

ATTEMPTS TO REDUCE AND ELIMINATE  
NUCLEAR WEAPONS THROUGH THE NUCLEAR  
NON-PROLIFERATION TREATY AND THE  
CREATION OF NUCLEAR-WEAPON-FREE ZONES

by *Paul J. Magnarella*

Nuclear weapons remain the most dangerous weapons of mass destruction threatening our lives and planet. To date, the Nuclear Non-Proliferation Treaty (NPT) is the most comprehensive international agreement aimed at limiting these weapons. In response to some of NPT's shortcomings, a large number of nonnuclear weapon states have joined together to create nuclear-weapon-free zones (NWFZs). By doing so, they emphatically rejected nuclear weapons on their soil, in their territorial waters, and in their air space. In addition, they ask nuclear weapon states to solemnly promise not to use nuclear weapons against zone members and to do nothing to promote nuclear weapons in their zones. Currently, much of the Southern Hemisphere is covered by NWFZs. An NWFZ has been newly created in Central Asia, and the League of Arab States is considering one in the Middle East.

---

INTRODUCTION

Of the various weapons of mass destruction (WMD) that states have in their arsenals, nuclear weapons are the most powerful. Comparatively small bombs (12 and 20 kilotons) were dropped on Nagasaki and Hiroshima. They corresponded to 12,000 and 20,000 tons of TNT. Yet, the accounts of what those two bombs did to the cities and their inhabitants are horrifying. About 100,000 people in Hiroshima suffered torturous deaths from severe burns. Their skin peeled away from their flesh; their eyes were melted, leaving empty sockets. About 60,000 died from lethal doses of radiation. Both cities were largely contaminated and destroyed.

Today, most nuclear warheads in the U.S. and Russian arsenals are eight to forty times more potent than those first bombs. The current

total of nuclear warheads possessed by the nuclear weapon states (NWSs) of France, Russia, the UK, China, the United States, India, Israel, Pakistan, and North Korea numbers about 27,600 with the United States and Russia possessing 95 percent of the total.<sup>1</sup>

Although nuclear bombs have not been used since World War II, there have been at least ten cases in which state leaders have seriously considered their use: six times during the administration of U.S. president Dwight Eisenhower, twice during the administration of John F. Kennedy, once during the administration of Lyndon Johnson, and at least once during the administration of Soviet Premier Leonid Brezhnev.<sup>2</sup> Both the United States and Russia have maintained national defense postures that include the possible use of nuclear weapons. Both have kept over a thousand nuclear weapons on hair-trigger alert despite the end of the Cold War.<sup>3</sup>

#### AREN'T NUCLEAR WEAPONS ILLEGAL *PER SE*?

Some writers who advocate nonviolent avenues to peace claim that the World Court, formally known as the International Court of Justice (ICJ), has ruled that the use of nuclear weapons would violate international law. However welcome such a ruling would be, the ICJ has not made it. In its 1998 advisory opinion concerning the “Legality of the Threat or Use of Nuclear Weapons,” the Court first found that international law neither specifically authorizes nor specifically prohibits the threat or use of nuclear weapons. The Court held that a threat or use of nuclear weapons must comply with Articles 2(4) and 51 of the United Nations Charter concerning the use of force, the general requirements of international law applicable in armed conflict, and treaty obligations expressly dealing with nuclear weapons. However, on the crucial question of whether the threat or use of nuclear weapons would in fact be inconsistent with humanitarian law (i.e., international law applicable in the context of armed conflict), the Court was sharply divided. By a vote of seven–seven (with president of the Court Mohammad Bedjaoui’s vote deciding the issue), the Court held that it could not “conclude definitively whether the threat or use of nuclear weapons would be lawful or unlawful in an extreme circumstance of self-defence, in which the very survival of a State would be at stake.”<sup>4</sup>

Unfortunately, the Court failed to explain what it meant by the “very survival of a State.” It is not clear whether “State” means the political entity, the people in it, or both. Importantly, however, a state that

is defending itself is still obligated to respect the rules of humanitarian law, which attempt to limit the infliction of damage and suffering to levels that are genuinely required to accomplish legal and necessary military objectives. The ICJ also noted that NWSs have a legal obligation under Article 6 of the Nuclear Non-Proliferation Treaty (NPT, discussed below) to negotiate reductions in nuclear arms and eventually to eliminate them.

