

POLICY BRIEF



Mongolia's Nuclear Experience: Expanding a National Initiative to Strengthen the Nuclear-Weapon- Free Zone Regime

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MONGOLIA'S NUCLEAR EXPERIENCE: EXPANDING A NATIONAL INITIATIVE TO STRENGTHEN THE NUCLEAR-WEAPON-FREE ZONE REGIME

INTRODUCTION

The Growing Importance of NWFZs

Nuclear-weapon-free zones (NWFZs) are important and practical regional measures by non-nuclear-weapon states (NNWSs) to promote the goals of maintaining strategic stability, nuclear non-proliferation, and strengthening confidence among states. Today, there are more than 115 states, the territories of which cover about 84 million square kilometres of the world's landmass, representing 39 percent of its population and making up almost 60 percent of the United Nations (UN) membership. Much has been achieved in the past half century. However, this rich experience should serve as a tool to strengthen and further broaden the NWFZ regime to create a nuclear-weapon-free-world (NFWF). If oceans and seas, which cover about 70 percent of the Earth's surface, are included, the NWFZ regime would cover most of the NFWF.

Concept of NWFZs

The current definition of NWFZs is based on the outcome of the first comprehensive UN study of 1975, which recognises the total absence of nuclear weapons in the zone. It defines zones as “group state”, established “on the basis of arrangements agreed upon by the states of the region concerned.” These are considered *traditional* or *first generation zones*. The accent in 1970s understandably was to encourage as many NNWSs as possible to involve “group states,” as reflected in Article VII of the Nuclear Non-proliferation Treaty (NPT).¹ A condition for establishing NWFZs was the conclusion of an international treaty or convention by the NNWSs of the region, reaffirming the total absence of nuclear weapons in the zone, supported by an agreed system of verification and control. As for nuclear weapon states (NWSs or the P5),² they were expected to respect the status of the zone and provide legally binding security assurances to the states parties, pledging not to threaten or use nuclear weapons against them.

¹ Article VII of the NPT states “Nothing in this Treaty affects the right of any group of States to conclude regional treaties in order to assure the total absence of nuclear weapons in their respective territories.” <https://disarmament.unoda.org/wmd/nuclear/npt/text/>

² In this article the author uses both abbreviation P5 (as five permanent members of UNSC) and NWSs (as nuclear weapon states recognized as such by the NPT). For easier reading in most cases it used expression P5, and P3 as western members of the P5.

Establishment of a WMD-free zone in the Middle East³ is currently under discussion. Informal exchanges of views and proposals by some think tanks and non-governmental organisations (NGOs) are also underway to establish a NWFZ in Northeast Asia. The establishment of an agreed Arctic cooperative regime has been under consideration in the wake of climate change and the growing geopolitical importance of the Arctic.⁴ Additionally, there are quite a number of states and non-self-governing territories that, due to the current definition of NWFZs, cannot be part of the regime. All these cases can be considered as involving *second generation zones*, since they involve regions with international disputes, where such weapons actually exist, or where the NWSs have particular stakes. These also involve many individual states that are excluded due to “group state” acts in the current NWFZ concept.

Developments in international relations, changes in the international environment, and the rapid development of military and other technologies require that, to be effective, the NWFZ regime reflects the demands and requirements of the times, especially in terms of effective information sharing on the total absence of nuclear weapons in the zones, as well as on strict verification and control. Likewise, for the NWFZ to be effective, the rights and obligations of the NWFZs and of the P5 must be balanced, meaning that the P5 security assurances need to be clear-cut and legally binding, not merely statements of intention. To be effective, the NWFZ regime also needs to be inclusive. These are some of the issues that require careful consideration. In this connection, the author would like to touch upon *two issues*: Mongolia’s experience as a NNWS in promoting its nuclear-weapon-free status policy and the need to make the NWFZ regime more inclusive and effective.

MONGOLIA’S NATIONAL INITIATIVE AND EXPERIENCE

Though the materials of the 1975 study have mentioned that NWFZs could be established on entire continents and even by individual countries, the issue of inclusivity of the NWFZ regime has so far not been sufficiently explored. There was no discussion of establishing NWFZs by individual states until Mongolia raised the issue at the United Nations General Assembly (UNGA).

