



**Towards 2010: The Role of the African Nuclear Weapons Free Zone
Treaty in strengthening the Disarmament Objectives of the Non-
Proliferation Treaty (NPT): a Southern African Regional Seminar**

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**“The Role of the Treaty of Tlatelolco as the First Expression of
a Nuclear-Weapon-Free Zone”**

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Let me start this presentation by expressing my personal appreciation for the kind invitation received from the organizers of this Southern African Regional Seminar. My special thanks to the Institute for Security Studies and the James Martin Center for Non-proliferation Studies.

It is not possible to speak about nuclear-weapon-free zones without mentioning the Treaty of Tlatelolco for the Prohibition of Nuclear Weapons in Latin America and the Caribbean and its contribution to the creation of new nuclear-weapon-free zones and to the international nuclear non-proliferation regime.

It is known that the Tlatelolco Treaty originated at the height of the Cold War. Latin America felt it was a potential target in a superpower nuclear confrontation, without being part of the conflict. In September 1962, the Brazilian representative to the U.N. General Assembly, Ambassador Alfonso Arines de Melo Franco, proposed that a U.N. General Assembly resolution for the denuclearization of Africa be expanded to include

Latin America. Following the October 1962 Missile Crisis, the Brazilian Foreign Ministry (Itamaraty) took the lead in an effort to achieve a Latin American nuclear-weapon-free zone.

At the beginning of 1962 the Mexican Government appointed Ambassador Alfonso García Robles as its representative in Brazil, where he became convinced of the importance of this initiative. He persuaded his Government to follow the Brazilian proposal and to assume a leadership position to concrete the Latin American Nuclear Weapon Free Zone idea. In March 1963 the President of Mexico, Adolfo López Mateos, extended an invitation to the Presidents of Brazil, Chile, Ecuador and Bolivia to support this regional effort. As a result they signed the “Declaration on the Denuclearization of Latin America”, later approved by the UNGA. From then until February 1967, negotiations took place among the countries of the region and between them and the nuclear-weapon States. The Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco) was opened for signature on February 14, 1967, with the participation of eighteen countries at the time.

The Preamble of the Treaty of Tlatelolco has some statements which make it unique. It stresses the desire of the Parties to contribute to the ending of the nuclear arms race and the strengthening of international peace and security;

- recalls that “*militarily denuclearized zones are not an end in themselves but rather a means for achieving general and complete disarmament at a latter stage*”;
- states the conviction of its Parties that nuclear weapons have such immense and indiscriminate destruction power that the “*legal prohibition of war should be strictly observed in practice if the survival of civilization and of mankind itself is to be assure*”;

- underlines that the “*establishment of militarily denuclearized zones is closely linked with the maintenance of peace and security in the respective regions*”; and
- indicates very clearly that for those reasons the region accepts the “*inescapable necessity that nuclear energy should be used in that region exclusively for peaceful purposes, and that the Latin American countries should use their right to the greatest and most equitable possible access to this new source of energy in order to expedite the economic and social development of their peoples*”.

The innovative procedure of entry into force allowed the Treaty to come into force for those nations choosing to waive certain requirements: treaty ratification and completion of IAEA safeguards by all Latin American states, and conclusion of supporting protocol agreements by nuclear-weapon states and external states having territories within the zone. This procedure permitted also certain Latin American countries that chose at the time not to become full Parties (not waiving the provisions of article 29, paragraph 2) to keep a link with the Treaty through the Meeting of Signatories (article 6), to consider common questions which may affect the very essence of the instrument, including possible amendments to it.

Additional Protocols I and II are integral parts of the Treaty:

- Protocol I is aimed at the countries that without being members of the Treaty, *de jure or de facto* are internationally responsible for territories within the limits of the geographical zone established by the Treaty. It has been signed and ratified by France, United States, United Kingdom and the Netherlands.
- Protocol II obligates the nuclear powers to adopt “*the statute of denuclearization of Latin America in respect of warlike purposes...*” and to

“undertake not to use or threaten to use nuclear weapons against the Contracting Parties...” It has been signed and ratified by China, France, Russian Federation (the former Soviet Union), United Kingdom and United States.

This means that under the Treaty of Tlatelolco the nuclear-weapon States were legally bound in the same way that other Parties to the Treaty. In some respects Tlatelolco goes far beyond the promise that the nuclear powers made in 1968 in the Nuclear Non-Proliferation Treaty. The conclusion of Tlatelolco in 1967 gave successful impetus to efforts to include in the NPT, under negotiation at that time, what is now article VII, which provides that “Nothing in this Treaty affects the right of any group of States to conclude regional treaties in order to assure the total absence of nuclear weapons in their respective territories.”

