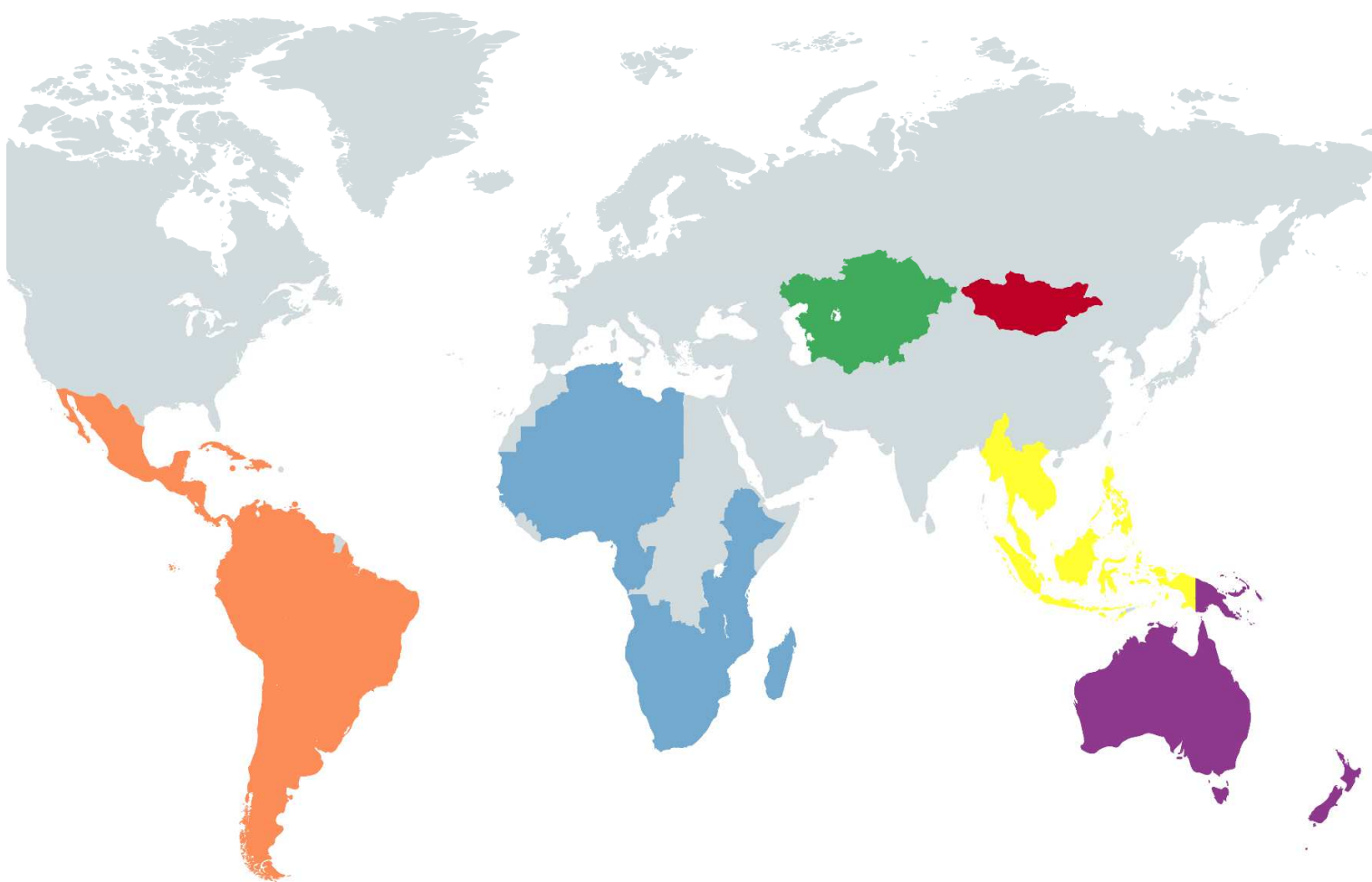


Cooperation among Nuclear-Weapon-Free Zones: History, Challenges and Recommendations

VCDNP Task Force Report



Vienna Center for Disarmament
and Non-Proliferation

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Foreword

In spring 2017, the Vienna Center for Disarmament and Non-Proliferation (VCDNP) convened a group of experts to examine how cooperation could be enhanced among the nuclear-weapon-free zones. The group consisted of:

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The VCDNP extends its appreciation to Ekaterina Shirobokova, VCDNP Intern, for her invaluable contribution in drafting an earlier version of this report, and to Artem Lazarev, VCDNP Research Associate, for his contribution during the final stages of the project.

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List of Acronyms

ABACC – Brazilian-Argentine Agency for Accounting and Control of Nuclear Materials

AFCONE – African Commission on Nuclear Energy

ASEAN – Association of Southeast Asian Nations

AU – African Union

CC – Consultative Committee

CSP – Conference of States Parties

IAEA – International Atomic Energy Agency

NWFZ – Nuclear-weapon-free zone

NPT – Treaty on the Non-Proliferation of Nuclear Weapons

NWS – Nuclear-weapon State

NNWS – Non-nuclear-weapon State

OEWG – Open-Ended Working Group

OPANAL – Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean

PIF – Pacific Islands Forum

TPNW – Treaty on the Prohibition of Nuclear Weapons

UN – United Nations

UNGA – United Nations General Assembly

UNIDIR – United Nations Institute for Disarmament Research

UNODA – United Nations Office for Disarmament Affairs

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Executive Summary

Nuclear-weapon-free zones (NWFZ) are a fairly well-studied element of nuclear disarmament and non-proliferation. However, the record of cooperation among the existing zones, obstacles to such cooperation, and potential for its improvement are a far less examined subject, although the issue of cooperation and its importance has been brought up on several occasions in the context of NWFZ meetings, the review process of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), and United Nations fora. In practice, cooperation among the zones has remained limited.

Collaboration among the NWFZs is both necessary and desirable as it serves the objectives and interests of both the zones and its Member States. However, many parties to the NWFZs, particularly small and less developed States, are preoccupied with other pressing issues, from socio-economic development to security and climate change – to all of which they have to devote precious resources. Therefore, it is essential to encourage cooperation among the NWFZs as a matter of importance by making shared goals clear and the vision convincing for the States concerned to devote the necessary time to its implementation.

While different NWFZs have their particular characteristics and unique regional circumstances that motivated their creation, all of the zones are broadly united in their commitment to the goals of nuclear non-proliferation and the complete elimination of nuclear weapons. With more than 100 States Parties, NWFZs have a potential to speak in unity on pertinent disarmament and non-proliferation issues. A united, or coordinated, action by the NWFZs could be a force multiplier for small States Parties to the zones.

Moreover, cooperation among the zones could serve the following rationales:

- Strengthening the cohesion within each zone by enhancing the benefits of zonal membership through shared learning of features of other zones and of others' experience in negotiating and implementing their respective treaties;
- Capacity building for more effective participation in the international disarmament and non-proliferation frameworks;
- Strengthening the position of each zone towards relevant outsiders, notably the nuclear-weapon States (NWSs), and particularly with regards to the latter's hesitation to sign the relevant protocols or withdraw interpretations and reservations typically attached to such signatures and ratifications;
- Enhancing the influence of the zones, propagating the "zonal philosophy" and pursuing common interests in relevant international gatherings; and
- Promoting the idea of NWFZs in regions where no zone yet exists, and assisting regional States in their efforts to create new zones.

Past Cooperation and Challenges

The Conferences of States Parties (CSP) to NWFZs and Mongolia represented the first significant step of political cooperation agreed upon by all the zones in order to pursue an international agenda based on shared interests.¹

One of the goals of the First Conference (Mexico City, 2005) was to examine mechanisms of cooperation among NWFZs in order to strengthen their contribution to nuclear disarmament and non-proliferation. The NWFZ representatives had an opportunity to exchange information and experiences with a view to establishing a rotating role of conference chair among the zones in the future.² In the Outcome Document of the Second CSP (New York, 2010), NWFZs expressed their intention to continue cooperation among themselves and to explore means to maintain regular contact and exchange information among the zones between the conferences. However, this decision has not yet led to the establishment of a sustainable communication channel, nor have the NWFZs established a predictable rotation of the chairmanship of the conferences. The Third Conference (New York, 2015) collapsed without adopting any outcome documents. There has not been a decision yet to hold the Fourth Conference, although the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (OPANAL), as well as some of the parties to other zones, have expressed their continued interest in strengthening the inter-zonal cooperation.

Conferences that take place once every five years are a useful, but not a sufficient mechanism for cooperation, and there needs to be a stronger, more substantive intersessional process. However, the key challenge for cooperation among the NWFZs is the low level of institutionalization in the majority of them. Where regional institutions exist, they do not express high and consistent interest in strengthening cooperation among the NWFZs, with the exception of OPANAL. The lack of sustained communication among the zones, as well as the lack of up-to-date information about current activities of most of the zones, contribute to the difficulty of both analyzing the status of cooperation and of promoting improvements.

Recommendations

While many proposals for inter-zonal cooperation could be provided, one has to be cognizant of existing limitations in terms of uneven institutionalization among the zones, along with varying levels of capacity and ability to commit resources to cooperative endeavors. The report therefore lists the recommendations in order of *priority* and *feasibility*.

Communication and Institutionalization of Contacts: Improving information exchange and regularizing communication among the NWFZs is the necessary basis for any cooperation. Accordingly, an important institutional pre-requisite for improved communication and thus cooperation is for each zone to establish, where absent, a structure capable of delivering

¹ Gioconda Úbeda, "Regional agenda for nuclear disarmament." In: *VII Conference of Forte de Copacabana. International Security: a European – South American Dialogue. Current Challenges for Disarmament and Peace Operations on the Political Agenda*. Rio de Janeiro, 3-4 November 2010.

