



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

S/Inf.1075

OPENING REMARKS

**IAEA FORUM ON EXPERIENCE OF POSSIBLE RELEVANCE TO THE CREATION OF A
NUCLEAR-WEAPON-FREE ZONE IN THE MIDDLE EAST**

BY

AMBASSADOR GIOCONDA UBEDA

**SECRETARY GENERAL OF OPANAL ON BEHALF OF THE NUCLEAR-WEAPON-FREE
ZONE IN LATIN AMERICA AND THE CARIBBEAN**

VIENNA

21-22 NOVEMBER 2011

Mr. Chairman, Mr. Director General,

I wish to thank you for inviting me to participate in this Forum. In the next few minutes, I would refer to what I believe are the most relevant experiences of our region with the purpose of contributing to the dialogue at this meeting; in which, presumably, I would have the opportunity to address some other issues later.

The Nuclear-Weapon-Free Zone in Latin America and the Caribbean was created in 1967, after 3 years of negotiations among 21 States out of the existing 22 in the Region of those times. These negotiations were intense and continuous, with a very dynamic participation of States through their highest-profile representatives.

Once the processes of creation, negotiation and approval of the Treaty of Tlatelolco concluded in 1967, all 21 States signed it that same year, including Argentina, Brazil and Chile; who were not fully integrated as States Parties until 1994, 27 years later.

The trigger of this political decision was the Joint Declaration on the Denuclearization of Latin America signed in April 1963 by five Heads of State (Bolivia, Brazil, Chile, Ecuador and Mexico) in which they called upon the rest of the countries throughout the Region to sign a multilateral Latin American agreement where States commit themselves to declare Latin America as a denuclearized zone. This Declaration was based on the international political context and the regional experience regarding nuclear missiles.

What was the regional context that made it necessary and possible to create the first Nuclear-Weapon-Free Zone in a highly populated area?

1. The permanent confrontation, under the Cold War frame, between the two great nuclear powers, the United States of America (U.S.A) and the Union of Soviet Socialist Republics (U.S.S.R.)
2. The expansion of the nuclear arms race, horizontal as well as vertical, by consolidated powers (U.S.A. 1945, USSR 1949, the United Kingdom 1952) and emerging ones (France 1960 and China 1964).
3. Nuclear tests and their unpredictable effects. 1962, being the worst year, when 117 nuclear tests were conducted in earth surface and 61 underground.
4. Precisely, in that same year, the confrontation between great powers (the United States of America and the Union of Soviet Socialist Republics) provoked the Missile Crisis at the Bay of Pigs, Cuba; which brought the world to the brink of World War. This confrontation and the Berlin Blockade were the two major crises between both Cold War great powers. The one occurred on Cuban territory was the world's closest approach to nuclear war.
5. This incident made evident that the effects of a possible nuclear conflagration would impact all countries of the Americas.

6. At the time, nuclear powers showed great concern for horizontal proliferation of those weapons.
7. Another regional aspect to be considered was the emergence of countries developing nuclear capabilities that could pose a danger if applied to military purposes.

In this scenario of growing concern, together with experiences that jeopardized security, peace and even the survival of Latin American Countries, the Heads of State of the remaining 16 Latin American countries rapidly joined the initiative of the first five. In this way, the 21 countries started, in 1964, the works to establish the NWFZ.

After 3 years at conference sessions with various intermediate organizations created with the purpose to negotiate, prepare and approve the Treaty of Tlatelolco, it was finally opened for signature on 12 February 1967. That same year, the 21 States signed it, including Argentina, Brazil and Chile, who were integrated as full members after 27 years; period over which full Member States and OPANAL made numerous negotiations at the highest level in order to reach this goal. A very similar situation occurred with Cuba, fully incorporated in 2002, 35 years after the signing of the Treaty, being the last State to do so out of the 33 that were already conforming the Region; 11 States joined after the latest process of decolonization in the Caribbean. It was necessary to make two amendments to the Treaty (1990-1991) in order to create the conditions of entry for these countries into the NWFZ.

