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Thirtieth session
Agenda item 44

COMPREHENSIVE STUDY OF THE QUESTION OF NUCLEAR-WEAPON-FREE
ZONES IN ALL ITS ASPECTS

Special report of the Conference of the Committee on Disarmament

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* This is an advance version of the special report of the Conference of the Committee on Disarmament, which will be issued in printed form as Official Records of the General Assembly, Thirtieth Session, Supplement No. 27A (A/10027/Rev.1/Add.1).

1. In resolution 3261 F (XXIX), the General Assembly decided to undertake a comprehensive study of the question of nuclear-weapon-free zones in all its aspects and requested that the study be carried out by an ad hoc group of qualified governmental experts under the auspices of the Conference of the Committee on Disarmament. Pursuant to the resolution, the study is transmitted to the General Assembly as annex I to the present report.
2. The organization of the study, including the question of the composition of the group of experts and the group's programme and method of work, was raised at the opening meeting of the 1975 session of the Conference of the Committee on Disarmament by the delegations of the Union of Soviet Socialist Republics, the United States of America and Mexico (CCD/PV.655). The delegation of Romania referred to the same matter at the following meeting, during which the delegation of Burma requested formally, on behalf of the Group of fifteen countries of the Conference of the Committee on Disarmament, the holding of an informal meeting to give due consideration to this matter (CCD/PV.656). In conformity with the request, the matter was discussed in four informal meetings of the Committee between 14 and 21 March 1975. Taking as a basis the consensus reached in those informal meetings, the Committee, at its 661st plenary meeting on 25 March 1975, decided to invite 21 Governments to designate experts for the study, including 16 from States members of the Conference of the Committee on Disarmament (Bulgaria, Czechoslovakia, Egypt, India, Iran, Japan, Mexico, Nigeria, Pakistan, Poland, Romania, Sweden, USSR, United Kingdom of Great Britain and Northern Ireland, United States of America and Zaire) and five from other States (Australia, Belgium, Ecuador, Finland and Ghana). The Committee also requested the Secretary-General of the United Nations to inform all other States Members of the United Nations that, upon prior notification, they would have the right of access to the meetings, of addressing the group and of submitting written materials. It was decided that the group would elect its own chairman. It was also decided that, whenever the group was unable to reach consensus on substantive matters, each of the experts was entitled to incorporate his own opinion into the study.
3. The study was transmitted to the Conference of the Committee on Disarmament by a letter dated 18 August 1975 from the Chairman of the ad hoc group, Dr. Keijo Korhonen of Finland, to the Co-Chairmen of the Committee (CCD/467).
4. The delegations of Mexico (CCD/PV.682 and 683), Czechoslovakia (CCD/PV.683), Sweden (CCD/PV.683), the USSR (CCD/PV.683 and 687), Romania (CCD/PV.685), Poland (CCD/PV.685), Canada (CCD/PV.685), Bulgaria (CCD/PV.685), the Federal Republic of Germany (CCD/PV.685), Mongolia (CCD/PV.685), Italy (CCD/PV.685), the United Kingdom of Great Britain and Northern Ireland (CCD/PV.686), Hungary (CCD/PV.687), the United States of America (CCD/PV.687) and India (CCD/PV.687) commented on the study in their plenary statements. The full texts of the comments are reproduced in annex II below.
5. A number of delegations stressed that, because there was only a short period between the tabling of the study in the Conference of the Committee on Disarmament and the conclusion of its 1975 session, there had been insufficient time for consideration of the document by their Governments in order to make substantive interventions in the Committee, and that they would make their comments in due course.

6. In addition, the delegation of Mexico submitted a working paper containing a draft definition of the concept of a "nuclear-weapon-free zone" and a draft definition of the principal obligations of nuclear-weapon States in respect of such zones (CCD/470), which is appended as annex III.

7. The present report, together with its annexes, is transmitted by the Co-Chairmen on behalf of the Conference of the Committee on Disarmament.

(Signed) A. A. ROZHCHIN
Union of Soviet Socialist Republics

(Signed) Joseph MARTIN (Jr)
United States of America

ANNEX I

Comprehensive study of the question of nuclear-
weapon-free zones in all its aspects

CCD/467
18 August 1975
Original: ENGLISH

LETTER DATED 18 AUGUST 1975 FROM THE CHAIRMAN OF THE AD HOC GROUP
OF QUALIFIED GOVERNMENTAL EXPERTS FOR THE STUDY OF THE QUESTION
OF NUCLEAR-WEAPON-FREE ZONES IN ALL OF ITS ASPECTS TO THE
CO-CHAIRMEN OF THE CONFERENCE OF THE COMMITTEE ON DISARMAMENT

I have the honour to transmit herewith a comprehensive study of the question of nuclear-weapon-free zones in all of its aspects, carried out by an Ad Hoc Group of Qualified Governmental Experts under the auspices of the Conference of the Committee on Disarmament in pursuance of resolution 3261 F (XXIX) of the General Assembly of 9 December 1974 and the consensus reached by the Conference of the Committee on Disarmament at its 661st meeting on 25 March 1975.

The Ad Hoc Group wishes to acknowledge with gratitude the assistance it has received from the United Nations Secretariat, the International Atomic Energy Agency and the Agency for the Prohibition of Nuclear Weapons in Latin America (OPANAL).

I have been requested by the Ad Hoc Group of Qualified Governmental Experts, as its Chairman, to transmit on its behalf the study which was unanimously adopted.

(Signed) Keijo Korhonen
Chairman
Ad Hoc Group of Qualified
Governmental Experts for the
Study of the Question of
Nuclear-Weapon-Free Zones

CE.75-68747

Comprehensive Study of the Question of Nuclear-
Weapon-Free Zones in all of its aspects

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I. Introduction

1. Mandate as established by the General Assembly

1. The General Assembly, at its 2309th plenary meeting on 9 December 1974, adopted resolution 3261 F (XXIX) under the item entitled "General and Complete Disarmament", which reads as follows:

The General Assembly,

Conscious of the need to make every effort towards achieving a cessation of the nuclear arms race, nuclear disarmament and general and complete disarmament under strict and effective international control,

Recognizing, in pursuance of these ends, the urgent need to prevent the proliferation of nuclear weapons in the world,

Recalling the different efforts and achievements undertaken on a regional level with a view to the establishment of nuclear-weapon-free zones,

Recalling, in particular, the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco),

Considering that further efforts concerning nuclear-weapon-free zones would be enhanced by a comprehensive study of the question in all of its aspects,

1. Decides to undertake a comprehensive study of the question of nuclear-weapon-free zones in all of its aspects;
2. Requests that the study be carried out by an ad hoc group of qualified governmental experts under the auspices of the Conference of the Committee on Disarmament;
3. Calls upon interested Governments and international organizations concerned to extend such assistance as may be required from them for the carrying out of the study;
4. Requests the Secretary-General to provide such services and to give such assistance for the study as may be required;
5. Requests the Conference of the Committee on Disarmament to transmit the comprehensive study of the question of nuclear-weapon-free zones in all of its aspects in a special report to the General Assembly at its thirtieth session;
6. Decides to include in the provisional agenda of its thirtieth session an item entitled 'Comprehensive study of the question of nuclear-weapon-free zones in all of its aspects'.

2. Organization and composition of the ad hoc group

2. In pursuance of this resolution, the Conference of the Committee on Disarmament, at its 661st meeting on 25 March 1975, reached a consensus by which it:

(1) Decided to invite the Governments of the following States to designate experts: Australia, Belgium, Bulgaria, Czechoslovakia, Ecuador, Egypt, Finland, Ghana, India, Iran, Japan, Mexico, Nigeria, Pakistan, Poland, Romania, Sweden, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Zaire;*/

(2) requested the Secretary-General of the United Nations, in accordance with paragraph 4 of General Assembly resolution 3261 F (XXIX): (a) to inform the Governments of those of the above-mentioned States which are not members of the CCD that they are invited to make available their experts to participate in the work of the group; (b) to inform the States Members of the United Nations which will not have their experts in the group that, upon prior notification, they shall have the rights of access to the meetings, of addressing the group and of submitting to it written material;

(3) requested the group of experts to begin the implementation, in Geneva, of the task entrusted to it at an early date and, if possible, not later than 7 April 1975;

(4) decided that the group should elect its own Chairman and that whenever the group was unable to reach consensus on substantive matters, each of the experts would be entitled to incorporate in the study his own opinion;

(5) requested the group to submit to the CCD the comprehensive study on the question of nuclear-weapon-free zones in all its aspects not later than 7 August 1975.

3. Governmental experts from the following countries participated in the discussions as observers: Canada, German Democratic Republic, Federal Republic of Germany, Hungary, Italy, Mongolia, Netherlands, New Zealand, Turkey and Yugoslavia.*/

3. Programme and method of work

4. The Ad Hoc Group held six meetings in Geneva from 7 to 10 April, 1975 during which the experts elected Professor Keijo Korhonen of Finland as the Chairman of the Ad Hoc Group and agreed on a general outline of the study. At its second session, the Ad Hoc Group held 25 formal meetings and 34 informal meetings

*/. The list of participants appears in Appendix I.

from 23 June to 18 August 1975. In the course of this session, experts, as well as observers, stated their positions in statements and in working papers. Background material was presented by the Secretariat of the United Nations, the International Atomic Energy Agency and the Agency for the Prohibition of Nuclear Weapons in Latin America.^{**/} A consultant of the IAEA participated in some of the meetings of the Ad Hoc Group. The discussion in the course of formal and informal meetings served as the basis for the preparation of draft chapters. The Ad Hoc Group adopted its final study at its 25th meeting on 18 August 1975.

^{**/} The list of documents submitted to the Ad Hoc Group appears in Appendix II.

II. Historical Background of Military Denuclearization by Areas

1. A detailed description of the international agreements, proposals and of the opinions expressed in regard to the question of nuclear-free-zones in all its aspects would have required a voluminous chapter. The present chapter intends only to serve as a brief summary to the most relevant aspects of the treaties, proposals and official reactions on the subject.

1. The Antarctic Treaty

2. The Antarctic Treaty was the first international agreement which, being a Treaty establishing a demilitarized zone, contained by implication provisions to ensure that nuclear weapons would not be introduced into an area. In 1959, governmental representatives of the 12 countries participating in the International Geophysical Year in Antarctica (Argentina, Australia, Belgium, Chile, France, Japan, New Zealand, Norway, South Africa, the United Kingdom, the Union of Soviet Socialist Republics and the United States) met in Washington, D.C., to conclude a treaty that would ensure the use of Antarctica exclusively for peaceful purposes and the continuity of co-operation in scientific research in this area. The treaty was not intended to solve the problem of the different territorial claims, which covered approximately 80 per cent of the whole continent, but rather to ensure the access to all the regions of Antarctica to carry out scientific research and to prevent undesirable political rivalries by maintaining the status quo in regard to the territorial claims.^{1/} The Treaty was signed on 1 December 1959 by the twelve participating States in the Conference and it is now in force for 19 States.^{2/}

3. Article I of the Treaty provides that Antarctica shall be used exclusively for peaceful purposes and prohibits, inter alia, any measure of a military nature, such as the establishment of military bases and fortifications, the carrying out of military manoeuvres and the testing of any type of weapons. The Treaty does not prevent the use of military personnel and equipment for scientific research and other peaceful purposes. The introduction and testing of nuclear weapons in Antarctica would fall within the scope of the prohibition contained in Article I.

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4. Article 5 of the Treaty prohibits any nuclear explosions and the disposal of radioactive waste in Antarctica. The Treaty, however, does not rule out indefinitely the possibility of carrying out nuclear explosions for peaceful purposes in the continent. Article 5, paragraph 2, provides that the rules embodied in international agreements concerning the use of nuclear energy, including nuclear explosions and the disposal of radioactive waste material, would be applied to Antarctica, provided that all the original contracting parties and those parties which demonstrate their interest in the continent are also parties to such agreement or agreements.

5. The Treaty created a system of control based on national means of verification, carried out through inspections by observers nationals of the contracting Parties which designate them. Those observers are under the exclusive jurisdiction of the contracting parties of which they are nationals.

6. The Treaty provides the right of aerial observation at any time over any of the regions of Antarctica and the observers have full access at any moment to any area or installation and to all ships and airplanes at points of discharge and embarkation in the continent.

7. The Treaty's provisions apply to the area south of 60° south latitude without prejudicing, or in any way affecting, the rights or the exercise of the rights of any State under international law with regard to the high seas within that area.

2. Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies

8. Early efforts to prevent the spread of the arms race to outer space were made in the Sub-Committee of the Disarmament Commission and in the General Assembly in the late 1950s. In November 1958, at the thirteenth session of the General Assembly, the USSR introduced a draft resolution providing, in particular, for a ban on the use of cosmic space for military purposes and for an undertaking by States to launch rockets into cosmic space only under an agreed international programme.^{3/} In 1960 five western Powers submitted a plan to the Ten-Nation Disarmament Committee including a ban on the placing of weapons of mass destruction in outer space.^{4/} The programme for general and complete disarmament

proposed by the United States in 1960 called for a ban on placing in orbit vehicles carrying weapons of mass destruction.^{5/} The draft treaty on general and complete disarmament, introduced by the USSR in the Eighteen-Nations Disarmament Committee in 1962, also provided that the placing into orbit or stationing in outer space of any special devices capable of delivering weapons of mass destruction should be prohibited.^{6/} In 1961, the General Assembly, in resolution 1721 A (XVI), commended to States for their guidance in the exploration and use of outer space the principles that international law, including the Charter of the United Nations, applies to outer space and celestial bodies and that outer space and celestial bodies are free for exploration and use by all States in conformity with international law, and are not subject to national appropriation. These principles were subsequently expanded in 1963 by General Assembly resolution 1962 (XVIII)

9. In 1963, Mexico submitted to the ENDC the outline of a draft treaty on the prohibition of the orbiting or stationing in outer space of nuclear weapons and other weapons of mass destruction, including the prohibition of tests in outer space of those weapons.^{7/} That same year, the General Assembly approved resolution 1884 (XVIII) which called upon States to refrain from placing in orbit around the earth any objects carrying nuclear weapons or any other kinds of weapons of mass destruction, installing such weapons on celestial bodies or stationing such weapons in outer space in any other manner.

