Latin America: A Region Committed to Nuclear Disarmament

Working paper submitted by ICAN on behalf of member organization SEHLAC

1. The firm belief and the yearning for a world free of Nuclear Weapons dates to the horrific period of Hiroshima and Nagasaki. Almost 77 years ago, it was the only time in history that bombs of that type were used against populated areas, with a devastating impact: tens of thousands of dead, cities destroyed, generations compromised by radiation and its consequent diseases, all because of military ambition and disregard for human life.

2. Since then, 2,058 nuclear tests have been conducted (SIPRI, 2018), in the atmosphere, underground and underwater. It is worth remembering that, initially, there was no real concern about this, although it quickly became known that these tests harmed the environment and the people in the vicinity. Even though the Comprehensive Nuclear Test Ban Treaty (CTBTO) has not yet entered into force, partial restrictions have been implemented since 1963, preventing such tests in the atmosphere, in outer space and at sea (except for those conducted under the ocean bed).

3. Even if they were relatively distant witnesses to nuclear weapons experiments, Latin America and the Caribbean, came close to experiencing a nuclear war on their territory in 1962, when the U.S. intelligence discovered that the Soviet Union had placed medium-range ballistic missiles on the island of Cuba, only 120 miles from U.S. territory. The crisis, which was resolved with neither winners nor losers, consolidated the tensions of the Cold War.

4. Following these events, and with Mexico as a leader, the countries of Latin America and the Caribbean began negotiations among themselves to ban the development, acquisition, testing and deployment of nuclear weapons in the subcontinent. As a result, the Treaty of Tlatelolco was opened for signature in February 1967 and the Mexican diplomat Alfonso García Robles, the main promoter of the treaty, was awarded the Nobel Peace Prize in 1982.

5. The region became the first Nuclear-Weapon-Free Zone (NWFZ) and, since then, three others have been established: South Pacific (Treaty of Rarotonga, 1985), Southeast Asia (Treaty of Bangkok, 1995) and Africa (Treaty of Pelindaba, 1996).
This list was completed with two states which have also declared themselves Nuclear-Weapon-Free Zones: Austria (1999) and Mongolia (2000). The four NWFZs and these last two countries mentioned above add up to a total of 116 states parties as signatories to the various treaties and declarations, whose territories cover more than 50% of the continental and insular surface of the planet.

6. There is no doubt that the fundamental pillar for achieving global nuclear disarmament is the Treaty on the Non-Proliferation of Nuclear Weapons (NPT, 1968), which was precisely designed to prevent the proliferation of nuclear weapons, to lead nations possessing such weapons to disarmament, and to promote cooperation in the peaceful use of nuclear energy, under the inspection of the of the International Atomic Energy Agency (IAEA) and its safeguards.

7. Under Article VI of the NPT, the signatory states, in good faith, commit themselves to the cessation of the arms race, to nuclear disarmament and to the pursuit of general disarmament. However, over the years, a great deal of global frustration has arisen due to non-compliance with this article by nuclear-weapon states.

8. In this regard, countries have developed numerous agendas and initiatives to reach nuclear disarmament; it was even discussed as a serious issue at the NPT Review Conference. But it was only in 2013 that the humanitarian perspective took prevalence at discussions on disarmament. In parallel, the international community began to show the intention of achieving a Nuclear Ban Treaty.

9. In this regard, the first Conference celebrated to discuss the long-term humanitarian consequences of nuclear weapons was organized in Oslo in 2013, with representatives from 128 states and various humanitarian organizations: the United Nations, the Hibakusha (survivors of the Hiroshima and Nagasaki bombs and of nuclear tests in general) and the International Campaign to Abolish Nuclear Weapons (ICAN, an umbrella network that brings together civil society organizations whose aim is to ban nuclear weapons). The Mexico Conference held in 2014 focused on the immediate consequences of a nuclear detonation. At its conclusion, the Minister of Foreign Affairs of that country called for the development of new legally binding international standards. The last Conference took place in Vienna in December of the same year, at which 127 states signed the "Humanitarian Pledge" to prohibit nuclear weapons.

10. The above-mentioned Conferences and the various expressions of concern by most states in the different fora vis-à-vis the catastrophic humanitarian consequences of a nuclear detonation, paved the way for the UN General Assembly to approve in 2012 the creation of a First Working Group to discuss proposals to carry out negotiations leading to nuclear disarmament at the global level (resolution 67/56). In October 2015, a Second Working Group was created to discuss concrete legal measures to achieve disarmament.

11. After concluding the discussions, the Second Working Group recommended a diplomatic process to negotiate a legally binding instrument that would comprehensively prohibit nuclear weapons and lead to their total elimination.

12. As a result, the United Nations General Assembly approved by a large majority (123 votes in favor, 68 against, 16 abstentions) Resolution 71/258, majority to begin negotiations to draft the aforementioned legal instrument.

13. Finally, the negotiating conference on a Treaty on the Prohibition of Nuclear Weapons (TPNW) took place between June and July 2017, and was adopted by an overwhelming majority (122 affirmative votes, 1 against and 1 abstention), The Treaty opened for signature on September 20 of that year and, after 50 ratifications, entered into force in January 2021.
Latin America's role during the negotiations and the road to ratification

14. In each and every one of the fora, Conferences, United Nations resolutions and joint humanitarian Statements, Latin America has made clear its resolute conviction on the need for nuclear disarmament.

15. The report of the Open-Ended Working Group (OEWG) drafted for the Secretary General of the United Nations in 2016 was the basis for the aforementioned resolution A/res/71/258, in which the General Assembly decided to convene a Conference of Member States in 2017 to negotiate the legally binding instrument prohibiting nuclear weapons and leading to their total elimination. It is worth clarifying that the five nuclear nations did not participate in the OEWG discussions, and also that their Western allies tried unsuccessfully to defeat the OEWG's recommendation on the need for a legally binding instrument.

