



OPANAL
Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean

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International Seminar

Fostering cooperation and enhancing consultation mechanisms among the existing nuclear-weapon-free zones

Statement by

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President of the Council of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (OPANAL)

and

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“Exchange of experiences in zonal institutionalization and past cooperation efforts”

-28 August 2019-

Nur-Sultan, Kazakhstan

Distinguished representatives from the Ministry of Foreign Affairs of Kazakhstan,

Distinguished representatives from the United Nations Office for Disarmament Affairs,

Distinguished representatives from International Organizations based in Vienna,

Distinguished representatives of the nuclear-weapon-free-zones,

Excellencies, ladies and gentlemen,

I would like to begin by thanking the organizers of this event for the invitation extended to the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (OPANAL) and to its Secretary-General, Ambassador Luiz Filipe de Macedo Soares.

In Latin America, we are very much aware of the active role of the government of Kazakhstan in promoting nuclear disarmament and non-proliferation. From the closing of the Semipalatinsk test site to the establishment of the “peace wall” monument, inaugurated by former President Nursultan Nazarbayev. We also welcome the role of the United Nations Office for Disarmament Affairs in the implementation of the UN Secretary-General agenda for disarmament, which mentions nuclear-weapon-free zones, in general, without specific reference to the Treaty of Tlatelolco.

The Secretary-General of OPANAL requested me - in my current position of President of the Council - to convey his warmest regards to all the distinguished participants gathered here today and to wish a very fruitful discussion and exchange of views during these two days on the road towards the “Fourth Conference of Nuclear-weapon-free zones and Mongolia” that will take place next year in New York.

Let me share with you our experience and some of the aspects of the long journey started by a group of Latin American states, more than 50 years ago, when the prohibition of nuclear weapons was first conceived in one region.

Zonal institutionalization

Ladies and gentlemen,

The Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean - best known as the Treaty of Tlatelolco - was opened for signature, on 14 February 1967, and entered into force, on 25 April 1969, creating the first nuclear-weapon-free zone established in a populated area and the first practical expression in international law of the prohibition of nuclear weapons.

We understood, from the very beginning, that it was necessary to establish a mechanism in charge not only of ensuring compliance with the obligations set forth by the Treaty of Tlatelolco, but also as a contribution to the political discussions and debate on global nuclear disarmament. As it is clearly stated in the Treaty's preamble, nuclear-weapon-free zones:

“are not an end in themselves but rather a means for achieving general and complete disarmament at a later stage”

Rather, we cannot forget the fact that today there still exist around 14 thousand nuclear weapons, thousands of them deployed. For this reason, we continue involved in the discussions on disarmament and non-proliferation through the political and legal stature that provides our belonging to a nuclear-weapon-free zone.

Besides being the guardian of the nuclear-weapon-free zone in our region, OPANAL has been functioning and acting as the main focal point of its member states in coordinating regional efforts and articulating common positions on nuclear disarmament and nonproliferation.

These efforts expressed through declarations and statements issued by the member states of OPANAL showing consensus on relevant topics of the disarmament agenda. Latin America and the Caribbean is the only region in the world that regularly manifest joint positions.

Last year, for instance, our Declaration on the International Day for the Total Elimination of Nuclear Weapons was carefully drafted, discussed and adopted by the unanimity of our 33 states. The fact that 33 States are able to reach such common expressions stems from the creation of this Institute of International Law known as nuclear-weapon-free zones.

Three out of the four nuclear-weapon-free zones have some form of institutionalization, but a creation of follow-up mechanisms are still a great challenge for cooperation and coordination with other zones.

Interpretative declarations

Ladies and gentlemen,

Treaties establishing nuclear-weapon-free zone would not be effective without the commitment of nuclear-weapon states to comply with those instruments. Thus, we as parties to the nuclear-weapon-free zones, have the moral and legal authority to demand security assurances from those states that rely on the “nuclear option” as a means to guarantee their national security.

