

The ways and means in which nuclear-weapon-free zones contribute to regional peace, stability and other political objectives

Dr. Renata Dwan and Dr. Chen Zak Kane

United Nations Institute for Disarmament Research (UNIDIR)

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NWFZs as a distinct nonproliferation tool

Nuclear-Weapon-Free Zones (NWFZ) are arrangements freely established between groups of States to address nuclear non-proliferation and disarmament issues. They are legally binding agreements, recognized by the General Assembly of the United Nations. The General Assembly defined in 1975 a NWFZ as any zone, recognized as such by the UN General Assembly, established by virtue of a treaty or convention the total absence of nuclear weapons within the zone verified by an international system to monitor compliance with this commitment.¹

Five treaties establishing NWFZs have been concluded so far: the 1967 Treaty of Tlatelolco for the Prohibition of Nuclear Weapons in Latin America and the Caribbean, the 1985 Treaty of Rarotonga on the South Pacific NWFZ, the 1995 Bangkok Treaty on the South East Asia NWFZ, the 1996 Pelindaba Treaty on the African NWFZ, and the 2006 Semipalatinsk Treaty on a NWFZ in Central Asia.² Mongolia was recognized internationally as a single-state nuclear-weapon-free zone in 2001. Although distinct in origins, structure and mechanisms, the five NWFZ reflect a commitment on the part of their signatory states to nuclear non-proliferation and more broadly, to working toward a world without nuclear weapons. As such, NWFZ strengthen non-proliferation norms globally and seek to give them practical expression at a regional level. As such, NWFZ promote and seek to contribute to international peace and security at global and regional levels.

The international community has long considered the establishment of such zones an important measure and encouraged their creation, with the ultimate objective of enhancing global and

¹ United Nations General Assembly Resolution 3472 (XXX) B of 11 December 1975, [https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/3472\(XXX\)](https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/3472(XXX))

² For text of the treaties, see UN Office for Disarmament Affairs, Nuclear-Weapon-Free Zones, <https://www.un.org/disarmament/wmd/nuclear/nwzf/>

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regional peace and security, strengthening the nuclear non-proliferation regime and contributing towards realizing the objectives of nuclear disarmament.³

The motivations and objectives in the establishment of existing NWFZs

The idea of distinct geographic areas completely free of nuclear weapons predates the Nuclear Nonproliferation Treaty (NPT) and was spurred in the 1950s by Cold War competition between the United States and the Soviet Union and their respective allies. All NWFZ areas were heavily affected by Cold War dynamics and conventional and nuclear arms race between the Nuclear-Weapons-States (NWS) and states concerned sought to:

- protect themselves from the risk of possible spillover from a conventional or a nuclear exchange between nuclear armed states, including by preventing the deployment of nuclear weapons on their territories
- mitigate the political, security, environmental and public health consequences of the testing of nuclear weapons by nuclear armed states on or near their territory.

As such, a key driver for the establishment of NWFZs was the threat posed by the actions of NWS external to the regions concerned. For example, the idea to create the African NWFZ first emerged in the aftermath of French nuclear weapon tests in the Sahara Desert in 1961. African states were keen to avoid its repetition in the future. They also wanted to prevent the continent from being used for stationing and transporting nuclear weapons by the NWSs. The goal of preventing regional nuclear proliferation and a potential regional nuclear arms race as a consequence of the development of South Africa's nuclear weapons programme in the 1970s was a subsequent important driver.

Similarly, the first NWFZ to be established, the Treaty of Tlatelolco, was initiated in the aftermath of the Cuban Missile Crisis in 1962 to address concerns raised by the stationing of nuclear weapons by the NWS in the region, particularly Soviet tactical and intermediate-range nuclear missiles in Cuba. States of the region did not want to find themselves in the middle of a nuclear conflict between the superpowers and were keen to prevent the deployment of nuclear weapons on the sub-continent.

In Southeast Asia, the Treaty of Bangkok was developed as part of the Declaration on the Zone of Peace, Freedom, and Neutrality (ZOPAN) issued in 1971 intended to keep the region "free from any form or manner of interference by outside Powers". The initiative was driven by concerns about the NWS' military bases and nuclear weapon transit by air and sea in the region. In addition, the late 1960s and early 1970s witnessed major conflicts in Cambodia, Laos and Vietnam where the superpowers were militarily involved. The potential for conventional wars to escalate into nuclear exchanges sustained interest in regional denuclearization.

