A world free of nuclear weapons: is it possible? is it desirable? how could it be achieved?

An exchange of views by some leading experts:

Alexander Kmentt
Angela Kane
Beatrice Fihn
D.B. Venkatesh Varma
Desmond Browne
Jayantha Dhanapala
José Luis Cancela
Kim Won-soo
Sergio González Gálvez
Shorna-Kay Richards
Thani Thongphakdi
William J. Perry

13 February 2017
Mexico City

Edited by Luiz Filipe de Macedo Soares
Secretary-General of OPANAL

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Note

The presentation of the material included in this publication does not necessarily imply the expression of any opinion whatsoever on the part of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean – OPANAL.

The views and opinions expressed in the Question and Answer Session of Panel I and II are taken from the audio. Being a debate, interventions were not written. They were not revised by the speakers who have no responsibility whatsoever over the transcriptions.

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Table of Contents

Foreword

Ambassador Luiz Filipe de Macedo Soares
Secretary-General of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean – OPANAL

The 50th Anniversary of the Treaty of Tlatelolco was institutionally commemorated in the XXV Session of the General Conference of OPANAL – the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean in Mexico City on February 14th 2017. The day before, an international Seminar took place in the very location where negotiations of the Treaty were held, in 1967, in the headquarters of the Inter-American Conference on Social Security in San Jerónimo Lídice, a pleasant neighbourhood of Mexico City.

Similar intellectual gatherings had been organised in previous landmark commemorations of the Treaty of Tlatelolco. This time; however, the emphasis was not on the Treaty itself or the novelty it introduced in International Law, namely the nuclear-weapon-free zone. The focus this time was on the current situation of the international debate and political trends regarding nuclear weapons.

The region of the Caribbean and Latin America has been scarcely exposed to such debate. Experts, think-tanks and civil society organizations specialized in this field are relatively rare in the region. For that reason, it was avoided the format of a meeting reserved to academic circles, a further exploration of this sinister field of international relations and strategic studies,

conducted in the opaque jargon developed over 70 years since man invented a tool for the world's instant destruction.

In any case, we needed a high level and varied participation. This was certainly achieved. We had twelve speakers from twelve different countries – three from Latin America and the Caribbean, four from Asia, four from Europe and one from the United States. We were sorry no panellists from Africa and the Southern Pacific were able to participate.

The title we gave to this meeting deliberately pointed to the ampleness we intended and to the divergences and perplexities that surround the consideration of nuclear weapons and their possible suppression. Three questions were put before the panellists and the audience: A world without nuclear weapons – (i) is it desirable? some say nay; (ii) is it possible? many say aye; (iii) how can it be achieved? An arduous and worthwhile question. A sizeable majority of States are convinced that nuclear weapons have to be prohibited and then eliminated while a minority express that the present political – thence strategic – situation makes nuclear weapons necessary. In other words, they maintain that, for the time being at least, a world without nuclear weapons is not desirable. Nonetheless, this last group believes that a variety of measures could be taken paving the way to an eventual end of those weapons. This is a hard and urgent controversy. Hard for the implied heights of power involved; urgent because, among other aspects, of the current instability in international relations.

The Seminar was organized in two consecutive panels covering a whole day. The first panel considered the conditions of power and danger and the perceptions of security in the world we live in. The second panel discussed the measures that

should be taken to get out of the "nuclear brink" – to borrow from the title of William J. Perry's recent book. In order to further orient the debate but allowing participants to address the issues freely, a number of questions were proposed to each of the two panels. All this can be found in the program of the Seminar reproduced in this volume.

The interventions included mentions to the forthcoming United Nations Conference to negotiate a legally binding instrument to prohibit nuclear weapons, leading towards their total elimination which took place just afterwards in two sessions (March and June-July 2017), concluding by the adoption of a Treaty. Thus, the Seminar reflected the different shades of thinking prevailing on the eve of such momentous negotiation.

We counted on two marvellous moderators for the panels. The first, Sergio González Gálvez, Ambassador Emeritus of Mexico, was the closest collaborator of Ambassador Alfonso García Robles, the chairman of the negotiations of the Treaty of Tlatelolco, before, during and after those negotiations. He embodies the conditions of eyewitness to History and profound knowledge of the subject. The moderator in the second panel was Ms Beatrice Fihn, of Sweden, the leader of the International Campaign to Abolish Nuclear Weapons – ICAN, the largest coalition of civil society organizations in the field.

The presentations of the panellists were concise and inevitably contain references and terms not easily understood by readers less familiar with the subject-matter. We added footnotes to help the understanding of such terms.

The audience, numbering some 200 people included diplomats, journalists, scholars, university students from the region as well as budding Mexican diplomats. The audiences' interventions are also transcribed as recorded and the transcription does not engage the participants, not having been revised by them.

Dr William J. Perry was the keynote speaker in the first panel. The 19th Secretary of Defense of the United States, having had a lifelong career in the field of nuclear engineering, no one can more properly be called an insider in the field of nuclear weapons. He knows first-hand the realities, the problems, the motivations and the dangers. His thrilling talk was about current realities, not only on past experiences, and he explained why he transitioned from being a cold warrior to taking up the hard mission of raising awareness and educating the public on the grave dangers posed by nuclear weapons.

Dr Kim Won-soo, of the Republic of Korea, then Under-Secretary-General and High Representative for Disarmament Affairs in the United Nations, brought the privileged perspective of someone who observes the whole gamut of sensibilities and consequent positions that interact in the multilateral debates and how decisions can emerge. His lecture was important to demonstrate, before entering into the different aspects of nuclear disarmament and non-proliferation, how the players, being States or not, can progress to a common goal.

We dive deeper in the arcane world of security and insecurity by the hand of Lord Desmond Browne, also an insider, having been Secretary of State for Defence of the United Kingdom. He shows, for example, that the periodic

meetings of the original nuclear weapons possessors (United States, Russia, United Kingdom, France and China) do little to provide better security conditions for the world at large, rather they reinforce their supremacy. He warns about the impending nightmare of cyber-threat which adds new dimensions to the nuclear weapons modernisation now in course.

From these descriptions, we come to the situation where the international community finds itself within the mechanisms that were supposed to bring the nuclear danger to control. A former High Representative for Disarmament Affairs of the United Nations, the German scholar Angela Kane, adds substance and necessary contours to the nuclear weapons challenge and to the necessary responses.

A serious discussion cannot be confined to like-minded and Ambassador D.B. Venkatesh Varma, of India, who has had a long career as his country's representative in disarmament fora and negotiations, brings a sophisticated point of view on how to strengthen international security. He defends the so-called step-by-step approach to reach a world without nuclear weapons against the idea of a nuclear ban treaty.

The morning session ends with a lively discussion in which the Chinese point-of-view is highlighted by Ambassador Wang Qun, Director General of the Department of Arms Control in the Ministry of Foreign Affairs of the People's Republic of China.

The debate was triggered by Mr Rodolfo Wachsman a keen Mexican observer of international affairs, introducing two momentous questions: the Iran agreement and of the North Korean nuclear program. A second exchange focused ond the nature and value od nuclear-weapon-free zones. Finally there

was an in-depth discussion on the use of nuclear weapons and the humanitarian consequences of it.

The keynote speaker opening the afternoon panel is someone that can most properly be called an "old-hand" in disarmament affairs, with a long experience as a negotiator representing his country, Sri Lanka, as United Nations Under-Secretary-General for Disarmament Affairs and presently as President of the think-tank Pugwash Conference on Science and World Affairs. His lecture fits perfectly well with the aim of this panel about what is to be done. It is a condensed but very complete account of the developments in the last fifty years or so. A lot was intended and tried; nothing or almost nothing came out. In spite of this, Dr Jayantha Dhanapala does not leave us with a sensation of discouragement.

Ambassador José Luis Cancela, Undersecretary of Foreign Affairs of Uruguay and former Chairman of the First Committee – Disarmament and International Security – of the United Nations General Assembly, presented a very useful overview of the legal architecture of nuclear disarmament and non-proliferation, since the first UN General Assembly in 1946. Specially instigating are his comments on the possible characterization of the use of nuclear weapons as a crime against humanity and a crime of war. This is an important current discussion.

There is widespread agreement that the recent steps forward in the direction of nuclear disarmament sprang from the three conferences in 2013-2014 on the humanitarian consequences of the possible use of such weapons. This is the main theme of the presentation by Ambassador Alexander Kmentt of Austria, who played a decisive role in that process.

Those interested in knowing about the processes that led to the recent adoption of the ban treaty must read Ambassador of Thailand Thani Thongphakdi's account of the Open-ended Working Group ably chaired by him, which met in 2016 and was essential to the convening by the United Nations General Assembly of the Conference to negotiate the Treaty banning nuclear weapons. His presentation shows how much our Seminar was up-to-date.

No intervention could be more appropriate to close the Seminar than Ms Shorna-Kay Richards', Former Deputy Permanent Representative of Jamaica to the United Nations. She paints a *vol-d'oiseau* picture of the present situation with a focus on the Caribbean and Latin American region. She closes by pointing out people as the alpha-omega of all our efforts.

Although Tlatelolco, OPANAL and the zones free of nuclear weapons were not the focus of the international Seminar, we happily note that the participants, starting with Dr William J. Perry, made important considerations about this institute of International Law conceived fifty years ago. That's why we insert at the end of this volume a text that aims at exploring the legal and political nature of a nuclear-weapons-free zone.

The Seminar was made possible by the collaboration of many people and it is appropriate to list their names in the final pages.

Programme of the Seminar

This International Seminar is part of the commemoration of 50 years since the Treaty of Tlatelolco, concluded on 14 February 1967, legally established that Latin America and the Caribbean, and adjacent marine areas, would remain free of nuclear weapons. It happens when the international community is renewing efforts to discuss problems related to the existence of nuclear weapons paving the way to multilateral nuclear disarmament negotiations.

Latin America and the Caribbean have been scarcely exposed to public discussion concerning nuclear weapons in the context of global security and strategy. The Seminar aims at contributing to fill this gap.

The Seminar consists of two panels, which will examine two broad themes: "Strategic context" and "Disarmament and non-proliferation". The first concerns the justification of nuclear weapons or the need for their abolition. The second deals with the topic of nuclear disarmament in its various aspects.

There is no background paper since the discussion should be open to every opinion.

Each panel will be composed of a keynote speaker (30 minutes) and four or five panellists (15 minutes each). A free debate will subsequently be open to all participants (90 minutes).

Since there is no background paper, there will not be conclusion paper.

9:30-10:00	**Registration**
10:00-10:30	**Opening remarks**
10:30-13:30	**Panel I: Strategic Context**
	Moderator Ambassador Emeritus Sergio González Gálvez (Mexico) *Former Undersecretary of Foreign Affairs of Mexico*
10:30-11:00	Keynote Speaker Dr. William J. Perry (United States) *Former Secretary of Defence of the United States*
11:00-12:00	• Mr. Kim Won-soo (Republic of Korea) *United Nations Under Secretary-General and High Representative for Disarmament Affairs* • Lord Desmond Browne (United Kingdom) *Former Secretary of State for Defence of the United Kingdom* • Ms. Angela Kane (Germany) *Former United Nations High Representative for Disarmament Affairs* • Ambassador D. B. Venkatesh Varma (India) *Former Permanent Representative of India to the Conference on Disarmament*
12:00-12:30	**Coffee Break**
12:30-13:30	**Debate**
13:30-15:30	**Lunch**

15:30-18:30	**Panel II: Disarmament and Non-Proliferation**
	Moderator Ms. Beatrice Fihn (Sweden) *Executive Director of the International Campaign to Abolish Nuclear Weapons (ICAN)*
15:30-16:00	Keynote speaker Dr. Jayantha Dhanapala (Sri Lanka) *President of Pugwash Conferences on Science and World Affairs*
16:00-17:15	• Ambassador José Luis Cancela (Uruguay) *Undersecretary for Foreign Affairs* • Ambassador Alexander Kmentt (Austria) *Permanent Representative of Austria to the Political and Security Committee of the European Union* • Ambassador Thani Thongphakdi (Thailand) *Permanent Representative of Thailand to the United Nations Office and Other International Organizations in Geneva, Chair of the 2016 Open-ended Working Group Taking Forward Multilateral Nuclear Disarmament Negotiations* • Ms. Shorna-Kay Richards (Jamaica) *Director of the Bilateral Relations Department in the Ministry of Foreign Affairs and Foreign Trade, Former Deputy Permanent Representative of Jamaica to the United Nations*
17:15-17:30	**Coffee Break**

17:30-18:30	**Debate**
18:30-20:30	**Reception** *"Mañanitas"* for the Treaty of Tlatelolco.

The following questions are mere suggestions for debate. Panellists will take them, or not, as they wish. The questions may also provide the audience with a general indication of the Seminar contents.

In 2017, a United Nations conference will be held to negotiate a legally binding instrument on the prohibition of nuclear weapons. Panellists and participants can make comments on the subject.

Questions for Panel I

1. Since the early 90s, there are no longer two opposing blocks, which previously generally defined the broad framework of international security. Taking the hypothesis that the world is not going back to that dual confrontation and that global security needs have necessarily changed, what could be the role of nuclear weapons in the present context?

2. What would be your comments on the function and validity of a nuclear arsenal in terms of:

a) Deterrence, meaning preventing attacks (unilateral, mutual or plurilateral)

b) Deterrence, meaning the protection of allies or regions
c) Balance of power, meaning reduction of military competition or threats of aggression
d) Assuring national defence
e) Assuring regional supremacy
f) Assuring international prestige
g) As an instrument for political pressure

3. The views concerning these alternatives would justify, or not, the present existence of nuclear arsenals. Is the maintenance or the suppression of nuclear weapons the only way to deal with these questions or can the problem be envisaged from the point of view of restrictions such as:

a) Arms limitation by means of bilateral or multilateral agreements
b) Prohibition of fissile material for nuclear weapon purposes
c) Provisions of assurances against the use or threat of use against non-nuclear-weapon States
d) Declaration of no-first-use
e) Reducing or lowering the degree of alertness of command and control systems

4. Can nuclear weapons be considered an assurance of security?

5. Given the fact that during the last 71 years there were no military attacks using nuclear weapons, is the question of nuclear disarmament a relevant one? If your response is affirmative, how would you rate nuclear weapons among other threats like:

a) Global warming
b) Widespread poverty, famine and migrations
c) Global epidemics

6. How would you justify the existence and possible use of nuclear weapons in the context of the increasing awareness of Humanitarian principles and laws applicable to war and conflict?

7. Is nuclear disarmament a widespread concern for worldwide public opinion?

8. Would you consider the decision by the United Nations General Assembly of negotiating a treaty banning nuclear weapons:

a) Not conducive to its stated aims
b) An irrelevant propaganda initiative
c) An important step leading to the elimination of nuclear weapons

Questions for Panel II

1. The first Resolution of the First Session of the United Nations General Assembly was about nuclear disarmament. In the ensuing seven decades the debate has been roughly focused around three main topics:

a) Prohibition and elimination of nuclear weapons
b) Control of nuclear weapons and reduction of arsenals
c) Non-proliferation of nuclear weapons

How successful has the International Community been concerning these aims?

2. Compared to the concerns at the moment of the adoption of the Treaty on the Non-Proliferation of Nuclear Weapons – NPT (1968), the efforts concerning non-proliferation of nuclear weapons have been largely successful since only four States besides the five mentioned in the NPT possess nuclear weapons. Can it be said that the possession of nuclear weapons by one of those four States (or by one of the nine States) is especially dangerous?

3. The Statute of the International Criminal Court considers that the use of both chemical and biological weapons is a war crime (Article 8, 2, B). Should nuclear weapons be included in this concept?

4. Article VI of the NPT states that "*Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control".*

Fifty years later, compliance with this Article is yet to be fulfilled. The obligation under this Article falls upon each State Party, not exclusively on the five nuclear-weapon States acknowledged in the NPT. Does this not mean that all 191 States Party are entitled to negotiate together with the non-Party States in order to fulfil this obligation?

5. Could it be considered that the negotiation of a treaty banning nuclear weapons would undermine the NPT? Would this negotiation be in accordance with Article VI and the preamble of the NPT?

6. The negotiation of a treaty banning and eliminating nuclear weapons without the participation of nuclear-weapon States should be considered:

a) Illegal
b) Not useful
c) Dangerous
d) Necessary in order to fill the legal gap on the prohibition of nuclear weapons

7. Do you think that the prohibition of nuclear weapons would block progress in nuclear disarmament?

8. Could nuclear-weapon-free zones (NWFZs) play an enhanced role in the international efforts and discussions on nuclear weapons? How important is the establishment of new NWFZs?

9. Does civil society have a role in the process of nuclear disarmament? How could its influence be increased?

10. In the States that possess nuclear weapons, is public opinion mostly in favour of these weapons due to a sense of security and pride?

11. In non-nuclear-weapon States that are party to military alliances based on nuclear weapons, is public opinion aware of its specific situation and its implications or conscious of the national security options?

12. In the other non-nuclear-weapon States, is public opinion aware of the danger posed by nuclear arsenals?

Opening remarks by Ambassador Luiz Filipe de Macedo Soares[1]

Welcome to this first moment of the commemoration of the 50th anniversary of the Treaty of Tlatelolco – the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean.

We decided in the Council and the General Conference of OPANAL that the best way to open this commemoration was to organize an international discussion on nuclear weapons. You have the programme in your folders with the topics of each of two panels. The first one in the morning and the second in the afternoon.

On entering this auditorium, you were hearing a very simple song, which is called "Rose of Hiroshima". In this banner in front of the presidium you can see the lyrics of the song, written by an outstanding Brazilian poet – Vinicius de Moraes.

We are in the magnificent headquarters of the Inter-American Conference on Social Security (CISS). This headquarters, very mexican, with impressive art, are splendid for an exchange of ideas. I thank the CISS in the person of Mr. Omar de la Torre de la Mora, to whom I will offer now a gift on the 50th Anniversary of the Treaty of Tlatelolco.

Outside this auditorium you can see the exhibition of the Poster contest on the 50th Anniversary of the Treaty of

[1] Secretary-General of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (OPANAL).

Tlatelolco organized by OPANAL. We received 166 posters from 20 countries, from 3 continents. There we expose the winner design, from Mexico, 10 finalists, and two posters made by young girls from Venezuela.

In addition, you can also enjoy a photo exhibition on the 50 years of the history of the Treaty of Tlatelolco.

Panel I
Strategic Context

Photo (from left to right): Amb. Luiz Filipe de Macedo Soares (Secretary-General of OPANAL); Lord Desmond Browne (Former Secretary of State for Defence of the United Kingdom); Dr. William J. Perry (Former Secretary of Defense of the United States); Amb. Sergio González Gálvez (Former Undersecretary for Foreign Affairs of Mexico); Mr. Kim Won-soo (Former United Nations Under Secretary-General and High Representative for Disarmament Affairs); Ms. Angela Kane (Former United Nations High Representative for Disarmament Affairs); Amb. D. B. Venkatesh Varma (Former Permanent Representative of India to the Conference on Disarmament).

Ambassador Luiz Filipe de Macedo Soares (Secretary-General of OPANAL)

The Moderator of Panel I is a very important member of Mexican diplomacy. Sergio González Gálvez is one of the five Mexican Ambassadors Emeritus. He is an expert in international security matters, including nuclear disarmament and non-proliferation.

Ambassador Emeritus Sergio González Gálvez (Moderator)[2]

I appreciate the presentation and explanations presented by the Secretary-General of OPANAL in order to guide the debate and the importance of this debate is confirmed by the quality and high level of the participants in this seminar.

The Secretary-General made reference to the document which surely everyone should have a copy of, which lists some reflections that we hope the panellists will make reference to. The questions for Panel I can be found on page 4 of said document, which emphasizes some of the points on which we would love to hear the panellists' opinions.

The first speaker of this panel is Dr. William J. Perry, former Secretary of Defense of the United States of America. Dr. Perry is the keynote speaker of this Panel and, as noted

[2] Former Undersecretary for Foreign Affairs of Mexico. Ambassador Emeritus Sergio González Gálvez was part of the Delegation of Mexico during the negotiations of the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco).

before, attempts to resolve some doubts about how to achieve a world free of nuclear weapons.

Dr. Perry has a brilliant professional career, principally linked to strategic military matters, including aspects of different processes, leading towards advancing nuclear disarmament in his country and in the world. His military career allowed him to witness directly the devastation provoked by the two nuclear attacks over two Japanese cities. As an expert in electronic defense, he has been able to analyse for years the increase in nuclear arms of other powers. This was very useful when, as Secretary of Defense of his country, he had to evaluate the strategies to be followed under these circumstances.

Prior to his appointment as Secretary of Defense, Dr. Perry served as Under-Secretary of Defense, especially for matters relating to engineering and research in the 1970s. This position allowed him to participate in the design of military strategies with a clear sense of deterrence, one of the topics that will be covered in this seminar.

As Under-Secretary of Defense, he was responsible for dismantling more than 8,000 nuclear warheads given up for elimination by various countries of the former Soviet bloc, apart from having participated in the distension of important points of conflicts in the world. In 2007, Dr. Perry, along with George Shultz, Sam Nunn and Henry Kissinger, incorporated a project entitled “nuclear security project”. In order to disseminate their objectives, important editorials have been published in the Wall Street Journal, a North American journal which reiterates their conviction of the real possibility to attain a world free of nuclear weapons through urgent and practical measures that should reduce the dangers of a nuclear conflict.

Keynote speech by Dr. William J. Perry[3]

What an honour to be at this historic site, where this great Treaty[4] was born half a century ago and what a pleasure to be in Mexico City again. I want to offer my profoundest thanks to our Mexican hosts. *Muchas gracias, muchas gracias*.

In March of 1963, President John Kennedy forecast that by the 1970s, there would be 15 to 25 nuclear powers, which he said would put the world in the greatest possible danger. Today, 54 years later, there are 9[5]. We should not be happy about 9 nuclear powers. Zero would be a far better number, but certainly 9 is significantly better than 25. 25 nuclear powers would present the world with a whole new set of problems and would greatly increase the probability of some catastrophic use by one or more of those nations.

So, what happened? Why was President Kennedy's forecast not realized? Certainly, the forecast itself had something to do with it not being realized. That forecast by an American President highlighted the dangers of the course that the world was then pursuing and set in action political motions to change that course. One of the most consequential of such actions was the Nuclear Non-Proliferation Treaty, so called

[3] 19th Secretary of Defense of the United States of America (1994-1997).

[4] *Editor's note (EN):* Concluded on 14 February 1967, the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco) prohibits the testing, use, manufacture, production or acquisition of nuclear weapons in Latin America and the Caribbean and in adjacent high seas areas. The Treaty established the first nuclear-weapon-free zone in a populated region of the Earth.

[5] *EN:* China, France, India, Israel, North Korea, Pakistan, Russia, the United Kingdom and the United States.

NPT,[6] offered to nations in 1968, just 5 years after President Kennedy's gloomy forecast.

Most of the nations of the world have joined the NPT. One nation, North Korea had joined and then withdrew, which it did the day after its first nuclear test. And while the Review Conferences,[7] held every 5 years, have often been disappointing, the NPT continues to be a significant deterrent to nations going nuclear.

The other consequential action was the creation of the nuclear-weapon-free zone[8] in Latin America and the Caribbean, whose 50th Anniversary we are here to celebrate.[9] The importance of this Treaty is not fully recognized in the world, precisely because it has been so successful. This is a classic

[6] *EN:* The Treaty on the Non-Proliferation of Nuclear Weapons (NPT) is a treaty aims at preventing the spread of nuclear weapons and weapons technology, promoting cooperation in the peaceful uses of nuclear energy and furthering the goal of achieving nuclear disarmament. It was opened for signature in 1968, and entered into force in 1970. A total of 191 States have ratified the Treaty, including the five "nuclear-weapon States" defined as such by the NPT (China, France, Russia, the United States and the United Kingdom).

[7] *EN:* In accordance with Article VIII of the NPT, every five years the States party to the treaty meet to review its implementation. Since 1975, the parties have attended 9 Review Conferences.

[8] *EN:* A nuclear-weapon-free zone (NWFZ) is a delimited region in which countries prohibit nuclear weapons by means of a legally binding treaty. Through signing and ratifying protocols to NWFZ treaties, nuclear-weapon States undertake not to use or threat to use nuclear weapons against the parties to such zones. There are five NWFZs in force nowadays: Latin America and the Caribbean (Treaty of Tlatelolco, 1967); South Pacific (Treaty of Rarotonga, 1985); Southeast Asia (Treaty of Bangkok, 1995); Africa (Treaty of Pelindaba, 1996); and Central Asia (2006); as well as Mongolia as a nuclear-weapon-free State (2000).

[9] *EN:* The 50th Anniversary of the conclusion of the Treaty of Tlatelolco.

case of what is often called "the dog that did not bark", but in fact, without this treaty, there's every possibility that the dog would bark. That is: at least one of the nations covered by the Treaty would go nuclear. Certainly, many of the nations in our Hemisphere have the capability to build nuclear weapons. They have the technology and they have the resources. Argentina, Brazil and Chile for example, have all explored such a development and then made a conscious decision not to continue. The world is safer because of the far-sighted decision made by those nations.

We are here today to celebrate this great Treaty and rightly so, but also to ask why have we not done better? Why has this Treaty not been a model for the rest of the world? Why, 25 years after the ending of the Cold War are there still 15,000 nuclear weapons in the world? And, why are we on the brink of a new Cold War? And finally, of course, what can be done about those disheartening problems?

I believe that the danger of a nuclear catastrophe today is actually greater than it was during most of the years of the Cold War. And that's not just my view. It is shared by the scientists who every year reset the so-called Doomsday clock[10]. They recently set this clock at 2 and a half minutes to midnight, closer to doomsday than 80% of the Cold War years. Why do we accept that the world be that close to doomsday and what can we do to lower the danger of a nuclear catastrophe? We accept a terrible danger because most people simply do not

[10] *EN:* Created by the Bulletin of the Atomic Scientists, the Doomsday Clock is an internationally recognized design that conveys how close we are to destroying our civilization with dangerous technologies of our own making. Among these are nuclear weapons.

understand the danger that they face, they do not understand it. Most believe that the danger of a nuclear disaster ended with the ending of the Cold War.

Most have never heard of the Bulletin of Atomic Scientists[11], much less have read it. And among many of the policymakers in Russia and the United States who I believe have a misconception of the nature of the nuclear danger as well as what to do about it. The actions now under way in both Russia and the United States, amount to a rebuilding of the Cold War nuclear arsenal. *¡Qué lástima, qué lástima!*

Both countries are doing this because their political and military leaders apparently believe that the main danger they face is that the other country is going to attack them with nuclear weapons. Believing that, they see that their best course is to strengthen their deterrence[12] by modernizing their nuclear forces,[13] even recognizing the enormous cost that this entails. This perception today is simply a reflection of both countries' perceptions during the Cold War. But looking back at the Cold War, with the wisdom of hindsight, it is clear that this perception was simply wrong. Neither side was planning a nuclear attack, a so-called bolt out of the blue. The real danger,

[11] *EN:* The Bulletin of the Atomic Scientists is a non-profit organization that engages science leaders and policy makers on topics of nuclear weapons and disarmament, climate change, and emerging technologies.

[12] *EN:* Nuclear deterrence is the military doctrine according to which the possibility that a country will use its nuclear weapons in retaliation will deter an enemy from attacking.

[13] *EN:* Nuclear weapons modernization is the process focused on making qualitative improvements to these weapons and their means of delivery in order to make them more accurate and effective.

and it was all too real, was that we would blunder into a nuclear war.

During the Cuban missile crisis[14] for example, it is perfectly clear that neither Kennedy nor Khrushchev wanted a war. In spite of that we came perilously close to one. President Kennedy estimated that it was a one chance in three, one in three, that the Cuban missile crisis would result in a nuclear war. My own view is that Kennedy's estimate was optimistic. It was optimistic not because Kennedy was an optimist, but because he didn't have all the relevant facts when he made that estimate. He did not know for example that besides the long-range missiles the Russians were deploying, the troops on the island already had tactical nuclear weapons and these missiles were already mated with nuclear warheads. And their commanders had the authority to use them without referring to Moscow.

Had Kennedy accepted the unanimous recommendation of his military commanders to invade Cuba, our troops would have been destroyed on the beachheads with those tactical nukes and a general nuclear war would have followed. So, we could have blundered into a nuclear war. I know that Kennedy did not know those tactical nukes because I was on a small tactical intelligence team that prepared the intelligence briefing that Kennedy got first thing every morning during the Cuban missile crisis. And that vital information was not in those

[14] *EN:* In October 1962, the United States discovered the deployment by the Soviet Union of nuclear-capable missiles in Cuba. The Cuban Missile Crisis was the moment when the United States and the Soviet Union came closest to a nuclear conflict and consequently was one of the triggers that led to the negotiation of the Treaty of Tlatelolco.

briefings, because our team did not know about those tactical nuclear weapons.

Also during the Cold War, we had at least three false alarms that a missile attack was underway in the United States. I myself experienced one of them, when I was called in the middle of the night by the watch officer at the North America defence command, telling me that his computers were showing 200 missiles on their way from the Soviet Union to the United States. He quickly went on to say that he had determined that this was a false alarm and was calling me to help him determine what had gone wrong with his computers. I have often reflected on what could have happened if this false alarm had occurred during a crisis, like the Cuban missile crisis. Or if the watch officer had become raddled and passed his message on to the President, getting him out of bed with 6 or 7 minutes to decide whether to launch our own missiles or take the risk of losing them in the presumed Soviet attack. This was one of three false alarms that I know occurred in the United States. I don't have full information about false alarms in the Soviet Union, but I do know that a false alarm coupled with what I have just described you, occurred in the Soviet Union in 1982. This false alarm has been documented in the film called "The Man Who Saved The World". The Soviet false alarm turned out to be attributable to a computer malfunction. The United States false alarm turned out to be caused by a computer operator thinking that he was installing the computer's operating tape and instead putting in a training tape, which made a very realistic simulation of a Soviet attack.

My experience during the Cold War and analysis done since then, has fortified my belief that during the Cold War the

danger was not that either Russia or the United States would launch a surprise attack on the other, but that we would blunder into a nuclear war either by miscalculation as in the Cuban missile crisis or by accident through a false alarm for example, and that is still true today. All of the false alarms we know about, were the results of error, either human error or machine error. Humans will err again, machines will err again and we still have a policy called "launch on warning".

The future of civilization will lie in the hands of a thoughtful intelligence watch officer and if that watch officer is not thoughtful and intelligent, if he fails in his duty, then it will fall to a thoughtful and intelligent President, in Russia or the United States. The rebuilding of Cold War nuclear arsenals does nothing to avoid these very real dangers that I've just described to you. To the contrary, yet increases them. One consequence of rebuilding our nuclear arsenals is the very real possibility it will lead to the resumption of nuclear testing.

The Russian build up in particular, includes new bomb designs as well as new missile designs, so there will be strong pressure from the bomb designers to resume testing in order to validate these new designs. If President Putin accedes to that pressure, it is likely that the other nuclear powers would follow suit. The United States and China would both face strong political pressure then, to resume testing. And in the end, Pakistan could take advantage of the resumed testing of the great powers to conduct tests of hydrogen bomb designs, making South Asia and the world more dangerous than it already is.

So, it is important to keep these new tests from occurring. The CTBT[15] is the only deterrent today to resume Russian testing, and we have reason to believe that it is a real deterrent. So CTBT, the Comprehensive-Test-Ban Treaty, could play a unique role in deterring this dangerous new step in nuclear armament.

So, my talk is spelled out in the potential of new and dangerous developments in nuclear weapons. And I believe we have reached this dangerous place, because our leaders and our people fundamentally misunderstand the nature of the dangers nuclear weapons pose to their nations, they fundamentally misunderstand the nature of the dangers. Believing this, I have decided to spend however many years left up to me to the problem of education. I want to educate the public on the real dangers posed by nuclear weapons and what we can do to mitigate those dangers. I have focused my attention on the young because they have not been corrupted by Cold War thinking. Indeed, they know almost nothing about the Cold War or about nuclear weapons, but happily are eager to learn.

I started my programme of education by writing a book "My Journey at the Nuclear Brink", published by the Stanford

[15] *EN:* The Comprehensive Nuclear-Test-Ban Treaty (CTBT) prohibits all nuclear explosions - everywhere, by everyone. The Treaty was negotiated at the Conference on Disarmament in Geneva and adopted by the United Nations General Assembly in 1996. The CTBT was opened for signature on 24 September 1996. 182 States have signed the Treaty and 154 States have ratified it. However, the CTBT has not yet entered into force because a number of States included in Annex II of the Treaty have not ratified it. Their ratification is essential for the entry into force.

University Press[16] about a year and a half ago and I've taught courses and given many speeches on this topic, but I do understand that these approaches will not reach a mass audience, particularly a mass audience of young people. So, in the past year and a half, I have dedicated most of my time to creating educational material for the Internet. Short informative videos that will play on YouTube and online educational courses.

