

Treaty on the Northeast Asia Nuclear-Weapon-Free Zone (tentative translation)
(The Democratic Party of Japan Nuclear Disarmament Group)

Preamble

The States Parties to this Treaty,

1. Recalling that Northeast Asia is the only region of the entire world where nuclear weapons have been used in reality,
2. Acknowledging the hardship, both human and social, beyond all description, that has been brought about by the atomic bombings, with the damage to hundreds of thousand citizens and the destruction of two cities, and that still continues to the present date after about sixty (60) years,
3. Considering that there are a great number of atomic-bomb survivors even today who are living their lives in fear of anxiety and uncertainty in Japan as well as in the Korean Peninsula,
4. Recognizing that the nuclear weapons of today have the massive destructive power much greater than those used at the time of the aforementioned nuclear bombing, and are the only weapons that are able to destroy the human civilization created to date,
5. Recalling the "Joint Declaration of South and North Korea on the Denuclearization of the Korean Peninsula," which entered into force in February 1992, and Japan's three non-nuclear principles that were established in 1967 and have been declared to be a National Principle of Japan,
6. Convinced that the establishment of a Nuclear-Weapon-Free Zone is the first step to be taken in preference to all other measures, in order to develop cooperative security in the region,
7. Desiring, by the establishment of this Treaty, to promote, in this region, the accession to and compliance with the already existent international treaties related to disarmament and arms control, such as the "Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction," which entered into effect in 1997, as well as the "Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction," which took effect in 1972,
8. Convinced, by its establishment, of its contribution to promoting implementation of the nuclear disarmament obligation, set forth in Article 6 of the "Treaty on the Non-Proliferation of Nuclear Weapons," which entered into force in 1970, and duly reaffirmed by the advisory opinion of the International Court of Justice on the "Legality of the Threat or Use of Nuclear Weapons," issued on July 8, 1996,

9. Desiring, by the establishment of this Treaty, together with the already existing Treaty of Tlatelalc (the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean), the Treaty of Rarotonga (the South Pacific Nuclear Free Zone Treaty), Treaty of Pelindaba (the African Nuclear-Weapon-Free Treaty), and the Treaty of Semipalatinsk (the Central Asian Nuclear-Weapon-Free-Zone Treaty), to realize a day in which all of humanity is free from the nuclear threat by expanding the nuclear-weapon-free zone to include all nations and territories worldwide,

Have agreed as follows:

Article 1 Definition of Terms

For the purpose of this Treaty and its Protocol:

- (a) "Northeast Asia Nuclear-Weapon-Free Zone" means the area comprising the region consisting of the national territories of Japan, the Republic of Korea and the Democratic People's Republic of Korea.
- (b) "Territory" means the land territory, internal waters and territorial seas, the seabed and the subsoil thereof, as well as the airspace above them.
- (c) "Intrazonal States" mean Japan, the Republic of Korea and the Democratic People's Republic of Korea.
- (d) "Neighboring Nuclear Weapon States" mean the People's Republic of China, the United States of America and the Russian Federation among the nuclear weapon states as defined in the Treaty on the Non-Proliferation of Nuclear Weapons.
- (e) "Contracting State Party" means a State that has deposited the instrument of ratification according to the provisions set forth in this Treaty, from among the six (6) States of the "Intrazonal States" and "Neighboring Nuclear Weapon States" altogether
- (f) "Nuclear explosive device" means any nuclear weapon or any other explosive device capable of releasing nuclear energy, irrespective of the purpose for which it could be used. The term includes such weapon or device in unassembled and partly assembled forms, but does not include the means of transport or delivery of such weapon or device if separable from and not an indivisible part of it.

Article 2 Application of the Treaty

1. Except where otherwise specified, this Treaty and its Protocol shall apply to the "Northeast Asia Nuclear-Weapon-Free Zone."

2. Should there be any dispute in relation with territory, nothing in this Treaty shall influence the status quo of the construction of dominium.
3. Nothing in this Treaty shall prejudice or in any way affect the rights, or the exercise of the rights, of any State under international law with regards to freedom of the seas.
4. Military facilities under the control of a Neighboring Nuclear Weapon State that are located within the territory of an Intrazonal State are considered to be a part of the Northeast Asia Nuclear-Weapon-Free Zone, and this Treaty and its Protocol shall apply to them.

Article 3 Fundamental Undertakings with regard to Nuclear Explosive Devices

1. Undertakings by Intrazonal States

Each Intrazonal State shall undertake:

- (a) Not to conduct research on, develop, test, manufacture, produce, acquire, possess, stockpile, deploy or use any nuclear explosive device by any means, anywhere inside or outside the Northeast Asia Nuclear-Weapon-Free Zone.
- (b) Not to allow, inside any of the territories of the Intrazonal States, any other State, group or person to perform any act set forth in Article 1 (a) hereof.
- (c) To eliminate all dependence whatsoever on any nuclear weapon or any other nuclear explosive device in all aspects of its security policy.
- (d) To exert effort for the diffusion of education worldwide with regard to the urgency of nuclear disarmament, including the transmission to the present and future generations of the facts on the damage inflicted on the citizens and cities by the atomic bombs dropped in 1945.

