

# Seminar on Nuclear Weapon-Free Zones: Crucial Steps towards a Nuclear-Free World

This international seminar, attended by more than 50 scholars, experts, activists and diplomats from six continents, called for Nuclear Weapon-Free Zones (NWFZs) to be established all over the world as a transitional step towards the complete abolition of nuclear weapons. It underscored the urgency of such zones, particularly in South Asia, Northeast Asia, the Middle East and Central Europe.

The Seminar, held between 1 and 4 September at the Dag Hammarskjöld Centre in Uppsala, was inaugurated by United Nations Under Secretary-General for Disarmament Affairs, Mr Jayantha Dhanapala, who delivered the keynote address. In this he deliberated on the moral, political, legal and security imperative of nuclear weapons abolition, highlighting the need for both comprehensive and incremental measures of disarmament. 'At a time when some 30,000 nuclear weapons remain, NWFZs offer one of the few activities open to non-nuclear weapon states not just to quarantine themselves from the nuclear contagion, but to pool their efforts to resist it,' said Mr Dhanapala.

The Seminar participants were unanimous that a decade after the Cold War, the world faces a stark choice: achieve complete nuclear weapons abolition, or face a second Nuclear Age with new generations of even more horrifying nuclear and other high-tech weapons. NWFZs, which ban the manufacture, deployment and transit of nuclear weapons in specific regions, and make them safe from nuclear attacks and threats from the nuclear weapons states, are an important step towards the elimination of such weapons.

Treaties to establish NWFZs have so far been reached in respect of Latin America (1967), South Pacific (1985), Africa (1996) and Southeast Asia (1997). Seminar participants considered it crucial that the concept of NWFZs be radically transformed: from a measure of non-proliferation to a pro-active means of nuclear disarmament, i.e. the thinning out, removal and actual dismantling of nuclear weapons where they already exist.

NWFZs have an advantage over other transitional measures towards disarmament. They involve a concerted effort by a whole region towards a common security structure. They carry the potential to include non-signatories to the Non-Proliferation Treaty (NPT) and Comprehensive Test Ban Treaty. Seminar participants also emphasised the tremendous public education potential of NWFZs and welcomed declarations of nuclear weapon-free cities and local authorities.

The Seminar was planned and organised by five civil society organisations: Gensuikin (Japan Congress Against A- and H-bombs), the Peace Depot (Japan), the Transnational Institute (the Netherlands), the International Network of Engineers and Scientists Against Proliferation (INESAP) and the Dag Hammarskjöld Foundation (Sweden). A monograph on NWFZs is being edited.

# Nuclear Weapon-Free Zones

## Challenges and Opportunities

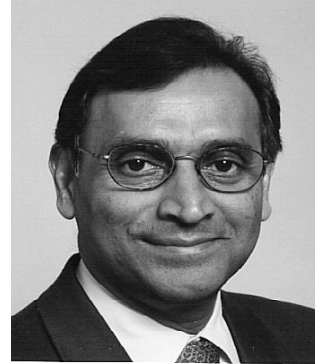
By Jayantha Dhanapala

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*In his Keynote Address, given at the Seminar on Nuclear Weapon-Free Zones: Crucial Steps towards a Nuclear-Free World in September 2000, Mr Jayantha Dhanapala states that such zones are 'a sophisticated means whereby the world can advance in common cause against the production, possession or deployment of a weapon that is inherently incapable of distinguishing between civilian and military targets. ... They have also progressively shrunk the area of the world's surface where nuclear weapons can be stationed, thereby placing restrictions on the strategic plans of nuclear weapon states.' In his address, Mr Dhanapala defines and discusses five major obstacles to the growth of the number of Nuclear Weapon-Free Zones and how these may be tackled over time. He also lists six concrete 'next steps' on the road to the establishment of new zones and outlines how these steps may be taken.*

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### Introduction

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

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

I am reminded in particular of the preamble of the Treaty for the Prohibition of Nuclear Weapons in Latin America signed in 1967— the first nuclear weapon-free zone in an inhabited region. It explains both eloquently and succinctly why such zones are so vital. The text, in particularly acute terms, refers to the existence of nuclear weapons as ‘an attack on the integrity of the human species’ and recognises that the use of such weapons ‘may even render the whole earth uninhabitable’.<sup>1</sup>