10. The matter was subsequently considered in the Committee on the Peaceful Uses of Outer Space and by the General Assembly. After the Soviet Union and the United States had reached agreement on a "Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies", in 1966, the General Assembly commended the Treaty in resolution 2222 (XXI).^{8/} The Treaty was opened for signature on 27 January 1967 and entered into force on 10 October 1967. Up to June 1975, the Treaty was in force for 71 States, and another 35 had signed it.

11. The principal provisions of the Treaty, relevant to the concept of nuclear-weapon-free zones are:

(1) an undertaking by States parties not to place in orbit around the earth any objects carrying nuclear weapons or any other kind of weapons of mass destruction, install such weapons on celestial bodies, or station such weapons in outer space in any other manner (Article IV);

(2) a prohibition of all military activity on the moon and other celestial bodies, including the establishment of military bases, installations and fortifications, the testing of any type of weapons and the conduct of military manoeuvres, but excepting the use of military personnel in scientific research or for other peaceful purposes, as well as the use of equipment necessary for peaceful exploration (Article IV); and

(3) a provision that all stations, installations, equipment and space vehicles on the moon and other celestial bodies would be open to representatives of States Parties "on a basis of reciprocity" (Article XII).

3. Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco)

12. The Treaty for the Prohibition of Nuclear Weapons in Latin America is the only instrument concluded so far establishing a nuclear-weapon-free zone in a densely populated area. Opened for signature on 14 February 1967, after four years of negotiations, the Treaty is also the first agreement on arms limitation, disarmament and collateral disarmament measures to establish an effective system of control under a permanent supervisory organ (OPANAL)*. The Treaty, which has two additional protocols, inter alia, defines the terms "territory" and "nuclear weapon"; establishes an international agency to ensure compliance with the Treaty, together with a control system which includes the application of IAEA safeguards to all nuclear activities of the contracting parties, reporting, inspection, observation of peaceful nuclear explosions and exchange of information; provides for the development of peaceful uses of nuclear energy (including nuclear explosions for peaceful purposes); defines the zone of application of the Treaty; envisages relations between OPANAL and other international organizations; and establishes measures in the event of violations of the Treaty.

13. The main obligations of the parties to the Treaty are defined in Article 1.^{2/} The contracting parties undertake to use exclusively for peaceful purposes the nuclear material and facilities under their jurisdiction, and to prohibit and

*Agency for the Prohibition of Nuclear Weapons in Latin America.

prevent in their respective territories: (a) the testing, use, manufacture, production or acquisition by any means whatsoever of any nuclear weapons, by the parties themselves directly or indirectly, on behalf of anyone else, or in any other way, and (b) the receipt, storage, installation, deployment and any form of possession of any nuclear weapons, directly or indirectly, by the parties themselves, by anyone on their behalf, or in any other way. Further, they undertake to refrain from engaging in, encouraging, or authorizing, directly or indirectly, or in any way participating in the testing, use, manufacture, production, possession or control of any nuclear weapon.

14. A nuclear weapon is defined in Article 5 of the Treaty as "any device which is capable of releasing nuclear energy in an uncontrolled manner and which has a group of characteristics that are appropriate for use for warlike purposes. An instrument that may be used for the transport or propulsion of the device is not included in this definition, if it is separable from the device and not an indivisible part thereof".

15. The right of the contracting parties to use nuclear energy for peaceful purposes, in particular for their economic development and social progress, is reaffirmed in Article 17 of the Treaty.

16. Article 18 provides the right of the Contracting Parties to carry out nuclear explosions for peaceful purposes, including explosions which involve devices similar to those used in nuclear weapons, or collaborate with third parties for the same purpose, provided that those explosions are carried out in accordance with the Treaty and in particular with Articles 1 and 5. Specific measures for the control of nuclear explosions for peaceful purposes are provided in paragraphs 2 and 3 of Article 18, according to which the States Parties undertake to notify to OPANAL and the IAEA, as far in advance as the circumstances require, the date of the intended explosion; the nature of the nuclear device and the source from which it would be obtained; the place and purpose of the planned explosion; the proposed procedures for observation by OPANAL and the IAEA; the expected force of the device and the fullest possible information on any radioactive fall-out that may result from the explosion as well as other measures to be taken to avoid danger to the population, flora, fauna and

territories of any other Party or Parties. In addition, the Secretary-General of OPANAL and the technical personnel designated by the Council of OPANAL and the IAEA have an unrestricted access to any area in the vicinity of the site of the explosion, in order to ascertain whether the device and the procedures followed during the explosion are in conformity with the information supplied and the provisions of the Treaty.

17. The rules for the entry into force of the Treaty are set out in Article 28. For the entering into force paragraph 1 of Article 28 requires adherence to the Treaty by all the States included in the zone, and to the protocols by all the States to which they are opened, as well as conclusion of safeguards agreements with the IAEA. However, since these requirements might have considerably delayed the coming into being of the zone, paragraph 2 of Article 28 permits the signatory States to waive them, wholly or in part. As of July 1975 the Treaty was in force for twenty States of the region (Barbados, Bolivia, Colombia, Costa Rica, the Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Trinidad and Tobago, Uruguay and Venezuela) which have waived all the requirements set out in paragraph 1 of Article 28. Two States (Brazil and Chile) have ratified the Treaty but not waived those requirements; one State (Argentina) has signed the Treaty but not ratified it and three States in the region have not yet signed it (the Bahamas, Cuba and Guyana).

18. Additional Protocol I was the result of extensive negotiations among the Latin American States and between a Negotiating Committee of the Preparatory Commission of the Treaty, and the Powers referred to in the Protocol (France, the Netherlands, the United Kingdom and the United States). It provides for the extension of the nuclear-weapon-free status to certain territories lying in the zone of application of the Treaty which, de jure or de facto, are under the jurisdiction of States outside the zone. The effect of additional Protocol I is to confine the system of control in regard to those territories to the application of IAEA safeguards. It has been ratified by the Netherlands and the United Kingdom.

19. In 1965, the United States declared that neither the United States Virgin Islands nor Puerto Rico could be included in the nuclear-weapon-free zone because the Virgin Islands were part of the territory of the United States and Puerto Rico had a special relationship with the United States. The Canal Zone, the United States added, could be included, provided that the rights of transit through the

Panama Canal were not affected, as well as the Guantanamo base, if Cuba joined the Treaty.^{10/} In 1974, the representative of the United States declared at the twenty-ninth session of the General Assembly that the position of his Government with respect to Additional Protocol I remained unchanged.^{11/}

20. The General Conference and the Council of OPANAL have approached the question of the Panama Canal Zone, not with respect to Additional Protocol I, but in the light of Additional Protocol II, in view of the fact that the Panamanian Government declared that the Treaty applies to the totality of the

territory of Panama, including the so-called "Canal Zone".^{12/} The United States has reiterated its view that the Treaty of Tlatelolco will apply to the Canal Zone when jurisdiction over the Zone is returned to Panama under the new treaty now being negotiated.^{13a/}

21. France, for its part, has declared that in matters of defence the French Government had only one doctrine applying to all of its territory and that no distinction could be drawn between the various parts of the French territory. Since France is a nuclear-weapon State, no part of its territory could be given a nuclear-weapon-free status.^{13b/}

22. In resolutions 2286 (XXII) and 3262 (XXIX) the General Assembly has appealed to the States concerned to sign and ratify Additional Protocol I of the Treaty of Tlatelolco and the item is inscribed on the agenda of its thirtieth session of the General Assembly.

23. During the drafting of the Treaty a clear commitment by the nuclear-weapon States to respect the nuclear-weapon-free status of the zone was considered an important condition for the effectiveness of the zone. The search for a formula to embody this commitment led to contacts between the preparatory commission of the Treaty and the nuclear-weapon States and to the adoption of Additional Protocol II.

24. Under this Protocol, nuclear-weapon States undertake to fully respect the "statute of denuclearization of Latin America for warlike purposes as defined, delimited and set forth in the Treaty" and "not to contribute in any way to the performance of acts involving a violation of the obligations of Article 1 of the Treaty in the territories to which the Treaty applies". Furthermore, nuclear-weapon States undertake in the Protocol not to use or threaten to use nuclear weapons against the Parties to the Treaty.

25. Four nuclear-weapon States have so far adhered to Additional Protocol II: the People's Republic of China, France, the United Kingdom and the United States. Three of them have made interpretational declarations stating interpretations concerning different articles of the Treaty and of Additional Protocol II. In regard to the obligations assumed under the Protocol, the United Kingdom made an interpretative statement which, inter alia, said that it would feel free to reconsider its commitment in the event that a party to the Treaty committed an act of aggression with the support of a nuclear-weapon State. In a similar statement the United States declared that it would consider that an armed attack by a Contracting Party, in which it was assisted by a nuclear-weapon State, would be incompatible with that party's obligations under Article 1 of the Treaty. ^{14/}

26. France, the United Kingdom and the United States also undertook additional obligations, not required by Additional Protocol II, by declaring that they would act in regard to territories under the statute of denuclearization by virtue of Additional Protocol I in the same manner as Additional Protocol II requires them to act with respect to the territories of the parties to the Treaty. ^{15/}

27. In ratifying Additional Protocol II, China expressly declared that it would never send its means of transportation and delivery carrying nuclear weapons to cross the territory, territorial sea or air space of Latin American countries. ^{16/}

28. The Soviet Union repeatedly declared that it took an understanding attitude towards the motives which had guided the sponsors of the draft treaty on the prohibition of nuclear weapons in Latin America. However, in defining its attitude to the Treaty of Tlatelolco, the Soviet Union has taken into account the existence in the Treaty of what it considers some substantial shortcomings, namely:

(a) The Treaty allows for the possibility of conducting explosions of nuclear devices for peaceful purposes, (Article 18), Inasmuch as nuclear explosive devices for peaceful purposes are technically no different from military nuclear explosive devices, the possibility allowed for Parties to the Treaty of Tlatelolco to carry out nuclear explosions for peaceful purposes enables them to manufacture nuclear weapons. This is in contradiction with the system established by the Treaty on the Non-Proliferation of Nuclear Weapons.

(b) The Treaty does not contain any ban on the transit of nuclear weapons through the territory of the zone, thus leaving a loophole for the presence of nuclear weapons in the territory of the zone and for their use from that territory.

(c) It allows for the possibility of extending the application of the Treaty to areas of the high seas, contrary to the generally recognized norms of international law, including the principle of freedom of navigation on the high seas, which was laid down in the Geneva Convention of 1958 on the High Seas. ^{17/}

29. On its part, Mexico has not accepted the objections of the Soviet Union and has stressed the following arguments which coincide in essence with the views of the General Secretary of OPANAL: ^{18/}

(a) Article 18 of the Treaty of Tlatelolco, while allowing the possibility of carrying-out nuclear explosions for peaceful purposes - the possibility of benefiting from peaceful nuclear explosions is also envisaged in article V of the NPT -, does not imply that States parties may develop or manufacture the corresponding devices by themselves or within the zone of application of the Treaty, since any potential explosion would be subject to the provisions of article 1: States may neither test, use, manufacture, produce or acquire by any means any nuclear weapon, nor engage, encourage, authorize or participate in any way in the testing, use, manufacture, production, possession or control of such weapons, which are defined in article 5 of the Treaty itself. *
Therefore, the possibility of carrying-out such explosions does not contradict in any manner whatsoever the NPT; on the contrary, in subjecting such possibility to the strict Control and limitations set forth in article 18, the Treaty goes beyond the NPT in securing non-proliferation on these grounds.

(b) The fact that the Treaty does not expressly ban the transit of nuclear weapons through the zone does not imply that such transit is to be allowed. In this respect, the Preparatory Commission of the Treaty agreed that the term "transit" in this context refers to "maritime and air transit, not surface transit - which is to be considered excluded - and maritime transit, whenever allowed by a riparian State, must be subject to the provisions relevant to the 'right of innocent passage' set forth in the Geneva Convention on the

* See paragraphs 13 and 14 above.

Territorial Sea and the Contiguous Zone (1958)". The question is further covered through Additional Protocol II, since nuclear-weapon States, by undertaking to respect the statute of the Latin American nuclear-weapon-free zone and to refrain from contributing "in any way to the performance of acts involving a violation of the obligations of article 1 of the Treaty" - i.e. the prohibition and prevention of receipt, storage, installation or deployment of nuclear weapons within the zone - are expected to refrain from introducing such weapons in the zone; thus the need for nuclear-weapon States to adhere to Protocol II.