² Consolidation of the regime established by the Treaty of Tlatelolco. *Report presented to the Committee on Hemispheric Security of the OAS*. 15 March 2007.

secretarial services for the zone as a whole. Options include a permanent or rotating point of contact, a rotating presidency or a zonal organization.

Further steps to improve communication among the zones include the following:

- Establishment of a global NWFZ website/portal serving as a means of communication among the zones and providing information about the zones, the NWFZ conferences and other joint activities;
- Establishment of a consultative group of representatives of NWFZ parties based in New York or Geneva to regularly exchange information on zonal activities and, where possible, coordinate positions; and
- Institutionalization of regular meetings of the “points of contacts” of the zones, either annually or in the interim years when no conference of all States Parties takes place.

Research and Analysis: NWFZs could cooperate in examining and analyzing issues of common interest and importance, such as the experience of engagement with the NWSs on the protocols to the NWFZ treaties. The following activities and topics could be explored:

- Comparative analysis of the protocols and the reservations/interpretative statements/declarations made by each NWS at the time of signature or ratification of the protocols;
- Exchange of experiences in securing the signature of the protocols and best practices in resolving associated difficulties, including substantive solutions for disputes between zone members and the NWSs, and ways to approach the NWSs regarding the withdrawal or modification of reservations and interpretative statements/declarations;
- Promoting the undertaking of a second study on NWFZs in all their aspects by the United Nations General Assembly (Group of Experts) or by the United Nations Office for Disarmament Affairs (UNODA), as the first such study was undertaken in the 1970s, before most of the current zones came into existence;
- Study the varying positions among the NWFZ Member States on issues such as the prohibition of transit of nuclear weapons, especially in the context of the recently concluded Treaty on the Prohibition of Nuclear Weapons.

Disarmament and Non-Proliferation Education: it is among the least controversial issues raised in the international fora. The need to promote education and build capacity in this area, particularly among the youth, is widely recognized. NWFZ States could explore various joint endeavors in this regard:

- Online courses for diplomats and secretariat personnel from different NWFZs and regional institutions;
- Regional short courses on nuclear disarmament, non-proliferation, and other issues relevant to the zones;
- Cross-regional seminars on issues of joint interest;
- Seminars for actors interested in exploring the option of a NWFZ for their own region;

- Developing learning materials on the politics and ethics of NWFZs for high school and graduate courses.

Cooperation with International Organizations and in Multilateral Fora: NWFZs should pursue closer cooperation with the UNODA and its regional centers, as well as other relevant international organizations. In the longer term, the zones might seek to articulate common positions and deliver joint statements on nuclear disarmament and other relevant issues in the framework of multilateral organizations/ negotiations, to react jointly to nuclear crises, and to develop the capability to convene joint global conferences on issues of interest to the NWFZs.

NWFZ have the potential to become a major force in the move towards a world without nuclear weapons, but realizing this potential would require robust cooperation among the zones. While options for cooperation abound, the efforts needed to bring them about range from fairly easy to quite challenging in terms of commitment and necessary resources. Several steps can be taken that are neither very demanding nor costly, but which might create the necessary momentum to commit to more far-reaching activities. At a moment when divisions on the course of nuclear disarmament are particularly deep, with the majority of non-nuclear-weapon States concluding a treaty prohibiting nuclear weapons against the background of stagnation in nuclear arms control and rising perceptions of the risks of use of nuclear weapons, a joint initiative by the NWFZs would be timely and much desirable.

Introduction

Nuclear-weapon-free zones (NWFZs) are a well-established and fairly well-studied element of the international disarmament and non-proliferation framework. Many of the studies on the zones, however, focus on their individual or collective history and provisions, as well as on the prospects for the establishment of new NWFZs. Much less examined, however, is the record of cooperation among the existing zones, obstacles to such cooperation, and potential for its improvement. The issue of cooperation and its importance has been brought up on several occasions, especially by the representatives of the Latin American and Caribbean NWFZ, in the context of NWFZ meetings, the review process of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), and other United Nations (UN) fora. In practice, however, cooperation among the zones has remained limited.

Whether cooperation among the NWFZs is necessary and desirable is, in itself, not a foregone conclusion. While some States and zones have already been promoting greater coordination and cooperation, for others, particularly small and less developed States, such efforts might seem unnecessary or too burdensome. In this regard, the political, normative and moral drivers of enhanced cooperation need careful and sensitive understanding and elaboration. Indeed, the first step to more effective cooperation would be for the NWFZ States to arrive at a shared and explicit understanding of the goals and benefits of cooperation. A clearer vision of what the inter-zonal cooperation entails, and to what end, would help promote action among NWFZ States, many of whom are preoccupied with other pressing issues, from socio-economic development to security to climate change.

While different NWFZs have their particular characteristics and unique regional circumstances that motivated their creation, all of the zones are broadly united in their commitment to nuclear non-proliferation and the goal of completely eliminating nuclear weapons. With rare exceptions, the zonal States have excluded nuclear weapons from their conceptions of national, regional and, increasingly, international security.

A NWFZ empowers all its members to make a powerful statement against nuclear weapons and nuclear threats before those States that rely on nuclear weapons for their security and status. Making this statement together gives them combined and thus enhanced power to influence their political environment beyond the zonal boundaries. A zone works as a force multiplier, and this effect is strongest for the smaller Member States. By the same token, joint positions taken by all the zones on issues of zonal security and of nuclear disarmament multiply the strength of each individual zone. With more than 100 States Parties, NWFZs have a potential to speak powerfully in unity on pertinent disarmament and non-proliferation issues. Cooperation among the zones, beyond other advantages which States seek in them, serves as empowerment for Member States notwithstanding their national power and strength. It thus affords each State a political advantage which it could not gain on its own.

Other benefits of cooperation may include learning from other zones' experiences in negotiating and implementing their respective treaties, with the potential of enhancing their

own implementation, and capacity building for more effective participation in the international disarmament and non-proliferation frameworks.

One pivotal concern shared by many NWFZs is that of negative security assurances contained in the protocols to be signed and ratified by the nuclear-weapon States (NWS). In general, the status of the protocols is less than satisfactory: the Treaty of Tlatelolco (Latin American NWFZ) is the only treaty wherein all of the protocols have been ratified by all the eligible States. The United States' ratification of protocols to the treaties establishing the African, Central Asian, and South Pacific zones is pending, while the protocol to the Southeast Asian NWFZ Treaty has not yet been opened for signature. In almost every case, the NWSs have attached interpretative statements or reservations to their respective signatures and/or ratifications of the NWFZ protocols that have put in doubt the validity of their undertakings. The zonal parties regularly call on the NWS to withdraw or modify such reservations, but the NWSs have not shown much willingness to change the status quo. This is a serious challenge, as legally binding negative security assurances (NSAs) are one of the major benefits which members expect from an NWFZ. NWFZs have thus a great interest in sharing experiences and developing appropriate options for approaches to the NWS with a view to improving the situation.

In short, cooperation among the zones could serve the following rationales:

- Strengthen the cohesion of each zone by enhancing the benefits from zonal membership through learning from features of other zones not yet realized on one's own;
- Enhancing the efficiency of the joint policies of the zones and their members by basing it on shared information;
- Strengthen the position of each zone towards relevant outsiders, notably the NWSs, and particularly with regards to their hesitation to sign the relevant protocols, as well as the interpretations and reservations the NWS typically attach to their signatures and/or ratifications;
- Enhancing the influence of the zones, propagating the "zonal philosophy", and pursuing common interest (e.g. the entry into force of the Treaty on the Prohibition of Nuclear Weapons) in relevant international gatherings;
- Promoting the idea of a NWFZ in regions where no zone yet exists, and assisting regional States in their efforts to create new zones.

This paper is an exploration of past and possible future cooperation among the NWFZs. The paper is divided into four parts. First, it analyzes and compares the reasons for creation of NWFZs and institutional mechanisms established by each of the existing NWFZs. Second, it provides a historical overview of cooperation among the NWFZs. Third, an overview of current cooperation activities is given. The final chapter summarizes the findings, highlights key challenges and provides recommendations for improved cooperation among the NWFZs.

Nuclear-Weapon-Free Zones: Regional Implementation Mechanisms

One important factor that makes cooperation among the zones difficult is the vastly different development of their regional institutional settings. Comparisons are always difficult, especially given the differences in the historical and strategic contexts of the regions where the NWFZs have been established. However, it is important to examine the differences and similarities among NWFZs to understand the reasons why no stronger permanent mechanisms of cooperation among the zones have been established so far and to outline ways to strengthen future cooperation.

Definition

The idea of establishing areas completely free of nuclear weapons dates back to the 1950s, even though the first NWFZ in a densely populated region was established only in 1967 in Latin America and the Caribbean by the Treaty of Tlatelolco. Subsequently, denuclearized zones have also been created in the South Pacific region, in Africa, in Southeast Asia and in Central Asia. Mongolia has declared its single-state nuclear-weapon-free status, which was internationally recognized in 2001.

According to the United Nations General Assembly (UNGA) resolution 3472 B (1975), a NWFZ is “any zone, recognized as such by the General Assembly of the United Nations, which any group of States, in the free exercise of their sovereignty, has established by virtue of a treaty or a convention whereby the statute of total absence of nuclear weapons, to which the zone should be subjected, is defined and an international system of verification and control is established.”³ Thus, NWFZs involve groups of countries cooperating regionally through multilateral agreements to maintain the denuclearized status of the region.

At the same time, with regard to the scope of the definitions, Resolution 3472 B in its section III underlined that the definitions in sections I and II “in no way impair the resolutions which the General Assembly has adopted or may adopt with regard to specific cases of NWFZs nor the rights emanating for the Member States from such resolutions.”

