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Single-State with Nuclear-Weapon-Free Status and Third Generation Zones: Looking at the NWFZ Issue from a Broader Perspective

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Cover Photo: The P5 signing the 2012 Joint Declaration and Mongolia is to sign a separate Declaration setting out its commitment.
Courtesy: Blue Banner

SINGLE-STATE WITH NUCLEAR-WEAPON-FREE STATUS AND THIRD GENERATION ZONES: LOOKING AT THE NWFZ ISSUE FROM A BROADER PERSPECTIVE

J. Enkhsaikhan

"A nuclear war cannot be won and must never be fought", a statement with which we all agree. The central message is that a nuclear exchange would result in total destruction, with no possibility of victory for any side. In this context, the roles of both nuclear-weapon states (NWS) and non-nuclear-weapon states (NNWS) need to be recognised as equally important. States that possess nuclear weapons are the source of the omnicidal threat, and they also hold the key to eliminating it. Non-nuclear-weapon states, for their part, shape stability or instability in their own regions and can help advance a nuclear-weapon-free world (NWFW). Even NNWS that are part of nuclear alliances can, in due time, become potential contributors to nuclear non-proliferation and stability. Nuclear-Weapon-Free Zones (NWFZs) are practical contributors to non-proliferation globally.[1]

Non-proliferation is not simply an esoteric issue that concerns NWS policies or the disarmament community alone. The issue concerns the entire world since the future of humankind must not depend on policies of a few states or sheer luck. Peace is ***res communis*** and not ***res nullius***. Therefore, all states and peoples need to be involved as joint custodians of a peaceful world. The studies and outcomes of the three conferences held in 2013 and 2014 on the humanitarian consequences of the use of nuclear weapons, testimonies of the victims of the Hiroshima and Nagasaki nuclear weapons use, and the fact that nearly 100 states are parties or signatories to the Treaty on the Prohibition of Nuclear Weapons (TPNW) clearly demonstrate the potential role of NNWS. The Doomsday Clock, now set to 85 seconds to midnight,[2] demonstrates how close humankind is to nuclear catastrophe, be it by the use of strategic or tactical weapons unintentionally or otherwise.

The latest developments in the nuclear arms race, the wars in Ukraine and the Middle East, and the resulting changes in nuclear doctrines of NWS and nuclear-armed states need careful analysis of how they would affect peace, confidence and stability. If not reversed, these developments would further weaken the non-proliferation regime and

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[1] Currently there are three regional zones in uninhabited areas: Antarctica (1959), Outer Space (1967) and Seabed and Ocean Floor (1971). There are also five regional zones established in inhabited regions: in Latin America and the Caribbean (Treaty of Tlatelolco – 1967), South Pacific (Treaty of Rarotonga – 1985), Southeast Asia (Treaty of Bangkok – 1995), Africa (Treaty of Pelindaba – 1996) and Central Asia (Treaty of Semipalatinsk – 2006).

[2] John Mecklin, "It is now 85 seconds to midnight: 2026 Doomsday Clock Statement", Science and Security Board, *Bulletin of the Atomic Scientists,* 27 January 2026, https://thebulletin.org/doomsday-clock/2026-statement/

overall stability. United Nations Secretary-General (UNSG) António Guterres has pointed out that nuclear weapons are growing in power, range and stealth.

NWFZs are legally binding agreements among NNWS that prohibit manufacturing, acquiring, testing, stationing or stockpiling of nuclear weapons in the geographical region and represent an effective regional approach to non-proliferation. However, today the established zones should not limit their activities to protecting their own region from nuclear threats or working with other zones that are already established, but also work to horizontally expand the NWFZ regime by involving and cooperating with individual NNWS that, due to their geographical location or for credible political or legal reasons, cannot be part of the current NWFZ regime.[3] These states should not be left out as exceptions to the rule, or as outcasts that become blind spots or grey areas in the NWFW that we are working to establish. Cooperation between established zones and non-committed states can form an effective political front of NNWS, jointly promoting the goal of establishing a NWFW. That goal is implicit in the preambles of NWFZ treaties, and NWS agree with it in principle.