ICJ advisory opinions are persuasive, but nonbinding. Hence, given the division of the Court and the arguments for the legality of nuclear weapons submitted to the Court by the dominant nuclear powers, the best hope for the elimination of nuclear weapons rests with new and existing international treaties that prevent the spread and reduce the number of such weapons (e.g., NPT) and create nuclear-weapon-free zones (NWFZs).

#### THE NUCLEAR NON-PROLIFERATION TREATY

Fortunately, during the 1960s, many state leaders and people around the world agreed that our Earth was becoming increasingly dangerous as nuclear weapon technology spread. Consequently, government representatives began to negotiate a nonproliferation agreement under the auspices of the United Nations. Of the NWSs, the United States, the UK, and the Soviet Union actively pushed for the resulting NPT, which was adopted by the United Nations General Assembly and opened for signature in 1968. Initially, some states with nuclear weapons or programs (i.e., France, China, India, Israel, Pakistan, Argentina, Brazil, and South Africa) refused to sign or ratify the treaty. Eventually, however, all ratified it with the exception of India, Pakistan, and Israel. The treaty entered into force on March 5, 1970.

The NPT has three main goals: nonproliferation with inspections, nuclear arms reduction, and the right to use nuclear energy peacefully. Among the most important provisions of the treaty are the following: Article 1, which prohibits NWS parties to the treaty from transferring nuclear weapons or technology to nonnuclear-weapon states (NNWSs) or assisting or encouraging them in any way to manufacture, acquire, or control nuclear weapons or other nuclear explosive devices; Article 2, which prohibits NNWSs from seeking, receiving, manufacturing, or controlling nuclear weapons or other nuclear explosive devices; Article 3, which requires NNWSs to submit to the UN's International Atomic Energy Agency's (IAEA) safeguard systems to verify that state parties are

meeting their obligations under the treaty and are using nuclear energy only for peaceful purposes; and Article 6, which requires “each of the Parties to the Treaty 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, and on a treaty on general and complete disarmament under strict and effective international control.”<sup>5</sup>

The treaty has been at least partially successful. As of March 1, 2005, there were 189 state parties to the NPT, including the five major NWSs of the United States, Russia, France, the UK, and China.<sup>6</sup> India, Israel, and Pakistan possess nuclear weapons, but remain outside the treaty. North Korea is the only state to have ratified and then denounced the treaty. It withdrew from the NPT in 2003 and tested a nuclear explosive device in 2006. At their 1995 conference, the parties to the treaty agreed that the NPT should be extended indefinitely into the future.

Some shortcomings of NPT are as follows. The obligations contained in Article 6 have yet to be achieved, since the NWSs show little interest in disarming. The U.S.-based Nuclear Age Peace Foundation maintains that “the U.S. has become the most egregious offender of NPT disarmament and nonproliferation obligations.”<sup>7</sup> In 2002, the U.S. withdrew from the Anti-Ballistic Missile Treaty to deploy a missile defense system that other countries regard as offensive in nature because it enhances United States first-strike capability. The United States has refused to ratify the Comprehensive Test Ban Treaty, and the Bush administration continually asks Congress for funds to promote nuclear weapons research. Recently, Congress allocated money for a new nuclear bomb plant that could produce up to 450 plutonium pits annually.<sup>8</sup> Observers regard this as evidence that the U.S. plans to develop new nuclear weapons. In response to U.S. actions, both China and Russia are modernizing their nuclear arsenals. Mohamed ElBaradei, the Director General of the International Atomic Energy Agency, has been especially critical of the attitudes and actions of some NWSs or “have states” towards some “non-have states.” He maintains that “we must abandon the unworkable notion that it is morally reprehensible for some countries to pursue WMD yet morally acceptable for others to rely on them for security and indeed to continue to refine their capacities and postulate plans for their use.”<sup>9</sup> ElBaradei favors the complete elimination of nuclear weapons.

