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# Second Meeting of States Parties to the Treaty on the Prohibition of Nuclear Weapons

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## **Protection of border regions-cities located between states possessing nuclear weapons and non-nuclear weapon states**

**Working paper submitted by Universidad Autónoma de Baja California**

### **I. Introduction**

1. The Universidad Autónoma de Baja California (UABC) aims to contribute to the research lines of nuclear disarmament from the perspective of international relations and international law. Since it considers that, as an educational institution, it has the humanitarian and moral duty to join and support nuclear disarmament in relation with the Treaty on the Prohibition of Nuclear Weapons (TPNW), as well as to contribute to research analysis and dissemination of information on the disarmament goals set by the United Nations.

2. The university (UABC) is located in a border region-city (Tijuana, Mexico) meaning that it recognizes the concern that nuclear weapons do not acknowledge borders. In that sense, the university admits this by its scientific journal “Estudios Fronterizos”, in which the paper Protection of border regions-cities located between states possessing nuclear weapons and non-nuclear weapon states: new norms in international law (Joshua Torres, 2022) expresses such apprehension. Thus, the subject matter was also mentioned in the negotiations of the TPNW 2017.

3. The objective is to analyze the border regions-cities between States possessing nuclear weapons and non-nuclear-weapon States for a norm proposal of protection to prevent the risk of a nuclear attack. The research identified States, the number of cities and population of border regions, and compared the amount of population of such regions with the population covered by the treaties of the nuclear-weapons-free zones and the treaties of nuclear-weapon-free geographical regions-areas. The study analyzed the humanitarian consequences of a hypothetical nuclear detonation in a border region between the United States and Mexico (Tijuana-San Diego case) and its geopolitical implications for international security. The conclusions expose that the border regions are vulnerable in the absence of norms, and the proposal is viable for the creation of an international norm of protection compatible with the treaties that seek nuclear disarmament.

4. The central argument of this study is that regions or cities of non-nuclear-weapon states whose borders adjoin states possessing nuclear weapons are vulnerable due to the absence of preventive international policies and norms because cities of states possessing nuclear weapons may be strategic points of nuclear attack by state adversaries if state policies—doctrines of deterrence of potential conflicts—fail.

5. The analysis of the absence of international norms and the impact of nuclear weapons contributes to the exploration of proposals for the protection of these border regions by means of a treaty, agreement, amendment (States Parties) TPNW, or other mechanisms through United Nations (UN) resolutions, state initiatives, and international or regional organizations.

## **II. Population and cities in the border regions between states possessing nuclear weapons and non-nuclear weapon states (summary)**

6. The information presents a total of 2 453 cities within 100 miles of the border. The number of cities in non-nuclear-weapon states is 1 246. In the case of states possessing nuclear weapons, the total number of cities is 1 207. The total population of these cities located in the border regions is 254 194 347. There are 38 cities with more than one million inhabitants.

7. The total population living in cities in the border regions between states possessing nuclear weapons and non-nuclear-weapon states is equivalent to 254 194 347 people. This number is important from the human perspective because each person's life is significant. The lives of the populations in the border regions between non-nuclear-weapon states and states possessing nuclear weapons are vulnerable, some more than others, depending on the region in which they are located. Such regions and populations are not protected or included in a legal instrument compared to other regions or areas.

## **III. Proposal and analysis for the protection of border regions (summary)**

8. This proposal is for exploratory analysis in the academic and States Parties TPNW scenario, non-governmental organizations, and international-regional organizations. It arises after studying the consequences of a possible nuclear detonation in a city in a border region between a state possessing nuclear weapons and a non-nuclear-weapon state.

9. The argument is that cities bordering states possessing nuclear weapons are vulnerable due to the absence of preventive international policies and norms. Cities in states possessing nuclear weapons can be strategic points of nuclear attack by state adversaries. The proposal puts forward for consideration an initiative for the protection of border areas or regions between states possessing nuclear weapons and non-nuclear-weapon states.