Resolution 3472 B also defines the responsibilities of the NWS with regard to such zones. Accordingly, each NWFZ treaty has at least one additional protocol, which the NWSs are eligible to join and thereby provide legally binding commitments to respect the terms of the NWFZ treaty and not to use or threaten to use nuclear weapons against States Parties to the zone.

NWFZs establish regional security systems and serve as confidence-building mechanisms, as they provide assurances that no States in the region is going to develop nuclear weapons.

³ UN General Assembly resolution A/RES/3472(XXX)B, p. 24,
[http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/3472\(XXX\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/3472(XXX))

Objectives

Today, the concept of NWFZs is regarded as a regional approach to strengthening global nuclear disarmament and non-proliferation and consolidating international efforts towards peace and security, “a silver lining to the disarmament cloud.”⁴ If the overarching goals are common across all the existing NWFZs, the question of how the zones could effectively cooperate to advance these goals arises.

During the Cold War and after, by creating and joining NWFZs, States Parties demonstrated their determination not to participate in the nuclear arms race or in nuclear warfare, and to refuse to acquire, possess or admit on their territory nuclear weapons. Such rejection of nuclear arms as an instrument of security, and the initiative taken by the non-nuclear-weapon States (NNWSs) themselves, correspond to the philosophy of today’s Humanitarian Initiative and the principles outlined in the Treaty on the Prohibition of Nuclear Weapons (TPNW). Besides common goals to work towards a world without nuclear weapons and build confidence among States, each of the regions had its own specific motivations to establish a NWFZ.

Latin America and the Caribbean

The Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (or the Treaty of Tlatelolco, signed in 1967 and entered into force in 1969) established the first NWFZ in a densely populated area.⁵ Consequently, Latin America and the Caribbean continued to play a pioneering role in disarmament, and NWFZ issues in particular. The Cuban missile crisis had a significant impact on the Latin American States and acted as a catalyst for the establishment of the NWFZ. States of the region did not want to find themselves in the midst of a nuclear conflict between the superpowers and were keen to prevent the deployment of nuclear weapons in the sub-continent. They also sought to prevent nuclear proliferation and a potential nuclear arms race within the region. Representing an innovative and successful regional approach to nuclear disarmament and non-proliferation, the example of the Latin American and Caribbean States has served as a model and inspired the creation of NWFZs in other inhabited regions.

In 1969, the OPANAL was established “to ensure compliance with the obligations of the Treaty of Tlatelolco.”⁶ To date, OPANAL is the only fully functioning specialized agency created by a NWFZ intended to ensure compliance with the zone’s objectives, and its activities are entirely devoted to nuclear disarmament and non-proliferation. Within the OPANAL framework, States Parties conduct regular and extraordinary consultations on issues concerning the goals, measures and principles laid out in the Treaty of Tlatelolco. The institutional structure of OPANAL consists of the General Conference, the supreme organ of the organization composed of all the Contracting Parties; the Council, which ensures the proper operation of the control

⁴ Angela Kane, “Nuclear-Weapon-Free Zones: Building Blocks for a World Free of Nuclear Weapons.” Speech at the Third Conference of States Parties and Signatories of Treaties that Establish Nuclear-Weapon-Free Zones and Mongolia, New York, 24 April 2015.

⁵ The first denuclearized zone was created in the Antarctic in 1959.

⁶ The Treaty of Tlatelolco, Art. 7.

system in accordance with the provisions of the Treaty of Tlatelolco and is comprised of five Member States elected for a term of four years; and the Secretariat, which carries out administrative work.⁷ OPANAL has observer status at the UNGA and participates regularly in the work of the UNGA's First Committee on disarmament and international security as well as the NPT review process meetings. OPANAL has the right to be invited to the annual sessions of the General Conference of the International Atomic Energy Agency (IAEA),⁸ a relationship that facilitates cooperation between the two agencies and helps to harmonize their efforts.

OPANAL also leads in efforts to promote cooperation among the NWFZs. This is reflected in its initiative to commence conferences of States Parties to NWFZs and its proposals on a series of actions to be taken by the NWFZs in the field of nuclear disarmament and non-proliferation. OPANAL is open to share its experience and to engage with the other NWFZs in mutually agreeable ways to advance common objectives.

The Brazilian-Argentine Agency for Accounting and Control of Nuclear Materials (ABACC) is a specialized bilateral verification agency that acts in close cooperation with OPANAL. Safeguards, the peaceful use of nuclear energy and the maintenance of the NWFZ in Latin America are the main goals of this cooperation, as set forth in the Cooperation Agreement between ABACC and OPANAL.⁹ The bilateral cooperation involves regular exchanges of technical and scientific information and documents on matters of common interest and participation of ABACC's representatives in the regular sessions of the General Conference of OPANAL.¹⁰ Furthermore, the Secretariat of ABACC submits reports to OPANAL on its conclusions that activities prohibited by the Treaty of Tlatelolco are not carried out in Argentina and Brazil.¹¹

In addition to OPANAL, the Community of Latin American and Caribbean States (CELAC) serves as a regional framework to maintain and develop cooperation within the Latin American NWFZ. In its declarations, CELAC has underlined the necessity to advance the goal of nuclear disarmament and non-proliferation. It represents a common regional position on this matter at the High-Level Meetings of the UNGA on Disarmament and in other international fora.¹²

⁷ Ibid., Art. 7-11. The OPANAL Secretariat consists of seven staff members, led by the Secretary-General, currently Ambassador Luis Felipe de Macedo Soares.

⁸ Co-operation Agreement between the International Atomic Energy Agency and the Agency for the Prohibition of Nuclear Weapons in Latin America. INFCIRC/25/Add.4. 3 October 1972. Art. 2, http://www.opanal.org/wp-content/uploads/2016/02/IAEA_OPANAL_Agreement_1972.pdf

⁹ Cooperation Agreement between the Brazilian-Argentinian Nuclear Materials Accounting and Control Agency and the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean. Mexico City, 28 May 1993. Art. 1, <https://www.abacc.org.br/en/wp-content/uploads/sites/2/2016/10/Acordo-de-Coopera%C3%A7%C3%A3o-entre-a-ABACC-e-o-OPANAL-ingl%C3%AAs-assinado.pdf>

¹⁰ Ibid., Art. 2-3.

¹¹ ABACC, "Guaranteeing the peaceful use of nuclear energy in Argentina and Brazil: 2014 annual report of ABACC," 2014, p. 64, https://www.abacc.org.br/en/wp-content/uploads/sites/2/2016/11/2014_EN.pdf

¹² Declaration of Santiago. First Summit of the Community of Latin American and Caribbean States (CELAC). Santiago, Chile, 27-28 January 2013, http://www.minrel.gob.cl/minrel/site/artic/20130208/asocfile/20130208155151/declaracion_de_santiago___ingles.pdf

South Pacific

The South Pacific NWFZ was established by the Treaty of Rarotonga (signed in 1985, entered into force in 1986) in the context of growing concern over the activities of the nuclear powers in the region. The key purpose in making the South Pacific a denuclearized region was to avoid further nuclear explosions¹³ within its territorial scope.¹⁴ Accordingly, the Treaty of Rarotonga prohibited any nuclear tests, including “peaceful nuclear explosions,” within the territory of the zone of application. The South Pacific States were also concerned about the dumping of nuclear waste at sea, fearing radioactive contamination of the marine environment.¹⁵

Unlike the Latin American zone, the South Pacific NWFZ is not profoundly institutionalized. Its Consultative Committee (CC), as stipulated in the Treaty of Rarotonga, is convened by the Secretary General of the Pacific Islands Forum (PIF) Secretariat (formerly, by the Director of the South Pacific Bureau for Economic Cooperation, which became the PIF Secretariat in 2000). The Committee consists of representatives of the Member States and is responsible for conducting a complaint procedure. This procedure may be initiated by any State if it suspects any other Member State of breaching its obligations under the treaty.¹⁶ If the CC decides that “there is sufficient substance in the complaint to warrant a special inspection in the territory of that state or elsewhere,”¹⁷ the inspection should be carried out as soon as possible. The PIF Secretary General coordinates information exchange and circulates reports to all the Member States. The Committee does not meet regularly, but convenes from time to time for consultations and cooperation on any matter arising in relation to the Treaty of Rarotonga or to review its operation. The CC is chaired at any given meeting by the representative of the State that last hosted the meeting of Heads of Government of Members of the PIF.¹⁸ The costs of the CC, including the costs of special inspections, are borne by the PIF Secretariat.

The PIF Secretariat could be considered a regional framework for the promotion of cooperation both within the South Pacific NWFZ and with other regions free of nuclear weapons. However, it is not actively involved in the field of nuclear disarmament and non-proliferation, which is evident from the annual reports of the PIF Secretariat¹⁹ as well as statements by its Secretary

¹³ From 1946 to 1958, the United States conducted some 66 atmospheric and underwater tests in the Marshall Islands in the northern Pacific region. The United Kingdom conducted atmospheric tests between 1952-1957 on Australian territory at Maralinga, Emu Field, and Monte Bello Island. Both the United Kingdom and the United States conducted atmospheric nuclear tests on Christmas Island. In 1963 France established a nuclear test site in its French Polynesian atolls and carried out some 190 nuclear detonations (including more than 40 above ground) between 2 July 1966 and early 1996 at the Mururoa and Fangataufa sites.

¹⁴ Jozef Goldblat, “NWFZs: a history and assessment”, in *The Non-Proliferation Review* (Spring-Summer 1997), p. 22.

¹⁵ NTI, “South Pacific Nuclear-Free Zone (SPNFZ) Treaty of Rarotonga,” last updated 30 June 2017, <http://www.nti.org/learn/treaties-and-regimes/south-pacific-nuclear-free-zone-spnfz-treaty-rarotonga/>

¹⁶ The Treaty of Rarotonga, Annex 4.

