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“Parties to Nuclear-Weapon Free Zones continually point out that the zones are created for security reasons, not for moral righteousness or in the spirit of idealism. The establishment of zones is a new security posture that endeavors to keep nuclear weapons away from their areas of the world. They function under the assumption that more nuclear weapons make the world inherently less safe and demonstrate that countries do not need nuclear weapons to be safe from attack.”

Nuclear Weapon-Free Zones as a New Deterrent?

Summary

- Deterrence is an outdated approach to the threat of nuclear weapons and does not meet the security needs of the post-Cold War era.
- Nuclear weapon-free states can establish a new regional security framework through the strengthening of existing and creation of new Nuclear Weapon-Free Zones (NWFZs). These zones operate under the assumption that more nuclear weapons make the world inherently less safe and demonstrate that countries do not need nuclear weapons to deter attack.
- The sanctioned nuclear weapon states have not signed certain provisions in the five existing NWFZ treaties, citing specific concerns about the negative security assurance clauses, which state that any signatory nation to a NWFZ treaty will not use or threaten to use a nuclear weapon against a member state. This undermines the existing zones and can, in fact, reward those who develop a nuclear weapon outside the established framework.
- Nuclear weapon states should provide greater incentives for joining existing zones and pursue new nuclear weapon-free zones in the Middle East and Arctic regions.

The Challenge

Although the Cold War ended over 20 years ago, bringing sweeping changes to the basic framework of international relations, deterrence is still the prevailing school of thought when it comes to the containment of nuclear threats. Its relevance to the primary 21st century nuclear threat of nuclear terrorism is unclear. Under the current deterrence system, states lacking nuclear weapons are free to find protection from attack under the security umbrella of a nuclear state. However, short of developing their own nuclear weapons program, they are left with few options for developing their own set of deterrents.

Relying on deterrence in a world which has outgrown the bipolar international order of the Cold War is not only outmoded, it is downright risky. Nuclear weapons stockpiles are vulnerable to terrorists who have attempted to steal nuclear materials or the equipment and technology necessary to build a nuclear weapon.¹ According to U.S. Deputy National Security Adviser for Homeland Security and Counterterrorism John Brennan, al-Qaida has been actively trying to acquire a nuclear weapon for the past 15 years, and while they have not made much progress, their persistence as well as their contact with organized crime and criminal gangs is troublesome.² Terrorists do not represent any state, making it almost impossible to create an effective deterrent against them. One state could threaten another with nuclear retaliation, but it is nearly impossible to credibly

threaten a terrorist organization since terrorist cells can operate inside the boundaries of several states. Deterrence also does not definitively contain the threat of nuclear technology proliferation. As shown by past nuclear sharing between France and Israel, China and Pakistan and Pakistan with Iran, Libya and North Korea, deterrence does not provide sufficient incentives for states not to share their own nuclear secrets with allies.³ Lastly, it is dangerous to use nuclear weapons as an asymmetric deterrence for more conventional attacks. This strategy could undermine the 'taboo' against the use of nuclear weapons that is vital to U.S. and global security. Clearly, a new security framework is necessary.

The "Nuclear Posture Review," released by the Department of Defense on April 6, recognizes these shortcomings and suggests a drawing down of the US reliance on nuclear weapons for deterrence. However, states without nuclear weapons must have other viable security options to reliance on the deterrence regime. The creation and maintenance of Nuclear Weapon-Free Zones (NWFZs) provide a fundamentally different security alternative for those states who renounce nuclear weapons.

The Nuclear Weapon-Free Zone

The idea of Nuclear Weapon-Free Zones precedes the Nuclear Non-Proliferation Treaty (NPT), emerging from a desire for an alternative means of defense against nuclear weapons. It was first conceptualized in the Rapacki Plan for denuclearization in Central Europe in 1956. Five nuclear weapon-free zones exist today: Latin America and the Caribbean, the South Pacific, Southeast Asia, Africa and Central Asia. Since the 1970s, a Middle East NWFZ has been suggested and discussed by a number of parties to the NPT. It has become increasingly important in the NPT Review process, particularly because the treaty in 1995 was indefinitely extended with the explicit goal of the creation of a NWFZ in the Middle East. Thus far, these efforts have made little progress due to the fact that Israel is not a party to the treaty.

