



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**

**First Session (New York 27-31 March 2017)**

**Report from the Secretary General**

1. By Resolution 71/258, adopted on 23 December 2016 by the United Nations General Assembly, the first session of the United Nations Conference to negotiate a legally binding instrument to prohibit nuclear weapons, leading towards their total elimination, was convened from 27-31 March 2017 in New York.
2. Her Excellency Ambassador Elayne Whyte Gómez, Permanent Representative of Costa Rica to the International Organizations in Geneva, was elected President of the Conference.
3. Approximately 130 States participated in the first session of the Conference. None of the nine (9) nuclear armed States participated. For their part, among those States that form part of military alliances based on nuclear weapons, only the following participated: Australia, Luxembourg, the Netherlands and Japan.
4. On the first working day, 27 March, at 10:00 a.m., the Permanent Representatives of Albania, South Korea, the United States, France and the United Kingdom hosted a press conference to explain why they were not in support of negotiations of a nuclear weapons prohibition treaty. Ambassador Matthew Rycroft of the United Kingdom, declared that his country will not participate in the negotiations “*because we do not believe that those negotiations will lead to effective progress on global disarmament.*”<sup>1</sup> Ambassador Nikki Haley of the United States questioned whether the countries that favor the prohibition of nuclear weapons understand the nature of the global threats. Referring to the States that participate in the negotiations, she said “*you have to ask yourself: are they looking out for*

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<sup>1</sup> Sengupta, Somini y Gladstone, Rick (2017). *United States and Allies Protest U.N. Talks to Ban Nuclear Weapons*. New York Times. Available at [https://www.nytimes.com/2017/03/27/world/americas/un-nuclear-weapons-talks.html?\\_r=0](https://www.nytimes.com/2017/03/27/world/americas/un-nuclear-weapons-talks.html?_r=0)

*their people?”<sup>2</sup> Likewise, she stated that “you’re going to see almost 40 countries that are not in the General Assembly today. And that’s 40 countries that are saying, in this day and time, we would love to have a ban on nuclear – on nuclear weapons. But in this day and time, we can’t honestly say that we can protect our people by allowing the bad actors to have them, and those of us that are good, trying to keep peace and safety, not to have them.”<sup>3</sup>*

5. The OPANAL Member States that participated in the Conference were: Antigua and Barbuda (in its own capacity and on behalf of the Caribbean Community - CARICOM), Argentina, Barbados, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Ecuador, Dominica, El Salvador (in its own capacity and on behalf of the Community of Latin American and Caribbean States - CELAC), Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Peru, Dominican Republic, Trinidad and Tobago, Uruguay and Venezuela.
6. In accordance with the Agenda of the Conference (Doc. A/CONF.229/229/2017/2) the work was undertaken in 4 stages:
  - 1) a high level segment;
  - 2) an exchange of ideas on the principles, objectives and preambular elements of a legally binding instrument to prohibit nuclear weapons, leading towards their total elimination;
  - 3) an exchange of ideas on provisions and core prohibitions of the legally binding instrument to prohibit nuclear weapons, leading towards their total elimination; and
  - 4) an exchange of ideas on institutional arrangements which would include this instrument.
7. Kim Won-soo, United Nations High Representative for Disarmament Affairs, participated in the high level segment held on 27 March and read a speech from the Secretary General of the United Nations. Also in attendance were Representatives from Member States of the United Nations including OPANAL Members, as well as Ambassador Luiz Filipe de Macedo Soares, Secretary General of OPANAL (speech by the Ambassador is annexed as doc.Inf.05/2017). Likewise, a message from the President of the General Assembly and Pope Francis were also read.

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<sup>2</sup> Idem.

<sup>3</sup> Democracy Now (2017). *U.S. Boycotts U.N. Talks on Nuclear Ban While Spend Trillions to Modernize Nuclear Arsenal*. In *Democracy Now*. Available at [https://www.democracynow.org/2017/3/30/us\\_boycotts\\_un\\_talks\\_on\\_nuclear](https://www.democracynow.org/2017/3/30/us_boycotts_un_talks_on_nuclear)

8. The Secretariat of OPANAL presented to the Conference a working paper entitled *Recommendations for the negotiation of a legally binding instrument to prohibit nuclear weapons, leading towards their total elimination* (Doc. A/CONF.229/2017/WP.1 in annex). The document lists and explains some legal provisions of the Treaty of Tlatelolco which could be relevant for the negotiation of a legally binding instrument to prohibit nuclear weapons. It is to be noted that this was the first working paper distributed.
9. During the segment on “principles, objectives and preambular elements” most delegations agreed to include *inter alia*, the following elements in the preamble of the legally binding instrument to prohibit nuclear weapons, leading towards their total elimination:
  - a) the objective of achieving and maintaining a world free of nuclear weapons;
  - b) the mere existence of nuclear weapons places humanity at risk;
  - c) the inalienable right to develop nuclear energy for peaceful purposes;
  - d) the prohibition of nuclear weapons complements Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT).
  - e) the humanitarian consequences of nuclear weapons are unacceptable;
  - f) the use and threat to use nuclear weapons is contrary to International Law, in particular International Humanitarian Law, a crime against humanity and a violation of the Charter of the United Nations;
  - g) under no circumstance should nuclear weapons be used again;
  - h) the contribution to peace and international security by the treaties that establish nuclear weapons free zones and Mongolia;
  - i) the importance of the early entry into force of the Comprehensive Nuclear-Test-Ban Treaty (CTBT);
  - j) the I Special Session of the General Assembly dedicated to disarmament (1978), concluded that disarmament is a priority for the international community;
  - k) need of a positive law instrument establishing the illegality of nuclear weapons;
  - l) all States are responsible to maintain peace and international security;
  - m) importance of multilateral diplomacy.

