



CIVIL SOCIETY

Journal on Human Security & Disarmament

January/June 2022

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International Law and Nuclear Disarmament: How complementary instruments made a difference in an NWFZ

Cristian Ricardo Wittmann

1. Introduction

Even covering some aspects of the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean, more known as the Treaty of Tlatelolco, this article analyzes other instruments and structures that contribute to the success of such Nuclear Weapon Free Zone (NWFZ). This international instrument makes Latin America and the Caribbean the first nuclear-weapons-free zone in a populated area.

Covering the entire region with 33 States Parties, it is essential to note that the Tlatelolco Treaty became universalized only on October 23rd, 2002. When Cuba ratified it, the Tlatelolco Treaty became universalized after opening for signatures on February 14th, 1967. As interlinked legal regimes, it is relevant to note that all member States are also parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT).

This legal architecture becomes interesting when we see the emergence of multilateral and bilateral organizations that reinforce each other to make a successful case for nuclear prohibition. Due to this, it is an excellent contribution to the newest regime of the Treaty on the Prohibition of Nuclear Weapons (TPNW) that faces 2022 its first meeting of States Parties in Vienna, Austria.

The current geopolitical scenario of international relations affects the aims for a sooner elimination of nuclear weapons and the objective for less investment in weapons. With the armed conflict of Russia's invasion of Ukraine, it is possible to see the inauguration of a new atmosphere of relations with a multicentric world instead of the bipolar scenario of the last part of the previous century.

While it is recognized as a significant development in international humanitarian law, TPNW remains a challenge to the dynamics of its implementation as the international community puts pressure on the nuclear-armed States. These different postures are also being challenged by the Russian aggression over Ukraine, following COVID-19 measures, as more nationalist and militarist perspectives are growing – especially in Europe.

The use and threat of use of nuclear weapons have its chances increased in 2022, and the reaction of those against those weapons also has raised their voices. The First Meeting of States Parties will have to deal with different challenges that, among others, will result in its core objective of prohibiting and eliminating nuclear weapons.

A complex legal architecture

It is important to note that nuclear disarmament cannot be devoted to only a few instruments and contexts. It has not been achieved yet, as an example. The complexity of the international and national political agendas was consistently replicated in its legal frameworks, either domestic or international. Of course, we can agree on two relevant episodes. The first one, the Manhattan Project, results in the development the first nuclear weapons and then the use of such weapons in Hiroshima and Nagasaki.

The urgency in dealing with the catastrophic consequences of nuclear weapons made different processes and instruments deal with the treats of these weapons. Unfortunately, at the same time, many States presented their concerns and efforts to avoid its existence, while others were engaged in the opposite direction.

Many efforts have been made since the detonation of two US bombs in the Japanese territory in 1945, of simultaneous and/or different process and/or legal approaches – since statements and declarations to international biding instruments. In 1957, the International Atomic Energy Agency (IAEA) was established after years of negotiation since 1953's efforts based on the "Atoms for Peace" proposal from the US president Mr. Eisenhower.

A few States imposed the emerging political concept of linking nuclear weapons and deterrence to disfavor the entire planet. Part of the results of this political perspective gained the status of international norm under the idea of non-proliferation by 1968 when the final agreement on the NPT text. This treaty is based on three pillars: non-proliferation, disarmament, and peaceful use of nuclear energy. There is a consensus that such a treaty remains with a lack of accomplishment of the disarmament pillar as the nuclear-armed States are not moving on their article VI obligation toward the total elimination of nuclear weapons.

The prohibition of nuclear weapons we see nowadays covering Latin America and the Caribbean under the Tlatelolco Treaty started with the joint declaration in 1963 of five Latin-American presidents on behalf of their States: Mexico, Bolivia, Brazil, Chile, and Ecuador[1]. This initiative convened several meetings among the Latin American States simultaneously with the negotiations that were going on internationally regarding the NPT.

The Preliminary Meeting on Latin American Denuclearization was held in 1964 in Mexico City. Following its objective, it created a Preparatory Commission for the Latin American Denuclearization with a mandate to analyze the several aspects of achieving a nuclear-weapons-free zone. In 1967 the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean was well recognized as the Tlatelolco Treaty. It was adopted in the neighbor Tlatelolco within Mexico City.

It was only in 1969, also in Mexico City, that the Agency for the Prohibition of Nuclear Weapons (OPANAL, acronym in Spanish to Organismo Para la Proscripción de las Armas Nucleares en La América Latina y el Caribe) was created in Latin America and the Caribbean. One of the reasons why the Opanal Secretariat is based in Mexico City is to recognize the Mexican Government leadership in the process leading to the establishment of such an international legal instrument.

It is essential to note the complexity of the Tlatelolco Treaty when it comes to giving effect to all prohibited acts by external actors. Two additional protocols are legally binding internationally. The Additional Protocol I was signed and ratified by the United States, France, The Netherlands, and the United Kingdom and refers to extra-continental or continental States that have any kind of responsibility for territories situated in the Zone of Application of the Treaty of Tlatelolco. The Additional Protocol II was signed and ratified by China, United States, France, United Kingdom, and Russia as the nuclear-weapon States needed to be bidden for actions in violation of Article 1 and respect the obligation not to use or threaten to use nuclear weapons against any of the parties to the Tlatelolco Treaty.

Besides the simultaneous existence of both NPT and the Tlatelolco Treaty, bilateral agreements fortify the obligations regarding the prohibition of nuclear weapons and the peaceful uses of atomic energy. Brazil and Argentina have a particular study case regarding the Brazilian–Argentine Agency for Accounting and Control of Nuclear Materials (ABACC, acronym in Portuguese and Spanish for Agência Brasileiro-Argentina de Contabilidade e Controle de Materiais Nucleares).