As regards Brazil and Argentina, during the 30-year period from the starting point of the process to 1994, actively participated in the Treaty design (1964-1967), negotiating the conditions that would allow them to be fully incorporated to the NWFZ (Articles 18 and 28, currently 29). Over that period, within the multilateral scope, OPANAL played a key role in the communication and negotiation between both countries until they reached the agreements on nuclear common politics (1985-1990) based on the building of mutual trust and cooperation that latter gave birth to the Argentine-Brazilian Agency for Accounting and Control of Nuclear Materials (ABACC, 1991). This also facilitated the signing of the Quadripartite Agreement between those States, this bilateral agency and the IAEA, in 1991. Concerning the System of Tlatelolco, it was necessary to make an amendment to the Treaty, essentially to the control mechanism. This was another example of the flexibility in the multilateral scope in order to move forward towards the consolidation of the NWFZ through negotiated agreements. Both, the bilateral and the Quadripartite Agreement reinforce the Control System of the Treaty of Tlatelolco which has its hub in IAEA Safeguard Agreements and the verification procedures through inspections.

Which were the multilateral principles that served as basis for this regional agreement?

1. The solution to conflicts and the search for peace through peaceful means.
2. The right to nuclear energy for peaceful purposes with a guarantee-based access control.

3. The total and complete nuclear disarmament as the final aim of the NWFZ, regional non-proliferation as a mean to achieve it. (Treaty preamble, section 4.)
4. To preserve Member States from the tragic consequences that a nuclear war would bring.
5. To contribute towards the consolidation of a world at peace, based on sovereign equality of States, good neighbourliness and mutual acknowledgement.

These principles were complemented with procedures directed to an open dialogue, negotiation and trust-building between States:

1. Dynamic and continuous participation from States representatives to various created organizations, including the participation of Latin American presidents.
2. The quality, high-level and diplomatic experience of representatives, the ones directing the process above all; standing out among them, the 1982 Nobel Peace Prize winner, Ambassador Emeritus of Mexico Alfonso García Robles.
3. The definition of a short and precise agenda that allowed the discussions to be focused in order to fully cover each one of its items.
4. Application of regulations, firstly the UN regulations followed by the ones derived from the creation process of the Zone.
5. The acceptance of Observer States in plenary sessions. They eventually numbered 22, including Nuclear States and the Netherlands in the last two sessions.
6. Access to documents produced in the process. These last two items provided the process with transparency.

The creation of the NWFZ in Latin America and the Caribbean was possible thanks to the specification of non-proliferation standards in the Treaty of Tlatelolco and its two Additional Protocols (signed by 21 States in 1967), together with the permanent building of trust among States in the Region, the flexibility in the negotiations and the transparency of the process. The long process of negotiation (3 years), design and approval of the Treaty of Tlatelolco showed the political commitment (political will) and the States' capacity to dialogue.

Also in this process, the United Nations played an important role through the support and boost given by the resolutions of the General Assembly, starting from resolution 1911 approved in 1963 a propos of the Joint Declaration on the Denuclearization of the Region. The UN constantly called upon nuclear powers to firstly support this process and later sign and ratify the Additional Protocols.

What elements of the Treaty of Tlatelolco are worth mentioning for this Forum's purposes?

1. Article 4 defines the Application Zone, which is the total sum of territories considered at the time of full insertion of all Member States and the ratification of the two Additional Protocols by Nuclear Powers and the Netherlands. This allowed the creation of the widest spatial framework which integrated disputed territories and the

ones *de jure* or *de facto* under the administration or responsibility of extra continental and continental States. Additional Protocol I was written for this purpose and due to its content and objective this instrument came into force in 1993, with the ratification from France. The other Entailed States are the United States of America, The Netherlands and the United Kingdom (UK).

