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Report of the Disarmament Commission

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Note

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on consolidation of peace in the context of General Assembly resolution 51/45 N”, to Working Group III.

2. The Working Group met under the chairmanship of Michael Hoey (Ireland), and held 13 meetings between 14 and 28 April 1999. The Chairman also conducted a number of informal consultations. Sergei Cherniavsky of the Disarmament and Decolonization Organs Servicing Branch, Department of General Assembly Affairs and Conference Services, served as Secretary of the Working Group. Nazir Kamal of the Department of Disarmament Affairs served as adviser to the Working Group.

3. At the 1st meeting, on 14 April, the Chairman made an introductory statement and submitted to the Working Group the Chairman’s working paper (A/CN.10/1999/WG.III/WP.1).

4. At the same meeting, the Working Group decided to take up the Chairman’s paper as a basis for discussion on the subject. In the light of the deliberations of the Working Group, the Chairman presented three revisions of his paper.

5. At its 13th meeting, on 28 April, the Working Group adopted by consensus its report on agenda item 6 and a text entitled “Guidelines on conventional arms control/limitation and disarmament, with particular emphasis on consolidation of peace in the context of General Assembly resolution 51/45 N”, which is contained in the annex to the present report (see annex III).

Notes

¹ *Official Records of the General Assembly, Fifty-third Session, Supplement No. 42 (A/53/42).*

² Resolution S-10/12.

³ A/CN.10/137.

⁴ *Official Records of the General Assembly, Fifty-third Session, Supplement No. 27 (A/53/27).*

Annex I

Establishment of nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the region concerned

A. General overview

1. Recent developments in international relations, especially in the fields of disarmament and non-proliferation, have led to increased efforts to consolidate existing and to establish new nuclear-weapon-free zones on the basis of

arrangements freely arrived at among the States of the region concerned and to a better understanding of the importance of such zones.

2. The Final Document of the Tenth Special Session of the General Assembly^a stated that the establishment of nuclear-weapon-free zones on the basis of agreements or arrangements freely arrived at among the States of the zone concerned and the full compliance with those agreements or arrangements, thus ensuring that the zones are genuinely free from nuclear weapons, and respect for such zones by nuclear-weapon States constitute an important disarmament measure.

3. In 1993, the Disarmament Commission unanimously adopted “Guidelines and recommendations for the regional approaches to disarmament within the context of global security”, which included a substantive consideration of zones free of nuclear weapons and other weapons of mass destruction.

4. The General Assembly has over the years adopted numerous resolutions on the issue of the establishment of nuclear-weapon-free zones in different regions of the world, which reflects the continuing interest of the international community in the establishment of such zones.

5. Nuclear-weapon-free zones have ceased to be exceptional in the global strategic environment. To date, 107 States have signed or become parties to treaties establishing existing nuclear-weapon-free zones.^b With the addition of Antarctica, which was demilitarized pursuant to the Antarctic Treaty, nuclear-weapon-free zones now cover more than 50 per cent of the Earth’s land mass.

B. Objectives and purposes

6. As has been universally recognized, nuclear-weapon-free zones have made and continue to make, as their objective, an important contribution to the strengthening of the international nuclear non-proliferation regime, to the achievement of nuclear disarmament and to global efforts aimed at achieving the ultimate objective of eliminating nuclear weapons and, more broadly speaking, general and complete disarmament under strict and effective international control.

7. Each nuclear-weapon-free zone is the product of the specific circumstances of the region concerned and highlights the diversity of situations in the different regions. Moreover, the establishment of nuclear-weapon-free zones is a dynamic process. The experience of existing nuclear-weapon-free zones clearly shows that these are not static structures and also, in spite of the diversity of situation in different regions,

highlights the feasibility of the establishment of the new nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the region concerned.

8. Nuclear-weapon-free zones help to strengthen the security of the States that belong to such zones.

9. Nuclear-weapon-free zones are an important disarmament tool which contributes to the primary objective of strengthening regional peace and security and, by extension, international peace and security. They are also considered to be important regional confidence-building measures.

10. Nuclear-weapon-free zones can also be a means of expressing and promoting common values in the areas of nuclear disarmament, arms control and non-proliferation.

11. For the States parties to the Treaty on the Non-Proliferation of Nuclear Weapons,^c nuclear-weapon-free zones are an important complementary instrument to the Treaty, article VII of which explicitly recognizes the right of any group of States to conclude regional treaties in order to assure the total absence of nuclear weapons in their respective territories. The decision on “Principles and objectives for nuclear non-proliferation and disarmament” in the Final Document of the 1995 Review and Extension Conferences of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons,^d adopted in 1995, reaffirmed the conviction of the States parties to the Treaty on the Non-Proliferation of Nuclear Weapons that the establishment of internationally recognized nuclear-weapon-free zones, on the basis of arrangements freely arrived at among the States of the region concerned, enhances global and regional peace and security.

12. Nuclear-weapon-free zones considerably strengthen and increase the nuclear non-proliferation obligations of non-nuclear-weapon States parties to the Treaty on the Non-Proliferation of Nuclear Weapons to refrain from acquiring nuclear weapons and to develop and use nuclear energy solely for peaceful purposes and in accordance with the safeguards established by the International Atomic Energy Agency (IAEA).