The first of the videos, a depiction of a nuclear terror attack on Washington, D.C. is already on YouTube, you can go to YouTube and see it this afternoon if you'd like to, and three more are in preparation. And we are creating online courses which are called MOOCS – Massive Open Online Courses. The first of these, "Living at the Nuclear Brink", is now available free on the Internet, and again if you'd like to take this course, you can sign up for it this afternoon. And we have four more in planning, all shorter and dealing with specific aspects of nuclear dangers. We call these shorter courses mini MOOCS.

I've often been asked by friends why I choose to spend my time in this pursuit, instead of enjoying my golden years. I tell them that I believe that time is not on our side. We do not have the luxury of waiting. I tell them that having helped create our nuclear arsenal, I have special knowledge about how to dismantle it and that I have a special responsibility to do so. Or I simply quote them to my favourite lines from Robert Frost: "The woods are lovely, dark and deep, but I have promises to

[16] *EN*: "My Journey at the Nuclear Brink". Perry, William. Stanford, California. Stanford University Press, November 2015. 276 Pages. ISBN: 9780804797122.

keep, and miles to go before I sleep, and miles to go before I sleep". Thank you.

Ambassador Emeritus Sergio González Gálvez (Moderator)

Our next speaker is Mr. Kim Won-soo, a Korean national who is actually the United Nations Under-Secretary-General and High Representative for Disarmament Affairs, a post he assumed from June 1, 2015. Prior to taking up this post, Mr. Kim Won-soo served as Assistant-Secretary-General and Special Adviser to the United Nations Secretary-General, developing vast experience in topics related to the functioning of this world organization.

Mr. Kim Won-soo has also served as Ambassador of the Republic of Korea with more than 37 years of diplomatic experience, including positions held at the Korean embassies in the United States of America and India. Mr. Kim Won-soo is a lawyer by profession having undertaken postgraduate studies at John Hopkins and Stanford Universities in the United States of America.

Presentation by Mr. Kim Won-soo[17]

At the outset, I want to thank Secretary-General Soares and the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean[18] for arranging today's event. As the steward of the Treaty of Tlatelolco, OPANAL has made an invaluable and decades-long contribution to the cause of a nuclear-weapons-free world. It has been a resolute ally and partner of my office, the UN Office for Disarmament Affairs.

It is a pleasure to be here today to help celebrate the 50th anniversary of the nuclear-weapon-free zone in Latin America and the Caribbean. I can think of no more opportune moment than in the context of this treaty to discuss the achievements we have made in nuclear disarmament and the obstacles we still face, as Dr. Perry eloquently pointed out.

Along with climate change, nuclear weapons pose an existential threat to humanity. No other weapon has the power to destroy the planet.

The existential threat of nuclear weapons is why, over the last few years, concern has been growing about the devastating humanitarian consequences of the use of even one nuclear weapon.

[17] United Nations Under-Secretary-General and High Representative for Disarmament Affairs (2015-2017).

[18] *EN:* The Treaty of Tlatelolco establishes the Agency for the Prohibition of Nuclear Weapons in Latin American and the Caribbean (OPANAL). All the 33 Latin American and Caribbean States are members of OPANAL. It is the only international organization in the world devoted entirely to the achievement of nuclear disarmament and non-proliferation of nuclear weapons.

The international strategic context was recently described by the new Secretary-General Guterres[19] as "a world of new and old conflicts woven in a complex and interconnected web".

It is an environment that is more complex than the bipolar Cold War. It is also experiencing a technological revolution that is transforming our lives in an unprecedented manner, good and bad.

The same technologies that bring global prosperity could also cause mass destruction and mass disruption. Innovations in unmanned vehicles, artificial intelligence and cyber technology are changing the face of battle. Their long-term ramifications are yet to fully unfold.

Emerging military technologies such as hypersonic missiles and other long-range precision-guided conventional weapons may provoke new and destabilising arms races that exacerbate regional and global tensions. Cyber weapons and long-range precision weapons may alter deterrence calculations. This can unleash mass disruptive chaos.

An arms race to acquire sophisticated conventional weapons could encourage some to seek nuclear weapons as a counter-measure.

These emerging trends run the risk of complicating crisis management and potentially lowering the threshold for nuclear weapon use.

[19] *EN:* Former Portuguese Prime Minister António Guterres was appointed Secretary-General by the General Assembly upon the recommendation of the Security Council in 2016. Mr. Guterres, the 9th Secretary-General of the United Nations, took office on January first 2017 for a 5-year term.

Excellencies, Ladies and Gentlemen.

In this fluid environment, there is an enhanced urgency for all States to fulfil their obligations and uphold global norms related to nuclear weapons. But sadly, the global landscape indicates otherwise.

Despite the increased volatility, the current strategic context does not in any way excuse any State from undertaking their nuclear disarmament commitments, especially those made under Article VI of the Nuclear Non-Proliferation Treaty[20].

Unfortunately, after decades of significant progress in reducing the dangers posed by nuclear weapons, bringing down the global nuclear arsenal from 54,000 to 15,000, we now appear to be headed in the opposite direction.

This is clearly reflected in the stalemate in the UN disarmament machinery[21] and most glaringly in the malaise that has captured the Conference on Disarmament[22].

The perceived failure to produce tangible results in multilateral nuclear disarmament has engendered a mounting

[20] *EN:* Article VI of the NPT reads as follows: "Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control."

[21] *EN:* The term "disarmament machinery" is used to refer to multilateral processes, procedures and practices, and international bodies within the United Nations (Advisory Board on Disarmament Matters, Conference on Disarmament, First Committee of the General Assembly, United Nations Disarmament Commission).

[22] *EN:* The Conference on Disarmament (CD) was established as the single multilateral disarmament-negotiating forum of the international community by the First Special Session of the United Nations General Assembly devoted to Disarmament held in 1978. The CD, meeting in Geneva, has 65 member States and conducts its work by consensus.

frustration among many non-nuclear weapon States. Consensus on the need for a nuclear weapon-free world has fractured over how to achieve it.

The recent debate regarding the proposed 'prohibition treaty'[23] has raised two fundamental questions, from both sides of the fence. One from each side. First, how will the path be charted from a prohibition treaty to the actual elimination of all nuclear weapons? Second, why has it proven more difficult to delegitimize nuclear weapons compared to all other weapons of mass destruction[24]?

Humanity deserves the answers to these questions. Answers require, above all, inclusive engagement. This is the only way I can think of to answer the last question in today's seminar topic in an affirmative way: "How could a world free of nuclear weapons be achieved?"

I would like to offer three further suggestions.

First, we need to bridge the gap between the nuclear haves and the nuclear have-nots. But also between the nuclear haves themselves.

The nuclear-armed States must engage with each other, as well as with non-nuclear weapon states. There is no substitute for face-to-face engagement. They must sit down

[23] *EN:* On 7 July 2017, the United Nations Conference, convened by Resolution 71/258 of the General Assembly, adopted the Treaty on the Prohibition of Nuclear Weapons. Opened for signature on 20 September 2017, the Treaty prohibits each State party to develop, test, produce, manufacture, otherwise acquire, possess or stockpile nuclear weapons. The Treaty also prohibits the use or threat of use of nuclear weapons.

[24] *EN:* Weapons of mass destruction include nuclear, biological and chemical weapons.

with each other, listen to each other and demonstrate the necessary compromise and flexibility.

The Russian Federation and the United States, as holders of some ninety-five per cent of all nuclear weapons, have a special responsibility to lead. To paraphrase what former Secretary-General Ban said in Reykjavik last year, tensions today are high, but we cannot say higher than those faced at the height of the Cold War. If President Reagan and General Secretary Gorbachev could engage in dialogue, so can today's leaders.[25]

As Secretary-General Guterres recently said, arms control and disarmament "can provide the breathing space for confidence to be built, stability to be strengthened and trust to be established".

The Treaty of Tlatelolco is a case in point. This ground-breaking nuclear weapon-free zone bolstered regional stability by keeping nuclear weapons out of the strategic equation. The Treaty's so-called 'negative security assurances'[26], provided through its Additional Protocol II,

[25] *EN:* On October 11 and 12, 1986, in Reykjavík, Iceland, Ronald Reagan, then President of the United States, and Mikhail Gorbachev, of the Soviet Union, held a meeting in which they explored the possibility of limiting each country's strategic nuclear weapons. Although the Reykjavík summit almost resulted in a comprehensive agreement in which the nuclear weapons of both sides would be dismantled, no agreement was finally reached.

[26] *EN:* "Negative security assurance" is a legally binding commitment undertaken by a nuclear-weapon State by means of which it guarantees not use or threat to use nuclear weapons against non-nuclear weapon States. The five treaties establishing nuclear-weapon-free zones contain one Protocol including provisions on negative security assurances.

which were signed and ratified by the nuclear weapon-States[27], further strengthened regional peace and security.

There is no single path to achieving a world free of nuclear weapons. Parallel initiatives can be pursued simultaneously. This year we have negotiations on the Prohibition Treaty, the high level panel on fissile materials[28] and the commencement of the 2020 review cycle of the Nuclear Non-Proliferation Treaty[29]. Each of these faces many challenges.

For these challenges to be successfully met, States must engage. Through inclusive engagement these events can bring us closer to our shared goal. If not, gaps will widen and frustrations will rise.

Second, we need to have a better understanding of the impact that emerging technologies and weapons systems could have on the strategic context. States need to work together to minimise the dangers posed by these emerging trends. A way must be found to close the gap between the pace of technological advancement and the status of normative

[27] *EN:* The United Kingdom ratified the Additional Protocol II to the Treaty of Tlatelolco in 1969; the United States in 1971; China and France in 1974, and Russia in 1979.

[28] *EN:* By Resolution 71/259, adopted on 23 December 2016, the United Nations General Assembly requested the Secretary-General to establish a "high-level fissile material cut-off treaty (FMCT) expert preparatory group" with a membership of 25 States, which will meet at Geneva in 2017 and 2018, to consider and make recommendations on substantial elements of a future effectively verifiable international treaty banning the production of fissile material for nuclear weapons.

[29] *EN:* In May 2017, the first Preparatory Committee for the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons took place in Vienna, Austria.

standards. The failure to do so will only be exploited by those with malicious intentions.

On the other hand, these potential dangers affect every State and therefore could be common ground for collective action. This common ground could have a positive spill over effect for the overall nuclear disarmament agenda. The UN is always available as a forum for discussion.

Third and finally, the global public should be mobilised to galvanise political will to revitalise the nuclear disarmament agenda. As humanity mobilized the global will to tackle climate change, another existential threat, now is the time for the global public to do the same for nuclear disarmament. Education is critical. In particular, as Secretary Perry emphasized, the youth of the world need to be informed about the world they will inherit and inspired to take action. It is our role – as States and regional and international institutions – to reach out to the global community about the importance of nuclear disarmament. It is a role I know OPANAL takes seriously, including through its efforts to bring together members of other nuclear weapon-free zones and create synergy.

Excellencies, ladies and gentlemen.

Nobel Peace Laureate and architect of the Treaty of Tlatelolco, Alfonso Garcia Robles,[30] said: "There is an organic relation between peace and disarmament." By eliminating nuclear weapons we are also creating a safer and more secure

[30] *EN:* Mexican Ambassador Emeritus Alfonso García Robles was President of the Preparatory Commission for the Denuclearization of Latin America (COPREDAL), the ad hoc body in which, from 1965 to 1967, the Latin American and Caribbean States negotiated the Treaty of Tlatelolco.

planet. Let us all follow the same foresight and determination as the founders of the Treaty of Tlatelolco did fifty years ago. Let us all make 2017 a year of action toward our shared goal of a world free of nuclear weapons.

Ambassador Emeritus Sergio González Gálvez (Moderator)

Thank you Mr. Kim for your presentation. For the sake of the debate that will take place at the end of this Panel, it would be appropriate to keep in mind some of the topics mentioned in the two important speeches that we have heard thus far. The first topic being deterrence and the second topic would be the challenges faced by the Treaty of Tlatelolco and other regional treaties establishing nuclear-weapon-free zones. I think that it is important that we evaluate and discuss these zones.

I now have the pleasure to introduce our next speaker, Lord Desmond Browne of the United Kingdom of Great Britain and Northern Ireland. Lord Browne served as Secretary of State for Defence of his country and is currently a member of the Labour Party and member of the House of Lords. As from 2001, Lord Browne has served in various capacities within the British Government and Cabinet, including as Chief Secretary to the Treasury in 2005; and in 2006, as Secretary of State for Defence and Secretary of State for Scotland, simultaneously.

Lord Browne is currently Vice Chairman of the Nuclear Threat Initiative (NTI), a Washington, D.C. based non-governmental organization, which works to reduce the threats posed by nuclear weapons and other weapons of mass

destruction. Lord Browne also chairs the Board of Trustees and Directors of the European Leadership Network, whose work is dedicated to analysing topics related to security between Europe and the Americas, including disarmament, non-proliferation and security of nuclear materials. The network also focuses on the search for leadership between the different layers of society to confront this problem.

Presentation by Lord Desmond Browne[31]

I am delighted to be here at the kind invitation of Secretary General Ambassador Macedo Soares, to commemorate the 50th anniversary of the Treaty of Tlatelolco, and to join with some of the world's most dedicated and effective public servants, who have been working on advancing our world free of nuclear weapons and at the same time strengthening global security.

It is also a great pleasure for me to be here, in one of the world's great cities. Until now, I have not had the good fortune to visit Mexico City to experience first-hand its generous people, its rich culture and, of course, its fine food. So, for many reasons I thank you for the invitation to be here today, and I'm only sorry because I have to go back to Europe, to the Munich Security Conference, later this week and I can't be here for very long. I would also like to thank Dr. Perry for his remarks. As ever, he is intuitive, he is engaging and he's got this irritating effect of being absolutely right on the mark every time. It's always a great honour to share a platform with Bill, whom I am now delighted to call my friend, who's a man of legendary commitment to the cause of global nuclear security and apparently boundless energy. I am overall grateful, Bill, for your level-headed insights, for your efforts to engage the younger generation and for your abiding determination to make progress on the steps to the long-term goal of a world free of nuclear weapons.

[31] Former Secretary of State for Defence of the United Kingdom of Great Britain and Northern Ireland (2006-2008).

The various treaties that have established nuclear-weapon-free zones around the world make an important contribution toward that goal, by strengthening global norms such as non-proliferation and disarmament. I think quite extraordinary to those of us who live and work in the United States, Europe, the Middle East and Asia to consider that this whole Continent, from Mexico to Cape Horn, goes to sleep every night without the deterrence of nuclear weapons and apparently you don't have nightmares about that and you wake alive in the morning. So, we have a lot to learn from this Continent. We have a lot to learn from the countries of this great Treaty and over 50 years we should have been listening carefully to you, because you have a secret source somehow that allows you to live a life without these awful weapons.

Establishing a prohibition of nuclear weapons across Latin America and the Caribbean was the result of visionary leadership 50 years ago and is well worth commemorating today, not being well enough known about beyond this Continent. That leadership brings me to my fellow panellists Under-Secretary-General, Dr. Kim Won-soo, his predecessor and my friend Angela Kane and Ambassador Venkatesh Varma. I am honoured to share this stage with you. In your own ways, you have provided tremendous leadership on disarmament issues and I trust that you will continue to light the way.

I come here from Washington, D.C. presently, where I am the Vice-Chair of the Nuclear Threat Initiative. This organisation I have the pleasure of working for is an excellent organisation. The Nuclear Threat Initiative has been working on a project funded by the MacArthur Foundation with

collaboration with the James Martin Center for Non-proliferation Studies. Bill Potter of that organisation is with us today. This is a joint effort focused on building on this nuclear-weapon-free zone, to create, if possible, a fissile material free zone in Latin America and the Caribbean. This region is one of the world's most important politically, economically and geographically regions and the establishment of such a zone here would help counter nuclear terrorism and complement the Treaty of Tlatelolco. So, my colleague from the Center for Non-proliferation Studies, Bill Potter is here this week and will be coming to see some of you regarding this important initiative. So, listen carefully to what he has to say and be enthusiastic.

Undertaking it would constitute a new historic landmark in this region's disarmament and non-proliferation leadership and would create a model that could be applied to other regions in the world and I guarantee you that our Organisation and Bills' and others will advance this across the world if you take it up.

The purpose of this first panel is to set the strategic context for our seminar today and I am happy to make my contribution to that. But I say at the outset inevitably it will not be comprehensive. It is intended to be complementary. I choose the issues I want to talk about, as others will. We hope that we will complement ourselves. There are people who often in these discussions point out to you what you have not said. If I have not said something, I have deliberately not said something. I'm choosing a limited number of things that I am going to talk about.

Let me say at the outset that I feel compelled to encourage everyone here and well beyond, to be as bold as we

can be, to revitalize our work on nuclear disarmament and non-proliferation and nuclear security. Nuclear weapons and materials pose, as has already been said, an existential threat, not only to our occupation of this planet, but to our children and to our grandchildren and we are as a generation across the world making a series of decisions that will commit future generations to deterrence dependence on these weapons systems. A much changing world in which I am convinced these weapons will not provide the stability that they may have provided in the past.

It is common for people when they make this point to say that they pose an existential threat to our planet. I just say to you the planet was here long before we were, and no matter what we do on the planet, the planet will continue. It's just our ability to live on this planet that will be tested by our behaviour on it. The planet will heal and will go on and that's no consolation to those who will no longer be able to live on it if we don't behave responsibly.

Nuclear weapons challenge our very humanity and I believe we all have a responsibility. In fact, I believe we have an obligation to speak out for change, and to work for change. In the words of Archbishop Tomasi at the Vienna Conference on humanitarian effects of nuclear weapons[32], the status quo is unsustainable and undesirable. It is also increasingly dangerous. Bill Perry who is here with us, George Schultz, former Senator Sam Nunn, Henry Kissinger, reminded us of this sometime

[32] *EN:* The Vienna Conference on the Humanitarian Impact of Nuclear Weapons, held in December 2014, was attended by 158 States, international organizations and civil society.

ago[33]. They generated a movement throughout the world that was imitated across every continent and led to, undoubtedly, President Barack Obama's speech[34] in which he spelt this out for us.

We are at a point in history, where, given the scale of these arsenals, we should be thanking God on our knees that they haven't been used again since Hiroshima and Nagasaki, and that there hasn't been a catastrophic accident. Instead, what do we have? We have Vladimir Putin promising a build-up, we have Donald Trump issuing one careless tweet after another on the wisdom of a new arms race and we have my Prime Minister, the British Prime Minister, believing that it is the right thing to say after days in office, that she would use nuclear weapons if she had to do so. We have suggestions from some quarters that NATO[35], the most effective political military alliance in the world, must practice for the escalation of conventional war to nuclear war. That's a very dangerous environment that we're living in.

To me, this all signals a bizarre disregard for the dangers that we face, and an unacceptable abdication of

[33] *EN:* In 2007, William J. Perry, George Shultz, Sam Nunn, and Henry Kissinger formed the Nuclear Security Project. They have published several editorials in the Wall Street Journal that link the vision of a world free from nuclear weapons with urgent but practical steps that can be taken immediately to reduce nuclear dangers.

[34] *EN:* On 5 April 2009, Barack Obama, then President of the United States, delivered a speech in Prague, Czech Republic, in which he outlined his vision of a world without nuclear weapons in four pillars: (1) preventing nuclear terrorism and promoting nuclear security; (2) strengthening the non-proliferation regime; (3) supporting the peaceful use of nuclear energy; and (4) reducing the role of nuclear weapons.

[35] *EN:* North Atlantic Treaty Organization.

responsibilities from losing a position to doing something about it or to raise the voices loud enough to make a difference.

In the absence of truth to the contrary, thank goodness, there's an argument to be made that nuclear weapons may have been a stabilizing force in a bilateral world. But these days are long gone and, whether that was true then or not, doesn't really matter now. Nuclear weapons in today's world are not and cannot be and won't be a stabilizing force for the future. That is so well documented and we certainly can't afford to double down on outdated concepts. I'll tell you today that I am still optimistic about the possibility for progressing on the vexing issues around nuclear weapons, which will dominate our conversations for the rest of the day. None of us would be working in this field if we were not optimist. We have to be.

Optimism however doesn't mean that we are naïve about the difficulties ahead. There's no question that the challenges we are tackling today, from the future of the non-proliferation and disarmament regime to the Test-Ban Treaty and its entry into force, to the dangerous deterioration of security in the Euro-Atlantic region, the part of the world that has 95% of the world's nuclear weapons in it.

As you all know, there is tremendous concern about the NPT. So, we could go into and probably will, with some significant detail about how these negotiations have been handled, the points at which things could have been better, people could have accepted compromises and we could have moved on, but the truth of the matter is the progress on the

bargain from 45 years ago, "the grand bargain"[36]- as President Barack Obama constantly referred to -. The centrepiece being that they then recognized nuclear weapons States would work towards disarmament. It has been painfully slow, in some people's view, not moving at all presently. And it's difficult to see a path forward when the United States, United Kingdom, Russia, France and China can't even agree how to proceed.

I was one of the architects of the P5[37]. I was very pleased when these countries agreed to come together, although it took an awful long time to get them together and I was out of office by nearly three years by the time the first meeting took place. But my intention – and I said this in a speech at the Conference on Disarmament – was to create an opportunity for these countries to engage, have the sorts of conversations that Dr. Kim Won-soo was talking about; to find a way forward. I did not expect that they would become a cartel. And that's exactly what has happened. The last statement from the last P5 meeting caused me to cry. It was those countries who can barely talk to each other about anything else, coming together to excoriate the rest of the world about not understanding the value of nuclear weapons.

[36] *EN:* The Treaty on the Non-Proliferation of Nuclear Weapons is commonly referred to as the "great bargain" under which the non-nuclear-weapon States undertake not to acquire nuclear weapons. In exchange, the five nuclear-weapon States recognized as such by the Treaty (China, France, Russia, the United Kingdom and the United States) undertake to pursue negotiations in good faith on effective measures relating to nuclear disarmament.

[37] *EN:* The five nuclear-weapon States (also known as P5) have had annual meetings since 2009 to discuss their responsibilities and commitments to non-proliferation and nuclear disarmament under the Treaty on the Non-Proliferation of Nuclear Weapons.

I understand why there is a frustration. Today, we have States expanding their nuclear arsenals, and calling it modernization and having a definition of modernization that makes it appear as if they were not (but they are). Because they are creating a capability for these arsenals that they didn't have before.

And luckily, we are in a situation – and it is the first time in my lifetime – when we could celebrate there is no State aspiring to have a nuclear weapon. I'm afraid to be able to say that, I have to say that North Korea has them, but at the moment and this has never been the case, since the first nuclear weapon was created, that there is no State aspiring to having a nuclear weapon and actually moving towards it.

That augments significantly the point that Dr. Perry made, about the success that we have had, through the NPT. But the heroes of the NPT are the non-nuclear-weapon States. We have seen some minimum progress. We saw the approval of the New START Treaty[38] during President Obama's first term. Don't underestimate, this was an important achievement. No question. The prospects for talks and additional reductions certainly don't appear to be imminent. I remind you that on the

[38] *EN:* The "Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms" (New START) entered into force on 5 February 2011. Under the New START, both countries must meet the Treaty's central limits on strategic arms by 5 February 2018. The aggregate limits of the Treaty restrict both countries to 700 deployed intercontinental ballistic missiles (ICBMs), deployed submarine-launched ballistic missiles (SLBMs), and deployed heavy bombers equipped for nuclear armaments; 1,550 nuclear warheads on deployed on ICBMs, deployed SLBMs and deployed heavy bombers equipped for nuclear armaments and 800 deployed and non-deployed ICBM launchers, SLBM launchers and heavy bombers.

9th of February, President Putin spoke to President Trump. During the course of this conversation, it is recorded that President Putin offered to trigger the continuation of this Treaty. Apparently, President Trump paused to ask an aid what the Treaty was, and then came back on to the conversation and denounced the Treaty, saying that it was a bad treaty, because it favoured Russia. The Treaty that halves the deployment of warheads, which is ground-breaking and significant could have been continued to make space for other discussions, but the President of the United States did not know what the treaty was about and when he was told in one sentence by an aid that it was a bad treaty, he repeated that to President Putin. Hopefully, President Putin of course will not think that's the last word.

But President Putin and President Trump are not entirely responsible for relations between Russia and the United States, which are presently at a very low point and further of course strained by the situation in the Ukraine, which has not improved.

Decades after more than 2,000 nuclear tests were conducted worldwide, leaving a ghastly humanitarian and environmental legacy, efforts to ratify the ban on nuclear tests are stuck.

Since the Comprehensive Test-Ban Treaty was opened for signature in 1996, 183 countries have signed and 162 have ratified. But in the United States the process of course has been blocked by Congress and that blockage apparently blocks the other ratifications that are necessary to the entry into force. This key piece of our global security architecture, an extraordinarily valuable treaty is blocked elsewhere including in China, which

wouldn't ratify until the US does. There is some reason to understand why China is in that position.

My point to a non-US audience is – and I say this repeatedly – every country who has signed and ratified this Agreement, said to their parliament that they ratified this Treaty in order for it to enter into force. That was their expectation and if they are a parliamentary democracy like the United Kingdom, the Parliaments approved on that basis. So, the question I pose to you all and I'm happy to answer this – although it is not a very good answer for me being from the United Kingdom – what has your country done since then to fulfil that undertaking you gave your own citizens? Are you just standing back waiting for the United States to block us? Or are you actively trying to fulfil the obligation in the agreement you made with your own people about this treaty? This treaty is very much alive. It provides a significant security for us and we must get it to the point where it is a legal obligation and therefore cannot be abandoned or undercut by the politics of any individual country.

Nuclear-weapon States are now working to modernise arsenals, sending a powerful and unfortunate message about the lack of enthusiasm for arms control.

The United States alone is expected to spend a staggering one trillion dollars over the next three decades, modernising and maintaining its nuclear arsenal, a project that flies in the face of the pledges of President Obama which he made in Prague in 2009 and laid out in his agenda on nuclear weapons and security. The only good thing about that is that they can't afford it and is improbable that in our current economic state with other competition for the resources, that they will find the money to do this. But all of this is happening

as Dr. Kim Won-soo points out, in a situation where other technological advances are outstripping this analog process, which is nuclear deterrence.

We have in my country a minimalist investment in testing against cyber threat, against the level of the threat. That's probably the same in most countries in the world, if not all of them, because the cyber threat lives in the Moore's law[39] environment, in which the capability doubles every eighteen months. There is no possibility of any country investing significantly alone, enough to vex this cyber threat.

This all against the background that in 2013, the Defense Science Board of the Department of Defense of the United States of America published a report which all of you should read. This report is called Cyber Threats and Resilient Military Systems[40]. The American military report publicly to Congress, because this is a very open society, that every resilient military system which the United States has is capable of being penetrated by a cyber-capability. Everyone! How do they know this? They did it. They red-teamed the lot, and they did it with software that was downloaded from the web, not one line of which was specifically written to penetrate these

[39] *EN:* Moore's law is the prediction made by American engineer Gordon Moore in 1965 that the number of transistors per silicon chip doubles every year.

[40] *EN:* This report claims that "The United States cannot be confident that our critical Information Technology (IT) systems will work under attack from a sophisticated and well-resourced opponent utilizing cyber capabilities in combination with all of their military and intelligence capabilities (a "full spectrum" adversary)." See Department of Defense – Defense Science Board (2013, p.1). *Task Force Report: Resilient Military Systems and the Advanced Cyber Threat.* Washington, D.C., United States. Retrieved from http://nsarchive.gwu.edu/NSAEBB/NSAEBB424/docs/Cyber-081.pdf

weapons systems. And then they say casually, although probably accurately, that they have every reason to believe that every other resilient military system, including nuclear military systems, anywhere else in the world, is in the same state.

You can imagine an organisation like the one that I work for and that Dr. Perry helped create, and in which Board we both still serve and advise, we are trying to work out what this means for nuclear weapons. So, I just leave you with this one last thought. During the course of our conversations with people who know and understand this I asked, bearing in mind that a trillion dollars is to be spent on modernisation, how much would it cost to protect America's nuclear weapons from cyber threat?

So, the gentleman said – I can tell you without breaching the obligations I have – which is an estimate of the startling cost of this. And he said to me: I think we are going to start with about 450 billion dollars, but bear in mind that this is just a beginning, because we would have to catch up every year again, with the capability of people working in this space who are well ahead of us.

I just want to end my remarks on a positive and hopeful note.

There is a lack of leadership on these issues and there is a lack of understanding of them, so we should thank God for people like Dr. Perry. And this man is here with us today. He's had an extraordinary career and I get very few opportunities to tell this man what I really think of him, but he's dedicated his life to raising the roof about nuclear dangers and what to do about them. He's speaking out loud and strong, with nearly unparalleled credibility and, what's more, he's teaching a new

generation about these threats, infusing them with the knowledge and a sense of duty to take on the challenges that my generation and some of your generation have been unable and unwilling to properly address. So, this kind of seminar and his presence play an important role. I thank those who put it together, I thank you for the opportunity to come here and speak. I mostly thank you for allowing me to have the opportunity to share a platform with Dr. Perry again.

Ambassador Emeritus Sergio González Gálvez (Moderator)

Our next speaker is Dr. Angela Kane, from Germany. She has served as United Nations High Representative for Disarmament Affairs and also has a very extensive experience in political affairs in international fora, in international negotiations and in different aspects of the evolution of the United Nations Peacekeeping Operations – a subject that continues to be controversial for some countries, including mine.

Dr. Kane has also served as Under-Secretary for Management in the United Nations. She has also held positions at the United Nations Offices in Africa and Asia.

Dr. Kane is currently a Visiting Professor at *Sciences Po* in Paris and is a member of its Strategic Council. She is a member and Co-Convener of the Group of Eminent Persons of the Comprehensive Test-Ban Treaty Organization. She also serves on the Council of the United Nations University in Tokyo and is Vice President of the International Institute for Peace in Vienna.

Presentation by Ms. Angela Kane[41]

I am very honoured to be part of this very important panel and to talk about strategic concepts. It is interesting to note that while none of the speakers on this panel were given precise instructions what to address, each of us has taken a somewhat different approach and put in play a number of thoughts that I would like to continue focusing on.

Let me first note that the concept of strategic stability has remained extremely static. It is based, as we have heard already from a previous speaker, on the bipolar nuclear deterrence that we inherited from the Cold war. It has not evolved conceptually nor operationally to address the challenges and threats of a more complex and multipolar post-cold war era.

At the time of the Cold War, the US and Soviet Union had developed robust mechanisms for maintaining strategic stability – but nothing like it exists today to include the other nuclear-armed States.

It is no longer the case that there are only two nuclear adversaries, and technological advances pose challenges to strategic stability based on nuclear deterrence, as these developments have the potential to replicate, to offset or to mitigate the strategic effects of nuclear weapons.

The World Economic Forum issues a matrix of risks every year, based on a polling of their extensive and high-level membership. The top risk in terms of impact this year is

[41] Former United Nations High Representative for Disarmament Affairs (2012-2015).

"Weapons of Mass Destruction". Last year that risk was ranked number two, in 2015 it was number three, and in 2014 it did not rank among the top five at all.

It is interesting to note that when one looks at the programme of the World Economic Forum, none of their events focus at all on this particular risk. This why the topic of awareness-raising, of educating the young people on these issues, is so very important, but it is also important to educate the leaders, as the President of the United States.

We need to look at the outdated concept of global strategic stability. We need to reassess it, to re-conceptualize it and adapt it to take account of the current challenges. Failure to do so would in fact lead to increased instability. How to implement it, however, is uncertain in light of the various complex relational dynamics between states and the challenges posed by technological advances that are not in the hands of states alone. States do not have the ultimate capability to influence all these aspects.

The technological advances have been rapid in the past 25 years and have exposed new vulnerabilities in the security arena. A number of them have been mentioned by previous speakers, but let me mention a few: cyber warfare, evolving conventional weapons, anti-submarine warfare countermeasures, additive manufacturing, artificial intelligence, missile defence, anti-satellite weapons.

If states prioritize these technological developments for their national defence and security, a cooperative dialogue on confidence and trust-building mechanisms – possibly even codes of conduct – should be fostered. An event or a crisis that challenged the reliability of a security system based on nuclear

deterrence might best stimulate the political will and urgency to move forward with such discussions.

Cyber attacks have already led to greater mistrust and instability, particularly between the United States and the Russian Federation, but also between the US and China, though the latter more in the trade and commercial area. Yet there is increasing concern about cyber attacks and their possible effects on strategic nuclear systems. China's limited nuclear arsenal and posture might make it particularly susceptible to dis-assemblement through cyber means.

I must note, however, that nuclear deterrence is not a globally held value. Only those states that possess nuclear weapons and their allies under nuclear extended deterrence[42] frameworks cling to it; the majority of the states parties to the NPT attribute no value to nuclear deterrence, and they in fact reject the notion that nuclear weapons should play any role in security and defence doctrines.

