



Latin America and the Caribbean Nuclear-Weapons-Free Zone

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Summer School on Nuclear Disarmament and Non-Proliferation

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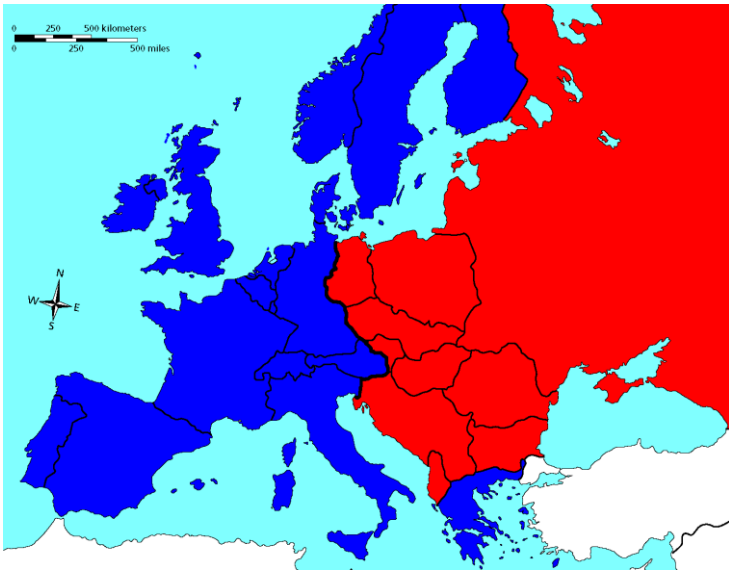
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I. Historical Context – A) International Context

- ▣ 16 July 1945 – world changes radically
- ▣ Ascending tensions; Iron curtain
- ▣ Arms race