States with nuclear weapon technology that are not party to the treaty can be involved in proliferation. Israel supplied the apartheid South African regime with tritium and missile technology in return for

uranium. Israeli scholar Avner Cohen writes that “the United States has exercised its diplomatic influence and power to ignore and shield the Israeli case. Israel is treated as the exception, somehow exempt from the nonproliferation regime that applies to everyone else.”<sup>10</sup> Pakistan’s chief nuclear scientist, Abdul Qadeer Khan, provided nuclear weapons assistance to Libya, North Korea, and Iran.<sup>11</sup> Krieger and Ong write that “because of its close relationship with Pakistan in the so-called ‘War on Terror,’ the U.S. has not pursued nonproliferation efforts with Pakistan as vigorously as it has in other cases, including Iran and North Korea.”<sup>12</sup>

One of the most serious shortcomings is the treaty’s failure to include the negative security guarantees desired by the NNWSs. That is, the treaty contains no provision prohibiting the NWSs from using nuclear weapons against NNWSs. In an effort to correct this deficiency, a large number of NNWSs (led by Southern Hemispheric countries in the 1960s, 1970s, and 1980s) have joined together to create NWFZs.

#### NUCLEAR-WEAPON-FREE ZONES

An NWFZ is a populated region whose member states have formally agreed by a multilateral treaty to prohibit the acquisition, stockpiling, deployment, and testing of nuclear weapons within their territories, airspace, and waters.<sup>13</sup> States within NWFZs agree to use nuclear energy only for peaceful purposes under the supervision of the IAEA and agencies established by their own NWFZs treaty. In addition, all NWFZ treaties are of indefinite duration and are not open to ratification with reservations. The objectives and purposes of NWFZs are to enhance the security of member states within the zone both from the NWSs and each other, to strengthen the international nuclear nonproliferation regime, and to contribute to the total elimination of nuclear weapons.

A state’s primary motivation for entering into an NWFZ treaty is the enhancement of its security. The mutual promises not to develop or allow nuclear weapons on their territories contribute to confidence building among the states in an NWFZ. These states can cooperate in the peaceful use of nuclear technology and in environmental protection by prohibiting the dumping of radioactive wastes in their zone. State parties to NWFZ treaties are eligible to receive legally binding security assurances from the five NPT NWSs of China, France, the UK, Russia, and the United States.

Each NWFZ treaty contains one or more protocols to be ratified by the five NWSs. By ratifying these protocols each NWS agrees: not to use

or threaten to use nuclear weapons against NWFZ members, not to test or assist in the testing of nuclear weapons within an NWFZ, and not to contribute to any act that would constitute a violation of the NWFZ treaty. Because NWS is a legal term used in the NPT to refer to states that had detonated a nuclear device before 1967, it does not encompass India, Israel, Pakistan, and North Korea, which are more recent NWSs that are not bound by the NPT. Since none of the existing NWFZ treaties have protocols or provisions that address these four states, these treaties are all partially defective.

Currently there are five NWFZ treaties in existence with a total of eighty-five ratifying states, and all but the African NWFZ and the Central Asian NWFZ treaties have come into force:

- Treaty of Tlatelolco (Latin America and the Caribbean NWFZ);
- Treaty of Rarotonga (South Pacific NWFZ);
- Treaty of Bangkok (Southeast Asia NWFZ);
- Treaty of Pelindaba (African NWFZ);
- Treaty on a NWFZ in Central Asia (Central Asian NWFZ)

Mongolia unilaterally declared itself a single-state NWFZ at a session of the UN General Assembly in 1992, shortly after the last Russian troops left her territory. Both Russia and China welcomed Mongolia's declaration. Subsequently, Mongolia's nuclear-weapon-free status received international recognition via UN General Assembly Resolution 53/77 D (1998). In February 2000, the Mongolian parliament adopted the "Law of Mongolia on its Nuclear-Weapon-Free Status." Other states will most probably follow Mongolia's example.

State leaders in some other regions have expressed the desire to establish multistate NWFZs, but as of April 1, 2008, none had been successful. As early as 1974, Iran and Egypt proposed an NWFZ in the Middle East. Subsequently the UN General Assembly adopted several resolutions endorsing the idea, but without success due to opposition from Israel, which possesses nuclear weapons, and the U.S., Israel's long-time supporter.<sup>14</sup>

In addition to the five NWFZ treaties, there are international treaties that prohibit the deployment of nuclear and other weapons in nonpopulated areas. These include the Antarctic Treaty (in force 1961, forty-four state parties), the Outer Space Treaty (in force 1967, ninety-seven state parties), the Moon Agreement (in force 1984, ten state parties), and the Seabed Treaty (in force 1972, ninety-five state parties).<sup>15</sup>

Each of the five NWFZs came into existence as a consequence of the zone's historical experience, the shared interests of its member states, and special relations among those states.

