

Nuclear-Weapon-Free Zones – Challenges and Opportunities

By

Jayantha Dhanapala

Under-Secretary-General for Disarmament Affairs

United Nations
New York, New York 10017



International Seminar

Nuclear Weapons-Free Zones: Crucial Steps Towards a Nuclear-Free World

Uppsala, Sweden

1-4 September 2000

[Presented 2 September 2000]

Introduction

It is a truth universally acknowledged that nuclear weapons are the most destructive weapons invented and that their use can imperil all human civilization and the planet on which we live. Faced with this awful reality some non-nuclear weapon States, who have legally renounced the nuclear option, have huddled under the nuclear umbrella of nuclear powers. Others remain without any protection or legally binding assurances relying on the campaign for nuclear disarmament leading to the total elimination of nuclear weapons – a goal that sometimes appears to be a mirage. Still others in a collective act of self-reliance have sought protection in nuclear-weapon-free zones and they number 113. Interestingly such zones are mainly in the southern hemisphere accentuating another gulf between the north and the south in today's global political realities.

This international seminar is an opportune moment to examine the impressive record of historical achievements of existing zones and to explore how this can be a basis for future progress. In these days when so many other issues are competing for public attention -- on both the domestic and international political agendas -- it is all the more important to recall some of the inspirational heritage that brings us all together today.

I am reminded in particular of the preamble of the Treaty for the Prohibition of Nuclear Weapons in Latin America signed in 1967– the first nuclear-weapon-free zone in an inhabited region. It explains both eloquently and succinctly why such zones are so vital. The text, in particularly acute terms, refers to the existence of nuclear weapons as “an attack on the integrity of the human species” and recognizes that the use of such weapons “may even render the whole earth uninhabitable.”

Yet what makes the history of nuclear-weapon-free zones so impressive is not the terror of nuclear war evoked in the preambles of their respective treaties -- but the hope they inspire, hope based on both ideals and self interests. The ideal is clear: these zones are stepping stones to a world free of all nuclear weapons. They are a sophisticated means whereby the world can advance forward in common cause against the production, possession or deployment of a weapon that is inherently incapable of distinguishing between civilian and military targets -- a weapon whose use would unquestionably violate international humanitarian legal principles as it destroys millions of innocent civilian lives and property. They have also progressively shrunk the area of the world’s surface where nuclear weapons can be stationed thereby placing restrictions on the strategic plans of nuclear weapon States.

The ideal of global nuclear disarmament is already reason enough for action, but when this ideal is combined with concrete benefits that are responsive to practical concerns of even the most cynical of realists, the case for nuclear-weapon-free zones becomes formidable. This is the reason nuclear-weapon-free zones have grown both in variety and in popularity since their inception so many years ago.

Nuclear weapon-free zones exist not as ends in themselves. They exist because they serve genuine security interests, promote international peace and security, and inspire collective action for the good of each and the good of all. At a time when some 30,000 nuclear weapons reportedly remain in the hands of a few states, these zones offer one of the few sustained activities open to non-nuclear-weapon States not just to quarantine themselves from the nuclear contagion around them, but to pool their efforts to resist it.

Some people say that countries that do not possess nuclear weapons have no business seeking to encourage the nuclear-weapon States to change their nuclear policies. Indeed that is the thinking behind those who resist nuclear disarmament being negotiated in the world’s only negotiating forum for disarmament – the Conference on Disarmament in Geneva. Some even object fervently to proposals -- including, most recently, one from the Secretary-General of the United Nations -- for international conferences to consider measures to eliminate nuclear dangers.

Yet as a matter of conscience, policy, and law, global nuclear disarmament is in no way the exclusive domain of those states that have chosen to possess such weapons. Though Article VII of the Treaty on the Non-proliferation of Nuclear Weapons (NPT) acknowledges the right of any group of States to create nuclear-weapon-free zones, Article VI of that treaty commits all of its 187 States parties to “.....pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament.....” Nuclear-weapon-free zones are one of the most important of such measures.

The Legacy of Unity in Diversity

I will not describe the history of all nuclear-weapon-free zones. Analysing this historical record I would like instead to point out two interesting features of the growth of these zones.