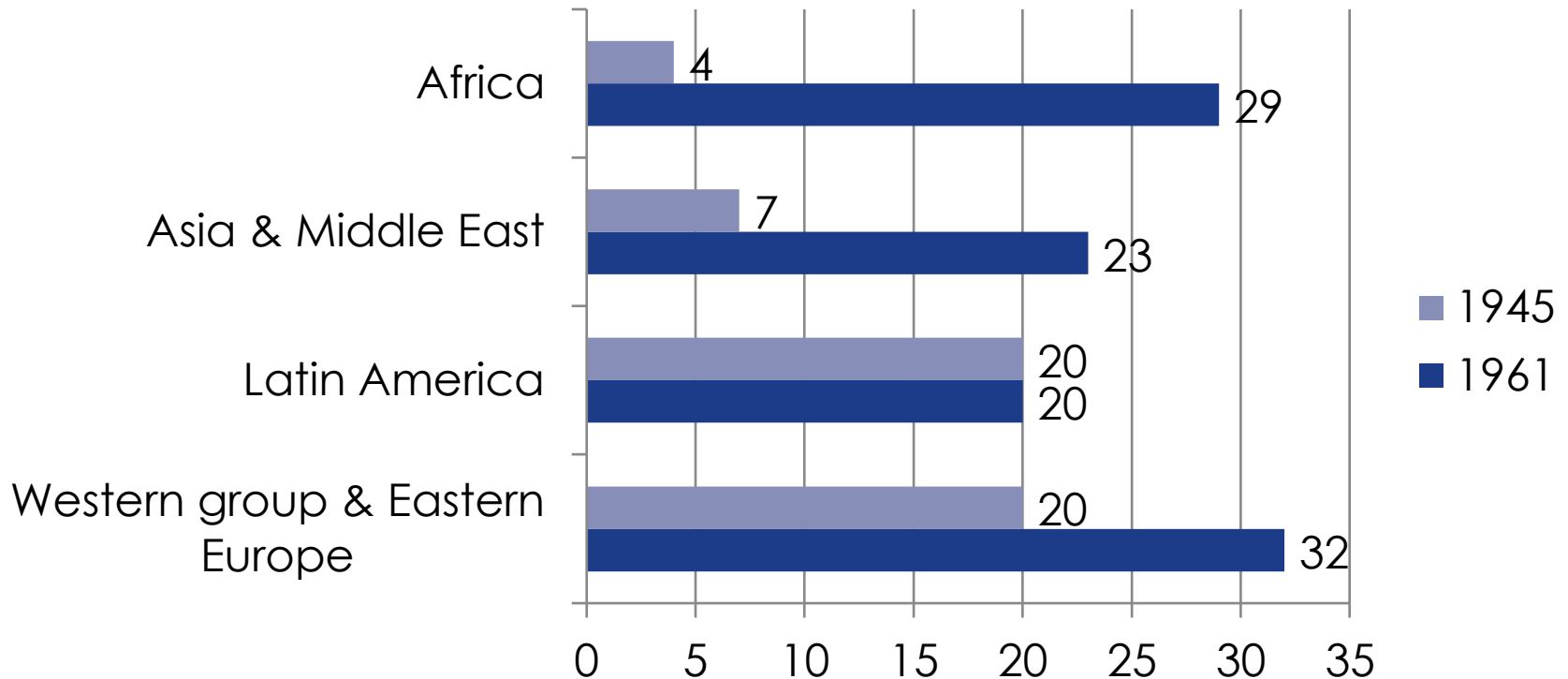


A) International Context

- Process of decolonization had an important impact on the international community
- Former colonies begin to participate in the international arena
- The existence of the United Nations was essential for the acceptance of these newly independent States to become part of the international community

A) International Context

UN Membership in 1945 and 1961



I. Historical Context – B) Latin America



Regional atmosphere:

- ◆ Authoritarian governments
- ◆ Distrust, territorial disputes, guerrilla warfare
- ◆ Security decision to establish a NWFZ

B) Latin America - 1962

- 178 estimated nuclear explosions
- The “Missile Crisis” (October)



B) Latin America

1962

- ▣ **29 October** → Brazilian initiative – Draft Resolution to the UNGA (A/C.1/L.312)

1963

- ▣ **29 April** → “Joint Declaration on the Denuclearization of Latin America” issued by Bolivia, Brazil, Chile, Ecuador and Mexico
- ▣ **27 November** → UNGA Resolution 1911 (XVIII) declaration endorsed



COPREDAL

1964

23-27 November establishment of the "Preparatory Committee for the Denuclearization of Latin America" (COPREDAL)

1965-1967

COPREDAL negotiated the text of the Treaty

1967

12 February

COPREDAL unanimously approved the text of the

“Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean”