#### THE FIVE NWFZs

*Latin America and Caribbean NWFZ: The Treaty of Tlatelolco*

*Opened for Signature: February 14, 1967*

*Entered into Force: April 25, 1969*

*Number of State Parties: 33*

Although Costa Rica first proposed the creation of an NWFZ in 1958, it took the Cuban Missile Crisis of 1962 to impress upon Latin American leaders the importance of a treaty that could potentially insulate their countries from the horrors of nuclear weapons. On February 14, 1967, after 4 years of negotiations, state representatives signed the treaty at a regional meeting of Latin American countries at Tlatelolco, a section of Mexico City.<sup>16</sup>

Owing to tensions between Cuba and the United States, and between the military governments of Brazil and Argentina, it took 35 years for the treaty to achieve universality in the entire zone. In 1991 Brazil and Argentina signed a bilateral agreement promising to use nuclear energy only for peaceful purposes and establishing the Brazilian-Argentine Accounting and Control Commission to verify compliance through mutual inspections of nuclear facilities. The two states joined the Treaty of Tlatelolco in 1994 and later acceded to the NPT. With Cuba's accession to the Treaty of Tlatelolco in October of 2002, all thirty-three countries in Latin America and the Caribbean were members to the treaty.

All five NWSs have ratified the treaty's two protocols, thereby offering negative security assurances to all states within the NWFZ by pledging not to use or threaten to use nuclear weapons against them. Being the first NWFZ agreement, the Treaty of Tlatelolco became a model for the others that followed.

*South Pacific Nuclear-Free Zone: The Treaty of Rarotonga*

*Opened for Signature: August 6, 1985*

*Entered into Force: December 11, 1986*

*Number of State Parties: 13 (Australia, Cook Islands, Fiji, Kiribati, Nauru, New Zealand, Niue, Papua New Guinea, Solomon Islands, Tonga, Tuvalu, Vanuatu, Western Samoa)*

The South Pacific had been a major testing area for nuclear weapons. Before 1963 the United States conducted 106 tests on or near Christmas Island; the UK carried out twenty atmospheric tests between 1952 and 1957 near Maralinga, Emu Field, Monte Bello, Christmas, and Malden Islands. These two countries ceased testing in the South Pacific after they signed the Partial Test Ban Treaty (PTBT) in 1963. France, however, did not join the PTBT and conducted 193 tests in the vicinity of the Mururoa Atoll in French Polynesia between 1966 and 1996.

Given this history of nuclear testing in the region and its negative consequences for people and the environment, New Zealand proposed the creation of an NFWZ in 1975. The South Pacific Forum states (SPF) and the UN General Assembly supported the proposal. The regional countries were concerned about becoming entangled in superpower nuclear rivalry, the protection of their people and natural resources, and dumping of nuclear waste at sea. The 1985 French demolition of the Greenpeace ship *Rainbow Warrior* while docked in Auckland, New Zealand, added to outrage in the region over nuclear testing. At its August 1985 meeting in Rarotonga, Cook Islands, the SPF agreed to adopt and open for signature the South Pacific Nuclear-Free Zone Treaty.<sup>17</sup>

The treaty entered into force on December 11, 1986, after eight countries had ratified it. The treaty's zone covers an extensive part of the South Pacific. In addition to the usual provisions, this treaty also prohibits dumping of radioactive waste and other radioactive materials within the zone. In reaction to India's 1974 detonation of a so-called peaceful nuclear device, and being strongly opposed to any kind of nuclear testing in the region, the treaty drafters included a provision that prohibits the possession or testing of any nuclear explosive devices even for peaceful purposes. Subsequently, this provision became standard in other NFWZ treaties.

