



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

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**Open-ended Working Group**  
**“Taking forward multilateral nuclear disarmament negotiations”**

Statement by

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Secretary-General of OPANAL

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Geneva

- 1- Delegations have before them Doc. A/AC.286/WP.40 which was sent on 5<sup>th</sup> April 2014 and, for technical reasons, circulated today. A number of delegations from OPANAL Member States have mentioned this working paper in their interventions.
- 2- The title of WP is straightforward. The Treaty of Tlatelolco is indeed a nuclear disarmament multilateral legal instrument. It is not a political declaration or a statement of principles. It contains a number of clauses ascertaining rights and imposing obligations. It establishes a machinery to ensure its enforcement and compliance.
- 3- The Treaty of Tlatelolco is, as its very title indicates, a “Treaty on the prohibition of nuclear weapons”. By means of consequence, but not explicitly, it invents the notion of “nuclear weapons-free zone”. However this expression is not mentioned in the text of the treaty, differently from the treaties of Rarotonga, Bangkok, Pelindaba and Central Asia.
- 4- Now, some could argue that Tlatelolco is not really a nuclear disarmament instrument since, at its inception; no nuclear weapons existed within the area of application as defined by the Treaty. This assertion might be true with hindsight. Who, nevertheless, could assure that this would not come to be the case as time went by? Who could say for sure that Latin America and the Caribbean would never have nuclear weapons? What would have been Latin America and the Caribbean with nuclear weapons in terms of the relationship among States in the region and in terms of international security? We should remember that when the Treaty of Tlatelolco was proposed and during its 27 months of difficult negotiations there was no NPT, with its Article VI. In other words, there was not a single legal provision in International Law banning nuclear weapons.
- 5- WP. 40 aims at showing some elements contained in the Treaty of Tlatelolco, like obligations, prohibitions, definitions, in order to demonstrate that we do not have to reinvent the wheel although we can certainly bring improvements to it.

- 6- The Treaty of Tlatelolco, besides creating a new concept in the field of international security, has been effectively ensuring that 33 States are free of nuclear weapons and opposed to their existence anywhere. It is therefore not surprising that around one third of the Working Papers submitted to this OEWG are by Latin American and Caribbean States. Two of them are presented by the Community of Latin American and Caribbean States – CELAC, which in its annual Summits has been adopting special declarations on disarmament.
- 7- In the course of the meeting of this OEWG one can observe a growing trend in favour of the negotiation of a treaty banning nuclear weapons. It is widely felt that in the corpus of International Law a prohibition of nuclear weapons must exist as is the case of other weapons of mass destruction. There is naturally some anxiety concerning the possible non-participation of States possessing nuclear weapons and others allied to them. The idea comes naturally that a step of such importance can only be taken with the participation of all. No doubt this would be preferable. However any society would not refrain from legislating on this or that abhorrence just because some of its members are not in favour.
- 8- It is worthwhile remembering that SSOD I, when it established, in paragraph 120 of its final document, the Committee on Disarmament as the negotiating body, a rule of consensus was attached to it. We were in 1978 and the Cold War, although then having a springtime, was there. The rule of consensus was established not to ensure the absence of opposition in the important negotiations about to take place. The rule of consensus then established and still in existence aimed at ensuring control by the two superpowers one *vis-à-vis* the other.
- 9- Essential norms for the survival of humanity must be crafted even without the support of the most powerful, even if they may be disrespected or disregarded.

- 10- The Treaty of Tlatelolco created the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean – the OPANAL. An intergovernmental organization devoted to nuclear disarmament and non-proliferation is a rarity. In this hall, OPANAL is the only one. This paucity on the part of the States is fortunately compensated for by the rich variety of non-governmental organizations.
  
- 11- The Treaty of Tlatelolco and OPANAL will commemorate their 50th anniversary next 14th February. It will be an opportunity for important manifestations by Member States in our seat in Mexico City and we expect the participation of States Parties to Protocols I and II and all others interested in taking forward the action for a world free of nuclear weapons.