EMERGING LIMITATIONS OF NUCLEAR-WEAPON-FREE ZONES AND MONGOLIA'S ADVOCACY

The current NWFZ regime is ***treaty-based*** with agreed systems of verification and control and established by arrangements freely arrived at among the states of the region concerned. One of the main political reasons for this group-state approach to NWFZ in the early and mid-1970s was the general interest to see as many states as possible conclude treaty-based regional zones, now known as ***traditional zones***. Although the first 1975 study on NWFZ mentioned the possibility of establishing NWFZs by entire continents and even by individual states, it did not elaborate on this possibility.

In the 1970s and 1980s, New Zealand and the Philippines actively promoted the establishment of NWFZs and subsequently joined the Rarotonga NWFZ and the Bangkok NWFZ respectively. In Europe, although Austria and Switzerland actively promote non-proliferation, the prevailing geopolitical situation is not yet ripe for establishing regional or even sub-regional zones.

As of today, Mongolia is the only state that has, since 1992, promoted ***single-State zones*** and called for an ***inclusive NWFZ regime.*** With the support and understanding of the international community, Mongolia's nuclear-weapon-free status has been politically recognised since 1998 and is fully supported by the United Nations General Assembly (UNGA). When defining NWFZ in 1975, the UNGA in its resolution 3472 (XXX) also conceded that the definitions "in no way impair the resolutions which the

[3] The NWFZ regime includes a regional international treaty and an additional protocol to be signed by the Nuclear Weapon States, the UNGA resolution 3472 (XXX), the UNDC 1999 guidelines, the IAEA's comprehensive safeguards agreements, administrative and technical oversight measures, etc. They also include national legislation and procedures regarding transit, overflight and so on.

General Assembly has adopted or may adopt with regard to specific cases of nuclear-weapon-free zones nor the rights emanating for the Member States from such resolutions".[4]

Mongolia's reference to that part of the UNGA resolution and its reasoning that the country could be considered as a specific case or non-traditional form of NWFZ was disregarded by NWS in the 1990s. They argued that accepting Mongolia's nuclear-weapon-free status as a specific case would create an exception to the general rule and set a precedent unacceptable for the NWFZ concept and to themselves. Mongolia reasoned that, in fact, it was not an exception to the rule since the rule itself was structurally incomplete. NWS not only referred to the precedent-setting but also stated that they did not provide assurances to individual states. In short, they had no political interest in going beyond the original 1975 concept and definition. That is why NWS have not supported the concept of single-State zones so far, and the implications for making the NWFZ regime inclusive have not been seriously studied. Mongolia's mid-1990s effort to have the issue considered at the United Nations Disarmament Commission (UNDC) was unsuccessful because of the NWS position and the consensus rule.

The UNGA has adopted 15 resolutions on Mongolia's status each time without a vote, and in some cases, NWS co-sponsored the resolution. Though the resolutions repeatedly expressed the conviction that Mongolia's internationally recognised status would enhance stability and confidence-building, the NWS knowingly disregarded it. With only factual updates and no movement on substance, the issue is turning into a biennial political ritual. Meanwhile, successive UNSGs have been expressing support for Mongolia's status and policy. The current UNSG António Guterres has underlined that Mongolia's status is an "inspiring example" of how individual states can contribute to global non-proliferation.

The five treaty-based NWFZs established in the past half-century, with 116 states as treaty parties, are indeed an impressive historical achievement. These zones are ***first generation*** zones. Currently, consideration is underway to establish a zone free of nuclear weapons and other WMDs in the Middle East. Informal studies and discussions are also underway on establishing NWFZs in Northeast Asia and the Arctic. Unlike the first-generation zones, these are marked by political differences and disputes and are regions where some NWS have geopolitical and geo-economic interests. Therefore, these are considered ***second-generation*** zones.

