

## Regional Agenda for Nuclear Disarmament

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In this article, I am drawn to address the challenges currently faced by the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (OPANAL) within the renewed agenda for nuclear disarmament, not without a previous recognition to the initiative and efforts carried out by the Latin American states to declare the region as a militarily denuclearized zone. The first advance towards the negotiations by the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean, known as the Tlatelolco Treaty, was the joint declaration dated April 29, 1963, subscribed by the Presidents of Mexico, Bolivia, Brazil, Ecuador and Chile, within the post-war arms race<sup>1</sup> framework, a few months after the Missile Crisis of 1962 between the two major nuclear powers (the Union of Soviet Socialist Republics and the United States of America). Under those circumstances, Latin America proclaimed their decision to start the political negotiations with the international community in order to be declared a Nuclear-Weapons-Free Zone (NWFZ). This, with the resolute purpose of avoiding a similar experience to happen again and also to sign an agreement that would establish “the commitment of not manufacturing, receiving, storing, nor testing nuclear weapons or nuclear launching devices”<sup>2</sup>, through which the Latin American

<sup>1</sup> United States of America, 1945; Union of Soviet Socialist Republics, 1949; United Kingdom, 1952; France, 1960; and China, 1964.

<sup>2</sup> This commitment, as expressed in the Joint Declaration signed by the five Presidents, was thoroughly formalized in Article 1 of the Tlatelolco Treaty through the following text: “1. The Contracting Parties commit themselves to use those nuclear materials and facilities subject to their jurisdiction exclusively with peaceful purposes, and to prohibit and avoid the following actions in their respective territories:  
a. The testing, use, manufacturing, production or purchase, by any means, of any nuclear weapon, by

region would obtain security guarantees from the nuclear powers regarding the non-use of such weapons in the region, and, simultaneously, the member states would be guaranteed their right to the peaceful use of nuclear energy.

That same year, on November 27, the UN General Assembly “...embraced the 1911 (XVIII) resolution through which it declared its support and encouragement to the Latin American initiative...”.<sup>3</sup> Four years later, on February 14, 1967, the Tlatelolco Treaty was submitted to signature and it came into effect in 1969.

With the purpose of refreshing our memory and strengthening the political will of the member countries of the OPANAL, I quote the words expressed by former UN Secretary General, U Thant, to the Preparatory Commission for the Denuclearization of Latin America (COPREDAL) on February 12, 1967, on the occasion of the Tlatelolco Treaty approval: “*The Treaty for the Prohibition of Nuclear Weapons in Latin America is an important stage in the long, difficult search for disarmament... It also sets forth the required by-laws towards the creation, for the first time in history, of a denuclearized zone in a populated area of the world... The Latin American nations can, with ample justification, take pride in what they have wrought by their own initiative and through their own efforts.*”

## The Tlatelolco Treaty contributions

This was a novel treaty in many aspects; I am briefly citing some of them with historic significance and political relevance:

- a) It created the first nuclear weapons-free zone in a densely populated region, for which it formed the Tlatelolco System, comprised by the treaty itself, its two additional protocols,<sup>5</sup> and the agency for the prohibition of nuclear weapons in Latin America and the Caribbean (OPANAL). Still today, the OPANAL is the only specialized agency created by a NWFZ<sup>6</sup> intended to safeguard the compliance with its purposes, which should be valued as a Latin American/Caribbean legacy in favor of the efforts made to maintain the region free of nuclear weapons and to firmly keep contributing towards a total and general nuclear disarmament. At present, the

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themselves, whether directly or indirectly, through third-party mandates or otherwise; and b. The reception, storage, installation, emplacement or any other way of possession of any nuclear weapon, whether directly or indirectly, by themselves, through third-party mandates or otherwise. The Contracting Parties also commit themselves to refrain from performing, encouraging or authorizing, whether directly or indirectly, the testing, use, manufacturing, production, possession or control over any nuclear weapon, as well as from participating in it in any way.”

<sup>3</sup> Revista Mexicana de Política Exterior (Mexican Foreign Policy Magazine), No. 50, 1996, page 12

<sup>4</sup> Extracted from the message addressed by Hon. Alfonso García Robles, on the 10th Anniversary of the Tlatelolco Treaty, page 23, OPANAL publication, 1977.

<sup>5</sup> Protocol I. For those States with a de jure or de-facto territory under their responsibility within the zone. Ratified by the United States of America, France, The Netherlands and the United Kingdom. Protocol II. For those states owning nuclear weapons, for them to observe the military denuclearization in the zone. Ratified by the five acknowledged nuclear powers.