Mongolia brought the issue of establishing a single-state NWFZ to the attention of UNGA based on its Cold War experience of hosting military bases of a NWS – the Soviet Union - and thus finding itself as a legitimate target of other NWSs. Therefore, in the post-Cold War period, after the withdrawal by Russia of its military bases from Mongolia, the country began to promote a policy of protecting its security not through the security umbrella of a NWS, but by turning its territory into a NWFZ. This policy

³ Known now as a Weapons of Mass Destruction Free Zone in the Middle East.

⁴ Melting of ice in the Arctic due to climate change is opening up the possibility to tap its enormous resources, including natural gas and oil as well as opening of shipping routes for commercial and military activities.

aimed to strengthen the country's security primarily through political and diplomatic means, while contributing to regional peace and stability.

By 1992, two NWFZs had been established in Latin America and the Caribbean, and in the South Pacific, while talks were underway to establish such zones in Southeast Asia and over the entire African continent . It was in these circumstances that, on 25 September 1992, Mongolia declared itself a NWFZ at the UNGA and pledged to work toward having that status internationally guaranteed.⁵ The declaration was in the spirit of the Russian and Chinese joint declaration that they would not use territories of third-party neighbouring states against each other.

A convenient political opportunity to raise and discuss the initiative directly with the P5 arose in 1993 when the P5 requested Mongolia's support for the indefinite extension of the NPT at the treaty's 1995 Review and Extension Conference. Seizing this opportunity, Mongolia reminded them of its initiative, its importance for regional stability and predictability, and asked for their political support. After frank talks, the United States agreed to support Mongolia's initiative , and in October 1993, the US Department of State made a statement in support of the initiative.⁶ Soon after, the other P4 followed the US example and made unilateral statements in support of the initiative.⁷ However, when Mongolia sought a joint P5 statement in support of the initiative as a first step in acquiring P5 security assurances, France, due to its specific nuclear policy at the time, expressed difficulty in supporting it. Therefore, Mongolia decided to bring the issue directly to the UNGA, where it knew that it would enjoy the support of the overwhelming majority of its membership.

When working with the P5 at the UNGA, Mongolia learned that though they were not against Mongolia's initiative as such, they were reluctant to support further practical promotion of the idea, believing that doing so might impede the establishment of traditional "group state" zones and would set a precedent for other individual states to follow Mongolia's example.

As a first step in practically promoting its initiative, in 1997, Mongolia decided to seek a supportive UNGA resolution. It shared its view with the P5 and the Non-Aligned Movement (NAM), stating that recognition and support of Mongolia's NWFZ and its institutionalisation would be a practical contribution to regional stability. The NAM expressed full support of Mongolia's initiative. The United States, speaking on behalf of

⁵ UNGA document A/47/PV.13. 47th Session. Provisional Verbatim of the 13th meeting. September 25, 1992

⁶ See UN document A/CN.10/195 of 22 April 1997. URL: <https://s3.amazonaws.com/unoda-web/documents/library/A-CN10-195.pdf>

⁷ Ibid. Section D on commitments made by NWSs in connection with Mongolia's declaration of its territory a NWFZ. Russia had pointed out that it had committed to respect Mongolia's policy of not admitting the deployment on and transit through its territory of foreign troops, nuclear and other weapons of mass destruction in the Treaty on friendly relations and cooperation concluded with Mongolia in 1993.

the United Kingdom and France (i.e., the Western P3), said that they were against using the notion of a “zone” in Mongolia’s case since the terminology had acquired more sensitive legal connotations in light of their signature of the protocols to the Rarotonga⁸ and Pelindaba⁹ treaties, as well as the ongoing discussions concerning the Bangkok¹⁰ treaty. Nevertheless, in 1998, Mongolia and the United States (on behalf of the P5) began discussing the possible content of the draft resolution on the issue.