10. In the discussion on “core prohibitions, effective legal measures, legal provisions and norms” various delegations expressed their support that the instrument should include the prohibition of *inter alia*: production, development, test, possession, transfer, receipt, deployment, storage, scientific investigations, financing and the transit of nuclear weapons. To assist in any of the aforementioned activities should also be prohibited.
11. There were differing opinions regarding the possibility to prohibit the use and the threat to use nuclear weapons. Whereas one group of States were in favor of the prohibition of the use and threat to use nuclear weapons, another group of States noted that the threat to use nuclear weapons is already prohibited as per Article 2, paragraph 4 of the Charter of the United Nations. Other States made reference to Article 51 of the Charter on the right to legitimate defense, mentioning also “a tension” between the two aforementioned Articles.
12. In particular, it was agreed that the legal instrument emanating from the Conference must be compatible with the NPT, the CTBT and the treaties which establish nuclear-weapon-free zones.
13. There were also differing opinions on the need to include positive obligations in the instrument for the prohibition of nuclear weapons, such as measures for reparations for damages and assistance to victims of nuclear explosions. Other States that were not necessarily in favor of including such obligations mentioned that such matters could be included in the preamble and that the operative part of the instrument should focus solely on including the regulations and prohibitions that are actually applicable.
14. Some delegations from OPANAL Member States mentioned that the Treaty of Tlatelolco contains a definition of nuclear weapon which could be useful for the instrument for the prohibition of nuclear weapons. However, it was also mentioned that the inclusion of a definition of nuclear weapon would not be indispensable since, for instance, the NPT does not include a definition in this regard, and that does not imply that it is not an effective instrument.
15. During the segment on “institutional arrangements”, the majority of States noted that in order to assure the effective fulfillment of the regulations on the instrument for the prohibition of nuclear weapons, consideration could be given to the establishment of a Conference of the States Parties and a technical secretariat. In this regard, it was emphasized that these institutional arrangements be supported by the United Nations Office for Disarmament Affairs (UNODA) and the International Atomic Energy Agency (IAEA).

16. In this segment, remarks were made by the Secretary General of OPANAL (transcript attached in annex as doc. Inf.07/2017).
17. A majority of States expressed their support for the instrument not permitting reservations and having an easy mechanism for entry into force. That is to say, the deposit of a certain number of instruments of ratification would be sufficient for the legally binding instrument to enter into force, without the need for the ratification of a particular group of States, as is the case of CTBT.
18. The exchange of opinions and debates in the first session of the Conference were very positive. In particular, the participation of OPANAL Member States was very relevant, in order to guide the work of the Conference towards the development of an effective instrument for the prohibition of nuclear weapons.
19. The notable work of the President must be highlighted, as she demonstrated huge commitment to the mandate of the Resolution 71/258. Likewise, she displayed transparency, clarity and a spirit of inclusion throughout the Conference.
20. The second session of the Conference to negotiate a legally binding instrument to prohibit nuclear weapons, leading towards their total elimination will resume on 15 June, 2017 in New York (the draft calendar of the second session is attached in annex). In that session, the President will present to delegations a first draft of the instrument for the prohibition of nuclear weapons, based on what had been discussed and proposed at the first session of the Conference.

## Side Event

### “50 years of the Treaty of Tlatelolco: an inspiration to the world”

1. The Permanent Mission of Brazil to the United Nations, in its capacity as Coordinator of OPANAL in New York, organized a ceremony in commemoration of the 50<sup>th</sup> Anniversary of the Treaty of Tlatelolco, which was held on 27 March, 2017. The commemoration took place on the margins of the United Nations Conference to negotiate a legally binding instrument to prohibit nuclear weapons, leading towards their total elimination.
2. The following were present at the presidium: Ambassador Mauro Vieira, Permanent Representative of Brazil to the United Nations; Ambassador Miguel Ruíz Cabañas Izquierdo, Undersecretary for Multilateral Affairs and Human Rights of Mexico; Kim Won-soo, United Nations High Representative for Disarmament Affairs; Ambassador Luiz Filipe de Macedo Soares, Secretary General of OPANAL and María Pía Devoto (Argentina), representative from the International Campaign to Abolish Nuclear Weapons (ICAN).
3. Representatives from the following OPANAL Member States were also in attendance: Antigua and Barbuda; Argentina; Bolivia; Brazil; Chile; Colombia; Costa Rica; Cuba; Dominica; Ecuador; El Salvador; Guatemala; Guyana; Haiti; Honduras; Jamaica; Mexico; Nicaragua; Panama; Paraguay; Peru; Dominican Republic; Saint Lucia; Saint Vincent and the Grenadines; Trinidad and Tobago; Uruguay and Venezuela.
4. For their part, the other four nuclear weapons free zones and Mongolia were represented by New Zealand (Treaty of Rarotonga); Thailand (Treaty of Bangkok); Cape Verde (Treaty of Pelindaba); Kyrgyzstan (Treaty of Central Asia) and Mongolia. They all delivered speeches and all highlighted the contributions of the Treaty of Tlatelolco towards peace and international security.
5. During their speeches, the Member States reiterated their commitment to the Treaty of Tlatelolco and the work of OPANAL. Some delegations recalled the Agency's technical and legal contributions toward the process of the prohibition of nuclear weapons, through the working paper submitted by the Secretariat (Doc. A/CONF.229/2017/WP.1).
6. Ambassador Luiz Filipe de Macedo Soares, Secretary General of OPANAL mentioned that the nuclear-weapon-free zones are not static subjects, but make up a movement in the direction of liberating the world from nuclear weapons (speech by the Secretary General is attached in annex doc.Inf.04/2017).