



Nuclear-Weapon-Free
Zone in Latin America
and the Caribbean

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

S/Inf. 1105

Middle Powers Initiative Conference
***Creating the Conditions and Building the Framework for a Nuclear
Weapons-Free World***

Working-Group on Regional Security Arrangements

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20-22 February 2013

Berlin, Germany

At the outset, I would like to thank the organizers of this event, particularly Dr Tadatoshi Akiba, Chairman of the Middle Powers Initiative, for inviting me to participate in this Working-Group, which is an excellent opportunity to reiterate the commitment of the 33 Member States of the Nuclear-Weapon-Free Zone in Latin America and the Caribbean to global nuclear disarmament and the non-proliferation regime. A special thanks also to my friend Alyn Ware, Global Coordinator of Parliamentarians for Nuclear Nonproliferation and Disarmament, for all his efforts to make possible my participation in this Forum and for agreeing to present this paper.

This initial document is intended to integrate elements that serve as the basis for this Group's debate, and in the interest of time I will present a brief synthesis. I already commit myself to preparing a final document that incorporates aspects of such debate.

Peace and security in the region of Latin America is built on the basis of different agreements, each one of them obeys to a specific conjuncture, to a particular time in the reality of the region. Various political agreements, some of them expressed in legally-binding agreements such as the Treaty of Tlatelolco, have built a structural framework in favour of regional peace and security cooperation. In recent years, especially from the late 1980s onwards, these agreements have been framed in a larger context due to integration processes, FTAs (free-trade agreements), reforms supporting democratic processes, or all of them together. In this regard, I would like to quote Dr Detlef Nolte¹, who is the Director of the GIGA Institute of Latin American Studies, University of Hamburg, Germany, *"Examples abound of how democratization and economic interrelations have contributed to reducing tensions in Latin America. In this regard, it is enough to mention the relations between Argentina and Brazil; countries that competed for political supremacy in South America for decades, including the arms race (also in the nuclear field). Nowadays, Brazil and Argentina are members of MERCOSUR, and work together in the peaceful use of atomic energy."*

¹ Unofficial translation of "Democracia y conflictos: Apertura, comercio y solución de contiendas en América Latina", publicado en D+C Desarrollo y Cooperación, No.6 Nov-Dec 1999. Pg. 8

To this should be added that the Treaty of Tlatelolco and OPANAL were a key factor in the rapprochement of both States and the discussion of their views on non-proliferation and the peaceful use of nuclear energy. Regional space facilitated the talks between Argentina and Brazil so that they could reach agreements that created a bilateral control and verification system. *“We can say that the original atmosphere of mistrust and rivalry between the two programmes (meaning countries) was gradually replaced by mutual trust and cooperation”* – stated the Deputy Secretary of ABACC, Dr Odilón Marcuzzo, at OPANAL International Seminar entitled “The Experience of the Nuclear-Weapon-Free Zone in Latin America and the Caribbean and the perspective towards 2015 and beyond”².

In the same line, the growing recognition of regional and international jurisdictional instances has been an important means to resolve conflicts between States; such as the International Court of Justice, that has heard most of the 12 cases concerning conflicts between Latin American States over the last 20 years. Five of those cases were presented during the last seven years. Moreover, two States in the region have instituted proceedings against a neighbouring State before the Inter-American Commission on Human Rights; Nicaragua against Costa Rica, petition that was declared inadmissible in 2007; and Ecuador against Colombia in 2009. The cases presented before those instances are a clear example of how, in recent decades, Latin American States have shown an increasing tendency to settle disputes peacefully, a principle of negotiation of the Treaty of Tlatelolco. It must also be taken into account the contribution in this respect of political instances, such as the reform of the Organization of American States (OAS), the disappeared Rio Group and most recently known as the Community of Latin American and Caribbean States (CELAC), created in December 2011. I will refer to the latter at the end of this presentation since general and complete nuclear disarmament is embraced within CELAC Declaration issued by the Heads of States.