For instance, the Treaty of Tlatelolco has two additional protocols essential to protect the region from nuclear weapons. Additional Protocol I determines that extra-regional states who are internationally responsible, *de jure* or *de facto*, for territories in the zone of application respect its denuclearized status. Additional Protocol II determines that the five nuclear-weapon-states respect the nuclear-weapon-free-zone and comply with the prohibitions stated in the treaty.

This goal can only be obtained by respecting the military denuclearization of the zone and providing guarantees to the states party of not being object of the use or threat of use of nuclear weapons. Regrettably, by means of interpretative declarations, which are in fact reservations, the commitments of some of the states party to the protocols have been limited.

OPANAL, through its Secretary-General and member states, has repeatedly urged the parties to the protocols to modify or withdraw their declarations. Responses, when given, were vague and never positive. These pleas have been expanded to the other nuclear-weapon-free zones and figure regularly in United Nations General Assembly resolutions and final documents of the NPT Review Conferences.

That is why OPANAL, since 2016, represented by the five Member States of its Council, has been offering those states, which opposed reservations to the treaty a way out of this problem, by means of adjustments which would eliminate misunderstandings and provide full respect of the Treaty. OPANAL member states are not proposing any new commitment from nuclear-weapon states other than a common understanding.

Protocols to other treaties establishing nuclear-weapon-free zones have also been subject to reservations. Nuclear-weapon states should be open and show willingness to reconsider the scope of their reservations in agreement with the states party to nuclear-weapon-free zones.

I am dwelling at a certain length in the question of reservations made to protocols because OPANAL is the only institution that has been trying to deal with the problem

through diplomatic negotiations. This is therefore a question that could be the object of consultation and cooperation among nuclear-weapon-free zones. We are, from our part, ready to share our experience.

Cooperation efforts

Ladies and gentlemen,

Geographic distance and particular political concerns of each existing zone do not change the common goal of those 115 states pursuing a world free of nuclear weapons. This situation, however, does not necessarily facilitate regular information sharing on past experiences and future perspectives of belonging to such international regimes.

In 2005, by OPANAL initiative, a nuclear-weapon-free zone member states conference was held. In 2009, the nuclear-weapon-free zone focal points held a meeting in Mongolia. In 2010, a second conference took place on the eve of the NPT Review Conference. Both conferences were held by Latin American initiative. These two conferences were followed by a third, in 2015, coordinated by Indonesia. These initiatives, although very hopeful, have not yet succeeded in generating a true dialogue among the nuclear-weapon-free zones. However, we try to maintain contact with our sister zones.

On 14 February 2017, on the occasion of the commemoration of the anniversary of the Treaty of Tlatelolco, in Mexico City, we welcomed representatives from the Southeast Asian and Central Asian nuclear-weapons-free zones. More recently, on 7 February 2019, OPANAL was invited to participate at the extraordinary session of the African Commission of Nuclear Energy, held on 12-13 February in Algiers, Algeria. In fact, it was the very first time that OPANAL participated in an event organized by AFCONE.

Regarding its collaboration with the United Nations and disarmament fora, OPANAL regularly attends the First Committee of the UN General Assembly and the meetings of the review cycle of the NPT. In addition, it attends occasionally to negotiating meetings, such as the negotiations of the Treaty on the Prohibition of Nuclear Weapons. OPANAL also engages with civil society representatives during side-events organized on the margins of some of the aforementioned meetings.

OPANAL also maintains a system of coordination of its member states in the three main seats of the United Nations: New York, Vienna and Geneva. This is a light and cost-free system. In some cases, the coordinators take the floor to deliver statements on behalf of OPANAL. Currently, Brazil holds the coordination in New York and Peru in Vienna.

Establishment of other nuclear-weapon-free zones

Ladies and gentlemen,

There exists a general understanding that in order to establish new zones free of nuclear weapons, the decision should be based in the 1999 UN Disarmament Commission Guidelines. According to these, “*nuclear-weapon-free zone should be established on the basis of arrangements freely arrived at among the states of the region concerned.*” There is no doubt that a nuclear-weapon-free zone can be established even though not all the States in the respective region participate from the very beginning. Latin America and the Caribbean is the clearest example of that. However, all the States in the region must take part in the discussions.

