

Nuclear Weapon-Free Zones

Extensive areas of the globe have been declared, by treaty, to be nuclear weapon-free zones (NWFZ).²⁹ Negotiated and signed by regional organizations of states, such treaties prohibit parties from acquiring nuclear weapons or other nuclear devices or assisting other states in acquiring nuclear weapons. The treaties all have protocols open for signature by the NWS committing them not to use nuclear weapons against the zone parties, deploy nuclear weapons in the zone or on the territories of the zone member states or in some cases transport nuclear weapons through the zone. While the provisions of the treaties and their verification and compliance arrangements vary, all rely on IAEA safeguards to verify the non-nuclear status of member states and all either establish a new structure or agency to deal with compliance questions or use an existing regional body.

Latin America and the Caribbean

The 1967 Treaty of Tlatelolco established a nuclear weapon-free zone in Latin America and the Caribbean and an Agency for the Prohibition of Nuclear Weapons in Latin America (known as OPANAL from its name in Spanish), to oversee its implementation. OPANAL comprises a General Conference, a Council and a tiny Secretariat, based in Mexico City, headed by a Secretary-General. Although the treaty originally permitted the OPANAL Council to organize the conduct of so-called special inspections in cases of suspected non-compliance, it was amended in 1992 to limit the Council's role to requesting the IAEA to make an inspection. Information obtained during such an inspection will be forwarded to the Secretary General of OPANAL only after it has been sent by the IAEA Director General to the IAEA Board of Governors.

South Pacific

The 1985 Treaty of Rarotonga also uses an existing regional body, the Pacific Islands Forum (PIF) Secretariat, in Suva, Fiji, as its secretariat. Each party is required to report to the PIF Secretariat any 'significant event' on its territory relating to the implementation of the treaty. The treaty also establishes a Consultative Committee, comprising representatives of the parties, to be convened periodically. States may ask the PIF Secretary-General to convene a meeting of the Committee to discuss any matter relating to treaty implementation. A compliance process may also be initiated via the Consultative Committee and the PIF, including the option of OSIs.

Africa

The 1996 Treaty of Pelindaba, which has not yet entered into force, envisages the establishment of an African Commission on Nuclear Energy, apparently to be located in South Africa, to deal with reporting, consultations and exchanges of information. The Commission will meet annually and may also meet in extraordinary session. Parties must provide the Commission with annual reports of any nuclear activities or other activity relating to the treaty. The treaty has quite elaborate compliance provisions. If a party believes that another party is in breach of its obligations, it must bring the matter to the attention of that party. If the matter is not resolved adequately, the complainant may

²⁹ Although the 1959 Antarctic Treaty, the 1967 Outer Space Treaty, the 1971 Seabed Treaty and the 1979 Moon Treaty do not exactly fit the definition of nuclear weapon-free zones, they all prohibit either all military activity or the deployment of nuclear weapons in environments or areas where such activities have not yet commenced. All have provision for some form of on-site inspection, after consultation and clarification, in order to deal with compliance concerns. With the exception of the Antarctic Treaty, such provisions have not been used.