The Mongolian side pointed out its interest in acquiring a single-state NWFZ status with legally binding assurances and expressed its readiness to conclude a trilateral treaty with its neighbours, to which the Western P3 could sign a supportive additional protocol—i.e., a 3+3 formula. Explaining the formula, Mongolia indicated that, as a small land-locked state, it did not want to find itself under the condominium of two nuclear-weapon states. The United States informed Mongolia that the P5 was not prepared to support the notion of a single-state NWFZ nor its institutionalisation. After some talks and reasoning, it was agreed that until the P5 recognised single-state zones, Mongolia would promote a nuclear weapon free status policy, while the P5, mindful of Mongolia’s unique location, would look at its national security from a broader perspective, including its independence, sovereignty, economic security, and ecological balance. Mindful of Mongolia’s request, it was decided to underline in the resolution the conviction that Mongolia’s internationally recognised status would contribute to enhancing regional stability and confidence-building. The sides agreed that these understandings could form the basis of the resolution.¹¹ The resolution was adopted without a vote in December 1998 as Resolution 53/77 D.¹²

Sensing that broad support from UN membership and the NAM was needed to politically promote the issue, Mongolia expanded its cooperation with active and influential NNWSs on disarmament issues. In 1995, even before Mongolia turned to the UNGA, the NAM summit held in Cartagena welcomed Mongolia’s initiative as a “commendable contribution to regional stability and confidence,” while in 1997, NAM’s ministerial conference “welcomed Mongolia’s efforts to institutionalise its status as a NWFZ.”

Support for the UNGA resolution on Mongolia’s issue was made possible due to two objective reasons: support for the country’s smooth parallel political and economic reforms and international recognition of its independent peaceful foreign policy. The P5 representatives, especially those from the United States, worked actively to support

⁸ Meaning the South Pacific Nuclear Free Zone Treaty.

⁹ Meaning African NWFZ treaty.

¹⁰ Meaning Treaty on Southeast Asian NWFZ.

¹¹ The concrete discussion of the draft resolution can be found at “Converting a Political Goal to Reality: The First Steps to Materialize Mongolia’s Nuclear-Weapon-Free Status”. See <https://www.mongolijol.info/index.php/MJIA/article/view/80>

¹² See UNGA resolution 53/77 D of 4 December 1998. URL: <http://www.worldlii.org/int/other/UNGA/1998/159.pdf>

Mongolia's policy. Despite their reluctance to fully support its initiative as a precedent, the P5 agreed to jointly search for ways to support Mongolia as "a state with unique geographic location that merited unique consideration."

Adoption of national legislation

The implementation of the UNGA resolution needed to start with Mongolia itself. With that in mind, the State Great Hural (Parliament) of Mongolia adopted a law on the country's nuclear-weapon-free status in early 2000 that content-wise was close to the NWFZ treaty commitments and contained concrete liabilities for the violation of its provisions. Since the country was already party to the NPT, the law introduced two specific features. First, the main subject of the law was not the Mongolian state itself, but rather legal and individual persons, as well as foreign actors. Second, going beyond the well-known NPT prohibitions, Mongolia had committed not to allow stationing or transit through its territory of nuclear weapons or parts of such weapons by any means.¹³

Implementation of the resolution

The main objective of Mongolia in implementing the resolution was to agree on the form and content of P5 assurances. Mongolia's proposal was to conclude a trilateral treaty with its neighbours based on the 3+3 formula. However, the P5 indicated that they were not prepared to support it. Another option was the adoption of a joint statement, similar to the 1994 Budapest Memorandum, whereby the P5 had provided assurances to Ukraine, Belarus, and Kazakhstan. Mongolia supported this approach. However, during the discussion of its content, the P5 informed Mongolia that they had decided to make a P5 joint statement (P5 JS) regarding Mongolia's status, which they did in October 2000 at the UNGA's First Committee.¹⁴ The main points of the P5 JS were: welcoming Mongolia's declaration of its nuclear-weapon-free status (but not the status itself); recognising Mongolia's unique geographic status (implying that no precedent would be established); reaffirming their respective unilateral security assurances reflected in UNSC resolution 984 (1994), with Mongolia as the addressee; and recalling and confirming by Russia and China of their binding commitments regarding Mongolia through bilateral treaties concluded with it.