10. This initiative proposes creating norms so that states possessing nuclear weapons do not attack border regions or cities that affect other nations that are not involved in the conflicts. It is suggested to include elements oriented towards making states remove from their nuclear attack manuals or plans the targets in geographic border points and include the prohibition of attacks in border areas and cities. The proposal aims to prove how unnecessary it is to have nuclear weapons and promote

abstention from their use in border regions, which would avoid risks, accidents, and humanitarian consequences.

11. This proposal analyzes hard law legal instruments or other mechanisms to achieve a new treaty or agreement in particular, as provided for and permitted by Articles VI and VII of the NPT. The proposal is based on the principles of the NPT, the Nuclear-Weapon-Free Zone treaties, and the Treaty on the Prohibition of Nuclear Weapons.

12. This initiative to safeguard the security of states and promote disarmament to limit the use of nuclear weapons could be a major step forward in disarmament, control, and nuclear non-proliferation. In addition to having the common good and cooperation as objectives, the proposal also considers the interests of the states because the humanitarian consequences and the risk to life caused by nuclear weapons put the state's survival at risk.

13. The proposal is compatible with: the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), Nuclear-Weapon-Free Zone (NWFZ) treaties, and the new Treaty on the Prohibition of Nuclear Weapons (TPNW). The TPNW addresses the concern about the humanitarian consequences and risks of any nuclear detonation in its preamble. Concerning borders, it considers the conclusions of the conferences on the humanitarian impact of nuclear weapons held in Norway, Mexico, and Austria between 2013 to 2014.

**14. The feasibility of the proposal on protecting the population of border regions and cities from nuclear attack through some legal instrument or commitment lies in the facts that:**

(a) It is compatible with Article VI of the NPT on negotiating effective measures relating to cessation of the arms race and disarmament because it has the same purpose.

(b) Article VII of the NPT makes possible the conclusion of regional treaties and can be applied to border regions because they meet regional criteria, such as unique areas with a high population, and the number of states involved exceeds the number of States Parties to several treaties.

(c) Article VIII of the NPT and Article 10 of the TPNW make possible the creation of amendments based on considering border regions. Although the TPNW considers that the consequences of nuclear weapons transcend national borders, it does not include border regions. States Parties to the TPNW have the possibility to consider border regions in their future meetings.

(d) The proposal is compatible and may be integrated with the NWFZ regional treaties.

(e) The proposal aims to contribute to achieving the same humanitarian goals for a peaceful world as those included in the conferences on the humanitarian impact of nuclear weapons and the TPNW.

15. The analysis and reflections of the proposal can be carried out at the conferences of the state's parties to the TPNW. There is a precedent in that the general idea presented here was mentioned in the negotiations of the United Nations General Assembly during the creation of the TPNW. The proposal can also be addressed by the review conferences of the NPT States Parties and the conferences of the States Parties to the NWFZ. It can also be addressed by other forums, international or regional bodies linked to the UN, and bilaterally or in groups between states. The participation of academia and civil society is essential to the states presenting a consolidated proposal.

16. The proposal for the analysis and protection of border regions or cities presents a basis for other strategies in favor of prevention, disarmament, and peace. The process of cooperation and the step-by-step approach are included. The basis of the proposal is intended for future academic studies and for analysis by the states so that, with its help, they can have a basis on which to form agreements.

17. The research identified 38 non-nuclear-weapon states that share borders with states possessing nuclear weapons. A total of 2 704 cities were identified in the border regions, and a population of 254 194 347 people was counted. The total population living in the border regions exceeds those involved in the Rarotonga, Semipalatinsk, Mongolia, Antarctic, and Outer Space treaties. The population in the border regions is balanced in proportion to the population found in the NWFZs. This justifies the feasibility of creating an international legal instruments to protect border regions. The humanitarian consequences of nuclear detonation in a border region are devastating. The effects of explosions and radiation cross borders, affecting life, ecosystems, and economic and urban sectors.

