



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

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**Conference on Disarmament**

Statement by

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Secretary-General of OPANAL

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Mr President,

It is an honour for me to address the Conference on Disarmament under your presidency, given that Morocco has always been an active and influential State on matters relating to the Agenda of the CD. It is also an honour for me to address the Ambassadors and Representatives of Member States of the Conference as well as Observer States. Likewise, I salute the Secretary-General and the members of the Secretariat.

The list of subjects and issues in international relations is constantly growing as shown by the agenda of the UN General Assembly. Nuclear disarmament has remained in the last seven decades at the top of the concerns of the international community. In spite of this pre-eminence and its life-or-death nature, the matter has had little effect in the international institution building.

After the goal of nuclear disarmament was set by the first Resolution of the General Assembly, parliamentary arrangements were made under the aegis of the two main powers until the first Special Session on Disarmament established a more open machinery of which this Conference, with its negotiating mandate, is the cornerstone.

The CD has been steadily working, having achieved important results in the first half of its existence. During the second half of its history until now, no decision could be taken that led to actual negotiations in spite of patient and persistent efforts, as it is to be expected from diplomats. Important progress is not impossible, otherwise the achievements of 1978 and 1996, to mention just two fertile years, would not have taken place. Member States and the General Assembly can break the stalemate. Meanwhile, to blame the CD leads nowhere and diverts the real debate.

These few remarks may seem an undue interference from an outsider but, after all, the intergovernmental organization which I represent is very much a party in this debate since it is devoted to nuclear disarmament and non-proliferation.

As I just mentioned, the multiplication of international institutions, global and regional, in a wide variety of fields has not been matched in the case of nuclear disarmament. It is interesting to note that in the Review Conferences of the Non-Proliferation Treaty the number of intergovernmental organizations accredited is rather limited if we compare with other important UN conferences in other areas and the organizations figuring in the list are not even specifically concentrated on disarmament.

The Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean, known by its initials in Spanish -OPANAL, is a real exception. It is therefore natural that, from time to time, the Head Officer of the Agency come before this august body in order to update information and convey the views of the Agency on matters of concern for the CD. An additional reason lies in the fact that of the 33 Member States of OPANAL only 9 are members of the CD, a percentage significantly inferior to other regions.

Mr President,

As you know, a recent development in the Latin American and Caribbean region is the creation of the Community of Latin American and Caribbean States, CELAC, which celebrated its third summit of Heads of State and Government in Costa Rica, last January. It is indeed a remarkable and historical event that only five years ago, for the first time the 33 States of the Region, covering some 20 million square kilometres with more than 600 million inhabitants, decided to meet in its entirety, regularly and at the highest level.

Both in this last Summit as in the preceding one, in Havana, Cuba, CELAC, in addition to general Declarations and other documents, adopted special declarations on nuclear disarmament, identifying OPANAL as “the specialized body of the region”. This means that the Agency, besides its internal function in the context of the Treaty, is expected to promote common positions and joint actions on nuclear disarmament

OPANAL, from its part, on 26<sup>th</sup> September 2014, issued the “Declaration of the Member States of OPANAL on the occasion of the International Day for the Total Elimination of Nuclear Weapons”, which was later circulated as UNGA Document A/C.1/69/2.

This enhanced activity in the region is the first new development that I would like to bring to your attention, after four years since last time an OPANAL Secretary-General addressed the Conference on Disarmament.

These statements by CELAC and OPANAL on nuclear disarmament are indeed remarkable because no other region has been paying so much attention at the highest level to this critical issue. No other region has been able to reach this level of convergence. I hope that my *exposé* will shed some light on this active preoccupation by Latin America and the Caribbean.

I will just highlight a number of points in these declarations by CELAC and OPANAL that reflect the commitment of the region towards nuclear disarmament and non-proliferation:

- ❖ the use and threat of use of nuclear weapons are considered a violation of the Charter of the United Nations and a crime against humanity, a violation of International Law and of International Humanitarian Law;
- ❖ a universal and legally binding instrument on negative security assurances should be negotiated and adopted, without delay;
- ❖ it is imperative that nuclear-weapon States comply with their commitments under Article VI of the NPT;
- ❖ the negotiation of a universal and legally binding instrument banning nuclear weapons cannot be delayed;
- ❖ the convening of the International Conference for the establishment of a Zone Free of Nuclear Weapons and other Weapons of Mass Destruction in the Middle East is an important and integral part of the commitments of the previous NPT Review Conferences since 1995;
- ❖ it is crucial that nuclear-weapon States eliminate the role of nuclear weapons from their doctrines, security policies and military strategies;

- ❖ it is highly desirable that countries that enjoy extended nuclear deterrence policies through military alliances with nuclear weapons States implement policies that enable them to eliminate their reliance on such agreements;
- ❖ the qualitative improvement of nuclear weapons must cease;
- ❖ the early entry into force of the Comprehensive Nuclear-Test-Ban Treaty (CTBT) is equally crucial;
- ❖ the discussion and awareness-raising of the humanitarian consequences of any intentional or accidental nuclear detonation must continue;
- ❖ the implementation of nuclear disarmament education programmes continues to be a priority objective.