Mongolia's official reaction to the P5 JS was diplomatic. It declared the JS as an important step in institutionalising the status at the international level, while privately letting them know that the JS had been made in the Cold War spirit and did not reflect the actual good-neighbourly relations of Mongolia with its two immediate neighbours or its successfully expanding relations with the Western P3.

¹³ See UN document A/55/56-S/2000/160 of 29 February 2000. URL: <https://documents.un.org/doc/undoc/gen/n00/320/46/pdf/n0032046.pdf>

¹⁴ See UN document A/55/530-S/2000/1052 of 31 October 2000. URL: <https://documents.un.org/doc/undoc/gen/n00/718/64/pdf/n0071864.pdf>

Possible role of UN Security Council

During the talks on the nature of assurances, P5 representatives let Mongolia know that their parliaments would not consider providing legally-based assurances to individual states, including Mongolia. Therefore, Mongolia informally suggested to the P5 to have the UNSC adopt a simple, one-time resolution welcoming Mongolia's status. It explained that such a procedure would not necessarily require broad debate on the issue or any follow-up action. They declined the suggestion. With the Security Council option thus closed, Mongolia launched "right the wrong" political campaign at the United Nations, inquiring about the actual state of Mongolia's status.

Sapporo informal meeting

Informal discussions held within the "right the wrong" campaign resulted in the "interested" parties (i.e., P5 representatives in their personal capacity) agreeing to hold an informal meeting to clarify if Mongolia had actually acquired internationally recognised status by UNGA resolution or by the P5 JS. They sought to determine how such a status had been expressed legally, and if not, what could be done to clarify the actual state of the status. To thoroughly discuss the issue, a UN-sponsored non-governmental expert group meeting was held in September 2001 in Sapporo, which included experts from the P5, Mongolia, and the United Nations Secretariat. The experts concluded that Mongolia did not have a legally recognised nuclear-weapon-free status and that therefore it needed to identify options through which it could acquire such a status. The meeting concluded that, in order to acquire legally-based assurances, Mongolia needed to conclude either a trilateral treaty with its two neighbours (minimalist approach) or a P5 + Mongolia treaty (maximalist approach) on the issue. Between these two extremes, there were many combinations and possibilities, the attractiveness of which would depend on the objectives and interests of the "interested" parties¹⁵ to the treaty and the protocol.

Knowing well that the maximalist approach was out of the question, Mongolia decided to pursue the minimalist approach. It drew up the basic elements of a trilateral treaty, which content-wise was in line with NWFZ treaties and a separate protocol for the Western P3 in support of the treaty's provisions, and presented this 3+3 formula to Russia and China.

Working for a trilateral treaty

Having received the basic elements of Mongolia's proposals, Russia and China agreed in principle to such an approach and offered their preliminary comments on the draft's basic elements. Mindful of their comments, in 2007 Mongolia produced a draft treaty and protocol and presented it to its neighbours. The main objective was for China and

¹⁵ Para. 11 of Sapporo recommendations See document A/57/59 of 20 March 2002. URL: <https://documents.un.org/doc/undoc/gen/n02/295/51/pdf/n0229551.pdf>

Russia to commit to respecting the status and abstaining from any act that would lead to a violation of the status.

On Mongolia's initiative, the representatives of Mongolia, China, and Russia met twice in 2009 in Geneva to discuss the drafts. After Mongolia had introduced the 3+3 formula, Russia and China made general comments and asked questions regarding its specific articles.

The second Geneva meeting, held a few months later, continued the discussion of the draft and related issues. During the meeting, China and Russia presented their joint written comments¹⁶ and asked for detailed written responses, to which Mongolia agreed. Near the end of that meeting, they announced that they needed the Western P3 to join the subsequent meetings and that Mongolia should organise these meetings. When Mongolia brought up the issue with the P3, it became evident that, despite the Sapporo recommendations, they would not agree to discuss any international treaty or a protocol thereto, but might be open to a non-treaty approach to the assurance issue.