¹⁷ Ibid., Annex 4.

¹⁸ Ibid., Annex 3.

¹⁹ PIF. “Annual Report 2010,”

http://www.forumsec.org/resources/uploads/attachments/documents/PIFS%20Annual%20Report%202010%20E_Copy.pdf; “Annual Report 2014,”

General.²⁰ It is almost impossible to find any information regarding nuclear disarmament and non-proliferation in these documents, and the annual reports contain only short references to these issues, consisting mainly of the declarative statements about the importance of NWFZs for the global nuclear non-proliferation regime. The Secretariat is more preoccupied with other regional priorities, such as sustainable development, cyber security and transnational organized crime, and is not actively engaged in disarmament and non-proliferation issues.

Southeast Asia

The Treaty on the Southeast Asian Nuclear-Weapon-Free Zone (SEANWFZ or the Treaty of Bangkok; signed in 1995, entered into force in 1997) created the third NWFZ in the world. The Treaty of Bangkok evolved from the earlier, 1971 initiative by the Association of Southeast Asian Nations (ASEAN) on the creation of a “Zone of Peace, Freedom and Neutrality in Southeast Asia”. The initiative was driven by concerns about the NWSs’ military bases and nuclear weapon transit by air and sea in the region.²¹ The first major component of such a zone was the establishment of a Southeast Asian NWFZ. When the United States and the Soviet Union closed their respective bases in the region, establishment of the zone became more feasible politically.²²

The Treaty of Bangkok is the only NWFZ that includes exclusive economic zones, as defined by the Law of the Sea Convention,²³ of States Parties in its area of application. This definition of the zone, along with the provisions of its protocol prohibiting the use of nuclear weapons within the zone, has in the past led to tensions between the SEANWFZ States Parties and NWSs.²⁴ The major challenge for the Southeast Asian zone is that currently it is the only NWFZ without legally binding NSAs by the NWSs because none of the NWSs have to date signed the respective protocol. At present, the opening for signature of the protocol has been postponed due to a disagreement between the zone’s members and the NWSs over the reservations, particularly on transit, that the latter plan to attach to their signatures.²⁵ It is worth noting that

<http://www.forumsec.org/resources/uploads/embeds/file/FORUM%20AR.pdf>; and “Annual Report 2015,” <http://www.forumsec.org/annualreport/annualreport2015/>

²⁰ Statement by the Pacific Islands Forum Secretariat Asia-Pacific Economic Cooperation (APEC) Ministerial Meeting, Lima, November 2016, <http://www.forumsec.org/pages.cfm/newsroom/speeches/2016-1/statement-by-pacific-islands-forum-secretariat-asia-pacific-economic-cooperation-apeec-ministerial-meeting.html>; Opening Remarks by Acting Secretary General Andie Fong Toy at Forum Regional Security Committee Meeting, June 2016, <http://www.forumsec.org/pages.cfm/newsroom/speeches/2016-1/opening-remarks-by-acting-secretary-general-andie-fong-toy-at-forum-regional-security-committee.html>

²¹ Nuclear-weapon-free-zones. Geneva: UNIDIR, 2011, p. 7, <http://www.unidir.org/files/publications/pdfs/nuclear-weapon-free-zones-en-314.pdf>

²² Ibid.

²³ Art. 55 defines the exclusive economic zone as “an area beyond and adjacent to the territorial sea, subject to the specific legal regime established in this Part, under which the rights and jurisdiction of the coastal State and the rights and freedoms of other States are governed by the relevant provisions of this Convention.”

²⁴ Discussed recently in Tong Zhao, “Nuclear Weapon State and the Southeast Asia Nuclear-Weapon-Free Zone.” Carnegie-Tsinghua Center for Global Policy. 10 February 2017, <http://carnegietsinghua.org/2017/02/10/nuclear-weapon-states-and-southeast-asia-nuclear-weapon-free-zone-pub-67965>

²⁵ Singapore in particular is opposed to Russia’s planned reservation that it would not be bound by the protocol in case a SEANWFZ party allows the transit of nuclear weapons through its territory or territorial waters. See

during the negotiation of the TPNW, the SEANWFZ parties disagreed on the issue of transit, with some States calling for its complete prohibition, while one Member State insisted on securing a state's sovereign right to decide whether to allow the transit of nuclear weapons through its territory.

The SEANWFZ does not have a permanent secretariat, but rather operates under a rotating chairmanship among its States Parties, and is loosely affiliated with ASEAN. Issues related to the NWFZ are discussed during the ASEAN Summits; ASEAN also represents the SEANWFZ at the NPT Review Conferences and other relevant fora.

The Commission for the SEANWFZ was established to “oversee the implementation of the Treaty and ensure compliance with its provisions.”²⁶ It also works on strengthening the Treaty of Bangkok and on consolidation of the NWFZ.²⁷ The Executive Committee of the Commission is composed of the representatives of all Member States.²⁸ The Committee is tasked primarily with verification- and compliance-related matters as well as “other tasks” assigned by the Commission. SEANWFZ States have also established a special Working Group of the Executive Committee to address the issue of advancing the signature of the protocol to the treaty.

The Commission and its Executive Committee are not obliged to hold regular meetings: they meet as and when necessary in accordance with the provisions of the Treaty of Bangkok, including upon the request of any State Party.²⁹ As stipulated in the treaty, the Commission meets in conjunction with the ASEAN Ministerial Meetings. The Treaty of Bangkok does not provide any further guidance on organizational procedures. It appears that the ASEAN Secretariat, based in Jakarta, provides secretariat services to the Commission and Executive Committee meetings, while the Member State chairing ASEAN at the time typically hosts such meetings. The Commission does not have its own website and does not publish regular reports, which complicates the analysis of its activities. Brief reports on the Commission's meetings are posted on the ASEAN website and by the foreign ministries of the nations that host the respective Ministerial meetings.

In 2013, ASEAN adopted the *Plan of Action to Strengthen the Implementation of the SEANWFZ Treaty 2013-2017*.³⁰ The plan included steps to strengthen implementation of the treaty through the States Parties' accession to various nuclear non-proliferation, safety, and

Bilahari Kausikan, “Pragmatic Adaptation, Not Grand Strategy, Shaped Singapore's Foreign Policy,” in *Perspectives on the Security of Singapore: The First 50 Years*, ed. Barry Desker and Cheng Guan Ang (Singapore: World Scientific Publishing Co., 2016), p. 303.

²⁶ The Treaty of Bangkok, Art. 8.

²⁷ Meeting of the Southeast Asia Nuclear Weapon-Free Zone Commission, 23 July 2016, <http://mofa.gov.la/index.php/activities/state-leaders/1206-meeting-of-the-southeast-asia-nuclear-weapon-free-zone-commission>

²⁸ The Treaty of Bangkok, Art. 9.

²⁹ Ibid.

³⁰ Plan of Action to Strengthen Implementation of the Treaty on the Southeast Asia NWFZ (2013-2017), 30 June 2013, <http://www.indonesia-ottawa.org/wp-content/uploads/2012/12/Plan-of-Action-to-Strenghten-the-Implementation-of-The-Treaty-in-the-Southeast-Asia-Nuclear-Weapon-Free-Zone.pdf>

security instruments, and enhance cooperation between the zone and different organizations, particularly the IAEA, and other NWFZs. The plan provides for the annual review of its implementation by the Executive Committee for the SEANWFZ, but no written reviews were available from open sources at the time of this writing. In August 2017, the Commission decided to extend the plan's implementation through 2022.³¹ As a regional organization, ASEAN has recently aimed to enhance its involvement in nuclear disarmament and non-proliferation. As part of its vision for 2025 and the ASEAN Political-Security Blueprint 2025, the Member States committed to promoting and enhancing the role of the zone and its parties in multilateral fora on disarmament and non-proliferation by “[promoting] ASEAN participation and constructive role” in the NWFZ Conferences, and “[enhancing] cooperation in addressing the humanitarian impact of nuclear weapons with a view to strengthening international standards and norms in support of a nuclear weapon free world.”³²

If coordination of actions between ASEAN and the Commission for the Southeast Asian NWFZ is clarified, ASEAN could serve as the focal point for communication and cooperation with other NWFZs whereas the Commission could focus on maintenance of the nuclear non-proliferation regime within the region and compliance with the treaty.

Africa

The African NWFZ was established by the African Nuclear-Weapon-Free Zone Treaty, or the Treaty of Pelindaba (signed in 1996, entered into force in 2009). Similarly to other regions, Africa was affected by nuclear testing (France tested in the Sahara desert) and States were keen to avoid its repetition in the future. The African States also wanted to prevent the continent from being used for storing or transporting nuclear weapons.³³ Furthermore, the nuclear activities of South Africa under the apartheid regime contributed to African States' willingness to prevent proliferation and to ensure that no country in the region would choose such a path again.³⁴ Finally, States were determined to promote regional cooperation for the development and application of nuclear energy for peaceful purposes in the interest of sustainable social and economic development.³⁵

The implementing body established by the treaty is the African Commission on Nuclear Energy (AFCONE). The Conference of States Parties (CSP), which should meet at least once every two years, is charged with electing the AFCONE members, selecting the Commission's headquarters and approving its budget and the fees to be paid by States Parties.³⁶ The Treaty

³¹ Philippines National Organizing Council, “ASEAN Foreign Ministers Extend Implementation of Treaty of Southeast Asia Nuclear Weapon-Free Zone's (SEANWFZ) Plan of Action,” 6 August 2017, <http://www.asean2017.ph/asean-foreign-ministers-extend-implementation-of-treaty-of-southeast-asia-nuclear-weapon-free-zones-seanwfz-plan-of-action/>

³² ASEAN 2025: forging ahead together. ASEAN Secretariat, Jakarta, November 2015, p. 46.