The bilateral agreement between Brazil and Argentina was signed and entered into force in 1991. Opponents on the soccer field, both States showed political will to ensure to each other and to the international community that all materials and nuclear facilities are used exclusively for peaceful purposes. This initiative does not compete with the IAEA mandate but complements its objectives.

[1] Adolfo López Mateos, Víctor Paz Estenssoro, João Goulart, Jorge Alessandri, Carlos Julio Arosemena – respectively.

Recently in 2017, it was adopted the Treaty on the Prohibition of Nuclear Weapons (TPNW). It entered into force in 2021. This treaty is part of the humanitarian disarmament architecture due to its characteristics of banning a weapon due to the humanitarian impact, the partnership among civil society, states and international organizations and negotiated in an innovative process that might happen outside the historical contexts[2]. With many prohibitions along with other positive obligations, the TPNW is the path to achieving nuclear disarmament and is recognized as the step forward to comply with NPT Article VI, the pillar that remains not accomplished by its States Parties – especially for those that are considered nuclear-armed States or those that are dependent of others nuclear weapons.

TPNW negotiations and its implementation have a profound influence from Latin America and the Caribe. Even if Brazil was the first State to sign and Honduras was the State that enabled the entry into force after its ratification in October 2020, the fundamental role of Latin America and Caribe goes much beyond the process that resulted in the TPNW.

With Mexico and Brazil at the core group[3] of the TPNW negotiations, Latin America was part of the Humanitarian Impact of Nuclear Weapons movement when Mexico hosted earlier 2014 at Nayarit the Second Conference on the Humanitarian Impact of Nuclear Weapons, following the first conference that happened in Oslo, Norway, in 2013. The conversations in those two conferences, plus the efforts to change the discourse regarding nuclear weapons[4], led to the Humanitarian Pledge, adopted by the end of the third conference of its series: "2014 Vienna Conference on the Humanitarian Impact of Nuclear Weapons" in Vienna, Austria.

From a Latin American perspective, this region has lessons to share to achieve the same progress internationally regarding nuclear weapons elimination. Instead of pursuing an ambitious, complex exclusive treaty and organism, Latin America and the Caribe dialed with their tensions creatively, both on legal instruments and/or organisms. The strength of the prohibition and the elimination of nuclear weapons in Latin America is due to the complexity of multi and complementary instruments and institutions.

Complementary instruments and the goal of eliminating nuclear weapons

International security will refer to each State and organization from different perspectives. Therefore, one legal instrument can't always fit everyone's needs, and flexibility will be desirable. Before misinterpretation, it doesn't mean those core obligations and prohibitions can be dismissible by a few to weaken the instrument itself. Flexibility must be used to strengthen the core obligations, not the opposite.

[2] See WILLIAMS, Jody; WAREHAM, Mary; GOOSE, Stephen. "Banning Landmines": disarmament, citizen diplomacy, and human security. Lanham: Rowman & Littlefield Publishers, 2008.

[3] The core group includes Austria, Brazil, Ireland, Mexico, and South Africa. Few differences can be observed by ACHESON, Ray. "Impacts of the nuclear ban": how outlawing nuclear weapons is changing the world. Global Change, Peace & Security. 30:2, 2018, pp. 243-250.

[4] See LORETZ, John; BIRCH, M.; VAN BERGEN, Leo (Ed.). "Preventing Nuclear War": the medical and humanitarian case for the Prohibition of Nuclear Weapons. Routledge, 2020. Also Borrie, John. "Humanitarian Reframing of Nuclear Weapons and the Logic of a Ban." International Affairs (London) 90.3 (2014): 625-646.

In a multicenter[5] society, it is possible to observe the growth of the importance of different norms, organizations, and players in general. Due to this set of new actors increasing complexity, it is essential to consider further regulation perspectives and combine instruments that can work in the same direction. As an example, from Latin America, it is not the existence of the AEIA that will not permit the emergence of a bilateral agreement between Brazil and Argentina that allows minimizing tensions from a specific perspective and, at the same time, reinforces the control of fissile materials in the region.

This example can be replicated in other regions and within the TPNW's scope. Suppose the tensions between India and Pakistan need a unique collaboration to ensure compliance and provide specific assurances. In that case, the ABACC system remains an option that is fully compatible with both NPT and TPNW while remaining compatible with the core objectives of AEIA.

While the nuclear-armed States[6] refuse to consider TPNW as a step forward and its complementarities within NPT objectives and obligations, they hide under arguments that continue to perpetuate nuclear weapons and the normalization of its possible use as if that could exist good hands to wrong weapons. They argue that TPNW is not complimentary within the NPT without explaining how a more comprehensive obligation to disarm is not an advance if compared with the one that perpetuates, de facto, only the idea of non-proliferation.[7]

If the concern relates to an entire system of safeguards mechanisms, it is up to them – that have nuclear weapons – to propose them. None, even one instrument, is perfect, and not even the legal binding instruments mentioned in this paper. Taking NPT as an example, curiously that Brazil only acceded to the Treaty in the 1990-decade, the same period the several relevant instruments related to nuclear weapons and fissile materials entered into force: Treaty of Tlatelolco, ABACC.

This is a basic example that different States might require unique and complementary instruments to commit with others for the same purpose. Of course, this also confirms the hypothesis that no legal norm is perfect and demands flexibility for complementary actions.

Conclusions

Complementary legal instruments and organizations. They are the key to success after the political will of States and global leaders. Changes in the worldwide order, like the end of nuclear weapons, are about people, and there will be efforts and flexibility to make it happen where there is a will.

