

Statement by Amb. J. Enkhsaikhan on the Relationship between NWFZs and the CTBT

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First of all I would like to welcome the organization by the Government of Mongolia and the Preparatory Commission for the CTBTO of this regional workshop designed to enhance understanding of the CTBT, promote its entry into force and universality, capacity building as well as exchange of views on civil and scientific applications of the treaty's potential. .

The importance of the treaty and its early entry into force has been clearly underlined at the opening session of this workshop by Secretary of State Mr. D. Tsogtbaatar, Mr. Genxin Li and Amb. Jean-Paul Durmont. Its entry into force would strengthen the legal barrier against nuclear testing which would thus contribute to nuclear non-proliferation both horizontally and vertically.

I was asked to share my thoughts on the relationship between nuclear-weapon-free zones (NWFZs) and the CTBT.

Relationship between NWFZs and CTBT

The treaties that establish NWFZs and the CTBT are aimed at preventing nuclear weapons proliferation and reducing the danger of the accidental or other use of nuclear explosive devices. Together with the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and the future fissile material cut-off treaty, these treaties form part of the emerging global nuclear non-proliferation regime. If the NPT, CTBT and the future FMCT are global treaties, NWFZ treaties are regional treaties. They are the expression of a regional approach to nuclear non-proliferation and are designed to prevent proliferation of nuclear weapons in a certain geographical region and thus eliminate the danger of that region being drawn into a nuclear arms race or use of nuclear weapons. Today almost 120 states are parties to NWFZ treaties, including almost the entire Southern Hemisphere. This network comprises 1.8 billion people who can be considered as not living under the direct shadow of the nuclear weapons threat. This growing network of NWFZs cumulatively represents an important global measure aimed at making nuclear non-proliferation a universal norm.

All states parties to NWFZ treaties pledged not to develop, manufacture or test nuclear weapons. By pledging not to host nuclear weapons or other nuclear explosive devices of others within the territory of the zone, the NWFZ treaties close a loop-hole in the non-proliferation regime. The recently established NWFZs go even further. They also restrict research on nuclear weapons, the dumping of nuclear waste and require adequate physical protection of nuclear material and greater safety of nuclear facilities.

Another essential element of the NWFZ regime is that it ensures that the states parties to the NWFZ treaties are not targeted by the nuclear-weapon states, since the latter are expected to provide credible negative security assurances.

Contribution of NWFZ treaties to the prohibition of nuclear tests

The prohibition of nuclear weapons tests predates the NPT. As early as in 1959 the Antarctic treaty prohibited the testing of any type of weapons on that continent, including nuclear explosions. Similar prohibitions were reflected in the partial test ban treaty of 1963, the Outer Space and Sea-Bed treaties of 1968 and 1971 respectively.

The first NWFZ treaty covering a densely populated area was the 1968 Treaty of Tlatelolco which prohibited nuclear weapons in Latin America and the Caribbean. That treaty prohibited nuclear weapons testing by the states parties, directly or indirectly, or on behalf of any other state or participation in such testing. However, it permitted nuclear explosions for peaceful purposes. The states parties at that time agreed to a moratorium on such nuclear explosions until it became technically possible to determine whether the nuclear explosive device was for peaceful purposes or not. Forty years later, the states parties to the Tlatelolco treaty are considering whether to review the provision that permits peaceful nuclear explosions and totally prohibit nuclear explosions, as is the case with all other NWFZ treaties that have been concluded since the mid-1980s.

The 1985 South Pacific Nuclear Free Zone Treaty (the Rarotonga treaty), the 1995 South-East Asian NWFZ treaty (the Bangkok treaty), the 1996 African NWFZ treaty (the Pelindaba treaty) and the 2006 Central Asian NWFZ treaty (the Semipalatinsk treaty) totally prohibit the testing of nuclear weapons or explosive devices, i.e. under any circumstances, in any environment and anywhere.

The Semipalatinsk treaty, which was negotiated after the adoption of the CTBT, goes further than the other treaties by making a special reference to the CTBT, whereby each state party undertook, in accordance with the CTBT, “not to carry out any nuclear weapon test explosion or any other nuclear explosion, to prohibit and prevent any such nuclear explosion at any place under its jurisdiction or control and to refrain from causing, encouraging, or in any way participating in the carrying out of any such nuclear explosions. With the entry into force of the CTBT, the above provision of the Semipalatinsk treaty may become a standard clause for future NWFZs, thereby further strengthening the NWFZ and the NPT regimes.

Another contribution of NWFZs to the CTBT is their regional verification and compliance mechanisms which provide additional guarantees for the total prohibition of nuclear weapons tests.

The third form of contribution of NWFZ states to CTBT even before the latter's entry into force is that they are already hosting many of the nearly 340 monitoring facilities¹ of the CTBTO that form an important part of the future CTBTO's verification regime.