But it took 23 years for the region to find the way to bring the Treaty of Tlatelolco fully into force. It was at the beginning of the 90s when a process of amendments to its original text took place. In 1990, the Treaty was amended to include the region of the Caribbean with their proper denomination. In 1991, Article 25 of the Treaty was amended – following the wording of the new Article 8 of the OAS Charter – making possible the adherence to Tlatelolco of those countries which were impeded to do so. Finally, in 1992, and after a long debate, the verification and control system was modified to reassure the confidentiality of nuclear industrial secrets of Member States and to define the participation of the IAEA in the procedure of special inspections.

These amendments made it possible for countries still non-members to join the Treaty. In 1994, Argentina, Brazil, Belize and Chile; in 1995 Guyana and Saint Lucia; in 1997, Saint Kitts and Nevis, and with the ratification of Cuba in October 2002 the universality of the Treaty of Tlatelolco was completed.

We should mention as well the example set by Latin American countries in the field of transparency and confidence building measures, when in 1991, Argentina and Brazil reached an agreement on the Accountancy and Control of Nuclear Materials through the creation of ABACC, and their complete support of the IAEA International Safeguards regime, which made it possible for them to join first Tlatelolco and then the NPT.

The Treaty of Tlatelolco established the basis for UNGA Resolution 3472 B (XXX), adopted in 1975 to define the concept of a nuclear-weapon-free zone and the scope of the principal obligations of the nuclear-weapon-States towards such zones and towards the States included therein. The main elements included within the UN definition are:

- the initiative for the creation of nuclear-weapon-free zone corresponds to the States situated in such a zone;
- the constituent instrument of a nuclear-weapon-free zone should be a treaty or convention;
- nuclear-weapon-free zones recognize the complete and total absence of nuclear weapons in the application zone;
- the establishment of an international system of verification and control to guarantee compliance with the obligations deriving from that statute;
- nuclear-weapon-free zones shall be recognized as such by the UNGA, and
- the procedure for the delimitation of the zone shall be clearly defined.

As an additional element, the definition included the commitment of all nuclear-weapon-States to undertake or reaffirm in a legally binding form to respect in all its parts

the statute of total absence of nuclear weapons and to refrain from using or threatening to use nuclear weapons against the States included in the zone.

The Treaty of Tlatelolco as the first nuclear-weapon-free zone has been a point of reference and inspiration for other geographical zones of the world, and the experiences of Tlatelolco have served as the basis for the guidelines and recommendations adopted by the Disarmament Commission in 1993 on the “Establishment of nuclear-weapon-free zones on the basis of arrangements freely arrived at among the states of the region concerned.”

The treaties that followed Tlatelolco added new elements that could strengthen its present regime. The Treaty of Rarotonga (1985) prohibits all nuclear tests and the dumping of radioactive materials in the sea and any place of the zone; the Treaty of Bangkok (1995) prohibits the stationing of nuclear weapons in the zone; the Treaty of Pelindaba (1996) prohibits any armed attack by conventional or other means against nuclear installations in the zone and to seek or receive any assistance in the research of any nuclear explosive device, and the Treaty of Semipalatinsk (2006) obliges States Parties to adhere to the IAEA additional protocol on safeguards.

The fact that the Treaty of Tlatelolco is the only nuclear-weapon-free zone that has a permanent organization (OPANAL) gives it a mechanism that can be useful in the promotion of nuclear disarmament and nuclear non-proliferation in different multilateral forums. Today the five nuclear-weapon-free zones plus the Nuclear Free State of Mongolia brings together a group of 113 States parties and signatories, whose potential for negotiations can be important if they manage to carry out a good coordination mechanism between them, to give new impetus to multilateral disarmament negotiations and help lay the groundwork for a world free of the nuclear threat. That was one of the significant points of consensus reached at the first Conference of Nuclear-Weapon-Free Zones held in Mexico City in 2005. The OPANAL was then called to play a more important role in the consolidation of the international regime of nuclear-weapon-free zones.

The Tlatelolco Treaty has been recognized as a vital step in the process of nuclear disarmament, whose main contributions to arms control and disarmament can be summed up as follows:

- it was the first nuclear-weapon-free zone in a densely populated area;
- the commitment of the parties to accept full-scope IAEA safeguards;
- the prohibition of foreign-controlled nuclear weapons bases;
- the innovative entry into force procedures;
- the inclusion of binding protocols for nuclear-weapon States and States having territories in the region;
- an organizational structure (OPANAL); and
- the expectation that Tlatelolco would serve as a model for other regions.

As UN Secretary General U Thant mentioned, these kinds of joint efforts can only be possible if there is sufficient political will.

^[1] The views expressed in this paper are those of the author and not necessarily those of OPANAL or any of its Parties.