[5] TEUBNER, Gunther. Constitutional fragments: societal constitutionalism and globalization. Translated by Gartehe Norbury. Oxford: Oxford University Press, 2012.

[6] See Permanent Mission of France, “Adoption of a treaty banning nuclear weapons”. July 2017. Accessed in <<https://onu.delegfrance.org/Adoption-of-a-treaty-banning-nuclear-weapons>>, may 2022.

[7] See KRASNO, Jean. “Banning the Bomb: the treaty on the prohibition of nuclear weapons. Boulder: Lynne Rienner Publishers, 2021.

The consistent claim from the nuclear-armed States that TPNW is undermining NPT is not fair compared with the history of postponement of their legal obligation of nuclear disarmament. Banning nuclear weapons is the most effective measure compared with the growing proliferation of its existence.

The main issue that TPNW is undermining is the inertia of nuclear-armed States to comply with their obligation. The growth of stigmatization will make it harder for them to keep hiding the modernization and all investments in nuclear weapons, the opposite direction of their legal obligation. With the TPNW's new narrative on nuclear weapons, reframing it linking to the catastrophic consequences of a detonation, intentional or not, the elimination of such weapons is closer than ever.[8]

Humanitarian disarmament also confirms that innovative approaches and flexible legal framework can promote more effective arms control and end the suffering caused by weapons. In the end of 90's decade well determined people negotiated a treaty that banned landmines in an exotic way, including civil society in the room, while banned a conventional weapon, and today we celebrate several regions becoming free of landmines, the decreasing number of victims and the growing of hope for a better world. It is time to prevent more harm and backsliding.

People are forced to retire around 70-80 years in many national legal systems. Unfortunately, this year-limit doesn't cover nuclear weapons. It is up to the humanity to stand up and act to the end of the existence of such weapons that causes catastrophic consequences and is not compatible with International Humanitarian Law.

[8] See CASEY-MASLEN, Stuart. "The Treaty on the Prohibition of Nuclear Weapons": a commentary. Oxford: Oxford University Press, 2019.

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Latin America: A Region Committed to Nuclear Disarmament

María Pía Devoto

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

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

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

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

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

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

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

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

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

The above-mentioned Conferences and the various expressions of concern by most states in the different fora vis-à-vis the catastrophic humanitarian consequences of a nuclear detonation, paved

the way for the UN General Assembly to approve in 2012 the creation of a First Working Group to discuss proposals to carry out negotiations leading to nuclear disarmament at the global level (resolution 67/56). In October 2015, a Second Working Group was created to discuss concrete legal measures to achieve disarmament.

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

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

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

Latin America's role during the negotiations and the road to ratification

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

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

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

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

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

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

It can be said that 2021 has been a good year for the region's aspirations in this field, since Chile and Peru became States Parties to TPNW. The elections in Peru, and the subsequent political conflicts between the ruling party and the opposition in Congress, put the ratification at risk, but the constant pressure exerted from civil society and the Peruvian Foreign Ministry, ensured that the project was finally approved in the Foreign Relations Committee and then referred to the Congress plenary.

In the case of Chile, the presidential elections held at the end of 2021 did not represent an impediment to Congressional approval of the TPNW: it was approved in June in the Chamber of Deputies, and it took only two months to pass in the Senate. In this regard, it should be noted that the approval was unanimous in all instances, and that the Minister of Foreign Affairs conveyed a clear message to the Senate as to the importance of the importance of the Treaty.

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

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

Similarly, Argentina argues that its commitment to the Non-Proliferation Treaty (NPT) remains unchanged, as evidenced by the country's Presidency during the next NPT Review Conference, to

be held in 2022. At the same time, Argentina also highlights its commitment to the Nuclear Test Ban Treaty.

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

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

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

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

Argentina defends with solid arguments the Nuclear Non-Proliferation Treaty (NPT) even if, due to a policy of rapprochement with the United States, it signed only after more than 20 years from the treaty's adoption. The legal arguments presented by that country for not signing the Treaty on the Prohibition of nuclear weapons are easy to refute, as we have seen, so we can only speculate that this is due to mere political reasons.

Therefore, it is necessary to insist on the fact that not signing the Treaty is tantamount to endorsing the existence of nuclear weapons, undermining thus the supreme objective of nuclear disarmament and promoting the proliferation of this type of weapons.

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

TPNW; Possible contributions from Latin America.

Odilon Marcuzzo do Canto, Ph.D.

The statement of the chief technical officer of the Manhattan Project, Julius Oppenheimer, after the detonation of the first nuclear artifact in Alamogordo (New Mexico), vividly expresses the magnitude of the destructive power locked up in nuclear bombs: "If atomic bombs are to be added as new weapons to the arsenals of a warring world, or to the arsenals of the nations preparing for war, then the time will come when mankind will curse the names of Los Alamos and Hiroshima"[1]. Oppenheimer's apprehension is more alive than ever these days. The unjustified invasion of Ukrainian territory by a nuclear-armed nation, Russia, reactivates the memory of other situations where a nuclear conflict seemed imminent.

The media clearly translated the international concerns arising from President Vladimir Putin's statement: "(...) I have ordered the Russian (nuclear) detention forces to put themselves on high alert". The headlines in the major international media all went in the direction of understanding that the war in Ukraine was now a nuclear crisis. The explosion of a nuclear device anywhere on the planet is not a local or regional issue; it becomes a global event, with negative effects on people's health, the environment, and food production. As these perceptions are sharpened by the events in Ukraine, it is important that society takes a stand, demanding coherent actions and attitudes from its leaders.