³³ Jozef Goldblat, p. 31.

³⁴ UNIDIR, “Nuclear-Weapon-Free Zones”, p. 15, <http://www.unidir.org/files/publications/pdfs/nuclear-weapon-free-zones-en-314.pdf>

³⁵ African Nuclear Weapon-Free-Zone Treaty (Treaty of Pelindaba). Opened for signature 11 April 1996, entered into force 15 July 2009, <http://disarmament.un.org/treaties/t/pelindaba/text>

³⁶ The Treaty of Pelindaba, Art. 14.

of Pelindaba does not specify other responsibilities of the CSP. The responsibilities of AFCONE are similar to those of the CC in the South Pacific NWFZ and include a complaints procedure as one of the mechanisms to ensure compliance with the treaty. There is also an emphasis on peaceful uses of nuclear energy, as AFCONE is tasked with encouraging regional and sub-regional cooperation, as well as promoting such cooperation with extra-zonal States.³⁷ The Commission is composed of twelve members elected for a three-year period. According to the treaty, the Commission should have a Bureau that consists of the Chairman, the Vice-Chairman and the Executive Secretary. The latter is designated by the Chairman of the African Union (AU) (previously the Organization of African Unity), while the Chairman and Vice-Chairman are elected by the Commission.³⁸

AFCONE closely cooperates with AU. Since the entry into force of the Treaty of Pelindaba, the AU Commission “has served as the transitional secretariat for all related matters pending the operationalization of the AFCONE Secretariat, [facilitating] and [supporting] the convening of the various related decision-making forums.”³⁹ As of 2017, six ordinary sessions of AFCONE and three Conferences of States Parties to the treaty had taken place. The Fourth CSP, initially scheduled to convene by May 2016, was postponed due to organizational and financial difficulties.⁴⁰ The Peace and Security Department of the AU Commission supports AFCONE in its activities, which are aimed at supporting the promotion of peace, security and stability in Africa. The AU also publishes reports on AFCONE’s activities on its website and represents the African NWFZ at such international fora as the NPT Review Conferences. The AU also promotes the ratification and implementation of the Treaty of Pelindaba among its Member States. In 2015, the African Union Commission and the government of South Africa signed a Host Country Agreement for the establishment of the Headquarters of AFCONE. However, administrative and financial challenges, including the lack of contributions by the Member States, have delayed the establishment of the AFCONE headquarters. Since 2016, the Commission has been temporarily hosted within the Pan Africa Parliament in Midrand, South Africa. As of late 2017, the new premises had been identified, and the process for hiring an AFCONE Executive Secretary and staff was reportedly underway.⁴¹

AFCONE is focused on internal zonal and regional issues: monitoring States’ compliance with their treaty obligations, nuclear and radiation safety and security, and peaceful applications of nuclear technologies. The Commission’s mandate also emphasizes international cooperation, primarily in the technical fields. The Third CSP took note of the progress made by AFCONE in partnerships and technical cooperation with “the relevant regional and international

³⁷ The Treaty of Pelindaba, Art. 12.

³⁸ *Ibid.*, Annex III.

³⁹ Activities of the African Commission on Nuclear Energy relating to the African Nuclear-Weapon-Free Zone Treaty: Memorandum of the African Union Commission, 2015 NPT Review Conference.

⁴⁰ Conclusions of the Fifth Ordinary Session of the African Commission on Nuclear Energy (AFCONE), 18-19 May, 2015; information provided via e-mail by Mr. Einas O.A. Mohammed, Ag. Head of the Defense and Security Division, Peace and Security Department of the African Union Commission, 28 November 2017.

⁴¹ Information provided via e-mail by Mr. Einas O.A. Mohammed, Ag. Head of the Defense and Security Division, Peace and Security Department of the African Union Commission, 28 November 2017.

bodies.”⁴² Nevertheless, it is also difficult to evaluate AFCONE’s activities, as the relevant section of the AFCONE website has not been updated since 2014, and the majority of academic publications regarding the African NWFZ date back most recently to 2009-2011 (shortly after the entry into force of the Pelindaba Treaty).⁴³

Central Asia

The Treaty on a Nuclear-Weapon-Free Zone in Central Asia (signed in 2006, entered into force in 2009) is a legal framework for the Central Asian NWFZ (CANWFZ). The CANWFZ is the first zone located entirely in the northern hemisphere and covers territories severely affected by the Soviet nuclear weapons programme. Given the Soviet nuclear legacy, the five Central Asian States were particularly keen to ensure that no more nuclear testing would be carried out in the region. Strengthening the non-proliferation regime and regional security was the most important motivation for the Central Asian States to establish a NWFZ. Environmental concerns were also among the considerations driving the creation of the zone. The States sought to promote cooperation in the environmental rehabilitation of territories affected by radioactive contamination caused by Soviet nuclear activities during the Cold War⁴⁴ and in ensuring the security of the remaining fissile material stocks.⁴⁵

All verification pursuant to the treaty is carried out by the IAEA, as CANWFZ States Parties are obliged to conclude with the IAEA both a comprehensive safeguards agreement and an additional protocol.⁴⁶ The treaty also requires States Parties to act in accordance with the Comprehensive Nuclear-Test-Ban Treaty (CTBT) and to “maintain effective standards of physical protection of nuclear material, facilities and equipment.”⁴⁷

The treaty does not establish any institution to guard the denuclearized status of Central Asia, nor are there any pre-existing regional cooperation institutions or mechanisms that could serve as a secretariat for CANWFZ. States Parties have agreed, however, to hold annual consultative meetings of their representatives “to review compliance with the Treaty or other matters related to its implementation.”⁴⁸ The meetings are usually hosted and organized by the current chair of the zone, on a rotating basis. The treaty does not have a dedicated website, and it is hard to find reports on or summaries of the consultative meetings. Kyrgyzstan, as the depositary of the

⁴² Third Conference of the States Parties to the African Nuclear-Weapon-Free Zone Treaty (Treaty of Pelindaba). African Union, Addis Ababa, 20-30 May 2014, p. 3.

⁴³ Noel Stott. *Implementing the African Nuclear-Weapon-Free Zone Treaty: Another Major Step Forward* (2011); Sola Ogunbanwo, *Accelerate the Ratification of the Pelindaba Treaty* (2003).

⁴⁴ NTI, “Central Asian Nuclear-Weapon-Free Zone,” last updated 20 November 2017,

<http://www.nti.org/learn/treaties-and-regimes/central-asia-nuclear-weapon-free-zone-canwz/>

⁴⁵ Nuria Kutnaeva, “Perspectives of signing the Treaty creating Central Asian NWFZ”, *Nuclear Control No1* 79 (2006), p. 61.

⁴⁶ Treaty on a Nuclear-Weapon-Free Zone in Central Asia (CANWFZ), Art. 8,

<http://disarmament.un.org/treaties/t/canwzf/text>

⁴⁷ *Ibid.*, Art. 9.

⁴⁸ *Ibid.*, Art. 10.

Central Asian Treaty, reported on the activities of the zone to the 2015 NPT Review Conference.⁴⁹

Mongolia

The issue of Mongolia becoming a single-state NWFZ emerged at the end of the Cold War given Mongolia's close, allied relationship with the Soviet Union. During the Cold War, the country hosted Soviet military bases, which, for some of the other nuclear powers, made Mongolian territory a "legitimate" target for the use or threat of use of nuclear weapons. Located between the Soviet Union/Russia and China, Mongolia had a particularly acute threat perception in light of a possible a conflict between the two NWSs.⁵⁰

At the beginning of the 1990s, the trend toward establishing new NWFZs as regional measures to promote confidence and nuclear non-proliferation was on the rise. At the same time, the withdrawal of the Soviet/Russian bases from Mongolia led the country to declare, in 1992, its territory a NWFZ, on the basis of the provision in part III of UNGA resolution 3472 B. Mongolia also announced its intention to work on acquiring negative security assurances from the NWSs. Statements by Mongolia demonstrated that one of the aims of this initiative was to contribute to security, disarmament and confidence-building both in the region and world-wide.⁵¹ UNGA resolution 53/77 D (1998) on "Mongolia's international security and nuclear-weapon-free status"⁵² internationally recognized Mongolia's self-declared denuclearized status in 1998. Both this resolution and subsequent ones under the same name invited all Member States "to cooperate with Mongolia in taking the necessary measures to consolidate and strengthen Mongolia's... nuclear-weapon-free status."⁵³ In 2012, the five NWSs signed a joint political declaration pledging to respect Mongolia's nuclear-weapon-free status and not to contribute to any act that would violate it. Mongolia remains committed to working to fully institutionalize its single-State NWFZ status and make it an organic part of the international nuclear disarmament and verification machinery

Since Mongolia is a single-state NWFZ, enforcement of its international commitment depends primarily on execution at the national level and the honoring of that status by neighboring and other States. In February 2000, the Mongolian Parliament adopted the Law on Mongolia's Nuclear-Weapon-Free Status (NWFS), a detailed statute defining the country's

⁴⁹ Memorandum of Activities of the Kyrgyz Republic in its capacity as the depositary of the Treaty on a Nuclear-Weapon-Free Zone in Central Asia, NPT/CONG.2015/4, 23 February 2015, http://www.un.org/en/ga/search/view_doc.asp?symbol=NPT/CONF.2015/4

⁵⁰ Ambassador Jargalsaikhan Enkhsaikhan spoke with the Bulletin's Giovanni Verlini about Mongolia's nuclear-weapon-free zone, *IAEA Bulletin* 51:2 (April 2010), p. 43.