First, since the creation of the first such zone by the Antarctic Treaty in 1959, one cannot help but note the sheer growth in the numbers of these regimes. We have witnessed an extraordinary case of the horizontal proliferation of such zones -- reaching across whole continents covering more than 50 percent of the earth's land mass, encompassing the ocean floor, and extending even into the heavens. The expansion of the concept to the Outer Space and Tlatelolco Treaties in 1967, the Seabed Treaty in 1971, the Rarotonga Treaty of 1985, the Pelindaba Treaty of 1996, and the Bangkok Treaty in 1997, in each instance pushed the frontier a bit closer to a nuclear-weapon-free planet. While the growth of these zones has not eliminated all conflict or achieved general and complete disarmament in their areas, they have accomplished much in laying the foundation for the proliferation of peace. They have asserted the rights of humanity to live in a nuclear-weapon-free world.

There is of course no "one size fits all" model of such zones that is equally suitable for each region. Each zone reflects the perceived security needs as well as the hopes and aspirations of its participating countries. As the UN Disarmament Commission noted last year in unanimously approving guidelines for the creation of such zones, they are the product of the specific circumstances of the region concerned, and are to be established on the basis of arrangements freely arrived at among the States of the region concerned. The establishment, growth, and maintenance of such zones is thus an inherently dynamic process -- to this extent, all the zones are still in the process of its full realization.

The Pelindaba Treaty needs additional States parties for it to come into force. The nuclear-weapon States have not yet acceded to the protocol of the Bangkok Treaty. The Central Asian nuclear-weapon-free zone has been under negotiation for many years but remains nonetheless only an aspiration. Establishing and maintaining such zones are all highly political processes, highly dependent upon -- and hence vulnerable to -- the forces of political reality. Proposals to establish such zones in the Nordic, Mediterranean, Balkan, Middle Eastern, South Asian, South Atlantic, and East Asian regions -- as well as the entire southern hemisphere -- have encountered their respective difficulties. A similar fate has faced the proposals to denuclearize the Korean Peninsula and to establish a zone in Central Europe, including the proposal by the Palme Commission in 1982 for a nuclear-free corridor in the region. And the elusive Zone of Peace in the Indian Ocean appears today as a fading dream even in my country Sri Lanka who first sponsored the proposal in the United Nations in 1971.

Sometimes individual countries take actions into their own hands. In their various diverse ways, Austria, Japan, Germany, and Mongolia have all chosen an alternative route, by undertaking national legal obligations to abjure the acquisition or possession of nuclear weapons. In South America, the MERCOSUR countries have joined to create a zone free of all weapons of mass destruction, echoing a similar proposal made by Egyptian President Mubarak for such a zone in the Middle East. And though not legally binding, we also must not forget the numerous local initiatives to establish municipal nuclear-weapon-free zones around the world.

Obstacles Ahead

Nuclear weapon-free zones face numerous and formidable obstacles, yet they not only persist, but grow.

The first obstacle they face is that the world remains divided into exclusive spheres of security, despite the more universalistic concept in the UN Charter of "international peace and security" which tacitly denies the divisibility of peace. Over the Cold War period the world was divided up in arrangements where some gathered under what they believed to be the protection of impermeable nuclear umbrellas,

while the rest were presumably left to suffer the vicissitudes of world affairs on their own -- while facing nuclear threats. A decade after the Cold War ended one of these alliances continues and a queue forms at its entry door. Thousands of nuclear weapons remain on alert, first use nuclear doctrines have been reaffirmed and more States have tested nuclear devices. It is not a world that is very hospitable to the creation or expansion of nuclear-weapon-free zones.

Some countries take great comfort in the knowledge that any nuclear strike will unleash unthinkable horrors against any aggressor – horrors that could inevitably affect their own territory and their own citizens. That is the basic premise of nuclear deterrence theory - mutual – assured – destruction. Though over 100 countries have rejected such reasoning in favour of the security that comes from keeping such unconscionable weapons out of their neighbourhoods, the umbrella continues to cast a long shadow, perpetuating the myth that the ultimate peace is found only in the ultimate terror.