The first Meeting of State Parties to the UN Treaty on the Prohibition of Nuclear Weapons, to be held from June 21 to 23, 2022 in Vienna, Austria, is undoubtedly a great opportunity for civil society organizations involved in relevant issues to present their contributions.

[1] Strathern, Paul, Oppenheimer, A Bomba Atômica em 90 Minutos; J. Zahar editor

In this context, the initiative of the Red de Seguridad Humana para América Latina y el Caribe (SEHLAC) in presenting the Region's ideas, perceptions, and potentials capable of contributing to the international effort of banning nuclear arsenals is pertinent and necessary.

South America and the Caribbean, as the first densely populated region on the planet to declare itself, by free decision of its component nations, as a Nuclear Weapons Free Zone and for its history of positions contrary to nuclear arsenals and in favor of the understanding and peace among nations, not only deserves but has the duty to collaborate with the efforts of the international community in objectives and actions aimed at the full implementation of the Treaty for the Prohibition of Nuclear Weapons (TPNW).

Throughout 2021 I had the opportunity to participate in a series of events of the Building Capacity on Multilateral Verification of Nuclear Disarmament project (VERTIC Project Code: VM08), a joint venture between the VERTIC Foundation (vertic@vertic.org) and NPSGlobal (www.npsglobal.org). Below, I present a summary of the main considerations and suggestions made in the course of the Project, clearly demonstrating that the creation of a hub for a future international nuclear disarmament verification (NDV) regime in Latin America is absolutely justifiable, both for the existing scientific/technological capacity and for its historical background of involvement in nuclear non-proliferation and disarmament issues.

Towards a qualified international NDV System

The Treaty on the Prohibition of Nuclear Weapons (TPNW) became effective on January 22, 2021, upon the completion of the 50 states ratification requirement. Although without the engagement of nuclear weapons states (NWS), in the words of the UN Secretary-General: “(...) it represents an important step towards a world free of nuclear weapons and a strong demonstration of support for multilateral approaches to nuclear disarmament”. Despite the fact that its text does not provide for any mechanism to verify compliance with the terms established in the Treaty, the issue has been part of the pro-nuclear disarmament agenda for at least a decade. A review of the discussions on the Group of Governmental Experts for Nuclear Disarmament Verification (GGENDV) established by the United Nations (A/RES/71/67) clearly indicates that the success of a global Nuclear Disarmament Verification (NDV) System depends not only on the decisive involvement of nation states, but also on the strong support of non-governmental organizations and international and regional institutions. Numerous initiatives by groups composed of different countries have devoted time and attention to this issue[2] building active collaborations among their members, developing appropriate methods/technologies for nuclear disarmament verification activities, and seeking guarantees of irreversibility, confidence and transparency.

[2] The International Partnership for Nuclear Disarmament Verification (IPNDV), with 25 state members, the QUAD initiative (UK, Norway, USA and Sweden, the NuDiVe exercise between France and Germany, and VERTIC's initiative to foster centers of excellence in Latin America, South Africa, and Kazakhstan.

A careful reading of the papers written on the subject and a collection of manifestations of official government representatives and experts in the different forums that over the past years have devoted themselves to the topic, demonstrate a variety of opinions and suggestions regarding the structural model and the desirable functionalities in a possible agency for an international nuclear disarmament verification system[3]. For sure, the discussion about the ideal model will continue to be a topic in different international forums for a long time.

The involvement of a large number of nations will certainly produce an environment rich in institutional experience and technical-scientific excellence[4]. The joint participation of NWS and Non-Nuclear Weapon States (NNWS) could have a positive influence by encouraging mechanisms with greater international legitimacy and greater credibility, transparency, and reliability. The construction of a legal, political compound with internationally recognized scientific and technical capacities is fundamental for assure confidence in the compliance of the legally binding obligations of the Treaty.

A Latin American hub for NDV

The effectiveness of a center of excellence in Latin America in collaboration with NDV international efforts will naturally depend on achieving a functional and operational model capable of maximizing the potential already existing in the Region. The existence in Latin America of two very well-known and internationally recognized organizations dedicated to the theme, (a) Organismo Para Prohibición de Armas Nucleares en América Latina y el Caribe (OPANAL), and (b) Agência Brasileiro-Argentina de Contabilidade e Controle de Materiais Nucleares (ABACC), make them the first choice. The following analysis of the positive and negative points of each of these two alternatives are based on the mission, structure, and history of involvement in nuclear non-proliferation and disarmament issues of the two organizations.

• OPANAL: ADVANTAGES AND DISADVANTAGES

The Treaty of Tlatelolco created OPANAL in its Art. 7, as the agency to ensure the fulfillment of the obligations set out in the Treaty. With the status of intergovernmental agency, it is responsible for promoting the relationship between the members of the Treaty in matters concerning the purposes, procedures and provisions established in the scope of the Agreement[5]. The operations

[3].Who verifies: Parameters for Multilateralization of Initiatives - Submitted by Mr. Tom Coppen (Netherlands), Mr. Jonathan Herbach (Netherlands) and Mr. Reto Wollenmann (Switzerland), GGENDV, Geneva, 12-16 Nov. 2018

[4] NTI, Innovating Verification: New Tools & New Actors to Reduce Nuclear Risks Building Global Capacity, Cultivating Confidence Verification Series, July 2014, p. 18

[5] Art.7. 1. In order to ensure compliance with the obligations of this Treaty, the Contracting Parties hereby establish an international organization to be known as the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean, hereinafter referred to as “the Agency”. Only the Contracting Parties shall be affected by its decisions. 2. The Agency shall be responsible for the holding of periodic or extraordinary consultations among Member States on matters relating to the purposes, measures and procedures set forth in this Treaty and to the supervision of compliance with the obligations arising therefrom.

