

THE DENUCLEARIZATION AGREEMENTS AND THE FUTURE

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Presently, there are four regional denuclearization agreements in force worldwide. The Tlatelolco Treaty, covering the Latin American region, the Rarotonga Treaty for the South Pacific, the Bangkok Treaty, encompassing South-East Asia, and the Korean Peninsula Denuclearization Declaration. On the other hand, the Pelindaba Treaty, covering the African region, has already been undersigned but has not been enforced.

The basic objective involved in creating nuclear-weapon-free zones is preventing further countries from developing, building or holding nuclear weapons. There is no need to recall that, nowadays, there are some thirty thousand nuclear bombs around the world, stored at the arsenals of eight countries (the United States of America, Russia, England, France, China, India, Pakistan and Israel). As a whole, they involve power amounting to eight thousand megatons—which is equivalent to almost 530 thousand bombs of the type that destroyed Hiroshima at the end of the Second World War. The regional denuclearization agreements are highly important in so far as regional and worldwide security is concerned, as they enhance the level of trust and cooperation among the countries in the region. It must be borne in mind that all the countries that built their first nuclear weapons during the last thirty years did so motivated by regional issues.

The first ideas about establishing nuclear-weapon-free zones arose in the areas where the risk of nuclear proliferation and conflicts was most evident. As far back as 1958, the Polish government proposed a plan to avoid the use of Soviet nuclear weapons in their territory, since they feared the nuclearization of the then East Germany. The plan did already foresee the prohibition of manufacturing, storing and transporting nuclear weapons within the region. In order to ensure compliance with the agreement, a verification and control system would be established. The countries holding nuclear weapons were to compromise themselves to respect the status of the zone as free from such weapons. Under the cold war climate prevailing at that time, the plan had no

chance for success. However, essentially, the elements in this plan became the basis for future agreements.

Denuclearization treaties have significantly contributed —and are still doing so— to regional and international security. As already mentioned, the countries that built nuclear weapons during the last thirty years were motivated by regional issues. Therefore, an increase in confidence among the countries of a given region becomes an inhibitor of the desire to build nuclear weapons. This was acknowledged by the United Nations' General Assembly in a resolution dated December 2004, in the framework of its 59th session, where the Assembly expresses its conviction with regard to the “important role of nuclear-weapon-free zones in strengthening the nuclear non-proliferation regime and in extending the areas of the world that are nuclear-weapon-free”.

In addition to prohibiting the purchase of nuclear weapons by the non-nuclear-weapon countries, the nuclear-weapon-free zone agreements ban their usage and the presence of nuclear weapons in the territories of the area —something that was not foreseen in the Treaty on the Non-Proliferation of Nuclear Weapons. Viewed from this standpoint, denuclearization agreements are not discriminatory. Another relevant issue is the fact that the member states of these areas benefit from the legal commitment made by the nuclear weapon states undersigning the protocols of not using nuclear weapons against them. However, the commitment made by the nuclear weapon states is not technical verifiable. Furthermore, in case of infringement of the obligations assumed by the nuclear weapon states, the Bangkok Treaty is the only one foreseeing the performance of a special conference in order to decide on the actions to be taken. No actions are foreseen in the rest of the treaties concerning this situation. Another issue to be considered is that the non-acknowledged nuclear weapon states (India, Pakistan and Israel) are not part of any denuclearization treaty —thus weakening the regional and international security.

Considering that the existing denuclearization agreements were developed and enforced in diverse historical periods, they involve differences that reflect the political and technical situation at the time in which they were prepared. It is worth highlighting some of the main differences among the agreements. Only the most recent ones, the

Rarotonga and Pelindaba Treaties, include explicit prohibitions not only for complete explosive nuclear artifacts, but also for disassembled or partially assembled artifacts.

At the time of the negotiations for the Tlatelolco Treaty, there was still some expectations that nuclear explosions could be used for peaceful purposes, such as the opening of channels. This is the only treaty in which such situation is considered, although no clear distinction is made between nuclear explosions for military and peaceful purposes. This fact was acknowledged by Argentina and Brazil; these countries have legally committed, by means of a bilateral agreement, to the exclusively peaceful use of nuclear energy, as follows:

Bearing in mind that at present no technical distinction can be made between nuclear explosive devices for peaceful purposes and those for military purposes, the Parties also undertake to prohibit and prevent in their respective territories, and to abstain from carrying out, promoting or authorizing, directly or indirectly, or from participating in any way in, the testing, use, manufacture, production or acquisition by any means of any nuclear explosive device while the above-mentioned technical limitation exists.

Only the zones defined by the Tlatelolco and the Bangkok Treaties include marine areas beyond the territorial sea of the member states in the zones. The issue related to the transit of nuclear weapons through the members states of the denuclearized zones continues to be controversial. Although the possibility for transit of nuclear weapons through the territories of the states in the free zones—including the visit of vessels and aircrafts with nuclear weapons on board—is not excluded in any of the agreements, the action of transporting nuclear weapons implies their possession and, consequently, the transit of nuclear weapons should be understood as prohibited. Nevertheless, the total absence of nuclear weapons in the zones cannot be taken for absolutely certain, considering that the nuclear weapon states understand that such transit is permitted.

There are possibilities for two new nuclear-weapon-free zones to be established in the future. The first one is being negotiated and refers to denuclearization in Central Asia. After a proposal by Uzbekistan, in 1997, the leaders of the countries in this region—Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan—declared their intention to establish a Central Asian Nuclear-Weapon-Free Zone. The initiative was supported by the General Assembly of the United Nations but, for several reasons, the

negotiations have become highly complicated. In addition to the political rivalry among the states in the region and to the presence of several nuclear states in their boundaries (China, Russia, India and Pakistan), in 1992, some countries in the region undersigned the Tashkent Treaty, within the framework of the Community of Independent States, which is under Russian control. These countries have difficulties in assuming commitments inconsistent with this Treaty and the non-acknowledgment of the fact that India and Pakistan are nuclear weapon states (as per the NPT, potential nuclear states are only those that detonated nuclear artifacts before the 1st January 1967) hinders their inclusion in any negotiation. Anyhow, the negotiations for the establishment of this zone are still underway.

Another possibility (although remote) for the creation of a denuclearized zone is that of the Middle East Nuclear-Weapons-Free Zone. In a resolution dated December 2004, the General Assembly of the UNDO renewed its recommendation for its creation. However, the presence of Israel in this region and the recent events occurred in Iran are significantly hampering any initiative for the negotiation of a treaty. A more realistic possibility that is being considered by some countries in this region is the creation of a nuclear-weapon-free zone in the Persian Sub-Region of the Middle East. In spite of the presence of Iran in this sub-region and of the presence of the US presence in Iraq, the countries in the zone seem to be willing to attempt the implementation of a Nuclear-Weapons-Free Zone in the Persian Gulf.

Finally, it must be noted that, an international conference among the countries signatory of nuclear-weapon-free-zone agreements is scheduled to be held in Mexico during 2005 and aimed at discussing topics shared by all the treaties and at supporting common objectives.