These positions, and many others, were adopted unanimously by all Latin American and Caribbean States. Although these 33 States may not share identical interests and beliefs, they absolutely endorse these declarations and stand on common ground regarding the threat posed by nuclear weapons and their catastrophic impact.

Latin American and Caribbean countries express collectively their political position on this central matter of global security with authority and determination. It is the sole great regional ensemble that has never possessed nuclear weapons. None of them has concluded security agreements in order to be protected by nuclear arsenals. Our positions bear no ambiguity. We may be proud of that but more important is to be free to defend the future of humankind.

Mr President,

The second matter I wish to address is the current preparations for the III Conference of Nuclear-Weapon-Free Zones and Mongolia, coordinated by Indonesia, scheduled to take place on the 24<sup>th</sup> April this year at the UN Headquarters in New York.

After Tlatelolco, of the four treaties that established Nuclear-Weapon-Free Zones, three of them did not create institutions to ensure compliance with the obligations contained in the treaties. Three of the Zones are thus represented by regional bodies devoted to cooperation in any field but which do not specifically address nuclear disarmament and non-proliferation. In the case of the African NWFZ, the Treaty of Pelindaba created the African Commission on Nuclear Energy (AFCONE) to ensure compliance with the Treaty; however, it is still in the process of being set up.

OPANAL the eldest organization of its kind, is in fact the only one with a specific vocation.

The difference between the Nuclear-Weapon-Free Zone of Latin America and the Caribbean and the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean should be considered starting with their very titles.

The Zone is an institute of International Law, abstract in nature, defining a condition that is attributed to a given space. In our case, this space covers the territories of all countries in the region, including areas possessed *de facto* or *de jure* by States not belonging to the region. It extends also to the marine areas under jurisdiction of the coastal States of the region as well as to marine areas beyond national jurisdiction, the limits of which are clearly defined.

On the other hand, the Agency is an institution with legal personality under International Law.

The Zone indicates a space free of nuclear weapons whereas the Agency acts in order to prohibit, within the Area of Application, the existence of nuclear weapons.

A Zone without an Agency is perfectly valid in legal terms, yet it is somewhat incomplete in terms of enforcement.

Mr President,

A NWFZ, through the action of an Agency or directly by the States within its boundaries, should function not only inwards in terms of implementing its Control System. It must express, again through an Agency or directly by its participants, the full validity of the condition of that region being free of nuclear weapons and consequently, the essential need for that condition to be respected from outside. Since the States in the region legally assume that the region is free of nuclear weapons they cannot admit *ipso facto* the existence of such weapons anywhere.

Latin American and Caribbean States decided in 1967 that they would not have nuclear weapons, and that such weapons would not be admitted within the Area of Application of the Treaty. They did so for the sake of their security. No doubt about that. But they would show an inferiority complex if they had limited themselves to that. Of course they aimed at the global proscription of nuclear weapons and this is clear in the Treaty and in the actions by its States Party since the beginning. They knew however that they could not include a clause on worldwide prohibition since it would not be enforceable. What could be done, and was done, was to induce NWS and States possessing territories in the Area of Application to legally accept the Treaty by means of Protocols.

These considerations, Mr President, Ladies and Gentlemen, seem necessary to a correct understanding of what a Nuclear-Weapon-Free Zone is and thence of the meaning of the next Conference in New York.

Given that three NWFZ Treaties did not establish specific institutions, the NWFZ Conferences serve as a platform for the States Party and signatories to advance the collective positions of their regions.

The III Conference of NWFZ, on 24<sup>th</sup> April in New York will assemble a total of 115 States Party and signatories to the Treaties: 33 of Tlatelolco, 13 of Rarotonga, 10 of Bangkok, 53 of Pelindaba, 5 of Central Asia plus Mongolia. Three days later, the IX NPT Review Conference opens. The sequence is important since, although with different participation and perspective including from the legal point of view, the NWFZ gathering could improve the chances of getting the necessary consensus in the NPT.

An issue of great importance will certainly bridge both Conferences: the establishment of a Zone Free of Weapons of Mass Destruction in the Middle East. From the bargain of the Review and Extension Conference in 1995 the matter evolved to the important consensus reached in 2010 that remains unfulfilled. In spite of that, it is to be expected that the Conference will not go back from the previous achievement and a renewed spirit will emerge leading to concrete steps.

Another question that could be of interest is the cooperation among the NWFZ. The Outcome Document of the II Conference in 2010 includes a final paragraph 36 on the matter. No progress was actually made in the exploration of appropriate modalities for that cooperation. Possibly, one partial reason lies in the fact that just one Zone has a functioning institution. However, the point was made five years ago and the next Conference could go further. A light and flexible mechanism under the form of a contact group composed of a few States from each Zone could meet once a year, on the margin of the First Committee, for example. This would provide a space conducive for the exchange of views on matters of common interest to the Zones and would enhance their influence.

Indeed there are matters of common interest. To mention just one, there is the participation by means of Protocols of States not belonging to the region. This ingenious legal and political measure is still limited by declarations, interpretations and reservations. It is high time that these imperfections be eliminated. It would mean a very positive step that would be welcome worldwide.

Once again I wish to thank you, Mr President, and the honourable members of this Conference for allowing OPANAL to bring to your attention some of our activities and concerns.