



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

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**United Nations conference to negotiate a legally binding instrument  
to prohibit nuclear weapons, leading towards their total elimination**

(Exchange of views on Institutional Arrangements)

Statement *by*

**Ambassador Luiz Filipe de Macedo Soares**

Secretary-General of OPANAL

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New York

Thank you, Madame President,

A few months ago, the General Assembly decided to embark in this negotiation. It is a giant step and a perilous one, and at the end of this first round of work, we are sure that we are in very good hands due to the firm organization of the debate and its substance and clarity.

The Secretariat of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean – OPANAL submitted WP.1, in which delegates can find a number of short considerations regarding final clauses that have been the object of debate in this morning and now this afternoon.

We heard this morning some very interesting considerations concerning final clauses and one of them by the Delegation of Brazil that mentioned the flexible clause in the Treaty of Tlatelolco concerning entry-into-force: the possibility of entry-into-force depending on a number of conditions that could be waived by the Parties. This made possible that the Treaty of Tlatelolco entered-into-force less than two years after its opening for signature.

Perhaps is not so widely know that the universality of the Treaty, meaning the complete participation of the 33 States of Latin America and the Caribbean, took 35 years. During those 35 years, the Treaty of Tlatelolco lived, functioned and the nuclear-weapon-free zone in the region was in force.

Concerning the institutional debate, I think we could, by means of comparison, talk about some of the treaties and their correspondent organizations in the area of disarmament and non-proliferation that could be useful.

The Chemical Weapons Convention is a treaty that contains a full-fledged control and verification system. It implies, in a compulsory way, the existence of an organization, the OPCW, with all the necessary mechanisms and tools.

Although the CTBT is not yet in force, the Preparatory Commission of its Organization is a complex and complete system of verification that functions and has an extraordinary importance.

The NPT, though not an international organization has a mechanism, a heavy four-year system of review cycles, with a very strong support of UNODA and also of the IAEA. The IAEA is not a disarmament organization, is an agency for nuclear energy, but is involved in nuclear weapons control and must necessarily be involved in any treaty that we come to adopt. I cannot refrain from noticing that these important organizations that I just mentioned have not been present here this week and I am sure they had being invited.

There is the case of the Biological Weapons Convention that lacks an institutional apparatus and the majority of States Parties to that Treaty consider that this is a problem and that an administrative supporting unit is not sufficient for that Treaty and would be much less for a treaty prohibiting nuclear weapons.

In the case of the nuclear-weapon-free zone in Latin America and the Caribbean, the Treaty created the Agency, OPANAL, and it states clearly that this Agency has to make work the control system established by the Treaty. But, moreover, according to the Treaty, it has to promote consultation among the States Parties. In the last few years, the Community of Latin America and the Caribbean States - CELAC attributed an enhanced role to OPANAL. According to the text of several of CELAC special declarations, OPANAL is the “specialized body in the region for articulating common positions and joint actions on nuclear disarmament.”

There is one final point, Madame President, that I think is important and it was slightly mentioned in the debate this morning. We are dealing with a very special problem: nuclear weapons; and the non-compliance with the future legally binding instrument would involve critical situations, it would involve crisis. In that sense, Article 21 of the Treaty of Tlatelolco opens the way to the intervention by the UN Security Council or the General Assembly. No matter that States not Parties to the nuclear ban treaty would be in those bodies. They are the bodies that have an overall view of the international, multilateral relations. So I think this is an element that should be taken into account.

I thank you.