



## REPORT OF THE SECRETARY GENERAL

The XIX Regular Session of the General Conference, held in Santiago, Chile on November 7-8, 2005, approved a number of resolutions of vital importance for the political and economic operations of the Agency. This report notes that during the ensuing period notable progress has been made towards strengthening the Agency. In an effort to facilitate the reading of this report it has been divided into the following sections:

- I. Regular Activities
- II. Official Activities
- III. Administrative and Financial Activities
- IV. Conclusions

### I. REGULAR ACTIVITIES

1. Pursuant to Article 17 of the Regulations Governing the Council, the Secretary General was present at all regular and special sessions held by the Council from December 2005 to June 28, 2007. At each of the meetings he presented a report on his activities as well as on the fulfillment by the States Parties to the Treaty of Tlatelolco of Articles 13, 14, 15, 16, 18, 20 and 24 of the Treaty.

The following is an account of the fulfillment of the resolutions approved by the General Conference at its previous regular session.

#### **Resolution CG/Res. 471 (XIX) “Status of the Treaty and its Additional Protocols”**

2. Several diplomatic notes were sent to the Member States to remind them of the need to sign and/or ratify the Amendments to the Treaty of Tlatelolco so it may enter into full force. The

Republic of El Salvador ratified the third Amendment regarding Article 290 (E-VII) amending Articles 14, 15, 16, 19 and 20 of the Treaty.

**Resolution CG/Res. 472 (XIX) “Status of the Convention on Privileges and Immunities of the Agency.”**

3. The Council took note of the ratification of this important instrument by the Government of Honduras on June 12, 2007.

**Resolution CG/Res. 473 (XIX) “Control System. Application of Articles 13 and 14.”**

4. With the authorization and supervision of the Council, the Secretariat General continued to carry out activities to fulfill the obligations contained in Article 13 of the Treaty, serving as a link between the Member States and the IAEA for the signature and/or ratification of the Safeguards Agreement. On March 9, 2006, the Republic of Haiti met its constitutional requirements and its agreement has entered into force (Doc.INFCIRC.681).
5. The Secretariat has called upon the Member States via diplomatic note to sign and/or ratify the IAEA Additional Protocol, which, to date, has entered into force for Chile, Cuba, Ecuador, El Salvador, Haiti, Jamaica, Nicaragua, Panama, Paraguay, Peru and Uruguay, and has been signed by Colombia, Costa Rica, Guatemala, Honduras, Mexico and the Dominican Republic.
6. As regards the fulfillment of Article 14, the Secretary General informed the Council at each of its sessions.
7. Pursuant to instructions from the General Conference, the item regarding the fulfillment of Articles 15, 16, 18 and 20 of the Treaty of Tlatelolco has been a standing item on the Council's agenda.

**Resolution CG/Res. 474 (XIX) “Application of Article 24.”**

8. This article makes reference to the obligation of the Member States to inform OPANAL preferably of any international agreement, arrangement or treaty directly linked to the objectives of the Treaty of Tlatelolco (safeguards, nuclear non-proliferation), rather than on every general

nuclear issue, to comply with Article 24 of the Treaty and the resolutions adopted by the General Conference on the subject. This obligation is inextricably linked to the Control System and the knowledge that the Agency must have regarding the activities of its Members as regards the peaceful use of nuclear energy. The Secretariat has called upon the Member States via diplomatic note to comply with this article of the Treaty of Tlatelolco.

**Resolution CG/Res. 475 (XIX) “Use of Nuclear Energy for Peaceful Purposes.”**

9. The Secretary General reiterated the request to the Member States that they send their official position regarding this important matter so the Council may present a report to the General Conference. To date, the Secretariat has only received the official positions of 18 Member States. The Secretariat General will continue to request that Member States express their points of view in order to reach a definitive decision on the treatment of this controversial issue.

**Resolution CG/Res. 476 (XIX) “Prevention of Radioactive Contamination of the Marine Environment within the Framework of the Treaty of Tlatelolco.”**

10. The Secretary General reiterated that this matter has been under discussion since 1987 at the initiative of the Government of Peru, specifically the technical and legal measures necessary to effectively prevent the radioactive contamination of the marine environment in the Zone of Application of the Treaty of Tlatelolco. The Council was informed that the Secretariat General had sent notes to the Member States reiterating the request that they submit their opinions. To date, no member state has replied.

