

**Preparatory Committee for the 2005 Review
Conference of the Parties to the Treaty
on the Non-Proliferation of Nuclear Weapons**

NPT/CONF.2005/PC.II/3/Rev.1
1 May 2003

ENGLISH
Original: FRENCH

Second session
Geneva, 28 April-9 May 2003

**Statement by the Agency for the Prohibition of Nuclear Weapons
in Latin America and the Caribbean**

1. The Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (OPANAL) was established in 1967 by the Treaty of Tlatelolco. The Treaty also established the first inhabited zone of the planet to be nuclear-weapon-free. Currently, and following ratification by Cuba six months ago, all 33 States of Latin America and the Caribbean are parties to the Treaty of Tlatelolco and are full members of OPANAL.

2. Today, therefore, the regime of denuclearization established in the zone defined by the Treaty of Tlatelolco is in force, the entire, vast Latin American and Caribbean region is free from nuclear weapons and the States of the region are committed to the cause of disarmament and nuclear non-proliferation. On this important occasion, attention should be drawn to the validity and effectiveness of the Treaty of Tlatelolco and OPANAL, which have contributed to the global non-proliferation process by providing an example to other regions of the world.

3. As Mr. Kofi Annan, Secretary-General of the United Nations, said in a message which he sent last year, nuclear-weapon-free zones have helped prevent the proliferation of these weapons and have facilitated progress towards their total elimination. As a historic event in nuclear disarmament and the non-proliferation of nuclear weapons, the Treaty of Tlatelolco and its agency are of inestimable value.

4. All the States of Latin America and the Caribbean are now parties to the Treaty on the Non-Proliferation of Nuclear Weapons and have demonstrated a firm commitment to strict fulfilment of its provisions, even though some of them have certain reservations about the Treaty because of its discriminatory character. Of equal or even greater importance than their support for non-proliferation is the commitment which the Latin American and Caribbean States have made to the cause of general, complete and verifiable disarmament, and nuclear-weapon-free zones are contributing very effectively to these objectives.

5. Nuclear disarmament and the total elimination of nuclear weapons are essential in order to avert the danger of a nuclear war. In this respect, the States members of OPANAL fully support the Millennium Declaration, in which the Heads of State and Government decided to strive for the elimination of weapons of mass destruction, particularly nuclear weapons.

6. We believe that the five nuclear-weapon States should adopt effective and urgent disarmament measures with a view to the elimination of these weapons. It is essential that the fundamental principles of transparency, verification and irreversibility should be applied in all nuclear disarmament measures.

7. At the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, all the participating Governments agreed that, in order to make systematic and progressive efforts towards the effective non-proliferation of nuclear weapons, and in respect of the principles and objectives for nuclear non-proliferation and disarmament, 13 practical steps should be taken. It is a matter for concern that so far no progress has been made in carrying out these 13 steps - which the Latin American and Caribbean States comprising OPANAL firmly support - and it is the hope of OPANAL that in 2005, when the Review Conference is held, it will be found that these steps are being carried out fully and universally.

8. It should also be pointed out that at the first session of the Preparatory Committee for the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, held in 2002, systematic progress was made on some issues, and the contribution of nuclear-weapon-free zones to peace, global and regional security, disarmament and nuclear non-proliferation was stressed. However, OPANAL believes that the current session could make even further progress on some of these important issues.

9. In particular, there are two aspects which, in the opinion of OPANAL, could be taken up at this second session of the Preparatory Committee with a view to their consideration by the Conference in 2005. These two aspects are, first, the advisability of promoting greater coordination and cooperation between the nuclear-weapon-free zones, including the convening of an international conference of States parties and signatories of these zones; and, second, the need for the five nuclear-weapon States to give greater guarantees to the non-nuclear-weapon States.

10. As is well known, there are currently four nuclear-weapon-free zones in different regions of the world. The oldest zone was established by the Treaty of Tlatelolco in 1967 and covers Latin America and the Caribbean. In 1985, under the Treaty of Rarotonga, an extensive nuclear-weapon-free zone was established in the South Pacific, and in 1996 and 1997, with the Bangkok and Pelindaba Treaties, military denuclearization was established in South-East Asia and Africa respectively. We hope that in 2003 a fifth nuclear-weapon-free zone will be established in Central Asia.

11. These zones have made a significant contribution to disarmament and the nuclear non-proliferation process. The participating States in these agreements have not only undertaken not to develop or acquire nuclear weapons, but have also made the commitment not to deploy

nuclear weapons belonging to other States in their territories, so that through this prohibition laid down in the treaties establishing these zones, a contribution is being made to non-proliferation by reducing the geographical area in which deployments or operations using nuclear weapons are possible.

