Chapter 6

NUCLEAR-WEAPON-FREE ZONES

The 2009 IPU resolution on nuclear non-proliferation and disarmament encourages "parliaments to support the full ratification and implementation of existing nuclear-weapon-free zones, and to explore the possibility of establishing additional nuclear-weapon-free zones freely agreed by States in specific regions"; it calls in particular "for the necessary steps to be taken to declare the Middle East a nuclear-weapon-free zone, without exception, in keeping with the resolution endorsed by the NPT Review Conference in 1995."[112]

A nuclear-weapon-free zone is a specified region in which countries commit themselves not to manufacture, acquire, test or possess nuclear weapons. Five such zones exist today, with four of them spanning the entire Southern Hemisphere. The regions currently covered by such commitments are: Latin America (the 1967 Treaty of Tlatelolco), the South Pacific (the 1985 Treaty of Rarotonga), South-East Asia (the 1995 Treaty of Bangkok), Africa (the 1996 Treaty of Pelindaba) and Central Asia (the 2006 Treaty of Semipalatinsk).

Each treaty includes a protocol for the nuclear-weapon States to sign and ratify, whereby they legally commit themselves not to use or threaten to use nuclear weapons against treaty States Parties ("negative security assurances").

Article VII of the NPT affirms the right of countries to establish specified zones free of nuclear weapons.[113] UN General Assembly resolution 3472 B (1975) reaffirmed that right and outlined the conditions for such zones.[114] Within these nuclear-weapon-free zones, countries may use nuclear energy for peaceful purposes.

Nuclear-weapon-free zones are an effective means of strengthening the global nuclear prohibition norm, addressing non-proliferation issues and promoting regional cooperative non-nuclear security. As such, proposals for such zones have been made for regions with complex and unstable security environments, including the Arctic, North-East Asia and the Middle East.

Figure 5: An overview of existing nuclear-weapon-free zones worldwide.

Good Practice NON-NWS

Example

A. **Existing nuclear-weapon-free-zone treaties**
Building the nuclear prohibition norm

A Existing nuclear weapon-free zone treaties
Building the nuclear prohibition norm

The treaties below form the basis for the existing regional nuclear-weapon-free zones:

- **Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean** (Treaty of Tlatelolco[115]) – Adopted in 1967, entered into force in 1968: forbids its signatory nations from using, storing or transporting nuclear weapons, and created an intergovernmental agency, OPANAL, to ensure that the obligations of the treaty are met.
- **South Pacific Nuclear Free Zone Treaty** (Treaty of Rarotonga[116]) – Adopted in 1985, entered into force 1986: bans the manufacture, possession, stationing and testing of any nuclear explosive device in treaty territories for which the parties are internationally responsible; it also bans the dumping of radioactive waste at sea.
- **Treaty on the Southeast Asia Nuclear Weapon Free Zone** (Bangkok Treaty[117]) – Adopted in 1995, entered into force in 1997: it obliges its members not to develop, manufacture or otherwise acquire, possess or have control over nuclear weapons.
- **Treaty on a Nuclear Weapon Free Zone in Central Asia** (Semipalatinsk Treaty[118]) – Adopted in 2006, entered into force in 2009: obliges its members not to manufacture, acquire, test or possess nuclear weapons.
- **African Nuclear Weapon Free-Zone Treaty** (Pelindaba Treaty[119]) – Adopted in 1996, entered into force in 2009: prohibits the research, development, manufacture, stockpiling, acquisition, testing,

possession, control or stationing of nuclear explosive devices in the territory of parties to the Treaty and the dumping of radioactive waste in the African zone by Treaty States Parties.

In addition, the following treaties denuclearize the areas they respectively cover: the **Antarctic Treaty**[120] (adopted in 1959, entered into force in 1961); the **Outer Space Treaty**[121] (adopted and entered into force in 1967); and the **Seabed Treaty**[122] (adopted in 1971, entered into force in 1972).

Parliamentarians were active – indeed at times vital – in the establishment of these nuclear-weapon-free zones. Most of the zones were difficult to achieve, as they included countries or territories that were involved in nuclear testing, or were covered by (extended) nuclear deterrence doctrines. The experience in overcoming these difficulties can encourage success in the establishment of other zones and the development of security without nuclear weapons in other regions.

