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General and complete disarmament: nuclear disarmament

**Letter dated 5 October 2011 from the Permanent Representative of
Costa Rica to the United Nations addressed to the Secretary-General**

I have the honour to address you in my capacity as Coordinator of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean in New York in order to transmit herewith a declaration adopted by the member States of the Agency in September 2011 in Mexico City (see annex).

I should be grateful if the above-mentioned declaration would be circulated as a document of the General Assembly under agenda item 98 (o).

(Signed) Eduardo **Ulibarri**
Ambassador
Permanent Representative

Annex to the letter dated 5 October 2011 from the Permanent Representative of Costa Rica to the United Nations addressed to the Secretary-General

Declaration of member States of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean

The member States of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (OPANAL), witnessing the new international circumstances surrounding nuclear disarmament and non-proliferation and being aware of our historic commitment to those principles, issue the following declaration and agree to enlighten all States at the sixty-sixth session of the General Assembly.

1. The creation of a nuclear-weapon-free zone in Latin America and the Caribbean through the Treaty of Tlatelolco has contributed to nuclear disarmament and non-proliferation, and also to regional and international peace and security. This has been repeatedly recognized by the General Assembly in various resolutions since 1967, the last updated in 2010, 65/40, on the consolidation of the regime established by the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco).
2. The Treaty of Tlatelolco and its Additional Protocols I and II established legal obligations on States parties and nuclear-weapon States with the aim of guaranteeing the denuclearization of this zone, the first in the world to be constituted in a highly populated territory.
3. The signing and ratifying of Additional Protocols I and II of the Treaty of Tlatelolco by nuclear-weapon States was essential for the establishment of the nuclear-weapon-free zone in Latin America and the Caribbean. Nowadays, an open dialogue with the majority of those States, in relation to their interpretative declarations to the protocols at the time of signing and/or ratifying, is most important in order to perfect the military denuclearization of the zone. We will continue to work together with entailed States to achieve the withdrawal or adaptation of those declarations.
4. We reiterate that the use of or threat to use nuclear weapons is a violation of the Charter of the United Nations and a crime against humanity. At the same time, it represents a violation of international law and international humanitarian law unanimously expressed by the International Court of Justice in its advisory opinion on the Legality of the Threat or Use of Nuclear Weapons in 1996.
5. It is a legitimate interest of non-nuclear-weapon States to be given unequivocal, legally binding guarantees from nuclear-weapon States not to use or threaten to use such weapons against them. We urge the Conference on Disarmament to work on the negotiation of a legally binding, universal instrument regarding negative security assurances, considering nuclear weapons as a great danger to world peace and prejudicial to life on Earth.
6. The Treaty of Tlatelolco and OPANAL have been a political, legal and institutional reference in the creation of other nuclear-weapon-free zones in different areas around the world. Nowadays, the experience of the Agency, along with the other four nuclear-weapon-free zones, represents an important legacy to the

international community in order to inspire the creation of new nuclear-weapon-free zones or weapons of mass destruction free zones, such as the one proposed in the Middle East.

7. We reaffirm the urgent need to advance towards the priority goal of nuclear disarmament and to achieve the total elimination and legally binding prohibition of nuclear weapons. In this respect, we emphasize that the creation of nuclear-weapon-free zones embodies a major contribution to non-proliferation efforts. We support the work done today with regard to the creation of new nuclear-weapon-free zones, including the International Atomic Energy Agency forum on experiences of potential interest in the establishment of a nuclear-weapon-free zone in the Middle East, to be held on 21 and 22 November 2011 at the Agency's headquarters in Vienna.

8. Today, 114 States are part of nuclear-weapon-free zones worldwide: Latin America and the Caribbean (Treaty of Tlatelolco), South Pacific (Treaty of Rarotonga), South-East Asia (Treaty of Bangkok), Africa (Treaty of Pelindaba) and Central Asia, as well as Mongolia, as a nuclear-weapon-free State. Individually they contribute to regional peace and security, and collectively, to global peace and security. At the same time they contribute to nuclear disarmament and non-proliferation processes.

9. Both Conferences of States Parties and Signatories of Treaties that Establish Nuclear-Weapon-Free Zones and Mongolia, held in Mexico (2005) and New York (2010), and their final documents constitute the starting point of the cooperation and coordination among nuclear-weapon-free zones. We must move forward towards the creation of a common agenda that promotes the consolidation of each zone and supports the complete and general disarmament process.

10. We acknowledge the improvements made this year by other nuclear-weapon-free zones; they are key elements in achieving effective coordination on works made towards the common agenda. We also welcome the creation by the member States of the Pelindaba Treaty in May 2011 of the African Commission on Nuclear Energy. Since the creation of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean in 1969, this is the first time another nuclear-weapon-free zone has established a permanent body for the achievement of the objectives of its own Treaty. We call upon all other nuclear-weapon-free zones to consider the establishment of permanent bodies similar to the ones created by the Treaties of Tlatelolco and Pelindaba.