12. These zones also play an important role by contributing to international security, since, for example, in all the treaties in which they have been established, the States parties are required to sign agreements with the International Atomic Energy Agency concerning the application of safeguards in respect of both their current and their future peaceful nuclear activities.

13. The existence of the current nuclear-weapon-free zones, with convergent interests among their member States, gives rise to the need to achieve greater coordination between them so as to coordinate their policies with regard to the nuclear-weapon States, the United Nations General Assembly, the various disarmament forums, the International Atomic Energy Agency and the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization.

14. OPANAL is trying to further strengthen cooperation and coordination with other nuclear-weapon-free zones and in this respect it should be noted that in February 2003, OPANAL signed a cooperation agreement with the Pacific Islands Forum, of which the States of that region which are parties to the Treaty of Rarotonga are members.

15. Coordination and cooperation between these zones afford a unique opportunity to participate with greater negotiating power in the grand endeavour of global nuclear disarmament. The vast potential represented by the States, peoples and areas covered by these zones reinforces their presence in multilateral disarmament negotiations.

16. For these reasons, we believe that it is important, at a time deemed appropriate, to consider the convening of an international conference of the States parties to the nuclear-weapon-free zones. The conference would make it possible to incorporate these zones actively in the global disarmament agenda, promote the value of the zones internationally through permanent systems of information to international public opinion, and advocate the importance of the establishment of new zones.

17. At the OPANAL Conference held in 2001 in Panama City, the countries of Latin America and the Caribbean expressed interest in holding such a conference and instructed their Secretary General to make the necessary contacts to bring this about. This initiative now has even broader support. At the latest summit Conference of Heads of State and Government of the Movement of Non-Aligned Countries - in which almost all the States of South-East Asia which are parties to the Bangkok Treaty and the African States which are parties to the Pelindaba Treaty participated - which was held in Kuala Lumpur in February 2003, support was expressed for the initiative of convening an international conference of the States parties which have ratified and signed the Treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba with a view to considering and implementing forms and methods of cooperation between them, their respective agencies and other interested States. OPANAL has called for the support of the United Nations for such a conference.

18. Although in four regions - Latin America and the Caribbean, the South Pacific, South-East Asia and Africa - zones have been established in which nuclear weapons are prohibited, what must now be ensured is that these zones are not exposed to the risk of a nuclear threat on the part of those who have such weapons.

19. The fact that the five nuclear Powers recognized as such by the Treaty on the Non-Proliferation of Nuclear Weapons - China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America - have undertaken in the additional protocols to the treaties which established the nuclear-weapon-free zones not to use nuclear weapons or threaten to use them against the Contracting Parties to each of these treaties constitutes for these regions a crucially important guarantee of nuclear security.

20. Although these guarantees from the nuclear Powers are essential in order to progress towards the objective of strengthening the integrity of the denuclearization regime envisaged in these treaties, some of these Powers need to review certain paragraphs of the unilateral declarations which they made at the time of signing or ratifying these additional protocols.

21. It cannot be overemphasized that, pending the total elimination of nuclear weapons, the five nuclear-weapon States must agree on a legally binding instrument of international scope by which they would jointly undertake the commitment not to be the first to use nuclear weapons.

22. The States members of OPANAL also believe that an international convention should be adopted to provide guarantees to the non-nuclear-weapon States against the use or threat of the use of this type of weapon.

23. It would also be possible to make progress in fulfilling these common objectives if, with the participation of the nuclear Powers, international agreements were reached on such issues as the establishment of a norm of international law with the character of *jus cogens* declaring the use or threat of the use of nuclear weapons to be illegal.

24. In accordance with the Vienna Convention on the Law of Treaties of 1969, *jus cogens* or a peremptory norm of international law is "a norm accepted and recognized by the international community of States as a whole as a norm from which no derogation is permitted and which can be modified only by a subsequent norm of general international law having the same character". We believe that if such a norm were established, it would represent enormous progress for the cause of non-proliferation and nuclear disarmament.

25. There can be no doubt that the issue of complete and verifiable disarmament of weapons of mass destruction, in particular nuclear weapons, occupies a major place in current international relations. OPANAL therefore regrets the lack of regulatory progress made and reaffirms the supreme value of multilateral diplomacy in the sphere of nuclear disarmament.

26. The 2005 Review Conference is an excellent opportunity to make progress towards a world free of the nuclear threat. We therefore believe that these proposals by OPANAL should be considered by the Preparatory Committee and, ultimately, by the Conference to be held in 2005.