

Dance around the "*transit*"

During the negotiations on the draft Convention on the prohibition of nuclear weapons, an interesting discussion of the States unfolded around the provision **prohibiting the transit of nuclear weapons.**

The overwhelming majority of states favor a comprehensive prohibition on nuclear weapons, which is, in fact, the goal of the Convention being drafted.

In this context, in order to exclude any possible legal loopholes in the future, the inclusion in the draft instrument of a provision prohibiting the transit of nuclear weapons is critically important and justified.

Nevertheless, some states have expressed doubts about the need for this prohibition in view of **the complexity of its implementation**, and also arguing its position by the fact that **the prohibition of nuclear weapons itself implies the prohibition of transit.**

It is also argued that the ban on the transit of nuclear weapons in the draft Convention could undermine the existing disarmament instrument – nuclear-weapon-free zones, the creation of which does not provide for a prohibition on transit, but leaves the solution to this issue at the national level.

In this connection, the following arguments should be cited **in defense of the prohibition on the transit of nuclear weapons.**

1. The draft Convention being drafted is the first in history international legal treaty to prohibit nuclear weapons.

In this regard, it is important to provide a comprehensive prohibition on nuclear weapons.

The argument that the prohibition of the transit of nuclear weapons is absorbed by other prohibitions cannot withstand any criticism. After all, if we proceed from this logic, then along with a direct prohibition on nuclear weapons, there is no point in prohibiting the threat of use of nuclear weapons, production, stockpiling, storage, deployment, cooking and many others.

It will be appropriate to recall here one of the rules of chess: "*Excessive protection – protection with a "reserve", that is, the number of defenders exceeds the number of attacking figures, an important position item, around which the struggle should unfold*".

Thus, the prohibition on the transit of nuclear weapons, along with other prohibitions, **will provide "excessive protection" of the obligations of states to prohibit nuclear weapons and their complete destruction.**

2. Regarding the complexity of the prohibition on the transit of nuclear weapons, it is important to recall that the Convention will strive for universality, all nuclear weapons will be banned and destroyed, and all states, including nine nuclear weapon countries, will be interested in its strict observance.

In addition, it is necessary to note the existing export control regimes: Nuclear Suppliers Group; The Zangger Committee; Missile Control Technologies Regime.

Undoubtedly, the fact of signing and coming into force of this Convention will give an additional impulse to strengthening these regimes.

3. As the importance of the prohibition on the transit of nuclear weapons, we recall the Russian Federation's reservation to the Protocol on Negative Safeguards to the Treaty on a Nuclear-Weapon-Free Zone in Central Asia: "*The Russian Federation reserves the right not to consider itself bound by the obligations provided for by the Protocol in the event that any State Party to the Treaty, in accordance with Article 4 of the Treaty, admits entry into its ports and landing on its airfields of foreign military vessels and aircraft with nuclear weapons or other nuclear explosive devices on board, as well as in any form of transit through its territory of nuclear weapons or other nuclear explosive devices*".

This reservation shows how important the issue of the prohibition of transit is even in the existing realities.

4. The argument for weakening nuclear-weapon-free zones is not sustainable, since the zones prohibit nuclear weapons on their territory, implying its existence outside.

The Convention, in essence, seeks to transform the entire planet Earth into one large nuclear-weapon-free zone. Accordingly, there will not be any territories on which nuclear weapons will exist.

Thus, the Convention does not weaken the nuclear-weapon-free zones, but strengthens them.

5. Hypothetically, the nuclear powers may declare that the issue of prohibition and destruction of nuclear weapons affects the interests of national security, and, in the event of signing or acceding to the Convention, they must be assured of

an unconditional and comprehensive prohibition to exclude a possible violation of the provisions of the Convention by one of the nuclear powers.

The absence of a transit prohibition can serve as a basis for the nuclear powers to argue that the Convention is weak and that it needs to be amended accordingly.

For example, Russia's reservation, stated in paragraph 3.

6. Obviously, as a result of the harmonization of the draft Convention, the nuclear powers will refuse to sign it, since they did not take part in the negotiations.

Most states will sign the Convention, and it, sooner or later, will come into force.

And there will be **a legal prohibition on the transit of nuclear weapons, which in the future will greatly discomfort the nuclear powers.**

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