

may stretch the resources of the IAEA; it is noteworthy that the IAEA does not appear yet to have developed substantial dedicated resources to perform its verification role in the NWFZs.

d. Protocols:

Protocols to the NWFZ Treaties provide for the application of some of their provisions to non-regional states. These protocols fall into three main categories:

- (1) those involving the provision by non-regional nuclear-weapon-states of negative security assurances to regional parties, including a commitment not to use or threaten to use nuclear weapons against regional state parties;
- (2) those involving provisions by which non-regional states that may have jurisdiction over territories located within the zone of application, accept the basic obligations concerning nuclear weapons that are assumed by regional state parties; and
- (3) those prohibiting testing.

The Latin American Treaty contains the first two types of protocols (there is no protocol covering testing), while the South Pacific Treaty has all three, two of which are identical to those of the Latin American Treaty, while a third one specifically prohibits the testing of nuclear explosive devices "anywhere" within the zone. The three protocols to the African Treaty are similar to those of the South Pacific Treaty. The single protocol to the Southeast Asia Treaty seeks negative security assurances from the nuclear powers, but it is unique in requiring the latter to refrain from using and threatening to use nuclear arms not only against parties to the Treaty, *but also anywhere within the zone*, including continental shelves and exclusive economic zones of the Treaty parties.

Both the protocols to the Latin American Treaty have been ratified by the relevant non-regional states, although France, Britain, the USA and Russia issued interpretative statements when signing and ratifying Protocol II of the Treaty, with the French reserving their right to self-defence under Article 51 of the UN Charter, and the British, the American and the Russians reserving their respective rights to reconsider their obligations in the event of aggression against their allies in the region by a party to the Treaty with the support of a nuclear weapon state. The protocols to the South Pacific and African Treaties have received the consent of all the five declared nuclear powers. None has signed the protocol to the Southeast Asian Treaty, and negotiations are ongoing to address concerns about the protocol's suggested incompatibility with the Law of the Sea.

Both American and Russian policies toward NWFZs have evolved since the end of the Cold War. Current USA policy on NWFZs appears to be based on seven criteria, which are seen by some as necessary but not sufficient:

- (1) proposals for NWFZs should originate from states within the zone;
- (2) all relevant states in a zone should participate;
- (3) adequate mechanisms for verifying compliance must exist;