These states emphasize human security and have aimed to shift the discourse to the catastrophic humanitarian consequences of any use of nuclear weapons. This initiative to outlaw nuclear weapons altogether – as the last weapon of mass destruction - has gained tremendous momentum, and negotiations will formally be launched this year on a legal instrument to ban nuclear weapons. This clear rejection of any legitimate value or role of nuclear weapons has implications for

[42] *EN:* Nuclear extended deterrence, also known as "nuclear umbrella", is a military cooperation agreement by which one or more nuclear-weapon States undertake to provide nuclear protection for one or more non-nuclear-armed States.

a common understanding of what constitutes national and global security.

Let me give two examples of recent nuclear policy developments: the UK's Trident renewal and the Obama legacy vis-a-vis US nuclear policy. The debates in both countries have exposed arguments about the uncertainty of future threats – nuclear and non-nuclear – and led to calls for the contemplation of future alternative deterrent systems. In both states, however, the argument prevailed that nuclear weapons remain a critical aspect of security in a world fraught with uncertainties.

So what is the way forward?

Continuing along the well-trodden path of touting the benefits of nuclear weapons for global security is no longer realistic. Basing strategic stability on the uniquely destructive role and ascribed power of nuclear weapons is outdated – and an assessment of sustainable strategic stability, based on the alternatives to nuclear deterrence, should be made.

There is an increasing level of discord in the NPT review process – now lurching towards its fiftieth year – about the lack of progress on nuclear disarmament commitments. Together with the launch of the "treaty ban" negotiations in 2017, this might spur the P5 into a dialogue on cooperative measures for sustainable strategic security relations, as the pressure on them will increase to assuage the widespread discontent and demonstrate progress with and commitment to their NPT nuclear disarmament commitments.

Yet moral, legal and ethical arguments about nuclear weapons will not win the day with the nuclear possessors. The outcome of the 'nuclear ban' negotiations will most like be an interim, initial set of general prohibitions and obligations that

would make the possession, use or threat of use of nuclear weapons illegal. Without the nuclear weapon-States and other nuclear weapons possessors, there will not be specific dismantlement schedules or verification provisions.

It therefore remains an open question what impact such a normative precedent and legal instrument would have on nuclear weapons policy.

I had mentioned the top risk of Weapons of Mass Destruction as assessed by the World Economic Forum, yet I must also recognize that none of the debates and discussions at the WEF Annual Meeting last month focused on nuclear or other weapons of mass destruction. That begs the question: why not?

Nuclear disarmament is not the currency of the mainstream media, nor is it much taught in schools and universities. I salute Dr. Perry and others who are holding the flag high to bring this knowledge to the younger generation, including also the United Nations Office for Disarmament Affairs and others like myself who are teaching in this field. It remains the domain of a relatively small group of specialists from the diplomatic community and non-governmental organizations, with much credit given to the dedicated group of NGOs who continue to advocate against nuclear weapons and raise awareness among the public.

Yet where are the crowds that demonstrated against nuclear weapons in 1978, at the time of the General Assembly's First Special Session on Disarmament[43] in New York when

[43] *EN:* The First Special Session of the United Nations General Assembly devoted to Disarmament (SSOD-I), held in 1978 at New York, issued a final document (S-10/2 of 30 June 1978) in which includes: a Declaration, a

over one million people gathered in Central Park? What can be done to enhance awareness of the risks of nuclear weapons among the public? Where are the prominent advocates that can focus the public on the dangers of nuclear weapons? The actor Michael Douglas has done sterling service as Messenger of Peace for a number of years for the UN, but it has not been possible to find other public figures to support this particular cause.

In addition to enhancing awareness of the dangers of nuclear weapons, another area that needs to be addressed is the current approach to non-proliferation and disarmament, which is stove-piped to focus on distinct types of weapons. Chemical and biological weapons, as well as autonomous weapon systems also need to be taken into account when reassessing global security.

Another concern is the merging between nuclear and conventional delivery, as the hypersonic glider missiles have shown. These considerations will increase complexity in trying to arrive at a shared understanding among States, and it will also widen the gamut of actors – both state and non-state – who possess or have access to these destructive capabilities.

Should an alternative approach to security be based on a combination of conventional systems, or on a series of cooperative frameworks? Or is there no viable alternative to nuclear weapons?

programme of action and a section in which establishes the United Nations disarmament machinery (Advisory Board on Disarmament Matters, Conference on Disarmament, First Committee of the General Assembly, and the United Nations Disarmament Commission).

Would it be possible to 'multilateralize' nuclear arms control? Prospects for progress bilaterally between the United States and the Russian Federation are dim. Despite disparity in numbers, should not the other three nuclear weapon-States be included? The P5 process – which until now has been strong – could build on existing dialogue and enhance multilateral transparency, confidence-building and mutual understanding – all to pave the way for future progress toward the verifiable elimination of nuclear weapons.

If alternative frameworks for strategic stability are to be pragmatically fostered, constructive dialogue, increased transparency and confidence-building measures need to be developed. To have any viability, such a dialogue should include political and technical considerations. If this does not happen, it will have grave implications for the future of disarmament and nuclear non-proliferation. The first Preparatory Committee for the 2020 NPT Review Conference in May of this year will undoubtedly give us a taste of what is to come.

Ambassador Emeritus Sergio González Gálvez (Moderator)

Thank you Dr. Kane for your comments. As the distinguished auditorium will note, the debate is centered on some key concepts. The basic concept being the scope of deterrence as premise hindering disarmament. As some may know, there is a problem in that the Parties to the Treaty of Tlatelolco have faced in relation to the interpretative declarations made by some

nuclear powers that have ratified the Additional Protocol II of the Treaty of Tlatelolco. There exists one from the United States. There is another from the former Soviet Union. There is also another from Great Britain. These outline more or less the following: if a State party of the Treaty of Tlatelolco attacks the United States, supported by another nuclear power, the United States will be free to use nuclear weapons against the States responsible for the attack. Obviously, this declaration by the United States was made bearing in mind that the possibility of a repetition of the Cuban missile crisis and the possibility that the Soviet Union would present another option to move nuclear weapons in Cuba. We are however certain that this will not occur for a number of reasons which we known and can further expound on during the debate.

The next speaker is Ambassador Venkatesh Varma of India. He is a distinguished former Permanent Representative of India to the Conference of Disarmament in Geneva and he currently serves as Ambassador to Spain. Ambassador Varma has vast multilateral experience in disarmament and non-proliferation. He has also worked in various key positions within the Ministry of Foreign Affairs of his country, as well as in the Office of the Prime Minister of India.

Ambassador Varma directly contributed to the negotiations undertaken by the so-called *Civil Nuclear Initiative*, which includes the United States and the International Atomic Energy Agency[44], based in Vienna, Austria.

[44] *EN:* The International Atomic Energy Agency (IAEA) is an intergovernmental organisation on scientific and technical co-operation in the nuclear field. In accordance with the provisions of the NPT and the treaties

Presentation by Ambassador D. B. Venkatesh Varma[45]

It is an honor to speak at the opening session of this Conference as part of this distinguished panel.

I am grateful to the Secretary General of OPANAL, Ambassador Macedo Soares for his kind invitation. I have always admired his sagacity and benefited from his wise counsel.

Commemorating the 50th anniversary of the Treaty of Tlatelolco is both a cause for celebration as it is an occasion for reflection. India's Ambassador to Mexico and the DG for Disarmament in the Ministry of External Affairs, who are here in the audience, will be representing India at the Commemorative Conference[46] tomorrow, the first time that India will be represented at a meeting of the Tlatelolco Treaty.

The Treaty was a leap of faith at a time when nuclear weapons were viewed as an inevitable currency of power.

It was bold in its vision in seeking the military de-nuclearization of an entire continent.

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that establish nuclear-weapon-free zones, the IAEA implement the safeguards agreements by which States party guarantee that nuclear materials in their possession and their nuclear programmes and technology are exclusively used for peaceful purposes.

[45] Former Permanent Representative of India to the Conference on Disarmament (2013-2016).

[46] *EN:* Within the framework of the 50th Anniversary of the conclusion of the Treaty of Tlatelolco, on 14 February 2017, the XXV Session of the General Conference of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (OPANAL) was held at the Ministerial level in Mexico City. The General Conference was opened by Mr. Enrique Peña Nieto, President of Mexico.

It was an act of courage at a time when unity within was precarious but the common will for the larger good prevailed.

It remains the only Nuclear Weapon Free Zone that has an organizational structure to ensure its compliance and to promote its objectives.

It is also remarkable that the Treaty is open in its broadest sense – to all powers possessing nuclear weapons.

Most importantly, what it has proved is that nuclear weapons can be taken away from this continent but its voice in support of nuclear disarmament cannot be silenced.

As we debate nuclear weapons, we cannot be oblivious to the debates elsewhere on globalization and its various discontents.

This may not be the forum to debate the liberal global order or the merits about free and fair trade or the need for addressing climate change challenges.

Behind and beneath these issues is a deeper and more fundamental global order shaped by nuclear weapons.

Both these orders, the political-security order shaped by nuclear weapons and the economic order of trade, development and the environment have existed in parallel.

The global economic order was premised on ushering in a larger international good even if it entailed local costs. The political-security order was its mirror opposite – security exclusivism for some but the survival of all hanging by the slender thread of the ever present threat of global annihilation.

The insulation for preventing crises in one from affecting the other is fast eroding. Can we agree on a common vision of security, when there are those willing to endure

economic poverty to preserve ethnic purity? Can globalization, as we know it, survive a race to the bottom, when the parameters of national security are being defined narrowly, with the consequent erosion of trust in the international system?

While freezing the status quo is not the answer, the absence of an orderly transition that is inclusive, legitimate and sustainable can be hugely disruptive. In the nuclear field, it could lead to catastrophic disorder.

In these changing times, is it then within our grasp – in terms of a security vision and political will, to usher in a new global security order without nuclear weapons?

It is a paradox, that the goal of nuclear disarmament is contested by so few yet an agreed pathway to accomplish that goal has eluded us for so long.

Multilateralism has been unable to resolve this paradox rendering multilateral institutions incapable of delivering on the results.

In 1961, at a fateful fork in the road, one leading towards adopting a global declaration on prohibiting the use of nuclear weapons[47], the other seeking to limit the dissemination of nuclear weapons amongst states, the international community made a decisive choice which has shaped the nuclear order ever since.

[47] *EN:* On 24 November 1961, the United Nations General Assembly adopted resolution 1653 (XVI) "Declaration on the prohibition of the use of nuclear and thermo-nuclear weapons". In resolution 1653 (XVI), the General Assembly declared that: "Any State using nuclear weapons and thermo-nuclear weapons is to be considered as violating the Charter of the United Nations, as acting contrary to the laws of humanity and as committing a crime against mankind and civilization".

It chose to focus on restraints on possession of nuclear weapons rather than restraints on their use, for the primary purpose of stabilizing nuclear deterrence, rather than finding a replacement.

Except for conditional assurances to various NWFZs, restraints on use of nuclear weapons have been dormant – a sort of a blind spot on the disarmament agenda. UNSC assurances of assistance in case of nuclear attack exist on paper – in the form of two key resolutions[48]– with almost no material capabilities in the international community to back them up.

Restraints on possession have developed over the years and now form the core of the global non-proliferation policy.

Effective non-proliferation is one of the pillars of international security. Strict compliance with obligations and commitments is an essential condition for its success.

But non-proliferation is only a means and not an end in itself. Besides, it is often a derivative of the operating geo-political environment.

Classical deterrence stability is under challenge - primarily from the willful support of some states for clandestine

[48] *EN:* On 19 June 1968, the United Nations Security Council adopted resolution 255 in which it "Recognizes that aggression with nuclear weapons or the threat of such aggression against a non-nuclear-weapon State would create a situation in which the Security Council, and above all its nuclear-weapon State permanent members, would have to act immediately in accordance with their obligations under the United Nations Charter".
In resolution 984 adopted in 1995, the Security Council takes note of the statements made by each of the nuclear-weapon States, "in which they give security assurances against the use of nuclear weapons to non-nuclear weapon States that are Parties to the Treaty on the Non-Proliferation of Nuclear Weapons".

proliferation and the threat of terrorists and non-state actors gaining access to nuclear weapons.

States harboring terrorists on their territory and actively lowering the nuclear threshold pose a grave threat to the global order.

Erosion of the geopolitical framework and deterrence stability are compelling reasons for moving forward on nuclear disarmament, provided the transition is inclusive, legitimate and sustainable.

It would be beyond the realm of practical politics to expect states to venture on the road to nuclear elimination at a time of an acute accentuation of nuclear risks.

The only way to reduce the centrality of nuclear weapons is to reduce their military utility – by practical measures of de-alerting[49] and reducing chances of accidental or unauthorized use or their access by terrorists, by doctrinal measures of narrowing the circumstances of their use, leading to a global treaty that would nail down deterrence as the sole purpose of nuclear weapons until their elimination and capped by an international legal instrument that would de-legitimize nuclear weapons by prohibiting their use under any circumstances.

These measures presuppose and in fact require a universal commitment based on a shared belief that the world can be made safer *through* nuclear disarmament and not its

[49] *EN:* According to the Federation of American Scientists, "nearly 1,800 US, Russian, British and French warheads are on high alert, ready for use on short notice." See Kristensen H. and Norris R. (2017). *Status of World Nuclear Forces.* Washington, D.C., United States. Retrieved from https://fas.org/issues/nuclear-weapons/status-world-nuclear-forces

mirror opposite argument made, in particular, by the new found devotees of the concept of strategic stability – that puts the onus on the world being first made safe *for* nuclear disarmament.

Nuclear disarmament also requires an agreed multilateral framework covering three essential pillars – *prohibition*, which is largely legal in content, *elimination* which pertains to the physical destruction of the weapons and the supporting infrastructure and *verification*, which provides assurance, confidence and credibility to the implementation process. These are the three pillars for a future comprehensive Nuclear Weapons Convention.

It is of course tempting that we pick and run with one of the pillars, as indeed is being proposed in the Ban Treaty negotiations that will commence next month.

Indeed, like in 1961, once again this year there may be a crucial fork in the road. A treaty focused primarily on prohibition of nuclear weapons would have made eminent sense in 1945, before the military utility of nuclear weapons was demonstrated and acted upon – by one country after another, in one form or another – so much so, today, 25 years after the end of the Cold War and 71 years into the nuclear age, the security policies of countries having almost half the world's population are linked to nuclear weapons. Besides, there is a whole international architecture that has been built around this nuclear order.

Once again, states would have to ask themselves the question – will this treaty, of disarming the unarmed twice over, leaving the armed untouched – promote the cause of nuclear disarmament?

Each country would have to draw its conclusions, given its own historic experience of the utility or otherwise of past self-abnegation and its current security circumstances. Thus each national choice would be valid in its own right and should be respected.

Whatever the prospects of the proposed Ban Conference, it reflects the aspirations of a large number of states and a dedicated NGO community led by a new generation of young leaders passionate about the noble cause of ridding the world of nuclear weapons.

The OEWG[50] which met last year under the able leadership of Ambassador Thani of Thailand made an important contribution to the international discourse on nuclear disarmament, which is slowly returning to its historic roots of the 1950s. While public sentiment favors nuclear disarmament, organized public pressure is less in evidence.

From India's point of view, an inclusive process is important – not for reasons of appeasement but on the contrary, to leave no space for those wanting to get away from implementing their commitments on nuclear disarmament.

India has supported numerous nuclear disarmament proposals at various international fora. Its nuclear policy combines protection of national security in a nuclearized global order and the responsible use of nuclear energy for peaceful

[50] *EN:* Pursuant to United Nations General Assembly resolution 70/33 adopted on 7 December 2015, an Open-ended Working Group (OEWG) was established to substantively address concrete effective legal measures to attain and maintain a world without nuclear weapons. The OEWG recommended the convening, by the General Assembly, of a conference in 2017 "to negotiate a legally binding instrument to prohibit nuclear weapons, leading towards their total elimination".

purposes for meeting its developmental needs and addressing climate change challenges.

In 1967, it was an error of judgement to view India as too inconsequential to the shaping of the nuclear order. In 2017, it would be a double error to consider India as not consequential enough, as a non-proliferation partner, for the management of this order. Fortunately, countries subscribing to this erroneous view are but a small, sullen and shrinking minority.

India remains steadfast in its support for global disarmament and non-proliferation objectives, the disarmament machinery and the role of dialogue and negotiation in reaching multilateral outcomes that enhance national and global security. We may have a mind of our own matched by a firm and consistent national policy, but we are prepared to embrace collective solutions for the larger common good, demonstrated, in a small way, in our participation here in the commemorative events of the Tlatelolco Treaty. Thank you.

Panel I
Strategic Context
Question and Answer Session[51]

Mr. Rodolfo Wachsman:
I would like to ask this question to all panellists. You prepared your intervention for this meeting some time ago. Had you known what has happened in the last month – and specifically in the last two days regarding North Korea – would you have changed anything in your presentations? A second question would be regarding your opinion about the attitude of the President of the United States [Mr. Donald J. Trump] towards the United States-Iranian deal [Joint Comprehensive Plan of Action - JCPOA], which the President of the United States seems to be abrogating?

Dr. William J. Perry (Keynote speaker):
I strongly support the nuclear agreement with Iran. I think it makes us all safer. Those who oppose and want to renegotiate it to get a better deal are simply deluding the public. It is a fantasy to believe that we could renegotiate it. Because, if the United States withdrew from the agreement, the possibility of getting sanctions renegotiated by all our other partners would essentially be null. Without the sanctions there is no incentive for Iran to negotiate. Withdrawing from the deal is withdrawing

[51] *EN:* text taken from the audio. Being a debate, interventions were not written. Not revised by the speakers who have no responsibility whatsoever over the following transcriptions.

from the deal. It is not getting a better treaty or getting any kind of a treaty. It would be a serious mistake for the United States and I will continue to make this point. I am hopeful that this point will continue to prevail but I am very concerned it might not.

In my speech today I did not really anticipate what changes might happen under the new Administration, because I think it is still too uncertain and I am very concerned about what might happen. But I cannot forecast with any confidence that, with so much loose talk and changes day to day, what the policy will be.

I think that in a few months the situation will become much clear. If President Trump proceeds on some of the positions he has taken, for example: abrogating the Iran agreement, proceeding with the full build-up of the nuclear weapons, taking actions which would damage our alliances around the world, continuing to take very negative and short sighted actions towards our neighbour in Mexico. If in fact those threats materialise, I would be in the lead of the resistance movement in the United States. I have not fully committed to do that yet, because I want to see what is going to happen for sure. If this develops in a worst case, which I fear it might, I will work hard to resist those movements.

Already in California there is very strong resistance to these movements, particularly concerning immigration and concerning environmental changes and some of those actions we have under State control. Therefore, there will be a resistance movement and I expect to be a part of it.

Lord Desmond Browne (Panellist):

I just want to say something about the Joint Comprehensive Plan of Action of the Iran treaty. This treaty does not belong to the United States. It is a treaty that was negotiated by a multinational group of countries and an institution on behalf of the rest of the world, and is endorsed by the United Nations Security Council by Resolution [2231, adopted on 20 July 2015[52]]. The United States presumably cannot withdraw from the treaty by itself. The consequences for the United States will be significant if it does. It will find itself in a situation where it will never again be able to put together the sort of coalition that negotiated this treaty. Nobody would trust them to do it again and it will be a long time before anybody would trust the United States in that context and most of the people I know in the United States whom I have worked with will not understand that.

The second point I want to make is that I listened to a lot of criticism over this treaty. Yet I never hear any criticism about what the treaty is at all, rather I hear criticism of what the treaty is not. This treaty was specifically designed to deal with one set of circumstances constantly referred to as the "nuclear file". Quite deliberately that was kept separate from all the other things that people have concerns about Iran. It would have been impossible for the treaty to have incorporated all of those things in its final form. Therefore, the criticisms in the United States are not about the treaty, they are about what the treaty is not.

[52] *EN:* By Resolution 2231 (2015), the United Nations Security Council "*Endorses* the JCPOA, and *urges* its full implementation on the timetable established in the JCPOA".

My final point is that people need to understand that the alternative to this treaty was war and is war. The country, who would be principally be involved in that war would be on its own, and it does not really have a very good track record of success in wars in that part of the world. This is without talking of Iran who is more formidable than any other countries that it has been engaged with. I do not know if I can guarantee it, but it does seem that common sense will prevail at the end of the day about this treaty.

Ambassador Emeritus Sergio González Gálvez (Moderator):

I wish to ask a specific question regarding Iran and I would also like to ask the panellists to comment on the situation with respect to the nuclear tests conducted by the Democratic People's Republic of Korea [DPRK]. In relation to the Iran agreement, one of the criticisms that has been made is that the agreement has a deadline [2030] and the question then is: what happens once the deadline is met? Panellists, could you kindly address these two topics?

Lord Desmond Browne (Panellist):

I'll just share with you what I said to Dr. Perry. I'm not doing North Korea. We have a Korean on the panel and we have Dr. Perry who historically knows and understands the Korean peninsula. It's too complicated for me.

But, I am happy to just add one or two sentences on my observations about the Iran deal or the Joint Comprehensive Plan of Action.

Of course, as a result of negotiations, one gets a situation where not everybody got what they wanted. I suspect many people in this room have negotiated. I have. I spent almost all of my legal career negotiating. It was about the best deal you could get for the side you represented and that always necessitated giving something in return. It is never going to be the case that is going to satisfy everybody's best agenda.

[The treaty] achieved that objective, which is to prevent Iran from moving from a position where a nuclear weapon was a potential to a reality, and it destroyed effectively their ability to do that without having to rebuild a substantial part of the infrastructure to do it again.

Presumably, if one is coherent and if one protects the coalition that negotiated this treaty, then one can at the end of that period of time [deadline] do one of two things. Either move on with the Iran treaty, improving relationship with Iran, which will mean not have to address this issue again or reactivate the set of circumstances that made Iran a pariah State and recreate the pressure on it to come to the negotiating table again. With all due respect, what is it that everybody wants? Short of taking over Iran and running the country, there is no better deal to be had. I repeatedly am told from people who I know have contact with Israeli military forces and intelligence services that they think it is a good deal.

Ms. Angela Kane (Panellist):

I think the decisive word that Desmond Browne mentioned was "pariah State" and that is what I was going to come back to. North Korea and Iran are both pariah States.

Having spent my career at the United Nations, I can tell you that having pariah States in the international community is never a good idea. They go often in odd directions and they basically become so isolated that it is very hard to engage them in a dialogue.

I was very happy with the Joint Comprehensive Plan of Action because, not everyone got what they wanted, but it was always a give and take. Moreover, by attempting to pull out Iran from the pariah State condition (and having dealt with the chemical weapons issue in Syria) I can tell you that the Iran issue was very much an issue.

Having dealt with the question of the weapons of mass destruction free zone in the Middle East, Iran was very much an issue. We did not get there [the free zone of the Middle East] simply because there was not enough of a dialogue and they [Iran] were not at that time willing to engage. Pulling them out of this situation and making them part of the international community is a good thing.

I am just afraid of what happens now in the United States. Let us underline that it was not only the United States that negotiated this deal. It was actually an European Union initiative.

I understand that in the United States there is considerable opposition to going back into making Iran a pariah State because commercial activities cannot be engaged in. That will open the door to other firms whether European or Asian, or whatever, then I think there is a concern there.

When it comes to [North] Korea – and again the same goes for Iran – sanctions are very blunt instruments. They do not really work. They have a public relations value, they have

some value, but they do not really cripple a country. I saw a presentation recently that shows how Iran evaded the sanctions in order to build a nuclear bomb. A very detailed description of what they actually imported and how they got around the sanctions. I know the same is true for North Korea. I believe that unless you start somehow to engage them in whatever form, or with whatever mechanism you are going to use, you cannot just let them go on this trajectory. We have seen, over the last two years in particular, the tremendous progress that North Korea has made, if we believe everything that they say – and there is considerable doubt. So there is a caveat there.

Mr. Kim Won-soo (Panellist):

As a Korean in the panel, taking a comparative perspective, I believe the Iran deal is a very good deal because the international community acted before Iran acquired actual weapon capability. Moreover, it was negotiated with the participation of all the [Security Council] permanent members plus European countries. So there is a multilateral guarantee for the agreement. In addition, the Iran deal contains much more robust verification mechanisms than the earlier deal on DPRK.

I believe handling any non-proliferation challenge through diplomacy – as we did on Iran – should be continued and emulated with other problems. The Iran deal faces a challenge common to that we had on the DPRK deal. Both these deals were based on mutual distrust not mutual trust. One step by one party will lead to another step by the other party. If any of the steps is not implemented, there is a risk that the whole structure crumble. The implementation is a big challenge and it will require very sustained efforts for at least ten years.

On both sides we may see Government changes, and there are always hardliners on both sides. They hate each other but often help each other by creating a problem and then it will justify the arguments by the hardliners on the other side.

To ensure sustained implementation at the highest level for the next ten years will be a huge challenge. Nonetheless, we hope it will steer the course so that the successful implementation of the Iran deal can also have a positive spillover when we deal with the North Korean problem later. It also can have a positive spillover with the Middle East nuclear-weapon-free zone issue, as well.

Dr. William J. Perry (Keynote speaker):
I would like to comment specifically on the North Korean nuclear programme.

After I left government as Secretary of Defense in 1997, President Clinton asked me to be a Special Envoy to North Korea, I did that. I ended up going to Pyongyang talking with government officials, offering them a proposal by which they gave up their nuclear programme and we and Japan and South Korea did the very same thing to support them. I believe they were ready to accept that proposal. I believe we could have had a non-nuclear North Korea, but when the new Administration came in 2001, President Bush curtailed all discussions with North Korea for a few years and the rest is history. They now have a nuclear programme.

I further believe that there is no negotiation that I could conceive where anyone would want to give up their nuclear programme. We now have to find a way of living with a nuclear North Korea. I regret that fact, but think it is a fact. The best we

can do at this stage is to find ways of lowering the danger of that nuclear weapon programme. I think the danger is overstated and misunderstood. People talk about and express concerns about North Korea attacking the United States, South Korea or Japan without any provocation. I do not think that is the danger. North Korea is not suicidal. North Korea is not seeking martyrdom. They don't have a martyr complex. They see these weapons as protecting their country and they are not willing to make a point that will cause them to lose their own country, and their own lives and their own leaders by conducting an unprovoked attack on another country.

I do not think that is the danger. The danger, as I see it, is that they have a well-known history of conducting non-nuclear provocations. Having nuclear weapons might embolden them to take even more provocative actions of a non-nuclear nature. They might overplay their hand and might conduct provocations which would stimulate South Korea to respond with military action. That military action could get out of control and could escalate into a nuclear conflict. That is the danger we have to be concerned about. If we understand that is the danger, I think we can take added measures to keep that from happening.

Ambassador Wang Qun (Director General of the Department of Arms Control and Disarmament - Ministry of Foreign Affairs of the People's Republic of China):

I am so glad to see Ambassador Macedo Soares and many of my old friends here. As the chief Chinese negotiator of the JCPOA, I salute Dr. Perry and other friends and colleagues who

supported the Iranian deal. I would like to use this opportunity to provide you with some inputs of mine.

Firstly, I think the Iranian deal is not that satisfactory, but we could live with it. I think it's a good agreement. I would like to share with you why. Dating back to 2006-2008, my American colleague – at that time the US negotiator, Nicholas Burns – wanted to have all the centrifuges of Iran abolished. I tried to convince him that as long as we can freeze the size of the centrifuges, why choose to have them abolished? Anyway, the technical know-how already in their minds is not something you can abolish. At that time, Iranian centrifuges were just 32 (less than 64). Virtually, these were meaningless. I think we could have had a free zone there and that would be an achievement. We could not achieve it because of the European and the American insistence to have these centrifuges abolished.

We are not happy with all those provisions entirely, but really some of the provisions are good. First, as Kim Won-soo just indicated, the verification mechanism instituted there is robust and inclusive. I think we have obligated Iran to do more than what they have committed themselves under the comprehensive safeguards agreement with the IAEA [International Atomic Energy Agency] with more stringent verification measures. In the meantime, we allow them the IND [Iran nuclear deal]. The IND is not only about reasonably bigger size of centrifuges, but capabilities. I think this is a balanced agreement. On the whole, their capabilities are not only kept but also frozen, so to eliminate another big proliferation concern and proliferation risk so far. So, this is a good agreement.

I think some colleagues worry about what would be the prospects of the JCPOA. Just last weekend, we had a conversation with the High Representative of the European Union, Ms. Mogherini, in Washington, about the coordination of positions within the context of the E3+3[54] on how to present the case to the new Administration in Washington. From what has been transpired, the new Administration in Washington is in a dilemma. They are not forthcoming explicitly about abrogating this agreement, but on the contrary they intend to live with it, as President Trump indicated. But with the caveat that, if Iran continues the ballistic missile testing, then the situation could be complicated, if not deteriorated.

At least from the perspective of China, we've been working hard with both sides through our bilateral channels. We hope that our Iranian colleagues will take seriously the concerns over ballistic missiles. The ballistic missiles launching issue was a sticking point throughout the course of the negotiation of the JCPOA. But because of the divergence of views in the negotiations, when we reached the JCPOA, we chose not to have this issue reflected in it, but chose to have it reflected in a new Security Council resolution terminating the previous security resolution on Iran[55], including new provisions on ballistic missiles with much nuanced language and carefully worded. The language used is not mandatory, it urges rather than demands.

[54] *EN:* E3/EU+3 includes: China, France, Germany, Russian Federation, the United Kingdom and the United States, with the European Union. The E3/EU+3 negotiated with Iran the JCPOA.

[55] *EN:* the speaker may be referring to the United Nations Security Council resolution 2231 (2015).

Ballistic missiles shouldn't be designed to be capable of nuclear weapon delivery. The Security Council should be in a position to determine whether the ballistic missiles tested by Iran are designed to be nuclear capable. That's why I think that, given these subtleties, we hope that all parties focus on implementing the JCPOA at this stage, so as to allow confidence build up in Washington, D.C.

This is actually what we try to do and I agree with my respected panelists that it's a good agreement.

Before we conclude the round of debate on this, I would like to ask a question to my friend, distinguished colleague Angela, in relation to one important point she raised in her presentation: the need for global strategic stability especially in the context of how to achieve the objective of a world free of nuclear weapons?

But before I forget, I'll try to echo the sentiment of a colleague that the successful and smooth implementation of the JCPOA will help us to achieve the objective of a nuclear-weapon-free zone in the Middle East. In this particular context, the Iranian role is pivotal, it's indispensable. That's why we should continue to see Iran engaged.

And now, coming back to my question to Angela in relation to strategic stability. Angela impressed us by raising this very important point. In the Cold War era, there was a series, I think, of eight arms control reduction agreements between Washington and Moscow[53], and now this may change.

[53] *EN:* Strategic Arms Limitation Talks (SALT I, signed on 26 May 1972), SALT II (18 June 1979), Strategic Arms Reduction Treaty (START I, 31 July 1991), Intermediate-Range Nuclear Forces Treaty (INF, 8 December 1987), START II (3 January 1992), START III (proposed but not negotiated),

The dynamics may change, both in vertical terms as well as in horizontal terms. The framework for strategic stability in the Cold War between Washington and Moscow, focused on the nuclear themes per se. But now with the wide application and development of technologies, the cyber security theme have been brought into the picture. And also the missile defense, the antimissiles. All this brought into picture new strategic implications. What's their role in the context of strategic stability as far as their vertical implication is concerned? Not only in the vertical sense, but also from a horizontal perspective, I think especially in globalization with more and more social and economic interdependence. All this would be increasingly relevant in the context of strategic stability. I would like to have Angela's inputs, if you could elaborate a bit more, I would be most grateful.

Ambassador Emeritus Sergio González Gálvez (Moderator):

Mr. Wang is the Director General of the Department of Arms Control and Disarmament, of the Ministry of Foreign Affairs of China. I would like to ask him to share some comments regarding his perspective on the problem of North Korea.

Strategic Offensive Reductions Treaty (SORT, 24 May 2002) and the New START (8 April 2010).

Ambassador Wang Qun (Director General of the Department of Arms Control and Disarmament - Ministry of Foreign Affairs of the People's Republic of China):

The DPRK and Iran have some similarities but, at the same time, there are also some areas in which they are divergent in terms of nature and character. We should stick to and firmly base ourselves on a legal framework. This is why I salute those who have written the Tlatelolco agreement because it is part and parcel of the architecture on nuclear disarmament and nuclear non-proliferation, together with the NPT [Treaty on the Non-Proliferation of Nuclear Weapons]. The NPT and a series of nuclear-weapons-free zones arrangements, giving their inherent nature and their linkages, are just the architecture for any solution of nuclear problems, may it be in the context of the DPRK or in the context of Iran. Iranians think that their country is willing to do it [resolve the nuclear issue] because Iran is a Party to the NPT, but moreover because it wants to do it. It has agreed to undertake more obligations than what it had already been committed.

