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XIX Regular Session of the General Conference  
Agenda Item 7  
Santiago, Chile, 7-8 November 2005.

## **REPORT OF THE COUNCIL**

This Report comprises the activities of the Council of OPANAL from 4 December 2003 to 20 October 2005. The subjects covered are:

- I. Background
- II. Procedural Matters
- III. Additional Matters
- IV. Other Matters

### **I. BACKGROUND**

1. The Council held 12 regular sessions, whose proceedings are found in the summary minutes found in documents C/AR/207 through C/AR/218, and three special sessions transcribed in documents C/AR/E/48, C/AR/E/49 y C/AR/E/50.
2. The current Members of the Council are Chile, Cuba, Ecuador, Guatemala and Peru.
3. By Resolution CG/Res.446 (XVIII) Cuba, Guatemala and Peru were elected for the period from 1 January 2004 to 31 December 2007, replacing Brazil, Costa Rica and Mexico, which finished their terms on 31 December 2003.
4. The Governments of Chile and Ecuador, elected by Resolution CG/Res.417 (XVII) in 2001, finish their terms of office on 31 December 2005, and the General Conference at this, its XIX Regular Session, must elect two States to occupy those vacancies for the period 2006-2009.

5. Pursuant to Council Regulations, the Member Countries occupied the presidency on a rotating basis and also had Observers in attendance from Argentina, Bolivia, Brazil, Colombia, Jamaica, Mexico, Panama, Paraguay and Venezuela.

## **II. PROCEDURAL MATTERS**

6. Pursuant to Article 10, paragraph 5 of the Treaty of Tlatelolco and its Regulations, the Council ensured the proper operation of the Control System and in addition to the its standing procedural matters, studied the following subjects:

### **Strengthening of OPANAL (CG/Res. 448-XVIII)**

#### **International Conference of the Parties to Nuclear-Weapon-Free Zones (NWFZs)**

7. At its 207th Session held on 4 December 2003, the Representative of Mexico informed that the draft resolution presented to the United Nations on the holding of the International Conference on Nuclear-Weapon-Free Zones had been withdrawn due to a lack of funding. A discussion ensued about how to manage and promote the Conference. The Secretary General was given approval to begin consulting internally with members of GRULAC at the United Nations to explore means to continue promoting the initiative. At the same session, the Representative of Brazil indicated that an interregional seminar would serve as a forum to raise interest about the subject and could lead to a Declaration.
8. At its 208th Session, the Council took note of document C/DT/60, prepared by the Secretary General, in which he organized and systematized contributions to general aspects of disarmament, nuclear testing, the use of nuclear energy for peaceful purposes, safeguards, nuclear security, terrorism, maritime transport, dangerous waste, nuclear materials export, and education for peace. The Council agreed to create a Working Group, which met twice and after a extensive review approved C/DT/60 Rev. 5 and sent it to the Foreign Ministries.
9. The Mexican Delegation organized a meeting with the members of GRULAC at the United Nations for the Secretary General to present the document with a note sent by the Argentine Republic objecting to paragraphs 31 and 32.
10. At the 210th Session, the Representative of Mexico informed that at the First Commission,

Ambassador Luis Alfonso de Alba had made contacts making it possible to reach a consensus document and at the 211th Session informed that negotiations were underway at the United Nations to study the viability of holding the conference. At the 212th Session, he informed that Ambassador Enrique Berruga, Mexico's permanent representative to the United Nations had said, "for the purpose of promoting the observance of the legal regimes created by the NWFZs and support their establishment in other regions of the world, I announce the Mexican Government's offer to host the Conference of the States Parties and Signatories of the Nuclear-Weapon-Free Zones at a date soon to be determined."