**Resolution CG/Res. 479 (XIX) “Education for Peace, Disarmament and Nuclear Non-Proliferation.”**

11. The Council took note of the invitation extended by Ms. Hannelore Hoppe, officer-in-charge of the U.N. Office of Disarmament Affairs to have OPANAL present a report detailing its work on the subject and that it be published in UN document A/61/169 of July 20, 2006. Included in this document, in addition to giving a general report on what the Secretariat General has been doing in this area, is a working document prepared by the UN Regional Centre for Peace, Disarmament, and Development in Latin America and the Caribbean (UN-LIREC), which was presented to the Council of OPANAL by UN-LIREC Director Péricles Gasparini and advisor

Ambassador Hugo Palma.

**Resolution CG/Res. 477 (XIX) “Declarations of Nuclear Powers to Additional Protocols I and II of the Treaty of Tlatelolco.”**

12. The Secretary General has informed the Council at previous sessions about the progress made on this important subject. His efforts included the presentation of a paper on the use of nuclear weapons as a means of self defense during the 40<sup>th</sup> Anniversary of the opening for signature of the Treaty of Tlatelolco.
  
13. At the 40th Anniversary an academic seminar was conducted in which the Secretary General spoke on this important subject (Doc. S/Inf. 958). In the aforementioned document he makes reference to a position maintained by France regarding the right to use nuclear weapons to repel an armed attack, based on Article 51 of the United Nations Charter, an interpretation that he refuted. The Secretary General also referred to the position of the United States and Great Britain that they would have the right to use nuclear weapons if they were attacked by a non-nuclear country with assistance from nuclear powers. In his presentation, the Secretary General pointed out that this position was inspired by a situation that has since been overcome by history and that furthermore it was contradictory since it was precisely that situation that led the Soviet Union, the United States, and Great Britain to promote the NPT, and that this treaty prohibited providing nuclear assistance to another country and that non-nuclear states were prohibited from receiving assistance. Consequently the argument was both out of context and out of date. Given its importance, this matter will remain on the agenda of the Council of OPANAL.

**Resolution CG/Res. 478 (XIX) “Strengthening of OPANAL.”**

14. The Secretary General informed the Council that he had signed a Cooperation Agreement between OPANAL and the Latin-American Parliament in November 2005.
  
15. In addition, in March 2006, the Secretary General traveled to Lima, Peru at the invitation of the U.N. Regional Centre for Peace, Disarmament, and Development in Latin American and the Caribbean (UN-LIREC) to work on the preparation of a document for coordination between the two agencies. He invited Dr. Péricles Gasparini and Ambassador Hugo Palma, the Director and

Advisor respectively of UN-LIREC, to visit the Council, which received them at its 221st session on May 26, 2006. They presented a document focusing on the recommendations to the States to promote academic and non-academic training on disarmament and non-proliferation issues. The document was distributed to the Member States.

16. In September 2006, with the Council's approval, the Secretary General attended the IAEA Conference. He also used the trip to visit the University of Malaga to fulfill a cooperation agreement with the university. At its 227<sup>th</sup> Session, the Council agreed to approve a specific agreement to accept scholars, students and researchers interested in internships with the Agency.
17. The Secretary General informed the Council of the signature of the Treaty of Semipalatinsk establishing the Central Asia Nuclear-Weapon-Free Zone. The Council adopted a resolution congratulating the signatories. (C/Res.41)
18. The Secretary General informed the Council of an invitation by the OAS Committee on Hemispheric Security to attend a special session to discuss the subject "Consolidation of the Regime Established by the Treaty of Tlatelolco" held on 15 March 2007.
19. At its 224th Session, the Secretary General informed the Council of his participation in the seminar "Promotion of the Ratification of the Comprehensive Nuclear Test Ban Treaty in the Caribbean Region," held in Mexico City and organized by Canada, Mexico and the CTBTO. He also presented a copy of the "Declaration on the Nuclear Explosion conducted by the Democratic People's Republic of Korea," and the auditor's report for the first three quarters of 2006 presented to the CCAAP. The Council took note of the documents that were to be presented at the XVIII Special Session of the General Conference.
20. The Mexican Government offered to host the XVIII Special Session of the General Conference, which was held at the Mexican Secretariat of Foreign Affairs on November 23, 2006, in which only administrative matters were discussed, in particular an "Analysis of the Agency's Dire Financial Situation." Regarding this matter, the Secretary General underscored the nonpayment of contributions and the possible convening of a special conference to decide the future of OPANAL.
21. On December 7, 2006, the Council held its 225th Session, during which the Council was

informed of a diplomatic note received from Deputy Oscar López from the Legislative Assembly of Costa Rica expressing opposition to the “*Dominican Republic Central America United States Free Trade Agreement (CAFTA)*, based on the fact that in my country, there was no inclusion of safeguards or reservations—or at the very least consultations with OPANAL—regarding the inclusion on the Costa Rican schedule of a series of products or articles that are special radioactive fissile materials, which were neither the object of any non-conforming measures, thus leaving them subject to free trade and complete tariff elimination.” This subject was discussed at length by the Council in the presence of the Costa Rican ambassador to Mexico, and it was agreed that the Council would draft a response. (Núm. S-17626 of April 3, 2007)