The DPRK is different. If I may recall, in the early 2000s, when they pulled out from the NPT, it was virtually like a puma at large. That's why we think that we should be firm and base ourselves on a legal framework, so that we can see that the DPRK continues to be engaged. In parallel to the six-party talks[54] we have the September 19 joint statement[55] in

[54] *EN:* The Six-Party talks were a series of multilateral negotiations, held from 2003 to 2009, attended by the Democratic People's Republic of Korea, Japan, the People's Republic of China, the Republic of Korea, the Russian Federation and the United States of America for the purpose of dismantling

which the DPRK is forthcoming by committing itself to the denuclearization of the entire [Korean] peninsula.

Thus, this is good. If we do not have a legal framework, then I do not know where we are heading to. That's why I think that the relevance of commemorating the 50th Anniversary of the Treaty of Tlatelolco, by all of our colleagues here, is contributing to this process. I would also say that it is contributing to resolve the situation in the DPRK. Although we do not know when, but I salute you and I commend your efforts. Thank you.

Ambassador Sergio González Gálvez (Moderator):
The floor is open; however, I wish to make a comment. To me, it is difficult to accept a premise in which for some countries it is valid to have nuclear weapons and for others it is prohibited. Likewise, it is permissible for some countries to develop their intercontinental missiles and for other countries it is prohibited. I think it's a premise of a mistaken syllogism. I think this is the reason why we must move forward in a more equal manner in order to pressure the countries that have nuclear weapons to reduce significantly their stockpiles until they disappear. Having said that, the floor is open.

North Korea's nuclear programme. The talks were hosted and chaired by China. North Korea decided to no longer participate in the six-party talks in 2009.

[55] *EN:* Joint Statement of the Fourth Round of the Six-Party Talks held in Beijing, China, in 2005.

Mr. Rob van Riet (Director of the Disarmament Programme at the World's Future Council and UK coordinator for Parliamentarians for Nuclear Non-Proliferation and Disarmament - PNND):

My question is to the panel as a whole. The panel spoke about the strategic context that we currently face and about some of the obstacles and difficulties that we're facing.

One of the most impressive features of a nuclear-weapons-free zone is that it can improve regional security context, regional strategic context, which in turn can be conducive to the global nuclear disarmament endeavor. Having looked at the new proposals for nuclear-weapon-free zones, as some of them have already been mentioned, a zone in the Middle East, a zone in Northeast Asia and more recently a zone in the Arctic, just to name three. They all deal with very complex regional security infrastructures. Do the panelists think that there is a bright future for the further spread of nuclear-weapon-free zones? So twenty years from now, will we have additional nuclear-weapon-free zones? And will these zones be instrumental to the global nuclear disarmament undertaking?

Ambassador Luiz Filipe de Macedo Soares (Secretary-General of OPANAL):

Well, I am not a panelist but I'll take advantage of these last questions.

One thing that is important, in my view, is that the existing nuclear-weapon-free zones increase their contact, their understanding and their exchange of views, I would not say

coordination. This started in 2005, here in Mexico[56], and it is in grave risk of not continuing. I myself proposed the establishment of an informal contact group that would meet from time to time – could be at the United Nations – so that all the nuclear-weapon-free zones and Mongolia would exchange views, not only in their own internal functioning and inward discussion, but on the possibility of expanding the number of nuclear-weapon-free zones. Of course on the basis of the guidelines established in the United Nations Disarmament Commission[57], basically on the free decision of the States in the region.

I would like to remind that the negotiation of the Treaty of Tlatelolco was entirely Latin American and Caribbean, based on the free political decision of the countries in the region, but, at the same time, we invited and established contact with other countries. In the final negotiations of the Treaty, in February of 1967, apart from the Latin American and Caribbean countries that were negotiating, there were present 22 extra regional States[58]. So it's possible to have this influence, it was beneficial

[56] *EN:* Conferences of States Party and Signatories to Treaties that Establish Nuclear-Weapon-Free Zones and Mongolia, held in Mexico City (2005) and in New York (2010 and 2015).

[57] *EN:* In its report of 30 April 1999, the United Nations Disarmament Commission recommended a set of principles and guidelines for the establishment of a nuclear-weapon-free zone, including, *inter alia*, that nuclear-weapon-free zones should be established "on the basis of arrangements freely arrived at among the States of the region concerned."

[58] *EN:* Austria, Belgium, Canada, Denmark, Finland, France, Federal Republic of Germany, Ghana, India, Israel, Italy, Japan, Norway, the Netherlands, People's Republic of China, Poland, Rumania, Sweden, the United Arab Republic, the United Kingdom, the United States of America and Yugoslavia.

for Tlatelolco. Ambassador González Gálvez knows much better than I.

Mr. Kim Won-soo (Panellist):

As you rightly pointed out, achieving a nuclear-weapon-free zone in any region has to address, first of all, a very complex issue of what to do with the nuclear weapon possessors. If you look at the global map now, almost 100% of the Southern Hemisphere achieves nuclear-weapon-free zones. It is something to do with the fact that all the nuclear possessors – recognized or not recognized – are concentrated in the Northern Hemisphere. So, achieving any regional nuclear-weapon-free zones in the Northern Hemisphere is a much more complex venture, although we have many things we can learn from the Treaty of Tlatelolco and other nuclear-weapon-free zones in the Southern Hemisphere.

There are certain sub-regions which are working and I think have better prospects, because there have less regional security complications, like Southeast Asia and other areas; but I think the regions you mentioned, the Middle East and Northeast Asia, are the two most challenging sub-regions where we can see any bright prospects in the coming years. We need to get the views and interests involving nuclear-weapon States existing in the region and also to see overall security relationships between the countries in the region and their allies, which is very complex. So, I would foresee those two regions might be the most challenging in our future exercise to move towards a nuclear-weapon-free zone.

Ms. Angela Kane (Panellist):

I must say that we are here for the Treaty of Tlatelolco, which is a grand achievement, but it also has all of the security guarantees by the P5 [China, France, Russia, the United Kingdom and the United States][59], let's not forget that. The other nuclear-weapon-free zones do not have that and of course the question comes up, why? That goes back to the strategic context that we're dealing with right now.

I was a participant in a panel discussion. I think it was last year. Ambassador Kmentt was there too. It was basically a discussion about a nuclear-weapon-free zone in Europe. Interesting proposal, no? I mean we've got two nuclear-weapons powers there, France and the United Kingdom, so, how could you have a nuclear-weapon-free zone in Europe?

My own country, Germany, headed the government coalition to adopt a treaty to abolish nuclear weapons on its soil, meaning they [nuclear weapons] would have to be withdrawn. That was never implemented.[60] Did we hear anything in the

[59] *EN:* In accordance with Article 3 of Additional Protocol II to the Treaty of Tlatelolco, the nuclear-weapon States "undertake not to use or threaten to use nuclear weapons against the Contracting Parties of the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean." The five nuclear-weapon States or P5 have signed and ratified this Additional Protocol.

[60] *EN:* The speaker may be referring to Article 3 of the Treaty on the Final Settlement with Respect to Germany, signed on 12 September 1990: "The Governments of the Federal Republic of Germany and the German Democratic Republic reaffirm their renunciation of the manufacture and possession of and control over nuclear, biological and chemical weapons." Moreover, Article 5 establishes that "Foreign armed forces and nuclear weapons or their carriers will not be stationed in that part of Germany or deployed there."

German public opinion about that? That was not followed through. You never heard anything; there was no debate about it at all. But when it comes to this discussion, and this was done by a peace research institute about a nuclear-weapon-free zone possibility in Europe, it was very interesting because it outlined a number of steps that could be taken, very much modeled on previous nuclear-weapon-free zones, clearly stating what could be done. It's a very comprehensive study and it was kicked off in Austria because Austria and Switzerland are the only countries that are not under the nuclear umbrella in Europe right now. I find it interesting that you don't really hear a discussion on any of these issues.

On the other hand, coming back to my position, I think right now it needs to be broadened rather than focusing on one particular issue. You need to think about the whole global context that we are in. The incredible pace, the acceleration that we have witnessed about technological achievements, the way the world has changed and is continuing to change - with all kinds of elections coming up.

Mr. Aaron Tovish (Director of NGO *Zona Libre*):

I'd like to broaden the discussion to the global security picture. The acquisition of nuclear weapons can appear to give a relative security advantage to the country that acquires nuclear weapons, but I think it has the effect of lowering the absolute security, not just of that country but off all countries. As you have more countries acquiring nuclear weapons, the overall security of the world decreases permanently and drastically until "the world comes to its senses regarding nukes", as the president of the United States twitted at one occasion.

Security is based on an evaluation of risks, and risks can mathematically be described as a probability of something happening times the consequences of it if it actually occur. The Humanitarian Impact of Nuclear Weapons Conference series highlighted that both the chances of nuclear war or nuclear use occurring are much greater than people think.

Only a handful of countries have decided whether having a non-first use policy. Some States such as India and China have decided not to have a first use policy, but others decided to allow for the possibility of initiating a nuclear war. Those were close calls. But now we find out that the risks and the consequences are much greater than we thought. Now you would think that this would completely tip the balance against having nuclear weapons. That hasn't happened. Why hasn't it happened?

I'd like to understand from the panel, how is this new information being absorbed by policy makers in the nuclear-weapon States? Some seem to be in denial. No government has taken the responsibility of proactively educating their own public and the world public about this. Peace movements have had to scrounge for small amounts of money, to help educate people about this.

Dr. William J. Perry (Keynote speaker):

I am not sure I can answer the question. I can elaborate on it, because I think the issue is even worse than described. We think analytically that our decisions should be based on the product of the probability times the consequences, as you said.

But, what are the consequences of an all-out nuclear war? The death of ten million? A hundred million? Five

hundred million? How do you put a value on that? Beyond that, what if those numbers still understate the risks? Because the hundred million people dead might be the lucky ones, the world that results after such a catastrophic nuclear exchange is going to have its social and economic foundations completely disrupted. The probability that a large scale nuclear exchange would be followed by a dramatic and catastrophic climate change is very real. The estimates range from this is a consequence of the dust and the smoke moving first into the atmosphere and then the stratosphere and then circling the globe. Meteorologists have estimated that this not only would cover the whole globe within a year but would last for up to ten years.

Blocking out the sun and keeping the sun from reaching crops, so we'd have widespread crop failures. Some would even go as far as saying we'd have freezing weather even in summer. The world that followed a nuclear exchange, even the survivors, would be a dramatically different and, in many ways, a terrible world. On one hand, there is no real way of putting a value on the disasters. The value is infinite. However, people don't understand that, first of all because they don't look into the issues and because they don't want to understand it. They don't know what to do about it even if they do understand it. Our decision process is completely broken down and it is not able to respond to the usual formulas.

I haven't answered your question but I'm telling you I think it's even worse than you suggest.

Lord Desmond Browne (Panellist):

This question started with the best question in the world, which is "why?" And the answer to that, I'm afraid, in my observation, is because they don't want to disarm. If you look at the way in which countries that rely on nuclear weapons for their strategic defence justify their continued existence, they talk about these weapons in a very strange way. They talk about them as being political weapons.

I have met lots of people in uniform, very intelligent, progressive people, and none who like these weapons. They are not useable in the same manner as other weapons systems are for defence. They are political weapons and the responsibility for them is pushed up to the highest possible level: to the politicians. And nothing prepares you for the first briefing you get about the effect of the use of a nuclear weapon. Nothing! And nothing prepares you for the shared responsibility during the time you are in that post. It is not possible to be prepared for that.

They [nuclear weapons] have an awesome destructive power, which is beyond your imagination.

There is no question that the status quo would be challenged if the people of the United Kingdom realised that these weapons are as great a danger to them as they are to any potential enemy. Thus, it is improbable that the government who has committed its strategic defence to these weapons is going to put that at the forefront of their discussions with the public.

The answer to your question is quite simple.

If you want to stay in this club and you want to have these weapons, then you are not going to go down this road.

The interesting thing about the humanitarian impact of nuclear weapons as a movement is that they don't want to go down this road either, because this is not the conversation they want to have with the countries that have these weapons. This is, as they perceive [humanitarian supporters], a diversion that we need to ban these weapons fundamentally and we need to, as a world, get rid of. But my view is that if that movement [humanitarian] opened this up and it has the information [on the humanitarian consequences of nuclear weapons] then that would create a different dynamic [in public opinion].

As I implied earlier, I think these weapons are destabilizing. At some point the nexus between having these weapons and what we have otherwise created is going to eventually convince countries that these weapons are no longer in their control. As soon as they're not in their control, then the strategic stability question, which Angela Kane insists we should discuss, comes to an inevitable conclusion, that the only way to protect yourself from them is to disarm.

The other thing we need to do is to point out to all of these countries who have these weapons that national security strategies or assessments, which you were referring to, all show terrorism as their number one threat. Nevertheless, they spend more on nuclear weapons than they spend on the threats that they are telling their publics are assessed as the number one threat to their existence [international terrorism, among others]. There are lots of discussion in this space that could be had, but if you make it the obligation of the nuclear weapons possessors to have this discussion, it will not happen.

Ambassador D. B. Venkatesh Varma (Panellist):

Let me answer a couple of questions which were not directed to me but I think are important in their own respect.

Aaron, you are completely right and I did allude in my presentation to this so-called "blind spot" in the international disarmament discourse. Despite all the activism that we might show in the conference rooms, the fact of the matter is that it's a grave tragedy for the international situation presently that nuclear disarmament does not have global public support. There is no organized global support for nuclear disarmament. Now, why do I say organized? You go to opinion polls; you get a very good number. You go to organization in terms of translating into getting political outcomes, it falls dramatically. The fact is that 25 years after the end of the Cold War, today, more people in the world are linked to so called nuclear related securities, than at the end of the Cold War.

Let me also raise again this issue, which I raised in my presentation. There is another blind spot on nuclear use. Aaron, you alluded to the fact that India and China have a no first use policy; I would ask Mr. Browne, since he is so passionate about nuclear disarmament. Why is it that the nuclear debate always skips the issue of use? Because first use is so deeply entrenched, that countries find it difficult to step away from that. There are two drivers from which they can't step away: one is, the deterrence itself by national choice which is compressed to only in terms of defense. We should recall the 2010 US Nuclear Posture Review of the Obama Administration, a fabulous document, which studied this issue and promised a follow-up that was to come and it had excellent

pointers in that report. But, unfortunately events overtook whatever happened in that report and nothing came about.

The other driver is non-nuclear deterrence. Some countries are able to get it. Some countries in fact have increased their reliance on nuclear deterrence since the end of the Cold War. So it's a very mixed picture. The humanitarian discourse as I mentioned in my presentation is a very good discourse. But even they [the supporters of the humanitarian discourse] don't have an answer on nuclear use. They avoid using the word "nuclear use". They say nuclear detonation. But that is an entirely blind spot that nobody is willing to touch.

On the nuclear-weapon-free zones, I think you [Rob van Riet] have a very good point. The Middle East nuclear-weapon-free zone is the last of the nuclear-weapon-free zones that we classically understand them to be, which is: a clearly demarcated area; a consent among all States of the region to have that zone, and the Middle East does have that consent. The only difficulty in the Middle East, and it's a big difficulty, is how to reach it and in what sequence of events.

There is no other region in the world which either has these two conditions, which is a clearly demarcation of the geographical area and the consent among the States to have a nuclear-weapon-free zone. Now, is it completely ruled out in the future? I think it's very difficult, but you may have certain areas of the world where the nuclear States, who are competing for influence in that area, decide amongst themselves that it is better not to compete in that area. So you might come up with a certain geographical notion, say for example in the Arctic. In the Artic I think is unlikely [to establish a nuclear-weapon-free zone]. But the classical nuclear-weapon-free zones as we know

them [established in a densely populated region], I think that area is soon coming to an end [is not going to be emulated in other regions], except the Middle East which of course is a different ball game.

About Iran, I think Ambassador Wang Qun made a very good point. I think we should also mention the fact that Iran, having signed the JCPOA, has implemented all its obligations to date. There has been no complaint from the IAEA on the fact that there is a gap between what Iran promised and what Iran is delivering, as of now, and we don't know about the future.

On DPRK, our main concern is that the weapon and missile programmes that are taking place can in fact become a driver for proliferation in other parts of the world, so that's a dimension that we should be careful about. Thank you.

Lord Desmond Browne (Panellist):

I just want to add to the point that was put to me. I am uncharacteristically British. I don't go around the world telling other people how to live their lives. So I will confine my response to the question made by Ambassador Venkatesh Varma to my own experience from the part of the world I grew up and live in and I'm responsible for.

I am not interested in a semantic argument about the word "use". When I talk about using nuclear weapons I talk about exploding nuclear weapons. I know that people are very careful about vocabulary in this environment and I am told it's very important. But it serves for some people's purposes and I don't respect those purposes. For example, when I say that tactical nuclear weapons – battlefield nuclear weapons – are

useless weapons, I know that from the perspective of someone who had responsibility for military forces.

These weapons in the battle space are the most dangerous things imaginable and military people hate them. I say they cannot be used but then I am told they are political weapons and then I am told they're being used every day, because they are deterring the use of other weapons. We are using the nuclear weapons we have in submarines at sea every day because they are providing deterrence.

So, I then say: what are we deterring? Our national security strategy says there is no threat. The answer to that is that we are deterring the potential of a threat in the future, because we live in an unstable and unpredictable world. But of course, it is not unpredictable when it comes to this argument about the nexus between technology and nuclear weapons. It's always been ok and that will continue to be ok [having nuclear weapons to deter threats]. Then, I'm told that the purpose of these weapons is restricted to deterrence, but in fact, at the moment, in my continent, we are doing extremely dangerous things. We lie in between what the Russian Federation considers to be their sphere of influence and what we consider to be beneath our sphere of influence. We are doing extremely dangerous things, including flying aircraft with transponders switched off in the same airspace as civilian aircrafts. We're doing many things that could escalate into an exchange of firepower that could in turn escalate into nuclear-armed opponents. And at the same time, both sides of this are considering how you escalate to deescalate. We're talking about creating nuclear weapons that can be used to escalate the conflict, in order to deescalate it. They are specifically talking

about war fighting with nuclear weapons, which we haven't done for decades.

I recognize the part of the world that you come from Ambassador [Venkatesh Varma], I said nothing about South Asia, other than to say to you that you have this problem in a very high degree on your continent. There are people who see these weapons only as deterrent, but increasingly there are people who see them as war fighting weapons. In the United States, there are people who actively talk about building dialled down nuclear weapons that can have a restricted payload, so that they can be used in war fighting.

Panel II
Disarmament and Non-Proliferation

Photo (from left to right): Amb. Luiz Filipe de Macedo Soares (Secretary-General of OPANAL); Amb. Alexander Kmentt (Permanent Representative of Austria to the Political and Security Committee of the European Union); Dr. Jayantha Dhanapala (President of Pugwash Conferences on Science and World Affairs); Ms. Beatrice Fihn (Executive Director of ICAN); Amb. José Luis Cancela (Under Secretary for Foreign Affairs of Uruguay); Amb. Thani Thongphakdi (Former Permanent Representative of Thailand to the United Nations and Other International Organizations in Geneva, and Chair of the Open-ended working group taking forward multilateral nuclear disarmament negotiations); Ms. Shorna-Kay Richards (Director of the Bilateral Relations Department in the Ministry of Foreign Affairs and Foreign Trade of Jamaica, former Deputy Permanent Representative of Jamaica to the United Nations).

Ambassador Luiz Filipe de Macedo Soares (Secretary-General of OPANAL)

I have the pleasure of introducing Ms. Beatrice Fihn, Moderator of Panel II. She is from Sweden and is the Executive Director of the International Campaign to Abolish Nuclear Weapons (ICAN).

ICAN is as important as other coalitions that led to very important prohibitions in the fight for disarmament, but we all know that the case of nuclear weapons is a much more intractable and I have been for a long time now advocating for a stronger action from the part of civil society. We had in the 1950s and 1960s very important movements. In this moment when the tide is turning, civil society is taking the leadership again and ICAN is at the forefront of it.

Ms. Beatrice Fihn (Moderator)[61]

Thank you very much Ambassador Macedo Soares and thank you very much for inviting me. It is very nice to be here on this occasion.

Welcome to this second part and first of all I want to say thanks a lot to the first panel. I thought it was a very interesting discussion this morning. I hope we will have a really good discussion. I have a really great panel here with me today.

[61] Executive Director of the International Campaign to Abolish Nuclear Weapons (ICAN).

I want to introduce our keynote speaker, Dr. Dhanapala, which many of you I am sure already know and are familiar with. He's a former Under-Secretary-General for Disarmament Affairs and a former Ambassador to Sri Lanka to the US, and to the UN in Geneva. He's currently the 11th President of the Nobel Peace Prize Pugwash Conferences on Science and World Affairs and a distinguished associate fellow at the Stockholm International Peace Research Institute and a member of several other advisory boards of international bodies. He will deliver our keynote feature address today.

Keynote speech by Dr. Jayantha Dhanapala[62]

Introduction

I must begin by thanking the organizers of this event, for the kind invitation to speak on this memorable occasion for which I have had to travel many thousands of miles. However, my admiration for this historic initiative taken by a group of Latin American and Caribbean countries fifty years ago to assert their repugnance for nuclear weapons and courageously declare their region nuclear weapon free, makes that journey more in the nature of a pilgrimage. It is also an opportunity to honour the memory of that great Mexican diplomat Alfonso García Robles[63], as one of the architects of the Treaty of Tlatelolco[64] who was deservedly awarded the Nobel Peace Prize in 1982. I consider it my good fortune to have been his colleague as Ambassadors of our respective countries in the Geneva based Conference on Disarmament[65] from 1984-87.

The commemoration of the Fiftieth Anniversary of the signature of the Treaty of Tlatelolco could not have come at a more opportune moment. In the UN General Assembly last year, Mexico and a number of Latin American and Caribbean countries joined with countries from other regions - including my own Sri Lanka - to ensure the adoption of the Resolution "Taking forward multilateral nuclear disarmament

[62] Former Under-Secretary-General for Disarmament Affairs of the United Nations (1998-2003). The presentation delivered by Dr. Dhanapala was called "Celebrating Tlatelolco".

[63] *EN:* See note 31.

[64] *EN:* See note 5.

[65] *EN:* See note 23.

negotiations". This Resolution decided that a UN conference should be convened in 2017 "to negotiate a legally binding instrument to prohibit nuclear weapons leading towards their total elimination".[66] The Conference will meet from 27-31 March and from June 15-7 July, 2017.[67]

Ambassador García Robles

It has been a long journey over these fifty years but the commitment and dedication of non-nuclear-weapon states like Mexico has been steadfast and must eventually succeed. In 1967 the creation of the first nuclear-weapon-free zone[68] in an inhabited continent of the world after the zones created in Antarctica,[69] Outer Space[70] and the Seabed and Ocean Floor[71]

[66] *EN:* Resolution 71/258 adopted on 23 December 2016 by the United Nations General Assembly.

[67] *EN:* See note 24.

[68] *EN:* See note 9.

[69] *EN:* The "Antarctic Treaty" was opened for signature in Washington, D.C. on 1 December 1959 and entered into force on 23 June 1961. It establishes that Antarctica shall be exclusively used for peaceful purposes. It bans the testing of any kind of weapons and prohibits nuclear explosions and the disposal of radioactive waste material in Antarctica. It has been signed and ratified, among others, by eight States possessing nuclear weapons (China, France, India, North Korea, Pakistan, Russia, the United Kingdom and the United States).

[70] *EN:* The "Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies", was opened for signature on 27 January 1967 and entered into force on 10 October 1967. The Treaty bans the placement of weapons in orbit or on the Moon. A total of 105 States have ratified the Treaty, including the nine States possessing nuclear weapons (China, France, India, Israel, North Korea, Pakistan, Russia, the United States and the United Kingdom).

[71] *EN:* The "Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-Bed and the

and five years after the Cuban Missile Crisis[72] was bold and groundbreaking. As we embark on the undertaking of the UN Conference to prohibit nuclear weapons, it is relevant to quote from Ambassador García Robles' Nobel Lecture of December 11, 1982 tracing the history of the Treaty of Tlatelolco:

> *The Treaty of Tlatelolco has thus contributed effectively to dispel the myth that for the establishment of a nuclear-weapon-free zone it would be an essential requirement that all states of the region concerned should become, from the very outset, parties to the treaty establishing the zone. The system adopted in the Latin American instrument proves that, although no state can obligate another to join such a zone, neither can one prevent others wishing to do so from adhering to a regime of total absence of nuclear weapons within their own territories.*

His remarks equally apply to the creation of a nuclear-weapon-free world. We have the courage to negotiate a treaty prohibiting nuclear weapons and the patience to wait until all nations join us in our endeavour. The last accession to Tlatelolco came with Cuba, in October 2002 – 35 years after the Treaty was concluded.

Ocean Floor and in the Subsoil Thereof" was opened for signature on 11 February 1971 and entered into force on 18 May 1972. The Treaty forbids States Party from implanting or placing on the seabed or ocean floor or in the subsoil thereof, beyond a 12 mile territorial zone, any nuclear weapons. A total of 94 States have ratified the Treaty, including 5 States possessing nuclear weapons (China, India, Russia, the United Kingdom and the United States).

[72] *EN:* See note 15.

Ambassador García Robles concluded his lecture with the following comments on the treaty's global implications:

> *(...) the Latin American nuclear-weapon free zone which is now nearing completion has become in several respects an example which, notwithstanding the different characteristics of each region, is rich in inspiration. It provides profitable lessons for all states wishing to contribute to the broadening of the areas of the world from which those terrible instruments of mass destruction that are the nuclear weapons would be forever proscribed, process which, as unanimously declared by the General Assembly in 1978, "should be encouraged with the ultimate objective of achieving a world entirely free of nuclear weapons".* [73]

To think in a new way

As current President of the Pugwash Conferences on Science and World Affairs, I bring congratulations and good wishes to this conference from the Pugwash community. I do so recalling that Ambassador García Robles referred in his acceptance speech at the Nobel Peace Prize ceremony to the foundation document of Pugwash – the 1955 London Manifesto[74] – and to our founder President Lord Bertrand Russell. He was an eloquent and persistent voice against the global threat posed by

[73] *EN:* Final document of the First Special Session of the United Nations General Assembly devoted to Disarmament (SSOD-I), adopted on 30 June 1978, Doc. S-10/2, paragraph 61, p. 8.

[74] *EN:* Also known as the Russell-Einstein Manifesto, it was issued in London on 9 July 1955. It highlighted the dangers posed by nuclear weapons and called for world leaders to seek peaceful solutions to international conflicts. The signatories of the London Manifesto included eleven proeminent intellectuals and scientists, including Albert Einstein.

the very existence of nuclear weapons, and he reminded his audience in Oslo that in his words: "To correctly appraise that threat it will suffice to recall that the United Nations General Assembly unanimously declared in 1978, at its first special session devoted to disarmament, that it is 'the very survival of mankind' which finds itself threatened by "the existence of nuclear weapons and the continuing arms race".

Similar reasons, no doubt, moved Albert Einstein and Bertrand Russell to declare in their historic Manifesto of 1955, that they were speaking "not as members of this or that nation, continent, or creed, but as human beings, members of the species Man, whose continued existence is in doubt". Their conclusion that we have "to learn to think in a new way" is, unfortunately, as timely and relevant today as when it was spoken over a half century ago.

We, the non-nuclear-weapon states, have long learned to think as human beings under an existential threat since the invention of the most destructive weapon and its uses by the USA in 1945 in Hiroshima and Nagasaki. The possession by nine countries[75] of an estimated 15,395 nuclear warheads – over 4,000 of which are deployed – is a frightening reality. The explosion of just one – intentionally, accidentally, or even by non-state actors – can have catastrophic consequences with far-reaching climatic and genetic results. Under pressure from world public opinion, the nuclear-weapon states have largely confined their negotiations to arms control with partial cuts of their arsenals, mainly in the form of negotiated caps on deployments of strategic nuclear weapons.

[75] *EN:* See note 6.

Bolder steps have been taken by the non-nuclear-weapon states. Tracing the history of disarmament, apart from the many nuclear-weapon free zones that have been concluded covering the Global South, it was the initiative of non-nuclear-weapon states in the 1976 Non-aligned Summit in Colombo that led to the historic First Special Session of the UNGA in 1978[76]. The PTBT[77] and eventually the CTBT[78] though not in force as yet was achieved through pressure from the non-nuclear-weapon states. The same states led the Humanitarian Initiative[79] where three international conferences affirmed the catastrophic humanitarian consequences of the use of nuclear weapons. Two global Commissions on which I was privilege to serve – Canberra in 1996[80] and the Weapons of Mass Destruction

[76] *EN:* See note 44.

[77] *EN:* The "Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water" (Partial Test Ban Treaty) was opened for signature on 5 August 1963 and entered into force on 10 October 1963. It requires Parties to prohibit, prevent and abstain from carrying out nuclear weapons tests in the atmosphere, in the outer space, under water, or in any other environment, outside the territorial limits of the State that conducts an explosion. 125 States have ratified the Treaty, including 6 States possessing nuclear weapons (India, Israel, Pakistan, Russia, the United Kingdom and the United States).

[78] *EN:* See note 16.

[79] *EN:* More than 150 governments, as well as international organizations and civil society addressed the humanitarian consequences of nuclear weapons at the Conferences in Oslo, Norway (2013); Nayarit, Mexico (2014) and Vienna, Austria (2014). During this process, a majority of States expressed support for the negotiation of a treaty banning nuclear weapons.

[80] *EN:* In October 1995, the then Prime Minister of Australia Paul Keating proposed to assemble a group of experts to "examine the problems of security in a nuclear weapons-free world". In its final report, the Commission identifies, *inter alia*, six "immediate steps" needed for progress in nuclear disarmament: 1) taking nuclear forces off alert; 2) removal of warheads from

Commission of 2006[81] – published reports calling for the total elimination of nuclear weapons.

Several years ago I participated in a seminar on nuclear-weapon-free zones in Stockholm in my capacity as UN Under-Secretary-General for Disarmament Affairs. Here is how I described the various responses of the non-nuclear-weapon states to the global nuclear threat, in words that remain valid today:

> *It is a truth universally acknowledged that nuclear weapons are the most destructive weapons invented and that their use can imperil all human civilization and the planet on which we live. Faced with this awful reality some non-nuclear weapon states, which have legally renounced the nuclear option, have huddled under the nuclear umbrella[82] of nuclear powers. Others remain without any protection or legally binding assurances, relying on the campaign for nuclear disarmament leading to the total elimination of nuclear weapons – a goal that sometimes appears to be a mirage. Still others in a collective act of self-reliance have sought protection in nuclear weapon-free zones. Interestingly, such*

delivery vehicles; 3) ending the deployment of non-strategic nuclear weapons; 4) ending nuclear testing; 5) initiating negotiations to further reduce United States and Russian nuclear arsenals and; 6) an agreement amongst the nuclear-weapon States on reciprocal no-first-use undertakings.

[81] *EN:* The late Foreign Minister of Sweden, Anna Lindh, acting on a proposal by Jayantha Dhanapala, established this Commission. In its final report, the Commission stated that there is "an urgent need to revive meaningful negotiations, through all available intergovernmental mechanisms, on the three main objectives of reducing the danger of present arsenals, preventing proliferation, and outlawing all weapons of mass destruction once and for all".

[82] *EN:* See note 43.

zones are mainly in the southern hemisphere further widening the gulf between the North and the South in today's global political realities.

Nuclear-weapon-free zones as stepping-stones to a nuclear-weapon-free world

Ladies and Gentlemen – This international seminar is an opportune moment to examine the impressive record of historical achievements of existing zones, and to explore how this can be a basis for future progress. In these days of increasing uncertainty fuelled by populism; when so many other issues are competing for public attention – on both the domestic and international political agendas – it is all the more important to recall some of the inspirational heritage that brings us all together.

I am reminded in particular of the preamble of the Treaty for the Prohibition of Nuclear Weapons in Latin America signed in 1967 – the first nuclear weapon-free zone in an inhabited region. It explains both eloquently and succinctly why such zones are so vital. The text, in particularly acute terms, refers to the existence of nuclear weapons as 'an attack on the integrity of the human species' and recognizes that the use of such weapons 'may even render the whole earth uninhabitable'.

Yet what makes the history of nuclear-weapon-free zones so impressive, is not the terror of nuclear war evoked in the preambles of their respective treaties, but the hope they inspire – hope based on both ideals and self-interests. The ideal is clear: these zones are stepping-stones to a world free of all nuclear weapons. They are a sophisticated means whereby the

world can advance in common cause against the production, possession or deployment of a weapon that is inherently incapable of distinguishing between civilian and military targets – a weapon whose use would unquestionably violate international humanitarian legal principles[83] as it destroys millions of innocent civilian lives and property. They have also progressively shrunk the area of the world's surface where nuclear weapons can be stationed, thereby placing restrictions on the strategic plans of nuclear weapon states.

The ideal of global nuclear disarmament is already reason enough for action, but when this ideal is combined with concrete benefits that are responsive to practical concerns of even the most cynical of realists, the case for nuclear-weapon-free zones becomes formidable. This is the reason why such zones have grown both in variety and in popularity since their inception fifty years ago.