11. The Council held a Special Session on 4 November (Doc. C/AR/E/49) to study the documents and draft resolutions as well as the results of the Audits for the fourth quarter of 2003 and first quarter of 2004, to be presented at the XVII Special Session of the General Conference held in November 2004. The XVII Special Session was held at the Conference Center of the Secretariat of Foreign Relations by direct invitation from the Mexican Government.
12. At the XVII Special Session of the General Conference, the Undersecretary for Latin America and the Caribbean from the Mexican Secretariat of Foreign Relations, H. E. Dr. Miguel Hakim Simon, presented a Memorandum (CG/E/580) entitled "Conference of the States Parties and Signatories of Treaties Establishing Nuclear-Weapon-Free Zones," which recounted what had taken place from 1999 to November 2004 and included the Mexican Government's invitation to host the Conference of the States Parties and Signatories of Treaties Establishing NWFZs.
13. Item 10 of the aforementioned document reads: "For the purpose of moving forward with preparations for the Conference of the States Parties and Signatories of Treaties Establishing Nuclear-Weapon-Free Zones and actively involving OPANAL, as the precursor of the initiative, the Government of Mexico is pleased to extend the invitation to the Agency's Secretary General, Ambassador Edmundo Vargas Carreño, to act as the Secretary of the aforementioned meeting." As a result of this document, Resolution CG/E/Res.460 (E-XVII) was approved.
14. At the 213th Session, held on 18 January 2005, the Council approved Ambassador Vargas Carreño as the Secretary of the Conference of the States Parties and Signatories of the Treaties that Establish NWFZs, as recognition of OPANAL's role in promoting the Declaration. The In addition, the Representative from Mexico informed that invitations had already been sent by the Secretary of Foreign Relations and that his country would cover all the expenses and that the

invitation had been made at the highest level. April 26-28, 2005, was set as the dates for the Conference. At this same session, the Secretary General presented document C/DT/62 Rev. 1 "Need to Establish Mechanisms for Coordination and Cooperation between the Nuclear-Weapon-Free Zones" to the Members, noting that the conference constituted an opportunity to establish and institutionalize cooperation and coordination mechanisms between the NWFZs.

15. At the 214th Session, the Representative from Mexico presented the Draft Agenda, informing the Council that the invitation had been made at the highest level and that during the Conference there would be two simultaneous events held, one on Wednesday the 27th organized by Mayors for Peace and the Parliamentary Network for Nuclear Disarmament and the other on Thursday the 28th, organized by the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization. During the Opening of the Conference on Tuesday the 26th, a Representative of each of the NWFZs addressed the Conference. With the Council's approval, Ambassador Edmundo Vargas Carreño represented OPANAL. Messages from the Secretary General of the United Nations and the Director General of the IAEA were read, as well as comments from the President of the CTBTO and the Representatives of Mayors for Peace. Mexican Secretary of Foreign Relations, Dr. Luis Ernesto Derbez, inaugurated the Conference. More than 100 delegations attended the conference. Participants included the five nuclear powers, non-nuclear-weapon States, International Organizations, Non-Governmental Organizations, and representatives of academy and civil society.
16. At its 215th Session, the Secretary General gave a detailed account of the results of the Conference, which was called historic, and informed the Council of follow-up efforts on the approved Declaration and the document of the Rapporteur. The Secretary General told the Council of the initial contacts made with the Representatives of the other NWFZs at the breakfast held on 28 April to implement actions to coordinate mechanisms between them. He also highlighted the efforts of the personnel from the United Nations Directorate of the Secretariat of Foreign Relations and those of Minister José Robles Aguilar who acted as the Conference's Deputy Secretary.
17. The Secretary General also informed the Council of the contribution of 150,000.00 Swedish kronor by the Ministry of Foreign Relations of Sweden received by OPANAL in US dollars to cover two nights hotel and two meals for the Representatives of Cambodia, Laos, Myanmar, Samoa, Tanzania, Tajikistan, and South Africa and the airfare of the Alternate Representative of

Jamaica to the United Nations. The Secretary General paid a courtesy visit to the Ambassador of the Kingdom of Sweden to thank her personally for the valuable aid provided by her government and to provide her with the original receipts and an itemized list of the expenses. During the conversation it was suggested that the remainder of the donation could be used to replace OPANAL's computer equipment. An answer is pending.

18. The Government of Mexico informed the Council of the following steps being taken to follow up on the agreements reached at the Conference of the States Parties and Signatories of the Treaties that Establish Nuclear-Weapon-Free Zones.