1967



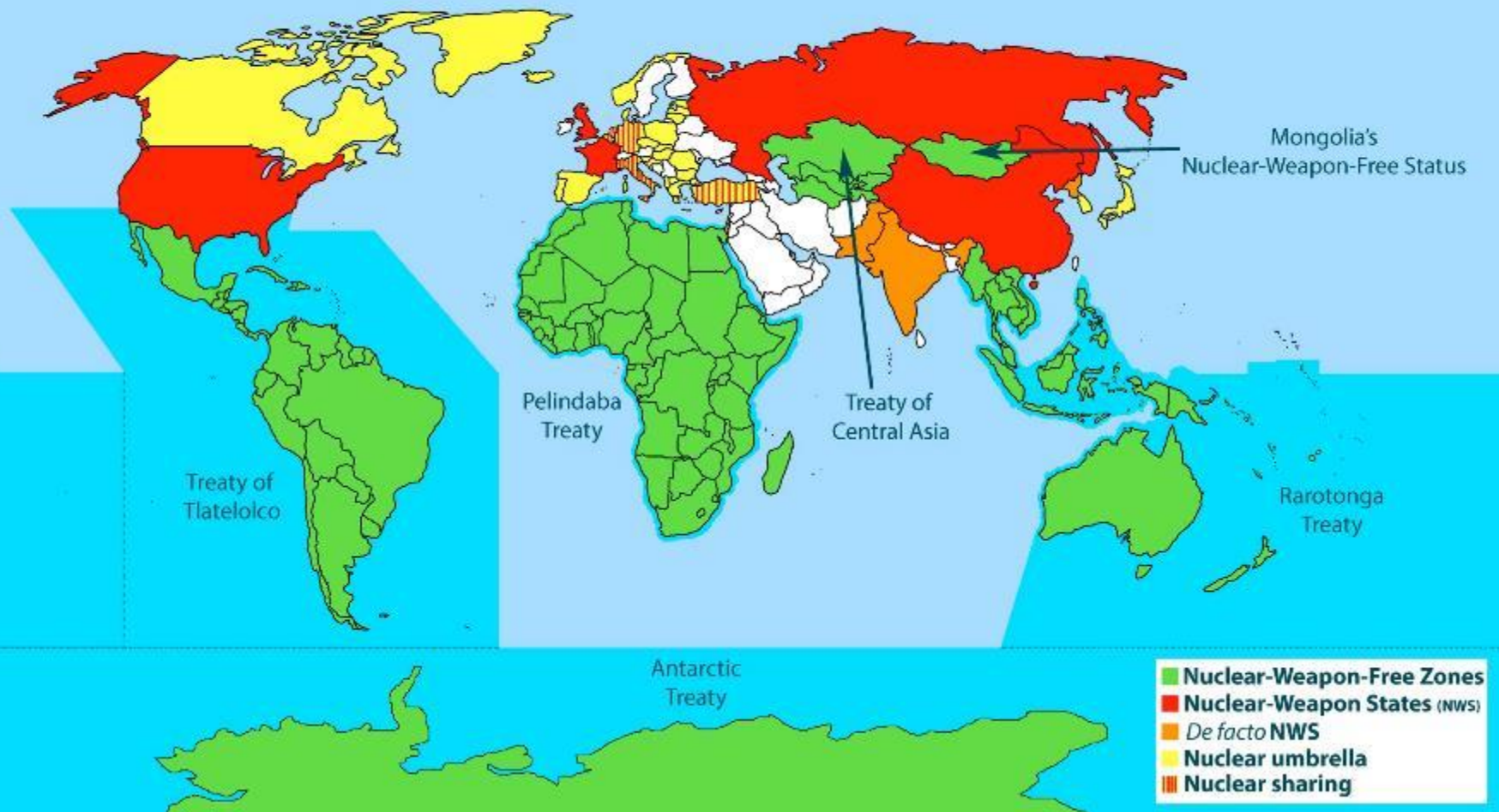
14 February → the Treaty of Tlatelolco opened for signature

II. International Law

NWFZ as institute of International Law

- NWFZ → abstract superstructure applied to a specific area.
- Characteristics as an institute of IL:
 - material application
 - attribute to an area establishing rights and obligations
 - associated with an international legal instrument
 - establishment of a mechanism to manage the legal attribute

Nuclear-Weapon-Free Zones and countries infested with nuclear weapons



US code section 2301 (title 50, chapter 40)

Weapons
of Mass
Destruction



toxic or
poisonous
chemicals
or their
precursors



disease
organism

Radiation or
radioactivity



Instruments of delegitimization

- Convention on the Prohibition of the Development, Production and Stockpiling of a bacteriological (biological) and toxin weapons and on their destruction
 - 171 States Party

- Convention on the Prohibition of the Development, Production and Stockpiling and use of chemical weapons and on their destruction
 - 191 States Party

- And what about nuclear weapons?