These zones clearly do not exist as ends in themselves. They exist because they serve genuine security interests, promote international peace and security, and inspire collective action for the good of each and the good of all. At a time when nuclear weapons remain in the hands of a few states – and reportedly remain in hands of a few others – these zones offer one of the few sustained activities open to non-nuclear-weapon states not just to quarantine themselves from the nuclear contagion around them, but also to pool their efforts to resist it.

[83] *EN:* According to preambular paragraph 10 of the Treaty on the Prohibition of Nuclear Weapons, adopted on 7 July 2017 in New York, "any use of nuclear weapons would be contrary to the rules of international law applicable in armed conflict, in particular the principles and rules of international humanitarian law".

Some people say that countries that do not possess nuclear weapons have no business seeking to encourage the nuclear-weapon states to change their nuclear policies. Indeed, that is the thinking of those who resist nuclear disarmament being negotiated in the world's only multilateral negotiating forum for disarmament – the Conference on Disarmament in Geneva. Some even object fervently to proposals – including, most recently, the resolution at the United Nations – for international conferences to consider measures to eliminate nuclear weapons.

Yet as a matter of conscience, policy and law, global nuclear disarmament is in no way the exclusive domain of those states that have chosen to possess such weapons. Though Article VII of the Treaty on the Non-proliferation of Nuclear Weapons (NPT)[84] acknowledges the right of any group of States to create nuclear-weapon-free zones, Article VI of that treaty commits all of its 187 states parties to "pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament". Regional nuclear-weapon-free zones are one of the most important of such measures. It is also worth recalling that the 1996 ICJ Advisory Opinion[85] – to which the late Judge

[84] *EN:* See note 7.

[85] *EN:* The UN General Assembly requested the International Court of Justice to give an advisory opinion on: "Is the threat or use of nuclear weapons in any circumstance permitted under international law?" The Court noted that the UN Charter neither expressly prohibits, nor permits, the use of any specific weapon (including nuclear weapons). However, it also concluded unanimously "that there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control". See International Court of

Weeramantry of Sri Lanka contributed – cogently argues that the pursuit of negotiations under Article VI cannot be open-ended.

Nuclear-weapon-free zones are in fact quarantine zones to protect countries from the nuclear weapon contagion. They have no nuclear umbrellas. They have no extended deterrence. But, they have, through a policy of self-reliance, adopted a nuclear weapon-free zone in order to protect themselves.

I think it is quite significant that – with the exception of the Central Asian zone[86] –all of these zones are in the global south. And indeed – with the exception of Australia and New Zealand – all of the members of these zones are developing countries. This testifies to the extent that opposition to nuclear weapons has become very much part of the political identity of the southern hemisphere.

Of course, not all developing countries have shunned nuclear weapons, because even in my own area of South Asia we have India and Pakistan who have crossed the threshold with their 1998 nuclear weapon tests. But, I think it is true to say that the Non-Aligned Movement and the Group of 77 have a number of common identities and an opposition to nuclear weapons is

Justice (1996). *Reports of Judgments, Advisory Opinions and Orders. Legality of the Threat or Use of Nuclear Weapons, I.C.J. Reports 1996*, p. 226. The Hague, The Netherlands. Retrieved from http://www.icj-cij.org/files/case-related/95/095-19960708-ADV-01-00-EN.pdf

[86] *EN:* The "Treaty on a Nuclear-Weapon-Free Zone in Central Asia" was opened for signature on 8 September 2006 and entered into force on 21 March 2009. It has been signed and ratified by Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan. Under the treaty, States Party undertake not to research, develop, manufacture, stockpile, acquire, possess, test or have any control over any nuclear weapon or other nuclear explosive device.

one of them, and this is what gives nuclear-weapon-free zones a special importance.

It is also important to bear in mind that all of these zones were conceived as a national security measure. Together, they share a common – and very conscious – rejection of nuclear weapons as part of the armory which countries wish to use for their national security. In many ways, they also serve environmental or conservation purposes, as some of their treaties prohibit the dumping of radioactive waste.

Infrastructure and Verification

There is also a great deal of infrastructural support for these nuclear-weapon-free zones which have been created through their treaties. We have Tlatelolco, the first of the nuclear-weapon-free zones, creating OPANAL[87] which is the Spanish acronym for the Agency for the Prohibition of Nuclear Weapons in Latin America, with its seat here in Mexico City.

There is the consultative committee of the Treaty of Rarotonga[88], and an executive committee for the Treaty of Bangkok[89] and so on. But, more importantly, there are also

[87] *EN:* See note 19.

[88] *EN:* The "South Pacific Nuclear Free Zone Treaty" (Treaty of Rarotonga) was opened for signature on 6 August 1985 and entered into force on 11 December 1986. A total of 13 States have signed and ratified the Treaty. States Party are obliged not to manufacture or otherwise acquire, possess, or have control over any nuclear explosive device inside or outside the Treaty zone.

[89] *EN:* The "Southeast Asian Nuclear-Weapon-Free Zone Treaty" (Treaty of Bangkok) was opened for signature on 15 December 1995 and entered into force on 28 March 1997. 10 States have signed and ratified the Treaty. States Party are obliged not to develop, manufacture or otherwise acquire, possess or

verification procedures that are legislated for within these zones, and special inspections are possible by the IAEA, the International Atomic Energy Agency[90], as a result of the close links between nuclear-weapon-free zones and the IAEA.

There are also bilateral arrangements, as the one that exists within Latin America between Argentina and Brazil, ABACC[91], where a provision is made for officials and technical officers of both countries to visit each other's sites where the peaceful uses of nuclear energy are conducted. Some of them prohibit armed attack on each other's installations for the peaceful uses of nuclear energy. All this implies that there is a very sophisticated mechanism within the nuclear-weapon- free zones for the peaceful uses of nuclear energy to be conducted through IAEA inspections and safeguards as well. That has provided members of the zones the practical experience of verifying the prohibition of nuclear weapons.

Another very important feature is, of course, the protocols. In addition to the treaty which is signed by the member states of that particular zone, there are protocols open for signature by non-members, in particular by nuclear-weapon states, and there is through these signatures of the protocols, a respect that is tendered by the nuclear-weapon states towards these zones.

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have control over nuclear weapons; station nuclear weapons or test or use nuclear weapons anywhere inside or outside the treaty zone.

90 *EN:* See note 45.

91 *EN:* The Brazilian-Argentine Agency for Accounting and Control of Nuclear Materials (ABACC) was created on 18 July 1991. The principal mission of ABACC is to guarantee Argentina, Brazil, and the international community that all the existing nuclear materials and facilities in both countries are used exclusively for peaceful purposes.

Now, it is regrettable that not all these protocols have been signed by all the nuclear-weapon states, with the sole exception of the Treaty of Tlatelolco. In the case of the Treaty of Tlatelolco, all five nuclear weapon states of the NPT have signed and ratified the protocols. But, in the case of all the other nuclear weapon-free zones, we have not had all of the nuclear-weapon states sign the protocols, nor have we had them ratified.

The reason behind this is, of course, sometimes related to concerns and reservations that nuclear-weapon states have about the freedom of the high seas, about the ability of their vessels to carry nuclear weapons freely in parts outside the territories of these nuclear-weapon-free countries. But, whatever the reasons may be, I think it is important for negotiations to be conducted between countries within the nuclear-weapon-free zones and the nuclear-weapon states in order to disentangle the problems and to make progress with regard to making these protocols effective and viable.

Fundamental to the signature and the ratification of the protocols is the fact that by their signature, the nuclear-weapon states are extending to the members of these zones guarantees of their nuclear security, and these are guarantees that the non-nuclear weapon states have been requesting the nuclear-weapon states to give them by treaty for a very long time. "Negative security assurances"[92] is the technical term that is used, and this remains a demand of the non-nuclear-weapon states at every NPT review conference[93].

[92] *EN:* See note 27.

[93] *EN:* See note 8.

Conclusion

The path of nuclear disarmament is strewn with missed opportunities. I have greater confidence that non-nuclear-weapon states are less likely to miss future opportunities than nuclear-weapon states. We have a choice of the legal route and we have had partial success with the Advisory Opinion of the ICJ. Of course the brave attempt of the Marshall Islands[94] failed and we have still not been able to persuade the International Criminal Court that the use of nuclear weapons is a crime against humanity[95]. But we have the United Nations and the diplomatic route available with a new Secretary-General at the helm[96]. And we have civil society working with us.

Last year we observed the 30th anniversary of the Reykjavik Summit[97] between Presidents Reagan and Gorbachev. Reykjavik has been widely regarded as one of the

[94] *EN:* On 25 April 2014, the Republic of the Marshall Islands filled an application with the International Court of Justice against each of the nine States possessing nuclear weapons (China, France, India, Israel, North Korea, Pakistan, Russia, the United Kingdom and the United States) for failing to comply with the obligation of nuclear disarmament established by Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons. The case was dismissed by the International Court of Justice.

[95] *EN:* The Rome Statute of the International Criminal Court does not include the use or threat of use of nuclear weapons as war crimes or as crimes against humanity. However, as the International Court of Justice concluded in its 1996 Advisory Opinion: "The threat or use of nuclear weapons would be generally contrary to the rules of international law applicable in armed conflict, and in particular the principles and rules of humanitarian law." Since the indiscriminate effects of a nuclear explosion would hardly respect the humanitarian principle of distinction between combatants and civilians, some States have proposed to include the use and threat of use of nuclear weapons in the definition of War Crime contained in the Rome Statute (Article 8).

[96] *EN:* See note 20.

[97] *EN:* See note 26.

most important missed opportunities in the history of nuclear disarmament. We were then tantalizingly close to a nuclear-weapon-free world with the stroke of a pen – a vision of which another U.S. President would announce 23 years later[98] albeit with the discouraging caveat that it would not be in his lifetime.

However, the boldness of the Reykjavik vision remained as a lodestar. The policy remained that "a nuclear war cannot be won and must never be fought". It must continue in the road ahead.

It is six years since the last nuclear arms control agreement between the U.S. and Russia. Disputes over Ukraine, the Crimea and Syria have caused a sharp deterioration of relations between the U.S. and Russia. New START[99] expires in 2020. During the Cold War the Soviet Union's overwhelming conventional arms superiority was said to be neutralized by a U.S. nuclear capability.

The situation seems to have reversed today. With a new administration in Washington DC[100] there are prospects of the two major nuclear-weapon states – who together own over 90% of the nuclear weapons in the world – resuming negotiations on arms control. That should not make the non-nuclear-weapon states relax their efforts.

As we mark the 50th anniversary of the Tlatelolco Treaty, let us together reaffirm the vital roles played by non-

[98] *EN:* See note 35.

[99] *EN:* See note 39.

[100] *EN:* Donald J. Trump became the 45th President of the United States of America, in office since 20 January 2017.

nuclear-weapon states everywhere in working for the day when nuclear weapons will be nowhere on this fragile planet.

Ms. Beatrice Fihn (Moderator)

Thank you very much Dr. Dhanapala. I think your points on leadership by non-nuclear weapon States are extremely important in particular as we are here celebrating the 50th anniversary of the Tlatelolco Treaty; the leadership from the Latin American and the Caribbean States. It feels very natural that this region also plays a key role in driving the process of the disarmament of nuclear weapons globally. This year, it makes me feel like the rest of the world just perhaps needs another 50 years to catch up with them.

Our next speaker is Ambassador José Luis Cancela, Undersecretary for Foreign Affairs of Uruguay, with extensive experience on disarmament issues. He previously was the Permanent Representative of Uruguay at the United Nations in New York, where he served as President of the United Nations General Assembly First Committee[101] – Disarmament and International Security – and was also Vice-President of the 2010 NPT Review Conference in New York.

[101] *EN:* The First Committee of the United Nations General Assembly deals with all disarmament and international security matters within the scope of the Charter of the United Nations or relating to the powers and functions of any other organ of the United Nations.

Presentation by Ambassador José Luis Cancela[102]

I would like to thank the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (OPANAL) for inviting me to participate in this Seminar in the framework of the 50th Anniversary of the opening for signature of the Treaty of Tlatelolco.

It is an honour to be here sharing this panel with such distinguished speakers, who have had a great career and have a deep knowledge in this field. We have benefited from them today.

I had the opportunity to deal with disarmament matters when I had the honour to chair the United Nations General Assembly First Committee, which is devoted to this subject matter.

We are in a moment of celebration for the 50 years of the opening for signature of the first instrument of International Law that prohibits nuclear weapons, establishing in practice a nuclear-weapons-free zone.

The Treaty of Tlatelolco has deservedly gained international recognition as one of the greatest achievements in nuclear disarmament efforts, thus constituting an essential contribution to international peace and security.

I have tried to prepare my remarks guided by the questions that were kindly suggested by the organizers in order to better arrange the discussion. In this connection, I consider appropriate to make reference to the first Resolution of the First

[102] Under Secretary for Foreign Affairs of Uruguay. Unofficial translation from Spanish. Intervention not revised by the author.

Session of the General Assembly of the United Nations[103]. This Resolution was on nuclear disarmament and prompted the establishment of a committee that was entrusted with the study of the problems derived from the discovery of atomic energy.

Based on that resolution and the definitions adopted in the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), the three pillars of the entire system were established: disarmament, non-proliferation and the peaceful use of nuclear energy. The balanced treatment of these aspects constitutes an essential basis for progress in international security matters.

We have come a long way since that first resolution was adopted by the UN General Assembly in 1946. General and complete nuclear weapons disarmament has always been the goal. We were and still are witnesses of the irreparable damages caused by their use. Every morning we wake up with the threat of total destruction, which, like a sword of Damocles, hangs above our heads; even if we are not aware of it. Such danger is not covered by mainstream media, but this silence does not make it less lethal. We must recover a sense of urgency when addressing this matter.

It is true that there has been progress. Examples of that are the entry into force of the Non-Proliferation Treaty, a cornerstone in this field; the creation of the International Atomic Energy Agency (IAEA); the conclusion of bilateral agreements on the reduction of arsenals between the United States of America and the U.S.S.R, as well as with the Russian Federation (SALT I and II, START I and II, and the NEW

[103] *EN:* Resolution 1 (I) established a Commission to make specific proposals, *inter alia*: "for the elimination from national armaments of atomic weapons and of all other major weapons adaptable to mass destruction".

START) and the negotiations for the entry into force of the Comprehensive Nuclear-Test-Ban Treaty (CTBT).

The entry into force of the different instruments and the establishment of agencies have contributed substantively to international peace and security and they are essential to achieve the objective of a world without nuclear weapons.

We are, however, still a long way from achieving it. Above and beyond all efforts from the International community and the United Nations disarmament machinery[104], we have not been able to establish neither the prohibition nor the elimination of this type of weapons.

Despite all efforts made and the relevant outcomes that cannot be ignored, including those in our own region, we cannot say that we have made great progress in the field of non-proliferation. At present, there are four States possessing nuclear weapons that at the time of the signing of the NPT were not listed as such[105]; in addition, one State has abandoned the Treaty[106] and there are proliferation risks associated with non-state actors.

We need a stronger commitment, an open and sincere dialogue between the actors and true political will to reach consensus on the means to achieve our goal.

The Non-Proliferation Treaty has achieved the reduction of nuclear-weapons stockpiles and prevented their proliferation. Nonetheless, States possessing them still have

[104] *EN:* See note 22.

[105] *EN:* India, Israel, North Korea and Pakistan.

[106] *EN:* The Democratic People's Republic of Korea withdrew from the NPT in January 2003.

about 22,000 nuclear warheads, which still poses a clear threat to the international community.

Moreover, I would like to take this opportunity to highlight another positive aspect of the NPT, that is the inclusion of the IAEA safeguards system. The latter plays a significant role in disarmament and non-proliferation since it serves as a confidence-building measure; as an early warning mechanism; and as a trigger for actions by the international community. It also provides assurances that States are complying with their undertakings pursuant to the relevant safeguards agreements; contributes to the strengthening of collective security; and supports the creation of a favourable environment for nuclear cooperation.

We believe that the mere possession of nuclear weapons by States constitutes a grave danger, whether or not they be parties to the NPT. Nuclear-weapon States are regulated by a normative framework (NPT) that provides greater security in terms of possession. However, nuclear weapons might be used by said States either deliberately or by mistake and, in any case, would cause great harm. That is why we are opposed to the possession of these weapons by any State or non-state actors. It is our duty to work towards their elimination.

I avail myself of this opportunity to bring to this panel the following subject of reflection – the concepts of war crime and crime against humanity established in the Statute of Rome of the International Criminal Court and their possible interpretative extension to the use of nuclear weapons.

In this regard, it is worth to examine the concepts presented in a document produced by the Secretariat of OPANAL, in which reference is made to the Statute of Rome

and its Article 7, section 1, which includes a list of acts that are considered as "crime against humanity", *inter alia*: "Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health".

The use of nuclear weapons seems to clearly fit within the above mentioned description and therefore one may well consider this conduct as a crime against humanity.

We therefore believe timely to generate an international debate on this matter, from the point of view of disarmament, as well as of International Law.

Having completed this reflection, let us further address the matter of the reality of the menace; the poor results achieved thus far; and the urgency to ward off such threat. Last year, the United Nations General Assembly decided to convene a conference to negotiate a legally binding instrument to "prohibit nuclear weapons leading towards their total elimination"[107].

Moreover, the NPT states in its Article VI the undertaking "to pursue negotiations in good faith […] on a treaty on general and complete disarmament under strict and effective international control". This is a general undertaking that applies to all States party to the Treaty, and not only to those possessing nuclear weapons. It would therefore seem that complying with this obligation requires a negotiation involving all States party to the NPT and those States possessing nuclear weapons that are not parties to this Treaty in order to attain the set goal. Consequently, the negotiation of a legally binding instrument, as established by the UN General Assembly

[107] *EN:* Resolution 71/258 adopted on 23 December 2016.

Resolution, would be complementary to the NPT provisions and in no way would weaken the Treaty. On the contrary, it would strengthen the necessary international framework to move towards the prohibition and complete elimination of nuclear weapons, filling a legal gap[108] that is still in existence today.

Bearing in mind the preamble of the NPT, as well as its Article VI, it is evident that its spirit is total and complete nuclear disarmament. In this respect, although it is not explicitly established in the Treaty, general and complete disarmament would only take place through negotiations between nuclear weapons States, non-nuclear weapon States, as well as those that are not parties to the NPT.

In this connection and regarding the negotiations of the new instrument, it is of utmost importance that all States take part therein in order to present their position, allowing all voices to be heard. A sincere and smooth discussion among States would make possible to attain the ultimate goal: the transparent eradication of nuclear weapons.

Nuclear-weapon-free zones are another aspect to be highlighted as an essential element for international peace and security. This is made evident by our own example, the creation of a nuclear-weapon-free zone in Latin America and the Caribbean through the Treaty of Tlatelolco, which inspired the creation of other treaties establishing this type of zone, such as

[108] *EN:* Until the conclusion of the Treaty on the Prohibition of Nuclear Weapons in July 2017, nuclear weapons remained the only weapons of mass destruction not prohibited under International Law, with the exception of NWFZs treaties. That has been considered by many States as a "legal gap" in International Law.

the Treaty of Rarotonga (South Pacific), Bangkok (Southeast Asia), Pelindaba (Africa)[109] and Central Asia.

All those here present are proud for being part of the first nuclear-weapon-free zone. We must however keep the same level of commitment that we have maintained thus far. We are convinced that we can play a significant role in the international efforts to achieve general and complete disarmament, as well as in the debates over this matter, and to encourage other regions around the world to establish nuclear-weapon-free zones.

In this regard, I would like to stress that the creation of these is not an end in itself, but rather a means for ending nuclear arm stockpiling in the world, as one of the ways to achieve peace. That's why we consider that the creation of nuclear-weapon-free zones is indispensable to this end. The convergence of Nuclear-Weapon Free Zones is an interesting route to explore as a means to move disarmament forward in vast areas of the planet.

I would also like to take this opportunity to highlight the role played by civil society in the nuclear disarmament process. Civil society plays a fundamental role in creating public awareness and attracting the attention of people in order to encourage and promote disarmament and non-proliferation. NGOs have been essential in nearly all intergovernmental

[109] *EN:* The "African Nuclear-Weapon-Free-Zone Treaty (Pelindaba Treaty)" was opened for signature on 11 April 1996 and entered into force on 15 July 2009. A total of 40 States have signed the Treaty and 40 have ratified it. States party to Pelindaba Treaty undertake not to conduct research on, develop, manufacture, stockpile or otherwise acquire, possess, or have control over any nuclear explosive device. Parties also undertake to prohibit, in their territory, the stationing of any nuclear explosive device.

disarmament processes, among them the Review Conferences of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, the work of the First Committee of the United Nations General Assembly, as well as in the negotiations for the entry into force of the Arms Trade Treaty (ATT).

In this respect, we urge civil society to continue to be engaged and to contribute with initiatives in the joint work of States; and also to continue to contribute to the consolidation of the road to peace.

A legally binding instrument will not automatically lead us to a world free of nuclear weapons, as neither did the NPT, as neither will an eventual new legal regime based on these two pillars. We, however, have the political, legal and moral obligation as international community to express the progress of the universal conscience of Humankind in the search for its own preservation and that of the planet, as well as for a peaceful and civilized neighbourliness among peoples and nations. All the necessary determination to take forward this legally binding instrument and all the necessary flexibility to mediate the required means for the implementation of concrete measures that enable us to advance progressively towards total and complete disarmament. There are no false antagonisms. We must negotiate the new instrument, and in the meantime continue to move towards the immediate entry into force of the CTBT, the negotiation of new arms control agreements, the limitation and control of the production of fissile material[110], the

[110] *EN:* Fissile material is an isotope or mixture of isotopes capable of make a nuclear fission, that is, the reaction needed to carry out a nuclear explosion. The following are fissile materials: Uranium-233, Uranium-235, Plutonium-239 and Plutonium-241.

setting up of verification mechanisms, the establishment of negative security assurances, and the convergence of nuclear-weapon-free zones. We have already wasted too much time.

Ms. Beatrice Fihn (Moderator)

Thank you Ambassador Cancela. I think you accurately highlighted the need for urgency on this issue. If anything in the last month has really underscored that sense of urgency and keeps increasing every day, every tweet, I think that makes it a really good time to talk about the humanitarian consequences. It's obviously been a key part of the process to prohibit nuclear weapons, to use it as a developing and legal response to the humanitarian consequences. What nuclear weapons do to people if used, and how they impact civilians?

Someone who knows a lot about the humanitarian consequences is our next speaker.

Ambassador Alexander Kmentt, is the Austrian Permanent Representative to the Political and Security Committee to the European Union. Many of you know him from his previous job as the Director of the Department for Disarmament Control and Non-Proliferation at the Austrian Foreign Ministry where he was responsible for the organisation of the Vienna Conference on the Impact of Nuclear Weapons, which was really a key moment for moving from the discussion on the humanitarian consequences, into addressing them.

Presentation by Ambassador Alexander Kmentt[111]

It is a real pleasure for me to be here, to be invited to this event. It is a great pleasure to be in Mexico, a country with which Austria and I personally have had the fortune to enjoy exceptionally close cooperation in the field of multilateral disarmament in the past few years. And of course, also being in this historic hall[112], where the Treaty of Tlatelolco was negotiated, the reason why we are here, a truly visionary achievement that also calls so much to the Mexican leadership.

Many of you still may not know why Austria is involved in this issue. To explain it briefly: we are a small neutral country in the most heavily nuclear armed continent. We were at the front line of the Cold War, very much between the two sides with plans of use of nuclear weapons which would have rendered Austria uninhabitable. Therefore, anti-nuclear weapons sentiment has a long tradition in Austria. And since we are talking about nuclear-weapon-free zones, Austria, in a way, is a nuclear-weapon-free zone because we have a constitutional law that contains very much the same provisions that member States of the Treaty of Tlatelolco have undertaken internationally. So we are a nuclear weapon free country. We have never put it on an international level, though.

I wanted to use the time I have to talk a little about what the humanitarian initiative is, how it has developed, but mostly why it matters, what is interesting about it and then I will come

[111] Permanent Representative of Austria to the Political and Security Committee of the European Union.

[112] *EN:* The Headquarters of the Inter-American Conference on Social Security (CISS).

back to some other points that were raised this morning: security, whose security, nuclear deterrence[113] and other issues that we of course have to address. I will try to cover some of the leading questions that we were given in preparation for this event.

The humanitarian initiative, where does it come from? It was mentioned today that it comes from frustration, but I think this is wrong. I don't want to use the term frustration. Rather, it comes from a sense of urgency. It comes from a sense of urgency that the nuclear weapons issue hasn't been solved, contrary to popular belief, after the end of the Cold War, but in fact the situation may be becoming more dangerous with more countries possessing nuclear weapons. Also, the technological threshold to get to nuclear weapons is getting lower, so many countries strongly supporting nuclear disarmament, have tried progressively for the past 25 years, since the end of the Cold War, to push forward that we do achieve progress. And we found ourselves trapped in a very unsatisfactory situation when it comes to nuclear disarmament.

The UN disarmament machinery, which Austria strongly supports, was referred to today. It has not worked on nuclear disarmament since 1996 when the CTBT was negotiated. We have essentially been going around in circles. Every five years, the NPT meets for a review conference, which, if we are lucky, agrees by consensus on concrete measures and five years later at the next NPT review conference the same thing happens. That's been the case essentially since 1995.

[113] *EN:* See note 13.

The institutions we have, have not been delivering in a way that is commensurate to the sense of urgency that many States feel. I think more and more States that wanted to push for progress have realised that part of the problem lies in the process, in the way we operate. Another part of the problem lies in the way we conduct the discourse. I refer to the set up, but part of the problem is also the discourse, which was also mentioned this morning, confined to security policy experts, using a language, ridden with acronyms, incomprehensible to the wider public, conducting a debate that does not make it into the public sphere.

So we – and I use this for a group of countries, for a group of individuals, for a group of NGOs and international organizations – have thought that we need to change the discourse about nuclear weapons differently from the way nuclear weapon States talk about, which is essentially from a security policy and nuclear deterrence perspective.

We should try to build an alternative narrative when talking about nuclear weapons: it is a weapon and what does this weapon do when it is used and how dangerous is it and how likely is it to be used? This is essentially what the humanitarian initiative is: creating a framework, a platform through three large international conferences, bringing together experts, looking at up-to-date research on the consequences of nuclear weapons. What is actually the impact? Everybody knows that nuclear weapons are terrible, but do we actually understand that in detail? Do we understand the inter-relationship of consequences? How do the short term, medium and long term consequences interrelate? We came across some very disconcerting findings that in fact, if you look at these

consequences combined, the impact was significantly worse than at least the majority of non-nuclear-weapon States have thought beforehand.

The second element is the risk. Well, if the consequences are so terrible, how likely is it that something is going to go wrong? There again we realised, through very interesting and disconcerting studies, that a lot has actually happened in the past that demonstrates how very close we have come to terrible disasters.

Of course, the nuclear deterrence idea is based on the assumption that the threat is there and it will lead to rational behaviour of parties involved and will not lead to an escalation and to a conflict.

The humanitarian initiative provided the basis for the inescapable conclusions that need to be drawn from it. Then you come to the next point: what do you do about this? Try to move to a legal prohibition of nuclear weapons.

That is very briefly the history and part of why it matters. We must not forget that in 2009 the famous Prague speech from President Obama was bringing a lot of impetus for the vision of the world without nuclear weapons. The humanitarian initiative gained momentum in parallel, with the recognition that we are actually struggling internationally to implement this vision according to the plans that nuclear weapons States have pursued.

That led to an understanding that if you look at nuclear weapons through the prism of the humanitarian consequences and the risks, nuclear deterrence looks like a concept of high risk and maybe an irresponsible gamble, based on the illusion of security and safety. Then of course, it raises the question of

legitimacy. Nuclear weapon States make the point to take sovereign national security decisions, but, if you look at the humanitarian consequences, these decisions impact everybody. Thus, whose security are we talking about? I think that was also a very important aspect. By creating a framework to talk about consequences and risks you end up with a discourse that is understandable. That is a discourse where civil society started to get more engaged, and it was also a discourse where non-nuclear weapon States, who felt partly disenfranchised about the multilateral nuclear disarmament discourse, also felt that they could participate, because it was actually talking about their security.

I would like to address just a couple of the questions that we were asked as guidelines for the Seminar. What is the impact of a future prohibition Treaty on the NPT? One of the arguments that nuclear weapon States have used frequently is that it is a distraction from the NPT and that it may actually lead to an erosion of the NPT. I think this is an extremely implausible argument. Article VI is an obligation for all States Party. Thus every State Party has an obligation to conduct negotiations in good faith. We have tried over and over again to move this issue forward and coming together, maybe in a smaller but not universal subset of States similar like the Treaty of Tlatelolco, is in fact an approach that strengthens the NPT. It is intended to provide momentum to the stalled disarmament discourse. At the same time, we must not forget it does strengthen the non-proliferation norm as well, because a prohibition of nuclear weapons underscores the taboo against nuclear weapons, which is in fact nothing else but a non-proliferation measure as well.

In terms of the argument on the erosion of the NPT, I want to refer to the Iran deal as an example. It was extremely important to generate international support for the Iran negotiations. These negotiations and their legal approach were based on the NPT and its obligations. So, in order to be able to hold Iran accountable and to get an international consensus for this action, it was necessary to operate on the basis of the NPT. A credible treaty that is supported by the international community is necessary. The biggest challenges that the NPT has faced in the past few years is the loss of credibility in what was called the great bargain[114] that the non-proliferation norms, on the one side, and the disarmament commitments, on the other side, would be implemented.

In order to be able to tackle future non-proliferation issues, or proliferation crises, on the basis of the NPT that generate international support, we need to have a credible Treaty. What we are trying to do with the humanitarian initiative is to strengthen the disarmament aspect of the NPT which has been weakened in the past and thus make it more credible.

We don't know of course what the impact of the treaty prohibiting nuclear weapons is going to be. I absolutely reject the notion that it can be harmful. The worst that can happen is that it is not as effective as we want it to be. Nonetheless, I strongly believe that it is an opportunity to refocus the attention of the international community on the nuclear disarmament issue. It creates a legal standard against which actions of States, even if they are not Party to this treaty will have to be measured

[114] *EN:* See note 37.

and it is finally an empowerment of the vast majority of the international community that has felt somewhat disenfranchised about the nuclear weapons debate. That is extremely important to shore up support for the disarmament architecture, for the rule of law in this aspect. Moreover, it is an important contribution to international cooperation and effective multilateralism in this field.

Ms. Beatrice Fihn (Moderator)

Thank you very much. I think the three Conferences on the humanitarian impact of nuclear weapons have been essential in changing the discourse around nuclear weapons, at least among governments and in some international forums that discuss the issue. Obviously there's more work needed to make the public aware of these humanitarian consequences.

Negotiating a ban, is not the last thing we do, after which everyone will be convinced. For us, the treaty baning nuclear weapons and the process of its negotiation is our best tool of generating that awareness and continue to change people's minds and the discourse about nuclear weapons.

Our next speaker is Ambassador Thani Thongphakdi from Thailand. He is the Permanent Representative to the UN in Geneva. In 2016, he chaired the OEWG on Taking Forward Multilateral Nuclear Disarmament Negotiations. This group was established by the UN General Assembly in 2015 and concluded with the final report that recommended the convening of a Conference in 2017 to negotiate a legally binding instrument to prohibit nuclear weapons.

Presentation by Ambassador Thani Thongphakdi[115]

Let me first join others in extending my warm congratulations upon the 50th Anniversary of the Treaty of Tlatelolco. I also thank OPANAL for the warm welcome extended to all of us as well as for the excellent preparations made for this commemorative event.

As you know, the first resolution adopted by the United Nations General Assembly in 1946 dealt with the need for the elimination from national armaments of atomic weapons and of all other major weapons adaptable to mass destruction.

Since that time, there have been many developments, some positive and others less so.

The Cold War saw the number of nuclear warheads peaking at over 60,000 in the mid-1980s. Following the negotiations of bilateral arms control agreements, this has since been reduced to around 15,000 warheads.

There was the coming into existence of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), helping to prevent the spread of nuclear weapons and weapons technology, to promote cooperation in the peaceful uses of nuclear energy and to further the goal of achieving nuclear disarmament and general and complete disarmament.

Today, the NPT remains the cornerstone of nuclear disarmament, especially given the unequivocal undertaking by the nuclear-weapon States at the 2000 Review Conference of the Parties to the Treaty to bring about the total elimination of

[115] Former Permanent Representative of Thailand to the United Nations and Other International Organizations in Geneva and was Chair of the Open-ended working group taking forward multilateral nuclear disarmament negotiations.

their nuclear weapons, and with the international community continuing to call for the prompt and effective implementation in good faith of article VI.

On a less positive note, however, there are now nine countries with nuclear weapons, including the five NPT nuclear-weapons States, with many countries undertaking modernisation programmes.

The Comprehensive Nuclear-Test-Ban Treaty, despite having been opened for signature in 1996, has yet to enter into force.

Efforts to achieve nuclear disarmament have stagnated, with the UN Commission on Disarmament[116] in New York and the Conference on Disarmament in Geneva unable to achieve any meaningful work in twenty years, and the 2015 NPT Review Conference ending without an agreed outcome.