- A diplomatic note dated 12 May was sent to Mr. Kofi Annan, Secretary General of the United Nations, together with a copy of the Conference Declaration with its nuclear disarmament initiative.
- The Delegation of Mexico has circulated the results of the Nuclear-Weapon-Free Zone Conference as an official document of the United Nations General Assembly (document A/60/121).
- The Delegation of Mexico shall mention the Conference as part of its remarks during the General Debate of the First Committee and promote meetings and exchanges of points of view among the Members of Nuclear-Weapon-Free Zones.

#### **Declarations of the Nuclear Powers to Additional Protocols I and II to the Treaty of Tlatelolco**

19. Based on an initiative presented by the Brazilian Government during the XVI Special Session of the General Conference, through Resolution CG/E/Res.430, the Secretary General and the Council were charged with considering "...the declarations made by the nuclear powers which are Parties to the Additional Protocols I and II of the Treaty of Tlatelolco, as concerns the signature and ratification of such instruments, with the purpose of identifying possible exceptions to the commitment of not using nuclear weapons in the area of application of the Treaty of Tlatelolco." The Secretary General was also instructed " based on such analysis, to invite such nuclear powers to review their declarations so that these may be eventually removed or modified with the purpose of strengthening the integrity of the denuclearization objective as provided by the Treaty."

20. The Council has kept this important matter in mind at all of its sessions. The Secretary General

sent a note on 16 July 2003 to the Ministers (or Secretaries) of Foreign Relations of the United States of America, the Russian Federation, the People's Republic of China, the French Republic, and the United Kingdom of Great Britain and Northern Ireland by way of their Embassies in Mexico. In the notes, OPANAL calls upon them to inform of their possible intention to review, withdraw, or modify the declarations they made at the moment of signature or ratification in order to strengthen the integrity of the denuclearization statute provided for in the Treaty of Tlatelolco. The governments of the Russian Federation, the People's Republic of China, and the United States of America replied to the note, although the US reply is unsatisfactory. France and the United Kingdom did not reply, their Representatives at the XVII Regular Session of the General Conference in Havana in November 2003, stated that their governments were studying the matter and that they would provide a reply to OPANAL's request in a timely manner.

21. At its 212th Session, the Council, at the suggestion of the Ambassador of Jamaica, agreed to have Representatives of the States Parties on the Council meet with Foreign Ministry representatives in Paris and London to set up a meeting with the authorities competent authorities to discuss the matter with them. The Representative from Chile, then President of the Council, convened a coordination meeting to request a meeting with representatives from the Foreign Ministries of France and the United Kingdom, if possible at the vice-ministerial level, to solicit a response to the aforementioned diplomatic notes and emphasize the interest of the OPANAL member countries in the matter.
22. At the XVII Special Session of the General Conference held in November 2004, the Representative from Mexico informed of meetings held with authorities from the Government of the Republic of France and the United Kingdom of Great Britain and Northern Ireland, noting that the delay in response to the request of the Secretary General of OPANAL was not due to a lack of interest but rather the complexity of the matter. Both governments reiterated their commitment to and recognition of the Treaty of Tlatelolco. (Doc. CG/593).
23. At its 214th Session, the Council was informed by the Secretary General of the acknowledgement of receipt by the Government of the French Republic of the diplomatic note sent regarding the interpretative declarations, requesting that they forward it to their governments for comments and observations. The Secretary General emphasized that this was the result of the lobbying efforts and he would prepare a response for the Council to study.