2. Undertakings by Neighboring Nuclear Weapon States

Each Neighboring Nuclear Weapon State shall undertake:

- (a) Not to use or threaten to use any nuclear explosive device in the Northeast Asia Nuclear-Weapon-Free Zone.
- (b) Not to contribute, in any way, to any act of hindrance against the execution by each Intrazonal State of the undertakings set forth in Article 1 hereof, while paying due respect to said undertakings.
- (c) To notify in advance and to have a prior consultation for approval with the concerned Intrazonal States when a Neighboring Nuclear Weapon State wants its ships or aircraft carrying any nuclear explosive devices to visit any ports or airfields located inside Intrazonal States, to transit their territorial airspace, or to navigate territorial seas in a manner not covered by the rights of innocent passage or transit passage of straits. Each Intrazonal State,

in the exercise of its sovereign rights, shall remain free to decide to give approval or not after consultation.

Article 4 Non-Military Use of Nuclear Energy

1. Nothing in this Treaty shall prejudice the right of the Contracting States Parties to use nuclear energy for non-military purposes.
2. The Intrazonal States shall use nuclear energy for the non-military purposes in strict conformity with the safeguards agreement stipulated in Article 3 of the NPT.
3. Each Intrazonal State which has not done so shall conclude such full-scope safeguards agreement and its additional protocols with IAEA not later than eighteen (18) months after the entry into force of this Treaty.

Article 5 Establishment of the Commission for the Northeast Asia Nuclear-Weapon- Free Zone

For the purpose of ensuring the implementation of the provisions set forth in this Treaty, the Contracting States Parties agree to establish the Commission for the Northeast Asia Nuclear-Weapon-Free Zone (hereinafter referred to as the "Commission").

- (a) All Contracting States Parties are ipso facto members of the Commission. Each Contracting State Party shall be represented by its minister of Foreign Affairs or his/her representative, accompanied by alternates and advisers.
- (b) The function of the Commission shall be to oversee the implementation of this Treaty and ensure compliance with its provisions. In relation thereto, the Commission shall have deliberation with regard to the text set forth in the Preamble hereof in case of need.
- (c) The Commission shall meet as and when necessary in response to the request of any Contracting State Party as well as the request of the Executive Committee, which is deemed to be established in conformity with the provisions set forth in Article 6 hereof.
- (d) All of the Contracting States Parties shall be present in order to constitute a quorum for the Commission. Decisions of the Commission shall be taken by consensus, or failing consensus, by consensus of all but one (1) Contracting States Parties.
- (e) The Commission shall elect, at the beginning of each meeting, its Chairperson and such other officers as may be required. The Chairperson shall be elected from among the three (3) Intrazonal States among the Contracting State Parties. Their tenure of office shall last until an election of a new Chairperson, and other officers at the next meeting.
- (f) The Commission shall decide the location of its headquarters, the financial matters of the

Commission as well as its subsidiary organs, and the rules and procedures related to any other matters needed for their operations.

Article 6 Establishment of the Executive Committee

1. There is hereby established, as a subsidiary organ of the Commission, the Executive Committee.

- (a) The Executive Committee shall be composed of all of the Contracting States Parties to this Treaty. Each Contracting State Party shall be represented by one senior official appointed by the Foreign Minister as its representative, who may be accompanied by alternates and advisors.
- (b) The Executive Committee shall meet as and when necessary for the efficient exercise of its functions.
- (c) A constituent member of the Executive Committee that represents the Chairperson of the Commission shall assume the chairpersonship of the Executive Committee. All submission or communication made by a Contracting State Party to the Chairperson of the Executive Committee shall be disseminated to the other members of the Executive Committee.
- (d) All of the Contracting States Parties shall be present in order to constitute a quorum for the Executive Committee. Decisions of the Executive Committee shall be taken by consensus, or failing consensus, by consensus of all but one (1) Contracting States Parties.

2. The functions of the Executive Committee shall be:

- (a) To secure appropriate application of the Control System as stipulated in Article 7 hereof for the verification of full compliances with the provisions of this Treaty;
- (b) To consider and decide on the "Request for Clarification" or the "Request for a Fact-Finding Mission" stipulated in Article 7, Item 2 (b), in the event of such requests;
- (c) To set up a Fact-Finding Mission under the "Control System" provided for in this Treaty;
- (d) To consider and decide on the findings of a Fact-Finding Mission and report to the Commission;
- (e) To request the Commission to convene a meeting when appropriate and necessary;
- (f) To conclude agreements with IAEA or any other international organizations on behalf of the Commission after being duly authorized to do so by the Commission;
- (g) To carry out such other tasks as may, from time to time, to be assigned by the Commission.