The above-mentioned clearly demonstrates how NWFZ treaties have contributed to the prohibition of nuclear weapon tests. The direct link between NWFZ treaties and the main objective of the CTBT is reflected in the latter's Article 1, which prohibits carrying out any nuclear weapon test explosion or any other nuclear explosions, prohibits and prevents any such nuclear explosions at any place under jurisdiction or control of the states parties to those treaties; and prohibits causing, encouraging, or in any way participating in the carrying out of any nuclear weapon test explosion or any other nuclear explosion. These links mutually reinforce the provisions of NWFZ treaties and the CTBT. Bearing in mind the difference in membership of all these treaties, it could be said that these similar, if not identical, provisions reinforce the international legal norms of prohibiting nuclear weapons tests.

Effect of the entry into force of the CTBT on NWFZs

Though CTBT is not yet in force, the provisions of NWFZ treaties prohibiting nuclear weapons tests play a positive role in legally prohibiting such tests in general.

The entry into force of the CTBT would have a very positive effect on the concept and practice of NWFZs. Thus it would reinforce the commitments of the states parties to the NWFZ treaties to comprehensively prohibit all nuclear-weapon tests and explosions. The provisions on national implementation legislation as well as the establishment of the treaty implementation body – the CTBTO – would strengthen the established NWFZ regimes as well as give further political and legal support to the establishment of new zones.

The entry into force of the CTBT could also have a positive effect on the establishment of new NWFZs in other parts of the world by creating a conducive political environment and greater trust in assuming NWFZ commitments and their verification. Thus ratification of the CTBT by Iran, Egypt or Israel would pave the way for building trust that in its turn could lead to initial talks that could eventually lead to negotiations on the establishment of a NWFZ in the Middle East. The same could be true for promoting mutual confidence between India and Pakistan. The entry into force of the treaty would also provide the states that belong to a NWFZ region but not yet party to the treaty (for example the Pelindaba treaty) or are not part of NWFZs at all (there are about three dozen of the former and about five dozen of the latter) with an already functioning mechanism of verification that would make easier for these states to join or establish NWFZs. The entry into force of the CTBT would also enable the states parties to the present and future NWFZs to make use of the CTBT verification mechanism, including the International Monitoring System (IMS), the International Data Center (IDC) or OSI (on-site inspection) to verify compliance with the CTBT and the NWFZ treaties alike.

¹ Primary and auxiliary seismic stations, hydroacoustic, infrared, radionuclide particulate and noble gas stations, etc.

Peaceful nuclear applications

The commonalities of NWFZ treaties and the CTBT are not limited to the prohibition of nuclear weapon tests. All of them also promote peaceful application of nuclear energy. While NWFZ treaties promote such application, the CTBT has the necessary useful technologies for civil and scientific applications that can contribute to sustainable development, well-being and saving lives from natural calamities. The tsunami early warning system that is being contemplated internationally is a very useful area of non-nuclear application of the CTBT monitoring system. The devastating earthquakes in Haiti and in Chile earlier this year underlined yet again the importance of using the impressive monitoring system and the knowledge gained by its continuous activities for undertaking fundamental research in the Earth's layers and further seismological activities, which can save hundreds of thousands of lives, if not more.

Mongolia and the CTBT

Mongolia fully supports the CTBT and was one of the first countries to have ratified it. It holds a strong conviction about the importance of such prohibition. Mongolia is also very sensitive to this issue since out of 2038 registered nuclear weapon tests conducted in the world, 760 or almost 27 percent have been conducted in the vicinity of Mongolia. The health and environmental effects of those tests are yet to be assessed.

Mongolia is yet to conclude an international treaty with its neighbors that would establish a single-State NWFZ on its territory. Pending the conclusion of such a treaty, Mongolia's nuclear-weapon-free zone commitment is already reflected in its national legislation adopted 10 years ago. The law defines its nuclear-weapon-free status, complements and develops further Mongolia's NPT commitment by stipulating that any individual, legal person or any foreign state is prohibited on the territory of Mongolia to commit, initiate or participate in the testing, stationing or transportation of nuclear weapons. The legislation envisages both national and international verification of its implementation. In the latter case Mongolia is to cooperate with the relevant international organizations (either with the IAEA or the CTBTO) or conclude special international agreements thereon. In implementation of its Law on Nuclear-Weapon-Free Status, Mongolia will soon conduct bilateral consultations with the IAEA experts on the ways and means of monitoring the implementation of the law.

At the 2009 conference on facilitating the entry into force of the CTBT (the Article XIV conference) Mongolia proposed that the Provisional Technical Secretariat of the Preparatory Commission conduct a comprehensive study into how the CTBT seismic and other relevant monitoring stations can be used most effectively for civil and scientific purposes. As a host to 4 IMS stations, Mongolia is ready to cooperate with the CTBTO, its member states and partner organizations in exploring this vast potential.