24. At its 215th Session, the Secretary General provided the Council with a copy of the diplomatic note sent by the United Kingdom of Great Britain and Northern Ireland. During this session, draft notes to the United States, Russian Federation, France and the United Kingdom of Great Britain and Northern Ireland were also presented. The Secretary General again asked the governments to express their opinions so the Council might study and approve the drafts. Replies were still pending at the end of the Session.
25. At its 216th Session, the Council received the opinion of the Mexican Government, which stated: "In light of the contents of the replies from some of the aforementioned powers, it is clearly foreseeable that they will continue to maintain their positions. Therefore, Mexico is of the opinion that other types of action could be considered, such as an informal dialog between OPANAL and the nuclear powers to transmit in a more poignant way the concern of the countries of the region for strengthening the regime established by the Treaty of Tlatelolco. The results from this dialog could possibly guide other types of action, including the possibility of adopting a declaration or a joint communiqué." The Agency also received diplomatic note 06000 from the Guatemalan Embassy, which stated, "it is fundamental that efforts continue to strengthen the Denuclearization Statute in the Treaty of Tlatelolco by having the nuclear powers offer full legal guarantees that they will not use or threaten to use nuclear weapons against the countries of Latin America and the Caribbean. Guatemala also supports the strategy of sending letters to all of the nuclear powers." At this session, the Council took note of the comments made by the Representative from Peru that "in principle, [his] Government is in agreement with sending a letter to France while still sending responses to the other nuclear powers. The Peruvian Representative also pointed out that what is most important is the raising of awareness about the matter among civil society, academic and political organizations." The Representative from Cuba supported a further study of the matter and said that his Foreign Ministry was in agreement with sending the letters and did not exclude the Mexican proposal of some form of formal dialog. The Brazilian Representative suggested the possibility of a dialog at two different levels: one sending the letters the other contact with the Ambassadors. He proposed that this General Conference Session a resolution or declaration be drawn up and adopted by consensus. The Council concluded that it would consult on the possible holding of a seminar with UNAM and the Mexican Secretariat of Foreign Relations.
26. At the 217th Session, the Observer from Mexico made suggestions to the draft notes to the Foreign Ministers of France and the United Kingdom of Great Britain and Northern Ireland

prepared by the Legal Counsel of the Secretariat of Foreign Relations. The additions were unanimously approved since they strengthened the arguments presented by the Secretary General, and the Council authorized their inclusion. The Council approved providing the notes to the press in attendance at the XIX Regular Session of the General Conference.

27. At the Council's 50th Special Session, the Secretary General informed that he had delivered the notes personally to the Ambassador of the Russian Federation and the Chargé d'affaires of the French Republic. The notes to the United States of America and the United Kingdom of Great Britain and Northern Ireland were simply forwarded to the embassies. In the case of the United Kingdom, it was not possible to make an appointment and with the United States, its embassy informed that the document should be presented to the Protocol Office.
28. At this Session, the Council reviewed the documents that would be presented at this Session of the General Conference. The Delegations of Brazil, Chile, Cuba, and Mexico made changes to the documents on Strengthening the Agency, Education for Peace, Disarmament, and Non-Proliferation, and Interpretative Declarations by the Nuclear Powers as well as to their corresponding Draft Resolutions. In contrast, the final review of the items "Peaceful Use of Nuclear Energy," "Radioactive Contamination of the Marine Environment within the Framework of the Treaty of Tlatelolco," and the "Draft Santiago Declaration" was postponed until the 20 October Session.
29. At the 218th Session on 20 October, the Representative from the Argentine Republic expressed his country's views on the two pending items. The Council decided that due to a lack of consensus, the General Conference should make the final decision regarding the treatment of those two issues. Regarding the Santiago Declaration, a consensus was reached to put paragraph 11 in brackets and include a footnote.

**Resolutions approved by the XVIII Regular Session of the General Conference held in Havana, Cuba in November 2003.**

**Resolution 439 Status of the Treaty and its Additional Protocols**

30. The Council was informed that on 26 November 2003, the Government of the Republic of Guatemala had ratified the second and third amendments to the Treaty of Tlatelolco regarding

Article 25 and Articles 14, 15, 16, 19 and 20, and that the Secretary General had sent letters to the Member States reminding them of the need to sign or ratify the Amendments.

31. At its 216th Session, the Secretary General presented the Council with OAS Resolution AG/RES.2104 (XXXV-0/05) "Consolidation of the Regime Established in the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean," whose operative paragraphs encourage the States of the region that have not yet done so to sign or ratify the amendments to the Treaty of Tlatelolco.

#### **Resolution 440 Status of the Convention on Privileges and Immunities of OPANAL**

32. The Council took note that the Convention had been signed on 4 February 2004, by the Federative Republic of Brazil and that on 22 July 2004, the Republic of El Salvador had deposited its ratification with the OPANAL Secretariat General. The Secretariat has called upon the Member States to fulfill this obligation on several occasions.