(c) The application of the Treaty will only be extended to areas outside the sovereignty of States included in the zone upon fulfilment of the requirements of article 28 para. 1 - i.e. full adherence to the Treaty of all States in the region; full adherence to Protocol I by all States to which it is opened; full adherence to Protocol II by all States to which it is opened, and conclusion of safeguards agreements with the IAEA by all States parties to the Treaty and to Protocol I. The extension of the zone to certain areas of the high seas does not imply any contradiction to the established principles of international law, since it has been specifically accepted by States outside the zone - in fact, most of the main maritime powers - and has in practice been admitted by the world community in various resolutions of the United Nations General Assembly (all approved without a single negative vote), notably resolution 2286 (XXII) of 5 November, 1967, where the Assembly welcomed "with special satisfaction" the Treaty of Tlatelolco which it declared "constitutes an event of historic significance in the efforts to prevent the proliferation of nuclear weapons and to promote international peace and security". It should also be noted that, in the same resolution, the Assembly called upon "all States" to "give their full co-operation to ensure that the regime laid-down in the Treaty enjoys the universal observance to which its lofty principles and noble aims entitle it".

30. The USSR did not agree with the considerations presented by Mexico. The argumentation of the Soviet side to this effect is contained in statements of Soviet representatives in the United Nations and in the CCD. 19/

31. In resolutions 2286 (XXII); 2456 B (XXIII); 2666 (XXV); 2830 (XXVI); 2935 (XXVII); 3079 (XXVIII) and 3258 (XXIX), the General Assembly has appealed to the nuclear-weapon States to sign and ratify Additional Protocol II of the Treaty of Tlatelolco, and the item on the implementation of the last of these resolutions is inscribed on the agenda of the thirtieth session.

4. Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Seabed and the Ocean Floor and in the Subsoil Thereof

32. In 1967, the General Assembly examined "the question of the reservation exclusively for peaceful purposes of the seabed and the ocean floor, and the subsoil thereof, underlying the high seas beyond the limits of present national jurisdiction, and the use of their resources in the interest of mankind". In 1968, the debate in the General Assembly revealed widespread support for the principle of reserving the sea-bed and the ocean floor beyond the territorial waters exclusively for peaceful purposes. On 18 March 1969, the Soviet Union submitted to the Eighteen-Nation Committee on Disarmament a draft treaty banning the use of the sea-bed and the ocean floor for military purposes, including the emplacement of nuclear weapons thereon. In 1970, the CCD transmitted to the General Assembly the text of a draft treaty prohibiting the emplacement of nuclear weapons and other weapons of mass destruction on the sea-bed and the ocean floor and in the subsoil thereof. In its resolution 2660 (XXV) the General Assembly commended the treaty, asked the depositary governments to open it for signature, and ratification, and expressed the hope for the widest possible adherence to it. ^{20/} The Treaty entered into force on 18 May 1972. As of June 1975, 56 States had become parties to the Treaty, and another 38 States had signed it.

33. By article I, the parties to the Treaty undertake not to emplant or emplace on the sea-bed and the ocean floor and in the subsoil thereof, beyond the outer limit of a sea-bed zone, any nuclear weapons or any other types of weapons of mass destruction, as well as structures, launching installations or any other facilities specifically designed for storing, testing or using such weapons. Within such a sea-bed zone, these undertakings do not apply either to the coastal State or to the sea-bed beneath its territorial waters.

34. Article II of the Treaty stated that the outer limit of the sea-bed zone referred to in article I was coterminous with the 12-mile outer limit of the zone referred to in the Convention on the Territorial Sea and the Contiguous Zone, signed at Geneva on 29 April 1958, and was to be measured in accordance with the provisions of that Convention.

35. Verification procedures provided in Article II involve observation of activities in the sea-bed zone, to be followed in the event of suspected violation by consultations between States having reasonable doubts about an activity and the State responsible for it. Should such consultations fail to resolve doubts, procedures are stipulated for notification to other parties for co-operation on further verification procedures, including inspection. If a serious question concerning compliance remains, a party may refer the matter to the Security Council. Article III also specifies procedures for identifying states responsible for suspected activities and provides that verification shall be conducted with due regard for rights recognized under international law.

36. By article V, the parties undertake to continue negotiations in good faith concerning further measures in the field of disarmament for the prevention of an arms race on the sea-bed, the ocean floor, and in the subsoil thereof.

5. Proposals for the Establishment of Other Nuclear-Weapon-Free Zones

37. Early initiatives concerning the creation of nuclear-weapon-free zones were related to the search for formulas to prevent the proliferation of nuclear weapons. The earliest example of this approach is a proposal advanced by the Soviet Union in the Sub-Committee of the Disarmament Commission in 1956, concerning a zone of limitation and inspection of armaments in Central Europe and, in particular, a ban on the stationing of atomic military formations and the location of atomic and hydrogen weapons of any kind in that zone.^{21/} One year later, Poland proposed the

creation of a nuclear-weapon-free zone in Central Europe and Romania took the initiative for the establishment of an area of peace in the Balkans, free of foreign military bases. The Polish initiative is described below in greater detail. On 23 September 1959 during the general debate at the fourteenth session of the General Assembly, Ireland proposed an area-by-area approach to prevent the proliferation of nuclear weapons, which related specifically to Central Europe. According to the Irish proposal, the non-nuclear weapon States in a given area would undertake, first, not to manufacture or acquire nuclear weapons or other weapons of mass destruction, and secondly, to subject themselves to United Nations inspection to ensure that they were keeping to that agreement. In return, the nuclear weapon States and all the other Members of the United Nations, would undertake in advance, by specific engagements, to assist the members of the area in case of attack, by means of a standing United Nations force.^{22/}

38. In the late 1950s and early 1960s, the Government of the Peoples Republic of China suggested the creation of a nuclear-weapon-free zone in the region of Asia and the Pacific.^{23/}

39. In 1961, at the sixteenth session of the General Assembly, Sweden suggested a general approach not related to any specific area. Sweden proposed that an inquiry be made by the Secretary-General as to the conditions under which countries not possessing nuclear weapons might be willing to enter into specific undertakings to refrain from manufacturing or otherwise acquiring such weapons and to refuse to receive in the future nuclear weapons on their territories on behalf of any other country. If the results of the inquiry were favourable, a conference should be convened in order to work out some arrangement which would meet with the approval of all countries. The Swedish proposal was approved by the General Assembly in resolution 1664 (XVI) and the Secretary-General conducted the inquiry. Replies were received from sixty-two Member States.^{24/}

40. As to the conditions for adherence to the treaty mentioned by the responding Governments, that of reciprocity was most frequent. Some singled out specific States or all States within specified areas whose reciprocal adherence was required; others demanded universal adherence, including, especially, non-members of the United Nations. Some countries also called for the implementation of measures affecting the nuclear weapon States and others viewed the objective in the context of general and complete disarmament, believing that until it was achieved, national and collective security interests were likely to determine defence policy.

41. The USSR supported the idea of nuclear-weapon-free zones, which, it felt, would contribute towards building confidence between States. The Western nuclear weapon States stressed three conditions for nuclear-weapon-free zones; they should be formed with the consent of all parties concerned; they should not alter the balance between NATO and the Warsaw Pact, or give a military advantage to either side, and there should be effective controls.

(a) Central Europe

42. On 2 October 1957, Poland declared at the twelfth session of the General Assembly that after consultations with other members of the Warsaw Pact, it was prepared to impose a ban on the production and stockpiling of nuclear and thermo-nuclear weapons on its territory, should the two German States express their consent to impose simultaneously a similar ban on their territories.^{25/} On the same day, Czechoslovakia declared its readiness to join in the Polish proposal.^{26/} The German Democratic Republic expressed its support for the Polish initiative^{27/} as also did the USSR.^{28/} The plan, further elaborated and published on 14 February 1958, provided that the States located in the zone would undertake the obligation not to manufacture, maintain or possess nuclear weapons of any type and not to permit the installation on their territories of such weapons. At the same time, they would undertake not to admit in their territories installations and equipment designed for servicing nuclear weapons, including missile launching equipment.

43. In regard to the USSR, the United States, the United Kingdom and France, the plan provided the obligation (a) not to maintain nuclear weapons in their armed forces stationed in territories of the States of the zone and neither to maintain nor install in those territories any installations for servicing nuclear weapons, including missile-launching equipment; (b) not to transfer those weapons or equipment to the States of the zone; and (c) not to use nuclear weapons against the zone.

44. The plan provided an elaborate system of control which would include ground and aerial control, as well as posts of control which would ensure the effectiveness of inspection. The details and form of implementation of the system were left to be agreed upon in the course of the negotiations. The proposal also contained provisions for the creation of a supervisory body which was generally envisaged as

open to the participation of representatives of NATO and of the Warsaw Pact, as well as representatives of States not belonging to any military grouping in Europe. Furthermore, in order to avoid complications which might have been involved in the conclusion of a formal treaty comprising the two German States, it was deemed that unilateral declarations by the Governments concerned, which would have the force of international undertakings, would have been sufficient.

45. In February 1958, the Soviet Government announced its full support for the proposal to create a nuclear-free zone in Central Europe, and appealed to the nuclear Powers to undertake to respect the status of this zone and to consider the territory of the States comprising it as not falling within the area in which nuclear weapons could be used.^{29/} The Soviet Union proposal of July 1958 for an agreement on friendship and co-operation between European States contained a provision for the creation, in Central Europe, of a zone free from the production and emplacement of nuclear and rocket weapons.^{30/} The importance of the creation of a nuclear-free zone in Central Europe, in accordance with the proposal submitted by the Polish People's Republic, was again emphasized in the Soviet Government's memorandum on measures in the field of nuclear disarmament submitted in 1958 to the thirteenth session of the General Assembly.^{31/}

46. In an effort to meet some of the objections, a new version of the plan was submitted on 4 November 1958, proposing its implementation in two stages: a freeze of nuclear armaments in the proposed zone; and a reduction of conventional forces effected simultaneously with the complete denuclearization of the zone carried out under appropriate control.

47. A third version of the plan was submitted by Poland in the Eighteen Nations Disarmament Committee in Geneva on 28 March 1962.^{32/} It envisaged that, in addition to the countries originally to be included the proposed zone would be open to any European State wishing to accede. Its purpose was "to eliminate nuclear weapons and to reduce armed forces and conventional armaments within a limited area in which those measures could help to reduce tension and substantially to limit the danger of conflict". The plan was to be implemented in two stages: freezing of nuclear weapons and rockets and prohibition of the establishment of new bases; and elimination of nuclear weapons and rockets and reduction of armed forces and conventional armaments.

(b) The Balkans, the Adriatic and the Mediterranean

48. The establishment of nuclear-weapon-free zones in the Balkans, the Adriatic and the Mediterranean has been suggested on various occasions. On 10 September 1957, Romania proposed the establishment of an area of peace in the Balkans free of foreign military bases and the convening to that effect of a Balkan conference, at Prime Minister's level. This initiative was reiterated and further detailed on 7 June 1959.

49. In May 1959, the USSR suggested that the Balkan peninsula be made a region of peace, without any missiles or nuclear weapons.^{33/} Romania supported the USSR's suggestion and proposed that an agreement be reached on a Balkan Treaty of Security, providing for establishment of a nuclear-weapon-free zone in that region and for making it an area of peace, as envisaged in the Romanian proposal of 1957. Romania also suggested that the great Powers should guarantee to respect the Balkans as a nuclear-weapon-free zone and an area of peace.

50. On 25 June 1959, the USSR sent notes to the Governments of the Balkan States and to the United States, the United Kingdom and France, formally proposing the establishment of a nuclear-weapon-free zone in the Balkans and the Adriatic, and declaring its readiness to become a guarantor of this zone together with the other great Powers. The Soviet proposal received the endorsement of socialist countries concerned. The United States, in replying to the Soviet note, said that the proposal did not deal with the basic question of continued production and stockpiling of nuclear weapons.^{34/}

51. On 27 May 1963, the USSR submitted to the ENDC the text of a note it had addressed to the United States, the United Kingdom and some Mediterranean countries, suggesting that the whole Mediterranean area should be declared a zone free of nuclear missile weapons.^{35/} The Soviet Union declared that it was prepared to assume an obligation not to deploy nuclear weapons or their means of delivery in the waters of this area provided that similar obligations were assumed by the other Powers. The note said that reliable guarantees were to be provided jointly by the Soviet Union and the Western Powers. The United States replied on 24 June 1963, that the Soviet proposal was only aimed at altering the military balance in the area at the expense of the United States and its allies.^{36/}

52. In the subsequent years, references to a Balkan nuclear-free zone have been made in the ENDC, the CCD and the United Nations. At the Conference of Non-Nuclear-Weapon States in 1968, Bulgaria, Romania and Yugoslavia mentioned the need for a nuclear-weapon-free zone embracing the Balkans and the Mediterranean. In 1972, Romania proposed the preparation of a conference of the Balkan countries to discuss the question. Romania has expressed the view that an agreement on regional denuclearization should be part of a system of measures leading to nuclear disarmament; it should provide mutual obligations for all parties; it should offer security guarantees from the nuclear-weapon States; it should not limit the peaceful uses of nuclear energy and it should establish a system of equitable control. ^{37/}

(c) Africa: Declaration on the Denuclearization of Africa issued by the Assembly of Heads of State and Government of the Organization of African Unity

53. Since 1960, the year in which France conducted its first nuclear test explosions in the Sahara, the African countries have adopted or sponsored the adoption of a series of decisions aimed at making the continent of Africa a nuclear-weapon-free zone.