⁵¹ Nyamosor Tuya, "Mongolia's Nuclear-Weapon-Free Status", CNAPS Visiting Fellow Working Paper, (Washington D.C.: The Brookings Institution, Center for Northeast Asian Policy Studies, August 2012), p. 3.

⁵² Available at: <https://gafo-vote.un.org/UNODA/vote.nsf/91a5e1195dc97a630525656f005b8adf/96c2fbb213c0d34f052566be005e2bfc?OpenDocument&ExpandSection=5>

⁵³ See, for example, UNGA resolution 55/33 S, 20 November 2000, http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/55/33, and, more recently, UNGA Resolution 63/56, 12 January 2009, http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/63/56

nuclear-weapon-free status and criminalizing violations.⁵⁴ The law defined a two-tier verification system consisting of national and international mechanisms and mandated the Government to report periodically on the implementation of the legislation. Moreover, non-governmental organizations (NGOs) or individuals may, within the mandate provided for by the legislation, exercise public oversight on the implementation of the legislation on the nuclear-weapon-free status and submit proposals thereon to the relevant state authority.⁵⁵

Mongolia consistently reaffirms its support for the consolidation of existing and establishment of new NWFZs, and for strengthened cooperation among the zones. In 2009, it hosted the first meeting of focal points of NWFZs to discuss increased interaction between Mongolia and NWFZs, plans for the second CSP to NWFZ, and to prepare for the 2010 NPT Review Conference. At the 2015 NPT Review Conference Mongolia presented a memorandum reaffirming its commitment to “consolidating...its international security and nuclear-weapon-free status,” by continuing its cooperation efforts with States Parties to other NWFZs.⁵⁶

Cooperation

The key challenge for strengthening cooperation among the NWFZs is the low level of institutionalization in the majority of them. The level of institutionalization differs sharply from zone to zone: whereas Latin America has its own specialized agency to maintain the regional nuclear non-proliferation regime and to promote international cooperation in this field, the South Pacific, Southeast Asian, and Central Asian NWFZs have focal points or chairs that rotate among the Member States.⁵⁷ The African NWFZ also established a specialized implementing body, but the AFCONE secretariat has yet to become fully operational.

Where regional institutions exist, they do not express high and consistent interest in strengthening cooperation among NWFZs, with the exception of OPANAL. Several statements by the PIF or individual countries, such as Indonesia, have made references to the need for greater cooperation but have rarely provided further specifics. In its 2014 Report, the PIF Secretariat stated that “the Member States should continue to liaise with secretariats of other nuclear-weapon-free zones in relation to relevant developments,”⁵⁸ but it remains unclear what such cooperation should entail and by which means it should be maintained. OPANAL, however, has suggested concrete activities in which the NWFZs could cooperate, including:⁵⁹

⁵⁴ Ambassador Jargalsaikhan Enkhsaikhan spoke with the Bulletin’s Giovanni Verlini, p. 45.

⁵⁵ NTI, “Nuclear-Weapon-Free Status of Mongolia,” last updated 3 February 2017, <http://www.nti.org/learn/treaties-and-regimes/nuclear-weapon-free-status-mongolia/>

⁵⁶ Ibid.

⁵⁷ Gioconda Úbeda, “Regional agenda for nuclear disarmament.”

⁵⁸ PIF, “Annual Report 2014,” p. 26.

⁵⁹ “Nuclear-weapon-free zones.” Working paper submitted by Peru, as Chairman of the Latin American and Caribbean Group, on behalf of the States parties to the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco) represented at the first session of the Preparatory Committee for the 2010 NPT Review Conference. NPT/CONF.2010/PC.I/WP.71. Preparatory Committee for the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Vienna, 10 May

- Strengthening denuclearization regimes in NWFZs and arrangements for consultation and cooperation among them on the basis of shared goals;
- Maintaining enhanced cooperation in order to coordinate positions of NWFZs in relevant international meetings, conferences and agencies;
- Promoting information sharing among the zones;
- Urging NWSs and any other State mentioned in the protocols of the treaties establishing NWFZs which have not yet signed or ratified the protocols to do so as soon as possible;
- Making further efforts to urge NWSs that have signed or ratified any of the relevant protocols with reservations or unilateral interpretations to modify or withdraw such reservations or unilateral interpretations;
- Urging NWS to provide effective negative security assurances to NNWS; and
- Making a substantive contribution to the NPT review cycle.

In 2009, the OPANAL General Conference proposed “that the Focal Points of the NWFZs should meet annually at the time they consider most favorable, as has been the case during the meetings of the General Assembly of the UN and the meetings of the NPT, to exchange information on matters of mutual interest and consider proposals that can contribute to strengthening the nuclear disarmament and non-proliferation regime.”⁶⁰ In practice, OPANAL has had difficulty finding counterparts to interact on a regular, institutionalized basis to work on common goals and to articulate a common position. OPANAL’s Secretary-General has contacted representatives of various NWFZ States Parties posted in Mexico City for the purpose of establishing at least informal contacts, but received very limited responses. OPANAL’s statement at the Third CSP to NWFZs in 2015 indicated that the organization considers the lack of institutionalization a threat to further cooperation.⁶¹

Mongolia has also tried to promote stronger cooperation among the zones and, to that end, on a number of occasions the focal point of Mongolia’s NWFZ has reached out to the five NWFZs, with mixed results. As discussed above, Mongolia was able to organize and host the first meeting of NWFZ focal points in 2009. In 2012 Mongolia organized and chaired the first preparatory meeting of the Third CSP and Signatories that Establish Nuclear-Weapon-Free Zones and Mongolia (NWFZM) in Vienna, and co-organized with Mexico the second preparatory meeting in Geneva in 2013. During these meetings, the issue of cooperation among NWFZs was always discussed and recommendations of a general nature were agreed upon, but the follow-up measures need substantive improvement.

2007, pp. 2-3,

<https://documents-dds-ny.un.org/doc/UNDOC/GEN/N07/351/59/PDF/N0735159.pdf?OpenElement>

⁶⁰ Resolution CG/Res.517: Co-ordination with Other NWFZs. Approved at the 111th Session held on 26 November 2009, [https://disarmament-library.un.org/UNODA/Library.nsf/e8b7464bd1822e9f852576e40054e8ff/d3ab497d5bc0268d8525764100566013/\\$FILE/A-C1-65-2.pdf](https://disarmament-library.un.org/UNODA/Library.nsf/e8b7464bd1822e9f852576e40054e8ff/d3ab497d5bc0268d8525764100566013/$FILE/A-C1-65-2.pdf)

⁶¹ Third Conference of States Parties and Signatories of Treaties that Establish Nuclear Weapon-Free-Zones (NWFZ) and Mongolia. Statement by Ambassador Luiz Filipe de Macedo Soares, Secretary-General of OPANAL, 24 April 2015, http://www.opanal.org/wp-content/uploads/2015/10/Inf008_2015_NWFZ-Conference_24-Apr-20151.pdf

Most NWFZs are also connected with regional institutions (CELAC, ASEAN, PIF, and AU),⁶² of which CELAC actively engages on disarmament and nuclear non-proliferation issues in the global fora. ASEAN's engagement on the subject has also increased in recent years.

Cooperation before 2010

The first example of cooperation among NWFZs is the Memorandum of Understanding signed between the PIF Secretariat and OPANAL in 2002. In this document, the parties expressed their intention to maintain ongoing communication and cooperation on matters of mutual interest.⁶³ However, the Memorandum was a political declaration and did not establish a real mechanism to promote cooperation, as there appear to have been no further developments since 2002.

OPANAL's Member States have on several occasions reaffirmed their determination to strengthen various mechanisms for cooperation among the NWFZs to achieve their main goal of total nuclear disarmament. Since 2005, the Secretariat of OPANAL has been maintaining regular contact with other NWFZs to increase cooperation and information exchange in the field of nuclear disarmament and non-proliferation. In 2005, OPANAL initiated and organized in Mexico City the First CSP to the treaties establishing NWFZs, and Mongolia, and coordinated the Second Conference in New York in 2010, chaired by Chile.

The goal of the First CSP was to examine mechanisms of cooperation among NWFZs in order to strengthen the global nuclear non-proliferation regime, to contribute to the disarmament and non-proliferation process, and to achieve the universal goal of a world free of nuclear weapons. As a result, a declaration was adopted that included statements on common objectives such as: the elimination of nuclear weapons; the establishment of new NWFZs, urging the NWS to sign and ratify additional protocols to the NWFZ Treaties and to provide negative security guarantees to the NNWS; universalization of the NPT; a comprehensive ban on all nuclear testing; and the importance of disarmament and non-proliferation education.⁶⁴ NWFZ representatives had an opportunity to exchange information and experiences, with a view to establishing a rotating conference chairmanship among the NWFZ treaties in the future.⁶⁵ Thus, the conference laid the groundwork for possible further cooperation.

In 2009, in preparation for the Second CSP, Mongolia hosted the first meeting of the focal points of the NWFZs to discuss the issues of coordination and cooperation. Both the importance of universalizing the NPT and the necessity for entry into force of the CTBT were reiterated. Preparations for the 2010 NPT Review Conference and its third Preparatory Committee

⁶² Central Asia is an exception, as it has no corresponding regional organization.

⁶³ Statement by H. E. Mr Ali'Ioaiiga Feturi Elisaia, Permanent Representative of Samoa, to the UN of behalf of the Pacific Islands Forum Group at the 2005 Review Conference of the Parties to the Treaty of the Non-Proliferation of Nuclear Weapons. New York, 4 May 2005, p. 3.

⁶⁴ Declaration for the Conference of Nuclear-Weapon-Free Zones. Nuclear-Weapon-Free Zones Conference, Mexico, 2005.