Seeing that the P3 would not agree to the 3+3 formula, Mongolia had to substantially review its approach and policy, and agreed with the P5 to sign parallel declarations: a P5 joint declaration (JD) and Mongolia's own declaration.¹⁷ With the draft P5 JD, they would welcome the passage of Mongolia's law on its status (which had been adopted 12 years earlier but not actively supported by them) and would commit to respecting the status and not contributing to any act that would violate it. On the other hand, Mongolia would restate its policy of refraining from joining any military alliance or grouping and banning foreign troops and weapons, including transit of nuclear weapons, through its territory. These two declarations were signed on 17 September 2012 at UN headquarters in New York.

Having agreed to seek a non-treaty form of assurances from the P5 and to reflect that in the UNGA resolution on Mongolia's status, in March 2014, Mongolia proposed to the P5, in the spirit of their JD, to include in the resolution a provision welcoming Mongolia's status as an important contribution to strengthening confidence and nuclear non-proliferation in the region. However, throughout the past decade, the P5 have been blocking reflection of such a provision in UNGA resolutions on the issue.

Post P5 Joint Declaration period

¹⁶ Entitled "Joint Russian-Chinese questions and comments with regard to specific articles of the Mongolian draft Treaty between the People's Republic of China, Mongolia and the Russian Federation on Mongolia's nuclear-weapon-free status" and separately "Legal questions in the Mongolian draft treaty". All in all 6.5 pages in length.

¹⁷ Documents A/67/393-S/2012/721 of 26 September 2012 and A/67/517-S/2012/760 of 15 October 2012. URL: <https://documents.un.org/doc/undoc/gen/n12/523/08/pdf/n1252308.pdf> and <https://documents.un.org/doc/undoc/gen/n12/548/88/pdf/n1254888.pdf>

Since 1998, the UNGA has passed 14 resolutions expressing its conviction that the “internationally recognised status of Mongolia would contribute to enhancing stability and confidence-building in the region.” However, the P5 have been disregarding this provision, even though at times they have co-sponsored such resolutions.

After more than three decades of consideration of Mongolia’s initiative, the international community understands well the practical implication of the issue and has consistently been expressing full support. Reflecting that overwhelming support and the issue’s potential importance for other states, in 2022, UN Secretary-General (UNSG) António Guterres qualified Mongolia’s policy as a positive contribution to realising the NWFZ and expressed the hope that other states would follow its example.¹⁸

The adoption of the parallel declarations reflects the agreements and disagreements of the P5 and Mongolia on the issue. Mongolia was not able to acquire legally-based security assurances nor properly institutionalise its status internationally. Now, it is up to the Mongolian government to either pursue the initiative further or rest content with the P5 JD.

REFINING OF THE CONCEPT OF A NWFZ

Unless the very nature of international relations changes to one where states refrain from pursuing their narrow national interests and turn to enlightened self-interests and broader cooperation for the common good, many *uncommitted states*¹⁹ may continue to face the risk of being used as pawns in great power rivalry.

In international relations, states primarily tend to pursue their own interests. Even the P5, that are specifically charged by the UN Charter with the primary responsibility of the maintenance of international peace and security, are no exception. Hence, due to the self-interests of NWSs, the risks of direct great power confrontation, especially with the use of nuclear weapons, is somewhat remote, though that cannot be ruled out given that the risk of miscalculation is increasing. Currently, the world is witnessing a gradual change in the nuclear deterrence concept to a hybrid one that involves the threat or use of nuclear weapons even in conventional conflicts and against NNWSs. That should not be allowed to become a new normal. The war in Ukraine could likely lead to changes in nuclear doctrines and policies that would weaken the nuclear use taboo and lower the threshold of their use. With that, the temptation of great powers to use non-committed states as pawns in their proxy wars would only increase. The saying *lupus non mordet lupum* (i.e., “a wolf does not bite a wolf”) cautions that involving un-committed states in nuclear and non-nuclear conflicts is not only not excluded but almost implied, at a

¹⁸ United Nations, Secretary-General's joint press encounter with Mongolia's Foreign Minister, Battsetseg Batmunkh, 9 August 2022, <https://www.un.org/sg/en/content/sg/speeches/2022-08-09/secretary-generals-joint-press-encounter-mongolias-foreign-minister-battsetseg-batmunkh>

¹⁹ Meaning individual states that are not parties to political-military blocks or parties to current NWFZs.

time when the world population is growing, necessitating the wider use, and hence competition over the planet's living and mineral resources.