16. Ambassador Elayne White, from Costa Rica, had the great challenge of chairing the TPNW Negotiations Conference. Later, in 2017, in recognition to their efforts, both Ambassador Whyte and the core group (formed by Austria, Brazil, Ireland, New Zealand, Mexico and South Africa) received the Arms Control Person(s) of the year award. At the same time, ICAN (International Campaign to Abolish Nuclear Weapons) received the Nobel Peace Prize " for drawing attention to the catastrophic humanitarian consequences of any use of nuclear weapons", and also for its "ground-breaking efforts to achieve a treaty-based prohibition of such weapons". The pressures exerted by the United States on the nations of the region, reflected, for example, in the visits of US authorities to various Latin American capitals, were not enough to change the unequivocal vocation for peace of most of our subcontinent.

17. It is worth emphasizing that the outstanding participation of Latin American countries made it possible to achieve the entry into force of the treaty, which occurred on January 22, 2021, when Honduras- precisely from Latin America- became the 50th State to ratify it.

18. However, there are still some countries in the region that have not ratified the treaty yet, such as Brazil, Colombia and the Dominican Republic. In the case of Brazil, the right-wing party in power since 2019, aligned itself with the U.S. government and its military aspirations, blocking any kind of progress in the Brazilian Congress. Colombia, on the contrary, it is an agenda item and a political priority. It is estimated, therefore, that the elections taking place this year, to be held in both Brazil and Colombia, could completely change the panorama in this regard.

19. On the other hand, as far as the Dominican Republic is concerned, certain internal political dynamics and the stalemate in the Constitutional Court have made the expected ratification impossible so far.

20. It can be said that 2021 has been a good year for the region's aspirations in this field, since Chile and Peru became States Parties to TPNW. The elections in Peru, and the subsequent political conflicts between the ruling party and the opposition in Congress, put the ratification at risk, but the constant pressure exerted from civil society and the Peruvian Foreign Ministry, ensured that the project was finally approved in the Foreign Relations Committee and then referred to the Congress plenary.
21. In the case of Chile, the presidential elections held at the end of 2021 did not represent an impediment to Congressional approval of the TPNW: it was approved in June in the Chamber of Deputies, and it took only two months to pass in the Senate. In this regard, it should be noted that the approval was unanimous in all instances, and that the Minister of Foreign Affairs conveyed a clear message to the Senate as to the importance of the importance of the Treaty.

22. It is also worth mentioning that, in the first quarter of 2022, the new Presidency in the Guatemalan Congress pushed for the approval of the Treaty in plenary, which means it is only one step away from making Guatemala a State Party.

23. The only country in the region which has not signed the Treaty yet is Argentina. Despite the fact that it continues to uphold its commitment to nuclear disarmament, maintains its active participation in the existing regimes and argues that it shares the spirit of the TPNW, voting therefore in favor of its adoption, the official Argentine position is that this treaty could undermine the role of the NPT, overlapping or generating parallel regimes on already consolidated and widely accepted provisions under the NPT; specifically those related to the verification and the nuclear safeguards regime, under the aegis of the International Atomic Energy Agency (currently chaired by an Argentine diplomat).

24. Similarly, Argentina argues that its commitment to the Non-Proliferation Treaty (NPT) remains unchanged, as evidenced by the country’s Presidency during the next NPT Review Conference, to be held in 2022. At the same time, Argentina also highlights its commitment to the Nuclear Test Ban Treaty.

25. It is worth underlying that the Treaty on the Prohibition of Nuclear Weapons (TPNW) fits perfectly within the nuclear disarmament architecture, and that it is the first instrument that establishes an explicit universal prohibition, which is absent in other analogous treaties; In addition, its Preamble recognizes the contributions of the Nuclear Non-Proliferation Treaty (NPT), considering it a cornerstone of the nuclear disarmament and non-proliferation regime, while - at the same time- acknowledging the paramount importance of the Nuclear Test Ban Treaty (CTBT).

26. In view of the above, it can be affirmed that the NPT is fundamental in the construction of nuclear disarmament; even if it can be argued that it is not sufficient to achieve general disarmament, it is a key element and a very important step in that direction.

27. At the same time, and again in relation to the Argentine position, it is also necessary to clarify that the NPT was negotiated by states also fully committed to the Nuclear Non-Proliferation Treaty (NPT) and the Nuclear-Test Ban Treaty.

28. Let us recall, in this regard, that every type of weapon that has been eliminated to date has always begun with a ban on its use. In other words, historically, under the regime of International Humanitarian Law, the prohibition has been the basis for successive disarmament. This has been the case with chemical and biological weapons, whose use was prohibited in 1925 by the Geneva Protocol, which provided the basis for their complete elimination through the Biological Weapons Convention (1972) and the Chemical Weapons Convention (1993).

29. Argentina defends with solid arguments the Nuclear Non-Proliferation Treaty (NPT) even if, due to a policy of rapprochement with the United States, it signed only after more than 20 years from the treaty’s adoption. The legal arguments presented by that country for not signing the Treaty on the Prohibition of nuclear weapons are easy to refute, as we have seen, so we can only speculate that this is due to mere political reasons.
30. Therefore, it is necessary to insist on the fact that not signing the Treaty is tantamount to endorsing the existence of nuclear weapons, undermining thus the supreme objective of nuclear disarmament and promoting the proliferation of this type of weapons.

31. Let us bear in mind, therefore, once again that the region, with an overwhelming majority, has demonstrated its vocation for the construction of Peace and that, with regard to humanitarian disarmament, the civil association SEHLAC is a fundamental ally on this path.