2. The Treaty does not allow reservations, current Art. 28
3. It creates the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (OPANAL) to ensure the military denuclearization regime of the Zone, as an independent body. It started its functions in 1969 and plays a relevant role in the NWFZ's consolidation process, from the full integration of Member States to the signing and ratification of Additional Protocols.
4. It entails Nuclear-Weapon States through Additional Protocol II to guarantee the efficacy of the NWFZ's denuclearization regime and achieve negative security assurances. In 1979 all five nuclear powers finalized the ratification (UK 1969, USA 1971, China and France 1974, USSR 1979). The eagerness for non-proliferation was a factor to confirm, in a relatively short time, the entry into force of this Protocol.
5. The waiver established in Article 28.2 (currently Art.29.2) was an element of flexibility to negotiate the Treaty (Brazil's initiative). In essence, the first paragraph incorporates a series of conditions for its entry into force (signing and ratification from all Member States, signing and ratification of Additional Protocol I and II by Entailed States and, signing of all Safeguard Agreements with the IAEA established in Article 13); however, with the deposit waiver these requirements could be disregarded by States Parties. This is how the Treaty of Tlatelolco came into force in 1969, with the ratification from the first 11 States. The waiver was a novelty in an international instrument and so was the full creation process of the NWFZ; an unparalleled experience, reason why the process was original and adjusted to the conditions of the Latin American and Caribbean region.

Which were the advantages of establishing the NWFZ?

1. No State in the Region had developed nuclear weapons, although there were nuclear missiles of extra regional Powers located in specific places and a latent suspicion about the existence of these weapons in other areas of the Region.
2. At the time, there was an interest from nuclear powers to avoid horizontal proliferation of nuclear weapons; this contributed, as mentioned before, to the entry into force of Additional Protocol II long before Additional Protocol I came into force. In spite of this, five nuclear powers made Interpretative Declarations at the time of signing and/or ratification, which in some cases restrict the NWFZ's denuclearized statute.

3. The United Nations actively supported the creation and consolidation process through resolutions of the General Assembly. A sign of the importance this process had at the time is that after the signing of the Treaty of Tlatelolco the UN General Assembly dedicated 12 sessions to its analysis.

What the Treaty of Tlatelolco meant to the world and, with its entry into force the creation of the first NWFZ?

- A contribution to both regional and global peace and security.
- A reference to the creation of other NWFZs. There exist today experiences that make necessary the reflection upon the evolution of the concept and the practice of NWFZs, we should recall that each experience emerged in a different political context, which are a wealth of experience and learning.

Furthermore, even when the context was different, it was necessary to comply with certain conditions as well as use different mechanisms to reach the agreements. For instance, the building of trust among parties is a *sine qua non* requirement, as well as the constant political commitment, the States' participation and the support from the international community and the support from the civil society. The rules of the process must be clear and transparent; firstly agreeing what is possible in order to move forward towards achieving complex targets, with appropriate strategies to each situation.

What would I keep as an experience worth sharing for the purpose of this Forum?

Assuming that each experience is unique because of various reasons, geopolitical, regional and global among them; due to power relations which are the basis of decisions and history, I shall mention some as general reflections:

1. The creation of multilateral spaces could be appropriate to move forward in the dialogue and bilateral negotiations.
2. Situations of extreme crisis could generate a political will leading to deliberations and negotiations in order to establish a NWFZ or a WMDFZ (Weapons of Mass Destruction Free Zone). This political will would not necessarily be simultaneously present among all States in the application area of the NWFZ. It is essential to be flexible in order to create the conditions in the creation and integration process of a NWFZ or WMDFZ.
3. Principles feeding the multilateral process should be clear from the beginning, as well as the benefits of achieving the consolidation of the NWFZ.

4. It should be a constant process with the highest level of participation from founding States. Surely, with the support from the international community (States, UN, IAEA and local organizations), they shall perform actions and regular negotiations with states having a major interest at stake in their integration to the NWFZ or those having to sign Protocols.
5. To identify the widest possible area of application of the Treaty in order to facilitate the integration process.
6. The creation of the multilateral Agency, OPANAL, has been important to Latin America and the Caribbean in order to consolidate the integration process to the NWFZ and the consolidation regime created by the Treaty of Tlatelolco.

Mr. Chairman,

To conclude with a general reflection, in history the most extreme crises have helped humankind to find opportunities to overcome them. In Latin America and the Caribbean, we hope this would be an opportunity to initiate the dialogue and negotiation to reach the agreements which lead to peace and security in the Middle East.

Thank You