Good Practice — ALL STATES

Examples

A. Parliamentary support for new nuclear-weapon-free zones: Promoting cooperative non-nuclear security

A — Parliamentary support for new nuclear-weapon-free zones: Promoting cooperative non-nuclear security

In addition to strengthening and promoting the existing nuclear-weapon-free zones, parliamentarians have been active in the establishment of new zones. In particular, three proposals have been gaining traction.

North-East Asia Nuclear-Weapon-Free Zone

In February 2010, parliamentarians from Japan and the Republic of Korea met in Tokyo to discuss the idea of a North-East Asia nuclear-weapon-free zone. The meeting, jointly organized by the Japanese and

Korean chapters of the PNND, was inspired by the draft treaty on a North-East Asia zone developed by the Nuclear Disarmament Group of Japan's Democratic Party.

Following up on that meeting, in May 2010, the group of Japanese and Korean parliamentarians released a joint statement on the denuclearization of North-East Asia. The statement was endorsed by 86 Japanese parliamentarians from seven political parties and independents, and seven parliamentarians from three political parties in the Republic of Korea. It states, "We recognize that a Northeast Asia Nuclear Weapon-Free Zone initiative will be effective for achieving the denuclearization of the region (...) we call on the Governments of Japan and [the Republic of Korea] to advocate the establishment of a Northeast Asia Nuclear Weapon-Free Zone in the international forums, including the NPT Review Conference and the UN General Assembly."[123]

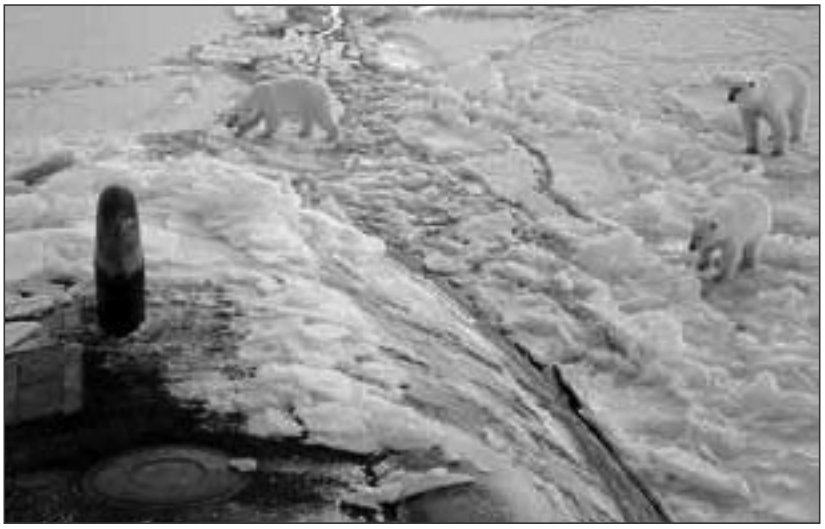
In March 2012, cross-party members of the Japanese chapter of PNND formed a working group to promote the process to establish a north-east Asian zone, including by drafting an agreed outline of the zone's treaty and exchanging views on it with counterpart parliamentarians in the Six-Party countries other than Japan.

Arctic Nuclear-Weapon-Free Zone

With climate change opening up the Arctic region, bringing with it the possibility of increased resource competition, territorial disputes and militarization, parliamentarians in the circumpolar countries are paying closer attention to the proposal to establish the region as a nuclear-weapon-free zone, similar to the one covering Antarctica. This would free both the North and South Poles from nuclear weapons and help to build a more cooperative security environment in the North.

During a conference on an Arctic nuclear-weapon-free zone in the Danish Parliament in November 2008, Member of Parliament Holger Nielsen noted, "*Tensions always get more dangerous when the involving partners possess nuclear weapons. And the Arctic has all preconditions to become a high-tension area. Therefore the Danish government should take an initiative to a treaty, whereby the Arctic is declared a nuclear-weapon-free zone.*" [124]

In 2011, the incoming Social Democrat government commenced a series of consultations with other circumpolar nations to ascertain interest in an Arctic nuclear-weapon-free zone.



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Polar bears inspect attack submarine USS Honolulu (SSN718) 280 miles from the North Pole, 12 October 2003.