The negotiation of the arrangements on a zone free of nuclear weapons should include contacts with the nuclear-weapon states, states with territories in the region under their responsibility and other interested states.

It took 35 years for all the 33 states of our region to fully participate in the nuclear-weapon-free zone in Latin America and the Caribbean. Nonetheless, it is important to keep always in mind that the zone within its area of application has been valid, and in force since 1969. Although, the five treaties are now in force one of them has not reached universalization, which is an important step towards consolidation. This experience could be taken into account for the creation of other zones as, for example, in the Middle East.

Nuclear-weapon-free zones are a dynamic reality. Since 1967, five zones have been created. This means that it is possible to go further and creating others to include the Middle East and the Korean Peninsula, for instance. OPANAL would like to see the creation of further zones free of nuclear weapons.

I have no doubt its Secretary-General and its member states, if called upon, would continue to contribute with OPANAL expertise and authority.

Concrete proposals

Ladies and gentlemen,

This year we commemorated the fiftieth anniversary of the entry into force of the Treaty of Tlatelolco and of the establishment of OPANAL and its continuous work. Thus, as part of its reflections on how to better improve cooperation and consultations among nuclear-weapon-free zones, I would like to mention some of the concrete proposals that OPANAL has envisaged to contribute to this seminar.

First, regarding the celebration of the Fourth Conference of States Parties in 2020, OPANAL would expect that the conference will not only reiterate the common position of

its 115 participating countries and Mongolia, but also adopt arrangements in order to make contact and collaboration among them more permanent and effective.

Second, on information exchange, OPANAL considers vital to have a regular exchange of information and past experiences. Thus, a focal point or person for each zone and informal gatherings on the margins of the UN General Assembly or the NPT meetings could be of great help for increasing our influence in order to reach the common goal of a world free of nuclear weapons.

Third, regarding the resolutions at the UN General Assembly. Currently, every nuclear-weapon-free zone submits individual resolutions, which are regularly adopted some of them without a vote. A joint annual resolution at the UN General Assembly of all nuclear-weapon-free zones could be tabled. This initiative could help for greater coordination and to present a common front in the strengthening of the regimes established by the treaties and the very concept of such zones. It could also be of help to the establishment of future nuclear-weapon-free zones.

Fourth, on the comprehensive study on the question of nuclear-weapon-free zones in all its aspects, OPANAL would consider very positive that a new study be undertaken. The only document available dates back to the 1970s. In that regard, this new study could be requested by the UN General Assembly.

Fifth, regarding cooperation with UN and the UN Office of Disarmament Affairs. Although, it is true that some contact and cooperation have been registered among representatives of nuclear-weapon-free zones and the United Nations, it is necessary to improve it and to have a direct engagement. There is a need of permanent contact and greater cooperation to facilitate exchange of views in order to coordinate future efforts.

Sixth, on the organization of future conferences of states parties, it might be useful to strengthen the preparatory process.

Additionally, OPANAL believes that all of the aforementioned proposals could be included either as recommendations in the final document or as specific outcomes from the Fourth Conference of State Parties in 2020.

Ladies and gentlemen,

Before I conclude my intervention, I would also like to thank our very good friends from the James Martin Center for Nonproliferation Studies and the Vienna Center for Disarmament and Non-proliferation. We at OPANAL have been collaborating within the framework of a task-force on finding ways to better foster cooperation and information exchange among the nuclear-weapon-free zones. I am sure that this event would also contribute not only to the Fourth Conference of States Parties, but to the NPT Review Conference both to be held in 2020.

Finally, to conclude my intervention, I would like to quote from Secretary-General, Ambassador Luiz Filipe de Macedo Soares:

“the possession of nuclear weapons represents a major obstacle to the democratization of international relations”.

This, in my opinion, summarizes a great part of his thinking and his work at the forefront of the discussions on the role of global order, democratic values in international relations and nuclear weapons. All of them of the utmost importance in the current international context.

I thank you.