The Treaty of Rarotonga contains three protocols. Protocol I asks the United States, France, and the UK—the three NWSs with territories in the region—to apply the treaty's prohibitions to those territories. Protocol II asks the five NWSs to pledge not to use or threaten to use nuclear weapons against the countries in the NFWZ, and Protocol III asks NWSs not to conduct nuclear testing within the zone. As of August 1, 2005, all of the NWSs to which the protocols are addressed have ratified them with the exception of the United States, which refuses to accept limitations on the right of passage of its nuclear-powered vessels or nuclear-armed naval vessels in the zone.

*Southeast Asia NWFZ: The Treaty of Bangkok**Opened for Signature: December 15, 1995**Entered into Force: March 27, 1997**Number of State Parties: all 10 ASEAN states: Brunei Darussalam, Cambodia, Indonesia, Laos, Malaysia, Myanmar, Philippines, Singapore, Thailand, and Vietnam*

The Association of Southeast Asian Nations (ASEAN) expressed interest in creating an NWFZ in 1971 when it issued the Declaration on the Zone of Peace, Freedom, and Neutrality in Kuala Lumpur, the Malaysian capital. However, establishing the zone only became realistic in 1992 when the United States withdrew its military forces and nuclear weapons from the Philippines. After a decade of negotiation, ASEAN opened the Treaty of Bangkok for signature at its summit meeting in December 1995. All ten ASEAN states signed it at that time. The treaty entered into force on March 27, 1997, when Cambodia became the eighth ratifying party. Today, all ten ASEAN states are party to the treaty.

The treaty is unique in that it includes in the NWFZ each member state's continental shelf and exclusive economic zone (EEZ). The latter is a zone in which a coastal state has sovereign rights to explore and exploit, conserve, and manage the natural resources up to two hundred nautical miles from its coast. According to the Law of the Sea Convention, however, foreign ships and aircraft are entitled to traditional high seas rights of navigation and overflight in that part of the EEZ that extends beyond territorial waters (12 nautical miles from the coast).

Because of concerns over the inclusion of the continental shelf and EEZ in the treaty, none of the NWSs has signed or ratified its protocols. The NWSs argue that the EEZ provision restricts their rights of passage on the high seas and through the straits covered by the zone. Some NWSs maintain that the continental shelves and EEZ in the South China Sea are not clearly demarcated and thus create ambiguity over the scope of treaty and protocol obligations. China also has concerns over the Spratly Islands in the South China Sea. China and several ASEAN countries lay claim to them primarily because of potential oil resources beneath their continental shelf. No agreement has so far been possible on ways to amend the treaty to satisfy the NWS concerns, but consultations on this issue continue between the NWSs and ASEAN.

*African NWFZ: The Treaty of Pelindaba**Opened for Signature: April 11, 1996**Not Yet in Force*

Following the 1991 French nuclear tests in the Western Sahara, the African heads of state declared that they were ready for a treaty that prohibited nuclear weapons on their continent. Their concerns heightened when it became known that apartheid South Africa had a nuclear weapons program. Fortunately, political changes in South Africa that resulted in the end of apartheid, the dismantling of its entire nuclear weapons program, and its 1991 accession to the NPT led to a breakthrough in the continent's denuclearization plans. The African NWFZ agreement, known as the Treaty of Pelindaba, was opened for signature in Cairo on April 11, 1996. Representatives of twenty-four African countries signed the treaty on that date, thereby signifying their countries' intention to consider the treaty for ratification. The treaty bears the name Pelindaba in remembrance of the dismantled South African plant that had been used to enrich uranium for nuclear weapons.<sup>18</sup>

In addition to the provisions common to other NWFZ treaties, the Pelindaba treaty also prohibits "any action aimed at an armed attack by conventional or other means against nuclear installations" in the zone. It also requires the declaration and dismantlement of any nuclear weapons programs that existed before the treaty's entry into force. This provision is a reaction to South Africa's earlier, secret nuclear weapons program. The treaty additionally prohibits research on nuclear explosive devices of any kind.