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

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

Nuclear weapon-free zones do not exist as ends in themselves. They exist because they serve genuine security interests, promote international peace and security and inspire collective action for the good of each and the good of all. At a time when some 30,000 nuclear weapons reportedly remain in the hands of a few states, these zones offer one of the few sustained activities open to non-nuclear weapon states not just to quarantine themselves from the nuclear contagion around them, but to pool their efforts to resist it.<sup>2</sup>

Some people say that countries that do not possess nuclear weapons have no business seeking to encourage the nuclear weapon states to change their nuclear policies. Indeed, that is the thinking of those who resist nuclear disarmament being negotiated in the world’s only negotiating forum for

disarmament – the Conference on Disarmament in Geneva. Some even object fervently to proposals – including, most recently, one from the Secretary-General of the United Nations – for international conferences to consider measures to eliminate nuclear dangers.<sup>3</sup>

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

### **The legacy of unity in diversity**

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

First, since the creation of the first zone by the Antarctic Treaty in 1959, one cannot help but note the sheer growth in the numbers of these regimes. We have witnessed an extraordinary case of the proliferation of such zones – reaching across whole continents covering more than 50 per cent of the earth’s land mass, encompassing the ocean floor, and extending even into the heavens. The expansion of the concept to the Outer Space and Tlatelolco Treaties in 1967, the Seabed Treaty in 1971, the Rarotonga Treaty of 1985, the Pelindaba Treaty of 1996, and the Bangkok Treaty in 1997, in each instance pushed the frontier a bit closer to a nuclear weapon-free planet.<sup>4</sup> While the growth of these zones has not eliminated all conflict or achieved general and complete disarmament in their areas, it has accomplished much in laying the foundation for the proliferation of peace and asserted the rights of humanity to live in a nuclear weapon-free world.

There is, of course, no ‘one size fits all’ model of such zones that is equally suitable for each region. Each zone reflects the perceived security needs as well as the hopes and aspirations of its participating countries. As the UN Disarmament Commission noted last year in unanimously approving guidelines for the creation of such zones, they are the product of the specific circumstances of the region concerned, and are to be established on the basis of arrangements freely arrived at among the states of the region

concerned.<sup>5</sup> The establishment, growth, and maintenance of such zones is thus an inherently dynamic process – to this extent, all the zones are still in the process of fully realising their potential.

The Pelindaba Treaty needs additional states parties for it to come into force. The nuclear weapon states have not yet acceded to the protocol of the Bangkok Treaty. The Central Asian nuclear weapon-free zone has been under negotiation for many years but remains nonetheless only an aspiration. Establishing and maintaining such zones are highly political processes, highly dependent upon – and hence vulnerable to – the forces of political reality. Proposals to establish such zones in the Nordic, Mediterranean, Balkan, Middle Eastern, South Asian, South Atlantic, and East Asian regions – as well as the entire Southern Hemisphere – have encountered their respective difficulties.<sup>6</sup> A similar fate has faced the proposals to denuclearise the Korean Peninsula, and the efforts to establish a zone in Central Europe, including the proposal by the Palme Commission in 1982 for a nuclear-free corridor in the region.<sup>7</sup> And the elusive Zone of Peace in the Indian Ocean appears today as a fading dream even in my country, Sri Lanka, which first sponsored the proposal in the United Nations in 1971.

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

## **Obstacles ahead**

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

The first obstacle they face is that the world remains divided into exclusive spheres of security, despite the more universalistic concept in the UN Charter of ‘international peace and security’ which tacitly denies the divisibility of peace. During the Cold War period the world was divided up in arrangements where some gathered under what they believed to be the protection of impermeable nuclear umbrellas, while the rest were presumably left to suffer the vicissitudes of world affairs on their own – while facing nuclear threats. A decade after the Cold War ended one of these alliances

continues and a queue forms at its entry door. Thousands of nuclear weapons remain on alert, first-use nuclear doctrines have been reaffirmed and more states have tested nuclear devices. It is not a world that is very hospitable to the creation or expansion of nuclear weapon-free zones.

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

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

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

This vision of managed proliferation rejects entirely the very concept of disarmament, though not arms control. In fact, it glorifies arms control. Instead of the genuine peace and security that arises from instruments such

as the Treaties of Tlatelolco, Rarotonga, Pelindaba and Bangkok, the new approach offers *ersatz* security through the provision of palliatives such as assistance in improving command-and-control over nuclear weapon systems, nuclear confidence-building measures, intelligence and early warning capabilities, and controls over the safety and security of devices in existing arsenals.