#### **Resolution 441 Verification and Control System**

##### **Articles 13 and 14 of the Treaty: Agreements for the Application of IAEA Safeguards**

33. Article 13 of the Treaty of Tlatelolco establishes the obligation to negotiate multilateral and bilateral Safeguard Agreements with the International Atomic Energy Agency (IAEA) for the application of IAEA safeguards to a country's nuclear activities. It stipulates that each Contracting Party must begin said negotiations within a specific time period. However, it has been a criterion of the General Conference that the passing of the time periods established in the Treaty for initiating negotiations and concluding the corresponding agreements does not imply the passing of the obligation to negotiate them and conclude them and has considered that failing to negotiate and reach an agreement with the IAEA constitutes a breach of the Treaty of Tlatelolco.
34. To date, the following countries have fulfilled the obligation established by Article 13: Antigua and Barbuda, Argentina, Bahamas, Barbados, Belize, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominica, Ecuador, El Salvador, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Dominican Republic, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Saint Lucia, Suriname, Trinidad and Tobago, Uruguay and Venezuela.

Requests have been made to the Government of Haiti on various occasions to send notification that its constitutional requirements have been fulfilled so that the Agreement may enter into force.

35. The Additional Protocol is in force for Chile, Cuba, Ecuador, El Salvador, Jamaica, Nicaragua, Panama, Paraguay, Peru and Uruguay. It has been signed by Colombia, Costa Rica, Guatemala, Haiti, Honduras and Mexico.

36. The Council, pursuant to Resolution 441 (XVIII) and through the Agency's Secretariat General, continues to work to satisfy the obligations of Article 13 of the Treaty, serving as a link between the OPANAL Member States and the IAEA and sincerely hopes that the Haitian Government will fulfill its obligation in this area as soon as possible.

**Fulfillment of Article 14 of the Treaty: Semi-annual Reports of the Member States (paragraph 1) and a Copy of Those Sent to the IAEA (paragraph 2)**

37. As regards compliance by the Member States with the provisions of Article 14 of the Treaty, the Council has concluded that this obligation should be fulfilled punctually and that there should be no reason at all for sending the Reports in late. Article 14 of the Treaty, as the Member States are aware, was modified on 26 August 1992 by Resolution 290 (E-VII). However, given the persistent noncompliance with the requirement to send in the biannual reports, the Council recommends that the States that are behind on this obligation to observe this provision in a timely manner.

**Fulfillment of Articles 15, 16, 18 and 20 of the Treaty**

38. Given that the General Conference has established that the Council should maintain Articles 15, 16, 18, and 20 of the Treaty permanently on its work program, this matter has been as standing item on the Council's agenda. These Articles were amended by Resolution 290 (E-VII) at the Special Session of the General Conference held on 26 August 1992. Consequently, once the Amendments enter into force, the Council will have to adjust its activities to conform to the new provisions.

**Resolution 442 Fulfillment of Article 24 of the Treaty**

39. The obligation to notify the Agency of any international agreement, treaty or arrangement entered into by the Contracting parties on matters covered by the Treaty is inextricably linked to the

Control System and the knowledge that the Agency should have of the activities of its Members regarding the peaceful use of nuclear energy.

40. During the period covered by this Report, the Council received notification of the following: By diplomatic note dated 17 December 2003, the Embassy of the Federative Republic of Brazil sent a list of the agreements its has signed and in another letter dated 25 July 2005, notified of the approval of the text of the Cooperation Agreement with the Government of the French Republic for the Development of the Peaceful Uses of Nuclear Energy, signed in Paris on 25 October 2002; The Mexican Secretariat of Foreign Relations in a diplomatic note dated 6 January 2004, informed the Agency of an agreement signed with the Argentine Republic. The Embassy of Panama informed that in April 2004 it had signed an agreement between the NPT and the IAEA. On 13 October 2004, the Government of the Republic of Ecuador sent a list of the International Agreements it has signed. On 17 June 2005, the Secretary General received diplomatic note No. EES/RDM/050/05 from the Embassy of the Republic of El Salvador with a list of the agreements it has signed to date.