The treaty's zone consists of the territorial land, airspace, and waters of all fifty-four countries on the African continent and all islands considered by the Organization of African Unity in its resolutions to be part of Africa. The treaty will come into force when twenty-eight African states have ratified it. As of April 1, 2008, the treaty had twenty-four ratifying parties, including Algeria, Botswana, Burkino Faso, Ivory Coast, Equatorial Guinea, Ethiopia, Gambia, Guinea, Kenya, Lesotho, Libya, Madagascar, Mali, Mauritania, Mauritius, Mozambique, Nigeria, Rwanda, Senegal, South Africa, Swaziland, Tanzania, Togo, and Zimbabwe. Prospects for the necessary twenty-eight ratifications are good.

Protocol I of the treaty asks all NWSs to refrain from the use or threat of use of nuclear explosive devices against any party to the treaty. China, France, and the UK have ratified the protocol. The U.S. and Russia have signed, but not ratified it. The U.S. refused to do so because Libya had a WMD program. However, Libya announced in December 2003 that it would dismantle its entire WMD program, and on May 11, 2005, it ratified the Pelindaba treaty.

Protocol II asks NWSs to refrain from conducting nuclear testing within the NWFZ. China, France, and the UK have ratified the protocol;

the U.S. and Russia have not. Protocol III calls on France and Spain to apply the treaty to islands they possess within the African NWFZ. France has ratified this protocol, but Spain, which is not an NWS, has not. It insists that its territories of Ceuta and Melilla (two coastal cities in North Africa) and the Canary Islands are part of the European Union and therefore should not be included within the African NWFZ. Russia refuses to ratify Protocol I and II until it gets assurances from the United States and the UK that neither will deploy nuclear weapons on Diego Garcia, an island in the Indian Ocean that falls within the zone. The island is a British possession housing a major U.S. military base.

Once the Treaty of Pelindaba enters into force, the African Commission on Nuclear Energy (AFCONE) envisaged by the treaty will be established in South Africa to ensure treaty compliance. AFCONE's role will also include promoting peaceful uses of nuclear energy under IAEA comprehensive safeguards and ensuring that radioactive wastes are not dumped within the treaty's zone.

*Treaty on a Nuclear-Weapon-Free Zone in Central Asia*

*Opened for Signature: September 8, 2006*

*Number of Signatories: 5*

*Ratified by Uzbekistan*

*Not Yet in Force*

The foreign ministers of the five Central Asian States—Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan—signed a treaty establishing a Central Asian Nuclear-Weapon-Free Zone (CANWFZ) on September 8, 2006.<sup>19</sup> The governments of these five countries had been working on such a treaty for over ten years. Delegates of these states signed the Almaty Declaration in February 1997 calling for the formation of a Central Asian NWFZ in an area where thousands of Soviet nuclear weapons had been deployed during the Cold War. In September 2002, these states agreed on the text of a treaty that would eventually establish such a zone. This is the first NWFZ in the Northern Hemisphere and the first involving former Soviet states. Like the other NWFZ treaties, this one prohibits the development, manufacture, stockpiling, acquisition, or possession of any nuclear explosive device within the zone. It is the first such treaty to require enhanced IAEA safeguards on nuclear material and activities. The treaty also requires ratifying parties to meet international standards regarding security of nuclear facilities. A provision in the treaty addresses concerns for the

environmental damage caused by the production and testing of Soviet nuclear weapons in the zone over the previous half century. The treaty will enter into force 30 days after all five Central Asian states ratify it.

The treaty's protocol calls on France, the UK, China, Russia, and the United States not to use or threaten to use a nuclear weapon or other nuclear explosive device against any party to the treaty or undertake or contribute to any act that constitutes a violation of the treaty or its protocol. The United States, the UK, and France have expressed reservations about the CANWFZ treaty, claiming it would not affect the rights and obligations of its parties under previous treaties. Conceivably, Russia could still deploy nuclear weapons in Central Asia under the terms of the 1992 Tashkent Collective Security Treaty. If so, this would contradict the goal of completely eliminating nuclear weapons from the territory of an NWFZ.

#### LOOKING TOWARDS THE FUTURE

It is ironic that the Northern Hemisphere, which contains those permanent members of the UN Security Council, whose responsibility it is to ensure international peace, contains all of today's nuclear weapons. The large arsenals of these Security Council permanent members endanger our planet the most. By contrast, four of the existing NWFZs cover almost all of the land south of the equator. Consequently, the UN General Assembly has adopted legally nonbinding resolutions calling for the establishment of an NWFZ in the entire Southern Hemisphere. France, the UK and the United States (three Security Council permanent members), however, have voted against the creation of a Southern Hemisphere NWFZ, arguing that such a zone would encompass the high seas and conflict with the Law of the Sea Convention, which guarantees freedom of navigation and innocent passage for all naval vessels including those that are nuclear armed.