The second obstacle facing countries that are either in such zones or are considering establishing one, is the persistence of first-use doctrines on the part of some countries that possess nuclear weapons. Such doctrines, when combined with conditional language – described euphemistically as “calculated ambiguity” - appear to leave open the option of launching nuclear strikes under some circumstances even against non-nuclear-weapon States. How can the nuclear-weapon States offer negative security assurances to members of these regimes while simultaneously reserving the right to threaten the use -- or actually use -- nuclear weapons against regime members? This amounts to a policy of erecting disincentives to establish such zones.

A third obstacle -- one that may well grow in future years -- is the rise of a new form of proliferation in the world. Let us call it the rise of “managed proliferation” or the policy of actively encouraging the establishment of what might be termed, “nuclear-weapon-safe zones.” Such concepts suggest that the possession of nuclear weapons, while perhaps regrettable, need not be catastrophic, and may, if subject to some careful stewardship, actually contribute to both regional and global stability. So leave existing nuclear weapons stockpiles alone, its proponents proclaim, even let them spread -- but husband them wisely, and their possessors will earn a golden peace while sanctions are dismantled to satisfy powerful commercial interests.

This vision of managed proliferation rejects entirely the very concept of disarmament, though not arms control. In fact, it glorifies arms control. Instead of the genuine peace and security that arises from instruments like the Treaties of Tlatelolco, Rarotonga, Pelindaba and Bangkok, the new approach offers ersatz security through the provision of palliatives like assistance in improving command-and-control over nuclear weapon systems, nuclear confidence-building measures, intelligence and early warning capabilities, and controls over the safety and security of devices in existing arsenals.

The new approach denies the existence of the possibility of accidents, mistakes, or miscalculations ignoring the facts of the 1962 Cuban missile crisis or the near miss here in Scandinavia when the launch of a scientific rocket in Norway in 1995 led to a nuclear alert. Alternatively it assumes that measures taken to address such threats will be completely effective in getting the job done. This is, quite frankly, the fantasy virus that has recently spread to South Asia from its hosts in other regions, and is manifest in all discussions about the need for the world to adjust to the so-called “new realities” in that region.

Yet the rise of new States with nuclear capabilities and the spectre of nuclear terrorism creates a fourth major obstacle facing members of nuclear-weapon-free zones, a problem related to the definition of what constitutes a nuclear-weapon State and the sources of nuclear weapon threats today in view of nuclear

terrorism threats. Which countries are appropriate to sign the various protocols in existing treaties reserved for nuclear-weapon States? If the list is limited to the nuclear-weapon States defined in the NPT, as it must, without according new status and legitimacy to new nuclear States, positive security assurances are also necessary in the event of dangers arising from other sources. The security assurances issue is thus complicated by another conundrum – who gives what and to whom ?

The fifth obstacle arises from the assertion that security must come first and that once security is achieved, only then can disarmament be seriously entertained. This view of course ignores entirely both the security benefits that are obtained from the process of disarmament itself, and the insecurities that are aggravated by the failure to pursue disarmament strategies in earnest.

When the UN Disarmament Commission agreed in 1999 on guidelines to establish nuclear-weapon-free zones, it not only reaffirmed the goal of “freeing the entire world from all nuclear weapons as well as other weapons of mass destruction, and more broadly speaking, of general and complete disarmament under strict and effective international control”, but stated that such a goal was necessary “so that future generations can live in a more stable and peaceful atmosphere.” In other words, security can be served well by disarmament.

There are, to be sure, other obstacles facing the consolidation of these zones. There are problems of entry into force, ambiguities in some Treaty provisions, verification, financing, day-to-day administration, and achieving universal regional memberships. There are various problems associated with security arrangements, transits and overflights of nuclear weapons through such zones. There are challenges of educating the public about the enormous benefits each citizen enjoys from not having to live under a cloud of nuclear terror.

It is interesting that at least two of these zones were formed following great controversies over nuclear testing. The initial efforts to set up a nuclear-weapon-free zone in Africa no doubt reflected a reaction against French nuclear testing in Algeria, and an alleged South African test just as the Rarotonga Treaty was given an impetus by French nuclear testing in the South Pacific. It is surely true that the negotiation of the Partial Test Ban Treaty in 1963 was strongly influenced by the public reaction to the health and environmental effects from atmospheric nuclear tests up to that date. And it is probably true that efforts to ban nuclear weapons from South America were strongly influenced by the sober reflections of leaders and citizens in the aftermath of the Cuban Missile Crisis.

