



AGENCY FOR THE PROHIBITION OF NUCLEAR WEAPONS IN  
LATIN AMERICA AND THE CARIBBEAN

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**The Treaty of Tlatelolco  
the first legally binding instrument that prohibited nuclear weapons**

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**The prohibition of nuclear weapons**

- On 7 July 2017, more than 120 Member States of the United Nations, including the Latin America and the Caribbean States, adopted the Treaty on the prohibition of nuclear weapons.
- On 24 November 1961, the United Nations General Assembly - UNGA adopted resolution 1653 (XVI) “Declaration on the prohibition of the use of nuclear and thermo-nuclear weapons”.
- In resolution 1653 (XVI), the UNGA declared, *inter alia*, that:  
“Any State using nuclear weapons and thermo-nuclear weapons is to be considered as violating the Charter of the United Nations, as acting contrary to the laws of humanity and as committing a crime against mankind and civilization”.
- The “Declaration on the prohibition of the use of nuclear and thermo-nuclear weapons” contains elements that any Latin American and Caribbean State would support nowadays.

- However, only 2 Latin American States voted in favor (Cuba and Mexico) of said Declaration. 3 States of our region voted against it (Costa Rica, Guatemala and Nicaragua), and 14 issued votes of abstention.
- The question of nuclear weapons has been a concern of the United Nations since its foundation.
- In January 1946, the very first resolution adopted by the UNGA dealt with nuclear weapons. Resolution 1 (I) created a “Commission to Deal with the Problems Raised by the Discovery of Atomic Energy”.
- Said Commission was established to make specific proposals, including:
  - “for control of atomic energy to be extent necessary to ensure its use only for peaceful purposes” and,
  - “for the elimination from national armaments of atomic weapons and of all other major weapons adaptable to mass destruction.”
- Resolution 1 (I) was adopted unanimously (47 votes in favor). It was adopted unanimously because the rationality of the Cold War had not yet emerged. Even the United States (the only State with nuclear weapons in those days) voted in favor.
- The Cold War began in 1949, when the Soviet Union tested out its first nuclear weapon. From then on, for the USA getting rid of its nuclear arsenal would no longer be an option.
- In 1963, 16 years after the first resolution of the UNGA was adopted, and 2 years after the adoption of resolution 1653 (XVI), five Presidents of Latin American States (Bolivia, Brazil, Chile, Ecuador and Mexico) issued the “Declaration on the denuclearization of Latin America”.

- By means of said Declaration, the five Presidents announced:  
“that their Governments are prepared to sign a multilateral Latin American agreement whereby their countries would undertake not to manufacture, receive, store or test nuclear weapons or nuclear launching devices.”
- In November 1963, the UNGA addressed the Latin American and Caribbean initiative by adopting resolution 1911 (XVIII), which expressed the hope that States of the region will initiate studies aimed at achieving that goal.

### **The Treaty of Tlatelolco and the Institute of International Law**

- This multilateral agreement, the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean – Treaty of Tlatelolco was concluded on 14 February 1967 in Mexico City (4 years after resolution 1911 was adopted).
- The Treaty of Tlatelolco is the first practical expression in International Law on the prohibition of nuclear weapons. It is not a political declaration or a statement of principles. It contains provisions establishing rights and obligations, and moreover, creates a machinery to ensure its enforcement and compliance.
- The Treaty of Tlatelolco, by means of consequence, but not explicitly, established in practice an Institute of International Law known as nuclear-weapons-free zone (NWFZ).
- The International Law is articulated with international realities such as agreements, but also through Institutes. This is what shapes the international legal architecture. By means of the Treaty of Tlatelolco, our region has contributed to the evolution of International Law.

- A NWFZ, as an institute of International Law has several characteristics:
  - It has a material application and generates concrete consequences for both, States Parties to NWFZ treaties and for nuclear-weapon States.
  - It represents an attribute of a region, which on its turn does not undergo any change in its nature beyond the rights and obligations under the legal instrument applied to it, in this case the NWFZ treaty;
  - It must be associated to an international instrument, and therefore, it results in rights and obligations,
  - It implies the creation of a mechanism to administer this legal attribute in the area to which it applies. In the case of the Treaty of Tlatelolco, implies the establishment of an Agency devoted to its administration.
  
- Treaties establishing NWFZs would not be effective without the commitment of nuclear-weapon States to comply with those instruments.
  
- Through Protocols annexed to the NWFZ treaties, nuclear-weapon States undertake to respect the statute of denuclearization in those zones, and moreover they undertake not to use or threaten to use nuclear weapons against the States Parties to NWFZ treaties.
  
- Nuclear-weapon States could not be parties to the NWFZ treaties. If that were the case, the problem of nuclear weapons would not exist anymore because by acceding to the NWFZ treaties they would be renouncing their nuclear weapons.
  
- After the Treaty of Tlatelolco was concluded, there was a concern in the international community to replicate the example of Latin America and the Caribbean.

- On the other hand, some nuclear-weapon States made a large number of nuclear tests in regions such as the South Pacific and Africa. A great number of new Independent States from those regions strove to establish NWFZ in their territories.
- That is how the Treaty of Tlatelolco inspired the establishment of four other NWFZs:
  - South Pacific (Treaty of Rarotonga, 1985);
  - Southeast Asia (Treaty of Bangkok, 1995);
  - Africa (Treaty of Pelindaba, 1996);
  - Central Asia (Treaty of Central Asia, 2006) and
  - Mongolia, as a State free of nuclear weapons (UNGA Resolution 55/335, 2000).
- There are 115 States Parties and Signatories to treaties establishing NWFZs and Mongolia, which cover virtually the entire Southern Hemisphere.
- There are other initiatives to establish NWFZs, such as the Middle East and the Korean Peninsula.
- The Middle East initiative has been discussed since the 1960s. However, the issue arose again during the 1995 NPT Review and Extension Conference.
- In that Conference, the NPT was extended indefinitely only after adoption of the Resolution on the Middle East. This resolution:
  - Calls upon all States party to the Treaty on the Non-Proliferation of Nuclear Weapons, and in particular the nuclear-weapon States, to extend their cooperation and to exert their utmost efforts with a view to ensuring the early establishment by regional parties of a Middle East zone free of nuclear and all other weapons of mass destruction and their delivery systems.

- At the 2010 NPT Review Conference, in light of the minimal progress made since 1995, Arab states pushed for tangible steps toward the establishment of the NWFZ in the Middle East. The Conference identified 5 “practical steps” to pursue this initiative: **(a)** the UN Secretary-General and the Russian Federation, United Kingdom and United States shall jointly convene a conference in 2012 on the zone; **(b)** the secretary-general and the co-sponsors shall appoint a “facilitator” for the conference; **(c)** they shall also designate a host government for the event; **(d)** other international organizations should “be requested” to contribute background documentation for this conference; and **(e)** states should consider all offers to support the implementation of the 1995 Resolution.
- In 2012 there was an attempt to hold the conference. However, until now, this conference has not been held.