³ 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Final Document, NPT/CONF.2010/50 (Vol. I)*, [https://undocs.org/NPT/CONF.2010/50%20\(VOL.I\)](https://undocs.org/NPT/CONF.2010/50%20(VOL.I))

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In the South Pacific, regional states initiated the Treaty of Rarotonga in 1983 to prevent further nuclear tests on its territory. They were particularly concerned about French underground nuclear testing in French Polynesia and proposed nuclear waste-dumping and nuclear-armed ship visits to Pacific ports. The most recently established NWFZ in Central Asia reflected similar concerns of the legacies of nuclear testing by the former Soviet Union. Members of the Treaty of Semipalatinsk were particularly keen to ensure that no more nuclear testing would be carried out in their region. Environmental concerns were also a key driver behind the creation of the zone, particularly with a view to the rehabilitation of territories affected by radioactive contamination caused by Soviet nuclear activities during the Cold War.

The NWFZ sought to reduce the security, environmental and health threats that nuclear weapons possessed by states external to their region. These origins of the five existing NWFZ help explain the priority that NWFZ put on formal recognition by NWS of their legal status and the negotiation of Negative Security Assurances (NSA) between zones and individual NWS. To achieve this objective each of the existing NWFZs include an additional protocol committing each of the NWS not to use or threaten to use nuclear weapons against regional state parties. Ultimately, NWFZ were only partially successful in achieving these legal commitments from the NWS. The Treaty of Tlatelolco (Latin American NWFZ) is the only treaty wherein all protocols have been ratified by all five of the NPT NWS.

The impact of NWFZs on regional peace, stability and cooperation

Competition between nuclear armed states external to the region played an important role behind the origins of nuclear weapons free zones, just as the reduction of tensions between former Cold War rivals, in some cases, ultimately enabled the practical realization of a number of them. At the same time, the commitment to establish and maintain zones free of nuclear weapons contributed to regional peace, stability and cooperation in four concrete ways.

Reducing nuclear risk regionally and globally

As noted above, a primary objective of early NWFZs was to reduce the risk of those regions being caught up in conflict and an escalation of conflict between nuclear armed states that could lead to the use of nuclear weapons on their territory. NWFZs created a political framework to express concern at ongoing tensions between nuclear weapon states. It contributed to practical risk reduction by establishing legal frameworks that prevented NWS from stationing nuclear-capable forces in specific regions of the world. The absence of nuclear weapons enhanced safety and reduced risk, including of accidents or inadvertent use of nuclear weapons.

Renouncing nuclear weapons as an instrument of statecraft in a region

As the examples of the establishment of NWFZs in Southeast Asia, South Pacific and Central Asia illustrate, a precondition for the full establishment of these zones was the withdrawal of NWS' nuclear weapons or military bases as well as their agreement to halt nuclear testing in the respective region. Only when these conditions were in place could the absence of nuclear weapons be verifiably assured. This helps to explain why the Treaty of Bangkok establishing the

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NWFZ in Southeast Asia was signed only in 1995 upon the closure of US and former Soviet military bases in the region. Similarly, the Treaty of Semipalatinsk of 2006 became a reality after the emergence of the five independent Central Asian states and the withdrawal of former Soviet nuclear weapons from their territories.

The African NWFZ is the only case where a zone was established with a regional nuclear weapon possessor existing prior to its establishment. However, despite the idea of the zone emerging in 1961, negotiations on its establishment Zone only started in 1991, after South Africa unilaterally dismantled its nuclear weapons and joined the NPT as a Non-Nuclear Weapons State (NNWS). The treaty text was agreed only in 1995 upon the ending of apartheid.

In the case of the Treaty of Tlatelolco which entered into force in 1969, States that originally refused to join the zone, such as Argentina and Cuba, joined around the same time as they joined the NPT as a NNWS. Brazil signed the Treaty of Tlatelolco at the same time as Argentina in 1994 but did not join the NPT which it continued to describe as a discriminatory treaty. It ultimately joined the NPT, four years later, in part to have greater access to nuclear technology for peaceful uses.⁴

Since most external and regional obstacles were resolved prior to zone negotiations, in three of the five cases, once negotiations began, the treaty was concluded relatively quickly and the entry into force was achieved within two to three years.⁵

Strengthening nuclear non-proliferation efforts at regional and global levels

Although regional proliferation was not the initial driver for the introduction of proposals to create a NWFZ in each of the five areas, preventing risks of future proliferation was an objective in the creation of existing zones. By establishing legally binding commitments to the non-development, use or stationing of nuclear weapons, NWFZs contributed to preventing the emergence of nuclear possessors in their respective regions. In the 1970s, for example, the nuclear activities of South Africa under the apartheid regime contributed to African states' goal of establishing the zone to prevent proliferation and to ensure that no country in the region would choose the same path. In the South Pacific, the Zone reinforced Australia's non-proliferation commitment and prohibited NWS from conducting nuclear tests in the region.