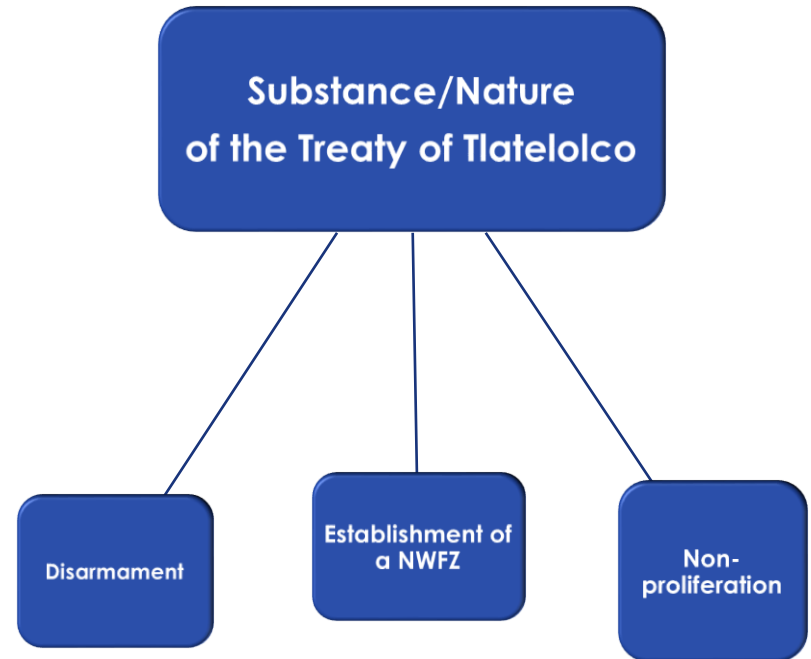
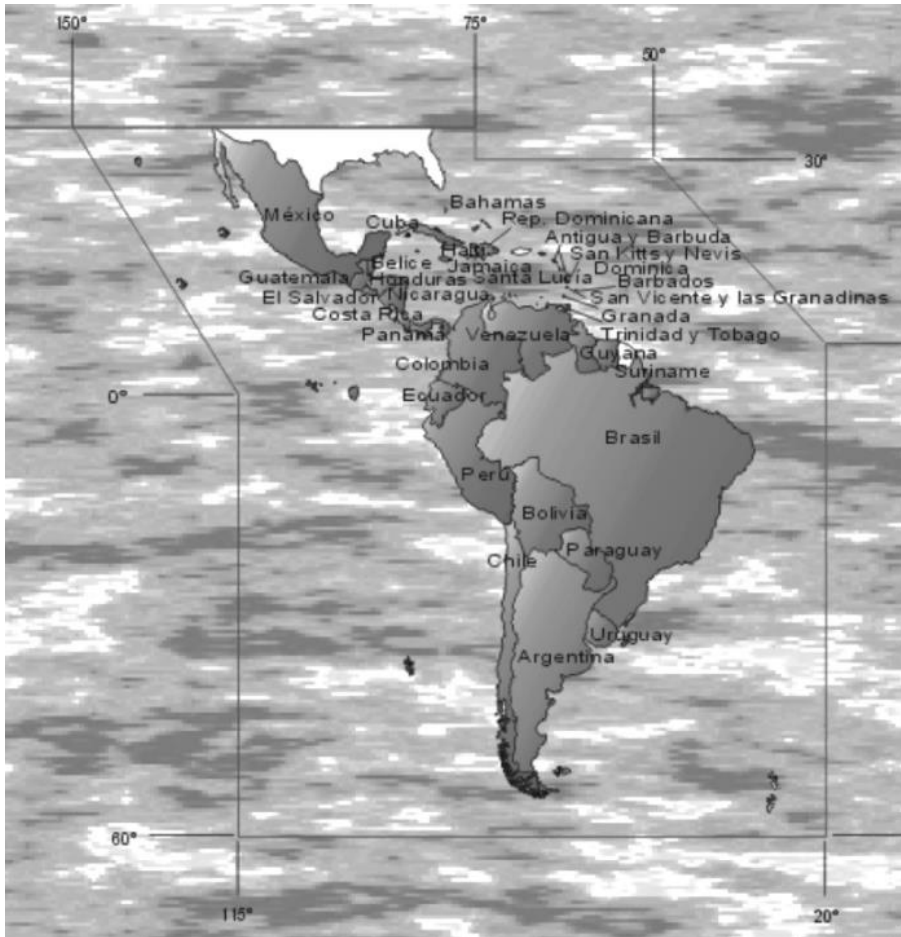
III. Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco)