Nuclear Weapon-Free Zones have emerged for a variety of reasons and under difficult circumstances. They occur in areas where nuclear weapons already exist as a means for controlling and disposing of the weapons left behind by the former Soviet Union (Central Asia). They occur in regions where countries were beginning to develop their own nuclear weapon technology and chose to renounce them (Latin/Central America and the Caribbean). They also occur in regions where the external testing of nuclear weapons led to growing concerns from countries within that zone (South Pacific). These treaties reflect a new security framework in which there are no threats of nuclear attack, and, therefore, there is no need for a deterrence mechanism. They also recognize that these NWFZs are not an end in themselves, but instead a step towards creating a better regional security framework and, possibly, a nuclear-free world.

While NWFZs form at different historic points, the basic texts of each treaty share specific commonalities. Each party to the treaty commits itself not to manufacture, acquire, test or possess nuclear weapons, but allow nuclear energy development as stipulated by the NPT. The treaties also contain limits on the transportation of nuclear weapons through the zone by other nuclear weapon states as well as mechanisms to ensure compliance within the zone, typically through the International Atomic Energy Agency (IAEA) inspections. Most importantly, the treaties require nuclear weapon states who sign the protocols to provide a negative security assurance to the member states of the zone, similar to those provided in the new U.S. Nuclear Posture Review.⁴ The treaties will only be made effective public international law when the nuclear weapon states ratify the protocols.

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posture that endeavors to keep nuclear weapons away from their areas of the world. They function under the assumption that more nuclear weapons make the world inherently less safe and demonstrate that countries do not need nuclear weapons to be safe from attack. NWFZs also contribute to security through the inspection processes that most treaties have written into their protocol. These inspection stipulations bring the IAEA or other nuclear inspection groups, such as the Brazilian-Argentine Agency for Accounting and Control of Nuclear Materials (ABACC), to the region, increasing the safety of existing peaceful nuclear materials.

A Moral Hazard?

Not surprisingly, nuclear weapon states have been slow to sign NWFZ treaties, citing nuclear weapon transportation concerns and, more notably, hesitations about the negative nuclear assurances guaranteed by the protocols. The negative security assurances that any nuclear weapon state who signs the treaty will not use or threaten to use a nuclear weapon against a member state of the zone, regardless of the situation, have been controversial at times. When nuclear weapon states do sign, they often make assertive interpretive signing statements, adding their own addendums in order to nuance the requirements of the treaty. In a recent meeting of the U.N. Disarmament Commission, the Nigerian representative argued that “negative security assurances made by nuclear-weapon states to non-nuclear-weapon states should be unconditional, legally binding and unequivocal. The current voting patterns, however, [do] not reflect such a trend, but [have] been marked by a high level of abstentions on the part of the nuclear-weapon states and their allies.”⁵

By not signing the protocols for established NWFZs, nuclear weapon states have undermined their force as regional security frameworks and have provided few incentives for other regions and countries to similarly declare themselves NWFZs. In fact, Iran and North Korea, who have broken their international legal commitments to nuclear nonproliferation and attempted or succeeded in building their own weapons, demonstrate the strengthened bargaining hand that comes with the development of nuclear weapons. Strongly worded rebukes from the U.N. Security Council have not changed their course. India and Pakistan have used their nuclear weapon status to negotiate or attempt to negotiate agreements facilitating nuclear cooperation with the U.S. Faithful parties to NWFZ treaties and the NPT should benefit at the bargaining table from their nuclear weapon-free status, but often do not. While they arguably have a moral upper hand to the non-sanctioned nuclear weapon states, this does not translate to additional economic or security benefits.