However, current developments in international relations and international law demonstrate the need to strengthen the NWFZ regime, especially by closing the obvious structural gap in its architecture by making it inclusive of non-committed states. That would be a win-win for all.

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[4] Para. III of part B of UNGA resolution 3472 (XXX) of 1975, https://digitallibrary.un.org/record/189406

The issue of single-State zones concerns the interests of non-committed individual states that cannot be part of traditional zones. To join the NWFZ regime, these states should form ***third-generation*** (***non-traditional***) **zones** based on their national legislation and linked to NWS through agreed security understandings and arrangements. These states would be the ***indispensable pillar*** of the NWFZ regime architecture, closing its structural gap. Third generation zones would close political, conceptual, and emerging structural gaps in its architecture by removing potential sources of blind spots and grey areas. At the same time, they would enrich the regime with their inconspicuous comparative advantages.[5] They would unlock the regime's enormous, yet not fully explored potential by drawing on their comparative advantages while shielding their possible vulnerabilities. Globalisation has made the world closely integrated and interdependent, turning NNWS from net consumers to relative contributors, from mere reactors to events to active shapers of regional security landscapes. This would contribute substantially to strengthening the NWFZ concept itself and to broader peace, stability and predictability.

IMPERATIVE TO INCLUDE NON-COMMITTED STATES IN THE NWFZ REGIME

With the increase of great power rivalry, the risk of nuclear catastrophe, intended or otherwise, is on the rise. The role of individual states in this increasingly interdependent world should not be underestimated, negatively or positively. According to the study undertaken by Blue Banner,[6] nearly two dozen non-committed states are left out of the regime because of the current group-state-based approach to NWFZ.[7]

Cumulatively, in their number and territories, these states, including small island states that, according to the 1982 UN Convention on the Law of the Sea, are entrusted with some jurisdiction over exclusive economic zones (EEZ)[8] of world oceans, are much larger than Central Asian or South Asian zones. An increase in the world's population and their daily needs would lead to a greater use of the planet's living and mineral

[5] Today this notion is not limited to economic issues only. It can reflect their geographical location, relations with some states or groups of states, historical or recent experiences, strategic location that affect commercial or military shipping routes, membership in regional or international organisations, etc.

[6] Blue Banner is a Mongolian NGO established in 2005 that is devoted to promoting the goals on NWFZ and contributing to common efforts of strengthening nuclear non-proliferation and promoting disarmament. Its motto is to "inform, inspire and empower".

[7] These states include land-locked states that have no direct access to world markets or to oceans and seas, states with neutrality policies committed to maintaining strategic stability and the global common good, South Asian states that cannot establish a NWFZ in the region and some small island states not parties to the South Pacific zone or other zones. In short, most of these states can be considered as strategically sensitive ones. Dictum 'strength in numbers' does not apply to them.

[8] Nearly 70 percent of the Earth is covered by seas and oceans, and about 15 percent of the Earth's surface are Exclusive Economic Zones. 21 Pacific Island States have around 10 million square miles of EEZ.

resources. Hence, the rising importance of small island states. Approaches to neutrality are also changing in response to increasing nuclear threats, making states with neutrality policies more active stakeholders. The importance of making the NWFZ regime inclusive can be underlined by the following reasons:

First, any system is only as strong as its weakest link. Even if second-generation zones are established, NWFZs will not cover all territory while non-committed states remain excluded. That exclusion creates an Achilles' heel not only for the NWFZ regime but also for the wider Nuclear Non-Proliferation Treaty (NPT) regime.