22. At the Council’s 226th session, the Mexican Delegation presented a draft agenda for the Ceremony commemorating the 40th Anniversary of the Treaty and academic seminar and informed that they had sent invitations to the Secretary General of the United Nations, the Director General of the IAEA, the Secretary General of the OAS, the Director General of the OPCW, the Executive Secretary of the CTBTO, and a Judge from the International Court of Justice, and as special guests Dr. Hector Gros Espiell, former Secretary General of OPANAL, Cuban Ambassador Pedro Núñez Mosquera, Councilor Santiago Mourao, former Minister of Disarmament of New Zealand, H. E. Marian Hobbs, Deputy Director General and Chief of the Department of Technical Cooperation of the IAEA, Dr. Ana Maria Cetto, Mr. Alyn Ware, Coordinator of the Parliamentary Network for Nuclear Disarmament and other NGOs.
23. The Secretary General of OPANAL congratulated the Mexican Government on numerous occasions for its excellent work in hosting this commemoration and expressed gratitude for the attendance of the Secretary of Foreign Relations, Ambassador Patricia Espinosa Cantellano, and H. E. Juan Manuel Gómez Robledo Verduzco, Undersecretary of Multilateral Affairs and Human Rights, Mr. Gerónimo Gutiérrez Fernández, Undersecretary for Latin America and the Caribbean from the Secretariat of Foreign Affairs of Mexico, and Ambassador Miguel Marín Bosch, Director of the Matías Romero Institute for Diplomatic Studies, in addition to representatives from all of the OPANAL Member States.
24. Among the invited NGOs were representatives of Atomic Mirror, which included a brief history of the Treaty on their website and called upon civil society to congratulate OPANAL on its

anniversary. During a visit to OPANAL, the representatives presented the Secretary General with a commemorative card.

25. On February 15, the Secretary General visited the OAS to present to the Committee on Hemispheric Security the document S/Inf.960 entitled: "Report of the Secretary General of OPANAL on the Fulfillment of Commitments Assumed by the States of the Region in Resolution AG/2245 (XXXVI-0/06) and in the Declaration on Security in the Americas, in particular paragraph 11 of same, Relative to the Non-Proliferation of Nuclear Weapons." During the meeting in Washington, D.C., the Secretary General had a working breakfast with Ambassador Tibor Tóth, Executive Secretary of the Preparatory Commission for the Comprehensive Nuclear Test Ban Treaty Organization (CTBTO). Representatives from Bahamas, Barbados, Colombia, Cuba, Dominica, Guatemala, Dominican Republic, Saint Vincent and the Grenadines, and Trinidad and Tobago also attended. The purpose of the breakfast was to urge these countries to accede to the treaty. It should be noted that the OAS covered the cost of the Secretary General's airfare.
26. The majority of the OPANAL Member States have ratified the CTBT. They are: Argentina, Belize, Bolivia, Brazil, Chile, Costa Rica, Ecuador, El Salvador, Grenada, Guyana, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Saint Lucia, Uruguay and Venezuela.

## **II. OFFICIAL ACTIVITIES**

27. It has been an ongoing concern of the Secretary General to disseminate information about the Treaty of Tlatelolco and the activities of OPANAL. The Council took note of the Secretary General's participation in the seminar "Human Security and Armed Conflict" held at the Mexican Secretariat of Foreign Affairs in February 2006. During the same month, the Secretary General spoke at the Texcoco campus of the Universidad del Valle de México on the Treaty of Tlatelolco and NWFZs.
28. In April 2006, the Secretary General participated in the IAEA regional seminar "Verifying Compliance with Nuclear Non-Proliferation Commitments: Strengthened Safeguards, Small Quantities Protocols and Additional Protocols" held in Quito, Ecuador.