Given the current state of tension in the world exacerbated by North Korea's withdrawal from the NPT and its testing of a nuclear device, and George W. Bush's doctrine of preemptive strikes, the United States' illegal invasion of Iraq, and its rejection of the Anti-Ballistic Missile Treaty, the Comprehensive Test Ban Treaty, the anti-Personnel Landmines Treaty, and the International Criminal Court, it is little wonder that states that feel threatened are developing or considering nuclear weapon technology. The United States initially justified its invasion of Iraq by claiming that Iraq had nuclear weapons that endangered the Middle East, especially Israel. Both the United States and Israel have recently threatened to attack Iran

if it does not give up its uranium enrichment program, and the United States is seeking UN Security Council sanctions against Iran.

A comprehensive solution to dangers of nuclear proliferation and war in the Middle East would be the creation of an NWFZ there. It is noteworthy that in February 2003, the League of Arab States held a joint conference in Cairo with the United Nations Institute for Disarmament Research on "Building a Weapons of Mass Destruction Free Zone in the Middle East." The League is currently preparing a WMD Free Zone draft treaty.<sup>20</sup> In 2004, at a UN-sponsored PrepCom on a Middle East NWFZ, the Iranian representative stated that the "unconditional adherence of Israel to the NPT ... would, undoubtedly, lead to the early realization of the NWFZ in the Middle East."<sup>21</sup>

If the United States is genuinely concerned about the proliferation of nuclear weapons in the Middle East, it should support those Arab States, such as Egypt and Jordan, which have been pushing for an NWFZ in that volatile part of the world for years. As long as the United States condones Israel's possession of nuclear weapons, its condemnation of Iran and Iraq appears hypocritical to many.

There are very strong anti-nuclear weapon movements in Western Europe among the general population. However, despite the end of the Cold War, the United States-led North Atlantic Treaty Organization still deploys some 480 nuclear weapons in countries such as Belgium, Germany, Italy, the Netherlands, Turkey, and the UK<sup>22</sup> These weapons mostly target Russia and probably Iran and Syria, as well. Given this situation, neither Russia, Iran, nor Syria can feel safe. The most comprehensive solution to this dangerous situation would be for Europe and Russia to become an NWFZ and for the U.S. to join its southern neighbors to create a Western Hemisphere NWFZ. Such an arrangement must be done in coordination with China, Pakistan, and India. Should these states give up their nuclear weapons and rein in North Korea, the whole of Asia can become nuclear-weapon-free.

Currently, all but one of the existing NWFZs is in the Southern Hemisphere. Hopefully, before too long the Northern Hemisphere states will follow the enlightened example of their southern neighbors and the entire earth will become nuclear-weapon-free.

## NOTES

1. Nuclear Weapons Stockpile Chart, July 2005, available at [www.carnegieendowment.org/npp/index.cfm?fa=map&cid=19238&prog=zgp&proj=znpp](http://www.carnegieendowment.org/npp/index.cfm?fa=map&cid=19238&prog=zgp&proj=znpp).

2. Peter R. Beckman *et al.*, *Nuclear Weapons, Nuclear States, and Terrorism* (Cornwall-on-Hudson, NY: Sloan Publishing, 2007), 64–65.

3. Some excellent sources of information on weapons of mass destruction and disarmament issues include: UN Institute for Disarmament Research: [www.unidir.org](http://www.unidir.org); Nuclear Age Peace Foundation: [www.wagingpeace.org](http://www.wagingpeace.org); Women's International League for Peace and Freedom: [www.reachingcriticalwill.org](http://www.reachingcriticalwill.org); ALSOS Digital Library for Nuclear Issues: <http://alsos.wlu.edu/>; Nuclear Pathways: [www.nuclearpathways.org/](http://www.nuclearpathways.org/); Nonproliferation Review: <http://cns.miis.edu/pubs/npr/>; International Atomic Energy Agency: [www.iaea.org/](http://www.iaea.org/).