The zones created major legal and political barriers to any potential breakout state and reinforced non-proliferation norms, even among states parties experiencing significant rivalry or even conflict. This is the case even in Latin America, where one Zone member state (Brazil) and one non-member state (Argentina) pursued nuclear weapons programmes after the Treaty of Tlatelolco entered into force in 1969. Seizing on the distinct entry into force arrangements for

⁴ 'Brazil's take on Iran and the NPT' Interview with Antonio Ramalho, 19 May 2010, <https://www.cfr.org/interview/brazils-take-iran-and-npt>

⁵ In addition to the African NWFZ, the Southeast Asian NWFZ was negotiated over an extended period of time.

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each party to the Treaty, Brazil developed a nuclear weapons programme after ratifying the agreement but before it came fully into force on its national territory.⁶

NWFZs reinforce state parties' NPT commitments and at times complement and enhance non-proliferation obligations beyond the NPT. Several of the NWFZ legal arrangements go further than the NPT by prohibiting the stationing and testing of any nuclear explosive device in the territories of its parties; commit their parties to apply the highest standards of security and physical protection of nuclear material, facilities and equipment to prevent theft and unauthorized use; prohibit armed attack against nuclear installations in the zone concerned; and prohibit the dumping of any radioactive waste. The Central Asia treaty for example, require the adoption of the Additional Protocol and the Comprehensive Test Ban Treaty. To this extent, NWFZs can be seen as important frameworks to advance the practical application of non-proliferation commitments and legal obligations, including those that states parties have agreed as parties to the NPT.

Confidence and cooperation among states of the region

States pursuing the establishment of NWFZs in the five regions discussed did not make an explicit connection between the establishment of legally binding nuclear free arrangements and the pursuit of regional security cooperation. Conflict resolution was not an objective of the NWFZs. Those regions which experienced regional interstate and/or intrastate conflicts in periods before the establishment of the zone, for example, Africa, did not address conflict issues in their negotiations of zone treaty arrangements. Some such conflicts, for example, the first Congo war, took place against the backdrop of the NWFZ's negotiation while the entry of force of the Treaty of Pelindaba in 2009 took place against a backdrop of ongoing interstate conflicts in the Horn of Africa and the then Sudan.

In Latin America, where no major inter-state conflict took place in the years prior and after the treaty adoption, the region experienced only one major conflict after the Zone's entry into force in 1969, between a state from the region, Argentina, and a NWS, the United Kingdom, during the 1982 Falklands War.⁷ It should be noted that these conflicts were not region-wide and no NWFZ was negotiated by state parties in the midst of major hostilities. Nevertheless, the existence of regional tensions and/or conventional conflicts between two or more state parties did not prevent the pursuit and establishment of NWFZs.

Only one zone, the African NWFZ, has established an explicit link between the zone's implementing body, the African Commission on Nuclear Energy (AFCONE) and formal regional peace and security mechanisms. The African Union Commission's peace and security

⁶ According to Tlatelolco text Treaty, the Treaty will come fully into force when all eligible states have signed and ratified the Treaty and its two Protocols and concluded comprehensive safeguards agreements with the IAEA. States could, however, individually waive these requirements and declare the Treaty in force for their respective territories. Brazil did not waive this requirement until 1994, at the same day Argentina ratified the treaty.

⁷ Argentina accused UK for violating the Treaty of Tlatelolco during the War by deploying nuclear propelled submarines to the geographic area demarcated by the Treaty and by entering the Zone with ships carrying nuclear weapons.

