

Luncheon Address

**The Role of Nuclear-Weapon-Free Zones in the
Global Nuclear Non-Proliferation and Disarmament Regime**

By

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***Conference on the Role of Nuclear-Weapon-Free Zones in the
Global Nuclear Non-Proliferation and Disarmament Regime***

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Oscar Wilde once said that he could resist everything—except temptation. In my case, however, I must resist the temptation to speak at great length about the ponderous theme of this conference: the role of nuclear-weapon-free zones in the global nuclear non-proliferation and disarmament regime.

This is actually one of my favourite subjects, and not just because Brazil was one of the first to propose—during the Cuban Missile Crisis in 1962—the establishment of a Latin American nuclear-weapon-free zone. These zones really have made a very significant contribution to global non-proliferation and disarmament efforts and I congratulate the organizers of this conference for recognizing this fact.

I am therefore very grateful to Richard Solomon, the President of the U.S. Institute of Peace and Dr. Douglas Shaw of the Elliot School of International Affairs, for inviting me to speak with you today.

It is unfortunately true that efforts to create regional nuclear-weapon-free zones arose from the failures of past efforts in the field of nuclear disarmament. The UN Charter—dedicated to strengthening international peace and security while saving future generations from the scourge of war—established disarmament and the regulation of armaments as key goals of the United Nations. In January 1946, the General Assembly clarified in its first resolution that “disarmament” referred to the elimination of nuclear weapons and all other weapons “adaptable to mass destruction” (WMD).

Later that year, the General Assembly adopted another resolution concerning the regulation of armaments—and ever since, the UN has had these twin, parallel goals of WMD disarmament and conventional arms control. These goals were combined in 1959 under the term “general and complete disarmament,” which remains the “ultimate goal” of the United Nations. This is a goal found in a dozen multilateral treaties, including both the Nuclear Non-Proliferation Treaty (NPT) and the treaties establishing all five of the existing regional nuclear-weapon-free zones.

In September 1961, the United States and the Soviet Union were able to agree on what has been called the McCloy/Zorin joint statement, which outlined how the two superpowers intended to achieve general and complete disarmament. President Kennedy’s speech to the General Assembly on 25 September that year remains one of the real classics on this subject—it put forward a clear and compelling case for proceeding simultaneously with efforts to eliminate nuclear weapons, while also limiting conventional arms.

I’d like to mention here that the McCloy/Zorin joint statement—while not mentioning regional nuclear-weapon-free zones—had the following to say about the relationship of disarmament to world peace: “Progress in disarmament should be accompanied by measures to strengthen institutions for maintaining peace and the settlement of international disputes by peaceful means.” This quote is quite useful to recall, given that many commentators today have adopted a different approach, saying essentially that world peace is a necessary precondition for disarmament to occur. I am certain, however, that McCloy/Zorin got it right: disarmament and other initiatives to strengthen international peace and security—including non-proliferation—are mutually reinforcing and must be pursued together, not in any contrived sequence.

Unfortunately, both this and earlier efforts to pursue a treaty on general and complete disarmament became casualties of the Cold War. This led the world community in the early 1960's to pursue this goal by other, less direct means called "partial measures." One such measure was the Tlatelolco Treaty—signed in 1967—which established a nuclear-weapon-free zone in Latin America. Another was NPT, signed a year later—its Article VII recognized the right of any group of States to establish regional nuclear-weapon-free zones.

Now if the key goals of the NPT are to halt the proliferation of nuclear weapons and to promote their elimination, what is the real need for regional nuclear-weapon-free zones, especially if all the members of such zones are NPT parties? The answer is that these regional treaties significantly reinforce the NPT in at least eight ways.

First, their Protocols contain legally-binding negative security assurances, which commit the nuclear-weapon States not to engage in the threat or use of nuclear weapons against the parties to such zones. Although the statements of adherence to the protocols by the nuclear-weapon States contain interpretations and reservations that modify their original purpose, such protocols are usually taken as good faith commitments to respect the nuclear-weapon-free status of the zones to which they apply.

Second, these treaties explicitly outlaw not just the acquisition but also the stationing or basing of nuclear weapons (or other nuclear explosive devices) within the region. They do not, however, constrain the development, research, and use of nuclear energy for peaceful purposes. As a matter of fact, Article I of the Treaty of Tlatelolco says that the States Parties "undertake to use exclusively for peaceful purposes the nuclear material and facilities which are under their jurisdiction."

Third, while the NPT lacks an institutional infrastructure—beyond the safeguards implemented by the International Atomic Energy Agency (IAEA)—most of the regional treaties establish various organizations or committees to assist in implementing treaty goals.

Fourth, the Pelindaba and Semipalatinsk Treaties also require their Parties to have physical security controls over relevant nuclear facilities, which can help in preventing nuclear thefts or terrorism.

Fifth, all of these regional treaties (except Tlatelolco) explicitly address environmental controls, notably including a prohibition against the dumping of radioactive wastes within the region.

Sixth, the withdrawal procedure in virtually all the regional treaties (with the exception of Tlatelolco) is lengthier than the 90-day advance notice found in the NPT—and in the case of the Bangkok and Rarotonga treaties, a withdrawal is allowed only after a material breach of the treaty by a State Party.

Seventh, the Pelindaba Treaty included a prohibition on military attacks on nuclear facilities—though such a provision is not found in the other treaties.

And eighth, these regional treaties also include provisions for the settlement of disputes, which are not found in the NPT.