The U.N. Security Council, particularly the nuclear weapon states, must provide stronger incentives for states that choose not to pursue nuclear weapon technology. The upcoming NPT review conference at the UN will allow countries a forum to discuss these issues. President Barack Obama’s recent announcement that the U.S. “will not use or threaten to use nuclear weapons against non-nuclear weapon states that are party to the [NPT] treaty and in compliance with their nuclear non-proliferation obligations”⁶ provides a model for other nuclear weapon states to follow.

The U.N. Security Council can provide the necessary incentives to hinder the development of nuclear weapons by urging the nuclear weapon states to render a declaration of intent to sign and ratify the protocols for all existing NWFZs, especially the negative security assurance clauses. This should be a main goal of the upcoming NPT Review Conference, and could also be raised in U.N. Security Council discussions of NPT compliance and potential enforcement actions. Nuclear weapon states must also show the political will to negotiate their own disarmament treaties with the input and help from nuclear weapon-free states, engaging them in the disarmament process.

Creating New Zones

Showing greater support to existing NWFZs will also provide increased incentives for the creation of new zones. This should be a high priority for the U.N. The Middle East NWFZ, first proposed in the U.N. General Assembly in 1974 and every year thereafter, is a critical topic for the future viability of the NPT and should be the first target area. Lessons on how to establish new zones can be learned from past NWFZ negotiation processes. First, states in the region must reaffirm their commitment to building a NWFZ in the Middle East. Several representatives from Middle Eastern states including Qatar (representing the Arab Group), Libya and Saudi Arabia recently did so at a U.N. Disarmament Commission meeting on March 30.⁷ Second, each state in the region must indicate their seriousness about addressing the issue, thereby creating a sense of credibility and confidence in each other. Third, the states must discuss the practical aspects of the treaty: What are we prohibiting? What is the geographical scope of the region? What are the verification procedures? When will the treaty enter into force?, and other such questions. Fleshing these topics out before the actual negotiation begins can help create an environment where countries will engage with one another and the idea of a NWFZ.

However, the Middle East poses unique challenges specific to its region that must be overcome before a NWFZ can be established. While NWFZs have been created in regions where nuclear weapons either existed (Central Asia) or nuclear technology was in development (Latin America), these countries voluntarily gave up nuclear weapons seeing the strong security benefits of living in a nuclear-free zone. The area encompassed by the proposed Middle East zone is fraught with regional tensions. Israel, particularly, has no incentive to abandon its own nuclear program when they face the prospective existential threat of Iranian nuclear proliferation coupled with threatening public statements. Strengthening the negative security assurances in the protocols will be necessary, but not sufficient for Israel's involvement, which currently relies upon an understood positive security assurance from the US. States who are members of NWFZs can contribute to the creation of a Middle East zone by demonstrating their own security without the deterrent of nuclear weapons. The U.N. member states who are party to the NPT, especially the U.S., must strive to engage Israel in the NPT and regional security dialogues surrounding safe nuclear disarmament.

A (slightly) less politically fraught suggestion for a new NWFZ is the Arctic Basin. If the polar icecaps continue to shrink due to climate change, commercial navigation will be possible through the area, making transportation of nuclear weapons through the region an option. During the Cold War, the Arctic area served as an important military arena. Today, Russia can easily equip its Northern Fleet with nuclear weapons, and the U.S. has a longstanding policy of refusing to confirm or deny the presence of nuclear weapons on its warships.⁸ With the recent renegotiation of the START treaty and U.S. and Russian commitments to draw down their nuclear stockpiles, U.N. member states should seize the momentum on the issue and urge the creation of a NWFZ in the Arctic region as a preemptive measure. There is a precedent for maritime region NWFZs: the Antarctic Treaty of 1959, which prohibits all nuclear weapons on the continent, and the 1971 Seabed Treaty, which prohibits the stationing on nuclear weapons or support facilities on the seabed outside territorial waters.⁹ While numerous entities would have to be a party to the negotiations—including Russia, the U.S., Canada, Scandinavian countries, the Inuit and others—initiating talks about nuclear weapons in this region will head off issues that could develop once the area becomes more open to maritime navigation. Preemptive action and discussions can ease the way for creating a new NWFZ and enhancing security in the region.