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department supports AFCONE, promotes ratification and implementation of the Treaty of Pelindaba and represents the zone at international events, including NPT Review Conferences and considers the zone to be part of the overall AU peace and security architecture.⁸

The five NWFZs also differ considerably in their institutional mechanisms and arrangements established to monitor the status of the zone and verify compliance of state parties. Most of the five NWFZs have a low level of institutionalization.⁹ All NWFZ rely on the International Atomic Energy Agency (IAEA) to verify compliance. The Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (OPANAL), the verification mechanism for the Latin American NWFZ, is the most institutionalized zone framework. In addition to OPANAL, Brazil and Argentina established a bilateral verification arrangement that predate their full accession to the Zone treaty. The Brazilian-Argentine Agency for Accounting and Control of Nuclear Materials (ABACC) was created in 1991 before Argentina ratified the NWFZ and before both states joined the NPT in 1994 to ensure that the two countries are using nuclear materials strictly for peaceful purposes. Since then, the IAEA is responsible of applying full scope of safeguards in both countries in conjunction to ABACC. In Latin America, ABACC cooperates closely with OPANAL in an interesting example of interlocking bilateral and regional verification mechanisms.

While all five of the existing NWFZ identify the possibility of cooperation on peaceful applications of nuclear technologies and nuclear radiation safety and security, as of this current time, currently only the Latin American zone, through OPANAL, actively pursues regional cooperation on peaceful nuclear use and the articulation of a regional perspective in multilateral disarmament and nonproliferation forums through its status as observer in the UN General Assembly and right to participation in IAEA meetings.

Observations relevant to the Middle East WMDfZ

The discussion above highlights the important contribution that NWFZs make to strengthening nuclear non-proliferation and to progress toward a world free of nuclear weapons. Despite their different origins, scope and levels of institutionalization, each of the five NWFZ point to the operational benefits of pursuing regional application of global nonproliferation and disarmament norms.

The Middle East shares many of the features of the regions outlined. The military presence of and tensions between nuclear armed states external to the region is a concern for many states therein. Concern about nuclear proliferation risks in the region is high. Conventional conflicts

⁸ Noel Stott, 'The Treaty of Pelindaba: toward the full implementation of the African NWFZ treaty' in UNIDIR Disarmament Forum 2, 2011, *Nuclear-weapons free zones*. It should be noted that few other NWFZ regions have such extensive institutionalized regional peace and security mechanisms as Africa and Central Asia has no regional organization.

⁹ Vienna Centre for Disarmament and Non-Proliferation (VCDNP) Task Force Report, 'Cooperation among NWFZ: History, challenges and recommendations', March 2018.

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between and within states of the region continue. There is significant interest in the region on the potential of peaceful use of nuclear energy.

At the same time, there are significant differences. In the Middle East, the drivers for the establishment of a zone are internal: existing regional Weapons of Mass Destruction (WMD) capabilities and regional proliferation threats. Moreover, zones in all other regions exclusively focus on the nuclear dimension. The ME WMDFZ incorporates the nuclear element, but regional states also aim to free the region from all WMD capabilities, adding an additional layer of strategic and technical complexity.

Progress on these two factors involves changes in the existing status quo, requiring some states to dismantle their WMD capabilities and others to verifiably forswear nuclear weapons programmes. Changes to nuclear basing, testing and weapons programmes were integral to the pursuit of each of the five NWFZs and none of them came about until these changes were practically accomplished. In all five cases, this took considerable time, commitment as well as shifts in the international political and strategic environment.

The five NWFZs further reveals that, while the absence of any inter-state or intrastate conflict in a region is not a prerequisite for the establishment of a zone, the absence of significant major conflict and a recognition of shared interest, however limited, is critical. Limited trust among regional states in the Middle East, past noncompliance with international WMD regimes and limited experience of regional cooperation mechanisms further complicate pathways to zone development. The distinct experience of each NWFZ illustrates that there is no single route to success. It also highlights how overlapping arrangements, including bilateral and plurilateral as well as regional arrangements, might be explored.

External drivers, this paper argues, are essential to understanding the origins and pursuit of existing NWFZs. While ultimately, the establishment of a zone is a voluntary exercise that can only be pursued by states of the region, it is clear that the nuclear strategies, policies and perspectives of nuclear weapons states play an essential role in enabling progress toward or impeding the establishment of the zone. The absence of external NWS' stationing of nuclear weapons in the Middle East or testing nuclear weapons, provides at least some of the basic conditions of NWFZs. Reducing the risk of escalation of competition between them could be another.

These similarities and differences could create broader opportunities for 'give and take' to engage and explore the potential for a MEWMFDZ and the far-reaching positive impact it would have on peace, stability and other political objectives in the region.