of OPANAL are financed by the participation of the Member States and by possible agreements and contracts with other institutions and organizations in the development of projects related to its institutional mission. The General Assembly established the Committee on Administrative, Budgetary and Contributions Matters[6] to advise the Secretariat on administrative/financial and budgetary matters. The Agency's organization is very lean, with the General Assembly as the general decision-making and supervisory body, composed of all member states of the Treaty. The Assembly elects a Council of five member states for a four-year term, with the main function of ensuring the proper operation of the Control System in accordance with the Treaty provisions. The executive organ of the Agency is the General Secretariat, composed of the Secretary General and the operational staff: 1 Administrative Officer; 1 International Relations Officer; 1 Research and Education Officer and 1 Research and Communications Officer.

Analyzing the advantages and disadvantages of the possibility of using the structure of OPANAL as a hub in LA for an international system of NDV, a first positive point to be highlighted is its capacity of unification and of serving as a common space in the exchange of ideas and construction of synergies among all countries in the region. Its mode of action in matters relevant to its mission and of interest to the member states makes it trusted and respected by its members. Its pro-active participation in international events related to non-proliferation and nuclear disarmament initiatives, amply documented, gives OPANAL credibility and confidence as a significant participant in the global scenario. The provisions of Article 20 of the Treaty of Tlatelolco[7] itself allow it to act as a regional center of excellence. On the other hand, OPANAL lacks both an experienced technical staff and a proper operational technological support structure for the application of safeguards, capable of being adapted to act positively in nuclear disarmament verification efforts.

• **ABACC : ADVANTAGES AND DISADVANTAGES**

On July 18, 1991, Argentina and Brazil signed the Bilateral Agreement for Exclusively Peaceful Use of Nuclear Energy, creating ABACC as the executive agency of the Agreement. The primary mission of ABACC is to assure Argentina, Brazil, and the international community that all nuclear materials and facilities in the two countries are used exclusively for peaceful purposes. The status of ABACC is that of an international intergovernmental agency, enjoying all inherent obligations and prerogatives. The agreement between the two countries ensures ABACC complete autonomy of action in fulfilling its institutional mission, throughout the territorial extent of the two countries. The Agency's budget is guaranteed by both governments on an equal basis. ABACC's highest decision-making body is the Commission, which consists of four members; each government appoints two representatives.

The Agency has a Secretary nominated by the Argentine government and a Secretary nominated

[6] The Committee on Contributions and Administrative and Budgetary Matters (CCAAP) was established by resolution CG/Res.106 (V), adopted on 21 April 1977 by the OPANAL General Conference.

[7] Art. 20.1. The Agency may also enter into relations with any international organization or body, especially any which may be established in the future to supervise disarmament or measures for the control of armaments in any part of the world.

by the Brazilian government. The Secretary's term of office alternates between them on an annual basis. The Secretariat's internal structure is composed of four technical sectors: Planning and Evaluation; Operations; Nuclear Material Accounting and Technical Support, an Institutional Relations sector, and an Administration and Finance sector.

When examining ABACC's assets to serve as a regional hub, certainly the most outstanding fact is its recognized technical and operational capacity in the application of nuclear safeguards, developed over three decades. This capacity is linked to the fact that all its officers and inspectors come from Brazilian and Argentine institutions of recognized technical/scientific excellence.

A careful comparison of the 14 key steps for nuclear weapons dismantlement[8] with the technical/scientific capabilities of the ABACC System, assessed that, with minor adaptations and convenient training, existing infrastructure and personnel resources will be able to make a qualified contribution in at least half of the proposed key steps[9]. The challenges facing the implementation of an international NDV system are multiple; one of them is to address the issues linked to the preservation of sensitive technological information in nuclear facilities. In this regard, it is worth emphasizing ABACC's experience in finding technical solutions to solve such problems[10].

An important point to be considered is the experience acquired by ABACC, which is perhaps unique in the world, in dealing with teams of inspectors who are not permanent employees. This situation requires special strategies in the logistics of preparing pre- and post-inspection activities and in calling and training inspectors. This experience will certainly be valuable in the management of multidisciplinary teams, composed of specialists from different backgrounds, that would have to be assembled for the verification activities. The governance facilities resulting from ABACC's status as a binational agency, especially with regard to the personnel and financial sectors, would be greatly complicated by having its operations regionalized. The differences and disparities, both economically and in terms of the level of involvement in the nuclear sector of the member states, would have to be exhaustively worked out in the search for a common understanding.

Conclusion

Considering the analyses presented in this paper, it seems clear that the formation of an NDV center of excellence in Latin America is fully feasible and justifiable. Considering the historical positions of the region on nuclear non-proliferation and disarmament issues, it is not only feasible and justifiable, but also necessary. An international nuclear disarmament verification system without the active participation of the region would not meet many of the parameters considered important for a non-discriminatory multilateral arrangement according to the GGENDV[11]

[8] INPDV, Phase I Summary Report: Creating the Verification Building Blocks for Future Nuclear Disarmament, November 2017.

[9] Working Paper #3 of the 1st NPSGlobal-VERTIC Seminar in Buenos Aires in August 2019.

[10] O. Peixoto and H. Vicens, "Innovative Tools applied to enhanced safeguards approaches at centrifuge enrichment facilities", INMM, July 2007

[11] GGENDV, Geneva, 12-16 November 2018; Who verifies: Parameters for Multilateralization of Initiatives Submitted by Mr. Tom Coppen (Netherlands), Mr. Jonathan Herbach (Netherlands) and Mr. Reto Wollenmann (Switzerland).

concept.

