

Latin America's Treaty of Tlatelolco: Instrument for peace and development

Updated in the 1990s, the Treaty for the Prohibition of Nuclear Weapons in Latin America sets up a militarily denuclearized zone

More than 30 years ago, in October 1962, the world witnessed one of the most serious confrontations to have occurred between two nuclear powers — the “Missile Crisis”. At the time, Latin America viewed the incident from various angles: it saw international peace and security as basic necessities, and its own unwillingness to be party to military conflicts between the major powers. At the same time, it saw the importance of not being prevented from mastering nuclear technology for peaceful purposes and from applying it to promote the economic development of its peoples.

All this was uppermost in the minds of those who subsequently became responsible for negotiating the text of an historic document: the Treaty for the Prohibition of Nuclear Weapons in Latin America, now usually called the “Tlatelolco Treaty” in recognition of the Mexican site in which it was opened for signature.

Thirty years ago, the Cold War in a bipolar world was the frame of reference. The parameters then were a devastating world war that, for the first time, had brought home the horrors inherent in the military use of nuclear energy and the incipient awareness worldwide of the benefits to be derived from the use of atoms for peace. Latin America was convinced that, faced with the permanent threat of nuclear confrontation between the nuclear superpowers, it must present to the world a legal instrument. Although novel for its time, that instrument would be permanent in spirit and would demonstrate that alongside national interests there existed interests of the international community. These interests touched, most particularly, those of the world's populated regions which, without being parties

to a decision to intervene in a war, would nevertheless become involved in one. In Latin America, people knew they would face a catastrophic scenario only in the event of a world conflict. The total interdependence in which we live and, above all, the explosive and radiative power of the atom when used to destroy show clearly that we are not immune to what surrounds us.

Traditionally, Latin America has been an inexhaustible source of ideas and actions, and international law has not escaped the effects of the fertile Latin American imagination. Latin Americans did not invent the wheel, but some general principles of international law that today serve as a basis for the peaceful co-existence of nations have Latin American parentage. Similarly, in the field of non-proliferation, the region of Latin America and the Caribbean was the first to make its voice heard, and it proclaimed its views loudly. After Hiroshima and Nagasaki, one thing crucial to the question of non-proliferation was absolutely clear — the undeniable superiority of nuclear over conventional weapons.

The Treaty's origins and key elements

It took more than 4 years of constant effort and difficult negotiations to formulate in a legal document the obligations of the contracting parties within the Latin American region and that of the nuclear powers to respect the region's desired military denuclearized status. On 14 February 1967, the Treaty for the Prohibition of Nuclear Weapons in Latin America was opened for signature at Tlatelolco, Mexico.

Initially, only 18 countries of the region signed it. Since then, 28 years have passed, and the process of consolidating the military denuclearization regime and its control system in Latin America and the Caribbean is almost complete. This has involved the joint efforts of the three main organs constituting the Agency for

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the Prohibition of Nuclear Weapons in Latin America and the Caribbean (OPANAL) — namely the General Conference, the Council, and the General Secretariat — and of the Good Offices Committee. The Committee is a specially created subsidiary body formed by Costa Rica, Jamaica, Peru, and Venezuela and chaired by Mexico (the Mexican Government being the Depositary Government of the Treaty). It has made an effective contribution to the consolidation of the Treaty's zone of application.

The drafters of the Tlatelolco Treaty molded a conceptually rich international instrument. During the almost three decades that it has been in force, the Treaty has served as an example for the international community. Now, in the momentous times of flux in which we are living, Latin America and the Caribbean is more and more insistently urging the international community to focus on non-proliferation with the ultimate goal of complete disarmament, peace and development for all.

The end of the Cold War and bipolarism demands new concepts of security and development. A number of factors are working to strengthen multilateral co-operation on a day-to-day basis. These factors include changes in the thinking of the nuclear powers, the resurgence of densely populated regions interested in their own economic and social development rather than in armaments, and the unmistakable winds of universal democracy. A new concept — the economic and social development of nations — must replace the traditional ideology-based concept of security and the consequent arms race. For Latin America and the Caribbean, there are other priorities in daily life, such as combating extreme poverty, supporting health and education programmes, and developing basic industries such as agriculture and mining, which are the foundations of development. The region is becoming aware that those priorities call for the extensive peaceful utilization of the most powerful form of energy — nuclear energy.

