**HOW NORMS IN ZLAN**

**CONTRIBUTE TO NON-PROLIFERATION AND DISARMAMENT.**

**Counsellor María Antonieta Jáquez**

**Political Coordinator at the Mission of Mexico to the UN.**

**7th July, 2020.**

I thank the High Representative Nakamitsu for her kind invitation and UNODA for organizing this workshop, and for the papers prepared by UNIDIR and other participants.

NWFZ are, in my view, often taken for granted in the disarmament fora. Sometimes they are confused or misrepresented as merely NSA’s treaties, when they are one of the most important multilateral achievements in and outside the UN disarmament machinery. Of course, people might say I am biased because I am a Mexican diplomat. But the relevance of NWFZ has been recognized by the General Assembly several times, including in the SSODI, as one of the most effective means for preventing the proliferation, both horizontal and vertical, of nuclear weapons, as well as for contributing to the elimination of the danger of a nuclear holocaust, and ultimately to disarmament.

I must recall here Ambassador Alfonso García Robles, who in his Nobel Prize acceptance lecture looked back on when the Treaty of Tlatelolco was presented to the General Assembly, in Resolution 2286 (XXII) of 5 December 1967, and the General Assembly declared that it constituted “…an event of historic significance in the efforts to prevent the proliferation of nuclear weapons and to promote international peace and security”.

From the establishment of the first denuclearized zone, the GA has restated the contributions of the different NFWZ in similar terms.

I would like to thank my good friend, Dr. Bill Potter, for his presentation and paper with a comprehensive and clear description of the provisions and commonalities in NWFZ treaties, as it has made my presentation easier.

I will give some comments on some on some traits of the NWFZ to explain how their contribution in 3 areas:

1.- The first one, is the **EXPLICIT** contribution of the goals of the Zones. Although it might seem as a self-evident truth, the zones have contributed to both non-proliferation and disarmament as well as to the peace and security of the world, through the provisions and obligations in the Treaties that established them.

Even when NWFZ were established in different regional circumstances, and the texts are different in content, all share common elements and goals: To reject, prevent, prohibit or stop the development, production, testing, use, and acquisition of nuclear weapons; to keep nuclear weapons out of such zones; to prevent nuclear-weapon states from threatening to use or using nuclear weapons against the parties of the Treaties, and to establish a control or verification mechanism for compliance.

Factually, NWFZ have also averted the appearance of new possessors of nuclear weapons.

The obligations in the treaties have a link to other obligations such as the ones in the NPT regarding nuclear safeguards, and to the verification activities of the IAEA. The prohibition of testing paved the way to the establishment of the CTBT regime. In this regard, the NWFZ are effectively supporting the non-proliferation regime in their territories. And, in the case of the Tlatelolco treaty, and hopefully, in other zones soon, the treaty promoted the creation of a dedicated agency to serve as a focal point, secretariat and specialized regional body for nuclear disarmament and non-proliferation.

2.- The second contribution is the **NORMATIVE VALUE** of NWFZ. Even when the NWFZ treaties are regional in their scope, they have established a prohibitive norm regarding nuclear weapons. Likewise, the reiterated practice and *opinio juris* of States has contributed to the crystallization of the prohibition of nuclear weapons as an international customary international rule. The source of the prohibition then is twofold: the treaties establishing NWFZ and custom. Interestingly enough, this argument was presented by the Marshall Islands before the ICJ.

Needless to say, the prohibitions established in the NFWZ inspired the provisions of the TPNW (which by the way, was opened for signature 3 years ago and we hope that will enter into force in the near future).

3.- The third and final aspect, is the **POLITICAL AND PHILOSOPHICAL** contributions of NWFZ.

NWFZ are not an end in themselves. They were conceived as intermediate steps pending the total elimination of nuclear weapons. In this regard, they must be seen as a vehicle to a greater goal, which is to achieve and sustain a nuclear weapon free world.

We must also recall that denuclearized zones precede the NPT and other treaties on nuclear weapons negotiated multilaterally. And that they appeared in the middle of the cold war.

Why is all this relevant?

NWFZ are a concrete demonstration of how the free exercise of sovereign decisions by States can transform and reshape international relations.

Many tend to attach NWFZ to a particular geopolitical destiny. In the context of the Cold War, it was important for certain regions to establish denuclearized zones. Hypothetically, had they not done so, it would have been very possible for some NWS to deploy nuclear weapons in their respective influence zones, and/or the zones to agree on schemes similar to a nuclear umbrella, like the one in Europe, to support zero sum stability.

Undertaking the creation of a regime of total absence of nuclear weapons in densely populated areas was like of crossing through a narrow door. It was a sovereign decision of States, and it was not easy nor automatic.

At the end of the day, the establishment of NWFZ and the fulfillment of their regime fundamentally oppose the concept of deterrence.

The provisions in the Treaties establishing NWFZ are a legal expression of a withdrawal from the politics of the Cold War. Their parties have undertaken not only the obligation but the commitment not to pose a security concern or threat to others, and they have protected their territories and peoples from possible nuclear attacks, not by power, but through international law and the strengthening of the rule of law.

Now that we are celebrating the 75th Anniversary of the UN Charter, we must look back at the aspirational content in the preamble of the Charter. NWFZ materialized the aspiration to free future generations of the scourge of a nuclear war.

Finally, we are used to referring to issues pertaining nuclear weapons in the international society as the law of the jungle.

Paraphrasing Brunnée and Toope in “Legitimacy and Legality in International Law”, NWFZ are a practical and concrete way to demonstrate that **there is law in the jungle**.

The security dialogue related to nuclear weapons must not only be dictated by the narrative of who can’t have the weapons and who has them, as proposed by the NPT; or by those who claim that nuclear weapons are necessary for their security. It has already been determined by those States like the ones participating in NWFZ, but not only them, who deliberately are aiming to have a world based on international cooperation and international law, and not on weapons, let alone weapons of mass destruction.

Thank you very much.