⁶⁵ Consolidation of the regime established by the Treaty of Tlatelolco. Report presented to the Committee on Hemispheric Security of the OAS. 15 March 2007.

meeting were also discussed.⁶⁶ As a result of the meeting the focal points for the first time adopted a joint statement, which was delivered at the 2010 NPT Review Conference, identifying issues of common importance and concern for the NWFZs.

The outcome document of the Second CSP, which took place in April 2010, the week before the NPT Review Conference, in many respects repeated declarative statements of the 2005 document. However, it also included a number of new provisions. For example, the threat of nuclear weapons was called a crime against humanity. NWFZ States called on the NWSs to review strategic doctrines and security policies and to eliminate the role of nuclear weapons from them. NWFZs also expressed their intention to continue cooperation among themselves and to “explore, through diplomatic channels, the appropriate modalities for maintaining contact and disseminating relevant information among the nuclear-weapon-free zones during the inter-sessional period.”⁶⁷ The last statement was particularly important with regard to improving coordination among the NWFZs, but has not yet led to the establishment of a sustainable communication channel.

The conferences of the NWFZs and their final documents represented the first stage of political cooperation agreed upon by all five NWFZs and Mongolia in order to pursue an international agenda based on shared interests.⁶⁸ At the 2010 NPT Review Conference, the Latin American States announced an initiative to hold the NWFZ conferences within the framework of the NPT Review Conferences.⁶⁹ The initiative, however, did not receive sufficient attention or support and was not pursued seriously at the 2015 NPT Review Conference.

Both CSPs and their results were barely covered by mass media and limited information was provided on the official websites of the respective regional institutions (with the exception of OPANAL). Most NWFZs do not have their own websites, and it is difficult to find any official statements by the NWFZ CSP participants (except for OPANAL and, to a lesser extent, ASEAN) or other documentation. This calls into question how serious the intention to cooperate really was, beyond simply issuing a political declaration on behalf of the majority of participating States.

Cooperation since 2010

In 2012, the First Preparatory Meeting for the Third CSP was held in Vienna. The preparatory meeting discussed future activities of the nuclear-weapon-free nations. This meeting also established that the Third Conference would take place in 2015 in New York and be chaired

⁶⁶ NTI, “Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (LANWFZ) (Tlatelolco Treaty),” last updated 18 May 2017, <http://www.nti.org/learn/treaties-and-regimes/treaty-prohibition-nuclear-weapons-latin-america-and-caribbean-lanwzf-tlatelolco-treaty/>

⁶⁷ Outcome Document of the Second Conference of Nuclear-Weapon-Free Zones and Mongolia (Conference of the States Parties and Signatories to the Treaties that Establish Nuclear-Weapon-Free Zones and Mongolia (New York, 30 April 2010).

⁶⁸ Gioconda Úbeda, “Regional agenda for nuclear disarmament.”

⁶⁹ 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons. Final Document. (New York, 28 May 2010), p. 10.

by Indonesia. The results of the meeting were submitted to the NPT Preparatory Committee in May 2012.⁷⁰ In 2013 the Second Preparatory Meeting to the 2015 Third Conference of NWFZs took place in Geneva. The meeting discussed further activities and goals of nuclear-weapon-free nations.⁷¹

The Third CSP took place in April 2015 in New York. At that meeting, OPANAL emphasized that enhanced cooperation among NWFZs to promote nuclear disarmament should be a key goal of the Conference.⁷²

Due to a procedural dispute triggered by political differences between two Member States of one of the zones, which were not germane to the subject matter of the Conference, the participants failed to adopt a final report or a declaration.⁷³ As it proved impossible to overcome the disagreement between the two States, the Conference could not commence formal discussions. The lack of a final document and agreement on next steps raised questions about convening the next CSP. As of late 2017, no decision had been made as to the location of the Fourth CSP and its chair, or whether a Conference would be convened at all.

Despite the failure of the Third CSP, OPANAL continued to express its willingness to promote cooperation and invited representatives of other NWFZs to participate in the Ordinary Session of the OPANAL General Conference in celebration of the 50th Anniversary of the Treaty of Tlatelolco.⁷⁴ Indonesia, as President of the Third CSP, also stated its willingness “to continue to be relentless in consolidating and expanding on commonalities of all States Parties and signatories to the Treaties establishing NWFZs and Mongolia.”⁷⁵ In August 2017, the President of Kazakhstan, Nursultan Nazarbaev, expressed readiness to arrange a meeting of the States parties to the NWFZs in order to discuss ways to bolster the creation of new zones.

Besides the abovementioned conferences, Member States of different NWFZs have successfully worked together on several initiatives aimed at promoting nuclear disarmament and non-proliferation in the world.⁷⁶ The most interesting example of such cooperation is the Working Paper, “Addressing nuclear disarmament: Recommendations from the perspective of nuclear-weapon-free zones,” submitted by Argentina, Brazil, Costa Rica, Ecuador, Guatemala, Indonesia, Malaysia, Mexico and Zambia in April 2016 to the Open-Ended Working Group

⁷⁰ NTI, “Nuclear-Weapon-Free Status of Mongolia.”

⁷¹ Ibid.

⁷² Third Conference of States Parties and Signatories of Treaties that Establish Nuclear Weapon-Free-Zones (NWFZ) and Mongolia. Statement by Ambassador Luiz Filipe de Macedo Soares, p. 2.

⁷³ General Conference of OPANAL. XXIV Extraordinary Session. Report by the Secretary General. Mexico City, 10 November 2016.

⁷⁴ Ibid.

⁷⁵ Statement by Ambassador Desra Percaya at the General Debate of the 2015 NPT Review Conference, 29 April 2015, http://www.un.org/en/conf/npt/2015/statements/pdf/ID_en.pdf

⁷⁶ “Nuclear-Weapon-Free Zones.” Working paper submitted by the members of the Group of Non-Aligned States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (2015 NPT Review Conference, 9 March 2015); Working Paper on the Humanitarian Impact of Nuclear Weapons submitted by Austria, Chile, Costa Rica, Egypt, Holy See, Indonesia, Ireland, Malaysia, Mexico, New Zealand, Nigeria, Philippines, South Africa, Sweden and Switzerland (2015 NPT Review Conference, 22 April 2015); a number of Draft Resolutions (Nuclear-Weapon-Free Southern Hemisphere and adjacent areas).

(OEWG) on taking forward multilateral nuclear disarmament negotiations. Although not formally representing their respective zones, these States provided recommendations from the perspective of parties to NWFZs. Some of the recommendations were included in the report of the OEWG, such as the necessity to support the strengthening of existing NWFZs and creating new zones.⁷⁷ The document also recommended to convene “a Conference in 2017, open to all states, international organizations and civil society, to negotiate a legally-binding instrument to prohibit nuclear weapons.”⁷⁸ Member States of various NWFZs also cooperated in preparation of another working paper presented to the OEWG in May 2016 and demanded that negotiations be commenced “urgently.”⁷⁹ These recommendations were welcomed by the majority of the NNWSs. The UNGA subsequently adopted a resolution establishing a conference to negotiate a treaty prohibiting nuclear weapons in 2017.⁸⁰

Conclusions and Recommendations

Summary of Findings

This background paper examines issues related to past and current cooperation among NWFZs. Historically, cooperation among the zones has not been comprehensive, systematic or sustainable. The results of the last CSP were disappointing, and there has been no decision to convene a Fourth CSP. There is also still no permanent institution or mechanism for regular communication among the NWFZs or coordination of their positions and goals.

The key challenges for cooperation among the NWFZs could be summarized as follows:

- Low level of institutionalization both within most NWFZs and among them;
- Difficulties in formulating and expressing common positions and views by each zone, as there is no consensus among Member States on several issues;
- Lack of effective mechanisms to exchange information within and among NWFZs;
- The infrequency of conferences of NWFZs. Conferences that take place once in five years, while useful, do not provide the necessary continuity and momentum for cooperation. There needs to be a stronger, more substantive intersessional process that could help avoid failures such as the one in 2015.
- Low, sporadic and considerably varying interest in enhancing cooperation among the NWFZs, other than OPANAL and Mongolia, given States Parties and regional institutions are more concerned with regional priorities.

Severe disagreements on procedural issues among a few States Parties at the Third CSP are further evidence that conflicting national interests unrelated to substantive NWFZ issues can

⁷⁷ Addressing nuclear disarmament: Recommendations from the perspective of nuclear-weapon-free zones Submitted by Argentina, Brazil, Costa Rica, Ecuador, Guatemala, Indonesia, Malaysia, Mexico and Zambia to the Open-ended Working Group taking forward multilateral nuclear disarmament negotiations (Geneva, 28 April 2016).

⁷⁸ Ibid.

⁷⁹ The “Legal Gap”: Recommendations to the Open-ended Working Group on taking forward nuclear disarmament negotiations (Geneva, 4 May 2016).

⁸⁰ UN General Assembly resolution A/RES/71/258, 23 December 2016, <http://undocs.org/A/RES/71/258>.

take precedence over common objectives and inhibit or even prevent cooperation (if States are interested in cooperation, they should not let such problems block the conference).

Further, it is worth noting the difficulty of obtaining reliable and up-to-date information on the NWFZs, which complicates one's ability to analyze documents and formulate recommendations. Most of the NWFZs either do not have a dedicated website or do not regularly update them. There is also a limited number of academic publications on the zones and fewer still on collaboration among them.

Despite these challenges, existing NWFZs share the same goal of a world free of nuclear weapons. For this reason, it is important to emphasize that their further cooperation should be concentrated on concrete issues and steps toward achieving that goal.