- A) Obligations and Zone of Application
- B) OPANAL
- C) Control System

Preamble - Treaty of Tlatelolco

- Ending the armaments race, especially in the nuclear field;
- Strengthening a world at peace based on the sovereign equality of States;
- Total prohibition of nuclear weapons and weapons of mass destruction of any type;
- General and complete disarmament under effective international control;
- Preventing the proliferation of nuclear weapons;
- Keeping peace and security in the military denuclearized zones;
- Use of nuclear energy exclusively for peaceful purposes;
- Right to the greatest and most equitable possible access to this new source of energy in order to accelerate economic and social development.

A) Obligations and Zone of Application

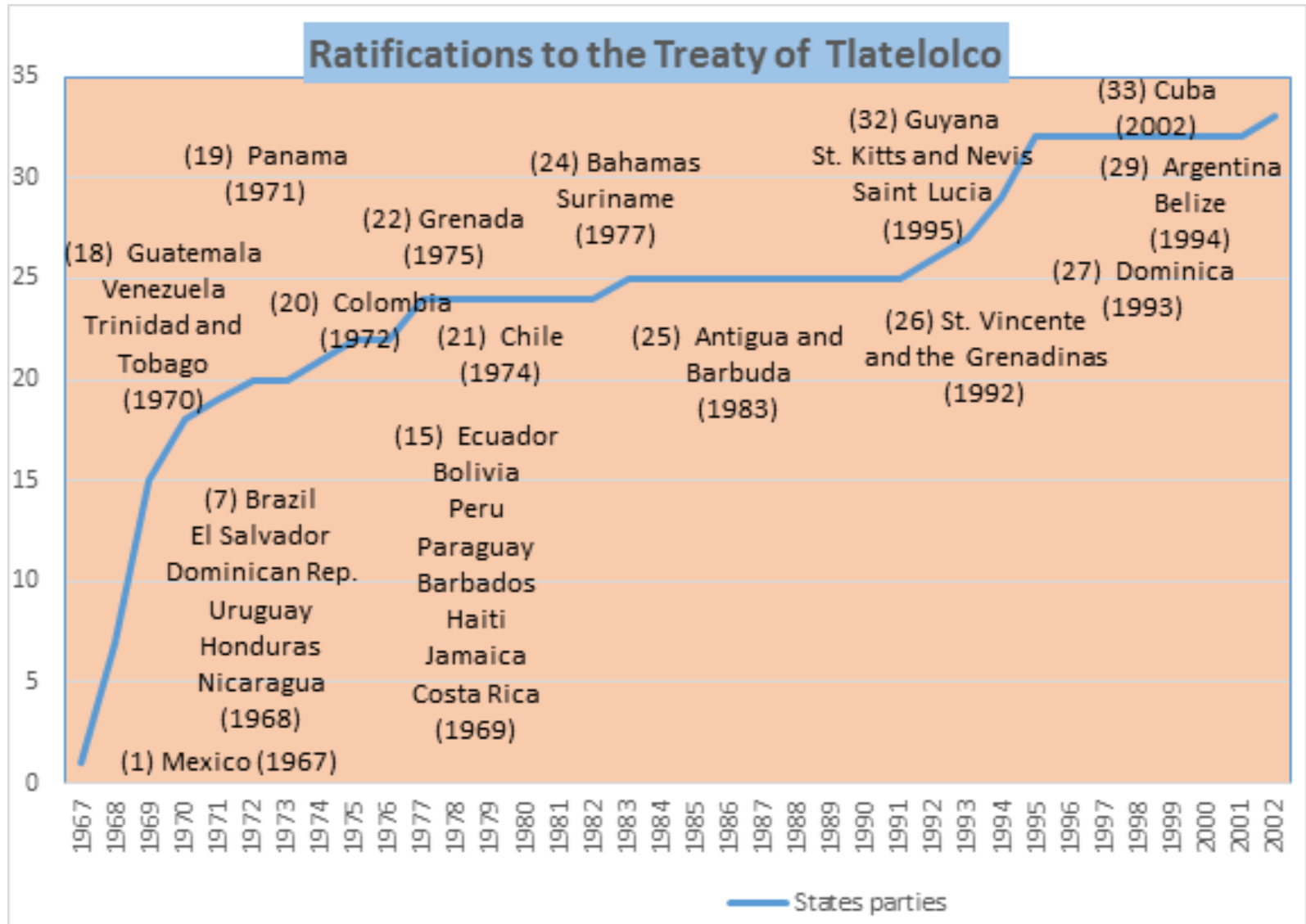


Treaty of Tlatelolco

- No nuclear weapons in LA&C
- Security of the region as a whole



- Entry into force subject to the participation of all States
 - completed in 2002 with Cuba's ratification



Treaty of Tlatelolco

- Participation of NWS through Additional Protocols I and II
- Endorsed by UNGA Resolution 2286 (XXII), establishing the NWFZLAC

Article 1 - *Obligations*

- “1. The Contracting Parties hereby undertake to use exclusively for peaceful purposes the nuclear material and facilities which are under their jurisdiction, and to prohibit and prevent in their respective territories:
- a) The testing, use, manufacture, production or acquisition by any means whatsoever of any nuclear weapons, by the Parties themselves, directly or indirectly, on behalf of anyone else or in any other way; and
 - b) The receipt, storage, installation, deployment and any form of possession of any nuclear weapon, directly or indirectly, by the Parties themselves, by anyone on their behalf or in any other way.