In Canada, former Member of Parliament Larry Bagnell has proposed a private member's bill to make the Canadian Arctic a nuclear-weapon-free zone. Bill C-629, introduced on 15 February 2011, would make it a criminal offence to "possess, manufacture, test, store, transport or deploy a nuclear weapon in the Canadian Arctic".[125] Although the bill was not passed into law, Bagnell's initiative helped spotlight the issue.

Middle East Zone Free from Nuclear Weapons and all other Weapons of Mass Destruction

Following up on a unanimous resolution in the UN General Assembly[126] and a consensus decision at the 2010 NPT Review Conference on the need for a zone free of weapons of mass destruction in the Middle East, in October 2011 the PNND opened for endorsement a Joint Parliamentary Statement for a Middle East Zone Free from Nuclear Weapons and all other Weapons of Mass Destruction.[127]

The Joint Statement commends the United Nations for its leadership, including the appointment of a host country (Finland) and facilitator for an international conference in 2012 on establishing such a zone, and calls on parliamentarians and parliaments to act in support of its establishment.

A regional zone free of weapons of mass destruction would not only strengthen non-proliferation commitments and mechanisms applicable to all countries in the region, it would also come with security assurances by the NPT-recognized nuclear-weapon States that they would not threaten a nuclear attack on any countries within the zone – an important security requirement that would stem proliferation by removing a key stimulus for adopting nuclear deterrence doctrines.

Good Practice NWPS

Example

A. **Ratification of the Tlatelolco, Pelindaba and Rarotonga Treaties**
Negative security assurances

A	Ratification of the Tlatelolco, Pelindaba and Rarotonga Treaties
	Negative security assurances

Each of the above-mentioned treaties includes a protocol for the five NPT-recognized nuclear-weapon States – China, France, the Russian Federation, the United Kingdom and the United States – to sign and ratify. These protocols, which are legally binding, call upon these five nuclear-weapon States to respect the status of the zones and to not use or threaten to use nuclear weapons against treaty States Parties. Such declarations of non-use of nuclear weapons are also known as "negative security assurances" (NSA).

All five nuclear-weapon States have ratified the NSA Protocol of the Tlatelolco Treaty. In addition, China, France, the Russian Federation and the United Kingdom have signed and ratified Protocols II (NSA) and III (ban on nuclear testing in the zone) to the Rarotonga Treaty, and Protocols I (NSA) and II (ban on nuclear testing in the zone) to the Pelindaba Treaty. The United States has signed but not ratified these two treaties. In May 2011, US President Obama submitted the relevant protocols to both treaties to the US Senate for advice and consent to ratification.[128]

None of the nuclear-weapon States have signed the relevant protocol for the treaty creating a zone in South-East Asia (Bangkok Treaty) because of concerns that it conflicts with the right of their ships and aircraft move freely in international waters and airspace.[129] However, it seems that the Summit of the Association of South-East Asian Nations (ASEAN) in November 2011 may have produced an agreement between ASEAN Members and the nuclear-weapon States that would enable the latter to ratify the Bangkok Treaty.

Recommendations for Parliamentarians regarding existing NWFZs

- Explore ways to strengthen established zones and promote formal linkages between zones through cooperative action and exchange of information and data relevant to treaty verification.
- Parliamentarians from the NPT-recognized nuclear-weapon States are encouraged to support the ratification of the relevant protocols of all Nuclear Weapon-Free Zone Treaties.

Recommendations for Parliamentarians regarding proposed NWFZs

- Take action to support the establishment of a Middle East Zone Free from Nuclear Weapons and other Weapons of Mass Destruction, including by endorsing the *Joint Parliamentary Statement for a Middle East Zone Free from Nuclear Weapons and all other WMD,* and calling on all relevant governments to support the UN-sponsored process for the establishment of such a zone.
- Parliamentarians in circumpolar countries are encouraged to advance the proposal for an Arctic Nuclear-Weapon-Free Zone, and – considering the challenging and changing geo-political conditions of the region – support and commission studies and inquiries into the proposal.
- Parliamentarians in Japan and the Republic of Korea are encouraged to explore and support initiatives to establish a North-East Asian Nuclear-Weapon-Free-Zone, including by endorsing the *Joint Parliamentary Statement on the Denuclearization of Northeast Asia.*
- Parliamentarians advancing proposals for NWFZs are encouraged to liaise with parliamentarians from countries already covered by nuclear-weapon-free zones to draw from their experience.