

nuclear weapon parties under appropriate international observation. This promise was made in exchange for the renunciation by the latter states of the right to conduct any nuclear explosions, because there is no way to assure that a nuclear explosion has no military function.

However, there is considerable skepticism about the technical feasibility, economic viability and political acceptability of nuclear explosions for peaceful purposes. It is now recognized that conventional explosives can achieve equivalent results without the environmental and health risks accompanying nuclear detonations. The prevailing opinion, at least among the parties to the NPT, seems to be that peaceful uses of nuclear explosions entail more hazards than benefits. By tacit agreement, therefore, the practical implementation of this provision has been kept in abeyance.

### *Disarmament Obligations*

The obligations under Article VI are generally considered to be of particular consequence. For in signing the NPT the parties agreed that the self-imposed arms denial of one side — the non-nuclear weapon states — was to be matched, ultimately, by corresponding acts of the other side — the nuclear weapon powers. They have therefore undertaken to pursue negotiations “in good faith” to halt the nuclear arms race “at an early date” and to bring about nuclear disarmament.

The NPT is the only existing international document under which the major nuclear powers are legally committed to nuclear disarmament. However, with the exception of the ABM Treaty restricting ballistic missile defences, the strategic nuclear arms control agreements concluded in the 1970s — the 1972 SALT Interim Agreement and the 1979 SALT Treaty — were of low disarmament value, as they merely regulated the US-Soviet competition at a high level of armaments. Besides, these agreements are no longer in force. The first meaningful measure of nuclear disarmament was adopted in 1987 with the signing of the US-Soviet INF Treaty eliminating ground-launched missiles with a range of 500 to 5,500 kilometres, but no effective steps have been taken so far to restrain the qualitative improvement of nuclear weapons, such as a comprehensive ban on nuclear weapon testing.

### *Nuclear Weapon-Free Zones and Countries*

Article VII of the NPT affirms the right of states to conclude regional treaties in order to assure the total absence of nuclear weapons in their respective territories. Two such treaties covering large populated areas have so far been concluded: the 1967 Treaty of Tlatelolco prohibiting nuclear weapons in Latin America and the 1985 Treaty of Rarotonga setting up a nuclear-free zone in the South Pacific. As a unilateral adjunct of the Treaty of Rarotonga, the parliament of New Zealand adopted in 1987 an act establishing the New Zealand Nuclear-Free Zone which comprises all land and waters within the territorial limits of New Zealand, as well as the airspace above these areas. The Act states that the prime minister

may grant approval for the entry of foreign warships into the internal waters of New Zealand only if he is satisfied that the warships will not be carrying any nuclear explosive device upon their entry into these waters. Similarly, approval for the landing in New Zealand by foreign military aircraft may be granted by the prime minister only if he is satisfied that the aircraft will not be carrying any nuclear explosive device when it lands. Entry into the internal waters of New Zealand by any ship whose propulsion is wholly or partly dependent on nuclear power is also prohibited.

In 1988, at the initiative of the opposition Social Democratic Party, the parliament of Denmark passed a resolution requesting the government to notify all visiting warships that they must not carry nuclear arms into Danish ports. From the formal point of view, the resolution merely reiterated the official Danish policy which had been proclaimed more than three decades earlier, namely, that the introduction of nuclear weapons to the country is prohibited during peacetime. In practice, however, the resolution signified a rejection of the policy of “neither confirming nor denying” the presence of nuclear weapons, which has so far been strictly adhered to by the navies of all the nuclear weapon powers. Eventually, however, under pressure exercised within NATO, mainly by the United States and the United Kingdom, Denmark agreed to adopt the Norwegian formula. Norway, which has also unilaterally declared its territory to be free of nuclear weapons in peacetime, proceeds on the assumption that this declaration is respected by the visiting foreign ships or aircraft and does not seek specific assurances. Several other countries as well, including members of the military alliances, have formally prohibited (as have Japan, Iceland and Spain) or have contemplated prohibiting (as has the Philippines) foreign ships or aircraft from entering their territories with nuclear weapons aboard. None, however, has so far tried to enforce this prohibition.

In Sweden, the ruling Social Democratic Party, at its 1987 congress, decided that efforts should be made to make the nuclear powers forgo the practice of not giving information regarding the presence of nuclear weapons on their warships. It was resolved that, should the nuclear powers decline to give up this practice, the rules for military visits would be tightened: the powers in question would be requested to make an explicit statement that nuclear weapons were not entering Swedish territory, including its airspace. The visits would be refused if no such information were provided. This policy was confirmed by the Swedish prime minister in his speech made at the 1988 Third UN Special Session on Disarmament.

## **NEW DEVELOPMENTS ENDANGERING THE NON-PROLIFERATION REGIME**

### *Naval Propulsion*

In 1988 it became known that India had leased a nuclear-powered submarine from the Soviet Union<sup>1</sup> and that the submarine was equipped with cruise missiles.<sup>2</sup>