**Resolution 443 (XVIII) Use of Nuclear Energy for Peaceful Purposes.**

41. The Council took note that during the XVIII Regular Session of the General Conference the Representative of the Republic of Cuba expressed his opinion regarding this important matter. In the operative paragraphs of Resolution 443 the General Conference reiterates the call to the Member States to provide the Secretariat General with their points of view on this matter, which shall be forwarded to the Council and the General Conference for their knowledge.
42. The Secretariat General informed the Council on various occasions that it had reminded the Member States of the need to fulfill this responsibility. On 25 July 2005, the Secretariat received a letter dated 15 June 2005 from the Government of the Republic of Nicaragua providing its point of view on this important matter. (CG/591)

**Resolution 444 (XVIII) Prevention of Radioactive Pollution of the Marine Environment within the Framework of the Treaty of Tlatelolco.**

43. The Council was informed by the Secretariat that the Member States had received a copy of Resolution CG/Res.444 on this important matter and took note of the comments made at the XVIII

Regular Session of the General Conference by the Representative of the Republic of Cuba and the Representative of the Republic of Guatemala. (CG/592)

**Resolution 445 (XVIII) Education for Peace, Disarmament, and Nuclear Non-Proliferation**

44. In fulfillment of this Resolution, the Secretary General invited Member States to promote in their educational and academic spheres, programs for teaching the values of peace, disarmament and nonproliferation. During the General Conference, the Cuban Representative expressed his government's point of view: "Cuba is sympathetic to the general objective that education and training for disarmament and nonproliferation provide enriching abilities and knowledge so that those being taught contribute as citizens of their own countries and the world to the final objective of general and complete disarmament under effective international control." (CG/595)

**Resolution 449 (XVIII) Comprehensive Nuclear Test Ban Treaty**

45. The Council took note that this Resolution had been sent to all of the Member States inviting them to sign or ratify this treaty as soon as possible if they had yet to do so.

46. The Secretary General also informed the Council of the event that took place concurrently with the Conference of the States Parties and Signatories of Treaties that Establish NWFZs, organized by the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization. H. E. Mrs. Taous Feroukhi, President of the Commission, Mrs. Lilliam Ballon and Mr. Hong-Lae Chang from Foreign Relations and Cooperation of the Legal Division attended the event. The Council also took note of Resolution AG/RES 2111 (XXXV-0/05) from the OAS General Assembly "Inter-American Support for the Comprehensive Nuclear Test Ban Treaty" presented by the Secretary General.

**Resolution 451 (XVIII) Report of the Committee on Contributions and Administrative and Budgetary Matters**

47. During the XVII Special Session of the General Conference, the Committee on Contributions and Administrative and Budgetary Matters presented a report covering its work from the Regular Session of the General Conference in 2003 to November 2004. (CG/E/576)

48. The activities of the CCAAP from November 2004 through October 2005 appear in document CG/597. All of the administrative and budgetary matters were reviewed at the XVII Special Session of the General Conference held on 23 November 2004. Moreover, at its 216th Session, the Council took note of the Report presented by the Presidency of the CCAAP on reasoning behind and the work done by consensus to modify the Scale of Contributions, noting "that the objective was to achieve a balanced commitment from the Member countries."

#### **Agency's Financial Situation: Collection of Contributions (Resolution 300-XIII)**

49. The Council received a report from the Secretariat General at each of its regular meetings on the status of the collection of contributions. As a part of these reports the Secretary General presented to the CCAAP and the Council Draft Resolution (Doc. CG/E/L.483) "Discount Program for the Strengthening of OPANAL," which provides for discounts of 80%, 50% and 30% to the countries that are in arrears in the payment of their contributions and that was approved by the XVII Special Session of the General Conference in November 2004 by Resolution CG/E/Res.463. Unfortunately, only one country availed itself of this one-time proposal. On 26 December, the Government of the Republic of Colombia took advantage of paragraph 3, subparagraph c) providing a 30-percent discount on its contributions in arrears.
50. The Council was also informed by the President of the Committee on Contributions and Administrative and Budgetary Matters (CCAAP) of the work done to adopt the new Scale of Contributions and the Budget for 2006, as well as the approval of the Program Budget that will be studied at this Regular Session. (See Doc.CG/600).
51. The Council agreed that the Secretary General write to the Member States requesting the timely payment of contributions as a matter of Strengthening the Agency and took note of the letters already sent.