Some elements make the Tlatelolco Treaty a unique legal instrument. They include the Treaty's indefinite duration (Article 31); the fact that it can be amended at any time and thus adapted in the light of recent developments (Article 30); the provision that it "shall not be subject to reservations" (Article 28); the full protection of the Treaty's zone of application through negative security assurances, with the nuclear powers and other States situated outside the Latin American continent undertaking to recognize and respect it (Additional Protocols I and II); the definition of "nuclear weapon" (Article 5); the commitment of the Contracting Parties to "use exclusively for peaceful purposes the nu-

clear material and facilities under their jurisdiction" (Article 1); and — finally and most importantly — the enshrinement in the Treaty of the general principle of international law that militarily denuclearized zones are not an end in themselves, but rather a means of achieving general and complete disarmament (Preamble).

With these elements, the Tlatelolco Treaty stands in full agreement with the purposes and principles set forth in the Charter of the United Nations. The Treaty further recognizes and pinpoints a general principle of international law, makes it incontestable and applicable, regulates it and controls it in such a way as to permit its updating and adaptation in the light of new circumstances in the world, ensuring that it is respected in a major inhabited part of the planet. The Treaty's letter and spirit may serve as an example to other populated regions. In this respect, Latin America and the Caribbean welcomes the efforts being made by peoples and governments in other regions to establish militarily denuclearized zones.

Within this general framework and changing times, steps were taken in the 1990s to update the Tlatelolco Treaty. The Contracting Parties approved a series of amendments which today make it easier for countries in the region to accede fully to the Treaty. Thus:

- On 3 July 1990, during the 7th extraordinary session of OPANAL's General Conference, it was decided that the words "and the Caribbean" should be added to the official title of the Treaty so that it would cover all the States of the Caribbean lying within its zone of application.
- On 10 May 1991, during the 13th session of OPANAL's General Conference, the zone of application was updated through a recasting of the old Article 25, use being made of wording similar to that of Article 8 of the amended Charter of the Organization of American States (OAS), so that all independent States in the region could join the military denuclearization regime. This important amendment made it possible for Caribbean States such as Belize and Guyana to accede to the Treaty.
- On 26 August 1992, during its 8th extraordinary session, OPANAL's General Conference approved amendments to Articles 14, 15, 16, 19, and 20 relating to the verification and control system established by the Treaty. The purpose of these amendments was to strengthen the verification system — it being recognized that the International Atomic Energy Agency (IAEA) was the only organization capable of carrying out special inspections requested by parties to the Treaty —

while upholding the principle that the organs of OPANAL would continue to be responsible for monitoring the application of the Treaty's control system. It should be emphasized that, although the approved amendments modify the verification system, none of the modifications alters the fundamental principles or the essence of the Tlatelolco Treaty.

Recent accessions and status

These important amendments made it possible for States in the region with significant nuclear activities to become full members of the Tlatelolco system. Thus, during 1994, Argentina and Chile became members on 18 January, Brazil on 30 May and Belize on 9 November. Guyana signed and ratified the Treaty on 18 January 1995. Most of the Member States have signed the amendments and are engaged in an accelerated process of ratification in accordance with their various national legislative requirements. According to the Government of Mexico, the Depositary Government, the amendments are in force for those States which have signed and ratified them and which have formulated the waiver referred to in paragraph 2 of Article 29 of the Treaty.

As of February 1995, the status of the Tlatelolco Treaty was as follows:

- Of the 33 States making up the regional group of Latin America and the Caribbean, only one has not signed the Tlatelolco Treaty. Cuba has officially stated its intention to accede to the Treaty and to become a full member of the Tlatelolco system in the near future.
- Of the 32 signatory States, only three have not yet completed the ratification process (Guyana, Saint Kitts and Nevis, and Saint Lucia).
- Altogether 29 States of the region are full members of the Tlatelolco system.
- In addition, all the objectives and provisions of the Tlatelolco Treaty are fully respected by the United States, the Russian Federation, France, the United Kingdom, China, and the Netherlands, all of which have signed and ratified Additional Protocols I and II.