When it comes to promoting and strengthening peace, no state should be left behind. The inclusion of non-committed states in the NWFZ regime would benefit all. The Qualified Group of Experts (QGE), established recently by a UNGA resolution,[9] was tasked with preparing a comprehensive study on NWFZs in all its aspects, including its scope. The group has specifically considered the status of current and potential zones, including Mongolia's nuclear-weapon-free status. Regarding the latter, the QGE pointed out that Mongolia could play a bridge-building role between traditional and emerging non-traditional zones.[10] In the part on "future zones", experts considered different instances of conceivable regional treaty-based zones. When the QGE considered the issue of single-State zones, this author, as a member of the QGE, presented Mongolia's case in detail as a possible model for non-committed third-generation zone-state activities that would organically complement the traditional approach. However, it was noted that further research was needed to formulate guidance on a single-State model or models. The study suggested that further research be undertaken by interested States, think tanks, research bodies or NGOs. Drawing on Mongolia's experience, the UN Office for Disarmament Affairs (UNODA) could seek the views of interested states. The regime should make use of the comparative advantages of these states, like in the case of Mongolia, i.e. promoting and strengthening its own security as well as contributing to the broader goal of nuclear risk reduction, stability and cooperation.

Second, time, space and technology are becoming critical geopolitical factors affecting regional and global security and stability. Physical space and time available for decisions are both of geopolitical and geo-economic interest for all. Technological changes are engines for improving and transforming people's livelihoods. At the same time, these changes raise challenges, including the need to provide tools for tracking, targeting, or otherwise "optimising" the threat or use of nuclear weapons. Statements of some NWS on reserving the right to use nuclear weapons against NNWS under certain

[9] UNGA Resolution A/RES/79/241, "Comprehensive study of the question of nuclear-weapon-free zones in all its aspects", 31 December 2024, https://documents.un.org/doc/undoc/gen/n24/426/86/pdf/n2442686.pdf

[10] UNGA Report A/81/293, "Qualified group of experts to prepare a comprehensive study of the question of nuclear-weapon-free zones in all its aspects", 30 July 2026, https://docs.un.org/en/A/81/293

conditions or circumstances, or to amend their negative security assurances (NSA) if warranted by the evolution and proliferation of non-nuclear strategic attack technologies, are provocative, disturbing and can turn NNWS or parts of their territories into military targets. History teaches us that the path of least resistance usually turns out to be the least reliable for the common good.

Nuclear weapons remind us of the maxim ***lupus non mordet lupum*** (a wolf does not bite a wolf): nuclear-armed powers tend to avoid confronting each other directly. Yet current international relations and recent developments confirm the risk that NNWS will be drawn into 21st-century great power rivalry. In this case, nuclear weapons could be used in proxy conflicts and hostilities as political or even technical tools affecting strategic stability. In a rapidly changing security environment, even in seemingly conventional conflicts and disputes, evolving deterrence doctrines cast ominous shadows. According to some reports, a bigger role is being considered for tactical nuclear weapons, to give decision-makers more options regarding their use, and at least one nuclear-armed state has legislated for automatic nuclear retaliation if its command-and-control system is attacked. These are highly alarming trends that need serious attention and a response from the entire international community. They show that nuclear threats are not limited to states that possess or host nuclear weapons. Rapid advances in conventional technologies can also become entangled with the threat or use of nuclear weapons. This raises a question: if the NWS regard NWFZs as important practical regional measures of non-proliferation, where do these zones fit in their nuclear security concepts and doctrines?

Recognising single-State zones would help address these risks. If the security interests of non-committed states are well understood, and they are admitted as non-traditional zones of the regime, these states would become actively involved in strengthening international peace. Rather than serving as possible proxies for political, economic or other pressure and manipulation, they would become indispensable building blocks of a NWFW.