Mongolian NGO Blue Banner, established in 2005 to promote the country's NWFZ policy, conducted a study in 2022 on the strengths and weaknesses of NWFZs and concluded that there is a need to involve the uncommitted NNWSs into the NWFZ regime²⁰ as its missing essential pillar. That includes the Indo-Pacific region, where a new Great Game, reminiscent of the nineteenth century rivalry between the British and Russian empires, is being played out—especially in the Pacific region—between the United States, aimed at maintaining and strengthening its influence, and the rise of China and its influence.²¹ This rivalry involves allies and partners of these two great powers, thus reviving the Cold War spirit of mutual suspicion and confrontation. That is why, for the stake of stability, it is important to have the United States and China to agree not to involve the uncommitted states in their geopolitical rivalry but instead encourage and support their inclusion in the NWFZ regime.

Recognising and protecting the Achilles' heel of the NWFZ regime

Having been specifically recognised by the NPT as NWSs,²² the P5 seem to be reluctant to making any changes to the treaty, including in its Article VII, which recognises the right of groups of states to establish NWFZs. Hence, the P5's reluctance to go beyond recognition of traditional zones and acknowledge the legitimate rights of uncommitted states to pursue their national security interests on par with other states. However, recognition and support of their rights does not necessarily mean amending the NPT's Article VII. This historical article can be left untouched as a reminder of the twentieth-century traditional approach to NWFZs. Today, however, the concept of NWFZs needs to be enriched and updated based on contemporary realities. A new definition of NWFZs involving cases of individual states needs to be adopted. Mindful of their exceptional responsibilities under UN Charter, the P5 should support this novel approach and make international relations work more effectively, rather than increasing or modernising weapons as tools of coercion and intimidation.

As of this writing, no in-depth international study on single-state zones or Mongolia's experience has been undertaken, except for the modest study by Blue Banner. Most

²⁰ J. Enkhsaikhan, "Time to draw on the untapped potential of NWFZs," APLN Policy brief, no.95, January 2023. URL: <https://www.apln.network/analysis/policy-briefs/time-to-draw-on-the-untapped-potential-of-nwfzs>

²¹ This is reflected in such headlines as '[Great Power Geopolitics and the Scramble for Oceania](#),' '[With China looming, US signs MoU with another Pacific island State](#),' '[A rising China Has Pacific Islands in Its Sights](#),' '[US Pledges More Than \\$800 Million to Pacific Islands to Thwart China](#),' '["Great Game" unfolds in Pacific as US, China Vie for Backing](#),' '[NATO needs to look toward Pacific because of current realities, Jens Stoltenberg says](#),' etc.

²² Article IX, para 3 of the NPT.

studies on NWFZs either do not mention the issue, or, if they do, tend to provide scant information on it.

It is obvious that the NFWF that we are all trying to establish would be only as strong as its weakest link—meaning the Achilles’ heel of the NWFZ regime. However, a weak NWFZ regime is in no one’s interest. Blue Banner’s study has shown that even with the establishment of the three additional traditional zones mentioned earlier, the territorial coverage of NWFZs will not be comprehensive since there are nearly two dozen states that, due to their geographical location or for some valid political or legal reasons, cannot be part of the NWFZ regime, creating blind spots and grey areas. They include land-locked and neutral states, South Asian states, and numerous small island states and even non-self-governing territories. Cumulatively, in their number, these states and the territories that they cover are much larger than, for example, the Central Asian or Southeast Asian NWFZs.