2. The Contracting Parties also undertake to refrain from engaging in, encouraging or authorizing, directly or indirectly, or in any way participating in the testing, use, manufacture, production, possession or control of any nuclear weapon. ”

Zone of application

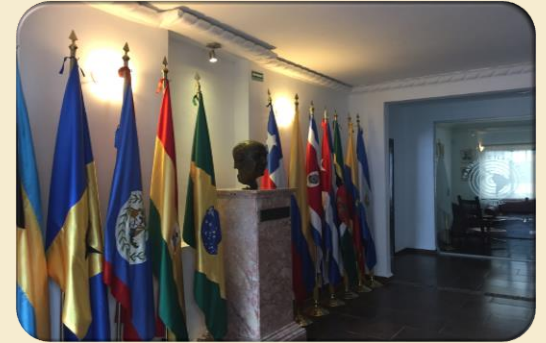
- Goes beyond the territories of the Parties
- Interpretative declarations by France and the USSR regarding extension of the Zone of Application
- If the TT implied any claim to national jurisdiction over the high seas → it would be incompatible with the Convention on the Law of the Sea

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

- One of the great successes of NWFZ in Latin America and the Caribbean
- Created to ensure compliance with the obligations under the Treaty (Art. 7)
- Mission of projecting the positions of the region on disarmament and non-proliferation



OPANAL's structure



General Conference

- Supreme organ of the Agency
- 33 States Party
- Regular biennial meetings

Council

- 5 Member States (4-year period)
- Current Members: Argentina, Ecuador, México, Paraguay, Venezuela
- Meets every 2 months

Secretariat

- Secretary General (elected by the GC) as chief administrative officer (4-8 year term)
- Staff appointed by SG

Caribbean Member States



C) Control System

- The Treaty of Tlatelolco established the first international monitoring and verification system to ensure compliance with disarmament and non-proliferation obligations.
- The Control System (CS) is observed by:
 - OPANAL (compliance with Member States' obligations)
 - IAEA (implementation of nuclear safeguards)