ABOUT THIS BRIEF

The United States Institute of Peace and the Elliott School of International Affairs at the George Washington University co-sponsored a conference in March 2010 on "The Contribution of Nuclear Weapon-Free Zones to the Global Nuclear Nonproliferation and Disarmament Regime." The conference explored numerous aspects of NWFZs including challenges to creating NWFZs, peaceful nuclear energy development within zones and coordination among the zones for global disarmament. To view the keynote address from the conference, given by Jennings Randolph Senior Visiting Scholar Amb. Jayantha Dhanapala, please visit <http://www.usip.org/events/nuclear-weapon-free-zones>. Janene Sawers, the author of this Peace Brief, is a senior program assistant with the Jennings Randolph Fellowship Program for International Peace.



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Conclusion

NWFZs make a positive contribution to the nuclear non-proliferation regime. They demonstrate a new security posture where states do not need a nuclear weapon to be safe from attack, but more importantly they show that full nuclear disarmament and world peace are goals that can be pursued at the same time, not sequentially. The global community does not have to wait for international peace to begin full disarmament. As the U.N. representative from Nepal, Gyan Chandra Acharya, stated at the most recent U.N. Disarmament Commission meeting, "disarmament is not a choice; it is a compelling security imperative. Global peace and security lies in collective prosperity, not in armaments."¹⁰

Endnotes

1. Two such incidents include a 2006 arrest of a Russian man in Georgia with nearly 80 grams of highly enriched uranium and a 2007 attack of a nuclear facility by an armed group in South Africa.
2. "Official: Terrorists seek nuclear material, but lack ability to use it." CNN, April 13, 2010. Retrieved from: <http://www.cnn.com/2010/US/04/13/nuclear.terrorists/>
3. See Matthew Kroenig's "Exporting the Bomb: Why States Provide Sensitive Nuclear Assistance" in the *American Political Science Review*, February 2009.
4. United Nations Office for Disarmament Affairs, *Nuclear-Weapon-Free Zones: Establishment of Nuclear-Weapon-Free-Zones*. Retrieved April 6, 2010. <http://www.un.org/disarmament/WMD/Nuclear/NWFZ.shtml>
5. U.N. General Assembly Disarmament Commission : 2010 Substantive Session (2010, March 30). *Nuclear Weapon Disarmament Tops Agenda in Disarmament Commission, But Speakers Call for Halt to Illicit Arms Trade, Creation of Nuclear-Weapon-Free Middle East*. Retrieved April 5, 2010. <http://www.un.org/News/Press/docs/2010/dc3216.doc.htm>
6. The White House: Office of the Press Secretary (2010, April 6). "Statement by President Barack Obama on the Release of Nuclear Posture Review." Retrieved April 6, 2010. <http://www.whitehouse.gov/the-press-office/statement-president-barack-obama-release-nuclear-posture-review>
7. U.N. General Assembly Disarmament Commission : 2010 Substantive Session (2010, March 30). "Nuclear Weapon Disarmament Tops Agenda in Disarmament Commission, But Speakers Call for Halt to Illicit Arms Trade, Creation of Nuclear-Weapon-Free Middle East." Retrieved April 5, 2010. <http://www.un.org/News/Press/docs/2010/dc3216.doc.htm>
8. Pugwash Online: Conferences on Science and World Affairs (2007, August 24). "Canadian Pugwash Call for an Arctic Nuclear Weapon-Free Zone." Retrieved April 12, 2010. <http://www.pugwash.org/reports/nw/canadian-pugwash.htm>
9. Ibid.
10. U.N. General Assembly Disarmament Commission: 2010 Substantive Session (2010, March 30). "Nuclear Weapon Disarmament Tops Agenda in Disarmament Commission, But Speakers Call for Halt to Illicit Arms Trade, Creation of Nuclear-Weapon-Free Middle East." Retrieved April 5, 2010. <http://www.un.org/News/Press/docs/2010/dc3216.doc.htm>