The new approach denies the existence of the possibility of accidents, mistakes or miscalculations, ignoring the facts of the 1962 Cuban missile crisis or the near miss here in Scandinavia, when the launch of a scientific rocket in Norway in 1995 led to a nuclear alert.<sup>8</sup> Instead, it assumes that measures taken to address such threats will be completely effective in getting the job done. This is, quite frankly, the fantasy virus that has recently spread to South Asia from its hosts in other regions, and is manifest in all discussions about the need for the world to adjust to the so-called 'new realities' in that region.

Yet the rise of new states with nuclear capabilities and the spectre of nuclear terrorism creates a fourth major obstacle for members of nuclear weapon-free zones, a problem related to the definition of what constitutes a nuclear weapon state and the sources of nuclear weapon threats today in view of the threat of nuclear terrorism. Which countries are appropriate to sign the various protocols in existing treaties reserved for nuclear weapon states? If the list is limited to the nuclear weapon states defined in the NPT, as it must, without according new status and legitimacy to new nuclear states, positive security assurances are also necessary in the event of dangers arising from other sources. The security assurances issue is thus complicated by another conundrum – who gives what and to whom?

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

When the UN Disarmament Commission agreed in 1999 on guidelines to establish nuclear weapon-free zones, it not only reaffirmed the goal of 'freeing the entire world from all nuclear weapons as well as other weapons of mass destruction, and more broadly speaking, of general and complete disarmament under strict and effective international control', but

stated that such a goal was necessary ‘*so that* future generations can live in a more stable and peaceful atmosphere’ (emphasis added).<sup>9</sup> In other words, security can be served well by disarmament.

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

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

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

### **Next steps**

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

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



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

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

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

Fifth, the zones can be strengthened by additional protocols, such as those providing mutual commitments not to engage in attacks on peaceful nuclear facilities. Another useful confidence-building measure would address delivery systems for nuclear weapons. In his lecture upon receiving the Nobel Peace Prize in 1982, Alfonso Garcia Robles traced the origins of the Tlatelolco Treaty to a Joint Declaration on 29 April 1963 by five South American presidents expressing their joint willingness to enter into a commitment not 'to manufacture, store, or test nuclear weapons *or devices for launching nuclear weapons*' (emphasis added).<sup>10</sup> The preamble to the NPT similarly calls for the 'liquidation' not just of nuclear weapons but also of 'the means of their delivery'. Yet today we hear only about missile defence and deterrence – not global missile disarmament – despite a state-

ment in April 1999 by the UN Secretary-General calling upon countries to consider the establishment of multilateral norms governing both missiles and missile defence systems.<sup>11</sup>

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

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

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

## Notes

1. Preamble, Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean, opened for signature 14 February 1967.
2. Natural Resources Defense Council, ‘Global Nuclear Stockpiles, 1945–2000’, *The Bulletin of the Atomic Scientists*, March/April 2000, p. 79.
3. The proposal appears in ‘We the Peoples: The Role of the United Nations in the Twenty-First Century’, Report of the Secretary-General, A/54/2000, 27 March 2000, para 253, p. 39.
4. The full texts of these treaties are accessible at the web site of the UN Department for Disarmament Affairs, <http://www.un.org/Depts/dda/DDAHome.htm>. The site also describes treaty memberships of individual states.
5. United Nations General Assembly, ‘Report of the Disarmament Commission [UNDC]’, Official Records, 44th Session, A/54/42, 6 May 1999.

6. For a general overview of such proposals, see Redick, John R., 'Nuclear-Weapon-Free Zones', in Burns, Richard Dean, (ed.), *Encyclopedia of Arms Control and Disarmament*, Charles Scribner's Sons, New York, 1993, Vol. II, pp. 1079–1091. For a 1999 update, see United Nations, Department for Disarmament Affairs, *The United Nations Disarmament Yearbook*, United Nations, New York, 2000, Vol. 24, pp. 117–119.
7. Independent Commission on Disarmament and Security Issues [Palme Commission], *Common Security: A Blueprint for Survival*, Simon and Schuster, New York, 1982, pp. 146–149.
8. See the discussion of the 1995 incident in Blair, Bruce G., Feiveson, Harold A., and von Hippel, Frank N., 'Taking Nuclear Weapons off Hair-Trigger Alert', *Scientific American*, November 1997, pp. 74–81.
9. UNDC, *op. cit.*, p. 10.
10. García Robles, Alfonso, 'The Latin American Nuclear-Weapon-Free Zone', Nobel lecture on 11 December 1982.
11. Secretary-General Kofi Annan, Press Release, SG/SM/6960, 15 April 1999.