Legal Structure of the Control System

Articles 12 - 18

- **Art. 12:** the CS shall be put into effect in accordance with Articles 13-18
- **Art. 13:** Parties shall negotiate implementation of IAEA safeguards
- **Art. 14:** Parties shall submit to OPANAL and the IAEA semi-annual reports stating that no activity prohibited under the Treaty has occurred in their territories

Article 14

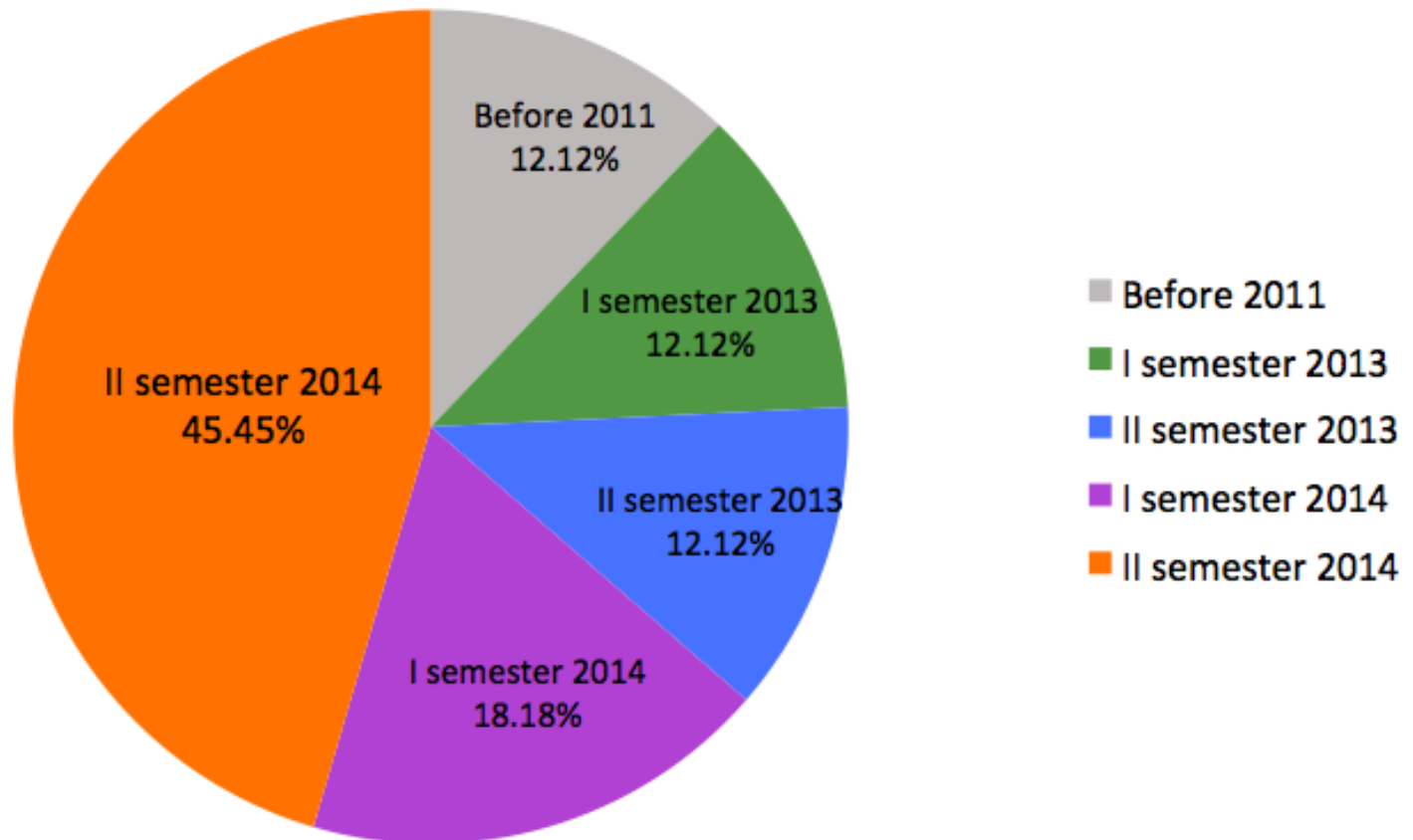
Compliance with Article 14

Before 2011	I semester 2013	II semester 2013	I semester 2014	II semester 2014
Bahamas	Dominican Republic	Chile	Colombia	Antigua and Barbuda
Barbados	Paraguay	Granada	Costa Rica	Argentina
Bolivia	Santa Lucía	Jamaica	Dominica	Belize
Honduras	Trinidad & Tobago	Nicaragua	Panama	Brazil
			San Vicente & Grenadines	Cuba
			Uruguay	Ecuador
				El Salvador
				Guatemala
				Guyana
				Haiti
				Mexico
				Peru
				San Kitts & Nevis
				Suriname
				Venezuela

Updated 6 July 2015

Article 14

Compliance with Article 14



Control System

- **Art. 15:** Provision of complementary or supplementary information regarding any extraordinary event
- **Art. 16:** The Council may request the IAEA that the necessary mechanisms be put into operation for a special inspection
- **Art. 17:** right of States Party to use nuclear energy for peaceful purposes
 - Apart from Cuba and Dominica, all States Party to the TT have ratified the CTBT
- **Art. 24:** all States Party shall notify the Secretariat of any international agreement concluded on matters with the Treaty is concerned

Additional aspect related to the CS



The outward role of OPANAL

- Oldest regional mechanism on nuclear disarmament and non-proliferation; only one to maintain permanent institutional relations with other organizations.
- Observer organization at UNGA First Committee and NPT Review Conferences; consulted for reports requested by the UNGA to the UN Secretary-General.



OPANAL participates in meetings of:



