

## LEGALITY OF NUCLEAR-WEAPON-FREE ZONES

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*International law has given countries the means to create full nuclear-weapon-free zones. In these populated - and not - areas, the treaties forbid the developing, manufacturing, stockpiling, acquisition or any type of control over nuclear weapons or nuclear explosive devices. These countries and areas represent about a third (34%) of the world's population at a little bit over 2,600 billion people. It would be correct to say that in these areas, "nuclear weapons are illegal."*

When the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) came into effect in 1970, it created a comprehensive legally binding framework aimed at preventing the spread of nuclear weapons, to further the goals of nuclear disarmament, general and complete disarmament, and to promote cooperation in the peaceful uses of nuclear energy. Through its article VII, the NPT gave countries the ability to create a "regional approach to strengthen global nuclear non-proliferation and disarmament norms and consolidate international efforts towards peace and security."<sup>1</sup> Nine treaties and some country-specific laws have led to the creation of a number of nuclear-weapon-free areas.

The United Nations General Assembly, through its Resolution 3472 B (1975) also recognized the possibility of such geographical arrangement. The resolution allows the creation of delimited areas where non-peaceful nuclear devices are forbidden, and where systems of verification and control for compliance are established<sup>2</sup>.

These treaties covering countries and populated spaces were specifically designed to tackle nuclear issues. Three other treaties, the one for the Antarctic, the outer space, and the moon were designed to regulate these areas on a variety of issues, including nuclear weapons. The Seabed Treaty, while not covering countries or populations *per se*, was only intended to regulate the spread of nuclear weapons.

The nuclear weapons free zone treaties, that cover countries and populated areas usually have three main elements. They first forbid the developing, manufacturing, stockpiling, acquisition or any type of control over nuclear weapons or nuclear explosive devices. They also forbid seeking assistance in these activities or assisting others in these endeavours. While they ban these types of nuclear usages, the second purpose of these treaties is to allow the peaceful use of nuclear energy. Finally, the third part of these treaties involve the creation of safeguards with the International Atomic Energy Agency (IAEA) to monitor and control these treaties. The other treaties on areas mostly uninhabited usually briefly touch on the issues of nuclear weapons. However, in all cases, they have articles forbidding the explosion of nuclear devices.

These countries and areas represent about a third (34%) of the world's population at a little bit over 2.6 billion people. This compares to the five-recognized nuclear-armed countries of the

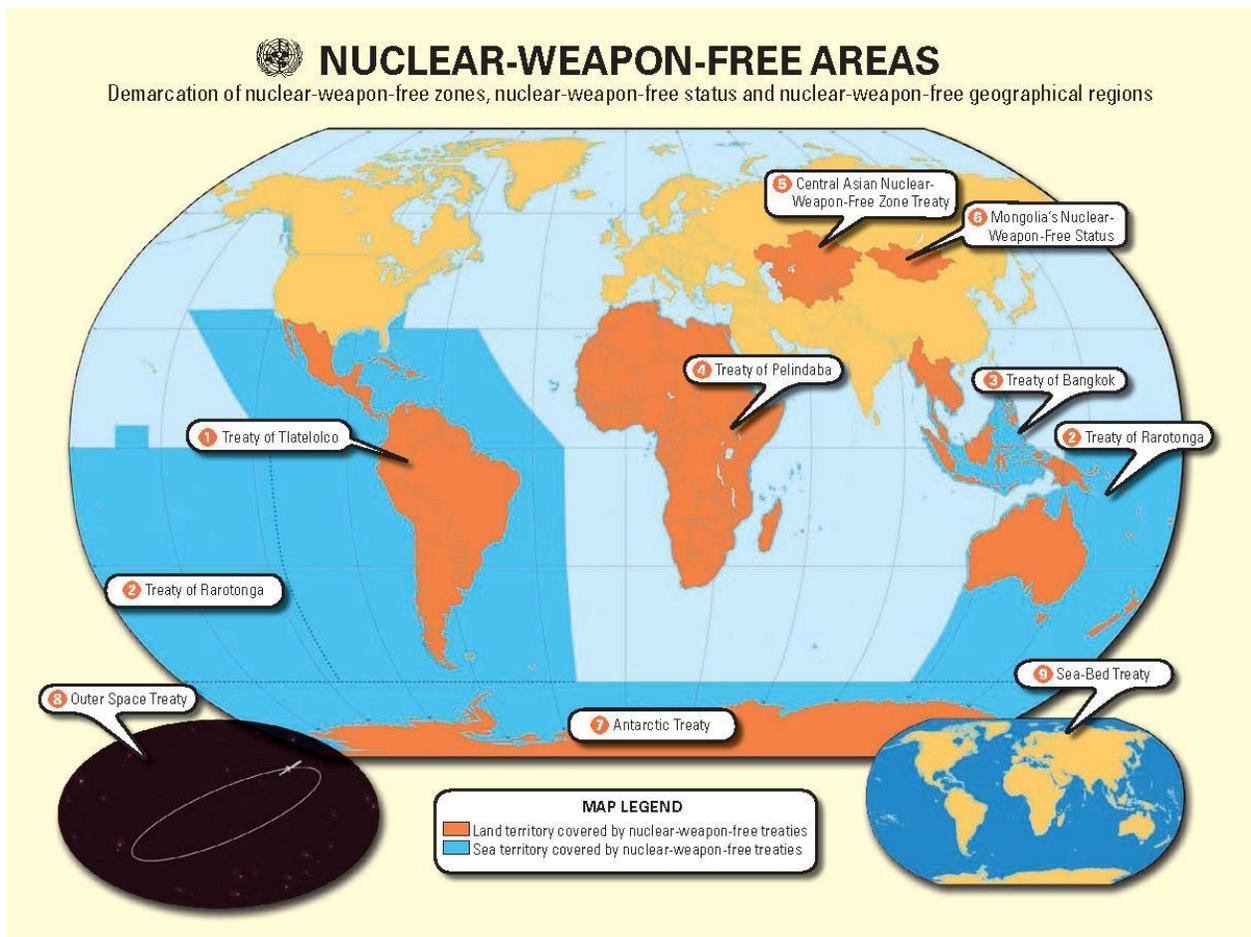
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<sup>1</sup> "Treaty on the Non-Proliferation of Nuclear Weapons," Washington, Moscow, London (United Nations, 1968), article VII.

<sup>2</sup> "General Assembly resolution 3472," New York (United Nations, 1975), 23-24.

NPT, which represent 26% of the world’s population with 2 billion people<sup>3</sup>. These areas covered by Nuclear Weapons Free Zones are:

- Latin America and the Caribbean (Treaty of Tlatelolco);
- South Pacific (Treaty of Rarotonga);
- Southeast Asia (Treaty of Bangkok)
- Africa (Treaty of Pelindaba);
- Central Asia (Treaty on a Nuclear-Weapon-Free Zone in Central Asia);
- Antarctica (Antarctic Treaty);
- the outer space (Outer Space Treaty);
- the moon (Moon Agreement);
- the seabed (Seabed Treaty).



Nuclear-weapon-free areas on earth. The Outer Space Treaty is also included.

Source: “Nuclear-Weapon-Free Areas.” *United Nations Office for Disarmament Affairs*, United Nations, <https://unoda-web.s3-accelerate.amazonaws.com/wp-content/uploads/assets/WMD/Nuclear/pdf/NWFZ-postcard-2010.pdf>.

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<sup>3</sup> “Countries in the world by population (2020).”

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