Yet the creation of new zones simply cannot await any new shocks on this order of magnitude. Must a nuclear-weapon-free zone in the Middle East, South Asia, Europe or East Asia await a tragic nuclear accident or nuclear attack? The shock therapy of actual nuclear detonations is not what is needed. Terror, death, and environmental catastrophes are not the path to achieve freedom from fear. The creation of nuclear-weapon-free zones is preventive action.

Next Steps

The UNDC Guidelines on the establishment of new zones helps us to identify some future steps they might include the following:

First of all, all existing zones should come into force as soon as possible -- new efforts are needed within incomplete zones, with appropriate encouragement as needed from without, to achieve universal regional membership and full international recognition.

Second, new efforts are also needed to encourage the creation of new zones, even in the most difficult areas, including the Middle East and South Asia. The Central Asian Nuclear Weapon Free Zone is closest to realization and needs renewed efforts by the five countries concerned and positive encouragement by the nuclear-weapon States. In other areas one could even begin with transitional phases prohibiting certain categories of nuclear weapons, dealing with nuclear weapons on the territory of countries in the region and other confidence building measures.

Third, new initiatives could be directed both at encouraging new forms of cooperation within existing zones as well as exchanges of experiences between parties of different zones. Members within such zones should be encouraged to cooperate in sharing information about the status of global nuclear disarmament efforts and in mobilizing diplomatic efforts to encourage greater progress at all available opportunities especially where they have Secretariats to service them. This could take the form of joint studies, resolutions at international conferences, published speeches and editorials, and other such efforts.

Fourth, the requirement for arrangements to be freely-arrived at between the countries in a certain region is of course essential, though this should be interpreted less as an obstacle to the creation of such zones than as a political and a diplomatic challenge. A multi-front effort may, in certain circumstances, be required to encourage the leaders of some States to see reason. A great deal of this effort must be diplomatic. But it can also be promoted by citizen efforts, cultural exchanges, congresses, symposia, coordination among and between professional associations, the intelligent use of the media, activities by religious groups, and a host of other political initiatives. This meeting is an excellent beginning.

Fifth, the zones can be strengthened by additional protocols, such as those providing mutual commitments not to engage in attacks on peaceful nuclear facilities. Another useful confidence-building measure would address delivery systems for nuclear weapons. In his lecture upon receiving the Nobel Peace Prize in 1982, Alfonso Garcia Robles traced the origins of the Tlatelolco Treaty to a Joint Declaration on 29 April 1963 by five South American presidents expressing their joint willingness to enter into a commitment not “to manufacture, store, or test nuclear weapons or devices for launching nuclear weapons.” The preamble to the NPT similarly calls for the “liquidation” not just of nuclear weapons but also “the means of their delivery.” Yet today we hear only about missile defence and deterrence -- not global missile disarmament -- despite a statement in April 1999 by the UN Secretary-General calling upon countries to consider the establishment of multilateral norms governing both missiles and missile defence systems.

Another useful protocol to consider would be to expand existing nuclear-weapon-free zones into “fissile-material-free zones.” This would by no means require the abandonment of peaceful uses of nuclear energy, but it would require binding mutual commitments not to produce and stockpile materials required for use in nuclear weapons manufacture. It does not take great imagination to recognize the additional security benefits that members of nuclear-weapon-free zones would gain by repudiating critical bomb-making materials along with the delivery systems needed to launch nuclear strikes. And both initiatives could -- indeed should -- be framed and pursued as a global goal.

The sixth and last step I will mention today concerns the UNDC’s explicit identification and recognition of the goal of establishing a Southern Hemisphere nuclear-weapon-free zone. This too should be pursued vigorously -- its achievement would mark a stunning advance in the nuclear quarantine I mentioned earlier, and a grand new achievement on the road to a nuclear-weapon-free world.

In conclusion, let me extend my enthusiastic support for all your efforts to advance the potential of nuclear-weapon-free zones to serve international peace and security and to wish your deliberations all success. The zonal concept in nuclear disarmament and nuclear non-proliferation has been developed within the United Nations and an international consensus has been built around it. We need now to consolidate and strengthen this.