Conference on Disarmament

Recent declarations issued by the 33 Latin America & Caribbean States

- CELAC “Special Declaration on Nuclear Disarmament” (Havana, 28-29 January 2014)
 - OPANAL as “the specialized body of the region”
- “Declaration of the Member States of OPANAL on the occasion of the International Day for the Total Elimination of Nuclear Weapons” (26 September 2014)
- CELAC “Special Declaration of the Community of Latin American and Caribbean States on the urgent need for a nuclear weapon free world” (Costa Rica, 29 January 2015)

IV. Negative Security Assurances

Negative Security Assurances (NSAs)

- Essential for a NWFZ to be complete
- NSAs guarantee that nuclear weapons will be employed only among NWS
- Must be legally binding
- Military alliances – NNWS and NWS
- Additional Protocol II to the Treaty of Tlatelolco – maximum NSAs
- Interpretative declarations or reservations issued by NWS must be modified or withdrawn

V. Treaty of Tlatelolco and the Treaty on the Non-Proliferation of Nuclear Weapons (NPT)

Treaty of Tlatelolco

- Opened for signature on 14 February 1967
- Instrument negotiated by many States
- Final goal → general and complete nuclear disarmament
- Recognizes inalienable right to peaceful uses of nuclear energy
- Acceptable balance of mutual responsibilities – UNGA Res. 2028 (XX)

NPT

- Opened for signature on 1 July 1968
- Mainly drafted by the US and the USSR
- Does not draw a direct line to nuclear disarmament – Art. VI
- “Three pillars”
- Intrinsically unbalanced



OPANAL's participation in the 2015 NPT Review Conference

- Working paper “Recommendations for consideration by the 2015 Review Conference of the Parties to the Treaty on the Non-proliferation of Nuclear Weapons” (Doc. NPT/CONF.2015/WP.40)
- No final document was adopted by the Conference
- Unbalanced draft final document
- OPANAL Member States' communiqué on the 2015 NPT RevCon



30 April 2015

Questions or comments?