## IV. Conclusions

18. The absence of an international protection norm to prevent a nuclear attack in border regions-cities between states possessing nuclear weapons and non-nuclear-weapon states poses a humanitarian risk, as border cities of nuclear armed states can be strategic points of nuclear attack. International norms of border region protection between the nuclear-weapon states and non-nuclear-weapon states are consistent with the NPT, nuclear-weapon-free zone treaties, and the TPNW. The proposal for a new treaty, agreement, or compromise offers convenient circumstances for state diplomacy to strengthen international law and advance the disarmament process.

19. The historical and legal review of the nuclear weapons issue indicates no specific considerations to protect border regions and no negative security assurances or norms on the subject. States have the opportunity to explore and consider new legal instruments or assurances to protect these regions.

20. Humanity needs new agreements to reduce and eradicate the risks of nuclear weapons. These multilateral-bilateral agreements or treaties must be compatible with the NPT, TPNW, and NWFZ. The treaties' regulatory structure and strategic techniques must have the power to achieve advances in international security, elements that consider the two general disarmament positions of the States to achieve a point of consensus in the negotiations and that justify the abolition of nuclear weapons.

21. Non-nuclear-weapon states may sign different types of bilateral or multilateral agreements with states possessing nuclear weapons, including NSAs in border regions. One option is for the proposal to be put forward by non-nuclear-weapon states with the collaboration of academia and civil society. This first option may be considered the most natural because non-nuclear-weapon states have built a considerable part of international law for disarmament and associated issues. Another natural option is that the proposal can be addressed from the outset with initiatives by the non-nuclear-weapon states and the nuclear-weapon states. On the other hand, the options do not exclude consideration of agreements between nuclear-weapons states because they can be attacked. The impact can include other nuclear armed states or non-nuclear-weapon states not directly involved in the conflict other than by their close geographic location on the border. Accordingly, to protect border regions, states can analyze and offer different formulas for participation.

22. The existence of nuclear weapons in the possession of nine states does not guarantee international security, the guarantee of deterrence policies is insufficient, and there is a margin of error that makes an intentional or accidental nuclear attack possible. The results of presentations and discussions at the HINW conferences, the NPT review conferences, the TPNW negotiations, and the activities of the NWFZ conferences lead to the conclusion that targeted objectives for immediate disarmament are essential for the synergy of step-by-step policies.

23. The proposal explores a diplomatic strategy that benefits both approaches with a balance point for consensus. This analysis seeks to contribute to peace and security, generate stability that reduces geopolitical dangers, avoid the risk of humanitarian impact, and help safeguard the environment and global development. The protection of border regions would limit the use of nuclear weapons, a further justification for their non-existence in the future, thus reducing military expenditure and international tensions. A key question is how, among the different positions of states, border regions can be protected through a legally binding assurance of preference or some other option that generates the norm. Protecting border regions is an opportunity for diplomacy, prestige, reputation, and cooperation between states. The states' agendas have several important goals to specify and ratify legally binding agreements that the world requires to advance with disarmament, non-proliferation, and control.

24. This document aims to contribute to peace from a rational perspective for life, human, and state security and to promote humanitarian intelligence and work for peace as a universal mission.

## V. References

25. Torres Sandoval, J. (2022). Protección de regiones-ciudades fronterizas ubicadas entre Estados con armas nucleares y Estados sin armas nucleares: nuevas normas en el derecho internacional [Protection of border regions-cities located between states possessing nuclear weapons and non nuclear weapon states: new norms in international law]. *Estudios Fronterizos*, 22, e098. <https://doi.org/10.21670/ref.2214098> (Scopus, SJR, Q1).

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[https://ref.uabc.mx/ojs/index.php/ref/article/view/1023/2203?lan=es\\_ES](https://ref.uabc.mx/ojs/index.php/ref/article/view/1023/2203?lan=es_ES) (Spanish)

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