My discussion so far of how the regional zones reinforce the NPT is not at all intended to convey the impression that they *alone* will lead us to a world free of nuclear weapons. After all, nuclear weapons were absent from the territories of such zones when they were established. We must all remember that they are still widely viewed as only “partial measures” serving their common goals of nuclear disarmament and, more broadly, general and complete disarmament. In short, these treaties are not ends in themselves.

The twin tests for the success of these zones are that they be successful in totally excluding nuclear weapons from the respective regions, and that they bring the world closer to achieving the goal of nuclear disarmament.

By many indicators, these regimes have been enormously successful in achieving the former goal. Today virtually the entire Southern Hemisphere is free of nuclear weapons—except for the possible circulation of nuclear-armed submarines. Some 60 percent of UN Member States belong to treaties establishing such zones or have ratified their Protocols. Cooperation is also increasing between members of the various regional zones—in 2005, Mexico City hosted the first Conference of States Parties to regional treaties establishing such zones, and next month another such conference will be held in New York at the United Nations. I also wish to note here that the enormous Central Asian nuclear-weapon-free zone came into existence last year, the first such zone to be established entirely north of the Equator. In addition, Mongolia has gained international recognition of its nuclear-weapon-free status.

These are all very welcome developments, testifying to the great potential of these zones to strengthen international and regional peace and security, while advancing disarmament and non-proliferation goals.

Yet the full potential of these zones has yet to be achieved, as many challenges remain in ensuring their full implementation.

There are, first of all, some significant differences between these treaties. The Pelindaba and Semipalatinsk Treaties, for example, prohibit both *research* and *development* of nuclear weapons, while such activities are not specifically addressed in the Tlatelolco and Rarotonga Treaties—and of these activities, the Bangkok Treaty only prohibits development. In addition, only the Pelindaba, Rarotonga, and Semipalatinsk Treaties extend their prohibitions to include unassembled or partly assembled nuclear weapons.

Also, none of these treaties prohibits the stationing of nuclear-weapon-related support facilities by the nuclear-weapon States, such as relevant radar stations or communications systems used for strategic nuclear purposes of such States.

While the Pelindaba Treaty became the last such regional treaty to come into force in July 2009, many of its Parties have not yet deposited their instruments of ratification. Many states throughout these regions have yet to have concluded their comprehensive safeguards agreements with the IAEA. Many have not yet adhered to the Convention on Physical Protection of Nuclear Materials or the Nuclear Terrorism Convention, which—though not required by all these treaties—would further help to strengthen security in these regions. There is no consensus among the states in these regions that the IAEA Additional Protocol should be the applicable safeguards standard, though it is a criterion found in the Central Asian Treaty.

And last, but by no means least, it is troubling that the Protocols to four of the five regional nuclear-weapon-free zones have not been ratified by all the nuclear-weapon States. The United States and Russian Federation have not ratified the Pelindaba Protocol, the United States has not ratified the Rarotonga Protocol, and none of the nuclear-weapon States has yet ratified the Protocols to the Central Asian and Southeast Asian treaties. And as I noted earlier, those who did, have also attached various conditions or provisos to their negative security assurances.

Another serious challenge relates to the lack of any progress whatsoever in implementing the Resolution on the Middle East, adopted at the 1995 NPT Review and Extension Conference as part of the “package deal” that led to the indefinite extension of the treaty. This inaction proved to be quite a controversial issue at the 2000 and 2005 NPT Review Conferences and I fully expect that it will continue to be the focus of intense deliberations at the 2010 Review Conference next May. The goal of establishing such a zone has been endorsed by the General Assembly every year since 1974, virtually always without even requiring a vote, and the strong will of the world community for progress in this area no doubt will persist until a real effort is made to achieve this goal.

In terms of other issues, I think it is also worth noting that none of these zones addresses missiles or other nuclear-weapon delivery vehicles. Even the UN Disarmament Commission’s agreed guidelines in 1999 on establishing such zones did not refer to such delivery vehicles. Yet historically, there is at least some evidence of an early intention to do so. In his Nobel Peace Lecture of 11 December 1982, for example, Alfonso García Robles referred to the Joint Declaration of 29 April 1963—in which the Presidents of Bolivia, Brazil, Chile, Ecuador and Mexico announced that their governments were willing to sign a Latin American multilateral agreement by which they would undertake not “to manufacture, store, or test nuclear weapons or devices for launching nuclear weapons” (emphasis added). The Preamble of the NPT also contains language referring to the goal of eliminating both nuclear weapons and “the means of their delivery”—though in practice such delivery systems are seldom addressed at NPT Review Conferences.

All of these various gaps or limitations in these treaties, however, do not at all detract from their positive contributions to global nuclear disarmament and non-proliferation goals. Together, these treaty regimes help to de-legitimize nuclear weapons *per se* and this is I believe their most important contribution in achieving both of these goals. We will not get rid of nuclear weapons as long as they are heralded as essential or vital to security, indispensable for maintaining deterrence, or widely perceived as sources of great power status and prestige. The treaties creating these regional

nuclear-weapon-free zones send precisely the opposite message—they herald the security benefits from non-acquisition and they go far in cultivating a global norm or taboo against possession.

But I have now spoken too many words today, and stand victim to Oscar Wilde's quote about resisting temptation. I wish once again to thank the organizers of this conference and invite all of you in this audience today to join in the ongoing global effort to achieve a world free of nuclear weapons, a goal that will no doubt be advanced by the establishment and full implementation of regional nuclear-weapon-free zones.