²This International Seminar was held in Mexico City on 14-15 February 2012 within the framework of the commemoration of the 45th Anniversary of the signing of the Treaty of Tlatelolco. The memories will be published later this year.

For the purposes of this Forum, I will now focus on the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean, also known as the Treaty of Tlatelolco, starting from its negotiation phase. The first question that arises is upon the context in which negotiations started so that the first Nuclear-Weapon-Free Zone (NWFZ) was established in a densely populated area.

At the end of World War II, Latin America's concern over the risks of nuclear escalation from great powers became a reality after the Missile Crisis in Cuba, in October 1962. This confrontation, between the United States of America and the Union of Soviet Socialist Republics, together with the Berlin blockade, are considered the major crises between both powers during the Cold War. After a few months (April 1963), five Latin American Heads of State (Mexico, Bolivia, Brazil, Chile and Ecuador) signed the Joint Declaration on the Denuclearization of Latin America, in this document they called on all other states in the region to sign a multilateral agreement in which Latin American States commit themselves to declaring the region a military denuclearized zone. The response was immediate and arduous negotiations started in 1964, these involved 21 out of the 22 States in the region at the time. From the very beginning the States had the political conviction that this project was a priority to regional peace and security. These negotiations concluded in February 1967 with the adoption of the text of the Treaty of Tlatelolco, which was signed by all 21 States that same year.

What did this multilateral agreement mean to the world? For the first time a region committed itself, legally and politically, to **the norm of non-proliferation**, which was developed a year later by the Treaty on the Non-Proliferation of Nuclear Weapons (NPT); at the same time, the region **declared that the military denuclearization of the zone was a means to achieve a world free of nuclear weapons**. From then on, OPANAL's agenda is imprinted by the indivisibility of these purposes and more recently, in September 2011, the 33 Member States agreed by consensus *“to join forces with the international community to move forward towards the negotiation of a universal legally-binding instrument aimed at banning nuclear weapons”*.

The Treaty established a Control System as a means to build mutual trust and a mechanism to guarantee the norm of non-proliferation. The International Atomic Energy Agency (IAEA) is given an important role in the Control System, to this effect States had to sign comprehensive safeguards agreements with the Agency. **It was the first time that a multilateral agreement obliged its States Parties to subscribe to those agreements with the still incipient IAEA.** Furthermore, **nuclear-weapon States committed themselves, through Additional Protocols I and II, to respecting the denuclearized status of the region and not to use or threaten to use nuclear weapons against States Parties to the Treaty.** The process of ratifying the Protocols was completed two decades ago, the challenge that still remains is that nuclear-weapon States withdraw or modify the interpretative declarations affecting the nuclear-free status of the zone.

From its origins, the Treaty of Tlatelolco has been a concrete contribution to regional and global peace and security. The minutes of the 12 sessions that the United Nations General Assembly devoted in 1967 to the analysis of the Treaty can be consulted in order to value such contribution in its true dimension; as well as the numerous resolutions that have been adopted by this body, the last one being in 2012. In this regard, the message of the UN Secretary-General at the time, U Thant, was very enlightening; it was addressed to the Preparatory Commission for the Denuclearization of Latin America (COPREDAL) on the day when the Treaty text was adopted, 12 February 1967, from which I now quote: *“the Treaty for the Prohibition of Nuclear Weapons in Latin America is an important stage in the long, difficult search for disarmament...It also sets forth the required by-laws towards the creation, for the first time in history, of a denuclearized zone in a populated area of the world...The Latin American Nations can, with ample justification, take pride in what they have wrought by their own initiative and through their own efforts.”* Certainly, it was a political, legal and institutional precedent for the creation of other NWFZs around the world. 18 years after the Treaty of Rarotonga was signed in the South Pacific (1985), afterwards emerged the

other three NWFZs; in Southeast Asia (Bangkok Treaty, 1995), Africa (Pelindaba Treaty, 2009); and Central Asia (2009).