This, despite the importance and urgency of nuclear disarmament, especially given the fact that today we know much more about the danger of nuclear weapons and the devastation that they can cause.

Last year, during the Open-ended Working Group (OEWG) taking forward multilateral nuclear disarmament negotiations, a presentation was made by Dr. Ira Helfand, Co-President of the International Physicians for the Prevention of Nuclear War (IPPNW), outlining the catastrophe that would

[116] *EN:* The United Nations Disarmament Commission (UNDC) is a deliberative body and a subsidiary organ of the General Assembly which is mandated to consider and make recommendations on various disarmament related issues and to follow up the relevant decisions and recommendations of the special sessions devoted to disarmament held so far.

result from a nuclear exchange between the world's two major powers.

According to studies made, it is estimated that hundreds of millions of people would die within the first half hour; 150 million tons of soot will go up into the upper atmosphere, dropping temperatures across the globe by 8℃; in the interior regions of North America and Eurasia, temperatures will fall 25-30℃; ecosystems and food production would collapse and the vast majority of the world's population would starve.

The drafters of the NPT had in fact recognised this when they wrote the preamble, underscoring "the devastation that would be visited upon all mankind by a nuclear war and the consequent need to make every effort to avert the danger of such a war and to take measures to safeguard the security of peoples".

This has been discussed in great detail during the three conferences on the humanitarian impact of nuclear weapons in Oslo, Nayarit and Vienna.

This is also why last year's OEWG "was underpinned by deep concern about the threat to humanity posed by the existence of nuclear weapons and the catastrophic humanitarian consequences of any nuclear weapon detonation. The risk of these catastrophic humanitarian consequences will remain as long as nuclear weapons exist. The increased awareness of and well-documented presentations on the humanitarian impact of nuclear weapons compel urgent and necessary action by all States, leading to a world without nuclear weapons."

As this will take time, there is the urgent need to reduce and eliminate the risk of accidental, mistaken, unauthorised or intentional nuclear weapon detonations.

As explained by Dr. Patricia Lewis from Chatham House at the OEWG, risk is the combination of two factors: probability and consequence. And as the probability of inadvertent nuclear use is not zero and is higher than had been widely considered, and because the consequences of detonation are so serious, the risk associated with nuclear weapons is high.

In Chatham House's report entitled "Too Close for Comfort: Cases of Near Nuclear Use and Options for Policy," there have been several close calls and incidents of near nuclear use, including when there were cases of miscommunications, command centre exercise scenario tapes being mistaken for real attacks causing nuclear alerts, and conflict escalations.

There have also been other near detonation unintended or by accident, including when military planes carrying nuclear bombs crashed or had to jettisoned their payload, as well as when a missile exploded in its silo following an accident.

It is against this backdrop that most States sought to take forward multilateral nuclear disarmament negotiations.

And this is why the OEWG last year, after a lengthy and comprehensive debate, recommended, with widespread support, the convening, by the General Assembly, of a conference in 2017, open to all States, with the participation and contribution of international organisations and civil society, to negotiate a legally binding instrument to prohibit nuclear weapons, leading towards their total elimination.

It should be noted that this recommendation was not supported by all States. A group of States had instead recommended that any process to take forward multilateral nuclear disarmament negotiations must address national,

international and collective security concerns and supported the pursuit of practical steps, consisting of parallel and simultaneous effective legal and non-legal measures to take forward multilateral nuclear disarmament negotiations.

Where there was agreement, however, was the need for States to consider implementing, as appropriate, the various measures suggested in its report regarding transparency related to the risks associated with existing nuclear weapons; measures to reduce and eliminate the risk of accidental, mistaken, unauthorised or intentional nuclear weapon detonations; additional measures to increase awareness and understanding of the complexity of and interrelationship between the wide range of humanitarian consequences that would result from any nuclear detonation; as well as other measures that could contribute to taking forward multilateral nuclear disarmament negotiations.

As you know, the OEWG's recommendations were subsequently operationalised by the United Nations General Assembly on 23 December 2016, when it adopted resolution A/RES/71/258 "to convene in 2017 a United Nations conference to negotiate a legally binding instrument to prohibit nuclear weapons, leading towards their total elimination."

There have been questions raised about what negotiating such a legally binding instrument to prohibit nuclear weapons would mean for the NPT. Personally, I do not believe it would undermine the NPT.

During the OEWG, it was clear that all participating countries attached importance to the NPT, whose article VI does establish an obligation on each of the States parties to, inter alia, pursue negotiations in good faith on effective

measures relating to nuclear disarmament. It was however noted that the text of the NPT does not provide specific guidance with respect to specific effective measures that should be pursued in fulfilment of its article VI. It was further noted that the development of effective legal measures has been required for the implementation of the nuclear disarmament obligation contained in article VI.

Negotiating such a legally binding instrument should therefore complement and strengthen the nuclear disarmament and non-proliferation regime, including the three pillars of the NPT.

Looking ahead, we do not yet know what shape or form this legal instrument will take. I wish to reiterate though what most participating countries called for, which is "a legally binding instrument to prohibit nuclear weapons, leading towards their total elimination, which would establish general prohibitions and obligations as well as a political commitment to achieve and maintain a nuclear-weapon-free world."

The OEWG identified many possible elements of such an instrument, which could include, among other things: (a) prohibitions on the acquisition, possession, stockpiling, development, testing and production of nuclear weapons; (b) prohibitions on participating in any use of nuclear weapons, including through participating in nuclear war planning, participating in the targeting of nuclear weapons and training personnel to take control of nuclear weapons; (c) prohibitions on permitting nuclear weapons in national territory, including on permitting vessels with nuclear weapons in ports and territorial seas, permitting aircraft with nuclear weapons from entering national airspace, permitting nuclear weapons from

being transited through national territory, permitting nuclear weapons from being stationed or deployed on national territory; (d) prohibitions on financing nuclear weapon activities or on providing special fissionable material to any states that do not apply International Atomic Energy Agency (IAEA) comprehensive safeguards; (e) prohibitions on assisting, encouraging or inducing, directly or indirectly, any activity prohibited by the treaty; and (f) recognition of the rights of victims of the use and testing of nuclear weapons and a commitment to provide assistance to victims and to environmental remediation."

It would however be "an interim or partial step towards nuclear disarmament as it would not include measures for elimination and would instead leave measures for the irreversible, verifiable and transparent destruction of nuclear weapons as a matter for future negotiations."

At this juncture, I wish to note the importance of nuclear-weapon-free zones, including the Treaty of Tlatelolco and the Bangkok Treaty, the latter for which Thailand is the depository state.

Nuclear-weapon-free zones, covering most of the southern hemisphere and encompassing 115 countries, are important confidence building measures and contribute significantly to the strengthening of nuclear disarmament and non-proliferation regimes.

They could also provide us with some guidance as to what a legally-binding instrument to prohibit nuclear weapons might look like. In general, nuclear-weapon-free zones prohibit the possession, acquisition, development, testing, production,

stockpiling, transfer, use or threat of use of nuclear weapons inside the designated territories.

During the OEWG, it was also recommended that nuclear-weapon-free zones be strengthened and new ones established, including, as a priority, in the Middle East.

On this note, I wish to take this opportunity to thank Ambassador Luiz Filipe de Macedo Soares, Secretary-General of OPANAL for participating in the OEWG last year as well as for submitting a working paper (WP.40), sharing information about the Treaty of Tlatelolco as a disarmament instrument.

There is no doubt of the challenge ahead.

To help the process, I wish to underscore the importance of promoting more awareness and understanding of the issues at hand. This is crucial not only for decision makers, but also the general public.

Here, civil society has and will continue to play an essential role. They have in fact already done much to get us where we are today and here I wish to recognise the instrumental role played by the International Campaign to Abolish Nuclear Weapons (ICAN) and other organisations.

Increasing awareness and understanding of the complexity of and interrelationship between the wide range of humanitarian consequences that would result from any nuclear detonation was in fact one of the main points of agreement in the OEWG.

The OEWG "emphasised the importance of promoting disarmament and non-proliferation education, including on the humanitarian consequences of the use of nuclear weapons in all States, especially in States that possess nuclear weapons… to impart knowledge and skills to individuals in order to empower

them to make their contributions, as national and world citizens, to the achievement of concrete disarmament and non-proliferation measures and the ultimate goal of general and complete disarmament under effective international control."

Let me conclude by going back to the 1996 advisory opinion of the International Court of Justice on the "Legality of the Threat or Use of Nuclear Weapons".

The opinion reads "that the threat or use of nuclear weapons would generally be contrary to the rules of international law applicable in armed conflict, and in particular the principles and rules of humanitarian law" and that "there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control."

"The legal import of that obligation goes beyond that of a mere obligation of conduct; the obligation involved here is an obligation to achieve precise results—nuclear disarmament in all its aspects—by adopting a particular course of conduct, namely, the pursuit of negotiations on the matter in good faith."

The "obligation to pursue and conclude negotiations formally concerns the [then] 182 States parties to the Treaty on the Non-Proliferation of Nuclear Weapons, or, in others word, the vast majority of the international community. Indeed, any realistic search for general and complete disarmament, especially nuclear disarmament, necessitates the cooperation of all States."

This is therefore an issue that affects all countries. It is an issue that requires us to all work together and one whose time has come.

Ms. Beatrice Fihn (Moderator)

Thank you very much Ambassador Thani and thank you so much for the kind words for ICAN and all of civil society in general.

I think that the discussion in the OEWG was probably the first time where States really elaborated on what they thought would be the contents of a treaty prohibiting nuclear weapons. There's a lot of input and substance there that could be useful for the negotiations. I think that as we are getting close to the first negotiating Conference, there's a need for governments to really prepare their positions carefully now and be ready to outline those views in New York.

Our next and final speaker for today is Ms. Shorna-Kay Richards from Jamaica. She is the Director of the Bilateral Affairs Department at the Ministry of Foreign Affairs and in her previous role she was the Deputy Permanent Representative of Jamaica to the United Nations in New York. In New York, she worked on a lot of issues but did extensive work on nuclear disarmament through the UN First Committee, the negotiations of the Arms Trade Treaty. She was Vice-Chair of the UN Disarmament Commission and worked on issues such as the UN action on small arms and light weapons.

Presentation by Ms. Shorna-Kay Richards[117]

Happy 50th Anniversary to the Treaty of Tlatelolco!

It is a great honour for me to participate in this commemorative International Seminar and a humbling experience to have been invited to contribute to this panel discussion and to share the platform with such renowned luminaries in the field of disarmament.

Fifty years ago, in this great country of Mexico, the Governments of Latin America and the Caribbean took a significant and resolute stand, in the name of their peoples, "to keep their territories forever free from nuclear weapons". Their collective will was manifested in a visionary, bold and unequivocal decision to adopt the landmark Treaty of Tlatelolco. This they did in defense of the survival of mankind and in the consolidation of a permanent peace based on equal rights, economic fairness and social justice.

Before I go into the substance of my presentation, allow me therefore to applaud the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (OPANAL) for its tireless work over the past 50 years in ensuring that the region remains free of nuclear weapons, as well as for its signal contribution to realizing global disarmament and non-proliferation goals. I also commend the Agency, led by its indomitable Secretary-General, Ambassador Luiz Filipe de Macedo Soares, and his hard-working staff for organising this timely and important event.

[117] Director of the Bilateral Relations Department in the Ministry of Foreign Affairs and Foreign Trade of Jamaica, former Deputy Permanent Representative of Jamaica to the United Nations.

As a citizen of this visionary region and a representative from the Global South, I truly welcome the opportunity to share my reflections with you on the theme of "Disarmament and non-proliferation". In doing so, it is not lost on me that the recent international discourse on nuclear weapons, anchored within the humanitarian framework, has empowered a diverse group of actors, including Small Island Developing States like Jamaica, to take action on nuclear disarmament. Notably, it has also brought the highly relevant gender perspective to the discourse.

In sharing my views with you this afternoon, I will limit my remarks to the disarmament aspect of the theme, by focusing my comments on two broad issues. The first issue that I would like to explore with you is:

- The impact of prohibition on the nuclear disarmament process; and specifically, whether prohibition would block progress in nuclear disarmament.
- Secondly, I will explore the role of leadership in nuclear disarmament efforts and that of broad-based participation in nuclear politics and diplomacy.

As you are aware, next month a historic UN Conference will be convened to negotiate a legally binding instrument on the prohibition of nuclear weapons. Its central objective is to serve as an immediate and achievable step on our collective path to achieving and maintaining a world free of nuclear weapons. In essence, this is action over decades of inaction. Yet, as is known, nuclear weapon states and their allies continue to argue that prohibition would block progress in nuclear

disarmament. In making this assertion, however, they have not offered a cogent argument nor advanced a plausible rationale as to why this would be the case.

Instead, they cling to the inexplicable position that the quest to prohibit nuclear weapons is hopelessly idealistic, utopian and would distract from the important work that is already underway to increase stability and reduce risks. Moreover, they view the pursuit of this prospect as reckless and unfit for the deliberations of serious people and powerful countries.

Shall we closely examine this posture? In so doing, what is clear is that the only thing blocking progress in nuclear disarmament is the obstinate refusal of nuclear-armed States to engage on nuclear disarmament in good faith. And sadly, their refusal has gone on for more than 45 years.

Moreover, these States continue to wilfully champion a status quo of indefinite possession which they deem to be in the interest of security and stability. Whose security? What is security? Under this vaunted status quo, we are expected to willingly suspend our disbelief that a heavily armed world can perpetually escape the specter of the use of nuclear weapons, by hostile forces or terrorists, by design, or through accident, or miscalculation. However, the pertinent question is: Do we really imagine that given the world's current course we will forever escape a nuclear catastrophe? In Latin America and the Caribbean we have a description for such fantasy – it's called "magical realism".

You will all agree that our survival cannot continue to be predicated on these notions of fabulism and we must not continue to be complicit in tolerating this dangerous and

unacceptable status quo. Thankfully today, a majority of non-nuclear weapon States, together with international organisations and civil society, are challenging this status quo. How are they doing this? By legitimately demanding a categorical prohibition on these indiscriminate and deadly weapons; and the international community has rightly coalesced around the evidence that prohibition is the next logical and achievable step to ridding the world of nuclear weapons. In fact, the notion that prohibition would block progress in nuclear disarmament should be strongly rejected. It is a game-changer that an overwhelming and credible majority of States are convinced that a ban treaty, if well negotiated, will help facilitate progress on nuclear disarmament. How would it do so?

By stigmatizing, delegitimizing and devaluing these deadly weapons: As you are aware, the treaties and conventions banning landmines, cluster munitions, and chemical and biological weapons brought the international community to rightly perceive them as illegal and immoral. This caused even those governments that have not ratified the relevant conventions to comply with many of their provisions.

Banning nuclear weapons would similarly affect the behaviour of the nuclear-armed States – it would change the legal and political landscape, creating new norms against possession and financing of nuclear weapons. It would also support a new discourse about nuclear weapons that posits them as weapons of mass terror, instability, and insecurity rather than as "deterrents" and indispensable elements of "national security doctrines".

Secondly, banning nuclear weapons will affect in a meaningful way the calculations of the nuclear-armed States. It

will make it harder for them to justify their continued possession and modernization of these weapons. A ban on nuclear weapons would not only make it illegal for all States to use or possess nuclear weapons, it would also help pave the way to their complete elimination.

The final point I would make concerning the impact of prohibition on nuclear disarmament is to highlight the fact that nuclear weapon states and their allies exhibit a deep misunderstanding and sense of apprehension about a ban treaty. This is manifested in their circuitous defence of the traditional 'step-by-step' approach and an unwillingness to pursue a new and complementary pathway.

As you know, a major factor contributing to resistance to change is often the fear of the unknown, and with that an apprehension and reluctance to depart from a known course of action, even in the face of failure. But I daresay that a global prohibition on nuclear weapons is not an unknown – in fact, history has shown that a key element required for the elimination of scourges created by humanity has been their prohibition.

I now turn to the second issue that I would like to explore this afternoon as we talk about nuclear disarmament, i.e. the role of leadership and the question of participation in nuclear politics and diplomacy. Visionary and resolute leadership as well as inclusive participation have been and must continue to be the key determinants of a new pathway to achieving progress on nuclear disarmament.

On the question of leadership, empowered by the humanitarian discourse on nuclear weapons, the majority of non-nuclear weapon States are actively re-entering the

discussions and are bolding exerting normative leadership, even in the face of powerful resistance. Indeed, this welcomed development has led Maritza Chan of Costa Rica in a recent article to conclude "that the time has come for a new era of nuclear politics in which (the) non-nuclear majority of States can lead the way in charting the course towards a non-nuclear world"[118].

I am proud to say that Latin America and the Caribbean is no stranger to leading the way in nuclear disarmament and non-proliferation efforts. As you all know, the establishment of the first nuclear-weapon-free-zone (NWFZ) in a densely populated region has served as an inspiration for the creation of other NWFZs and has contributed significantly to global disarmament and non-proliferation goals.

Today, the Latin America and Caribbean region, through CELAC[119], is providing strong political and moral leadership and has been leading the charge for a treaty prohibiting nuclear weapons. This, while, further reinforcing our view that there are more rational alternatives in addressing security concerns than relying on doctrines of so-called strategic stability and nuclear deterrence. As the Secretary-General of OPANAL pointed out to the UN First Committee in 2014, "these are credentials for Latin America and the Caribbean to be

[118] *Author's Note (AN):* Chan, Maritza. "Non-Nuclear Weapon States Must Lead the Way in Shaping International Norms on Nuclear Weapons: A Practitioner Commentary". Published by Global Policy Magazine, Volume 7, Issue 3, September 2016, pages 408-410.

[119] *EN:* Community of Latin American and Caribbean States (CELAC).

increasingly active and outspoken in the debates and initiatives in favour of a world free of nuclear weapons."[120]

At this juncture, I must highlight Mexico's key role, which has been underpinned by its historical commitment to nuclear disarmament. Mexico has been at the forefront of efforts to take forward multilateral nuclear disarmament negotiations. This includes its hosting of the Second Conference on The Humanitarian Impact of Nuclear Weapons in Nayarit in February 2014 and spearheading the ground-breaking resolutions that led to the upcoming historic UN conference to negotiate a treaty banning nuclear weapons.

In the same vein, I must also highlight Austria's leadership role in organizing a similar Conference in Vienna in 2014, which created new political momentum towards the elimination of nuclear weapons. Austria's initiative for a Humanitarian Pledge to fill the unacceptable 'legal gap' in the nuclear disarmament regime represents an act of bold and visionary leadership that has positively transformed the landscape on nuclear disarmament.

But credit for leadership should go overwhelmingly to civil society. The resolute and bold leadership by civil society groups cannot be overemphasized. Their dedication, advocacy and activism have been at the heart of the Humanitarian Initiative on nuclear weapons.

Indeed, the current momentum and shift in discourse on nuclear disarmament have been accelerated by revitalized civil society action. This is effectively represented by the International

[120] *AN:* Statement by Ambassador Luiz Felipe de Macedo Soares, Secretary-General of OPANAL, 69th Session of the UN First Committee, New York, 2014

Campaign to Abolish Nuclear Weapons (ICAN) among other entities.

Let me a say a few words about inclusive participation. The first point, I would like to make is that the Humanitarian Initiative has mobilized the human element for action on nuclear disarmament and in so doing, has brought on board a more diverse group of actors. It has, in effect, democratized the nuclear disarmament discourse.

The Conferences in Oslo, Nayarit and Vienna in 2013 and 2014, as well as the recent meetings of the Open-ended Working on taking forward multilateral nuclear disarmament negotiations have proven, that non-nuclear weapon States, including Small Island Developing States, have a legitimate role to play in nuclear disarmament issues. Our voice matters. We have agency. And with the agency of non-nuclear weapon States another fundamental element of democracy has emerged, i.e. inclusiveness.

The second point is that the Humanitarian Initiative gives us, as the international community of States large or small, developed or developing, nuclear-armed or non-nuclear weapon States, together with civil society, an opportunity to pursue a new approach to rid the world of nuclear weapons, by placing our concerns on equal footing with the security considerations of nuclear-weapon States. We are, in effect, levelling the diplomatic playing field and the principles of equality and justice are at the core of this new approach.

I will not say much about the participation of the nuclear-weapon States in the upcoming ban treaty negotiations in New York or their decision to boycott recent efforts to advance multilateral nuclear disarmament negotiations, except

to make the point that their participation, though important, is not essential to the negotiation of a ban treaty. And, I fully agree with Ambassador de Macedo Soares' recent observation that "essential norms for the survival of humanity must be crafted even without the support of the most powerful, even if they may be disrespected or disregarded".[121]

In wrapping up my presentation, I must highlight that the current era in nuclear disarmament discourse is compelling the international disarmament community to unpack the disarmament taboo, and to open-up to holistic perspectives. These perspectives are already fully integrated into the new global development agenda, to which peace and security are inextricably linked. The core of this paradigm shift is the centrality of the human element – as we say putting people first. Indeed, as a former UN Under-Secretary General for Disarmament Affairs once said "disarmament is not just about arms. It must be mainstreamed into the daily life of people as it is about people"[122]. **Disarmament is about people**!

This human element is also at the heart of the gender perspective, which contributes to diversifying the debate on nuclear weapons and is helpful in creating conditions for reaching the goal of a world free of nuclear weapons.

Integrating gender perspectives will allow us to bring a human security and multidimensional approach and move us away from the state-centric, patriarchal isolationist posture. This narrow perspective, as we know, does not contribute to

[121] *AN:* Statement by Ambassador Luiz Felipe de Macedo Soares, Secretary-General of OPANAL, Open-Ended Working Group on Taking Forward Multilateral Nuclear Disarmament Negotiations, Geneva, 2016

[122] Dr. Jayantha Dhanapala.

peace and security. Instead, it perpetuates a cycle of insecurity and conflict and allows for the spending of US$1.7 trillion on militaristic solutions.

In conclusion and looking towards next month's landmark UN Conference, the leadership, courage and unity of the supporters of ban treaty will be greatly tested. It is for this very reason that they must continue to translate their credibility, agency and inclusiveness into a powerful movement to further transform the status quo that threatens our collective security and very survival.

In the words of Mexico's Permanent Representative to the Conference on Disarmament, Ambassador Jorge Lomónaco, "the best legacy we can leave for future generations and the ultimate tribute to the victims of the nuclear attacks and tests is to build a peaceful and safe international security system, rooted in the strength of ethics and international law rather than on the threat of nuclear weapons".

Let us therefore heed the words of Jamaican Reggae Superstar, the late Peter Tosh, when he sang in 1987, "We don't want no nuclear war, with nuclear war, we won't get far". Let us ban nuclear weapons! The time is now. Thank you Treaty of Tlatelolco for leading the way.

Ms. Beatrice Fihn (Moderator)

Thank you very much Shorna-Kay. I completely agree with you, when you talk about how previous processes and evidence suggests that prohibition proceeds elimination. I think a prohibition on nuclear weapons would delegitimize nuclear weapons, even without the participation of nuclear-armed States and that can be done now at a time when the world most desperately needs it.

In your folders you have a copy of the Resolution [71/258] taking forward multilateral nuclear disarmament negotiations where you can read more about what it says if you're not too familiar with it. Sort about how did this decision to start these negotiations come about? We're also very fortunate to have here today the nominated President of the United Nations Conference to negotiate a treaty banning nuclear weapons, Ambassador Elayne Whyte Gómez, from Costa Rica. If you want to chat with her later at the reception feel free. We're going to have a recess now.

Panel II
Nuclear Disarmament and Non-Proliferation
Question and Answer Session[123]

Ms. Beatrice Fihn (Moderator):

The movie we just watched is a very good reminder of the of the humanitarian consequences of nuclear weapons. That made me think about the work of the ICRC[124] that they presented at the Humanitarian Conference in Oslo. The ICRC said that they don't have the capacity to help in the case of a nuclear detonation. Their only response would be to withdraw their staff and leave every injured for themselves. There is no capacity to respond meaningfully to a nuclear detonation.

We have about 30 minutes now for questions from the audience. I encourage you to first introduce yourself, but then also keep your questions short. We might take two, three at a time and then get back to the panel to take answers.

[123] *EN:* text taken from the audio. Being a debate, interventions were not written. Not revised by the speakers who have no responsibility whatsoever over the following transcriptions.

[124] *EN:* International Committee of the Red Cross.

Dr. William Potter (Director of the James Martin Center for Nonproliferation Studies - Middlebury Institute of International Studies at Monterey):

I thought all of the presentations at the afternoon session were superb and I find myself agreeing with the presenters, but I also find myself somehow straddling as I told one of the participants about "two parallel universes".

Just a few days ago, I was at another conference dealing with a similar issue in which mostly there were American military, who felt that the non-nuclear-weapon States didn't appreciate the security concerns that they have related to nuclear weapons in deterrence policy and the like. I found myself weighing in predominantly as a non-nuclear-weapon State participant in the discussion. But I do think, and I'm putting on my other hat, and that's one which worries about the success that the ban movement has actually had to date. Success which in part was related to a strategy that a very distinguished Mexican commented upon at one of the sessions that Ambassador Thani [Thongphakdi] chaired [Open-ended Working Group Taking Forward Multilateral Nuclear Disarmament Negotiations], and he indicated that the intent, his intent, Mexico's intent, the intent of those who wanted to shake things up and to change the way things were done, was too polarize. That polarization in fact was necessary if we were going to abandon old ways of doing things. Then it was not really worthwhile to continue, at that moment in time, to focus on some of the traditional disarmament objectives such as the Comprehensive-Test-Ban Treaty, the Fissile Material Cut-off Treaty. Others added the distraction to look at nuclear arms cruise missiles, one of Dr. Perry's favourite topics. He [the

Mexican representative] was successful. The tactic worked very effectively. A ban treaty will soon be negotiated.

But I think we do have to ask the question: what are some of the other anticipated consequences of this polarization process? How do we in fact engage in a meaningful discussion about some of the other issues that were addressed at the first session [of the Open-ended Working Group], particularly issues having to do with the potential nuclear exchanges resulting from miscalculation accidents – inadvertent nuclear use? I don't have very good answers to those questions. What I also observe is the absence of any meaningful bridge builders out there. Sweden and Switzerland to some extent tried to play that role at the Open-ended Working Group. The New Agenda Coalition [Brazil, Egypt, Ireland, Mexico, New Zealand and South Africa], which in the past very effectively served that function, has a current agenda that doesn't involve bridge building. The Non-Aligned Movement, as far as I am concerned, is not a meaningful player in this business at the moment. I think that the Latin American and Caribbean States are far more influential.

The question arises: how do we move forward with this? If we recognise that we need to build bridges we need to have a meaningful discussion. If we need to move beyond the ban treaty as well, I don't see many suggestions out there.

I would really welcome from our very creative and eloquent panellists some suggestions.

Ms. Alejandra Graham (student at Universidad de Las Américas, Puebla, Mexico):

I would like to know how can the international community could convince the States that own nuclear weapons to sign a treaty that makes them to disarm? Also, I would like to know what you think about the idea that removing these weapons will make the power equilibrium to be changed? Is it really necessary to make a treaty that will make the power equilibrium going upside down, what do you think?

Mr. Esteban Belmont (Master in International Relations from Queen's Mary University in London):

Today, we can see that three of the Permanent Members of the Security Council have taken a different approach to international security. From one side, after the United Kingdom voted in favor of the Brexit, it will mean that eventually they will withdraw from the Common Foreign and Security Policy [of the European Union]. From the other side, in France, some polls show that Madame Le Pen is ahead and she has increasingly insisted into leaving the European Union as well, which means that they will also withdraw from the common security policies. And finally, President Donald J. Trump has called NATO [North Atlantic Treaty Organization] alliance, and I quote "free riders" of the military industrial complex of the United States. Given this context, does this mean a decrease of cooperation in the next five or six years to come, towards disarmament and non-nuclear proliferation? Can we be optimistic towards this reality?

Ambassador Luiz Filipe de Macedo Soares (Secretary-General of OPANAL):

These last questions are somewhat along the same lines about the organization of both sides: the side in favour and the side against. About the possibilities in Europe and in France, I would say that in May a new French President will be elected and I predict that a few months later this President will make a speech, probably at one of the most important military bases, and will reaffirm the confidence of France in its deterrence and the possibility of using its nuclear power in any case that affects France's vital interest.

At the same time, it's interesting that this morning Desmond Browne mentioned the process of the P5 – the five nuclear weapon States as mentioned in the NPT [China, France, Russia, the United Kingdom and the United States]. They have been formally meeting since 2010 every year, quite formally, issuing statements, documents of different value like a glossary and sometimes inviting non-nuclear-weapon countries to listen to what they have to say. It is interesting that this P5 process is now going through a period where the main two members – United States and Russia – are in a more and more difficult relationship.

On William Potter's question, if I understood it, about the pressure groups which could intervene in the next steps in the process that we are starting with the Conference in March [for the negotiation of a nuclear weapons ban treaty], I think that perhaps we are witnessing something like *"*the Ortega y Gasset effect" or the "rebellion of the masses", because it's quite extraordinary. Beatrice Fihn just mentioned the numbers. In fact, in the voting we had 69% of the States in favor of the

Resolution [71/258, adopted on 23 December 2016] convening the conference to negotiate a legally binding instrument to prohibit nuclear weapons. It's interesting that the States proposing the draft in the First Committee of the United Nations General Assembly were from Latin America (Mexico and Brazil); from Africa (Nigeria and South Africa); and from Europe (Austria and Ireland). I would not say that these countries are extremist countries.

Then, 28 States joined those 6 States in cosponsoring the resolution 71/258. 14 of those States are Member States of OPANAL. So a very strong Latin American and Caribbean force was shown. It is also interesting that after the voting in the First Committee, there are, as far as I know, unclassified documents of NATO claiming for pressure for governments to change their votes. They succeeded in a very interesting positive way, because in fact 16 countries that had voted in favor in the First Committee didn't change their vote. Under pressure they decided not to vote, which is not the same as changing their vote. I think that apart from the organized groups we have like the NAC [New Agenda Coalition] and others, we are going to see a stronger force, possibly not so much organized but they will come and show its strength in the next Conference. That's my perhaps too optimistic guess.

Ambassador José Luis Cancela (Panellist):

Thank you very much, let me begin by the third question, because it's about the context. I think that in the coming years we are going to see a decrease in cooperation, not only in disarmament issues, but in general. For this reason, I would like to underline the importance of international organizations. We

are going through a world which in many aspects we could say that it's quite similar to that world of the 1930s. At that time, cooperation was not on the international agenda and international organizations were very weak and we all know how this story ended. So, I think there is a great challenge for all of us, for all of our countries to try to strengthen international cooperation in the coming years. And that means, among other things, strengthening international organizations. I think we have a lot of work to do in this respect.

Going now to the first and second questions, which are related to the bridge building issue, I absolutely agree with you, I think bridge building is essential if we want to move forward. But I think there is no contradiction between bridge building and going ahead with the negotiations on this treaty [banning nuclear weapons]. As I was saying during my presentation, we have to set the north. We have kind of a radical but also a moral obligation to say the law, to say where the north is and then, we can flexibly discuss which are the concrete steps we have to take in order to reach that goal.

I like to think in the long term. If you think, for example, in genocide or protection of civilians, there was a time when slaughtering populations, slaughtering whole cities was normal a normal fact of the war. Warring, among other things, meant to slaughter whole or parts of populations and no one questioned that. Then many years later, we entered into a phase of saying this is not good. But, it was not until 1948 – after the Second World War – that the genocide convention was adopted. It took a long time for the international community to evolve, to make a clear moral and juridical consciousness of the fact that genocide and these kinds of crimes were against law. I think

that it is important to say that something is against law. It is important to say that something is against the accepted principles of humanity or civilization. We have the convention, but genocide continues to happen. The convention didn't stop genocide; in the 1990s we had Rwanda and Sarajevo cases.

In 2005, heads of States gathered in New York and they decided that these kinds of horrible things could not happen again and they began to talk about protection of civilians, responsibility to protect and other related issues. As you are very well aware, many of these concepts face today many problems in their practical implementation. Nevertheless, they are a great step forward in the universal consciousness about these matters.

Of course, we still have the important issue of how to make these things function. But we have moved forward. If we move to a treaty banning nuclear arms, it will mean we are moving forward, we are moving in the right direction. Of course, there are many ways of doing so, of going to that treaty. So I think we have to make it in a very inclusive way, I would say in an open-door way. We have to be creative about how to engage or leave the door open for later engagement of those who don't want to engage now, from the very beginning. We don't have to exclude anybody. And at the same time, we have to continue to work hard on the very many practical issues we have been working up until now and to try to implement them. But, we have to find the ways to move this agenda that has been stalled for many years until now.

Ambassador Alexander Kmentt (Panellist):

I would also like to comment on Dr. Potter's question by saying that I agree very much with what Ambassador Cancela has said. The parallel universes [nuclear possessors and non-possessors] go back to the negotiation of the NPT. The fundamental differences of what we actually mean when we talk about nuclear disarmament. But, I would say that's a simplification[125] of the believe of a vast majority of non-nuclear-weapon States: nuclear weapons are bad. They [non-nuclear-weapon States] agree from themselves not to seek them [nuclear weapons] and they think that everybody should move to nuclear disarmament as quickly as possible.