<sup>6</sup> The Pelindaba Treaty, which was enacted in 2009, stipulates in Article 12 the creation of an African Commission on nuclear energy targeted to ensure the execution of the contract; as of today, we have knowledge that it has been officially set up and is expected to be normally running in the near term. For more details, see Pelindaba Treaty, Annex III.

OPANAL bodies are committed to strengthening the Agency to ensure a greater political involvement of our NWFZ in the renewed interest of the international community, in order to move forward into the complete and irretrievable elimination of nuclear weapons.

- b) Back then, the Tlatelolco Treaty was an important contribution to international law and at the same time, it was a benchmark and an inspiration to other NWFZs that subsequently emerged: In 1985 with the Rarotonga Treaty in the Southern Pacific (18 years after the Tlatelolco Treaty); in 1995, with the Bangkok Treaty in Southeast Asia; and a year later, with the Pelindaba Treaty, in the African continent<sup>7</sup>. The latter, together with the treaty that created the Central Asian NWFZ, became effective in 2009, all of them which today make five NWFZs, and Mongolia as a state unilaterally declared free of nuclear weapons<sup>8</sup>.
- c) This characteristic has enabled our NWFZ, led by Mexico and with the active involvement of the OPANAL, to organize in Mexico City in 2005, the 1st Conference of member states Involved in the treaties that create the NWFZs, and to coordinate this year the 2nd Conference in New York under the responsibility of Chile. These conferences and their corresponding final documents represent the starting point for the political coordination tasks agreed upon by all five NWFZs plus Mongolia in order to implement the international agenda with shared-interest issues.
- d) Latin America and the Caribbean constitute the only NWFZ which has two additional protocols, besides the treaty, signed and ratified by all the powers linked to them. However, at the time the additional protocols were signed and/or ratified, the United States of America, the United Kingdom, France and Russia performed interpretative statements to the text. This fact became a pending issue to be resolved in order for the nuclear powers to achieve the consolidation of those negative security guarantees in the region. This is why conversations with the powers linked to the Tlatelolco Treaty protocols started in 2010, particularly concerning to the additional protocol, I related to the military denuclearization of the zone encompassed by the Treaty, in order for the interpretative statements carried out at the moment of its signing and/or ratification to be modified or revoked.
- e) Article 17 of the Tlatelolco Treaty, also set forth the right of the member states to the peaceful use of nuclear energy. It was also incorporated by the Treaty for the non-proliferation of nuclear weapons known as NPT, which became effective in 1970, one year after the Tlatelolco Treaty. It is clear that the right also entails the obligation to meet the control and verification system set forth by Article 12 and subsequent articles of the Tlatelolco Treaty, also a novelty at that time. Today it is necessary to reflect on that system in relation to other verification and control mechanisms conducted worldwide by the IAEA (International Atomic Energy Agency) , and bilaterally, by the Argentine-Brazilian Agency for Accounting and Control of Nuclear Materials (ABACC).

<sup>7</sup> Note that except for the Tlatelolco and Rarotonga Treaties, the rest became effective during the Post-Cold War period.

<sup>8</sup> Declared on September 25, 1992, and effective as of February 3, 2011.

