is over and no East-West confrontation exists. Although it will take time to destroy or dismantle nuclear systems already agreed to be reduced, the U.S. and Russia should negotiate further reductions, and the United Kingdom, France and China should join this process. As the military and political role of nuclear weapons among these five counties is decreasing, it will be possible to reduce their nuclear arsenal to 200 or so without waiting for the radical transformation of international structure.[12)]

However, as there exist potential or emerging nuclear states in spite of the fact the current NPT is supported by the great majority of the world, international society must

---

11) Ivo H. Daalder divides arms control into a cooperative approach in Europe and a competitive approach in the Middle East, South Asia and Northeast Asia (Ivo H. Daalder, "The Future of Arms Control," *Survival*, Vol.34, No.1, Spring 1992, pp.51-73.).

12) Michael E. Brown, "The 'End' of Nuclear Arms Control," *Arms Control*, Vol.14, No.1, April 1993, p.63; Ivo H. Daalder, "Stepping Down the Thermonuclear Ladder: How Long Can We Go?" *Ibid*, p.93.

endeavor to prevent the spread of nuclear weapons. Currently both political and technical measures are taken, but technical measures like export control by supplier countries are valid in the short term only. As the supply-side approach alone has its limit, we should also take the demand-side approach into account and employ political measures.[13)]

Needed are the elimination of security concerns which demand nuclear weapons and to decrease the political meaning attached to nuclear weapons. For the former, concerned states should make efforts to get rid of the underlying causes of regional disputes, and for the latter, the NWSs should stop the political use of nuclear weapons and reduce the size of nuclear weapons which in turn would indirectly reduce their military and political value.[14)]

It is very urgent to go forward to a world without nuclear weapons through the reduction of nuclear weapons and the prevention of their proliferation. However, a world without nuclear weapons can not be achieved through efforts in disarmament alone. Improvement in international security depends not only on the progress of disarmament but also on the progress achieved in other fields.[15)] First, the international norm of no-use of force must be strengthened and more completely adhered. In the pots-Cold War era, armed conflicts have occurred in many areas of the world and illegal uses of forces are common in these circumstances. We have to secure the effectiveness of this fundamental rule of international law. In the case of nuclear weapons, which have not been used since Hiroshima and Nagasaki, we need a special law which clearly prohibits their use, even in the case of retaliation against the use of conventional weapons.

Secondly, we need a system which prevents a dispute from developing into a conflict, that is, a mechanism for peaceful settlements of international disputes, because the occurrence of disputes can not be avoided in international society. We must prepare a mechanism which provides greater availability to third-party dispute settlement through good offices, fact-finding, mediation, conciliation, arbitration or judicial settlement. For the improvement and dissemination of these means, confidence-building among nations by a step-by-step approach is necessary.

---

13) Chris Smith, "Nuclear Proliferation, the New World Order and the Widening North-South Divide," *Internationale Spectator*, Vol.46, No.11, November 1992, pp.657-663.

14) Lawrence Scheinman, "The Non-Proliferation Treaty: On the Road to 1995," *IAEA Bulletin*, Vol.34, No.1, 1/1992, pp.35-36; Carl Kaysen, Robert S. McNamara and George W. Rathjens, "Nuclear Weapons after the Cold War," *Foreign Affairs*, Vol.70, No.4, Fall 1991, p.109.

15) Jonathan Dean, "Comprehensive Control over Nuclear Weapons," *Arms Control*, Vol.14, No.1, April 1993, pp.250-251.

Thirdly, with the revival of the United Nations, it is necessary to improve the U.N. collective security function by adapting it to the new international order. The U.N. Security Council has to pursue international interest rather than just the national interests of the permanent fives. It may be necessary to rethink the membership of the Security Council for that purpose.

Measures in these three areas and disarmament are interdependent, and the progress in one category would stimulate the progress in other areas. Recent remarkable progress in disarmament has had a positive influence on the other three categories. However, in order to realize a world without nuclear weapons, dramatic progress in those three categories is necessary and a structurally transformed society must be established.

In order to establish a new international security order, not only positive progress in disarmament but also a consolidation of the norm of no-use of force, a more available and efficient mechanism for the peaceful settlement of disputes and a more effective collective security system are necessary. With progress in all these four interdependent factors, a more secure and peaceful world will be established. Nuclear disarmament is an indispensable part of this new international security order.