

Advancing Regional Security: U.S. Perspective on Nuclear-Weapon-Free Zones

Background

1. The establishment of nuclear-weapon-free zones (NWFZ), which are envisioned in the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), can provide important regional reinforcement to global non-proliferation efforts (Article VII of the NPT states: “Nothing in this Treaty affects 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 security benefits of the disavowal of nuclear weapons acquisition by neighboring states or traditional rivals are evident.
2. The United States has historically supported NWFZs on the grounds that, when properly crafted and fully implemented, they can contribute to international peace, security, and stability. They can also reinforce the NPT and the world-wide nuclear nonproliferation regime.
3. The United States takes great care when considering support for NWFZ treaties, which are evaluated on a case-by-case basis. During the debate surrounding the ratification of the protocols to the Treaty of Tlatelolco in the early 1970s, the Administration of President Richard Nixon articulated seven criteria to judge the efficacy of NWFZs. These criteria are sound and continue to guide our policy:
 1. The initiative for the creation of the zone should come from the States in the region concerned;
 2. All States whose participation is deemed important should participate;
 3. The zone arrangement should provide for adequate verification of compliance with its provisions;
 4. The establishment of the zone should not disturb existing security arrangements to the detriment of regional and international security or otherwise abridge the inherent right of individual or collective self-defense guaranteed in the Charter of the United Nations;

5. The zone arrangement should effectively prohibit its Parties from developing or otherwise possessing any nuclear explosive device for whatever purpose;
 6. The establishment of the zone should not affect the existing rights of its Parties under international law to grant or deny other States transit privileges within their respective land territory, internal waters, and airspace to nuclear-powered and nuclear-capable ships and aircraft of non-Party nations, including port calls and overflights; and
 7. The zone arrangement should not seek to impose restrictions on the exercise of rights recognized under international law, particularly the high seas freedoms of navigation and overflight, the right of innocent passage of territorial and archipelagic seas, the right of transit passage of international straits, and the right of archipelagic sea lanes passage of archipelagic waters.
4. Further, the United States fully supports NWFZ treaties that are crafted with the principles and guidelines on the establishment of NWFZs adopted by the United Nations Disarmament Commission in 1999 (A/54/42), including the central principle that such zones be established on the basis of arrangements freely arrived at among all states of the region concerned.

Protocols to NWFZ Treaties

5. The United States has signed and ratified the two protocols to the Treaty of Tlatelolco (Latin America & Caribbean) and has also signed the relevant protocols to the Treaties of Pelindaba (Africa), Rarotonga (South Pacific), and Semipalatinsk (Central Asia). In 2023 and 2024, through briefings with the Senate Foreign Relations Committee and a letter sent by the Secretary of State, the United States Government has engaged with the Senate in an effort to push for ratification of the remaining six relevant protocols to the three NWFZ Treaties.
6. Regarding the Southeast Asian Nuclear-Weapon-Free Zone (SEANWFZ), in 2012 the P5 and ASEAN made preparations for signature of the revised Protocol to the Treaty. However, when some of the P5 indicated that they

would submit statements (including reservations) at the time of signature, member states of ASEAN expressed concern about the effect of these statements on the Treaty and the revised Protocol. ASEAN subsequently informed the P5 that the signing would be postponed to allow more time for discussion of the implications of these statements. The United States has worked diligently over the last decade to assuage ASEAN's concerns regarding the intent and provisions of the statement it would provide upon ratification of the revised Protocol to the Treaty.

7. Other coordinating organizations for NWFZ treaties have raised similar concerns about statements made by the NWS in connection with their signature or ratification of the relevant protocols the NWFZ Treaties and, at certain times, have asked the NWS to revise or withdraw any reservations they have made. Specifically, these concerns center on the negative security assurance (NSA) provided in the relevant protocol to NWFZ treaties because some statements seemingly condition the legally binding NSA to particular criteria placed upon the NWFZ member states. Both through ratification of legally binding protocols to NWFZ treaties and its larger, global NSA, the United States provides an assurance not to use or threaten to use nuclear weapons against NNWS that are party to the NPT and in compliance with their nuclear non-proliferation obligations. Both of those elements – being (i) an NPT NNWS party that (ii) is in compliance with its nuclear nonproliferation obligations – are critical in the U.S. view to the security benefits achieved through the extension of legally binding NSAs under relevant NWFZ treaty protocols. Further, these elements are fully consistent with the objectives and principles of NWFZ treaties and the object and purpose of each relevant protocol.
8. The making of statements (reservations, declarations, and understandings) upon ratification of a treaty is an accepted part of international practice. Such statements have been made with no adverse impact in practice on previously concluded NWFZ treaties or on transit in the zones covered by those treaties. Statements made by states at signature of Protocols are intended to signal the statements they intend to make upon ratification, when the state indicates its consent to be bound by the protocol and accompanying statements would be legally effective. Under customary international law, reservations may not be incompatible with the object and purpose of the international agreement to

which they apply. Further, NWFZ Treaties and their protocols are separate legally binding agreements with different parties and different provisions. As the NWS are not members of the region involved, the NWS are not eligible to become parties to the NWFZ treaties. To clarify the intent of the NWS, the United States believes that it is important for NWFZ member states to consider whether proposed accompanying statements to the relevant protocols are consistent with the objectives and principles of the NWFZ Treaty and are consistent with the object and purpose of each relevant protocol. If a NWS proposed accompanying statement does not meet this standard, the United States believes that NWFZ member states could, and should, politically oppose it.

New NWFZs in Regions Currently Without Such Agreements

9. The potential for establishing new NWFZs can enhance global non-proliferation efforts and foster a cooperative security environment. The United States has historically supported NWFZs, recognizing their potential to contribute to international peace, security, and stability when properly crafted and fully implemented.
10. Additionally, NWFZs can enhance verification and compliance mechanisms, ensuring that states adhere to their non-proliferation commitments. The establishment of robust verification measures within NWFZs can provide greater transparency and accountability, deterring potential violations and building international confidence toward non-proliferation objectives.

Middle East Weapons of Mass Destruction Free Zone

11. The United States has supported the long-term goal of a Middle East free of weapons of mass destruction and their means of delivery, alongside a comprehensive and durable regional peace. Advancing this goal requires an inclusive, consensus-based approach that takes into account the legitimate security concerns of all regional states. The United States looks forward to engaging regional stakeholders further and supporting initiatives that meet these fundamental conditions, such as those identified in A/54/42.