Recommendations

Suggestions for actions the zones could undertake to improve cooperation are presented here in order of priority and feasibility, starting with what appears to be both most urgent and most easily implementable. While many more proposals and ideas could be developed, one must be cognizant of existing limitations in terms of uneven institutionalization among the zones, along with varying levels of capacity and ability to commit resources to cooperative endeavors. It should be noted that, while cooperation among all of the zones is the most desirable objective, two or more zones could advance cooperation in areas of particular interest or concern to them in order to pave the way for all zones joining in due time.

Communication and Institutionalization of Contacts

At present, communication among the zones is weak and lacks any regular mechanism. The amount of information on individual zones and their meetings and activities available from open sources varies significantly among the zones. Improving the exchange of information and regularizing communication should be the first priority in enhancing inter-zonal cooperation, because enhanced information is a necessary basis for any cooperation.

An important institutional pre-requisite for improved communication and, by extension, cooperation, is for each zone to establish, where absent, a structure capable of delivering secretariat services for the zone as a whole, such as:

- A permanent point of contact;
- A rotating point of contact with short-term (annual) rotation;
- A rotating point of contact with long-term (triennial or more) rotation;
- A rotating presidency;
- An office, substructure, associated structure or specific staff position within a regional organization with a broader mandate (such as ASEAN); and/or
- A zonal organization (e.g. OPANAL, AFCONE).

Among these suggestions, a rotating point of contact with a longer-term rotation might be the most feasible: it is the least cost- and personnel-intensive, and most practical and sustainable,

option for those zones that do not have a formal implementing body and might be reluctant to invest scarce resources into a full organization.

The institutional options listed above would also work best if each zone designated at least one person (a staff member in the Foreign Office or at the mission to the UN in New York) as being responsible for keeping track of contacts and maintaining communication with counterparts concerning zonal matters as a key assignment.

Possible steps to improve communication among the zones include the following:

- Establishment of a global NWFZ website/portal serving as a center for communication among the zones and providing information about the zones and the NWFZ conferences as well as other joint activities to the diplomatic community, media and other audiences:
 - Designate a point of contact responsible for maintaining the website.
 - Engage the points of contact in all zones to regularly contribute to the website on developments in their respective zones.
 - Consider creating a “NWFZ news” blog addressing current issues of interest to zonal politics.
 - Consider creating a public portal where people could ask questions and post comments.

An assessment of funding implications would be needed to examine whether the above option would be feasible, as financial resources would be required to design the website and ensure its maintenance. It is worth exploring whether United Nations Office for Disarmament Affairs (UNODA) would be in a position to host the NWFZ website/portal, and what kind of financial contributions towards the design and maintenance of the website would be required. As an interim step, OPANAL could also receive contributions (information) from other zones and place them on its website, which has a section devoted to other NWFZs.

- Establishment of a protected e-communication line among the zones (equivalent to the COREU system of the European Union) to facilitate regular and short notice communication. Zones could thus exchange notifications about their respective meetings and decisions taken, and eventually expand the use of the channel to coordinate activities as necessary. For the distant future, it is conceivable that such a communication line could serve to alert zone members across the globe and coordinate responses in the event of a violation of the protocol(s) or a breach of basic commitments by a zone member.
 - A simple first step would be to create and share an email contact list of points of contact among the NWFZ States.
- Establishment of a consultative group of representatives of NWFZ parties based in New York or Geneva, meeting regularly to exchange information on their respective zonal activities and, where possible, coordinate positions.
 - At least at the start, it could be an informal contact group that could meet at the UN in New York, on the sidelines of the First Committee, where any NWFZ State would

- be welcome to attend (in their personal/national capacity and not as a representative of their respective zone as a whole) to exchange views.
- This activity would require an organizer/coordinator, so it would be necessary to establish an appropriate coordination system, possibly based on rotation among the zones.
- Institutionalization of regular meetings of the points of contacts of the zones, either annually or in the interim years when no meeting of all States Parties takes place:
 - In the longer term, in addition to information exchange, the meetings of focal points could focus on promoting common positions on pertinent disarmament and non-proliferation issues.
 - NWFZs would need to ensure that the focal points are empowered to represent their respective zones at such meetings.
 - This activity would also require coordination, and a mechanism/system would need to be established to ensure predictability and planning (as opposed to searching for a volunteer coordinator/host for each meeting). This appears less feasible at this stage than most of the above options.
 - Creation of a mediation mechanism for all types of inter-zonal meetings with a view to preventing ungermane controversies among Member States from blocking progress in inter-zonal cooperation. A mediation committee composed of one representative of each zone might be the best option for this mission.

Research and Analysis

NWFZs could cooperate in examining and analyzing issues of common interest and importance to different zones, such as the experience of engagement with the NWSs on the protocols to the NWFZ treaties. The signatures and ratifications of all of the protocols that the NWSs are eligible to join have so far been accompanied by interpretative statements and/or reservations. The NWFZ States routinely call on the NWSs to withdraw or modify such statements or declarations, but, as OPANAL's internal study has demonstrated, these calls are usually not specific enough and are therefore ineffective. In this regard, the following activities should be explored:

- Exchange of experiences concerning issues of shared interest:
 - Exchange of information on, and comparative analysis of, the protocols and the reservations/interpretative statements/declarations made by each NWS at the time of signature of the protocols;
 - Exchange of experiences in securing adherence to the protocols to the zone: discuss the difficulties encountered therein and best practices in resolving them, including the substantive solutions for disputes between zone members and the NWSs; and explore ways to approach the NWSs regarding the withdrawal or modification of reservations and interpretative statements/declarations.

- Study the possibility of establishing a new single-state NWFZ based on the example of Mongolia;
- Study the possibility of creating a new NWFZ among non-contiguous States in a region (e.g. Europe, Far East, Middle East and South Asia);
- Promote the undertaking of a second study on NWFZs in all their aspects by the UNGA (Group of Experts or by the UNODA), as the first such study was undertaken in the 1970s, before most of the current zones came into existence;
- Study the varying positions among the NWFZ States on the prohibition of transit of nuclear weapons, especially in the context of the recently concluded Treaty on the Prohibition of Nuclear Weapons.

Disarmament and Non-Proliferation Education

Disarmament and non-proliferation education is among the least controversial issues in the international fora, and the need to promote education and build capacity in this area, particularly among the youth, is widely recognized. Action, however, has by and large lagged behind the declarations of support and resolutions on disarmament education.

Given the broad support for disarmament and non-proliferation education, NWFZ States could explore various joint endeavors in this regard:

- Online courses for diplomats and secretariat personnel from different NWFZs and regional institutions (ASEAN, AU, Pacific Islands Forum). As OPANAL has already developed a number of courses, it could share lessons learned, if not actual platforms and technologies, with other zones;
- Regional short courses on nuclear disarmament, non-proliferation and other issues relevant to the zones;
- Internships offered by OPANAL to share its experience;
- Cross-regional seminars on issues of joint interest (e.g. NWFZs and nuclear security; institutional structures for NWFZs);
- Seminars for those interested in exploring the option of a NWFZ for their own region; and
- Learning materials on the politics and ethics of NWFZs for high school and graduate courses.

Cooperation with international organizations and in multilateral fora

Although most of the suggestions below may not appear feasible in the near future, with improved communication and coordination among the NWFZs, articulation of common

positions and their advancement in the multilateral fora are worthy objectives for the zones to pursue in the longer term.

- Seek ways to enhance cooperation among the NWFZs and UNODA and UN Regional Centers for Peace and Disarmament.
- Consider further cooperation with the IAEA and other international organizations, as appropriate, in organizing meetings to share experiences and support the creation of new zones, such as the 2011 Forum on Experience of Possible Relevance to the Creation of a Nuclear-Weapon-Free-Zone in the Middle East.⁸¹
- Secure the cooperation of the zones in preparation for an annual draft resolution on NWFZs in the UNGA.
- Cooperate in producing joint statements and/or working papers without necessarily involving all NWFZ parties. Such statements/working papers can still present the views in line with the majority of NWFZ States but without requiring unanimity and tedious negotiations. An example of a joint paper by representatives of different zones is WP.34/Rev.1 presented at the 2016 OEWG on taking forward multilateral nuclear disarmament negotiations.⁸²
- Articulate common positions and deliver joint statements on nuclear disarmament (and other relevant issues) in the framework of multilateral organizations and negotiations such as the UNGA First Committee, the Conference on Disarmament, the NPT review process, the IAEA, the CTBTO and ad-hoc negotiations. Challenges in this area include, for example, the NWFZ States' differing views on issues such as nuclear deterrence and prohibition of transit.
- Joint reactions to nuclear crises (e.g., DPRK nuclear tests; nuclear threats and re-emphasis on nuclear weapons by NWSs; events related to a Middle East weapons of mass destruction free zone).
- Develop the capability to convene joint global conferences on issues of interest to NWFZ (e.g. negative security guarantees).

NWFZ have the potential to become a major force in the move towards a world without nuclear weapons. This potential can only be ensured if they cooperate in order to fully realize the benefits promised by the zones. Options for cooperation abound, but the efforts needed to bring them about range from fairly easy to quite difficult in terms of commitment and necessary resources. As discussed in this paper, several steps could be taken that are neither very demanding nor costly. Taking these steps might create the necessary momentum to commit to more far-reaching activities. Initial attempts to foster cooperation have taken place in the past

⁸¹ For information on the 2011 Forum, see "IAEA and Nuclear-Weapon-Free Zones (NWFZ)", <https://www.iaea.org/newscenter/focus/nuclear-weapon-free-zones>.

⁸² See <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/095/46/PDF/G1609546.pdf>.

years, which demonstrates that cooperation is possible and should encourage Member States to start new initiatives. Given the enormous discrepancies we are witnessing today between, on the one hand, the conclusion of the TPNW and, on the other, the stagnation of nuclear arms control and disarmament among the NWS, accompanied by an incipient new multipolar nuclear arms race, a robust initiative by the NWFZ would be timely and much desirable.



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