4. Legality of the Threat or Use of Nuclear Weapons (Advisory Opinion of July 8, 1996) ICJ, 35 ILM 809 & 1343 (1996), Para. 105(2)(E). For a general discussion of this opinion, see Paul J. Magnarella, "Humanitarian Law and Nuclear Weapons: An Unresolved Contradiction," *Human Peace and Human Rights: The Journal of the Commission on the Study of Peace and Human Rights, International Union of Anthropological and Ethnological Sciences.*, 12:1 (Winter 1999): 20–24.

5. Text of treaty available at <http://www.un.org/events/npt2005/npptreaty.html>.

6. Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, 2–27 May 2005, New York, available at <http://www.un.org/events/npt2005/presskit.pdf>.

7. David Krieger and Carah Ong, *Back to Basics: Reviving Nuclear Disarmament in the Non-Proliferation Regime* (Washington, D.C.: Nuclear Age Peace Foundation, 2005), 11.

8. Krieger and Ong, *Back to Basics: Reviving Nuclear Disarmament*, 12.

9. ElBaradei statement in Krieger and Ong, *Back to Basics: Reviving Nuclear Disarmament*, 3. In its report entitled "Nuclear Nonproliferation Treaty Meeting Sputters" ([http://www.armscontrol.org/act/2005\\_07-08/NPT.asp](http://www.armscontrol.org/act/2005_07-08/NPT.asp)), Arms Control Today explains that the 2005 NPT Review Conference failed to make any notable achievements because non-nuclear weapon states had lost patience with NWS' failure to live up to their NPT Article 6 responsibilities as well as with the U.S. actions listed above in the text.

10. Avner Cohen, "The Last Taboo: Israel's Bomb Revisited," *Current History* 104 (2005): 170.

11. Michael Hamel-Green, *Regional Initiatives on Nuclear- and WMD-Free Zones* (Geneva: United Nations, 2005), 2.

12. Krieger and Ong, *Back to Basics: Reviving Nuclear Disarmament*, 8–9.

13. Major sources relied upon in this section on NWFZS include: Michael Hamel-Green, *Regional Initiatives on Nuclear- and WMD-Free Zones* (Geneva: United Nations, 2005); Pericles G. Alves and Daiana B. Cipollone (eds.),

*Nuclear-Weapon-Free-Zones in the 21st Century* (New York and Geneva: United Nations, 1997); Jonas Siegel, "In the Zone," *Bulletin of the Atomic Scientists* 61:4 (2005); Ramesh Thakur (ed.), *Nuclear Weapons-free Zones* (New York: Macmillan, 1998); Atomic Archive, <http://www.atomicarchive.com/>; U.S. Department of State, *Nuclear Weapons-Free Zones*, <http://www.state.gov/t/np/wmd/nnp/nwzf/fs/>.

14. Vilmos Cserveny, *et al.*, *Building a Weapons of Mass Destruction Free Zone in the Middle East* (Geneva, United Nations, 2004).

15. Alves and Cipollone, *Nuclear-Weapon-Free-Zones in the 21st Century*; Atomic Archive.

16. Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (OPANAL), <http://www.opanal.org/index-i.html>.

17. Alves and Cipollone, *Nuclear-Weapon-Free-Zones in the 21st Century*; Thakur, *Nuclear Weapons-free Zones*.

18. Oluyemi Adeniji, *The Treaty of Pelindaba: On the African Nuclear-Weapon Free Zone* (Geneva: United Nations, 2002).

19. Central Asian Nuclear Weapons Free Zone, available at: <http://www.fas.org/nuke/control/canwzf/index.html>.

20. Hamel-Green, *Regional Initiatives on Nuclear-and WMD-Free Zones*, 16–18.

21. Claire Applegarth and Rhianna Tyson, *Major Proposals to Strengthen the Nuclear Nonproliferation Treaty* (Washington, DC: Arms Control Association, 2005), 27.

22. Krieger and Ong, *Back to Basics: Reviving Nuclear Disarmament*, 9.

Copyright of Peace & Change is the property of Blackwell Publishing Limited and its content may not be copied or emailed to multiple sites or posted to a listserv without the copyright holder's express written permission. However, users may print, download, or email articles for individual use.