Third, making the NWFZ regime inclusive is driven by the need to strengthen non-proliferation, horizontal expansion of the regime and the recent outcome of the UNGA study on NWFZs. However, realising it depends to a certain extent on timing. This author believes that the timing is now. Monumental changes are underway globally, with great powers deeply involved and interested in promoting their geopolitical and geo-economic interests, including in the Indo-Pacific region, Northwestern Europe or the Arctic. This is evident from the US and Chinese policies in the Pacific. These changes would affect many states, large, medium and small. Raising the issue of making the NWFZ regime inclusive is important because it affects not only the regime's structural architecture but also the interests of many states. Therefore, non-committed states need to speak up and be at the table so their interests are addressed.

Finally, international law should serve the interests of all states and peoples and not only of select groups. Keeping non-committed states out of the emerging NWFZ regime would violate the spirit and letter of the UN Charter, especially the principles of sovereign equality of states, the right of states to individual or collective self-defence, and the principle of equal and legitimate security for all. It would also promote double standards even among NNWS. International law is expected to regulate and ensure safety for all states. As mentioned earlier, individual states, based on their geographical location or other comparative advantages, can play useful roles not only in their particular region but internationally in strengthening stability and predictability and serve as indispensable stepping stones toward a NWFW. With practical measures and enlightened self-interest of all, making the NWFZ regime inclusive need not remain a pipe dream but can positively impact the world.

None of this would prevent any state, in the exercise of its sovereign right, from deciding whether to use such political and legal protection or to pursue its security interests in other ways. That choice would remain with each NNWS.

THE CHALLENGES OF THIRD GENERATION ZONES

The notion of single-State zones is not well-known, nor has it been studied in-depth in international relations. The main challenge is that it differs from Article VII of the NPT, which stipulates that nothing in the treaty affects the right of any group of States to conclude regional treaties to ensure the total absence of nuclear weapons in their respective territories. UNGA resolution 3472 (XXX) defined NWFZs as any zone recognised by the UNGA whereby a group of states establishes, via international treaty, a guarantee of the total absence of nuclear weapons in a particular region. That 1975 resolution was adopted by a vote of 82-10-36, meaning that nearly one-third of the states had reservations. The 1999 UNGA resolution adopting UNDC's recommendation on principles and guidelines for establishing new NWFZs has also admitted that the definition was not exhaustive. The international community should therefore accept today's new reality and turn a new page, enriching and strengthening the NWFZ concept without undermining the achievements of existing zones or their future contributions.

The world is witnessing a new "Great Game" reminiscent of the 19th century, which is currently playing out, especially in the Indo-Pacific region. To ensure geopolitical stability that respects the interests of the region's non-committed states, the NWS need to agree on a code of conduct that does not draw these states into geopolitical rivalry and, instead, supports their inclusion in the NWFZ regime. It might be a challenging task, but given the political will and enlightened self-interest of states, it is doable. Incorporating non-committed states into the NWFZ regime could be done without directly affecting the traditional ones by defining criteria for non-traditional zones, obligations, and commitments that are mindful of stakeholders' interests.

Basic issues to be addressed:

1. All non-committed states are parties to the NPT. However, that is not enough to join the NWFZ regime. What is needed is the adoption of national legislation in line with the overall concept of the regime and clear commitments not to allow the basing or deployment of nuclear weapons or related weapons-use technology under any circumstances. Though it might not be easy, it is doable. A number of states have national legislation regarding nuclear weapons.[11]
2. Focus on the content of the commitments of these states and of NWS. The latter's commitments do not necessarily have to be Cold War-era hard commitments not to use or threaten to use nuclear weapons, but rather to respect the legislation of non-committed states and not to contribute to any act that would violate them, making them softer and smarter commitments. These commitments would also serve as risk reduction measures for the parties concerned. They can also set a framework for addressing related environmental and other issues of mutual interest or concern. Oversight and verification would hardly require continuous monitoring, though if needed, challenge-based procedures and consultations could be agreed upon.
3. Institutionalisation of single-State zones, or agreed arrangements, would be important in securing these states' acceptance of the regime. In Mongolia's case, though, the NWS were prepared to support its initiative and its activities. However, they were reluctant to support formal institutionalisation of the status, believing it would lead to the creation of a permanent international body. In this case, institutionalisation should be an indispensable political condition for serious commitments by the parties concerned, enabling the gathering, registration, circulation or other sharing of open, available information on related activities and stakeholder reactions. This would make the regime viable. Verification and control should be a two-way street. Technological innovations could strengthen verification and control not only of reached agreements or arrangements but also contribute to the broader verification regime that would advance confidence-building.
4. UNODA can be asked to keep a register of third-generation zone arrangements of the non-committed states with the relevant NWS and make them internationally available as measures of transparency and confidence-building.