This paper analyzed the strengths and weaknesses of two existing structures, OPANAL and ABACC, as possible hosts for this hub in Latin America. It is evident that both agencies, although presenting facilitating institutional and situational characteristics, would require adaptations of considerable importance, both in their missions and in their structures. The option for either of the two agencies as a hub would demand governance reformulations, availability of economic resources and political decisions that are difficult to be made viable now, or even in the near future.

It is important to highlight the evident complementarity of the two agencies, inferred from a comparative analysis of their structures, missions, operational capabilities, and scenarios of operation. The perception of this level of complementarity leads to the assumption that a joint venture connecting the two agencies, with each one maintaining its peculiarities, but creating connections that meet the necessary characteristics of a center of excellence as desired, would possibly be the best solution. OPANAL, by its characteristic of involving all the countries of Latin America and the Caribbean, would lend the center of excellence the necessary agglutination capacity and sense of unity. Its solid political representativeness would bring significant specific weight to participations in international forums. OPANAL has created over more than 50 years of activities, a broad connection with governmental institutions and civil society organizations[12], which will serve as a facilitator in the creation of important synergies for the purposes desired. Regarding ABACC, it is worth highlighting its experience and operational capacity in the application of a safeguards regime internationally recognized as of quality, and which could easily be adapted to meet the needs of a regional verification center. The governance difficulties already mentioned are greatly reduced to the extent that only minor structural modifications are required. It is worth mentioning that ABACC and OPANAL have had a cooperation agreement in place since 1993. The production of a Memorandum of Understanding between the two agencies could easily define the appropriate terms for the creation of the hub.

Operations could follow the action team model used by the IAEA in 2002 in Iraq in fulfillment of the mandate of UN Security Council Resolution 687. This model would allow maximum use of the scientific and technological capacity existing in the member countries, and would benefit from ABACC's experience in dealing with inspectors coming from multiple institutions. Members of the

[12] OPANAL has cooperation agreements with the following international organizations, academic institutions, and civil society organizations: Brazilian–Argentine Agency for Accounting and Control of Nuclear Materials (ABACC), Permanent Commission of the South Pacific (CPPS), Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO), Latin American Institute of Educational Communication (ILCE), Nonproliferation for Global Security Foundation (NPSGlobal), International Atomic Energy Agency (IAEA), Latin American Energy Organization (OLADE), Latin-American Parliament (PARLATINO), the Secretariat of the Pacific Islands Forum (PIF), United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean (UNLIREC) and Soka Gakkai International.

action teams would behave as officers of the joint venture while on mission. A major issue is certainly the one of the financing of nuclear disarmament verification activities. Since such operations do not fall within the scope of activities envisaged in either institution, they will certainly have to be addressed in other ways. While it is expected that the budgetary resources of the two agencies can minimally support some of the activities, most of the expenditures will have to rely on other sources of funds. One possible way forward was already pointed out at the 3rd Session of the GGENDV (2018/19)[13], through the creation of a special fund with the participation of the NWS and occasional contributors. Although the goal of a world without nuclear weapons is a desire of all nations and all peoples, it seems clear that morally it is incumbent upon the NWS to have the greater obligation to finance the actions necessary to achieve such a desideratum.

[13] Group of Governmental Experts to consider the role of verification in advancing nuclear disarmament, Nuclear Disarmament Verification Fund (NDV Trust Fund), Submitted by Ms. Werdaningtyas (Indonesia), Mr. Langeland (Norway) and Mr. Chambers (United Kingdom of Great Britain and Northern Ireland).GE-NDV/2019/3, 9 April 2019, par. 5.

A security framework for nuclear abolition

César Jaramillo

Imagine that the international community has just accomplished the complete and irreversible elimination of nuclear weapons. That an auspicious combination of genuine political will, good-faith diplomatic engagement, and effective leadership has resulted in comprehensive and credible multilateral disarmament negotiations that made irreversible nuclear abolition a reality.

You wake up to the news that the last remaining warhead has been dismantled. The era of nuclear weapons is over.

Now imagine that a book is being written to describe the process that made this outcome possible. It details how states navigated all the thorny, seemingly intractable political and security challenges that have thus far prevented progress towards nuclear abolition.

The book includes a detailed roadmap that explains how concrete solutions to known hurdles were achieved. It is not just focused on aspirational questions, such as “did states express rhetorical support for the eventual goal of nuclear abolition?” It includes specifics. There is a chapter on “How Israel was persuaded to give up its nuclear weapons” and another on “The conditions under which the U.S. removed its nuclear weapons from the territories of other NATO member states.”

Answers to those questions demand greater attention and debate. There is an urgent need for that kind of roadmap—however hypothetical at this point.

Much of the current work on nuclear disarmament focuses on big-picture mechanics, describing global processes and instruments. These are important efforts, no doubt. But they must be complemented by specific measures to tackle the concrete bilateral, regional, and international security dynamics that underpin the global nuclear order.

To be sure, this recognition cannot be allowed to slide into a belief that some sort of Kantian peace or ideal international security conditions are necessary prerequisites for nuclear disarmament. Shifts in security arrangements can and must happen in parallel with concrete disarmament measures. A credible process leading to nuclear abolition requires attention—and demonstrable progress—on both fronts. Otherwise, it will remain a distant, ethereal objective.

The unfulfilled NPT promise

There is broad consensus that the Nuclear Non-Proliferation Treaty (NPT) has not delivered on the promise of nuclear disarmament. Not only has its credibility diminished steadily in recent years, but many doubt that this treaty, as currently structured and implemented, will ever lead to complete nuclear disarmament.