54. The first draft resolution sponsored by the African States concerning the establishment of a nuclear-weapon-free zone in the continent of Africa, was submitted to the fifteenth session of the General Assembly and it contained an invitation to all States to regard and respect the African continent as a nuclear-weapon-free zone and requested them to halt all nuclear-weapon or ballistic missile tests in Africa and to eliminate and refrain from establishing installations intended for use in testing, storing or transporting such weapons. ^{38/} The sponsors did not put the draft to the vote that year. The sixteenth session of the General Assembly adopted resolution 1652 (XVI), by which it called upon Member States not to carry out nuclear tests in Africa in any form, to refrain from using Africa for testing, storing or transporting nuclear weapons and to consider and respect the continent of Africa as a nuclear-weapon-free zone.

55. The African States took up the matter again in 1963, when the Summit Conference of Independent African States approved a resolution on general disarmament which contained provisions for concerted action towards the goal of making Africa a nuclear-weapon-free zone. ^{39/} The Heads of State and Government of the Organization of African Unity discussed the item anew during their Summit Conference in 1964. On that occasion, the African leaders approved the "Declaration on the Denuclearization of Africa" in which they

solemnly declared their readiness to undertake through an international agreement to be concluded under United Nations auspices not to manufacture or control atomic weapons; appealed to all peace-loving nations to accept the same undertaking and to all the nuclear Powers to respect the declaration and conform to it. ^{40/} The General Assembly endorsed the Declaration by its resolution 2033 (XX), adopted at its twentieth session, and called upon all States to refrain from testing, manufacturing, using or deploying nuclear weapons on the continent of Africa, as well as from transferring such weapons, scientific data or technical assistance, either directly or indirectly, in any form which may be used to assist in the manufacture or use of nuclear weapons in Africa.

56. At the twenty-ninth session of the General Assembly, Nigeria, on behalf of 24 African States, introduced a draft resolution which was unanimously approved and became resolution 3261 E (XXIX). By it the General Assembly reaffirmed its call upon all States to consider and respect the continent of Africa as a nuclear-weapon-free zone, and to refrain from testing, manufacturing, deploying, transporting or storing nuclear weapons and not to use or threaten to use nuclear weapons on the African continent.

57. In the course of the debates in the General Assembly, several African States have expressed their views on some basic elements of a nuclear-weapon-free zone in Africa, such as the area of application, transport of nuclear weapons, verification measures and obligations to be assumed by African States and outside Powers. ^{41/} The African States, however, have yet to determine the appropriate procedure and form to define and incorporate the characteristics of such a zone.

58. Resolutions 1652 (XVI), 2033 (XX) and 3261 E (XXIX) have invited all Member States and particularly nuclear-weapon States to assume certain responsibilities towards the African continent. China has supported the idea of creating a nuclear-weapon-free zone in Africa and has declared its readiness to assume commitments in regard to the zone. ^{42/} The Soviet Union has supported the efforts of African States to establish a nuclear-weapon-free zone in Africa, in particular by supporting the resolutions on this question adopted by the General Assembly on the initiative of African States. The United States has considered that it was premature at that early stage of development of the zone to enumerate the specific responsibilities that should be assumed by outside States and that such undertakings should be the subject of further consultations between the States of the region and the outside States. ^{43/} The United Kingdom has reserved its right to examine the particular agreement to be reached among the African countries. ^{44/} France has declared that it was prepared to respect the intentions of the African States to have a status of denuclearization. ^{45/}

(d) Northern Europe

59. The idea of establishing a nuclear-weapon-free zone in Northern Europe was linked to the enquiry conducted on the basis of resolution 1664(XVI).^{46/}

60. In May 1963 the President of Finland suggested that the Nordic countries should establish a nuclear-weapon-free zone. He noted that despite the differences in their security policy, none of the Nordic countries had acquired nuclear weapons or accepted those belonging to another state on its territory. Accordingly, a Nordic nuclear-weapon-free zone would only confirm through mutual undertakings the existing de facto situation of absence of nuclear weapons, without impairing the security of the Nordic countries or affecting the balance of power in the world. The President of Finland said that the Nordic countries, by declaring themselves a nuclear-weapon-free zone, would remove themselves "from the sphere of speculation caused by the development of nuclear strategy".^{47/}

61. Finland reiterated this idea at the twenty-sixth, twenty-seventh and twenty-eighth sessions of the United Nations General Assembly in 1971-73^{48/} and at the Conference on Security and Co-operation in Europe in 1973.^{49/} The Finnish representatives argued that although the Non-Proliferation Treaty had, in fact already established a "non-nuclear-club", the idea of a Nordic nuclear-weapon-free zone would be worth discussing on a new basis, in connexion with negotiations on reduction of forces and armaments in Europe in general. They pointed out that the arms control in Europe should not be the concern of the existing military and political groupings alone and that all legitimate security interests of smaller and neutral States ought to be taken into account. Finnish representatives said that methods should be devised by which the nuclear weapon States could give guarantees to those countries which have committed themselves not to accept nuclear weapons on their territories that their vital security interests would in no circumstances be hampered.

62. The Soviet Union, supporting the proposal of Finland for the establishment of a nuclear-weapon-free zone in Northern Europe, announced on 15 October 1974 that it was prepared to serve, together with the other nuclear weapon States, as a guarantor of the status of such a nuclear-weapon-free zone.^{50/}

(e) Middle East

63. Prior to its consideration as a separate item during the twenty-ninth session of the General Assembly, the idea of establishing a nuclear-weapon-free zone in the region of the Middle East had been repeatedly expressed by Iran. On 15 July 1974, Iran formally requested its inclusion in the agenda of the General Assembly's twenty-ninth session by a memorandum in which the danger of nuclear weapon proliferation posed by the greater access by States to nuclear technology was stressed. Egypt subsequently co-sponsored the request. Later, H.I.M. the Shahanshah of Iran, in a message addressed to the Secretary-General, referred to the dangers of the rapid diffusion of nuclear technology within the political setting of the Middle East.^{51/}

64. In the debate in the General Assembly, Egypt suggested three basic principles which it considered as pertinent to the discussion on a Middle East nuclear-weapon-free zone, namely, (1) the States of the region should refrain from producing, acquiring, or possessing nuclear weapons; (2) the nuclear States should refrain from introducing nuclear weapons into the area, or using nuclear weapons against any State of the region; and (3) an effective international safeguards system affecting both the nuclear States and the States of the region should be established.^{52/}

65. In introducing a draft resolution on the item, Iran and Egypt referred to the complementary role of nuclear-weapon-free zones and the Treaty on the Non-Proliferation of Nuclear Weapons. Egypt regarded the accession to the NPT by all the States of the region as a prerequisite for establishing an effective, concrete, nuclear-weapon-free zone.^{53/}

66. Most States of the Middle East area supported the proposal to establish a Middle East nuclear-weapon-free zone. The General Assembly adopted the Iranian-Egyptian draft as resolution 3263 (XXIX). All five nuclear weapon States voted for the draft, although China, France and the USSR did so with reservations on the paragraphs referring to certain treaties. The United States expressed its doubts about the approach taken in operative paragraph 2 of the resolution, which urged States in the region to undertake certain commitments in advance of actual negotiations and the conclusion of an agreement.^{54/} In explaining its abstention Israel held that the best way to achieve progress in the establishment of such a zone was by means of direct consultations between the States of the region and ultimately convening a regional conference on the matter, rather than by means of a preliminary process of consultations between the Secretary-General and the States of the region,^{55/} as suggested by Iran and Egypt.

67. In resolution 3263 (XXIX) the General Assembly, in commending the idea of establishing a nuclear-weapon-free zone in the region of the Middle East, considered that it was indispensable that all parties concerned in the area proclaim solemnly and immediately their intention to refrain, on a reciprocal basis, from producing, testing, obtaining, acquiring or in any other way possessing nuclear weapons. In addition, the General Assembly called upon the parties concerned in the area to accede to the Treaty on the Non-Proliferation of Nuclear Weapons and requested the Secretary-General to ascertain the views of the parties concerned with respect to the implementation of the resolution, and to inform the Security Council and the General Assembly at its thirtieth session.

68. Accordingly, the Secretary-General invited the following States: Bahrain, Democratic Yemen, Egypt, Iran, Iraq, Israel, Jordan, Kuwait, Lebanon, Oman, Qatar, Saudi Arabia, Syrian Arab Republic, United Arab Emirates and Yemen, to communicate to him their respective views. A report by the Secretary-General (Doc.S/11778) was issued on 28 July 1975 containing the views of some of the States concerned. However, not all the States included in this geographic region had responded to the Secretary-General's invitation by the time this report was prepared.

(f) South Asia (Resolutions 3265 A and B (XXIX) of the General Assembly of the United Nations)

69. The question of the establishment of a nuclear-weapon-free zone in South Asia was discussed at the 29th Session of the General Assembly at the request of Pakistan. In the explanatory memorandum Pakistan stressed the urgency and need for creating such a zone in South Asia. Since all the countries of South Asia had already proclaimed their opposition to the acquisition of nuclear weapons or to the introduction of such weapons into the region, this common denominator could form the basis of an agreement to establish a nuclear-weapon-free zone. ^{56/}

70. During the debate in the General Assembly on this question Pakistan ^{57/} stated that the generally recognized conditions for the establishment of a nuclear-weapon-free zone exist in South Asia. All the states of the region had already declared their opposition to the acquisition of nuclear weapons or to their introduction into the region. In particular India had reiterated, both before and after its nuclear explosion, that it would not develop or acquire nuclear weapons. The five states possessing nuclear weapons had in the debate indicated their support or

acceptance of the concept of establishing nuclear-weapon-free zones. The declarations made by the South Asian states not to acquire nuclear weapons, coupled with the encouraging attitude on the part of nuclear-weapon powers, had set the stage for initiating consultations for the establishment of a nuclear-weapon-free zone in South Asia.

71. Pakistan expressed that the existence of "alliances" and "treaties of friendship" with nuclear-weapon powers had not prevented the establishment or consideration of nuclear-weapon-free zones in other areas of the world. Nor could the proximity of nuclear-weapon-powers be an inhibiting factor for the creation of such zones. This latter factor should not militate against, but was yet another reason for, the creation of nuclear-weapon-free zones. It was through such collateral measures that smaller states could ensure their survival and security. Pakistan added that a meeting of the countries of the region could be convened by the Secretary-General to begin the consultations under appropriate guidelines set down by the General Assembly in order to facilitate the process of negotiations and give it a sense of direction.

72. India emphasized that it had a positive approach to the concept of nuclear-weapon-free zones. India has supported the establishment of nuclear-weapon-free zones in different regions of the world, provided suitable conditions exist in a particular region and the zone is proposed to be established with the initiative of and agreement amongst the countries in that region. India has, therefore, consistently maintained that any proposal for the creation of a nuclear-weapon-free zone in a particular region has to be considered on its merits. As conditions for the establishment of such zones differ from continent to continent, it is not possible to devise a single formula or to lay down general principles which can cover all cases.

73. India stressed that on Pakistan's proposal for a nuclear-weapon-free zone in South Asia, no consultation regarding its implications, feasibility and acceptability had taken place before the item was inscribed on the agenda of the General Assembly. India was of the firm view that no such regional arrangements can be imposed from outside; they can only be developed and matured within the region concerned. Besides, South Asia could not be treated in isolation for the purposes of creation of a nuclear-weapon-free zone. South Asia is only a sub-region and an integral part of the region of Asia and the Pacific; and it is necessary to take into account the security environment of the region as a whole. A genuine nuclear-weapon-free zone in this region can only follow the total absence of nuclear weapons. The existence

of nuclear weapons in the region of Asia and the Pacific and the presence of foreign military bases in the Indian Ocean complicate the security environment of the region and make the situation inappropriate for the establishment of a nuclear-weapon-free zone in the sub-region of South Asia. 58/

74. India tabled a resolution, which inter alia stated that "the initiative for the creation of nuclear-weapon-free zone in an appropriate region of Asia should come from the States of the region concerned, taking into account its special features and geographic extent".

75. Several countries expressed views similar to those of India. Express support for the initiative of Pakistan was voiced by a number of Afro-Asian countries.

76. India and Pakistan submitted separate draft resolutions which closely reflected their positions. The General Assembly approved those drafts as resolutions 3265 A and B (XXIX). The Indian resolution, which had priority in voting, was adopted by 104 votes in favour, 1 (Dahomey) against, and 27 abstentions. The Pakistani resolution received 96 votes in favour, 2 (India and Bhutan) against and 36 abstentions.

77. The General Assembly decided to include the provisional agenda of its 30th Session the item entitled "Declaration and Establishment of a nuclear-weapon-free zone in South Asia".

NOTES

- 1/ United States, Department of State. Documents on Disarmament, 1945-1959, Vol. II, 1957-1959, pp. 1020-1023.
- 2/ See the complete text of the Treaty on Antarctica in United Nations Treaty Series, Vol. 402, Registration number 5778.
- 3/ A/C.1/L.219.
- 4/ Document TNCD/3.
- 5/ Document TNCD/5.
- 6/ Document ENDC/2/Rev.1.
- 7/ Official Records of the Disarmament Commission, Supplement for January to December 1963. Document DC/208, Annex 1, ENDC 98.
- 8/ See the complete text of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies in United Nations Treaty Series, Vol. 610, Registration number 8843.
- 9/ See the complete text of the Treaty for the Prohibition of Nuclear Weapons in Latin America and its two Additional Protocols in United Nations Treaty Series, Vol. 634, Registration number 9068.
- 10/ COPREDAL/CN/1, 20 December 1965.
- 11/ A/C.1/PV.2023, p. 12.
- 12/ See document OPANAL C.G/81, 20 August 1973; OPANAL/C/Res.7, 3 August 1973, and note of the Government of Panama to OPANAL of 7 June 1973.