It is therefore important to convey that completing the ratification of the Treaty of Tlatelolco by all the States in the region was a long and complex process. In 2002, 35 years after the signing of the Treaty, the last one of the current 33 Latin American and Caribbean States fully joined the Zone. During those three and a half decades, numerous high level negotiations were undertaken to make this possible, as well as to complete the signature and ratification of Additional Protocols to the Treaty by the six states concerned (the P5 – Protocol II; the United States of America, France, the United Kingdom and the Netherlands – Protocol I).

50 years have passed since the Joint Declaration of the five Heads of State was issued in 1963. Half a century from which we can draw good practices and lessons learnt, as well as new challenges in order to move forward toward the ultimate goal and the reason for the existence of the NWFZ in Latin America and the Caribbean: to achieve a world free of nuclear weapons. I will mention in this presentation some good practices and lessons learnt that may contribute to the debate (it is at this point when I miss being with you all), to conclude I will share the current agenda of OPANAL and the region altogether.

Good practices and lessons learnt. I will now mention briefly some of them.

1. The States' clear political will to reach an agreement on military denuclearization that prevented the region from experiencing the consequences of the use of nuclear weapons and their proliferation.
2. The leadership of the representatives of States during the negotiation process (3 years), especially of the chairman at that time, Mexican Ambassador Emeritus and 1982 Nobel Peace Prize Winner, Alfonso García Robles.

3. The flexibility to reach agreements imprinted in novel norms. I cite as an example the waiver established in Article 28.2 (currently Art.29.2) that was an element of flexibility in the negotiation of the Treaty (Brazil's initiative). In essence, the first paragraph incorporates a series of conditions for its entry into force (signature and ratification by all Member States, signature and ratification of Additional Protocol I and II by States concerned and, signature of all Safeguards 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.
4. The creation through the Treaty of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (OPANAL), intended to ensure compliance with its purposes. It is very important to highlight that this is a permanent Agency and started its functions in 1969; it consists of three dynamic organs: the General Conference, the Council and the Secretariat-General. For the approval of relevant agreements all 33 Member States are consulted. Nowadays, the Council meets once a month; even though its members are only five, around 14 States take part in these sessions.
5. The establishment of a comprehensive zone of application, under Article 4 of the Treaty. This led to the creation of a wider 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. To this end, Additional Protocol I was drafted and entered into force in 1993 after France deposited its instrument of ratification. It had already been signed by the United States of America, the Netherlands and the United Kingdom.
6. The negotiation at the beginning of 1990s of the three Amendments to the Treaty led, on the one hand, to reform the Control System, allowing Brazil and Argentina to fully incorporate into the Zone; on the other hand, it allowed the incorporation of recently emerging Caribbean States.

7. Transparency in the negotiations between States Parties to the Treaty, as well as with nuclear-weapon States, that together with some other States participated as observers in the negotiation process. This led to the simultaneous negotiation of the Treaty and the drafting of Additional Protocols. At the end of the negotiation process, 22 States were granted Observer status.
8. The consideration of certain principles as the basis for negotiation; inter alia, conflict resolution and search for peace by peaceful means; the right to nuclear energy for peaceful purposes; total and general nuclear disarmament as the ultimate goal of the NWFZ and non-proliferation as a means to achieve it; to contribute to the consolidation of world peace, based on States' sovereign equality, neighbouring respect and mutual recognition.
9. All the above contributed to increase talks between Member States and build the necessary trust to reach agreements and complete the ratification process by all 33 States.

To conclude, I would like to refer to the current agenda of OPANAL and its articulation with presidential mandates related to total and general disarmament, subject that the Treaty of Tlatelolco integrated, since its inception, as a statement of principles.