Peaceful uses of nuclear energy

Although OPANAL's primary task has been to consolidate the militarily denuclearized zone, it has never forgotten that its major future task is to promote access to nuclear technology for exclusively peaceful purposes by establishing co-operation programmes and thereby to prevent a further widening of the gap between developed

and developing countries. It therefore welcomed the establishment, by the IAEA, of a Regional Co-operative Arrangement for the Promotion of Nuclear Science and Technology in Latin America and the Caribbean (known as ARCAL) and has indicated through various resolutions of its General Conference its interest in being represented at ARCAL meetings as an observer. Since then, following an agreement in September 1994 by ARCAL countries at a meeting in Vienna, OPANAL has been able to participate as an observer.

With the universalization of the Treaty's zone of application and its consolidation at the regional level, OPANAL must expand its activities. This will inevitably also involve a decision by OPANAL's Member States to modernize the General Secretariat — something which should undoubtedly be done soon. Its links with the IAEA will help OPANAL to carry out its tasks in accordance with the undertaking of the Contracting Parties — expressed in Article 1 of the Tlatelolco Treaty — "to use exclusively for peaceful purposes the nuclear material and facilities which are under their jurisdiction". From the time that OPANAL was established — in fact, even before the Tlatelolco Treaty came into existence — the Latin American region has been receiving invaluable assistance from the IAEA. It is hoped that such assistance will continue — not in order to duplicate efforts but in order to combine them in the interests of development.

The programmes implemented during the first ARCAL stage have included projects on the development of nuclear science and technology, the utilization of research reactors, the improve-

Researchers in Brazil and other Latin American countries are using nuclear techniques for studies in areas of medicine, agriculture, and other fields.



Facts About the Tlatelolco Treaty

Date opened for signature: 14 February 1967

Number of States in Latin American and Caribbean region: 33

States Party to the Treaty (29):

Antigua and Barbuda; Argentina; Bahamas; Barbados; Belize; Bolivia; Brazil; Chile; Colombia; Costa Rica; Dominica; Dominican Republic; Ecuador; El Salvador; Grenada; Guatemala; Haiti; Honduras; Jamaica; Mexico; Nicaragua; Panama; Paraguay; Peru; St. Vincent and the Grenadines; Suriname; Trinidad and Tobago; Uruguay; Venezuela

States that have signed but not yet fully ratified the Treaty (3):

Guyana, St. Kitts and Nevis; St. Lucia

States that have said they will sign the Treaty (1):

Cuba

Depositary Government: Mexico

Responsible Organization: Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (OPANAL) in Mexico City.



ment of cereals through mutation breeding, the radioimmunoassay of thyroid hormones, nuclear information, and other projects with a high scientific and social value for our region. Planned projects include those on radiation protection, immunoassay in animal production and health, applications of isotope techniques in hydrology, the production and control of radiopharmaceuticals, industrial applications of nuclear technology, the maintenance of nuclear instrumentation, the control of radiation sources, mutation induction in relation to other biotechnologies for the improvement of crops in Latin America, and the improvement of plant nutrition and of soil and water resources management using nuclear and other techniques. These projects will undoubtedly make an important contribution to the development of agriculture, medicine, and industry in Latin America and the Caribbean. It is to be hoped that, although each ARCAL country participates only in the project or projects of particular interest to it, most will participate in the majority of projects.

The ideal that nuclear energy should not be the privilege of just a few States will be actively pursued through the main and subsidiary organs created by the Tlatelolco Treaty. For this reason, OPANAL believes in the need to build more bridges between countries that are highly developed as regards nuclear science and technology

and countries that are less developed, so that the 21st century does not find us in the midst of an apocalypse of destitution, disease, and hunger on one hand and opulence and full economic and social development on the other.

The historic effort of Latin America and the Caribbean to achieve full implementation of the Tlatelolco Treaty should serve as an example to other densely populated regions with a growing interest in attaining similar goals. The day-to-day activities of the IAEA — the leading world organization in the nuclear field — and the international community's efforts directed towards the conclusion of nuclear non-proliferation and disarmament agreements will help create a world of maximum social and economic development in an environment of peace leading to general and complete disarmament.

It is our firm conviction that the greatest form of energy known to humanity — nuclear energy — should be used exclusively for peaceful purposes. There should be a total prohibition worldwide of its use for military purposes. In other words, let us denuclearize war and nuclearize peace! We are a few months away from the 50th anniversary of the first and, fortunately, only nuclear holocaust. The best present that humanity could give itself would be a total and perpetual ban on nuclear weapons. □