- 13a/ Statement by Admiral T.H. Moorer in hearings before the Committee on Foreign Relations, U.S. Senate, February 23, 1971 (page 19, Documents on Disarmament (1971)); and communications by United States officials to the Deputy Secretary General of OPANAL, in Washington, D.C., August 17, 1973.
- 13b/ A/C.1/PV.2018, pp. 32-41.

- 14/ An updated document containing all the declarations made upon signing and ratifying the Treaty of Tlatelolco and its two Protocols is the Report on the implementation of the Treaty of Tlatelolco and some comments and views of OPANAL with respect to article VII and other related provisions of the Non-Proliferation Treaty, Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Geneva 1975, document NPT/CONE/9, 24 February 1975.
- 15/ Ibid., pp. 23-28.
- 16/ Ibid., pp. 22-23.
- 17/ For a detailed account of the position of the Soviet Union, see Documents A/C.1/PV.1889 and CCD/PV.553.
- 18/ For a detailed account of the position of Mexico, see Documents A/C.1/PV.1889, CCD/PV.551 and CCD/PV.553. See also Gross Espiell, Hector. En Torno al Tratado de Tlatelolco y la Proscripcion de las Armas Nucleares en America Latina, OPANAL, Mexico, 1973.
- 19/ See note 17.
- 20/ See complete text of the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and in the Subsoil thereof, in Annex to resolution 2660 (XXV), Official Records. General Assembly. Twenty-fifth session. Supplement 28 (A/8028).

- 21/ Official Records of the Disarmament Commission, Supplement for January to December 1956, document DC/83, annex 5 (DC/SC.1/41).
- 22/ Official Records of the General Assembly, Fourteenth Session, 805th plenary meeting, pp. 103-133.
- 23/ Peking Review, No. 31, 2 August 1963.
- 24/ Official Records of the Disarmament Commission, Supplement for January 1961 to December 1962, document DC/201 and Add.1-3.
- 25/ Official Records of the General Assembly, Twelfth Session, 697th plenary meeting, p. 237, para. 136.
- 26/ Ibid., 698th plenary meeting, p. 248, para. 107.
- 27/ Letter of the Foreign Minister of the German Democratic Republic to the Secretary-General of the United Nations of 4 October 1957. (A/).
- 28/ A/C.1/PV.867, 10 October 1957.
- 29/ Izvestia, 18 February 1958.
- 30/ Pravda, 21 July 1958.
- 31/ Document A/3929.
- 32/ Document ENDC/C.1/1.
- 33/ Izvestia, 29 May 1959.
- 34/ United States, Department of State. Documents on Disarmament 1945-1959, Vol. II, 1957-1959, pp. 1434-1436.
- 35/ ENDC/91.
- 36/ United States, Department of State. Documents on Disarmament 1963, pp. 242-243.
- 37/ CCD/PV.652.
- 38/ Official Records of the General Assembly, Fifteenth Session, Annexes, agenda items 67, 68, 69 and 73, document A/4680, para. 17 (A/C.1/L.264/Rev.1).
- 39/ See complete text of the resolution in document ENDC/93/Rev.1.
- 40/ See complete text of the "Declaration on the Denuclearization of Africa" in Official Records of the General Assembly, Twentieth Session, Annexes, agenda item 105, document A/5975.
- 41/ Ibid., First Committee meetings 1388th; 1389th; 1390th; 1391st. Also A/C.1/PV.2005; A/C.1/PV.2010; A/C.1/PV.2013; A/C.1/PV.2016; A/C.1/PV.2025; A/C.1/PV.2026.
- 42/ A/C.1/PV.2007, p. 62; A/C.1/PV.2026, p. 27.
- 43/ A/C.1/PV.2026, pp. 37-38.
- 44/ A/C.1/PV.2026, p. 31.
- 45/ A/C.1/PV.2026, pp. 31-32.
- 46/ See paragraphs 38-41 above.
- 47/ Speech delivered by President Urho Kekkonen on 28 May 1963. Neutrality: The Finnish Position (Speeches by Dr. Urho Kekkonen), p. 143-145 (Heinemann, London 1970).
- 48/ A/C.1/PV.1830, A/C.1/PV.1882, A/C.1/PV.1943.
- 49/ Ulkopoliittisia lausuntoja ja asiakirjoja 1973 (in English), p. 169 Publications of the Ministry for Foreign Affairs, Helsinki 1974.

- 50/ Pravda, 16 October 1974.
- 51/ A/9693 and Add.1-3.
- 52/ A/C.1/PV.2001, pp. 27-36.
- 53/ A/C.1/PV.2026, pp. 11-12.
- 54/ A/C.1/PV.2028, p. 86.
- 55/ A/C.1/PV.2028, p. 62.
- 56/ A/9706.
- 57/ A/PV.2247; A/C.1/PV.2002; A/C.1/PV.2020; A/C.1/PV.2021; A/C.1/PV.2025.
- 58/ A/PV.2247; A/C.1/PV.2016; A/C.1/PV.2020; A/C.1/PV.2024; A/C.1/PV.2025.

III. Concept of Nuclear-Weapon-Free Zones

1. Objectives

1. The dominant factor in the development of interest in the concept of nuclear-weapon-free zones has been the desire to secure the complete absence of nuclear weapons from various areas of the globe, where suitable conditions exist for the creation of such zones, to spare the nations concerned from the threat of nuclear attack or involvement in nuclear war, to make a positive contribution towards general and complete disarmament, particularly nuclear disarmament, and thereby to strengthen international peace and security. The concept of nuclear-weapon-free zones has stemmed from the realization that a number of States in various regions of the world have or could have the capacity to develop a nuclear weapon capability within a relatively short period, and that it is possible that more States may decide to do so. Should this occur it could present new threats to the security of States in areas at present free from nuclear weapons; could precipitate a ruinously expensive and perilous nuclear arms race in those areas; and could add new dangers of nuclear war to an already dangerous world situation. There has, furthermore, been the development of feeling that the efforts to date for the prevention of nuclear weapon proliferation have not proved to be fully successful. The rapid increase of the use of nuclear energy for peaceful purposes, and its potentiality as a material basis for the proliferation of nuclear weapons, adds a powerful additional factor in the movement towards closer examination of nuclear-weapon-free zones.

2. Viewed on a broader scale, the purpose of nuclear-weapon-free zones is to provide additional means for averting nuclear weapon proliferation and halting the nuclear arms race. Another important benefit could be the creation of a framework for regional co-operation in the peaceful uses of nuclear energy. It is thus argued that nuclear-weapon-free zones provide complementary machinery to other collateral measures of disarmament, non-proliferation of nuclear weapons and the development of peaceful uses of nuclear energy. Most experts felt that nuclear-weapon-free zones must not be regarded as alternatives to the principle of the universality of the Non-Proliferation Treaty, but should be entirely consistent with the objectives of the Treaty. While the practicality of the nuclear-weapon-free zone concept depends upon the possibility of agreement between the States concerned, it is argued that this concept could provide a potentially useful instrument in the quest for international peace and security.

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(a) Security of States included in the Zone

3. The premise upon which any nuclear-weapon-free zone must be based will be the conviction of States that their vital security interests would be enhanced and not jeopardized by participation. The perception of national security is, obviously, a matter of national policy, and these perceptions change, but it was argued by several experts that the presence of nuclear weapons in a region could threaten the security of States in that region, not excluding the possessor of the weapons or the country in which they are deployed, and that there is, accordingly, a conjunction of national and regional interests in regions where these weapons do not exist in ensuring their total absence. The situation in areas where nuclear weapons are already present will be different, and will raise particular issues for the security of States. These issues would have to form a major consideration in any proposal for the establishment of a nuclear-weapon-free zone. Several experts pointed out^{that} there may be regions in which nuclear-weapon-free zones are impracticable or where their creation may not improve the security of the States of the area.

4. The differences between areas in their economic development, relations between States in the potential zone, geographical situation, and relationships with the nuclear-weapon States, make generalization hazardous, but the success of a nuclear-weapon-free zone would depend upon common agreement that the development and possession of nuclear weapons by any member would be perilous to the area as a whole. Most experts felt that the nuclear-weapon States should contribute to the effectiveness of a zone by undertaking to respect its status in all aspects, and in particular by committing themselves not to use, or threaten to use, nuclear weapons against any member of the zone. The view was also expressed that these negative assurances should be matched with positive ones, namely to take, at the request of the zone, appropriate action through the Security Council or otherwise in case any State in the zone is attacked or threatened with nuclear weapons. Other experts expressed the view that assurances by extra-zonal States could contribute to the effectiveness of a zone, but that their provision should be considered on a case-by-case basis to determine whether they would have a favourable impact on the security of the region.

5. Many experts considered that in regions where the most acute tensions exist the establishment of nuclear-weapon-free zones, though particularly difficult, would be particularly desirable. The exponents of this argument considered that the creation of an effective zone should, in itself, reduce such tensions, and could lead to regional arms limitation measures and co-operation on wider issues.

On the other hand, it was argued by some experts that the reduction of tension must precede the creation of a truly effective nuclear-weapon-free zone.

6. The suggestion has also been made by some experts that examination should be made of the possibility of creating ad hoc nuclear-weapon-free zones similar to demilitarized zones foreseen in the humanitarian laws of war and primarily serving a humanitarian purpose. It was argued that such ad hoc zones could be established by unilateral declaration by a State or group of States to make up the zones in times of severe crisis. Other experts expressed doubts about the feasibility of this proposal and noted that such unilateral declarations could not impose obligations on other States.

(b) World Security

7. World security is interrelated with regional security. The establishment of a nuclear-weapon-free zone wherever suitable conditions exist could make a positive contribution to the achievement of the objectives of non-proliferation of nuclear weapons and the cessation of the nuclear arms race, and accordingly has a potential significance that could extend beyond the area covered by the zone. Thus, although the prime purpose of a nuclear-weapon-free zone is to enhance national and regional security, it should also be seen as part of the process of averting nuclear-weapon proliferation, of arresting the nuclear arms race, and of diminishing the danger of nuclear war. Thus, in this process the interests of all States are involved.

(c) Non-Proliferation of Nuclear Weapons

8. Most experts emphasized that the concept of nuclear-weapon-free zones is not to be seen as an alternative to the Non-Proliferation Treaty, but rather as a potentially powerful instrument to supplement that Treaty. Other experts, however stated that membership in a nuclear-weapon-free zone is an independent measure and indeed a more effective alternative to adherence to the NPT, since the renunciation of nuclear weapons in a zone would go beyond the scope of the NPT, which - among other things - does not contemplate total absence of nuclear weapons. The point was also made by some other experts that nuclear-weapon-free zones may not be appropriate in all areas, and that States may consider that their security interests are best served by other security arrangements, and that in these circumstances adherence to the NPT regime assumed particular importance. Thus, the increased dangers to world peace should make States more aware of the importance of preventing nuclear weapon proliferation, if not by joining nuclear-weapon-free zones then by seeking other regional or international arrangements that would have the same effect.

2. Principles for the establishment of zones: Relevance of regional consideration

9. Conditions in which nuclear-weapon-free zones might be viable and might enhance security are bound to differ considerably from region to region. The security considerations and perceptions of States which are potential members may vary and it is not possible or realistic, a priori, to set out precise guidelines for the creation of zones, since it is for Governments themselves to decide on their own security requirements and to determine their immediate and long-term national interests. Nonetheless, wherever appropriate conditions for a nuclear-weapon-free zone exist, certain principles should be taken into account:

Obligations relating to the establishment of nuclear-weapon-free zones may be assumed not only by groups of States, including entire continents or large geographical regions, but also by smaller groups of States and even individual countries;

Nuclear-weapon-free zone arrangements must ensure that the zone would be, and would remain, effectively free of all nuclear weapons;

The initiative for the creation of a nuclear-weapon-free zone should come from States within the region concerned, and participation must be voluntary;

Whenever a zone is intended to embrace a region the participation of all militarily significant States, and preferably all States, in that region would enhance the effectiveness of the zone;

The zone arrangements must contain an effective system of verification to ensure full compliance with the agreed obligations;

The arrangements should promote the economic, scientific, and technological development of the members of the zone through international co-operation on all peaceful uses of nuclear energy;

The treaty establishing the zone should be of unlimited duration.

It was maintained that States members of a zone should not exercise control over nuclear weapons outside the zone, though some experts felt that part of a State could also be included in a nuclear-weapon-free zone and that, in this case, the nuclear-weapon-free status would be applied only to the part of its territory which is situated within the boundary of the zone.

Most experts noted as an essential principle that any arrangements for the establishment of a zone must provide for appropriate guarantees by the nuclear-weapon States not to use or threaten to use nuclear weapons against members of the zone. Other experts believed, however, that while such undertakings could

contribute to the effectiveness of a zone, they should not be considered a prerequisite for the establishment of a nuclear-weapon-free zone, but should instead be considered on a case-by-case basis.

In the view of most experts, an essential principle in any nuclear-weapon-free zone treaty is the effective prohibition of the development, acquisition, or possession by parties to it of any nuclear explosive device. This prohibition should, however, not preclude access to the potential benefits of peaceful nuclear explosions through international procedures consistent with Article V of the Non-Proliferation Treaty as well as with other international undertakings entered into by the States concerned, in particular the Treaty establishing the zone. A few experts argued to the contrary and expressed the view that development by parties of nuclear explosive devices intended for peaceful purposes would not be inconsistent with the nuclear-weapon-free zone concept, and that, accordingly, treaties establishing such zones should not prohibit the development of such devices by the parties.

