

Panel: How Viable Are Nuclear Weapons Free Zones? (Grand Ballroom I)

Date/Time: Wednesday, February 20, 2013 / 14:00-15:15

Talking Points for: William C. Potter, Director, James Martin Center for Nonproliferation Studies (CNS)

I. Introduction: In light of recent progress in creating new NWFZs, it is not surprising that a number of additional zones have been proposed, while others have received increased attention, including the Middle East, the Korean Peninsula, and the Arctic, among others.

Although NWFZs share some basic characteristics, each zone typically has a number of distinctive features. The Central Asian NWFZ, for example, is distinctive in its emphasis on environmental problems caused by uranium mining and milling, as well as by its requirement for members to adhere to the IAEA Additional Protocol. Like the African NWFZ Treaty, it also specifies important physical protection requirements that are relevant to reducing the risks of both proliferation and nuclear terrorism.

II. General Obstacles to Overcome: Despite their many attractive features, NWFZs are challenging to negotiate. Among the most difficult hurdles that must be overcome are the definition of the geographical scope of the zone, activities to be prohibited (or permitted) within the zone, conflicting interests of prospective zonal members (including the relative priority states in the region attach to economic, political, and nonproliferation considerations), the relationship of new zone to other international agreements, and the concerns of extra-zonal parties—typically the concerns of the nuclear weapons states, who may be conflicted between the desire to negotiate an iron-tight prohibition of the presence in or transit of nuclear weapons in a NWFZ and the desire to honor other agreements such as defense treaties that may be in place at the time of the negotiation of a NWFZ.

III. A relatively new obstacle, which in my view threatens the long-term viability and integrity of existing NWFZs, as well as the value of future zones, is the inclination of States parties to some zones to disregard legally binding provisions that, in retrospect, are seen as economically or politically constraining. This disturbing trend is most noticeable with respect to the failure on the part of an increasing number of members of NWFZ treaties to ignore their previous commitments not to engage in nuclear trade with countries lacking Full Scope Safeguards. These restrictive provisions are explicit in the Treaties of Raratonga and Pelindaba, and the Central Asian NWFZ Treaty is even more restrictive in its insistence that recipient countries have in place the Additional Protocol to the IAEA. And yet a number of parties to these treaties such as Australia, South Africa, and Kazakhstan now act as if there are no treaty obligations in this regard. Just as it is intolerable for NWS to selectively pick and choose those NPT obligations to which they subscribe, so it is impermissible for NNWS to ignore economically inconvenient legal and/or political commitments they have undertaken. To do so undermines their nuclear disarmament and nonproliferation moral authority. Moreover, if members of existing zones do not fully implement their own legally-binding obligations, it renders the case for additional zones, such as the one in the Middle East, much less compelling.

IV. Lessons from the Central Asian Experience: I would argue that the as yet

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unfulfilled promise of the Central Asian NWFZ Treaty is the result of a combination of circumstances that include bad luck, bureaucratic inertia, erratic leadership, intra-regional disputes, high politics, and short-sighted emphasis on immediate economic interests over nonproliferation considerations. If I had more time, I would elaborate on each of these points. Instead, let me wrap up by simply noting two key lessons from the Central Asian experience that may be relevant to the negotiation of other zones.

1. **Seize the Moment.** The first lesson is that while patience is fine, delay can be disastrous. An open door can shut at any time, zonal advocates can evaporate as leaders pass from the scene, and the stars are rarely if ever aligned perfectly. In the case of Central Asia, for example, one observed the strange evolution of perspectives in which:

- Russia initially paid little attention to the zone because it thought nothing would materialize.
- Senior U.S. government officials initially were supportive of the zone because they realized its implementation would greatly favor U.S. strategic interests in the region by constraining Russian nuclear deployments.
- But mid-level USG officials insisted on rigidly applying any existing set of criteria without regard to the impact on U.S. interests in the specific region.
- Moreover, there was a tendency in both the US and Russia to assume that if one side liked the zone, it must be bad for the other, even if they couldn't figure out precisely why that was the case.

The lesson, in other words, is for those who want a zone to seize the opportunity whenever it presents itself.

2. **The second lesson I would suggest is to tailor the Zone to Regional Peculiarities and Common Interests.** NWFZs vary in the activities that are prohibited and permitted, and each zone tends to introduce distinctively new features. In the case of the Central Asian states, the glue that made possible the negotiation of the treaty was the common environmental damage they suffered due to Soviet mining and milling of uranium on their territories. The lesson I derive from this experience for advocates of new zones is to clearly articulate a rationale for the zone that appeals to core interests of all parties.

V. **Conclusion:** In conclusion, I would acknowledge that a number of existing NWFZ treaties are far from perfect and, in retrospect, might have been improved in a variety of ways. That being said, the same is true of all negotiated treaties, including the NPT. Moreover, in some regions lacking a history of cooperation on issues of peace and security, NWFZs may offer a potential mechanism to further regional cooperation in pursuit of shared interests and threat perceptions. In short, I would argue that proponents of NWFZs must seize upon opportunities as they appear, be open to new approaches for extending the reach of nuclear weapons free space, and most importantly, be as attentive to fully implementing the provisions of existing NWFZs as to advocating the negotiation of new zones.

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