As I mentioned at the beginning of this presentation, all 33 OPANAL Member States adopted the 2011 Declaration, including new regional consensuses and taking pragmatic steps in the area of total and general nuclear disarmament. I had the opportunity to submit this Declaration to the United Nations General Assembly at its 66th Session, highlighting sections 14 and 15, in which Member States agreed *“to support the exhortation made by the United Nations Secretary-General in his five-point plan on nuclear disarmament to all NPT States Parties and to nuclear-weapon States in particular, to accomplish their obligation under the Treaty and to undertake negotiations on more efficient measures leading to nuclear disarmament.”* As well as, *“to express, in accordance with the previous paragraph, their conviction on the importance to initiate*

the negotiations for a universal legally binding instrument aimed at prohibiting nuclear weapons. All 33 States are committed to joining forces in favour of this main objective.”

The message is clear and objective; today it represents one of the guidelines for the Agency’s agenda. This priority is the backbone of the Vision for the future that OPANAL has built over the last two years with the dynamic participation of its Member States and its different Organs. Certainly, the strengthening of the non-proliferation regime, nuclear disarmament and non-proliferation Education, the consolidation of the NWFZLAC, the coordination and cooperation with other NWFZs, as well as incipient subjects such as Nuclear Safety and the humanitarian consequences of the use of nuclear weapons are all items on the Agenda.

Parallel to the revitalization process of OPANAL started in 2010, the regional junction has changed favourably to the articulation of works towards nuclear disarmament. On 23 February 2010 was created the Community of Latin American and Caribbean States (CELAC), a regional intergovernmental organization. The Summit of Heads of State and Government held in Caracas, Venezuela, on 2-3 December 2011, had the purpose of constituting this Community. Since then, priorities were outlined on its agenda, inter alia, the efforts towards a nuclear-weapon-free world. At the I CELAC Summit held in Santiago, Chile, last January, Member States stated in the Declaration of Santiago, that they *“recognise the value and contribution to peace and international security of the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean and its Protocols (Tlatelolco Treaty), which established the first most densely populated nuclear-weapon-free zone on the planet. In this regard, reaffirm the necessity to advance toward the goal of nuclear disarmament and non-proliferation and our commitment to contribute to and advance with the international community in the field of disarmament and non-proliferation and the declaration of Latin America and the Caribbeanas as a peace zone, and reach and uphold a world free of nuclear weapons. Call upon the nuclear powers to withdraw their reservations and interpretative declarations to the Protocols to the Treaty, and to respect the denuclearization status of the Latin American and Caribbean region;”* and also *“reaffirm the Special Communiqué on the Total Elimination of Nuclear Weapons adopted at the Summit of Caracas on 3*

December 2011. In this regard, we emphasize our commitment to participate actively and introduce a common position within the framework of the High Level Meeting of the UN General Assembly on Nuclear Disarmament, to be held in New York on 26 September, 2013.”

In this regard, they agreed in their Action Plan “*to form a Working-Group in conjunction with the Secretariat-General of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (OPANAL), to determine the joint positions of the 33 Latin American and Caribbean States for the aforementioned meeting.*” I participated in the I CELAC Summit to initiate a rapprochement with CELAC. In the coming months, Cuba, in its capacity as President Pro-tempore, will provide the guidelines to follow in order to start this coordination; all the Organs of OPANAL are ready for the task.

As you might appreciate, the latest mandates of the Latin American and Caribbean Heads of State and the recent consensuses built in OPANAL create a propitious environment to promote, from our region, the works for total and general nuclear disarmament, and strengthen the non-proliferation regime. A very good reason to celebrate this year’s 46th Anniversary of the signing of the Treaty of Tlatelolco.

As I mentioned last year at the First Preparatory Session of the III Conference of Signatories to Treaties establishing NWFZs and Mongolia, I would like to reiterate that our region is ready to work with other States, International Organizations and Civil Society Organizations and move forward on the long and complex path that leads to a world free of nuclear weapons. We have the conviction that this is the only possible way, and we will not rest until we reach this primary objective in favour of humankind.

Thank you.

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