### **III. ADDITIONAL MATTERS**

#### **Convening of the XVII Special Session**

52. At the invitation of the Government of Mexico, the XVII Special Session of the General Conference met in Room 1 of the Conference Area of the Secretariat of Foreign Relations on 23

November 2004. The following items were discussed: "Report of the Secretary General;" "Fulfillment of Resolution CG/Res.447 (XVIII) Declarations of Nuclear Powers to the Additional Protocols I and II of the Treaty of Tlatelolco;" "Report of the Committee on Contributions and Administrative and Budgetary Matters (CCAAP); a) Discount Program for the Strengthening of OPANAL; Timely Payment of Contributions; Scale of Contributions of the Agency for Fiscal Year 2005; 2005 Budget, Study of the Scale of Contributions for 2006; "Certification by the External Auditor of the Statements of Account of the Agency for the fourth quarter of 2003;" and "Certification by the External Auditor of the Statements of Account of the Agency for the first three quarters of 2004," which the CCAAP had studied previously.

53. At the request of the Mexican Government, the inclusion of a new agenda item was approved: "Conference of the States Parties and Signatories of the Treaties that Establish Nuclear-Weapon-Free Zones."

#### **Commemoration of the 38th Anniversary of the Treaty of Tlatelolco.**

54. The Council took note at its 212th Session of the proposal by the Secretary General to commemorate the 38th Anniversary of the Opening of Signature of the Treaty of Tlatelolco. He proposed a solemn session on the past, present and future of the Treaty and the Representative of Mexico proposed that it take place in the Conference Area of the Mexican Secretariat of Foreign Affairs. The idea was approved by the Members and Observers.

55. At the 213th Session, held on 18 January 2005, the Secretary General provided a draft Agenda for the Commemoration, which was subsequently approved. It contained the following items:

- a) Remarks by the Ambassador of Ecuador, H. E. Dr. Reynaldo Huerta Ortega, President of the Council.
- b) Remarks by the Ambassador of the Federative Republic of Brazil, H. E. Mr. Luiz Augusto de Araujo Castro.
- c) Remarks by Ambassador Emeritus H. E. Mr. Sergio González Gálvez.
- d) Remarks by the Secretary General of OPANAL, H. E. Mr. Edmundo Vargas Carreño (On OPANAL's current tasks).
- e) Remarks by the Undersecretary for Latin America and the Caribbean from the Secretariat of Foreign Relations, H. E. Dr. Miguel Hakim Simón.

56. The host government extended the invitations and the event took place on 15 February 2005, in the Alfonso Garcia Robles Room at the Mexican Secretariat of Foreign Relations. Members of

the Diplomatic Corps, special guests, including the son of Ambassador Garcia Robles, and members of the university community were in attendance to increase awareness the purposes of the Treaty of Tlatelolco. A commemorative pamphlet was printed and given to the OPANAL Member States.

**Memorandum of Understanding between the Swedish Ministry of Foreign Relations and OPANAL as a Contribution by the Kingdom of Sweden to the Conference of the States Parties and Signatories of the Treaties that Establish NWFZs.**

57. At its 215th Session, the Secretary General informed the Council of the signature of a Memorandum of Understanding with the Swedish Government and OPANAL to finance the participation of NWFZ Member countries from Africa, and Asia at the Nuclear-Weapon-Free Zone Conference.

58. The funds covered two nights in a hotel and two meals per day that only eight Representatives took advantage of. The initiative was negotiated by the Mexican Government and the donation was for 150,000.00 Swedish kronor (slightly more than US\$20,000.00). The Council took note of the statement of accounts of the expenditures provided by the Secretary General and that the remaining funds were returned to the Swedish Ambassador H.E. Mrs. Ewa Polano in the form of a check from OPANAL.