Many experts noted an additional principle that wherever the functioning of a nuclear-weapon-free zone so requires, States which are not members of the zone should establish a similar nuclear-weapon-free status in territories within the zone which are under their jurisdiction. Other experts felt, however, that this principle could be applied only to those territories, which being under the jurisdiction of extra-zonal States, are within the zonal boundaries recognized by these States.

Some experts considered it a basic principle that the establishment of a nuclear-weapon-free zone should not interfere with existing security arrangements to the detriment of regional and international security. The view was also expressed that participation of States situated within an intended nuclear-weapon-free zone in military alliance would not be conducive to the creation of the zone. Nevertheless, most experts maintained that if a State included in a nuclear-weapon-free zone is a member of a security alliance, its membership of that alliance cannot justify any exceptions to the obligations deriving from the nuclear-weapon-free zone treaty.

Many experts regard also as a basic principle that the boundaries and the provisions of nuclear-weapon-free zones should be determined in accordance with international law, including the principle of freedom of navigation on the high seas and in straits used for international navigation and international air space. The view was also expressed that this basic principle applies as well to the right of innocent passage through the territorial sea. Some other experts, however, emphasized that the provision of a nuclear-weapon-free zonal Treaty should prohibit the transit of nuclear weapons through the territory of the zone including the entry into ports situated there of vessels having nuclear weapons on board. Still some other experts pointed out that the matter should be referred to the individual nuclear-weapon-free zonal Treaty.

In the view of many experts another principle for the establishment of nuclear-weapon-free zones should be that States which are expected to enter into undertakings

vis-à-vis a zone, in particular, the nuclear-weapon States, should be given the opportunity to participate in negotiations for the conclusion of agreements on the establishment of such zones. Other experts remarked, however, that it is for the prospective members of a zone to determine the opportunity and degree of participation of extra-zonal States in the negotiations to establish such a zone.

3. Security Treaties and the establishment of zones

10. For those States that are parties to one or more security alliances and who are potential parties to a nuclear-weapon-free zone treaty, special questions will arise, especially if they belong to alliances which have nuclear-weapon States in their membership. In these cases there is often an obligation, whether explicit or implicit, for the nuclear-weapon States to come to the aid of their allies with all sufficient means if the latter are attacked. This aid need not, of course, involve nuclear weapons, but the possibility exists. Matters can be complicated in some cases by the issue of deployment, as mutual alliance treaties of this nature can - and sometimes do - involve agreement for the deployment of nuclear weapons in the territory of a non-nuclear-weapon ally, or for special facilities involving nuclear-weapon delivery systems.

11. Several experts argued that a non-nuclear-weapon State allied to a nuclear-weapon State can, under certain conditions, also be a party to a nuclear-weapon-free zone treaty. It was also pointed out by these experts that such alliances should not be regarded as being in all cases competitive with nuclear-weapon-free zones, but could be complementary to the success of a zone. It is clear, however, that each situation would have to be examined separately, and that the terms of membership of a security alliance and in a nuclear-weapon-free zone should be compatible. The view was also expressed that a treaty or alliance which does not envisage nuclear retaliation in support of an ally, nor include the stationing of nuclear weapons on the territory of that ally, need be no bar to the creation of a nuclear-weapon-free zone, and moreover that the proximity of one or more nuclear weapon States should not be an inhibiting factor in the creation of a nuclear-weapon-free zone. Most experts expressed the view that if a State included in a nuclear-weapon-free zone is a member of a security alliance, its membership of that alliance cannot justify any exceptions to the obligations arising from the nuclear-weapon-free zone agreement.

12. The question of military bases is also highly complex. There are those who believe that the existence in a zone of military bases in which nuclear weapons are stored, or which nuclear-weapon-carrying vehicles visit, is incompatible with the

nuclear-weapon-free zone concept. This is clearly a matter which must be resolved by the parties in the creation of a nuclear-weapon-free zone, but it is one on which differing views are held by the experts.

4. Extent and composition of zones

13. On this matter it seems both impracticable and unnecessary to attempt to establish precise requirements, but it would appear that certain characteristics would be of particular importance to a successful nuclear-weapon-free zone. So far as the size of such zones is concerned, all possibilities could be explored, ranging from whole continents to small zones. Many experts stated that although the creation of large zones would provide greater progress towards nuclear disarmament than small ones, the establishment of medium or small zones could play a significant part in enhancing regional security. On the question of composition, it was generally agreed that the participation of all militarily significant States, and preferably all States in a region, in a nuclear-weapon-free zone would enhance the effectiveness of the zone. The view was also expressed that there could be instances when a nuclear-weapon-free zone is initially established in a more limited area and later extended to other States that agree to join it.

14. It was also generally agreed that nuclear-weapon-free zones should have clearly defined and recognized boundaries, which would be determined in accordance with international law. Several experts pointed out that States cannot establish nuclear-weapon-free zones in areas outside their jurisdiction, particularly on the high seas, the straits used for international navigation and in international air space, in contradiction to international law. According to these experts those considerations are particularly applicable to the idea of additional safety areas put forward by some experts. Some experts emphasized that safety areas additional to the national territories of members of the zone would not contradict any principle of international law if established with the full consent of other States outside the zone.

5. Procedures for the establishment of zones

15. It has already been stressed that the initiatives to create nuclear-weapon-free zones should come from within the region, and it is self-evident that the nature of the negotiations for its establishment would reflect the particular circumstances of the zone and of the contracting parties. In some regions the existing regional consultative organizations might be appropriate bodies for initiating the negotiations, in others it might be necessary to establish ad hoc arrangements. In all cases

States could request the assistance, advice, and good offices of other bodies, notably the UN and the IAEA, if they so desired. The view was expressed that once an initiative to establish a nuclear-weapon-free zone had been taken, consultations to that end should be held among the States concerned. The view was also expressed that prior consultations should be undertaken with the countries concerned regarding the implications, feasibility and acceptability of the proposed zone, in order that an initiative for the creation of a nuclear-weapon-free zone could elicit the necessary support, and that subsequent consultations could only take place among those States that might desire to join the proposed zone.

16. It was argued by some experts that the involvement of States outside the zones in the establishment process and especially those expected to undertake commitments towards the proposed zone, in particular the nuclear-weapon States, would be essential. Others held the view that although such States need not necessarily be excluded from negotiations their participation should not be regarded as a right. Several experts considered that such States should participate in negotiations or consultations with the zonal States at some stage, even if later in the negotiating process. Negotiations would have to be undertaken with the IAEA on safeguard procedures at some point.

17. The formal instrument of the agreements would have to contain certain essential items, of which the most important would be the specific obligations of the parties, the machinery and procedures for ensuring effective compliance with those obligations, and the form and nature of any undertakings by outside States. Several experts pointed out that other matters, notably those relating to transit of nuclear weapons or nuclear-weapon-carrying vehicles, military bases, and verification procedures would vary, and that these matters would not necessarily be relevant to all nuclear-weapon-free zones. Some experts however held the view that such matters as transit and military bases should also be dealt with in the formal instrument.

IV. Responsibilities of States within the Zone and of Other States

1. The positive impact of a nuclear-weapon-free zone on strengthening regional and global security would depend upon a proper distribution of responsibilities among zonal and extra zonal States - in the latter case particularly the nuclear-weapon States. Most experts considered that the substantial provisions contributing to a nuclear-weapon-free zone should be founded on an agreed balance of responsibilities. The nature of the responsibilities and the balances which might be struck are discussed in this Chapter.

1. Need for definition of fundamental terms

2. Most experts felt that it was essential that the fundamental concepts underlying the idea of a nuclear-weapon-free zone be clearly defined in the instrument establishing the zone. But the view was also expressed that it might be difficult and even unnecessary to attempt to define various well-known terms which might all be used in a nuclear-weapon-free zone treaty, and that several existing treaties on arms limitation, disarmament and collateral disarmament measures do not incorporate definitions of those terms in their texts. Some experts pointed out, however, that precisely this lack of definition may have been a partial cause of the lack of effectiveness of some of those agreements.

3. All members of such a zone must be in full agreement about the meaning of the term "nuclear weapon". Failure to agree on this point would be virtually certain to lead to serious and fundamental misunderstandings, and might well jeopardize the effectiveness of the zone.

4. Since, in controlling the spread of nuclear explosive technology, no distinction can be made between nuclear explosive devices usable for military and for peaceful purposes, most experts believe that the term "nuclear weapon" in any nuclear-weapon-free zone arrangement should apply to any nuclear explosive device, whatever its detailed characteristics or intended use. These experts therefore interpret the term "nuclear weapon", whenever used in this study, as referring to nuclear weapons or any other nuclear explosive devices.

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5. This view is disputed by these experts who see a clear distinction between a nuclear weapon and a nuclear explosive device developed exclusively for peaceful purposes. They see no incompatibility between the development of an indigenous peaceful nuclear explosion capability and membership of a nuclear-weapon-free zone.

6. It would seem essential to define what, for the purpose of the zone treaty is meant by "territory" of the contracting parties. Some experts specified that the term "territory" should include the territorial sea, air space and other space over which the State exercises sovereignty in accordance with its own legislation, while others emphasized that any definition of "territory" must be in conformity with international law.

7. It could also be necessary to define clearly what is meant by the "zone" covered by a treaty. Most experts conceive a nuclear-weapon-free zone as a geographic area in which total absence of nuclear weapons is ensured through internationally valid covenants and whose existence as such has been recognized by the General Assembly of the United Nations. The argument was advanced by some experts that the zone could also include international waters, if the security of States included in it is thus enhanced. However, other experts disagreed and emphasized that in establishing a nuclear-weapon-free zone the States involved must not infringe international law, including the principle of freedom of navigation on the high seas and in straits used for international navigation, and in international air space. These experts considered that disarmament efforts applicable to areas outside the sovereignty of States would require international arrangements quite different from the regional arrangements of a nuclear-weapon-free zone. They also pointed out that "recognition" by the General Assembly, either by adoption of a resolution or by some other action, could not be a necessary condition for the establishment of a nuclear-weapon-free zone.

8. Some experts felt that extra-zonal States should agree to the establishment of safety areas, adjacent to the zone, in which it would be necessary to remove nuclear weapons geographically close to the zone that may be assigned to targets within the zone, or that have limited delivery ranges making them generally suitable for attacking such targets. The purpose of such undertakings, according to these experts would be to assure the States in the zone that their objectives will not be frustrated by the presence of these nuclear weapons in areas immediately adjoining the territory. Some other experts, however, pointed out that extra-zonal States are not under obligation to agree to the establishment of safety areas referred to above, and that they might have serious difficulty, from the standpoint of their own security commitments and for other reasons, in undertaking to regard areas outside recognized nuclear-weapon free zones as "safety areas".

9. It would also be desirable to define the terms "transit" and "transport" of nuclear weapons in the context of a nuclear-weapon-free zone. Some experts suggested that "transit" means the passage through the zone of nuclear weapons, as defined in the zone Treaty, by a State which is not a party to the Treaty, including the entry into ports situated there of vessels having nuclear weapons on board, and that "transport" means the carriage of nuclear weapons in vehicles of any State belonging to the zone, even outside the zone itself.

2. Development and production of nuclear weapons

10. As to the specific obligations to be assumed by the States of the zone, most experts agreed that the most important obligation designed to ensure that there are no nuclear weapons in the zone is that the States of the zone should undertake not to develop, test or produce by any means whatsoever any nuclear explosive devices, either directly or indirectly, on behalf of themselves or anyone else, or in any other way. When territories in the zone which are under the jurisdiction of extra-zonal States are brought within the scope of application of the nuclear-weapon-free zone, then undertakings of the same effect should become operative in those territories. It was generally recognized that for the maximum effectiveness of the zone, nuclear-weapon States should undertake not to assist zonal States in the development or production of nuclear weapons. It was also emphasized by many experts that the role of extra-zonal non-nuclear-weapon States with advanced nuclear technology is as important in this regard as that of the nuclear-weapon States. Another view was expressed that this prohibition should not apply to nuclear explosive devices developed exclusively for peaceful purposes.

3. Acquisition and possession of nuclear weapons

11. A second obligation which the States in the zone must assume explicitly is the commitment not to acquire, possess, or receive nuclear weapons in any manner, directly or indirectly, by themselves or by anyone on their behalf, or in any other way, inside or outside the zone. This undertaking should be, in the opinion of many experts, matched by an undertaking by the nuclear-weapon States to fully respect the status of the zone. Some experts, however, while agreeing that this would make the zone more effective, emphasized that such undertakings would in practice require agreement between zone parties and the nuclear-weapon States.

4. Installation and stockpiling of nuclear weapons in the zone

12. States members of a nuclear-weapon-free zone should undertake to prohibit and prevent within territories under their jurisdiction the installation and deployment, storage and stockpiling, of nuclear weapons, that are under the control of States outside the zone. This would require the agreement of extra-zonal States in those cases where there are military bases or establishments which are not normally under the jurisdiction of a zonal State or where extra-zonal States have jurisdiction over territories within the zone. Some experts stressed that this provision should be applied only to territories of extra-zonal States within the zonal boundaries recognized by them.