13. Nuclear-weapon-free zones are a useful complement to the international regime for the prohibition of any nuclear-weapon-test explosions or any other nuclear explosion.

14. By signing and ratifying the relevant protocols to the treaties establishing nuclear-weapon-free zones, nuclear-weapon States undertake legally binding commitments to respect the status of such zones and not to use or threaten to use nuclear weapons against States parties to such treaties.

15. The current nuclear-weapon-free zones have served and are serving as an example for the establishment of new zones. At the same time, they offer support and the benefit of their experience to States that are considering proposals or proceeding to establish nuclear-weapon-free zones in other regions.

16. Nuclear-weapon-free zones may serve, as long as the respective treaty provides therefor, as a framework for international cooperation on the use of nuclear energy for peaceful purposes in the region, which will promote economic, scientific and technological development of the States parties.

17. Nuclear-weapon-free zones may also serve to promote cooperation aimed at ensuring that the regions concerned remain free of environmental pollution from radioactive wastes and other radioactive substances and, as appropriate, enforcing internationally agreed standards regulating international transportation of those substances.

C. Principles and guidelines

18. The principles and guidelines presented below can be regarded only as a non-exhaustive list of generally accepted observations in the current stage of the development of nuclear-weapon-free zones and are based on current practices and available experiences, bearing in mind that the process of establishing nuclear-weapon-free zones should allow for the harmonious implementation of each of these principles and guidelines.

19. The establishment of nuclear-weapon-free zones is consistent with a variety of objectives. The important contribution of nuclear-weapon-free zones to the strengthening of the international non-proliferation regime and to regional and world peace and security has been universally recognized.

20. Nuclear-weapon-free zones should be established on the basis of arrangements freely arrived at among the States of the region concerned.

21. The initiative to establish a nuclear-weapon-free zone should emanate exclusively from States within the region concerned and be pursued by all the States of that region.

22. In cases where consensus exists on the goal to establish a nuclear-weapon-free zone in a given region, efforts exerted by the States of the region concerned aimed at the establishment of such a zone should be encouraged and supported by the international community. Assistance should be provided, as appropriate, including through the essential role of the United Nations, to the States of the region

concerned in their efforts to establish a nuclear-weapon-free zone.

23. All the States of the region concerned should participate in the negotiations on and the establishment of such a zone on the basis of arrangements freely arrived at among the States of the region concerned.

24. The status of a nuclear-weapon-free zone should be respected by all States parties to the treaty establishing the zone as well as by States outside the region, including all States whose cooperation and support are essential for the maximum effectiveness of such a zone, namely, the nuclear-weapon States and, if there are any, States with territory or that are internationally responsible for territories situated within the zone concerned.

25. The nuclear-weapon States should be consulted during the negotiations of each treaty and its relevant protocol(s) establishing a nuclear-weapon-free zone in order to facilitate their signature to and ratification of the relevant protocol(s) to the treaty, through which they undertake legally binding commitments to the status of the zone and not to use or threaten to use nuclear weapons against States parties to the treaty.

26. If there are any States with territory or that are internationally responsible for territories within the zone concerned, these States should be consulted during the negotiations of each treaty and its relevant protocols establishing a nuclear-weapon-free zone with a view to facilitating their signature and ratification of the relevant protocol(s) to the treaty.

27. The process of establishing the zone should take into account all the relevant characteristics of the region concerned.

28. The establishment of further nuclear-weapon-free zones reaffirms the commitment of the States that belong to such zones to honour their legal obligations deriving from other international instruments in force in the area of nuclear non-proliferation and disarmament to which they are parties.

29. The obligations of all the States parties to a treaty establishing a nuclear-weapon-free zone should be clearly defined and be legally binding, and the States parties should fully abide by such agreements.

30. The arrangements relating to a nuclear-weapon-free zone should be in conformity with the principles and rules of international law, including the United Nations Convention on the Law of the Sea.^e

31. States parties to a nuclear-weapon-free zone exercising their sovereign rights and without prejudice to the purposes and objectives of such a zone remain free to decide for

themselves whether to allow visits by foreign ships and aircraft to their ports and airfields, transit of their airspace by foreign aircraft and navigation by foreign ships in or over their territorial sea, archipelagic waters or straits that are used for international navigation, while fully honouring the rights of innocent passage, archipelagic sea lane passage or transit passage in straits that are used for international navigation.

32. A treaty establishing a nuclear-weapon-free zone based on arrangements freely arrived at among the States of the region concerned, and fully taking into account any other obligations that such States may have under existing regional and international arrangements, if applicable, should be implemented by the States parties concerned in accordance with their individual constitutional requirements and should be consistent with international law and the rights and obligations recognized in the Charter of the United Nations. States parties to the current nuclear-weapon-free zones should ensure that their adherence to other international and regional agreements does not entail any obligations contrary to their obligations under the nuclear-weapon-free zone treaties.

