

**Preparatory Committee for the 2010
Review Conference of the Parties to
the Treaty on the Non-Proliferation
of Nuclear Weapons**

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NUCLEAR-WEAPON-FREE ZONE TREATIES

Working Paper submitted by Slovenia on behalf of the European Union

1. The European Union regards the Nuclear Non-Proliferation Treaty (NPT) as the cornerstone to the international community's commitment to the non-proliferation regime and total disarmament. The EU is committed to the preservation of the integrity of the NPT and the strengthening of its implementation, as reiterated in the EU Common Position of 25 April 2005 and the EU Strategy against the proliferation of WMD of 2003.
2. The European Union recalls that the NPT is based on three mutually reinforcing pillars: non-proliferation, disarmament and the peaceful use of nuclear energy. With regard to non-proliferation and disarmament, the European Union attaches great importance to the voluntary establishment of internationally recognised and effective Nuclear-Weapon-Free Zones in conformity with the guidelines adopted in the 1999 substantive session of the United Nations Disarmament Commission, as a means of promoting nuclear disarmament, stability and confidence.
3. The European Union recognises the continuing importance of the existing legally binding security assurances, provided for by the protocols to the Nuclear-Weapon-Free Zone treaties and the unilateral declarations of nuclear weapon states, as noted by United Nations Security Council

Resolution 984 (1995), and reaffirmed at the 2000 NPT Review Conference, to non-nuclear weapon States Parties to the NPT on the use of or threat of use of nuclear weapons. Positive and negative security assurances can act as incentives for other states to abstain from acquiring nuclear weapons.

4. Signature and ratification by the nuclear weapon states of the relevant protocols to Nuclear-Weapon-Free Zones is welcomed and encouraged by the European Union, and we hope that outstanding issues concerning Nuclear-Weapon-Free Zone treaties, such as the issues surrounding the Central Asian Nuclear-Weapon-Free Zone, can be resolved through consultations in accordance with UNDC guidelines and with the agreement of all parties involved.

5. With regard to Article VII of the NPT, the European Union believes that Decision No. 2 of the 1995 Extension and Review Conference and the Outcome Document of the 2000 NPT Review Conference, reaffirms the need for the establishment of additional Nuclear-Weapon-Free Zones, especially in regions of tension such as the Middle East.

6. The establishment of a mutually and verifiable zone in the Middle East free of all nuclear weapons, as well as other Weapons of Mass Destruction and their means of delivery is regarded by the European Union as a means of enhancing security and stability in the region. The European Union remains committed to and recognises the value of the implementation of the resolution on the Middle East (NPT/CONF.1995/32/RES/1) adopted at the 1995 NPT Review and Extension Conference.

7. The European Union underlines the importance of the resolution regarding “the risk of nuclear proliferation in the Middle East” (UNGA Resolution 59/106), although it continues to emphasise the concern of the international community over Iran’s nuclear program and Iran’s failure to comply with the subsequent United Nations Security Council Resolutions (1696, 1737, 1747, and 1803).

8. The European Union welcomes the global increase in Nuclear-Weapon-Free Zones and stresses the importance of the principles of verification and universality with respect to their

international recognition. The Preparatory Committee could therefore reiterate the following understanding of the guidelines as outlined in the 1999 UNDC substantive session:

- (a) 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.
- (b) 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.
- (c) Nuclear-weapon-free zones should be established on the basis of arrangements freely arrived at among the States of the region concerned.
- (d) 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.
- (e) 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.
- (f) 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.
- (g) 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.

- (h) 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.
- (i) 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.
- (j) The process of establishing the zone should take into account all the relevant characteristics of the region concerned.
- (k) 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 nonproliferation and disarmament to which they are parties.
- (l) 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.
- (m) 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 (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).
- (n) 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.

- (o) 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.
- (p) 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.
- (q) 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 (Based on IAEA document INFCIRC/153, as strengthened by document INFCIRC/540).
- (r) 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.

- (s) 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.
- (t) 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.

Overview of Nuclear-Weapon-Free Zone treaties:

- * Antarctic Treaty (1961)
 - * Treaty of Tlatelolco (1969)
 - * Treaty of Bangkok (1997)
 - * Treaty of Pelindaba (not yet entered into force)
 - * Treaty of Raratonga (1986)
 - * Treaty of Semipalatinsk (not yet entered into force)
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