

# United States Senate

WASHINGTON, DC 20510

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December 18, 2015

The Honorable Bob Corker  
Chairman  
Senate Foreign Relations Committee  
US Senate  
Washington, DC 20510

The Honorable Benjamin L. Cardin  
Ranking Member  
Senate Foreign Relations Committee  
US Senate  
Washington, DC 20510

Dear Chairman Corker and Ranking Member Cardin,

For decades sustained American leadership has been critical in stemming the proliferation of nuclear weapons. U.S. nonproliferation efforts have taken a variety of forms including arms control treaties such as the Nuclear Nonproliferation Treaty (NPT) and assurances that if states renounce the acquisition of nuclear weapons they would be protected from the dangers posed by them. We are writing today to urge you to take the next step in this process by having the Foreign Relations Committee take up the three Nuclear-Weapon-Free Zone (NWFZ) protocols—the Africa, South Pacific, and Central Asia zones—which have been submitted to the Senate. Ratifying these treaty protocols would reinforce our nonproliferation objectives and strengthen our national security.

Nations that enter into NWFZ treaties pledge not to manufacture, acquire, test, or possess nuclear weapons. Five such zones exist today, with four of them spanning the entire Southern Hemisphere. These zones include former nuclear weapons states, such as South Africa and Kazakhstan, which inherited from the Soviet Union the fourth largest nuclear arsenal in the world.

In many cases, the zones include nonproliferation and nuclear security requirements that go above and beyond the NPT. Under the Central Asian zone, for example, states must implement and bring into force a Safeguards Agreement and Additional Protocol with the International Atomic Energy Agency, requiring these states to provide expanded information on, and access to, nuclear facilities and material, including infrastructure such as uranium mines.

Each treaty establishing a NWFZ includes protocols for the five nuclear-weapon states recognized under the NPT—China, France, Russia, the United Kingdom, and the United States—to sign and ratify. The legally binding protocols call on the nuclear-weapon states to respect the status of the zones and not to use or threaten to use nuclear weapons against treaty states-parties.

Historically, the United States has used the types of security assurances contained in the nuclear-weapon-free zones as a tool to promote its nonproliferation objectives without undermining U.S. security. The assurances not only decrease the value of nuclear

weapons and reduce incentives for states to develop and possess them, but also provide valuable support to the NPT.

For instance, the U.S. Senate last voted on a protocol to a NWFZ treaty in 1981, when it supported the Latin American zone by an overwhelming vote of 79-0. U.S. support for that zone, created by the Treaty of Tlateloco, has strengthened U.S. nonproliferation diplomacy in the region over the years. The three NWFZ protocols currently before the Senate for ratification are even stronger than the Treaty of Tlateloco, as they include more stringent nonproliferation provisions. Indeed, because the United States has already committed not to use or threaten to use nuclear weapons against members of the NPT, and all the signatories meet these criteria, signing onto the protocol will only provide added protections.

Crucially, the protocols do not encroach on the sovereign right of a Treaty Party to permit transit through its territory by air, land, or water by nuclear powered or nuclear capable ships and aircraft of Non-Party Nations. Furthermore, the protocols clarify that “stationing” does “not include transit through territorial water or airspace, or port visits, by vessels carrying nuclear explosive devices” and that “any Treaty Party could choose to accept a visit from U.S. vessels or aircraft on which the presence of nuclear explosive devices had been neither confirmed nor denied.” The Department of Defense believes this language would allow the American military freedom of navigation or overflight in NWFZs.

It is also important to note that in event of a material breach—such as the test or acquisition of a nuclear weapon—by another Party to a NWFZ treaty, the United States maintains the right to suspend performance of all of its obligations and immediately withdraw from the protocol.

Moreover, the United States also stands to gain diplomatically by ratifying these protocols. The four other recognized nuclear weapons states already ratified the protocols for the Africa and South Pacific NWFZs and are in the process of ratifying the Central Asia zone. Russian diplomats enjoy raising this point in meetings with American diplomats during periodic NPT review conferences and preparatory meetings. Ratification of the three protocols would remove this distraction from international summits and allow the United States to better hold Russia to its own nonproliferation obligations.

We believe a bipartisan consensus exists that the global nuclear nonproliferation regime needs to be strengthened. Ratification of these three NWFZ protocols would be an important step in assuring the world that the United States remains fully committed to nuclear nonproliferation. It would communicate U.S. support for the security of states located in the zones, many of which are close U.S. allies, and would reinforce U.S. efforts to reduce the threat of nuclear weapons proliferation worldwide.

We urge you to schedule a committee hearing on the protocols for the Africa, South Pacific, and Central Asia NWFZ treaties early in 2016 and, after full consideration, send them on to the full Senate.

Sincerely,



Jeffrey A. Merkley  
United States Senator



Christopher A. Coons  
United States Senator



Richard J. Durbin  
United States Senator



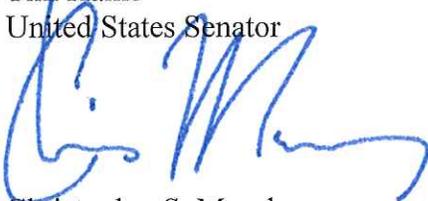
Edward J. Markey  
United States Senator



Tim Kaine  
United States Senator



Maria Cantwell  
United States Senator



Christopher S. Murphy  
United States Senator