NUCLEAR WEAPONS FREE ZONE	TREATY	ADDITIONAL PROTOCOLS
LATIN AMERICA AND THE CARIBBEAN	<p>TLATELOLCO</p> <p>Open for signature on February 14, 1967, and became effective on April 22, 1969 with 12 states. To this date, all 33 States in the region are members. Created the OPANAL in 1969.</p>	<p>Protocol I. For those states with a de jure or de-facto territory under their responsibility within the zone; signed and ratified by United States, France, The Netherlands and the United Kingdom.</p> <p>Protocol II. For those states in possession of nuclear weapons to observe the denuclearized nature of the zone. Signed and ratified by all 5 Nuclear States</p>
SOUTHERN PACIFIC	<p>RAROTONGA</p> <p>Open for signature on August 6, 1985, and became effective on December 11, 1986. There are 13 member states .</p>	<p>Protocol I. For those states with a de jure or de-facto territory under their responsibility within the zone. Signed and ratified by France and the United Kingdom; the United States has only been a signatory.</p> <p>Protocol II. For those acknowledged nuclear states to observe the denuclearized nature of the zone. Signed and ratified by France and the United Kingdom; the United States has only been a signatory.</p> <p>Protocol III. For the acknowledged nuclear states not to perform nuclear tests in the area. Signed and ratified by France and the United Kingdom; the United States has only been a signatory.</p>
SOUTHEAST ASIA	<p>BANGKOK</p> <p>Open for signature on December 15, 1995 and became effective on March 27, 1997. Ten member states.</p>	<p>One Protocol. For those acknowledged states in possession of nuclear weapons to observe the denuclearized nature of the zone. No state has signed it yet.</p>
AFRICA	<p>PELINDABA</p> <p>Open for signature on April 12, 1996 and became effective on July 15, 2009. There are currently 28 member states. The Treaty, in Article 12, anticipates the creation of the Commission on Nuclear Energy, which has been recently set up.</p>	<p>Protocol I. For those acknowledged nuclear states to observe the denuclearized nature of the zone. Signed and ratified by China, France and the United Kingdom; the United States and Russia have only been signatories.</p> <p>Protocol II. For the acknowledged nuclear states not to perform nuclear tests in the area. Signed and ratified by China, France and the United Kingdom; the United States and Russia have only been signatories.</p> <p>Protocol III. For those states with a de jure or de-facto territory under their responsibility within the zone. Signed and ratified by France. Spain has not signed yet.</p>
CENTRAL ASIA	<p>CENTRAL ASIA</p> <p>Open for signature on September 8, 2006, and became effective on March 21, 2009. It has 5 member states.</p>	<p>One Protocol for all five recognized states in possession of nuclear weapons to observe the denuclearized nature of the zone. No state has signed yet.</p>

## OPANAL Challenges and Trials

Forty-four years have gone by and, just like then, the OPANAL is again dealing with recurrent challenges and emerging trials. One just has to remember the entire process to obtain the signatures and ratifications from the States in the region, where the agency served as a flexible, effective multilateral forum in the negotiation of agreements that enabled the 33 states to become members of the Tlatelolco Treaty. Among those agreements are the three amendments performed to the Treaty in the early '90s (1990-1992), which enabled the incorporation of Argentina, Chile and Brazil; the Caribbean countries which consolidated as states after 1967; and Cuba, who signed it in 1995 and ratified it in 2002. The flexibility in making decisions also enabled the system of Tlatelolco to fit into the control and verification needs between Brazil and Argentina as to the peaceful use of nuclear energy, thus creating the ABACC. This bilateral body has subscribed agreements with the IAEA and the OPANAL. It is imperative that the OPANAL renews the cooperation and coordination relationships with both agencies in this new juncture.

As it is known, at the end of the Cold War, it was thought that the nuclear disarmament would finally become possible, but the opposite has been proven. Therefore, in the NPT Review Meeting held in 1995, the states decided to indefinitely extend such treaty. Five years later, during the conference held in 2000, all 189 NPT member states unanimously ratified, in the final document, “an irrefutable commitment made by those states in possession of nuclear weapons to gradually but completely eliminate their nuclear arsenals as the way to nuclear disarmament”, or fashionably known as “toward the nuclear zero”. The following events are also known as part of history: nothing relevant has occurred within a decade, and even the Disarmament Conference didn't reach any agreements in 15 years, which has caused the negotiations on the Treaty for the prohibition on production of fissile materials to come to a dead spot.

Today, it is clear that the post-Cold War illusion was, in fact, just an illusion, and that on the contrary, new challenges and threats have emerged along with new opportunities to advance toward a total, comprehensive disarmament. 2010 has been witness to some advances on nuclear disarmament; however, these are only a few steps in the long, complex road towards a total, comprehensive, and irretrievable nuclear disarmament. I will refer to some of them as follows:

- The signature –and in the early 2011, the enactment– of the new START by the United States of America (USA) and the Russian Federation, for the reduction of offensive strategic weapons.
- Revision of the USA nuclear position; and more recently, of the United Kingdom.
- The consensual adoption of the final document by the member states of the VIII Conference for the NPT Examination, held on May 2010, in which an agenda of actions was determined, a measure that was accurately commented by the Mexican delegation during the recent meetings of the I. United Nations Commission: “it represents the starting point toward the eventual concretion of a world free of nuclear weapons; it is the critical path to channel those efforts with precise actions”<sup>9</sup>.

<sup>9</sup> Words expressed by Ambassador Pablo Macedo at the I United Nations Commission held in New York on October 15, 2010.

To this context, it is necessary to add the increasing interest shown by countries worldwide, including the Latin American/Caribbean region, towards the production of nuclear energy for peaceful purposes (the IAEA has mentioned the existence of 65 interested countries, 11 of which are from Latin America<sup>10</sup>), which represents new challenges to the region in terms of guaranteeing the development, without discrimination, of such energy for those interested countries, and concurrently, ensuring that its use shall only be for civil purposes.