That [to move forward to nuclear disarmament] wasn't easily possible in the Cold War times but, after the end of the Cold War we should move with an accelerated sense of urgency. For the nuclear-weapon States the focus was always entirely different: it was a non-proliferation perspective and nuclear disarmament was seen as a very far distant objective that may someday be achievable. Today, that's the interpretation of general and complete disarmament, which may be achievable at the time when conflicts have been abolished. Until that time nuclear deterrence should be retained as a concept.

In terms of nuclear disarmament, the steps made by nuclear-weapon States have been based on a premise of not affecting the fundamental strategic stability and balance of

[125] *EN:* the speaker may be referring to the comment of Dr. William Potter: "there were American military, who felt that the non-nuclear-weapon States didn't appreciate the security concerns that they have related to nuclear weapons in deterrence policy and the like".

power amongst nuclear-weapon States. That's a fundamental difference [with non-nuclear-weapon States]. We [non-nuclear-weapon States] have managed to brush over these differences over decades in the NPT. Non-nuclear-weapon States pushed for that language in the final document [of the VIII NPT Review Conference in 2010]. We got it but it was always qualified somewhere that the interpretation from nuclear-weapon States from their perspective could be retained.

Similarly, the ICJ [International Court of Justice] advisory opinion [on the legality of the use and threat of use of nuclear weapons] leaves open this very little door, which is sufficient for the interpretation of nuclear-weapon States[126]. That is the parallel universe and when the Mexican diplomat you refer to talks about polarization as the objective, I disagree with that. But it's understandable that we may have reached the moment where brushing over these fundamental differences is no longer possible. And I think that's what he meant. He may have said it in a very pointed way. There, I agree. I think we have reached the point partly because we have realized, in the past few years, when the Prague agenda[127] wasn't translated as much as we wanted and when the action plan of 2010[128] wasn't implemented.

We had realized that the interpretation that non-nuclear-weapon States were looking for wasn't going to happen. A

[126] *EN:* See note 88.

[127] *EN:* See note 35.

[128] *EN:* The VIII NPT Review Conference issued a plan of action adopted by consensus, which includes: "In implementing the unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals, the nuclear weapon States commit to undertake further efforts to reduce and ultimately eliminate all types of nuclear weapons".

recognition that we will not be able to achieve our interpretation because nuclear-weapon States essentially do not want to give up their notion of nuclear deterrence.

When you ask the question on how to bridge the divide, I think ultimately bridging the divide will come back to the issue of humanitarian consequences and risks. I think this is where it is possible. Now we're in the process of starting negotiations of this prohibition treaty and I also think it's not the key question whether nuclear-weapon States will participate or not, because they have not yet moved away from that interpretation [nuclear deterrence].

It is important that non-nuclear-weapon States are seriously following through with their interpretation. International Law does matter; it also matters of course to the nuclear-weapon States and to the countries under the nuclear umbrella. Once we have a credible, open, non-vindictive, non-aggressive, serious effort of drafting a norm for the prohibition of nuclear weapons, which leaves the door open for countries to move in; once we have achieved that, we will not be able to shy away from the fundamental discussion on whose security we are talking about. Is it just the security of the countries that have nuclear weapons or that of those who rely on security guarantees? Or is that in the 21st century we have a different security approach that is called for? And is the nuclear deterrence concept still valid in the 21st century? When you understand the consequences, you understand the risks which of course gets amplified with more and more countries being able to reach the threshold. So we will have to have this discussion. I think really the onus is on the nuclear-weapon States to engage on the security perspective of the non-nuclear-weapon States

who feel threatened by the existence of nuclear weapons. This hasn't happened so far.

In the 2010 NPT Review Conference, it was striking how little readiness was there among the nuclear-weapon States to engage on what we had prepared so thoroughly on the humanitarian conferences. The findings on the humanitarian consequences and risks which were essentially brushed aside as a diversion and not serious. I think the onus is on the nuclear-weapon States to step out of their universe and we have to do the same thing.

I think the non-nuclear-weapon States have been forced to operate in the nuclear-weapon States universe and have now started to follow through in a more serious way, how they've always interpreted what the nuclear disarmament obligation actually means.

Ms. Shorna-Kay Richards (Panellist):

To respond to your question, Dr. Potter, and your interesting comment about polarization, and of course I will build on what Ambassador Cancela and Ambassador Kmentt just said, within the context of the NPT, the chronic lack of implementation of obligations by nuclear-weapon States [of Article VI of the Treaty] was never seen as polarizing over the many NPT Review Conferences. The non-nuclear-weapon States called for action. Many agreements and commitments were taken with no implementation. While in this framework of the NPT there is of course lip service to the goal of nuclear disarmament, there has been great disagreement about the pace and the sequence. That has been a big challenge within the NPT process. In the 2015 Review Conference it was very clear that actually it's not even

so much about pace and sequence anymore, it's more about indefinite possession.

So, as Ambassador Kmentt has said, it has forced non-nuclear-weapon States to take serious action and not to accept the status quo and the norm. If that is seen as polarizing - and from our perspective it is not polarizing – we have an obligation under Article VI of the NPT to move forward on negotiating effective measures that would lead to nuclear disarmament.

But another issue is really about having a sort of veto on how we move forward on this issue. Because even having the discussions in Geneva in the Open-ended Working Group and even having this negotiating Conference in New York, we come back to the question of the consensus rule [the Conference on Disarmament, for instance, cannot take decisions except by consensus]. The non-nuclear-weapon States, having seen the impact of the consensus rule of not having progress, are determined to move forward in a negotiating space where we can make some progress. We do not believe that this is polarizing but this is taking forward an agenda that we have an obligation to do. Thank you.

Ambassador Thani Thongphakdi (Panellist):

Trying to build bridges of course it's a two way process, as Alexander Kmentt was saying. If you're trying to build bridges, both sides in the equation have to reach out to each other and that's why I think it's very important to try to include both sides into the discussions as much as possible and hear the nuclear-weapon States who have to move out of their own comfort zone and into the discussions.

I think although you may have a disarmament treaty of which some countries are not party or did not take part in the negotiations, as in the anti-personal mines Convention for example, it does have a normative effect on countries who are not State party or who did not negotiate it. They do feel the need to adjust their own policies to be more in line with the normative framework that these treaties bring up.

Therefore, with regards to the prohibition treaty, I think it will have a normative effect and it could have some bearing on the change of policies on countries that remain outside. That is why it's important for the negotiations of the treaty to keep the door always open and try to leave room for other countries to move in at a later stage. Thank you.

Ms. Beatrice Fihn (Moderator):

I'm going to take the liberty to add a couple of things, because the arguments on polarization and not being willing to build bridges is something ICAN [International Campaign to Abolish Nuclear Weapons] faces a lot and we get blamed sometimes for the increasingly tense discussion on this issue. I just want to clarify what our strategy on this whole thing is.

For us, nuclear weapons are no magical unicorns; they're weapons. We need to treat them as weapons. Weapons that have these consequences should be prohibited and all States are actors in this field and equal under International Law. None of this strategy in any way tries to disengage people from really important steps like the CTBT [Comprehensive Nuclear-Test-Ban Treaty], FMCT [Fissile Material Cut-off Treaty] and reduction agreements.

I find that the argument that somehow the step-by-step approach is in contradiction to the ban treaty and that we are somehow harming the step-by-step approach is really false, to be honest. Any of these achievements have been widely celebrated by all States. The New START deal was welcomed in the NPT Review Conference in 2010. Same thing with the Iran deal. And the ratification of the CTBT is applauded all over the world. If there was a programme of work of the Conference on Disarmament to start negotiations on anything, like the FMCT, the countries that support the ban treaty are not going to block it. I find it a bit of a disingenuous argument sometimes, mainly from nuclear armed States, when it is actually they who are blocking the step-by-step approach from being sort of fulfilled.

The polarization has always been there. I think now it's just exposed in a way by very simple questions. Are nuclear weapons acceptable or not? I don't think that the ban treaty has in any way increased polarization; it's put under a spotlight.

The same thing with bridge building. We do welcome dialogue but it goes both ways. I think nuclear armed States and States under the nuclear umbrella really need to listen to non-nuclear-weapon States, understand their security concerns, and understand how they build security without nuclear weapons. When they say that they have to have nuclear weapons, the most powerful countries in the world, the rest of the world says "we're fine without". I think that's something isn't being listened to very much.

I've seen a lot of compromises being made, and negotiations of the report of the Open-ended Working Group were a good example of that. There were a lot of efforts being

made to accommodate some umbrella States concerns. The final report changed from the first draft quite significantly, making much more reference to the points the umbrella States were making. But that wasn't good enough for them. For them, bridge building is to stop prohibiting nuclear weapons. But that is unacceptable.

It's like a sense of huge frustration from European NATO States that moving ahead without them, or doing something that they don't want to do, even if they're not the majority, is extremely unusual to them. They're used to getting their way and cannot understand how the majority would move on without them.

Mr. Robert Zuber (Director of Global Action to Prevent War and Armed Conflict):

Two quick questions, one for Mr. Cancela and one for Ms. Richards. Mr. Cancela, your government has done a splendid job in the Security Council, you've set the bar for elected members. So the question is: What more, if anything, would you like the Security Council to do about nuclear weapons?

For Mrs. Richards, we've been talking about "what we need to be talking to" but not very much about "what we need to be saying to them". So my question to you is: what would you like the nuclear community to be able to talk about meaningfully, besides nuclear weapons?

Student:
During the panels it was constantly mentioned the need for civil society involvement in pushing forward non-proliferation negotiations and generate international support. My question is: are there any protocols that encourage the involvement of the world's youth on the topic? Do you think that this should be considered as the medium to create momentum on the topic and how should we get involved?

Mr. Aaron Tovish (Director of NGO *Zona Libre*):
In the United States there is a saying that "good friends don't let friends drive drunk". The world that the nuclear-weapon States are trapped in is one with many characteristics of addiction and they need help.

In the context of the upcoming negotiations [to adopt a treaty banning nuclear weapons], I wonder if there is some means by which the parties that are prepared to accept a legally binding prohibition can show an understanding that there are a lot of countries who over the last several decades have been extremely tangled up in this nuclear world. Perhaps there needs to be a mechanism by which they can acknowledge that they have created tremendous insecurity for the world as a whole, including themselves. This can be sort of a half-way house whereby they can come into a prohibition stance and play a constructive role in the actual elimination of nuclear weapons.

So, I think that this is just an aspect that has not been given much attention until now. Now that the train has left the station on the prohibition treaty, the question is: how could that treaty take into account this polarization, in a way that seriously reached out to the other countries but requires them to come a

significant certain distance in the right direction and show a seriousness and a good faith?

Ambassador José Luis Cancela (Panellist):
First of all, thank you very much Bob [Zuber] for your comments on our participation in the Security Council. Uruguay is a country quite well known for sticking to our commitments. We try to fulfill our promises since we entered into the Council in January last year. We've been trying to develop our programme just as we have promised to the whole UN membership. So thank you very much for your comments.

Regarding your question, I would like to say that I'm not very optimistic [dealing with the issue of nuclear weapons in the Security Council]. I think that, given the context, it's quite difficult to find a way now to push forward this issue at the United Nations Security Council. Having said so, I think that we have to continue trying to bring this issue to the Council's table and of course we will never surrender in the effort to look for ways in order to try to help to reach an agreement.

When I was chairing the First Committee I tried to do my best in order to get consensus, to get an understanding, because Uruguay is not of course a nuclear country, we have no interests or links with the nuclear industry. We are a very small country, so the only thing we can offer is just building bridges. It's trying to put people together, trying to find a common solution and we continue working on this path. So at the Security Council level, we keep the same profile.

If we can be of any help in order to make things move forward, we are there precisely for that. At the present stage, I

think there's more coming from the negotiations [to adopt a treaty banning nuclear weapons] that are beginning in the next month in New York, but I strongly believe that we have to do our best to try to avoid a polarization scenario. Sometime in the past we also talked about setting a table among all States, for when the conditions will be ripe, to begin negotiations on a ban treaty.

But it was practically impossible to build on that premise. Now we are facing directly the negotiations of a convention.

Regarding Aaron's proposal, I think it's very interesting that indeed it goes in the sense of inclusiveness of trying to find ways that we can keep everybody on board. I don't have a concrete proposal now or a concrete idea, but I think we have to be creative about that. Thank you.

Ms. Shorna-Kay Richards (Panellist):

Bob, thank you very much for your question. The disarmament process or the discourse need be opened up to other perspectives: the human security multidimensional perspective; to move away from the State-centred sort of isolationist posture; and more importantly, that the disarmament process should be linked to the rest of the pillars of the United Nations charter, that is the development and the human rights pillars. So we want an integrated holistic approach. Specifically to nuclear weapons, instead of spending all of these resources on modernization and development of nuclear weapons, these resources should be redirected to fund that very important 2030 Agenda for Sustainable Development, which all of our leaders just adopted in 2015. That Agenda has important goals for the

future of humanity, of course for our generation and future generations. I would be hopeful that's a good response for you.

Ambassador Alexander Kmentt (Panellist):

Thank you. Just a quick comment about civil society and the youth question. I think it's a key aspect to reach civil society, and that is to change the way we talk about nuclear weapons. I tried to address this in my talk. [The nuclear weapons issue] It's been confined for many years to a security policy expert circle using a particular language and it hasn't reached a wider public. This is a key aspect on why the focus on the consequences and risks are so important, because these are arguments that everybody understands. You don't have to be a security policy expert delving into the depth of nuclear deterrence theory to understand a discussion on the consequences of nuclear weapons. I think that is absolutely crucial.

Have we been successful so far to some extent? I think it's absolutely clear that we have not yet reached the masses. It was referred to in the late 1970s when one million people were in the Central Park. We are far away from that. It's clearly not so much in the forefront of people's minds, but I think significant progress has been achieved.

As to the involvement of youth, I think it's absolutely crucial. I'm very proud because my daughter has joined ICAN. I think the key to get youth engaged is also to have a discourse that they can relate to. Secondly, to give a perspective where you can have an impact. For a very long time, nuclear weapons were seen as a fact of life and you can't change anything. I think that is something where a little bit of inroad has now been

made with the negotiations that are starting [to ban nuclear weapons].

There is a possibility to get engaged in something concrete, which may yield a concrete outcome, which will then provide a platform for further activities to actually achieve change. I think that youth is only going to be interested in something in which they can have an impact. And in the way the nuclear weapons discourse has been handled for a long time it's absolutely clear it didn't reach youth because it was a language and the kind of discourse that stayed very much in a close circle. But I think it's extremely important to break this up. Thank you.

Ambassador Thani Thongphakdi (Panellist):

I just want to add to the comments already made on the need to continue to promote more awareness, more disarmament and non-proliferation education because I think that is the only way in which you can change the discourse and eventually build bridges between the two opposing viewpoints.

In terms of the youth, many of you will recall that during the Open-ended Working Group, many people had stressed the importance of engaging young people, including through the promotion of special youth communicators and student peace ambassadors in order to pass on knowledge to future generations. That is something that we, in Thailand, in fact have been trying to do as well. In our celebration of the first International Day for the Total Elimination of Nuclear Weapons on September 26, we had organized events for the youth. We had organized a public speaking contest on the issue of a world free of nuclear weapons.

So, through these activities the youth is engaged, it is one of the better ways to try to understand the complex issues at hand and for them to act as communicators on their own right to pass on the message to other youth as well. Thank you.

Ms. Beatrice Fihn (Moderator):
Thank you very much. We are going to wrap up this panel here and maybe you may join in, in thanking the panelists. I'm now going to hand over to Ambassador Macedo Soares for some closing words. Thank you.

Ambassador Luiz Filipe de Macedo Soares (Secretary-General of OPANAL):
My closing words are to express my gratitude to all of you that came from different parts of the world and of Mexico for this Seminar, for this commemoration. I have to thank especially all the panellists and moderators: Ambassador Emeritus Sergio González Gálvez, Dr. William J. Perry, Mr. Kim Won-soo, Lord Desmond Browne, Ms. Angela Kane, Ambassador D. B. Venkatesh Varma, Ms. Beatrice Fihn, Ambassador Jayantha Dhanapala, Ambassador José Luis Cancela, Ambassador Alexander Kmentt, Ambassador Thani Thongphakdi and Ms. Shorna-Kay Richards.

It's not easy for a small organisation like OPANAL to assemble such a team. We did that because we believe in what we have been doing and saying here today. I also thank my tiny staff: Ms. Fabiola Gil Rodríguez, Mrs. Noemí Rodríguez Velázquez, Mr. Jorge Alberto López Lechuga, Ms. Elizabeth Lemus Avilés, Mr. Renato Galhardi, Mr. David Ramírez and all the volunteers that joined us to make this possible.

Information about the Keynote Speakers, Panellists and Moderators

Moderator – Panel I

Ambassador Emeritus Sergio González Gálvez (Mexico)

Former Undersecretary of Foreign Affairs of Mexico

Lawyer, career diplomat in the Mexican Foreign Service with 42 years of experience. Doctor Honoris Causa (*Universidad Autónoma de Nuevo León* and *Universidad Iberoamericana* at *Cuernavaca, Morelos*). He has postgraduate studies in the Georgetown University in Washington, D.C.

Ambassador González Gálvez is one of the five ambassadors emeritus of the Mexican Foreign Service; Undersecretary for Foreign Affairs in two occasions; Ambassador to Japan also in two occasions, concurrent in the Republic of Korea and Vietnam; Legal Adviser in the Ministry of Foreign Affairs. He is the first Mexican, since the post-war era, in pleading a case to the International Court of Justice to confirm in an Advisory Opinion about the illegality of the use or threat of use of nuclear weapons.

Ambassador González Gálvez was responsible for the multilateral affairs in the Mexican Ministry of Foreign Affairs during more than 20 years. He participated in the negotiations of the Treaty of Tlatelolco since its origins in 1965. His first diplomatic post was in Geneva, at the begining of Mexico's participation in the 18 Nation Committee on Disarmament.

Ambassador González Gálvez is a former professor at the Faculty of Law of *Universidad Nacional Autónoma de México (UNAM)*, the Faculty of Global Affairs of *Universidad Anáhuac, Universidad Autónoma del Estado de México*, United Nations University at Tokyo, Japan, and Getulio Vargas Institute at Rio de Janeiro, Brazil.

Keynote Speaker – Panel I

Dr. William J. Perry (United States)

19th Secretary of Defense of the United States

In a remarkable career that has spanned academia, industry, entrepreneurship, government, and diplomacy, Bill Perry has dealt firsthand with the changing nuclear threat.

Marked indelibly by the devastation in Japan he witnessed as a young sergeant in the Army of Occupation in the immediate aftermath of World War II, Perry chose a career in defense electronics that put him at the heart of top-secret Cold War reconnaissance of the growing Soviet nuclear forces, an imperative to deterrence and to constraining the already intense arms race.

Dr. Perry was one of the Silicon Valley's early entrepreneurs, founding a company that pioneered digital technologies in the race to understand the Soviet nuclear missile arsenal.

Perry's expertise led to frequent requests to advise the government on national security, notably including an urgent summons in October 1962 asking him to serve on the secret team analyzing U-2 photos exposing the Soviet installation of

nuclear armed missiles in Cuba, a mission at the nuclear brink Perry believed might well be his last.

Perry's appointment as Undersecretary of Defense for Research and Engineering in the late 1970s put him at the helm of crafting a defense strategy that would offset the Soviets' numeric superiority in conventional forces, essential to shoring up and maintaining overall deterrence in a dangerous time. This new offset strategy ushered in the age of stealth, smart weapons, GPS, and sophisticated technologies and weaponry that changed the face of modern warfare and to this day is fundamental to the security of the United States.

As Secretary of Defense, Perry galvanized efforts to secure nuclear stockpiles ("loose nukes") inherited by former Soviet states and presided over the dismantlement of more than 8,000 nuclear weapons. Since then he has unrelentingly practiced a unique form of diplomacy that blends his warm personal relationships with officials in many countries with optimism, unflagging energy, and incisive pragmatism in diplomatic initiatives focusing on the world's most critical security hotspots, including North Korea, Iran, Russia, and China.

In 2007, Dr. Perry, George Shultz, Sam Nunn, and Henry Kissinger together formed the Nuclear Security Project, and they have published several ground-breaking editorials in the Wall Street Journal that link the vision of a world free from nuclear weapons with urgent but practical steps that can be taken immediately to reduce nuclear dangers.

Panellist – Panel I

Mr. Kim Won-soo (Republic of Korea)

Former United Nations Under Secretary-General and High Representative for Disarmament Affairs

Mr. Kim Won-soo assumed his position as Under Secretary-General and High Representative for Disarmament Affairs on 1 June 2015.

Prior to taking on this post, Mr. Kim served as Assistant-Secretary-General and Special Adviser to the Secretary-General since January 2007. In that capacity, he worked as the Deputy Chef de Cabinet to the Secretary-General from 2007 to 2012, led the Change Implementation team from May 2012 to September 2013 and concurrently served as the Secretary of the Chief Executives Board for coordination, which is composed of the executive heads of the UN system including the Bretton Woods institutions, from September 2013 to May 2014.

Mr. Kim has also served as Ambassador of the Republic of Korea leading the Transition Team for the eighth Secretary-General of the United Nations (October through December 2007). Mr. Kim brings diplomatic and policy experience of over 37 years, both bilateral and multilateral, beginning in 1978 when he joined the Ministry of Foreign Affairs.

Before joining the United Nations, he worked in the Office of the President of the Republic of Korea, serving as Secretary for International Security Affairs from 2000 to 2002 and as Secretary for Foreign Affairs and Trade from 2002 to 2003. He then served as Director-General for Policy Planning and Ambassador for Regional Security Cooperation in the Ministry of Foreign Affairs from 2004 to 2005, and in 2006 as

Special Adviser to the Foreign Minister and Ambassador for UN issues. Mr. Kim also served as Alternative Representative and Coordinator of the Republic of Korea to the United Nations Security Council from 1996 to 1997 and as Political Counselor to the country's Permanent Mission to the United Nations.

His diplomatic career also included overseas postings at the Republic of Korea embassies in Washington D.C., USA and New Delhi, India as well as Headquarters positions such as Deputy Director of the North America Division, Chief of Human Resource Management and Director of the Treaties Division.

Mr. Kim holds a Bachelor of Law degree from Seoul National University, Republic of Korea, and a Master of Arts degree from the Paul H. Nitze School of Advanced Studies at Johns Hopkins University, United States. In addition, he was a Visiting Fellow at Stanford University and did doctoral research in international law.

Mr. Kim is married with two sons.

Panellist – Panel I

Lord Desmond Browne (United Kingdom)

Former Secretary of State for Defence of the United Kingdom

Des Browne (Lord Browne of Ladyton), is a British Labour Party politician who was the Member of Parliament for Kilmarnock and Loudoun from 1997 to 2010.

As a back-bencher, he served on the Northern Ireland Affairs and Public Administration Select Committees. In 1998, he became the Parliamentary Private Secretary (PPS) to Donald Dewar, Secretary of State for Scotland. In 2000, he became

PPS to Adam Ingram, Minister of State for Northern Ireland. Subsequently, he served on the first Joint Committee on Human Rights.

In 2001, he was appointed Parliamentary Under-Secretary of State for Northern Ireland. In 2003, Browne was promoted to Minister of State for Work at the Department for Work & Pensions and in 2004, he was appointed Minister for Immigration & Citizenship in the Home Office. Re-elected in 2005, he joined the Cabinet as Chief Secretary to the Treasury and was appointed to the Privy Council.

In 2006, he was appointed Secretary of State for Defence, and from 2007 to 2008, he combined this role with the role of Secretary of State for Scotland. In October 2008, he returned to the back-benches and was appointed Prime Minister Gordon Brown's Special Envoy to Sri Lanka. He also served on the first Joint Committee on the National Security Strategy.

From October 2009 until March 2014, he was Convenor of the Top Level Group of Parliamentarians for Multi-Lateral Nuclear Disarmament and Non-proliferation. He co-founded the European Leadership Network and has been the Chair of its Board of Trustees and Directors since its inception. In July 2010, he was introduced to the House of Lords.

Since 2014, Lord Browne has served as NTI's Vice Chairman. In this role, he helps shape NTI's strategic direction, including long-term planning and international outreach.

Panellist – Panel I

Ms. Angela Kane (Germany)

Former United Nations High Representative for Disarmament Affairs

Angela Kane is an experienced leader in political affairs and negotiations, peace operations and disarmament, operating in a complex multicultural environment. Her distinguished career in the United Nations included executive management responsibilities for a global multi-billion operation.

She is currently a Visiting Professor at SciencesPo in Paris and is a member of their Strategic Council. She is a member and Co-Convener of the Group of Eminent Persons of the Comprehensive Test-Ban Treaty Organization. She also serves on the Council of the United Nations University in Tokyo and several non-profit boards in the United States and Europe. She is Vice President of the International Institute for Peace in Vienna and a Senior Fellow at the Vienna Center for Disarmament and Non-Proliferation.

Until mid-2015, Ms. Kane was High Representative for Disarmament Affairs. She provided strategy, vision and thought leadership for the United Nations on its multilateral disarmament and non-proliferation agendas. She was responsible for planning, negotiating and conducting the ground-breaking investigation of alleged chemical weapons use in Syria in 2013 which resulted in Syria's destruction of its chemical stocks.

From 2008-2012, she was Under-Secretary-General for Management, heading the largest and most complex UN department with responsibility for the global financial and

budgetary management of the UN, accountable for a $11 billion annual budget, plus $2 billion for renovation of the UN's campus in New York. She was also responsible for managing human resources of >50,000 staff world-wide, as well as infrastructure services and information technology.

From 2005-2008, she was Assistant Secretary-General for Political Affairs, a core function related to the prevention and resolution of conflicts in all regions except Africa. Previously, she was the Assistant Secretary-General for General Assembly and Conference Management, with operational responsibility for providing language services and to manage an integrated global service for UN conference management.

Her field experience includes Deputy Special Representative of the Secretary-General for the United Nations Mission in Ethiopia and Eritrea (UNMEE), a special assignment to the Democratic Republic of the Congo, and multi-year postings in Indonesia and Thailand.

Ms. Kane holds degrees from Bryn Mawr College and the Johns Hopkins School of Advanced International Studies. She received an Honorary Doctorate from the Middlebury Institute of International Studies in Monterey, California.

Panellist – Panel I

Ambassador D. B. Venkatesh Varma (India)

Former Permanent Representative of India to the Conference on Disarmament

Ambassador D.B. Venkatesh Varma is an Indian diplomat, with earlier postings in Moscow, Tashkent and Geneva. He was Director General for Disarmament and International Security Affairs in the Ministry of External Affairs of India from 2010 to 2013. Between 2004 – 2007, he worked in the Indian Prime Minister´s Office on Nuclear Issues and was closely involved in the negotiations for the Civil Nuclear Initiative with the United States, IAEA, NSG and also negotiated Nuclear Cooperation Agreements with other key countries. He was India´s Permanent Representative to the Conference on Disarmament between 2013 and 2016. He is currently India´s Ambassador to Spain. In 2012, he was given the SK Singh Award for Excellence in Diplomacy in the Indian Foreign Service.

Moderator – Panel II

Ms. Beatrice Fihn (Sweden)

Executive Director of the International Campaign to Abolish Nuclear Weapons

Beatrice Fihn is the Executive Director of the International Campaign to Abolish Nuclear Weapons (ICAN) and leads the global campaign's push for a treaty banning nuclear weapons.

ICAN is an international coalition that brings together humanitarian, environmental, human rights, peace and development organisations in about 100 countries, and works

with parliamentarians, governments and the public to achieve a ban on nuclear weapons. Ms. Fihn has extensive experience in advocacy and policy work on a wide range of disarmament issues, and has previously worked for the Reaching Critical Will programme and the Geneva Centre for Security Policy. Ms. Fihn has an LLM in public international law from University College London.

Keynote speaker – Panel II

Dr. Jayantha Dhanapala (Sri Lanka)

President of Pugwash Conferences on Science and World Affairs

Jayantha Dhanapala is a former United Nations Under-Secretary-General for Disarmament Affairs (1998-2003) and a former Ambassador of Sri Lanka to the USA (1995-7) and to the UN Office in Geneva (1984-87).

He is currently the 11th President of the Nobel Peace Prize-winning Pugwash Conferences on Science and World Affairs; Distinguished Associate Fellow at the Stockholm International Peace Research Institute (SIPRI) and a member of several other advisory boards of international bodies.

As a Sri Lankan diplomat Dhanapala served in London, Beijing, Washington D.C., New Delhi and Geneva and represented Sri Lanka at several international conferences chairing many of them including the historic NPT Review and Extension Conference of 1995. He was Director of the UN Institute for Disarmament Research (UNIDIR) from 1987-92. Dhanapala has received many international awards and honorary doctorates, has published five books and several

articles in international journals and lectured widely. He speaks Sinhala, English, Chinese and French. He is married and has a daughter and a son.

Panellist – Panel II

Ambassador José Luis Cancela (Uruguay)

Undersecretary for Foreign Affairs

A career diplomat, Ambassador José Luis Cancela joined the Foreign Service of Uruguay in 1988, and has served in the Embassies of Uruguay in Bulgaria, the Kingdom of Belgium and the Mission of Uruguay to the European Communities, and the Kingdom of Spain.

His last foreign assignment was as Permanent Representative of Uruguay to the United Nations in New York, from 2008 to 2013.

As Permanent Representative of Uruguay to the United Nations in New York, Ambassador Cancela was appointed as President of the Commission of Disarment and International Security of the UN General Assembly during its 64th Session, Vicepresident of the Review Conference of the Treaty on Nonproliferation of Nuclear Weapons in New York, Vicepresident of the General Assembly of the United Nations and was designated by the UN Secretary General to integrate the High Level Advisory Group in charge of reviewing the rate of reimbursement to the members of the UN Peace Missions and other matters, representing Latin America and the Caribbean.

While at headquarters in the Foreign Ministry, Ambassador Cancela served in the Direction General for

Political Affairs, as Director of International Economic Organisms, as Secretary General of the Ministry of Foreign Affairs and as National Coordinator of Uruguay to the Union of South American Nations (UNASUR).

Currently, he serves as Viceminister of Foreign Affairs.

Fluent in four languages and with a background in Law, Ambassador Cancela is frequently invited to take part in seminars and conferences about international politics and diplomacy.

Panellist – Panel II

Ambassador Alexander Kmentt (Austria)

Permanent Representative of Austria to the Political and Security Committee of the European Union

03/16 – today:	Ambassador, Permanent Representative of Austria to the Political and Security Committee of the European Union, Brussels
03/11-3/16:	Ambassador, Director for Disarmament, Arms Control and Non-Proliferation; Austrian Federal Ministry for European and International Affairs
09/06 – 03/11:	Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO); Special Assistant to the Executive Secretary. Leave of absence from the Austrian Federal Ministry for European and International Affairs

01/05 – 09/06	Deputy Director of the Department for Disarmament Affairs and Head of the Unit for Nuclear Issues (IAEA, CTBT, NPT, NSG); Austrian Federal Ministry for European and International Affairs, Chair of the EU Working Group on Non-Proliferation (CONOP) during the Austrian EU Presidency in 2006
09/00 – 12/04	Deputy Permanent Representative of Austria to the Conference on Disarmament in Geneva
09/97 – 08/00	Austrian Cultural Institute New York, Cultural Attaché
11/94 – 09/97	Austrian Federal Ministry for European and International Affairs, various positions, including in the Department for International Organizations, the Department for Humanitarian and Refugee Affairs and a six months posting at the Austrian Embassy in Prague, Czech Republic

Mr. Kmentt holds a Law Degree from Graz University and a Masters Degree (MPhil) in International Relations from Cambridge University (UK).

Mr. Kmentt is married and has two children.

DoB	10 June 1965
Nationality	Austrian

Additional biographical information:

2015	"*Nuclear Free Future – Special Recognition*" Award
2014	Elected and awarded "*Arms Control Person of the Year 2014*" (nominated by Arms Control Association)
2012-14	President of MFA-Staff Association for Development Cooperation (*Club 0,7%)*
2008	Participation in the *Programme d'invitation des personnalités d'avenir* of the French Foreign Ministry Member of the Advisory Board of the *Vienna Centre for Disarmament and Non-Proliferation* (VCDNP)

Panellist – Panel II

Ambassador Thani Thongphakdi (Thailand)

Permanent Representative of Thailand to the United Nations Office and Other International Organizations in Geneva, Chair of the 2016 Open-ended Working Group Taking Forward Multilateral Nuclear Disarmament Negotiations

Ambassador Thongphakdi has been Permanent Representative of Thailand to the United Nations Office and Other International Organizations in Geneva since 2012.

In 2016, Ambassador Thongphakdi chaired the Open-ending Working Group Taking Forward Multilateral Nuclear Disarmament Negotiations established by the United Nations General Assembly, which recommended the convening of a

conference in 2017 to negotiate a legally binding instrument to prohibit nuclear weapons, leading towards their total elimination.