Today, the question is not just whether the world is a better place with the NPT than without it, but whether this treaty will result in a world free of nuclear weapons.

More than 50 years ago, the NPT set out a legal framework for nuclear abolition, with a specific disarmament obligation under Article 6. However, nuclear-weapon states have thus far disregarded their obligation to “pursue negotiations in good faith” leading to nuclear disarmament. But even if states were willing, “good faith” would not tell them how to plot their moves to nuclear disarmament. Nor would it provide ways to respond to current security dynamics that have become obstacles to such progress.

Consider, for instance, the Action Plan that was adopted at the 2010 NPT Review Conference. Action 1 calls on states to “pursue policies that are fully compatible with the Treaty and the objective of achieving a world without nuclear weapons.” This is a welcome reiteration of existing obligations, but what does it mean in practice?

How can it be applied, say, to the security assurances that the United States gives to Taiwan, threatened by mainland China? To the pursuit of a Middle East zone free of nuclear weapons and other weapons of mass destruction? To NATO’s collective security policies, founded on nuclear deterrence? To the nuclear sabre-rattling between India and Pakistan?

A welcome advance

The Treaty on the Prohibition of Nuclear Weapons (TPNW) entered into force in January 2020. By establishing an unambiguous ban on all dimensions of nuclear weapons—including their very possession—it constitutes a formidable victory for nuclear disarmament advocates in and out of government.

Tired arguments over the purported value of nuclear weapons possession were replaced by a renewed emphasis on the humanitarian imperative for nuclear disarmament. From this perspective

the catastrophic humanitarian consequences of nuclear weapons use outweigh any alleged benefits.

A product of widespread frustration with the lack of progress toward nuclear disarmament, the TPNW significantly strengthens the normative regime for nuclear abolition. Its effective implementation, which includes a scenario in which nuclear-weapon states and their allies join in good faith, will benefit from early and dedicated attention to the specific security contexts and relationships that will predictably be impacted.

A mantra in global nuclear disarmament and non-proliferation conversations has long been that there is an urgent need to formulate security arrangements that do not rely on the threat or use of nuclear weapons. So, what would those alternative security arrangements actually look like? As former U.S. statesmen Henry Kissinger, Sam Nunn, William Perry, and George Shultz argued in a 2007 op-ed for *The Wall Street Journal*, a world without nuclear weapons will not simply be today's world minus nuclear weapons.

How would the security relationship between Russia and NATO be defined in a world without nuclear weapons? How can disparities in conventional military capabilities among nuclear armed states be accounted for in a serious abolition process? Is peace between North and South Korea a requisite for denuclearization in the Korean peninsula or vice versa? Do all states engage simultaneously in a nuclear abolition process or do the US and Russia take the lead, with other states joining at later stages?

Concerted thinking on effective approaches to address such issues is sorely needed. At a minimum, there must be a basic recognition of the need for a security framework to complement the existing legal and normative architecture for nuclear abolition.

Security issues to address

A nuclear alliance

The North Atlantic Treaty Organization (NATO) has an overt policy of nuclear deterrence, and several non-nuclear weapons European states have nuclear weapons owned by the United States stationed on their territories.

The fact that all NATO members are also States Parties to the NPT raises important questions about the extent to which they are complying with their obligations under the treaty. In Article 1, each state party of the NPT with nuclear weapons “undertakes not to transfer to any recipient whatsoever nuclear weapons.” Article 2 requires “each non-nuclear weapon State Party to the Treaty” not to receive them.

The widespread rejection of this status quo, however, has done little to persuade nuclear-weapons states in NATO to change course. Of course, the position of non-nuclear weapons members of the alliance is also problematic. When it suits, they present themselves as responsible international

actors that are non-nuclear-weapon states under the NPT. At the same time, they are party to, and endorse, a security relationship that runs contrary to the letter of the NPT and the broader goal of nuclear abolition.

NATO members extol the value of nuclear weapons as a supreme security guarantee that protects their vital security interests, but expect no one else to embrace the same rationale. They demand immediate, consistent compliance with non-proliferation obligations, but disregard their own responsibility to disarm. They consider the pursuit and possession of nuclear weapons by some states unacceptable, but seem content to accept the nuclear-weapons programs of military or economic allies, even outside the NPT framework.

In addition, NATO members with nuclear weapons continue to spend heavily in modernizations programs—as is the case with every other nuclear armed state. This inevitably extends the shelf life of warheads and related infrastructure, and pushes the abolition goalpost even further.

Obviously, NATO policy and doctrine with regard to nuclear weapons must change in any credible process to achieve nuclear disarmament.

Nuclear-armed states outside the NPT

Four of the nine countries currently in possession of nuclear arsenals—India, Pakistan, Israel, and North Korea—are outside the NPT framework, with no process in place to bring them into the fold. It is unlikely that these countries would be accepted into the NPT regime as nuclear-weapon states; it is just as unlikely that they would agree to join the treaty as non-nuclear-weapon states.

The impact of these states' behaviour goes beyond the NPT framework and has direct implications for nuclear security. For example, in what has become a worrisome pattern, border skirmishes between India and Pakistan have become disturbingly routine.

Clashes in 2019 between these nuclear armed foes involved not just exchanges of gunfire, but cross-border airstrikes around the disputed Kashmir region, alarming nuclear observers about the risk of escalation to a scenario that might involve nuclear weapons. Similarly perilous incidents were observed the following year.