33. A nuclear-weapon-free zone should provide for the effective prohibition of the development, manufacturing, control, possession, testing, stationing or transporting by the States parties to the treaty of any type of nuclear explosive device for any purpose, and should stipulate that States parties to the treaty do not permit the stationing of any nuclear explosive devices by any other State within the zone.

34. A nuclear-weapon-free zone should provide for the effective verification of compliance with the commitments made by the parties to the treaty, *inter alia*, through the application of full-scope IAEA safeguards to all nuclear activities in the zone.^f

35. A nuclear-weapon-free zone should constitute a geographical entity whose boundaries are to be clearly defined by prospective States parties to the nuclear-weapon-free zone treaty through full consultations with other States concerned, especially in cases where territories in dispute are involved, with a view to facilitating agreement of those States concerned.

36. Nuclear-weapon States should, for their part, assume in full their obligations vis-à-vis nuclear-weapon-free zones upon signing and ratifying relevant protocols, including strict compliance with the statute of the nuclear-weapon-free zone and, through the signing of relevant protocols, enter into binding legal commitments not to use or threaten to use nuclear weapons against the States that belong to the nuclear-weapon-free zone.

37. A nuclear-weapon-free zone should not prevent the use of nuclear science and technology for peaceful purposes and could also promote, if provided for in the treaties establishing such zones, bilateral, regional and international cooperation for the peaceful use of nuclear energy in the zone, in support of socio-economic, scientific and technological development of the States parties.

D. The way ahead

38. The number of initiatives taken to establish new nuclear-weapon-free zones is clear evidence of the importance of such zones to current international efforts to promote disarmament, arms control and non-proliferation.

39. All existing nuclear-weapon-free zones should come into force as soon as possible. States that are still in the process of considering their signature and/or ratification of the treaties and relevant protocols establishing the existing nuclear-weapon-free zones are encouraged to proceed therewith. In this context, cooperation and efforts by all States concerned are essential.

40. The establishment of nuclear-weapon-free zones in regions for which consensus resolutions of the General Assembly exist, such as the Middle East and Central Asia, as well as the development of zones free from all weapons of mass destruction, should be encouraged.^g

41. Vigorous efforts should be made to secure cooperation and coordination among the States parties and signatories to nuclear-weapon-free zone treaties in order to promote their common objectives. Members of nuclear-weapon-free zones could also work together to share experiences with States of other regions and support their efforts to establish further nuclear-weapon-free zones.

42. Any State from a region concerned has the right to propose the establishment of a nuclear-weapon-free zone in its region.

43. Any proposal on the establishment of a nuclear-weapon-free zone on the basis of arrangements freely arrived at should only be considered after consensus on the objective has been achieved in broad consultations within the region concerned.

44. Without prejudice to the provisions of the United Nations Convention on the Law of the Sea, including the principle of the freedom of the high seas, and to other applicable treaties, political relations and cooperation among the States parties and signatories to nuclear-weapon-free zone treaties can be expanded and consolidated in the context of the ultimate goal of elimination of all nuclear weapons, particularly in the Southern Hemisphere and adjacent areas.

45. The international community should continue to promote the creation of nuclear-weapon-free zones around the globe in an effort towards achieving the ultimate goal of freeing the entire world from all nuclear weapons as well as other weapons of mass destruction, and, more broadly speaking, of general and complete disarmament under strict and effective international control, so that future generations can live in a more stable and peaceful atmosphere.

Notes

^a General Assembly resolution S-10/2.

^b These treaties may be described as follows:

- (i) Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco) was opened for signature on 14 February 1967, thereby establishing for the first time in history a nuclear-weapon-free zone; the Treaty has served as a model for the promotion of other similar zones (United Nations, *Treaty Series*, vol. 634, No. 9068);
- (ii) The South Pacific Nuclear Free Zone Treaty (Treaty of Rarotonga) was opened for signature by the States of the South Pacific Forum on 6 August 1985 (see *The United Nations Disarmament Yearbook*, vol. 10: 1985 (United Nations publication, Sales No. E.86.IX.7), appendix VII);
- (iii) The Treaty on the South-East Asia Nuclear-Weapon-Free Zone (Treaty of Bangkok) was opened for signature on 15 December 1995 as part of the establishment of a zone of peace, freedom and neutrality in South-East Asia;
- (iv) The African Nuclear-Weapon-Free Zone Treaty (Treaty of Pelindaba) was opened for signature on 11 April 1996 (A/50/426, annex).

^c United Nations, *Treaty Series*, vol. 729, No. 10485.

^d *1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Final Document, Part I* (NPT/CONF.1995/32 (Part I), annex, decision 2).

^e *Official Records of the Third United Nations Conference on the Law of the Sea*, vol. XVII (United Nations publication, Sales No. E.84.V.3), document A/CONF.62/122.

^f Based on IAEA document INFCIRC/153, as strengthened by document INFCIRC/540.

^g Owing to its unique geographical circumstances, Mongolia has declared its nuclear-weapon-free status in order to promote its security. This status was welcomed by the General Assembly in its consensus resolution 53/77 D of 4 December 1998.

Annex II