Other positions he has held in Geneva include Co-Chair of the Open-ended Intergovernmental Preparatory Committee for the Third United Nations World Conference on Disaster Risk Reduction which resulted in the adoption of the Sendai Framework for Disaster Risk Reduction, the first of the post-2015 processes. He is currently also a member of the Consultative Group of the Human Rights Council responsible for the selection of special mandate holders.

Prior to his posting in Geneva, he was Director-General of the Department of Information and Spokesman of the Ministry of Foreign Affairs.

Ambassador Thongphakdi is a graduate of the Australian National University in Canberra, where he received a Combined Bachelor of Economics/Bachelor of Science in 1985. He continued his studies at Georgetown University in Washington, DC, receiving a Master of Science in Foreign Service in 1987.

Panellist – Panel II

Ms Shorna-Kay Richards (Jamaica)

Director of the Bilateral Relations Department, Ministry of Foreign Affairs and Foreign Trade, Former Deputy Permanent Representative of Jamaica to the United Nations

Shorna-Kay Richards is currently the Director of the Bilateral Relations Department in the Ministry of Foreign Affairs and Foreign Trade of Jamaica. Prior to that, she served as the

Deputy Permanent Representative of Jamaica to the United Nations from September 2012-July 2016.

During her assignment to the United Nations, she dealt primarily with issues relating to disarmament and international security and the reform of the UN Security Council. As Jamaica's representative to the UN First Committee and the CARICOM First Committee Coordinator for 2013, her experience included participation in the Arms Trade Treaty negotiations; serving as Vice-Chair of the UN Disarmament Commission in 2013; and articulating CARICOM's position on international security and disarmament. She coordinated Jamaica's chairmanship of the Sixth Biennial Meeting of States on the UN Programme of Action of Small Arms and Light Weapons in June 2016, as well as Jamaica's chairmanship of the First Committee during its 69th Session in 2014.

She has also worked on strengthening CARICOM's support for the initiative on the humanitarian consequences of nuclear weapons and represented Jamaica at the second session of the Open-ended Working Group on Taking Forward Multilateral Nuclear Disarmament Negotiations in Geneva in May 2016.

She was a United Nations fellow on disarmament in 2005.

Appendix

THE TREATY OF TLATELOLCO and the AGENCY FOR THE PROHIBITION OF NUCLEAR WEAPONS IN LATIN AMERICA AND THE CARIBBEAN: EFFICACY CONSOLIDATION and ENHANCEMENT[129]

[129] Ambassador Luiz Filipe de Macedo Soares, Secretary-General of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean – OPANAL. This document reflects the opinion of the author and does not necessarily represent the views of OPANAL.

The Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (OPANAL) was established by Article 7 of the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean – Treaty of Tlatelolco.

In the concise style that is one of its characteristics, the Treaty attributes to the Agency the sole purpose of "guaranteeing compliance with the obligations". An additional element regarding the objectives of the Treaty is added when it indicates the functions of the organs of OPANAL – the General Conference, composed of the entire membership, and the Council, which is integrated by 5 Member States. The General Conference "shall establish procedures for the Control System to ensure observance" of the Treaty (Art.9 paragraph 2b); the Council shall ensure the "proper operation" of the Control System (Art.10 paragraph 5) together with the Secretary-General, who shall lead the Secretariat. All other functions of those Organs, which are listed in those relevant Articles, are regulatory; they are focused on the operation of the Agency.

It ensues that the central reason for the institutionalization of the Treaty lies on the Control System, to which, as indicated by the use of capitals, the negotiators wished to confer an equally institutional character in order to ensure compliance with obligations.

The General Conference has also the task to promote "studies designed to facilitate the optimum fulfilment of the aims" of the Treaty. This function may equally be carried out by the Secretary-General (Article 9 paragraph 2f). The term "aims", deliberately broad, as discussed later in this text, indicates that there is something more beyond the obligations stated in Article 1 and beyond the Control System established

by Articles 12 through 18 in order to ensure compliance with Article 1.

It is important to transcribe this Article as it corresponds to the very purpose of the Treaty:

> *"Article 1: Obligations*
>
> 1. *The Contracting Parties hereby undertake to use exclusively for peaceful purposes the nuclear material and facilities which are under their jurisdiction, and to prohibit and prevent in their respective territories:*
>   *(a) The testing, use, manufacture, production or acquisition by any means whatsoever of any nuclear weapons, by the Parties themselves, directly or indirectly, on behalf of anyone else or in any other way, and*
>   *(b) The receipt, storage, installation, deployment and any form of possession of any nuclear weapons, directly or indirectly, by the Parties themselves, by anyone on their behalf or in any other way.*
> 2. *The Contracting Parties also undertake to refrain from engaging in, encouraging or authorizing, directly or indirectly, or in any way participating in the testing, use, manufacture, production, possession or control of any nuclear weapon."*

The style is precise, concise and complete, covering everything that should be prohibited so that there be no nuclear weapons in the Zone of Application of the Treaty.

The "Obligations" are clearly directed to the Contracting Parties. However, they go beyond the Contracting Parties and reach any other State, entity or whomever under the term "anyone" in the expressions "on behalf of anyone else" and "by anyone on their behalf" in items a. and b. of paragraph 1. The prohibitions are imposed upon the Contracting Parties not only in the Zone of Application, but also everywhere else, as specified in paragraph 2, "[…] in any way participating in […]". They cannot test, use, manufacture, produce, possess or control nuclear weapons anywhere, on behalf of anyone or by means of anyone (as a proxy).

It is worth noting that the undertaking by the Parties in Article 1 begins with the exclusive use of nuclear energy for peaceful purposes, which is thereby preserved. Article 17 will readdress the subject more briefly than Article IV of the Treaty on the Non-Proliferation of Nuclear Weapons – NPT (1968). However it does not relate the right to peaceful use to the obligations, as it is the case in the NPT. This is an essential difference between Tlatelolco and the NPT. It is therefore worth examining the matter before focusing on the OPANAL.

The discoveries in physics, as in any other science , led to different applications that continue to expand. The use of such findings for warlike purposes does not contaminate the science in its pure and applied developments. However, it must be recognized that nuclear-weapon proliferation, which started in 1945, placed the science of physics under a veil of suspicion. Thus, it was necessary to reaffirm the natural character of

normal uses of nuclear energy when efforts to prevent global nuclear-weapon proliferation started, and therefrom derive Article 17 of the Treaty of Tlatelolco and Article IV of the NPT. Nowadays, in the liturgy of the so-called "NPT review process", which concludes with a quinquennial conference, the expression "three pillars" was coined to describe the scope of the NPT: non-proliferation, disarmament and peaceful uses. However, this is a misleading idea that contains a not so innocent purpose.

The NPT bans proliferation and includes an undertaking to negotiate nuclear disarmament. Those are its central mandatory clauses. Regarding peaceful uses of nuclear energy, Article IV barely states that "nothing in this Treaty shall be interpreted as affecting the inalienable right […]", that is to say, a right that cannot be waived by the States, although they are not obliged to exercise it. Why, then, the insistence on "*the three pillars*"? Because the intention is to attribute to the peaceful uses of nuclear energy the status of a contingent right, a right dependent on compliance with non-proliferation, as a kind of reward for good behaviour. This represents a counterfeit, a distortion of the NPT and an attempt to make the development of knowledge and the applications of nuclear energy a concession and not a right, which has always existed and does not require authorization. The banning of chemical weapons, for instance, does not bring about any discrimination regarding research centres and chemical industries.

The "grand bargain" of the NPT, so often mentioned, is a *quid pro quo* between disarmament and non-proliferation. The uses of nuclear energy for peaceful purposes is not part of the "bargain", being a pre-existing right.

Although Tlatelolco precedes the NPT, it is worth mentioning Article VII of the NPT, which guarantees the right of Parties to conclude regional treaties aimed at ensuring the total absence of nuclear weapons in their respective regions.

There is no mention of "nuclear-weapon-free zone" in the Treaty of Tlatelolco. Article 4 describes, with precise limits, the Zone of Application within which the obligations are in force. The thought of giving a name to that Zone of Application, describing its attributes, appears in documents of the United Nations. In 1974, the United Nations General Assembly (UNGA) adopted Resolution 3261 F (XXIX) by which it "decides to undertake a comprehensive study of the question of nuclear-weapon-free zones in all its aspects". The following year, having received the study prepared under the aegis of the Conference of the Committee on Disarmament, the UNGA adopted, by Resolution 3472 (XXX), the declaration that contains the following definition of the concept of a nuclear-weapon-free zone:

> *"1. A "nuclear-weapon-free zone" shall, as a general rule, be deemed to be any zone recognized as such by the General Assembly of the United Nations, which any group of States, in the free exercise of their sovereignty, has established by virtue of a treaty or convention whereby:*
>
> *(a) The statute of total absence of nuclear weapons to which the zone shall be subject, including the procedure for the delimitation of the zone, is defined;*

(b) An international system of verification and control is established to guarantee compliance with the obligations deriving from that statute."

Subsequent Treaties, similar to Tlatelolco, have adopted the title "nuclear-weapon-free zone"[130] attached to the name-place that identifies the respective geographical area.

Since all these treaties and resolutions pertain to International Law, the nature and concept of a NWFZ should be examined in the light of it.

The NWFZ in Latin America and the Caribbean is not a synonym, and should not be confounded with the area to which the concept is applied.

Every State in the region, in its capacity as Party to the Treaty establishing the NWFZ, undertake the obligations flowing from the Treaty. However, this fact neither alters the nature of that State nor transforms the essence of the territory, in other words of the country. By undertaking the obligations set forth in the Treaty of Tlatelolco, States Party become participants in the NWFZ and, as a normal consequence of taking part in an international instrument, they accept the limitation of sovereignty included in the assumed obligations. This, however, does not alter the nature of the country.

This argument becomes still clearer when we consider the high seas portion – the marine area located beyond national jurisdiction, that is to say, beyond the territorial sea (12 nautical miles) and the exclusive economic zone (200 nautical miles) – which lies within the limits of the NWFZ in Latin America and

[130] Hereinafter the acronym "NWFZ" is used.

the Caribbean described in Article 4 of the Treaty of Tlatelolco. Nothing is changed in the nature, physical or legal, of that high seas portion; no residual element of sovereignty of any State in the region impinges upon the character established by the Law of the Sea as a space devoid of any sovereignty. This interpretation is indeed important since it was not perceived by France or Russia (former U.S.S.R.) when they assumed the obligations set forth by the Additional Protocols to the Treaty of Tlatelolco, as will be discussed further on.

A NWFZ is an abstract superstructure, of a legal nature, applied to a specific area. The NWFZ possesses its own legal nature. The specific area, i.e. the natural space within clear limits, keeps its natural, social, political and legal nature to which it is added the new attribute of being a NWFZ.

Therefore the NWFZ can be identified as an **institute** of International Law in the sense that it exists and generates effects by virtue of International Law. As such, it has its own characteristics:

- It has material application, generating concrete consequences;
- It represents an attribute to an area, which does not suffer any alteration beyond the rights and obligations under the international legal instrument that creates the institute, in this case, the NWFZ;
- Necessarily associated with an international instrument and, thereby, with rights and obligations, the institute constitutes a legal attribute of the area to which it is applied;

- It should involve the establishment of a mechanism that will manage this legal attribute in the area to which it applies.

These characteristics identify what is here called an "institute of International Law". It is worth recalling that an "institute" distinguishes itself from a principle or a concept. The latter corresponds to a term or expression which indicates any element having a specific meaning in International Law. That meaning is added by analogy to the original meaning or other meanings of that term in order to apply it to International Law. The word "treaty", for example, has several meanings and uses, but indicates a precise concept in the context of International Law.

A "principle" is a basic, general norm, a "*jus cogens*", a paradigm generally accepted to orient all the subjects of International Law. A common example is the principle known as "*pacta sunt sevanda*".

Latin America and the Caribbean, taken as a geographic space and an ensemble of States, are not the NWFZ. The NWFZ is the legal institute of International Law applied to Latin America and the Caribbean, adding a differentiated status to the region with legal implications and consequences in terms of international relations. The administration of these implications and consequences has to be jointly conducted since an individual, separate and independent administration by each State in the region would not be feasible. The characteristics of the NWFZ indicated above impose collective or concerted actions. In the case of the NWFZ in Latin America and the Caribbean, it is incumbent upon the Agency for the Prohibition

of Nuclear Weapons in Latin America and the Caribbean - OPANAL to exercise the administration of the legal attribute applied to the region by means of which it shall not have any nuclear weapons. In sum, the NWFZ may be compared to a transparent coating over the entire Zone of Application of the Treaty without altering the nature of the geographical space, but protecting it from the inside out and vice-versa. The Zone can neither receive nor produce nuclear weapons.

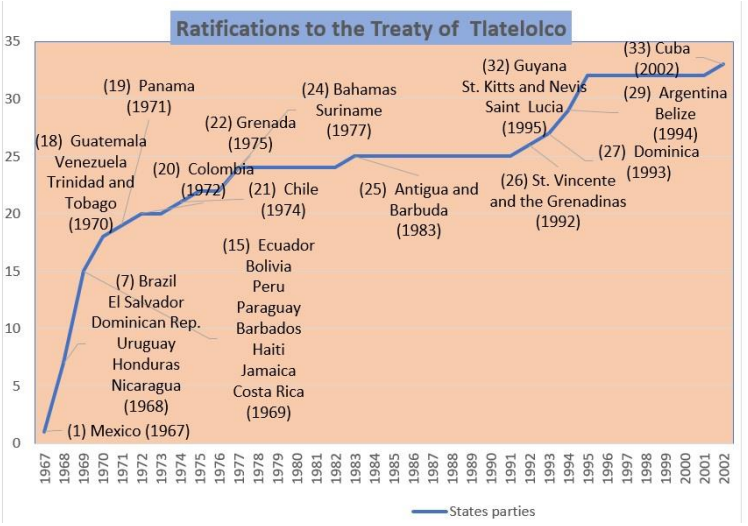
International Law deals with abstract realities and their precise conceptualization is needed for their validation and understanding.

International Law has necessarily a slower elaboration process than internal law. Its principles and doctrines are created by consensus, naturally difficult to reach due to, inter alia, the cultural, historical and geographical diversity and many other differences among States, not to mention the political and economic interests that collide with each other. The emergence of new sources and elements in International Law is rare. Institutes such as the NWFZ figure among those milestones in the progress of legal international relations. Another contemporary example of such a momentous event was the institute of the Common Heritage of Mankind coined by the Declaration contained in UNGA Resolution 2749 (XXV) in 1970, and later included in the United Nations Convention on the Law of the Sea.

In that multilateral international instrument, the Common Heritage of Mankind is applied to the seabed and ocean floor, and subsoil thereof, located beyond the limits of national jurisdiction. The Convention gave the name of “Area” to that space.

The Common Heritage of Mankind does not confuse itself with the Area, it does not transform its natural features, but it does confer to it a specific legal regime managed by a multilateral institution, the International Seabed Authority, based in Jamaica. This is similar to what occurs with the NWFZ in relation to its Zone of Application.

Once examined the essence of Tlatelolco and the nature of the NWFZ, it is proper to consider the development, the life of the Treaty, which was opened for signature in 1967 and entered into force in 1969, but was universalized, regarding its Zone of Application, only in 2002. For this analysis, the use of the terms "efficacy", "consolidation" and "enhancement" is helpful.



Source: OPANAL

The "efficacy" of an international instrument stems from the principle of International Law "*pacta sunt servanda*". It is expressed by the enforcement of the Treaty, in other words, by being "in force", the expression meaning exactly "to have the force of law", projecting its force over the society that participates in that pact. Efficacy naturally inscribes itself in the dimensions of time and space. Article 31 of Tlatelolco determines that the "Treaty shall be of a permanent nature and shall remain in force indefinitely". The Zone of Application became in force in its entirety in 2002 with the ratification of the Treaty by Cuba. The Agency and the Control System operate continuously. The four States possessing territories, either *de jure* or *de facto,* in the Zone of Application signed and ratified Additional Protocol I; and the five States that possessed nuclear weapons when the Treaty of Tlatelolco was adopted and that are identified in the NPT (NWS), signed and ratified Additional Protocol II. The efficacy of Tlatelolco in legal terms, that is to say the acceptance of it as law, cannot be doubted. This is not always the case with many treaties and, by the way, with many domestic laws. Upon their entry into force, all treaties are efficacious in principle but not in practice, as it would not necessarily be feasible for them to be so.

The attainment of that objective of complete efficacy is what is called "consolidation". As described above, an essential part of that has been the entry into force of the Treaty for each Party, a process that gradually covered the entire Zone of Application. The amendments, which were deemed necessary by the Parties, were another step forward in making the Treaty more solid. However, this work has not yet been formally completed since some of the States parties have not yet ratified

the amendment to Article 7 or the amendment to Article 25 or the amendments to Articles 14, 15, 16, 19 and 20.

These amendments represent measures aimed at consolidating Tlatelolco both in form and in substance. The amendment to Article 7 just adds the words "and the Caribbean" to the official name of the Treaty. It corresponds to a formal clarification. The objective of the modification to Article 25 is to align it with Article VIII of the Charter of the Organization of American States (OAS) so that newly formed States may be incorporated to the Treaty. Articles 14, 15, 16, 19 and 20, all of them related to the Control System, received substantial amendments.

According to the original version of paragraph 2 of Article 14, the Contracting Parties should simultaneously transmit to the Agency a copy of any report they might submit to the International Atomic Energy Agency (IAEA) related to matters that are the subject of the Treaty and to the application of the safeguard agreements that they are bound to conclude with the IAEA. That amendment, adopted in 1992, restricted the transmission of reports to OPANAL to those "that are relevant to the work of the Agency". Relevance is determined at the discretion of the State Party.

Paragraph 3 of Article 14 originally stated that "the Parties shall also transmit to the Organization of American States, for its information, any reports that may be of interest to it". This was amended in a diametrically opposite way in order to ban the dissemination to third parties of those reports submitted by the Parties, except when expressly authorized by them.

The original wording of Article 15 empowered the Secretary-General of OPANAL, with the authorization of the Council of OPANAL (composed of five States parties) to "request any of the Contracting Parties to provide the Agency with complementary or supplementary information regarding any event or circumstance connected to compliance with the Treaty…" According to the amendment, the Secretary-General may only ask for this information upon request of any of the Contracting Parties.

Article 16 addresses Special Inspections, that is to say those that show to be necessary when there is any doubt about the biannual information provided by a State Party under Article 14, paragraph 1, regarding the absence, in its territory, of any activity prohibited under the Treaty. In the original version, the collegiate organs of OPANAL – the Council and the General Conference – had initiative and direct participation in such special inspections, which would then require an infrastructure of inspectors and financial resources, as well as actions vis-à-vis the United Nations Secretary-General and the Security Council. The amendment of 1992 maintains special inspections as a prerogative of the IAEA, which can be called upon by the Council of OPANAL at the request of any of the Parties. The IAEA will have to transmit to the Council of OPANAL just the information submitted to the IAEA Board of Governors.

Article 19 kept only paragraph 1, which establishes agreements between OPANAL and the IAEA to facilitate the operation of the Control System. The second and third paragraphs referring to the relation with other organisations, but not to agreements, became a new Article 20.

The adoption of these amendments was essential in the consolidation process of Tlatelolco. It allowed three States – Argentina, Brazil and Chile – to waive the requirements for the entry into force stated in Article 29, paragraph 1. These requirements are:

a) ratification of the Treaty by all States in the region,
b) ratification of the Additional Protocols I and II by the States concerned and
c) completion of safeguards agreements with the IAEA by all the Parties.

Brazil and Chile had already ratified the Treaty, but had not waived two requirements; whereas Argentina had not yet ratified. The heavy instrumentation referred to in Articles 14, 15, 16, 19 and 20 certainly seemed invasive to those States, duplicating the powers of the IAEA, exceeding the means at the disposal of OPANAL and, consequently, creating a possible source of controversy amongst the Parties. An example of this was the provision of information to the OAS, an organization with a different composition compared to that of OPANAL, and which, moreover, does not possess the specific competence of the IAEA.

Tlatelolco is an objective and lean treaty. Its touchstone is the previously cited Article 1, which contains the obligations. Six articles address definitions and assertion of rights, as the one relative to the peaceful uses of nuclear energy. A group of seven Articles are final provisions of a procedural nature.

Faithful compliance is the essence of the consolidation of a treaty. Compliance with Tlatelolco obligations may be

divided into two aspects: mechanisms and Control System, with seven and eleven articles, respectively.

Over 45 years, OPANAL has steadily fulfilled the functions entrusted to it by the Treaty. Eight Secretary-Generals have led the Secretariat since the Treaty's entry into force. The General Conference meets in regular biennial sessions. Special sessions in intervening years are mainly but not exclusively convened to adopt the yearly budget. The General Conference has held through 2017 25 regular and 25 special sessions. The Council has met in 309 occasions, usually bimonthly. These figures show the steady work of the Agency and the attention paid to it by the Member States. The Agency ensures compliance with the Treaty and processes the bi-annual communications derived from Article 14, which refer to the absence of activities prohibited, and from Article 24, regarding agreements concluded by States Parties on matters related to the Treaty.

OPANAL is the oldest regional mechanism on nuclear disarmament and non-proliferation and the only one to maintain permanent institutional relations with other multilateral organizations. The Agency is always invited to participate in the First Committee of the UNGA and is listed among the Organizations to be consulted for reports requested by the UNGA to the UN Secretary-General. With regards to the IAEA, relations are expressly stated in the Treaty, and so is the case with the OAS. The Agency has also participated occasionally in the Conference on Disarmament (CD). Especially relevant are the initiatives of the Community of Latin American and Caribbean States -CELAC, as is the case of the Havana Declaration (January 2014), in which the Heads of State and

Government reaffirm the importance of cooperation and collaboration between the two organizations. In that occasion CELAC adopted a Special Declaration on Nuclear Disarmament that makes reference to the decisions of the XXIII Regular Session of the General Conference of OPANAL, held in August 2013, in Buenos Aires, Argentina. A similar Declaration adopted in the III Summit in San José, Costa Rica, on 28 January 2015 acknowledged OPANAL as the specialized body of the Region in the field of nuclear disarmament.

Three out of the four NWFZs have some form of institutionalization, but they are far from the executive and political functions which are bestowed upon OPANAL

The South Pacific Nuclear Free Zone Treaty - Treaty of Rarotonga, of 6 August 1985, 20 years after the first atomic bomb attack, establishes a Consultative Committee but transfers to the Pacific Islands Forum, with a membership of 16 States, the institutional personality of the Treaty. The Southeast Asian Nuclear-Weapon-Free Zone Treaty - Treaty of Bangkok, of 1995, follows the model of Rarotonga. It provides for a Commission of all Member States, but the institutional representation lies in the Association of Southeast Asian Nations (ASEAN). Immediately after, in 1996, came the African Nuclear-Weapon-Free Zone Treaty - Treaty of Pelindaba. It does establish an organ capable of ensuring compliance with the Treaty, the African Commission on Nuclear Energy (AFCONE), which is not yet fully operational. To conclude, the Central Asian Nuclear-Weapon-Free Zone (CANWFZ) Treaty only includes annual meetings of the Parties, but it does not establish any institution.

The Amendments to the Treaty of Tlatelolco in 1992 simplified the Control System thus making it really efficient. The Control System, under its political and legal aspects is exercised by OPANAL with which Member States maintain permanent contact addressing to it the biannual reports pursuant to Article 14, in which they formally declare the absence, in their respective territories, of activities prohibited in Article 1; and, the reports under Article 24, regarding the conclusion of agreements on matters with which the Treaty is concerned. To the IAEA fall the technical aspects by means of monitoring the safeguards agreements that States parties are compelled to undertake. Although it is not mentioned in the Treaty, since it is subsequent to it, the Brazilian-Argentine Agency for Accounting and Control of Nuclear Materials – ABACC, which maintains an agreement with the IAEA and with those two South American States, must be seen as a part of the Control System.

Two Additional Protocols are annexed to the Treaty. It is rather odd that there is no Article announcing them, although, somewhat *en-passant*, they are mentioned in Article 29 among the conditions for the entry into force of the Treaty, and in Article 31 regarding denunciation. The Additional Protocols were a clever way found to guarantee that the Treaty is respected by the States that possess territories, either *de jure* or *de facto*, in the Zone of Application, namely, the United States of America, France, the Netherlands, and the United Kingdom (Additional Protocol I); and by the NWS (NPT nuclear weapon states), the aforementioned states, except the Netherlands, plus China and the USSR, now Russia (Additional Protocol II). None of these States could become a party to the Treaty. By

fully undertaking the obligations of Article 1, they would cease to be NWS. If the States parties to Additional Protocol I did not undertake obligations stated in Article 1 strictly in the Area of Application and if the Parties to Additional Protocol II, the NWS, did not provide any guarantees to the States Parties to Tlatelolco in the sense that they would respect the NWFZ and would not use or threaten to use nuclear weapons against them, Tlatelolco would be definitely lame.

Those six States concluded the procedures for the full entry into force of the Protocols. Nevertheless, the full consolidation of Tlatelolco remains evanescent. The five NWS maintain "interpretative declarations" that are in fact reservations according to Article 2, paragraph 1, section (d) of the Vienna Convention on the Law of Treaties, which reads *"(d) "Reservation" means a unilateral statement, however phrased or named, made by a State, when signing, ratifying, accepting, approving or acceding to a treaty, whereby it purports to exclude or to modify the legal effect of certain provisions of the treaty in their application to that State"*. Pursuant to Article 28, Tlatelolco does not allow reservations a clause expressly accepted in Article 4 of Protocol II whereas Protocol I deliberately omits this matter.

The reservations address two essential subjects. The first one is an open challenge made by France and Russia to the scope of the Zone of Application. The second paragraph of Article 4 of the Treaty delimits the Zone of Application including areas of the high seas. The security of the States in the NWFZ was the purpose of the negotiators, and thereby of the Treaty. The III United Nations Conference on the Law of the Sea, which led to the United Nations Convention on the Law of

the Sea (UNCLOS) (1982), had not yet been convened when the negotiations, conclusion and entry into force of the Treaty took place. The reservation therefore revealed the insecurity of those two States regarding the evolution of a negotiation that was coming. Yet, that reservation was and still is mistaken; it is a typical case of excessive care by timorous jurists. In Article 4 and everywhere else in Tlatelolco it is inexistent, both in the letter and in the spirit, the intention of sovereignty or jurisdiction in the high seas over which UNCLOS has basically kept the Grotian concept of *"mare liberum"*. What the Law of the Sea Convention did alter is the extension of the coastal State jurisdiction, which by the way has been accepted by France and Russia; but kept the nature and the ensuing regime of the high seas.

Other reservations of bigger relevance concern the negative security assurances (NSA), which are the object of Article 3 of Protocol II, meaning a guarantee that NWS will not use or threaten to use nuclear weapons against non-nuclear-weapon states. NSAs do not admit exceptions, they either exist or don't exist, and in order for them to exist they must be legally binding. They cannot be neither a gift nor an expression of good will. They have to be a contract. The NWS have so far declined to undertake such legal commitment. As a consolation, so to speak, their attitude reflects respect for International Law. They do not want to undertake such commitment because they are not sure they can comply with it. NSAs, to be real guarantees, must be legally binding. One cannot deny that their signing and ratifying of Protocol II showed a support for Tlatelolco and the Latin American and Caribbean endeavor.The NWS therefore tried to circumvent the dilemma by means of

individual different interpretative declarations that leave the door ajar to allow the use or threat of use of nuclear weapons against the States members of the NWFZ in Latin America and the Caribbean. In general, one can deduce from the wording of these declarations that they reflect the conditions of the Cold War and the situation of Cuba and the superpowers confrontation. They are therefore obsolete at least in the context of Tlatelolco.

OPANAL, through its Secretary-Generals and Member States, has repeatedly urged the Parties to the Protocols to modify or withdraw their declarations. Responses, when given, were vague and never positive. These pleas have been expanded to the other NWFZ and figure regularly in UNGA resolutions. However, it is necessary to revisit the matter in a proper diplomatic fashion so that negotiations can be opened. That is why OPANAL, represented by the five Membert States of its Council, proposed, in December 2016 in Moscow and Paris, the negotiation of Adjustments that would remove the difficulties of France and Russia regarding Protocol II. Similar démarches are expected vis-à-vis the United States and the United Kingdom.

Once efficacy and consolidation have been examined, enhancement remains to be considered.

If a treaty establishing a NWFZ is in full force, fully complied with and respected in its integrity; what else would be missing? It is then necessary to consider the “aims” mentioned at the start of this paper referring to Article 9 paragraph 2(f).

The ensemble of articles of a treaty corresponds to the very substance of the contract. In principle, the clauses are sufficient for the treaty to be complied with and to generate the desired effects. However, one should not forget that a treaty has

its origin in political problems situations and motivations, the development and solution of which the treaty seeks to conduct.

In the year of 1962, nuclear tests reached their peak with approximately 120 explosions in the atmosphere and 60 underground. On 17 November 1962, one month after the missile crisis in Cuba and while the world was still wiping the cold sweat off its forehead, Brazil, Bolivia, Chile and Ecuador, submitted document A/C.1/L.312/Rev.2 to the UNGA containing a proposal for the denuclearization of Latin America. Thus was launched the idea, generated from that murky political atmosphere, that would lead to the negotiation of the Treaty, starting in 1963 and completed in 1967.

As it is generally the case with treaties, Tlatelolco does not limit itself to cold and objective articles. It is in the Preamble, which is neither rhetorical nor decorative, that we will find the connection with the surrounding political conditions. It contains the other "aims" of the Treaty, which are listed below in order of appearance:

1. Ending the armaments race, especially in the nuclear field;
2. Strengthening a world at peace based on the sovereign equality of States;
3. Total prohibition of nuclear weapons and weapons of mass destruction of any type;
4. General and complete disarmament under effective international control
5. Preventing the proliferation of nuclear weapons;
6. Keeping peace and security in the militarily denuclearized zones;

7. Use of nuclear energy exclusively for peaceful purposes;
8. Right to the greatest and most equitable possible access to this new source of energy in order to accelerate economic and social development.

The preamble clearly explains that NWFZs *"are not an end in themselves but rather a means for achieving general and complete disarmament at a later stage*". These "aims" are "the route map" of Tlatelolco and of its 33 States parties. Once consolidation is achieved through full and strict compliance by the Parties and by the solution concerning reservations to the Protocols, it would be meaningless for Latin America and the Caribbean to be satisfied in their *shangrilah*, napping under the shade of palm trees in the calm provided by the NWFZ, pretending to ignore that the world is a whole ensemble and that today there are around 15 thousand nuclear weapons, thousands of them deployed.

There are two main subjects for the enhancement of Tlatelolco.

The preamble is an integral part of the Treaty, it is in fact its most dynamic face projecting into the future. Through Tlatelolco, Latin America and the Caribbean provided themselves with political credentials to act as a block and participate more intensely in the debates and international negotiations on the ban of nuclear weapons and other weapons of mass destruction, on nuclear weapons non-proliferation and on correlated matters regarding international security.

The second aim listed above combines a "world at peace" and the "sovereign equality of States". It could not be

more accurate since nuclear weapons are precisely the most serious obstacles to a truly democratic international system. The nuclear weapon is an instrument of political oppression in international relations; it cannot coexist with democracy.

The 33 Latin American and Caribbean States represent 17% of the UN membership and only a 13% of the CD membership, whereas the Western Group represents 38% of the CD membership. Apart from this purely numerical comparison, there seems to be a relatively lower participation of the Latin American and Caribbean community in this than in other global issues, including environment and human rights. Well, there is no more imminent and devastating danger than nuclear weapons. Perfecting Tlatelolco demands a more intense political activity in OPANAL, which is based in Mexico City where a third of the Member States do not have a permanent representation. It is necessary therefore to identify new modalities for a more active participation of Caribbean States.

The second subject related to the Treaty enhancement is the relationship among the NWFZs to which we add Mongolia that declared itself and is designated by the United Nations as a nuclear-weapon-free state. In 2005, by OPANAL initiative, was held a NWFZs Member States Conference. In 2009, the NWFZs focal points held a meeting in Mongolia. In 2010, a second conference took place on the eve of the VIII NPT Review Conference. Both conferences were held by a Latin American initiative, showing OPANAL leadership. These two conferences were followed by a third, in 2015, coordinated by Indonesia. These initiatives, although very hopeful, have not yet succeeded in generating a true dialogue among the NWFZs. The quinquennial declarations, which basically address all

disarmament themes, do not establish by themselves an minimum organized system. Perhaps, it would be necessary to create a permanent body to maintain an active channel of communication between the 115 NWFZ States. The role of OPANAL – as the most institutionalized Agency among the NWFZs – is crucial for these developments.

The need for a zone free of nuclear weapons and other weapons of mass destruction in the Middle East, for its tremendous importance for World peace and security, cannot be silenced, but it is a matter beyond the scope of this text.

Index of Terms