Of note, states parties to the NPT such as the United States and Canada, have engaged in nuclear cooperation with India despite the understanding and expectation that nuclear co-operation should be reserved for states parties to the treaty. Engaging in nuclear cooperation with India undermines the international community's aspirations to fully universalize the NPT by providing rewards, instead of disincentives, to a state outside the NPT framework.

It is hard to see how the NPT can be a realistic vehicle to zero nuclear weapons when almost half of the states with nuclear weapons are neither bound by its obligations nor restricted by its limitations.

The Middle East

A resolution of the 1995 NPT Review Conference that called for “practical steps” toward a zone in the Middle East free of weapons of mass destruction was widely considered at the time to be critical for the indefinite extension of the NPT.

After years of negligible progress on this issue, NPT states parties at the 2010 Review Conference agreed on a decision to convene a conference on a Middle East free of nuclear weapons and other weapons of mass destruction by 2012. But no conference was held by this deadline. The issue emerged again at the 2015 NPT Review Conference, with the draft outcome document calling for UN Secretary-General Ban Ki-moon to convene a conference on this issue by March 2016. Once again, the deadline passed.

The issue finally gained some traction when it was taken up by the UN General Assembly, which in a December 2018 decision entrusted the Secretary-General with convening the long-delayed conference no later than 2019, then annually until a Middle East WMD-free Zone has been established. The first session was held on 18-22 November 2019, and a second on 29 November-3 December 2021. But not all required parties are at the table.

While there has been broad participation by states in the region as well as four of five members of the UN Security Council (China, Russia, France and the United Kingdom), two states known to be crucial for the success of the process have refused to participate and have missed both sessions: Israel and the United States.

The achievement of a Mideast zone free of weapons of mass destruction is a necessary and integral part of a process to free the world of nuclear weapons. Despite welcome efforts and good intentions, the absence of key players make still make this a distant prospect.

Iran

Requiring separate analysis is the question of efforts to limit Iran’s ability to develop a nuclear weapons program.

The joint comprehensive plan of action (JCPOA) agreed to by Iran and the P5+1 (permanent members of the UN Security Council plus Germany) was a significant step in achieving a diplomatic solution to the volatile stalemate over Iran’s purported ambition to develop nuclear weapons. Although Iran was complying with the terms of the agreement, the United States withdrew unilaterally in 2018 and reinstated sanctions. As a result, the Iranian government has since walked away from its own commitments under the deal—which is now all but dead.

The agreement called for the removal of crippling sanctions on Iran—which have affected ordinary Iranians more than the country’s leadership—in exchange for strict limits on Iran’s nuclear activities. Iran agreed not to enrich uranium for the first 15 years beyond the level of 3.67 percent purity, needed to produce the low-enriched uranium (LEU) used in nuclear power stations. Weapons-grade uranium is 90 percent enriched. Iran had also agreed to inspections of its past

nuclear-related work by the International Atomic Energy Agency (IAEA), which must certify Iranian cooperation before sanctions relief occurs.

While implementation of the JCPOA was always fraught with risk and uncertainty, most expert analyses concurred that the agreement was solid. Not only did it serve to gradually defuse the stalemate over the Iranian nuclear program, but it could also lay a strong foundation for normalized relations between the Islamic Republic and the West. The negotiation process itself represented a rare example of rapprochement between serious adversaries, which could have yielded ancillary benefits as the P5+1 and Iran work to overcome a history of mutual transgressions and utter mistrust.

With the unravelling of the JCPOA, the Iranian nuclear question is once again unresolved.

North Korea

In recent years, North Korea has made very significant, well-documented progress in its nuclear weapons program, including advances in warheads and delivery systems that would enable an attack on the continental United States.

At the same time, it is unlikely that the international community's current approach—sanctions + sabre rattling—will put a halt to North Korea's nuclear ambitions in the foreseeable future. No credible plan is in motion that can reasonably be expected to result in a denuclearized Korean peninsula.

Conventional wisdom has long held that North Korea would not abandon its nuclear weapons program without getting concrete and substantial security assurances in return—exactly the sort of trade-offs that countries like the United States has long ruled out.

To be sure, when North Korea speaks of security assurances, it is not referring to the lifting of sanctions, although this would certainly be a part of any grand bargain. While Pyongyang sees its nuclear arsenal as its prime bargaining chip, useful only once, sanctions can be easily reinstated.

Instead, security assurances to Pyongyang must be based on a fundamental change in US military doctrine and preparedness in the peninsula. This would involve the debate around the continued presence of approximately 28,000 US troops in South Korea.

There are other issues to consider in normalizing relations between North and South Korea, such as North Korea's notoriously poor human rights record—exactly the type of record that has been used as a pretext to call for regime change in other cases. Would the United States and the rest of the international community be willing to acknowledge and support a North Korean autocratic regime, as long as nuclear weapons were out of the equation?

The denuclearization of North Korea is possible. But it will demand compromise from all parties. And a realistic plan of action.

Still a rocky path ahead

The abolition of nuclear weapons requires disarmament provisions, verification mechanisms, and a timeline for implementation. These mechanics do not exist in a vacuum and cannot be operationalized without due consideration of relevant security dynamics and contexts, many of which point to issues that require effective resolution.

While it is beneficial, indeed constructive, for the nuclear abolition enterprise to focus on progress achieved, it is also critical to pay attention to areas in which progress has not been made. Some obstacles, unresolved issues, and security relationships are so entrenched that they could derail nuclear disarmament efforts for decades.

None of these issues, however, constitutes an insurmountable obstacle. The international community can muster responses to each. To succeed in this, imagination is certainly needed. But this much is certain: they must be addressed one way or another if nuclear abolition is ever to be a reality.



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