5. Transport of nuclear weapons

13. It can be inferred that the zonal States, by renouncing any form of possession of nuclear weapons, either directly or indirectly, by themselves or by anyone on their behalf, would be precluded from transporting such weapons in vehicles under their jurisdiction or control, since transport, however brief or temporary, could be interpreted to imply possession. However, in the treaty establishing the zone, clear provisions in this respect would be important for the effectiveness of the zone.

6. Transit of nuclear weapons through the zone

14. Some experts argued that prohibition of transit in the treaty establishing the zone would be an essential element of a nuclear-weapon-free zone and it should bind both zonal and extra-zonal States, in order to prevent the possibility of introducing nuclear weapons into the zone while in transit. The same experts maintained in addition that the prohibition of transit should include the entry into ports situated there of vessels having nuclear weapons on board. Other experts expressed the view that the provisions governing a zone should not affect the existing rights of States to grant or to deny the transit of foreign military aircraft or warships with nuclear weapons through their air space or territorial waters, in accordance with international law. Still other experts maintained that although the question of transit is indeed important, its definition should not be a condition sine qua non for the establishment of the zone. Some experts further stressed that such provisions should not affect the freedom of navigation through straits used for international navigation. Some experts noted in addition that the provisions of a nuclear-weapon-free zone should not affect the right of innocent passage through the territorial sea. The view was also expressed that while nuclear-weapon States could voluntarily undertake the commitment not to transit with nuclear weapons any high

seas, straits used for international navigation or international air space that might be included in a zone, such restrictions could not be imposed on those States without their consent and that, aside from this legal consideration, the application of nuclear-weapon-free zone prohibitions to high seas, straits used for international navigation or international air space could raise serious political and security problems, and might therefore be found objectionable.

7. Use or threat of use of nuclear weapons against the zone

15. One of the principal objectives of the establishment of a nuclear-weapon-free zone is to increase the security of its prospective member States. It is a sovereign right of each State to assess its own security needs and to adopt the measures required to strengthen its security: the paramount security interest of States involved in the establishment of a nuclear-weapon-free zone would clearly be to spare themselves from being attacked with, or threatened by, nuclear weapons.

16. The contribution made to regional and world security by a nuclear-weapon-free zone depends greatly upon diminishing the risks of an armed conflict between the States of the area, and also between zonal and extra-zonal States. Some experts believed that security assurances to the zonal States by nuclear-weapon States would constitute a major link between regional nuclear-weapon-free zones and world security, and others considered that such assurances could be strengthened in certain cases by accepting the establishment of a safety area adjacent to the zone.

17. The co-operation of nuclear-weapon States with the States belonging to the zone may be attained by consultations and negotiations at an appropriate stage of the process of establishing that zone. Some experts maintained that clear and formal assurances by nuclear-weapon States not to use or threaten to use such weapons against any member of the zone is an essential factor for the effectiveness of the zone. Other experts felt that while such an undertaking could enhance the effectiveness of a zone, this question should not be regarded as a prerequisite but considered at the time a particular nuclear-weapon-free zone agreement is being negotiated. The view was also expressed that one of the considerations to be taken into account is whether, in specific cases, the provision of non-use assurances could be seen as undercutting existing positive assurances.

18. While, as had already been noted, there need be no incompatibility per se between participation of a non-nuclear-weapon State in a nuclear-weapon-free zone and its participation in a security alliance or in any other security arrangements involving nuclear-weapon States, such a security relationship might condition the willingness of other nuclear-weapon States to provide security assurances to the non-nuclear-weapon State in question. It seems essential that any security assurances should be embodied in a binding agreement.

8. Undertakings vis-à-vis the zone

19. The undertakings to be entered into in connexion with the establishment of a nuclear-weapon-free zone should be of unlimited duration, and may concern three groups of States; those within the zone, nuclear-weapon States, and other States. So far as the States within the zone are concerned, the specific obligations entered into by them should be laid down expressly in a formal treaty establishing the zone. The obligations entered into by the nuclear-weapon States should also be embodied in a formal legally binding instrument. The attitude of other States vis-à-vis the zone could be specifically established in some cases or recommended in a general way, for example, by means of resolutions of an appropriate body of the United Nations or of a regional organ.

(a) By States within the zone

20. The obligations incumbent on the States parties to a zone treaty must ensure specifically that they will not develop, test, produce, possess or acquire nuclear weapons in the territory under their jurisdiction, and that they will not permit anybody to store, install, or deploy such weapons in their territories. In addition, they should agree not to give, seek, or receive any assistance in the development or production of nuclear weapons. The view was also expressed that the States within a zone could renounce all military uses of nuclear energy. Any other State which has expressed its consent to be bound by the treaty, but is not yet a party to it, should refrain from any activities that may run counter to or defeat the objectives of the zone. Some experts expressed the view, that the commitments of States bound by the treaty establishing the zone should include the prohibition of transit of nuclear weapons through the zone, while other experts stated that zone arrangements should not affect existing rights of zonal States to grant or deny transit privileges.

(b) By nuclear-weapon States

21. Most experts felt that the nuclear-weapon States should pledge themselves to respect the nuclear-weapon-free status of the zone and not to use, or threaten to use nuclear weapons against any State included in a nuclear-weapon-free zone. That could imply undertakings: (a) not to install, deploy or stockpile nuclear weapons in the zone, and if they have done so in the past, to withdraw them from the zone immediately; (b) to guarantee that, if they have military bases in the zone, they contain no nuclear weapons and possibly should allow the bases or establishments to be inspected; (c) not to provide the States of the zone any assistance in the development, production, or acquisition of nuclear weapons; and (d) to co-operate in the establishment of a safety area adjacent to the zone, if special circumstances exist. Other experts, on the other hand, while agreeing that the co-operation of the nuclear-weapon States could enhance the effectiveness of a zone, emphasized that such co-operation

would have to be on the basis of negotiation and agreement, that nuclear-weapon States would have to consider nuclear-weapon-free zone proposals on a case-by-case basis, and that the concept of safety areas raised serious issues of a political, legal and security character and assistance in the establishment of safety areas cannot be considered as an obligation of nuclear-weapon States.

22. Some experts felt that a nuclear-weapon-State could reserve its right to reconsider its obligations concerning respect for the nuclear-weapon-free zone status if States in respect of which it has assumed such obligations commit aggression or become accomplices of aggression. Other experts pointed out that a nuclear-weapon State could reserve its right to reconsider its obligations to a nuclear-weapon-free zone party in the event of any act of aggression or armed attack by that party with the support or assistance of a nuclear-weapon State. Still other experts stressed, however, that a nuclear-weapon-free zone would lose a substantial part of its value if nuclear-weapon States, committed not to use or threaten to use nuclear weapons against the zone, reserved their right to reconsider this commitment.

(c) By other States

23. The undertakings by other extra-zonal States - i.e., other than nuclear-weapon States - with respect to the zone may be either specific or general. Their purpose would be to commit such States not to carry out any activity endangering the efficient functioning of the zone, and in particular, not to provide the States of the zone with any assistance which might lead to the development or production of nuclear weapons. This would have particular importance in the cases of States with highly developed nuclear technology. These undertakings might not require adherence to the treaty establishing the zone.

9. Control measures

24. The viability of the nuclear-weapon-free zone will largely depend on an effective system of verification and control that ensures the nuclear-weapon-free status of the zone. The States participating in the zone must adopt measures which would promote confidence among themselves and in countries outside the region by ensuring that no activity of the States members of the zone would result in the circumvention of their obligations. Many experts considered that provisions should also be made to link these arrangements with the system of collective security of the United Nations.

25. It was argued by most experts that the effective operation of a nuclear-weapon-free zone should include the application of appropriate IAEA safeguards to the

complete nuclear fuel cycle in each country within the zone. Such safeguards would give all the States members of the zone and other States additional confidence that any diversion of fissile material will be detected in good time and thus deterred. In addition, the zone treaty should provide effective machinery to prevent clandestine activities in violation of its provisions, to verify that no State within the zone acquires nuclear weapons by any means whatsoever, that nuclear weapons are not deployed or stockpiled in the zone, and that other relevant obligations are being complied with.

10. Relationship between different nuclear-weapon-free zones

26. As more nuclear-weapon-free zones are established in addition to those already existing, e.g., in the Antarctic and Latin America, to the extent that ad hoc agencies or existing regional bodies are made responsible for the control and supervision of those zones, it is clearly desirable that arrangements should be made for the exchange of information and experience, technical co-operation, and collaboration in control and supervision. It would be difficult to establish in advance precise forms of co-operation or even to decide whether this co-operation should be on a regular and formal or informal basis, or whether use should be made primarily of existing regional organizations or the United Nations. But the importance of such co-operation must be noted.

V. Verification and Control

1. Objective and scope

1. The question of verification and control of compliance by States parties with the obligations of their agreements in the field of arms limitation, disarmament and collateral disarmament measures has always been in the focus of negotiations. The past solutions to that problem have differed from treaty to treaty, depending upon the nature and the scope of obligations contained therein.

2. An effective verification system would create confidence among the States members of the zone and in their relation to extra-zonal States. It would also offer assurances that there was no diversion by zonal States of nuclear material to nuclear weapons and would thereby facilitate co-operation in the peaceful use of nuclear energy among the zonal States and between them and States outside the zone.

3. In order to ensure that a nuclear-weapon-free zone will function effectively, it is necessary to devise a system of verification and control to ensure that all the States involved are complying strictly with their obligations. The precise nature of the verification and control system would vary from region to region and would depend upon the type of obligations which are to be undertaken by parties to a treaty establishing the nuclear-weapon-free zone. Generally, the Treaty would have to include provisions for verifying the compliance with obligations and the consideration or settlement of issues of non-compliance that may arise. Most experts felt, in this connexion, that the measures of verification and control should be extended to all nuclear activities in zonal States so as to prevent any diversion from peaceful purposes. Prescribed systems may include both routine and ad hoc procedures and should assure a sufficient probability of detecting violations. Such systems should be based on the principle of complete equality of States.

4. An effective verification and control system might generally include fact-finding machinery, a procedure for consultations between individual States

and a forum for multilateral consultations, recommendations and other actions. If other treaties on arms limitation, disarmament and collateral disarmament measures are in force for zonal States, the harmonization and co-operation between their respective control systems could be beneficial. The co-operation between control systems of various nuclear-weapon-free zones might also be of value.

5. As to the fact-finding part of a control system, States would always have the right to use their national means of verification in accordance with international law. Additional investigation measures requiring the co-operation of parties should be prescribed in the treaty in order to ensure the effectiveness of the zone.

6. The task of verifying a nuclear-weapon-free zone agreement would fall into two main categories. One is to ensure that zonal states do not develop or produce nuclear weapons. The other is to ensure that the zone is effectively free of nuclear weapons coming from outside sources and that such weapons are withdrawn if they are present in the zone. The first aspect could be covered by applying IAEA safeguards to all nuclear materials in zonal States. Such safeguards would provide both for necessary verification on a routine basis that such materials are not diverted to nuclear weapons and also for a reporting procedure on disclosures of events of possible non-compliance. Some experts noted that the IAEA safeguards can be applied not only to the use of particular nuclear materials, but can be extended to all peaceful nuclear activities of States included in a zone in order to prevent any diversion for military purposes, as contemplated in a number of safeguards agreements concluded between States parties to the Treaty of Tlatelolco and the IAEA. Present IAEA safeguards would only verify nuclear activities that are declared to the Agency as prescribed in safeguards agreements. Therefore, a task of the zone's verification and control system should be to ensure that all nuclear activities in the zone have in fact been declared to the IAEA.

7. In regard to the second aspect of verification, as there are limits to what tasks can be undertaken by the IAEA, it could be necessary, depending on the provisions of the zone treaty in each case, to provide additional machinery to verify that the zone is effectively free of nuclear weapons coming from outside sources, and if such weapons are present in the area, that they are withdrawn. Some experts felt that such additional verification could imply permitting inspectors to visit military installations, naval vessels

and military aircraft within the zone and that it could also provide, if prescribed in the zone treaty, that nuclear weapons are not transported outside the zone by ships and airplanes belonging to zonal states. Some experts pointed out that adequate verification in any area of the high seas, if such areas are incorporated in nuclear-weapon-free zones and in military bases of nuclear-weapon states, if such bases are situated in nuclear-weapon-free zones, would raise specific problems which should be fully taken into account in the establishment of such zones. With reference to the idea that a nuclear-weapon-free zone could include high seas, straits used for international navigation, and international airspace, several experts noted that this idea not only raises serious, and perhaps insuperable, security, political and legal problems, but that it would be extremely difficult to verify the nuclear-weapon-free zone status of such areas.

8. Existing regional or international organizations might be able to undertake such verification responsibilities described above. However, in many regions it might be preferable to establish standing regional bodies or special organs for the implementation of verification procedures other than those of the IAEA. One of the functions of such agencies could be to monitor and co-ordinate the work of appropriate national authorities responsible for the necessary verification procedures in each country party to a nuclear-weapon-free zone agreement. Such regional bodies or organs could carry out periodic and ad hoc inspections.

9. Some experts expressed the view that in establishing procedures for verification the zone arrangements could provide for a process of reciprocal investigation and inspection among members of the zone, either directly or through a standing regional body and that a detailed consultation procedure would provide an important means for dealing with questions of suspected non-compliance.

10. It might be desirable to provide for a multilateral body of States parties to a nuclear-weapon-free zone with the task of considering reports made by a standing control agency regarding the implementation of the provisions of the treaty, and of making recommendations in respect of such implementation, on possible investigations and inspections, and on suspected violations.