**Agreement between OPANAL and the University of Malaga**

59. At its 211th Session in 2004, the Council had discussed a draft Agreement with the University of Malaga presented by the Secretary General but which went unapproved. At the 215th Session, the Secretary General informed that Professor Elena del Mar Garcia Rico, representative of the University of Malaga, had participated in the NWFZs Conference and had commented that the University's Office of Legal Counsel had prepared a new version of the Cooperation Agreement with OPANAL. The Agreement was presented to the Member States and Observers for their information and approval by their governments. At the 216th Session, the Secretariat General informed that it had received notes from the Governments of Guatemala and Mexico supporting the signature of the agreement, which was approved by consensus by the Representatives present at the meeting. At the 218th Session, the Secretary General informed the Council of the signature of said agreement.

### **Governmental Organizations**

60. The Council took note of the Secretary General's participation and work during 2004, activities that were explained at length at the XVII Special Session of the General Conference (Doc.CG/E/574). The Council also took note of the resolutions approved at the XXXIV Regular Session of the OAS and was informed by the Secretary General of resolutions AG/Res.2009 "Consolidation of the Regime Established in the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco);" and AG/Res.2008 "Inter-American Support for the Comprehensive Nuclear Test Ban Treaty."
61. The Council also took note of the Secretary General's participation this year at the XXXV OAS General Assembly held in Fort Lauderdale. He presented resolutions AG/Res/2104 (XXXV/0/05) and AG/Res/2111 (XXXV/0/05) to the Council.
62. At its 215th Session, the Council was informed of the Secretary General's participation in 2005 Conference of the Parties responsible for examining the Treaty on the Non-Proliferation of Nuclear Weapons. Tasking advantage of his trip to New York, the Secretary General traveled to Washington, D.C., to participate in the OAS Committee on Hemispheric Security and discuss the non-proliferation of nuclear weapons as well as the results from the NWFZs Conference.

### **Convening of the XIX Regular Session of the General Conference**

63. At its 216th Regular Session on 21 July, the Council took note of and approved the invitation by the Government of the Republic of Chile to host the XIX Regular Session of the General Conference and thanked the Chilean Government for the invitation. The Council approved 7-8 November as the dates of the Conference. The draft Agenda and the Organization of Work were studied and approved at the 217th Session.

### **Resolution 362 (XV) Annual Prize to Persons Gaining Special Merit in the Development of the Treaty of Tlatelolco and in OPANAL activities or who do so in future.**

64. The Council took note that this resolution was sent to all of the Member States and in light of the Agency's financial situation, has been left for a later date. To date, no proposals have been received.

#### IV. OTHER BUSINESS

65. In addition, during its regular sessions, the Council recognized, discussed and where appropriate approved other matters of standing interest and analysis, such as:

- The payment of rent for the offices that the Agency occupies in the building of the Embassy of the Bolivarian Republic of Venezuela.
- Congratulating the Government of Mexico for the Decision of the International Court of Justice concerning the Avena case, noting Mexico's contribution to the strengthening of international law.
- The information provided by Mexican Minister Yanerit Morgan Sotomayor concerning the efforts carried out by the Government of Mexico to find an appropriate headquarters for the Agency.
- The visit of the Ambassador of El Salvador, who highlighted the importance of taking the message of the Treaty of Tlatelolco to academia.
- Taking note of the documents and draft resolutions presented at the XVII Special Session.
- Approving the designation of Ambassador Edmundo Vargas Carreño, the Secretary General of OPANAL, as the Agency's representative at the Inaugural Session of the Conference of the States Parties and Signatories of Treaties Establishing NWFZs.
- Expressing farewell and thanks to the Representatives from Mexico, Ambassador María Carmen Oñate Muñoz and Minister Alfredo Miranda, Minister Paulo Cordeiro de Andrade from Brazil, and the Representative from Colombia, Minister Felipe Reyes de la Vega for their valuable contributions to the Council's work.
- The Council also said farewell to Jamaican Ambassador Vilma K. McNish, Brazilian Ambassador Luiz Augusto Araujo Castro, and Secretary Eugenio Vargas Garcia from the Brazilian Embassy.
- At its most recent Session on 20 October, the Council took note that the Representative from Mexico, Minister Yanerit Morgan Sotomayor, had been named the Mexican Ambassador to the Republic of Panama. The Council congratulated her and recognized her work as the President of the Committee on Contributions and Administrative and Budgetary Matters and as the Observer from Mexico on the Council.