Special attention needs to be paid to small island states. Though most of them have small populations, in terms of contemporary international law, they are in fact large ocean nations due to their extensive exclusive economic zones (EEZs), which are rich in biodiversity and mineral resources. According to the 1982 Law of the Sea Convention, these states enjoy broad rights in their EEZs, including exploring and exploiting the resources and establishing and using artificial islands, installations, and structures. They are also conferred with equally broad duties in protecting and preserving the marine environment. All these can be successfully realised only through international cooperation. Many of them are also in strategic locations that affect vital military and commercial shipping routes. It is no wonder that great powers are currently showering some of these states with special attention.

New conditions demand new approaches

Today, time, space, and technology are becoming major geopolitical factors. As UNSG António Guterres has recently pointed out, “nuclear weapons are growing in power, range and stealth.”²³ With this, the role of many of uncommitted states and their locations are becoming important international factors. Disregarding the security interests of these states would negatively affect regional and global stability. These states need to be encouraged to adopt national legislations reflecting their security interests or adopt individual or joint declarations thereon, thus contributing to the development of a comparatively softer form of NWFZs that might require equally softer assurances with a fully reliable system of verification and control, based on the latest

²³ See UNSG’s statement at UNSC meeting on 18 March 2024. URL: <https://www.un.org/sg/en/content/sg/statement/2024-03-18/secretary-generals-remarks-the-security-council-nuclear-disarmament-and-non-proliferation-bilingual-delivered-scroll-down-for-all-english-and-all-french>

technical achievements in the field. The actual content of such legislation and declarations could be considered and agreed upon together with the P5.

On their part, the NWSs, unlike during the Cold War period, can provide security assurances to uncommitted states. These assurances can take the form of a P5 joint declaration or, in the case of small island states in the Pacific region, a US-Chinese bilateral declaration that would formally recognise those states as part of the NWFZ regime, pledge not to pressure them to commit acts that would adversely affect their and others' security interests, respect their laws or declarations, and not contribute to any act that would affect their policies. This is what Blue Banner calls "security assurance lite" as compared to the Cold-War period's hard assurances.

In 2023, Mongolia had suggested at the UNGA session that the *second* comprehensive study of NWFZs be undertaken. The good news is that, at its 79th session, UNGA adopted a resolution entitled "Comprehensive study of the question of NWFZs in all its aspects," aimed at strengthening NWFZs, including the scope of their application. Hence, it is expected to make the NWFZ regime inclusive and consider ways to make the P5 assurances legally binding. It should also address politically sensitive issues such as the role of current nuclear umbrella or neutral states, the status of nuclear-armed states outside the NPT, and their possible role in strengthening non-proliferation and nuclear disarmament.

From an international legal standpoint, excluding uncommitted states from promoting their interests would be a violation of the UN Charter, especially the principle of sovereign equality of states and the right of states to individual or collective self-defence, reflected in Article 51. For fairness' sake, it should be pointed out that promotion and protection of the interests of uncommitted states does not preclude any state, based on its sovereign right, from deciding whether to make use of such political or international legal safeguard mechanism or find some other ways to exercise its sovereign right without affecting the rights of others. Blue Banner is certain that by working together, the uncommitted states, with the support of other NNWSs, can affect policies of the P5 in this regard. Current circumstances create objective conditions for making the necessary changes in the NWFZ regime. That moment is now.

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Enkhsaikhan Jargalsaikhan is the Chairman of Blue Banner, Mongolian NGO dedicated to promoting the goals of nuclear non-proliferation and Mongolia's nuclear-weapon-free status. He is an international lawyer and diplomat who has served at the Ministry of Foreign Affairs of Mongolia, representing his country in Austria and at the United Nations. He has the title of Ambassador Extraordinary and Plenipotentiary of Mongolia. He also served as the foreign policy and legal advisor to President P. Ochirbat, first democratically elected President of Mongolia and as the Executive Secretary of the National Security Council of Mongolia when the State Great Hural (parliament) considered and adopted the country's first concepts of national security and foreign policy in 1994. As the country's Permanent Representative to the United Nations, he served as the focal point in promoting Mongolia's nuclear-weapon-free status. Dr Enkhsaikhan has contributed many articles on international relations, non-proliferation and regional security, organized/participated in many regional meetings aimed at promoting peace, stability, international cooperation, environmental protection and good governance.

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