One important responsibility of such a multilateral body would be to consider issues of non-compliance, when consultations between individual States parties to a zone treaty have failed to settle the issue. The existence of such a body during should not exclude, however, the possibility that any outstanding issue arising/ the course of a consultation process are referred to the UN Security Council or General Assembly, or to other appropriate and competent international organs.

2. Safeguards on peaceful uses of nuclear energy

11. As already indicated, the IAEA safeguards system could play an important role in the verification of the implementation of nuclear-weapon-free zone provisions. The exact mandate of the IAEA would essentially be determined by two factors. One is the precise provisions of the agreements establishing zones and the tasks given to the IAEA therein. The other is the Statute of the IAEA prescribing what duties the Agency can assume. The latter (Art.III.5) permits the Agency "to apply safeguards, at the request of the parties, to any bilateral or multilateral arrangement, or at the request of a State, to any of that State's activities in the field of atomic energy."

12. It would thus be possible to solve one part of the verification problem of nuclear-weapon-free zones, that of assuring that the nuclear materials in zonal States would not be used for the manufacture of nuclear weapons by applying IAEA safeguards to all such materials.

13. An obligation of the States included in a zone to submit all their nuclear activities to IAEA safeguards would have to be expressly laid down in the constituent instrument of the zone. The necessary agreements with IAEA may be concluded in one of three ways: (a) by leaving each State to negotiate directly with the IAEA; (b) by negotiating a collective agreement with IAEA at the same time as the constituent treaty; or (c) by individual but simultaneous negotiations between IAEA and the parties. It could be more efficient to conclude a collective agreement with IAEA, provided that this comes into force for each State upon accession to the treaty constituting the zone; in this way States would comply at the outset with a condition essential to the satisfactory operation of their zone. In cases where collective negotiations are not possible, provisions should be made for the simultaneous entry into force of the zone-treaty and all safeguards agreements related thereto.

14. A desirable element in a verification system would be a provision that States in a zone should apply adequate standards of physical protection to fissionable material in the zone in order to prevent unauthorized groups, by theft or otherwise, from diverting such material and making their own nuclear weapons.

3. Inspections

15. When IAEA safeguards are applied inspections will take place as an integral part of the procedure in accordance with the safeguards agreements in force.

16. A standing control agency of a nuclear-weapon-free zone could be empowered with the task of carrying out both routine and ad hoc inspection within the boundaries of the zone as an element of its procedure to ensure the fulfilment of any obligation not verified by the IAEA. Such inspections could be undertaken by the control agency on its own initiative, at the request of individual States parties to the zone treaty or by a multilateral body instituted by the same treaty. Some experts noted that this kind of procedure is provided for in the Treaty of Tlatelolco (Article 16).

4. Role of the IAEA, regional organizations and national organs

17. Proper execution of verification procedures makes close co-operation between the various competent organs of the international, regional and national levels essential. Some experts suggested that such co-operation might also include seeking relevant information from outside sources, possibly on a routine basis.

18. The role of the IAEA would be to assume, in accordance with its statute, the responsibility for all safeguards envisaged in the zone-treaty and subsequent agreements between the IAEA, regional zone authorities and zonal States. The application of IAEA safeguards to the nuclear activities of a country could require the co-operation of a national or regional authority for accounting and control of all nuclear material subject to safeguards. Moreover, a regional body

or special organ responsible for verification of a zonal agreement could be given authority to investigate suspected cases of non-compliance. The precise mandate and procedure of work of such regional bodies or special organs would have to be defined in the treaty constituting the zone.

19. A nuclear-weapon-free zone treaty could include provisions, as do several other collateral disarmament measures, recognizing the right of parties to the treaty to bring any dispute or situation which might lead to international friction or give rise to a dispute to the attention of the Security Council or the General Assembly of the United Nations. If an infringement or violation of a nuclear-weapon-free zone treaty involved a threat to the peace, breach of the peace or act of aggression, the UN Security Council would have the power to take such action as necessary to restore international peace and security.

20. Both IAEA and regional control agencies could be entrusted by States to assist in the co-ordination of the activities of national authorities dealing with verification and control.

21. In certain regions States parties to a zonal treaty may wish to assign all verification responsibilities of a nuclear-weapon-free zone to a special organ within the IAEA structure. However, such a provision would go beyond the task at present undertaken by IAEA and might require an amendment of the Agency's statute.

5. Creation of ad hoc agencies

22. Ad Hoc agencies might be the most useful means of organizing the execution of overall verification and control of nuclear-weapon-free zones. This is argued for two reasons: (1) existing regional organizations may not be suited to such functions, because their aims are either too general or, on the contrary, too specialized, and (2) the composition of such organizations may not correspond to that of a nuclear-weapon-free zone, because they include either a greater number of States, some outside the zone, or a smaller number of States, some countries within the zone not being members. In such cases verification and control in a zone might more effectively be exercised by an ad hoc agency especially tailored to the composition and purposes of the zone and designed primarily for such verification and control.

VI. Nuclear-weapon-free Zones and International Law

Relationship with international law

1. Arrangements for the exclusion of nuclear weapons from various areas of the globe are fully consistent with the provisions of the United Nations Charter, and particularly with its Article 1 under which States undertake "to take effective collective measures for the prevention and removal of threats to the peace ..., to develop friendly relations among nations ... and to take other appropriate measures to strengthen universal peace".
2. The creation of nuclear-weapon-free zones is also consistent with the provisions of Article 52 of the Charter, which envisages the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action.
3. Some experts noted that the establishment of such zones is furthermore in conformity with the principles governing demilitarized zones.
4. The creation of a nuclear-weapon-free zone should be effected in accordance with international law, the principles of the United Nations Charter and specifically with the following fundamental principles guiding the mutual relations of States: Sovereign equality and respect for the rights inherent in sovereignty; refraining from the threat or use of force against the territorial integrity or political independence of any State; the inviolability of frontiers; the territorial integrity of States; peaceful settlement of disputes; non-intervention in internal affairs; equal rights and self-determination of peoples; the right of self-defence; co-operation among States; and fulfilment in good faith of obligations under international law.
5. In full compliance with these principles, it is unanimously recognized that the creation of a nuclear-weapon-free zone should be part of a system of measures aimed at the prevention of nuclear weapons proliferation and the achievement of general and complete disarmament, including nuclear disarmament. The establishment of a nuclear-weapon-free zone is not to be regarded as an end in itself, but as a means towards the wider objectives of general and complete disarmament and of international peace and security. The view v

also expressed that the Treaties establishing such zones may provide for the inclusion of other States that agree to join the zone and also for the adoption of further measures of disarmament.

6. Many experts from non-nuclear-weapon States emphasized that States members of a nuclear-weapon-free zone should receive adequate and effective security assurances from the nuclear-weapon States not to use or threaten to use nuclear weapons against members of the zone and maintained that States members of the zone had a right to expect such assurances on the basis both from the general principle that States should refrain in their international relations from threat or use of force, and the nature of obligations which the non-nuclear-weapon States would be undertaking in creating the nuclear-weapon-free zone. These experts stressed that from the purely legal standpoint the existence of nuclear-weapon-free zones does not depend on recognition or guarantees from outside States; a State or group of States need only decide to prohibit nuclear weapons in the territory or territories under their sovereignty, and in law, the zone comes into existence. Nevertheless, there is no doubt that the mere existence de jure of a nuclear-weapon-free zone is not sufficient unless the zone works de facto. Hence the advisability of appropriate recognition and guarantees.

7. Many other experts, while believing that assurances could not be considered a right under international law, recognized that certain types of assurances could contribute to the effectiveness of a zone. In their view, the question of commitments by extra-zonal States could only be resolved through mutual agreements and should be considered at the time a particular nuclear-weapon-free zone arrangement is being negotiated, taking into account regional factors, including existing security arrangements. The same experts considered that circumstances would vary so considerably that it was impracticable to attempt to establish general principles on the question of legal obligations of nuclear-weapon States.

8. Most experts noted that a nuclear-weapon-free zone treaty cannot impair the inherent right, under Article 51 of the Charter, of individual or collective self-defence if an armed attack occurs against a Member of the United Nations until the Security Council has taken measures necessary to maintain international peace and security.

9. Disputes arising in relation to the functioning and interpretation of a nuclear-weapon-free zone treaty should be settled by peaceful means and the treaty should contain adequate provisions in this respect. The settlement of disputes as well as their prevention would be greatly facilitated by the existence in the treaty of provisions for effective safeguards and control.

10. Many experts emphasized that in defining the territory of a nuclear-weapon-free zone, members of the zone must respect international law, including those principles relating to the high seas, to straits used for international navigation and to international air space. The view was also expressed that these principles also include the right of innocent passage through the territorial sea. While agreeing on the importance of the above principles, other experts maintained that they should be considered in the light of the requirements necessary to the effectiveness of the zone, in particular the question of innocent passage through territorial waters. In this respect, these experts stressed that such passage by vessels carrying nuclear weapons could in fact be incompatible with the basic aim of ensuring total absence of such weapons in the zone. Some experts emphasized in particular that a zone treaty should prohibit the entry into ports situated in the zone of vessels having nuclear weapons on board.

11. Some experts suggested that consideration should be given in a zone Treaty to legal questions raised by including within the zone areas outside the sovereignty of States members of the zone, or of creating what have been previously described as safety areas. They maintained that it was essential that safety areas be established adjacent to national territories in order to make a zone more effective, and argued that the establishment of such safety areas did not represent a unilateral imposition by zonal States of the nuclear-weapon-free status on such areas in violation of international law, since extra-zonal States would concur in undertaking to respect such areas as nuclear-weapon free. Other experts, however, considered that such proposals for safety areas apart from the security and political problems involved, raised legal issues that are not relevant to the issues involved in creating nuclear-weapon-free zones.

Relationship with existing treaties

12. It is understood that treaties establishing nuclear-weapon-free zones should be consistent with other treaty obligations of the zonal states. If such consistency is to be achieved, two types of instruments will have to be taken into account: (a) those of general application or interest, and (b) those of particular application of interest. In the first category, apart from the Charter of the United Nations, close attention will have to be paid to the Treaty Banning Nuclear Weapons Tests in the Atmosphere, in Outer Space

and Under Water, the Treaty on the Prohibition of Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and in the Subsoil thereof, the Treaty on the Non-Proliferation of Nuclear Weapons and, from another point of view, the Statute of IAEA. In the second category, it is desirable that consistency should be achieved with the instruments applicable in particular regions. It will also be necessary to keep closely in mind the commitments which zonal States may have made under any security alliances - multilateral or bilateral - and under such conventions or agreements as they may have concluded among themselves or with third States on such matters as nuclear co-operation. It is clear that once a State has decided it wishes to participate in a nuclear-weapon-free zone no commitments taken under other agreements can justify any exceptions to the obligations that are undertaken in a nuclear-weapon-free zone Treaty.

13. Most experts noted that the NPT reaffirms in its Article VII the right of any group of States to conclude regional treaties in order to assure the total absence of nuclear weapons in their respective territories. The view was also expressed that proposals for nuclear-weapon-free zones should prescribe standards of compliance no less stringent than in the NPT, and that the legal obligations for States members of such zones should be fully compatible with those under the NPT. Other experts felt, however, that the standards of compliance and the legal obligations for States members of a nuclear-weapon-free zone should be established during the negotiations among those States.

14. It was suggested by some experts that States creating nuclear-weapon-free zones should be parties to the NPT. Other experts noted that, while adherence to the NPT is desirable, it cannot be considered a prerequisite for membership in a nuclear-weapon-free zone and noted, as a precedent, that several States non-parties to the NPT are, however, parties to the Treaty of Tlatelolco.

Relationship with the United Nations

15. The United Nations can play a positive role in the establishment of nuclear-weapon-free zones. Some experts maintained that a nuclear-weapon-free zone bears a double relationship with the United Nations. In the first place the world Organization should promote such zones - not impose them, but encourage them - and in the second place the United Nations can be a guarantor of those zones in the light of Chapter VII of the Charter. Other experts held that, although the United Nations could provide a forum for those who wish to promote the establishment of nuclear-weapon-free zones in particular regions and could also make available

machinery and services to facilitate their efforts, the United Nations, as an international entity, could not be said to have a specific responsibility under the Charter to encourage the creation of nuclear-weapon-free zones.

16. In view of the UN function in respect to settlement of international disputes, a nuclear-weapon-free zone could benefit from the existing UN machinery, including the institutions mentioned in Chapters VI and VII of the Charter related to the peaceful settlement of disputes and actions with respect to threats to peace, breaches of peace, and acts of aggression. Some experts consider that a stronger link between the system of safeguards and control in the zone and the system of collective security under the United Nations Charter should be created.

17. The United Nations can help in various stages of the establishment and functioning of nuclear-weapon-free zones. The UN can also use its authority in supporting the concept, can provide assistance including, if desired and considered necessary, the machinery to enable the States concerned to make progress in their direct consultations. Some experts felt that the United Nations could also exert influence regarding the undertaking by nuclear-weapon States of obligations vis-à-vis such zones. Some other experts pointed out that this role of the United Nations would be justified only in those cases where such zones are in fact completely free of nuclear weapons and are established in full compliance with international law.

18. In view of the overall responsibilities of the United Nations in regard to arms limitation, disarmament and collateral disarmament measures, it would be appropriate for the Parties to a nuclear-weapon-free zone treaty to convey to the United Nations through the Secretary-General, or in any other way, periodic information about the implementation of the purposes and provisions of the treaty.