Going back to the OPANAL challenges, these are some I have been mentioning throughout this article, in addition to the ones that are emerging related to the renewed international agenda, particularly within the last two years. In my opinion, together they constitute the Agency's political agenda, which is the agenda of all 33 member states of the Tlatelolco Treaty. We can't postpone addressing those challenges and that agenda. The so called 'lost decade for nuclear disarmament', with some exceptions, has also been a lost period of time for the Agency.

As I mentioned earlier, the Agency's political agenda is made up of challenges; therefore, I will list the most relevant, in order to provide the reader a closer look but without including each topic's details.

- f) The strengthening of the OPANAL. What matters most in this objective is the political will of the governments as well as agreeing upon efforts. The strengthening process has started; in this regard, it is relevant to mention, the OPANAL task coordination at the UN headquarters in New York and in the Conference for Disarmament in Genève, a responsibility undertaken by the member states on a rotational basis. Additionally, this strengthening is evident in the dynamics of those tasks carried out by the council and the Secretary General, along with the renewed Agency's political agenda, which in part is made up by the topics mentioned below.
- g) Another working area is the negotiation for the amendment or elimination of the interpretative statements performed to the additional protocols of the Tlatelolco Treaty by the nuclear powers. Consolidating the military denuclearization scheme has been and still is an essential objective for the OPANAL; therefore, it is essential that the nuclear powers amend or eliminate the interpretative statements performed at the moment of signing and/or ratifying the additional protocol II of the Treaty. The conversations held with the four nuclear powers who issued those statements began last year; this will be a good year to resume them.
- h) The analysis of the Tlatelolco control system in relation with the international verification system and the sub-regional experiences. This happens, among other reasons, due to the restoration of the cooperation and coordination with other related agencies, such as the ABACC and the IAEA. These agencies are also adapting to the new agenda in terms of nuclear issues.
- i) The role performed by OPANAL as to the peaceful use of nuclear power. The states developed this right, which broadly expresses the way in which the agency would be linked to the expansion of the peaceful use of such energy by the states of the region.

<sup>10</sup> Report issued by the Director General of the International Atomic Energy Agency (IAEA) to the Governors Council at the General Conference (GOV/INF/2010/12-CG(54)/INF/5, September 7, 2010, page. 11, Spanish version.

That interrogation still lacks an answer, and constitutes one of the significant topics to be discussed in the OPANAL.

- j) Education for nuclear disarmament. In 2011, the OPANAL will continue with the online course on nuclear disarmament issues in Spanish, and expects its English version to start. This will enable a greater coverage among the agency members, other NWFZs, and other interested countries or organizations of the civil society.
- k) Political coordination with other NWFZs and Mongolia. As stated before, this region has been in charge of organizing and coordinating both Conferences of member states of those treaties that create the NWFZs and Mongolia. Each conference has consensually adopted a final document, prioritizing among the agreements, the political coordination between them for dialog and cooperation. Considering that 114 states are members of all five NWFZs created so far, coordination becomes highly complex, mainly because the Latin America and the Caribbean NWFZ is the only one that has its own, specialized agency; most of the remaining ones have a focal point that rotates among the member states. In 2011 and the subsequent years, this will be a topic which will require special attention in the agency's tasks.
- l) Coordinating efforts with the civil society towards nuclear disarmament. Nuclear disarmament will not be possible if we don't work together by complementing actions oriented to that particular purpose. In this regard, we have given special attention to identifying shared interest areas that could be implemented with domestic and international NGOs.

## Conclusion

The Tlatelolco Treaty was innovative in many respects and remains a pioneer in others. The new international scenario claims greater enthusiasm in nuclear disarmament and non-proliferation processes. It also demands additional presence to guarantee the states' right to the development and use of nuclear energy for civil purposes, with the corresponding international obligations. The Latin America/Caribbean region has to perform its applicable role in this new juncture, as it did over 44 years ago. This is not an option, but a responsibility.

In the past, the region committed itself to nuclear non-proliferation, and all 33 States have complied. Presently, everyone keeps this hope alive: That the powers in possession of nuclear weapons comply with their commitment to disarm. We are aware that this is neither an easy nor an immediate goal, that the road is long and complex... very complex, and that the efforts to make it possible are a task for all: For the Tlatelolco member states, the OPANAL Council and the secretary general. It is a task involving all of us: the states in possession of nuclear weapons, the NWFZs, the multilateral forums and the civil society.