Article 7 Establishment of the Control System

1. There is hereby established a Control System for the purpose of verifying compliance with

the obliged undertakings of the Contracting States Parties under this Treaty.

2. The Control System shall comprise:
 - (a) The IAEA safeguards system as provided for in Article 4, Item 3 hereof;
 - (b) The “report and exchange of information” with regard to the information deemed to affect the implementation of this Treaty;
 - (c) The “request for clarification” with regard to a situation which may be considered ambiguous or which may give rise to doubts about the compliances with the provisions set forth in this Treaty;
 - (d) The “request for a fact-finding mission” in order to clarify and resolve a situation which may be considered ambiguous or which may give rise to doubts about the compliance with the provisions provided for in this Treaty, and the remedial measures to be taken.

Article 8 Signature, Ratification, Deposit and Entry into Force

1. This Treaty shall be open for signature by the People's Republic of China, the United States of America, the Russian Federation, Japan, the Republic of Korea and the Democratic People's Republic of Korea.
2. This Treaty shall be subject to ratification in accordance with the constitutional procedure of the signatory States. The instruments of ratification shall be deposited with XXX which is hereby designated as the Depositary State.
3. This Treaty shall enter into force on the date when the deposit of the instruments of ratification by all of the Intrazonal States Parties and by at least two (2) of the Neighboring Nuclear Weapon States are completed.

Article 9 Prohibition of Reservation

This Treaty shall not be subject to reservations.

Article 10 Amendments to the Treaty

1. Any Contracting State Party may propose amendments to this Treaty and its Protocol. An amendment proposal shall be submitted to the Executive Committee, which, upon receipt of such proposal, shall immediately request the Commission to convene a meeting in order to examine such proposal. All of the Contracting States Parties shall be present in order to constitute a quorum for the Commission for amendment, and decisions of the Commission for amendment shall be taken by consensus.

2. The amendments once adopted shall enter into force thirty (30) days after the receipt by the Depositary State of the fifth instrument of acceptance from the Contracting States Parties.

Article 11 Meeting for Review

Ten (10) years after the entry into force of this Treaty, a meeting of the Commission shall be convened for the purpose of reviewing the operation of this Treaty. A meeting for review of the Commission for the same purpose may also be convened at any time thereafter if there is consensus among all of the Contracting States Parties that comprise the Commission.

Article 12 Settlement of Disputes

Any dispute arising from the interpretation of the provision set forth in this Treaty shall be settled by peaceful means as may be agreed upon by the Contracting States Parties to the dispute. If within one (1) month the parties to the dispute are unable to achieve a peaceful settlement of the dispute by negotiation, mediation, enquiry or conciliation, any of the parties concerned shall, with the prior consent of the other parties concerned, refer the dispute to arbitration or to the International Court of Justice.

Article 13 Duration

This Treaty shall remain in force indefinitely.

Protocol to The Treaty on the Northeast Asia Nuclear-Weapon-Free Zone (tentative)

The Contracting States Parties to this Protocol,

Desiring to contribute to efforts towards achieving total prohibition and complete elimination of nuclear weapons, and thereby ensuring the international peace and security, including the Northeast Asia;

Noting the Northeast Asia Nuclear Weapon Free Zone Treaty, signed at XX on the YY day of ZZ, 20---.

Have agreed as follows:

Article 1 Respect for the Treaty on the Northeast Asia Nuclear-Weapon-Free Zone

Each Contracting State Party to the Protocol shall undertake to respect the Northeast Asia Nuclear-Weapon-Free Zone Treaty (hereinafter referred to as the "Treaty"), and not to contribute to any act which constitutes a violation of the Treaty by the Contracting States Parties thereto or its Protocol by the Contracting State Parties thereto.

Article 2 Nonuse of Nuclear Weapons

Each Contracting State Party to the Protocol shall undertake not to use or threaten to use nuclear explosive devices within the Northeast Asia Nuclear-Weapon-Free Zone.

Article 3 Visit and Transit

Each Contracting State Party to the Protocol shall undertake to notify in advance and to have a prior consultation for approval with the concerned Intrazonal States when a Contracting State Party to the Protocol wants its ships or aircraft carrying any nuclear explosive devices to visit any ports or airfields located inside Intrazonal States, to transit their territorial airspace, or to navigate territorial seas in a manner not covered by the rights of innocent passage or transit passage of straits. Each Intrazonal State, in the exercise of its sovereign rights, shall remain free to decide to give approval or not after consultation.

Article 4 Signature, Ratification and Entry into Force

1. This Protocol shall be open for signature by the French Republic, the United Kingdom of Great Britain and Northern Ireland.

2. This Protocol shall be subject to ratification. The instruments of ratification shall be deposited with the Depositary State.
3. This Protocol shall enter into force for each Contracting State Party on the date of its deposit of its instrument of ratification with the Depositary State.