[11] See, for example, Mongolia's law in document A/55/56–S/2000/160 of 29 February 2000: General Assembly and Security Council, "Annex I: Law of Mongolia on its nuclear-weapon-free status, adopted on 3 February 2000," UN document A/55/56–S/2000/160, 29 February 2000, https://docs.un.org/en/A/55/56

WHAT NEEDS TO BE DONE

It is imperative to undertake an in-depth study of a non-traditional single-State zone and its role in strengthening the NWFZ regime. In doing so, the roles and functions of non-committed states, the NWS, and other stakeholders could be clearly defined based on the rich half-century of available practice and experience.

1. Prepare a model law template with a flexible baseline for non-committed states to use in drafting their legislation.
2. Address, within this study, the risk of the possible abuse of conventional facilities of non-committed states in "optimising" the threat or use of nuclear weapons and propose measures to thwart them. This would help mitigate the risk of using newly introduced technologies for hostile purposes.
3. Commission an experienced international think tank to undertake the study within a year or two. The results and recommendations could be circulated to Member States for their information and possible follow-up action, if needed. For that purpose, the findings could be discussed at a dedicated international conference, a specially convened UNDC meeting or at the Conference of States Parties and Signatories to Treaties that Establish Nuclear-Weapon-Free Zones and Mongolia (in short, the NWFZM Conference), and the recommendations therefrom could be submitted to the next NPT Review Conference.
4. Hold a consultative meeting with the participation of NWS to define and agree on the general contents of security-related arrangements involving non-committed states and NWS and produce a workable basis for establishing third-generation zones.
5. Ask UNODA to keep a register of security arrangements with the NWS and make them internationally available. That would increase transparency, clarify mutual commitments and facilitate verification. There is no need to establish a special body for that purpose.

Bringing non-committed states into the NWFZ regime would close a structural gap in the regime and give every state a stake in a nuclear-weapon-free world. It would also ensure that no state is left exposed to great power rivalry or used as a proxy in it. Ultimately, nuclear disarmament is not a choice but a security imperative for all.

ABOUT THE AUTHOR

Dr J. Enkhsaikhan 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 also served as the foreign policy and legal advisor to President P. Ochirbat, the first democratically elected President of Mongolia, and as 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, Dr Enkhsaikhan 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, and organised or participated in many regional meetings aimed at promoting peace, stability, international cooperation, environmental protection, and good governance. He is the Chairman of Blue Banner, a Mongolian NGO dedicated to promoting the goals of nuclear non-proliferation and Mongolia's nuclear-weapon-free status. He was born in Mongolia in 1950 and has the title of Ambassador Extraordinary and Plenipotentiary of Mongolia.

ABOUT APLN

The **Asia-Pacific Leadership Network (APLN)** is a Seoul-based organisation and network of political, military, diplomatic leaders, and experts from across the Asia-Pacific region, working to address global security challenges, with a particular focus on reducing and eliminating nuclear weapons risks. The mission of APLN is to inform and stimulate debate, influence action, and propose policy recommendations designed to address regional security threats, with an emphasis on nuclear and other WMD (weapon of mass destruction) threats, and to do everything possible to achieve a world in which nuclear weapons and other WMDs are contained, diminished, and eventually eliminated.


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