11. The latest achievements of the nuclear-weapon-free zones created by the Treaties of Rarotonga and Pelindaba in the signing and ratification processes of their protocols also represent important steps towards consolidating the statutes of military denuclearization of these zones. In this respect, we also welcome the significant efforts made by the Association of Southeast Asian Nations to strengthen the entry into force of the Treaty of Bangkok. In particular, we highlight their negotiations with nuclear-weapon States stated in their Plan of Action 2007-2012.

12. The third Conference of States Parties and Signatories of Treaties that Establish Nuclear-Weapon-Free Zones and Mongolia, which will take place in 2015, as well as its preparation process, give an opportunity to consolidate the coordination mechanisms between the nuclear-weapon-free zones and plan the agenda and its workplan. For this reason, we invite all other nuclear-weapon-free zones to collectively start the preparation process towards this Conference, the first

coordination meeting of which may take place under the first Non-Proliferation Treaty Preparatory Committee for the 2015 Review Conference to be held from 30 April to 11 May 2012 in Vienna.

13. We expect progress in the creation of new nuclear-weapon-free zones, such as the ones suggested in North-East Asia and the Middle East, and the institutional experience of OPANAL is made available for these processes. In this respect, we are pleased to inform that under the forty-fifth anniversary of the signing of the Treaty of Tlatelolco, to be held in February 2012, OPANAL will conduct an international seminar on the theme “The experience of the nuclear-weapon-free zone of Latin America and the Caribbean and its perspective towards 2015 and beyond”. One of the seminar’s outcomes will be the systematization and analysis of good practices and lessons learned in those four and a half decades.

14. We support the exhortation made by the Secretary-General in his five-point plan on nuclear disarmament to all Non-Proliferation Treaty 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.

15. We express, in accordance with previous paragraphs, our conviction of the importance of initiating negotiations for a universal, legally binding instrument aimed at prohibiting nuclear weapons. We are committed to joining forces in favour of this main objective.

16. We highlight the significance of eliminating the role of nuclear weapons in security policies; we note the reviews of nuclear postures and doctrines made by some nuclear-weapon States; and we encourage them to continue moving forward to reduce their arsenals for the purpose of their total elimination.

17. We reiterate our demand for the binding cessation of all nuclear-weapons-test explosions, as well as the need to achieve universal adherence to the Comprehensive Nuclear-Test-Ban Treaty from all nuclear-weapon States in particular, and the States mentioned in Annex 2 of the Treaty. We call upon all States in this regard to uphold the moratorium on nuclear-weapons-test explosions or any other nuclear explosion pending the entry into force of the Treaty. We underscore our commitment to continue to encourage the ratification of the Treaty by all 33 member States of this zone, 30 of whom have already ratified it, and one more has signed it.

18. We congratulate the signing of the Agreements between Argentina and Brazil for Exclusively Peaceful Uses of Nuclear Energy, which gave birth to the Brazilian-Argentine Agency for Accounting and Control of Nuclear Materials, on the occasion of their twentieth anniversary, which was celebrated this year. In this way, the political dialogue, transparency and mutual trust in the nuclear area became a central pillar in the strategic relationship between these two South American States, benefiting the integration and cooperation of the whole region, as well as the consolidation of the regime established in the Treaty of Tlatelolco and OPANAL. We highlight that the successful significance of the Argentine-Brazilian experience and the Brazilian-Argentine Agency for Accounting and Control of Nuclear Materials have been recognized worldwide and represent an example and a source of inspiration to all other regions around the world, in particular to those where nuclear-weapon-free zones are not yet present.

19. We are committed to continue to implement programmes on nuclear disarmament education and to promote alliances with other institutions that facilitate the creation and commitment to achieve a nuclear-weapon-free world, bearing in mind that nuclear disarmament education and non-proliferation have been reiterated by the Secretary-General in reports since 2002 as an important contribution to the consolidation of international peace and security.

20. International political reality urges the move forward towards nuclear disarmament. It is a responsibility of all States, particularly of nuclear-weapon States, from whom we expect improvements in their commitment to accelerate concrete progress on measures aimed to achieve nuclear disarmament, established in Measure 5 of the Final Document of the 2010 Non-Proliferation Treaty Review Conference, towards a full entry into force of the provisions of Article VI of this Treaty.

21. We are convinced that only through concrete initiatives and sustained actions will we be able to move forward towards a global, total, irreversible and verifiable nuclear disarmament. Therefore, with the cooperation of nuclear-weapon-free zones, States, international organizations and other non-governmental organizations, we will draw near to our final destination of a nuclear-weapon-free world.

Mexico City, September 2011