29. In May 2006, the Secretary General attended the OAS Committee on Hemispheric Security in Washington, D.C., which was convened to prepare the draft Resolutions for the OAS General Assembly.
30. From June 4 to 6, 2006, the Secretary General attended the XXXVI General Assembly of the OAS in the Dominican Republic. He informed the Council on his participation and of the approval of Resolution AG/RES.2245 (XXXVI-O/06) on the “Consolidation of the Regime established by the Treaty of Tlatelolco and in the Declaration on Security in the Americas, in particular paragraph 11, relative to the non-proliferation of nuclear weapons” approved during the fourth plenary session in Santo Domingo. During this Special Session, the 40<sup>th</sup> Anniversary of the Adoption and Opening for Signature of the Treaty of Tlatelolco was also commemorated.
31. The Secretary General informed the Council that in document A/61/171 of the 61st Session of the UN General Assembly “Measures to Prevent Terrorists from Acquiring Weapons of Mass Destruction” of July 21, 2006 reference is made on page 20 to Resolution CG/Res.487 “Declaration of Santiago” as a contribution by OPANAL to this important topic.
32. The Secretary General informed the Council of a letter sent by the NGO Blue Banner of Mongolia and of the invitation received in September 2006 from the Ministry of Foreign Affairs of Kazakhstan to attend the signature of the Treaty establishing the Central Asian Nuclear-Weapon-Free Zone, which he was unable to attend due to the Agency’s financial situation. He expressed thanks for the invitation and referred to the important contribution of NWFZs to disarmament and non-proliferation.
33. The Secretary General informed the Council of his participation in the 50th General Conference of the IAEA in Vienna, Austria, where he participated in the general debate. He also met with IAEA Director General ElBaradei and other high-ranking officers of the IAEA and representatives of the States in attendance at the conference.
34. At the end of the IAEA Conference, the Secretary General traveled to the University of Malaga where he met with the university’s rector to promote the cooperation agreement between OPANAL and the university and discuss the possibility of creating a Center for Disarmament Studies at the university’s law school. The vice-rector for research, dean of the Law School, the directors of the Research and Mobility Secretariat, and Elena del Mar Garcia Rico, professor of

International Law, attended. The Secretary General presented the resulting “Specific Agreement between OPANAL and the University of Malaga” to the Council.

35. In October 2006, the Secretary General spoke on the topic “General Overview of the Non-Proliferation Measures Adopted in the Caribbean” at the Seminar “Promotion of the Ratification of the Comprehensive Nuclear Test Ban Treaty in the Caribbean Region.”
36. On the occasion of the commemoration of the 40th Anniversary of the Treaty, the Secretary General was interviewed by the journalists Fernando Yong from Channel 11 on the activities of OPANAL and the topic of nuclear weapons use.
37. At the Council’s 224th Session on October 24, 2006, the Secretary General informed that he had prepared a “Declaration on the nuclear test conducted by the Democratic People’s Republic of Korea.”
38. The Secretary General informed the Council at its 225th Session that during his visit to the OAS in Washington, D.C., he was interviewed by journalist Justin Reed of the prestigious magazine “Arms Control Today” which has significant influence on the topic of weapons of mass destruction.
39. The Council took note of the telephone interview with the newspaper “Seikyo” in Argentina on the Treaty of Tlatelolco and the progress made in disarmament and nuclear non-proliferation.
40. The Secretary General received from the Mexican Delegation the “Declaration of Turqueyen” issued at the XIX Summit of the Rio Group, document which mentioned OPANAL. The delegation also mentioned several paragraphs recognizing OPANAL’s work from the “Mexico-Chile Joint Declaration” of March 20, 2007, resulting from the visit of the President of the Republic of Chile, H. E. Michelle Bachelet, to Mexico.
41. The Secretary General notes that the OPANAL web site has had 639,636 visitors since October 25, 2005.

### **III. ADMINISTRATIVE AND FINANCIAL ACTIVITIES**

42. The representative from BDO Hernández Marrón y Cía. presented the auditor's report for the fourth quarter of 2006 to the Council at its 227th Session on April 3.
43. The Secretary General presented the XVIII Special Session of the General Conference in November 2006, document CG/E/606 explaining the Agency's delicate financial situation and called upon the Member States to consider the Agency's future.
44. The Secretary General sent diplomatic note Núm. S-17636, dated May 10, 2007, to all the Member States informing them of his formal resignation, which was presented to the Council at its 228th Session on June 12, 2007.

#### **IV. CONCLUSIONS AND RECOMMENDATIONS**

1. The Secretary General has endeavored to summarize in the preceding paragraphs of this report the activities that have taken place during 2006 and part of 2007 in OPANAL, carefully noting the fulfillment of the mandates from the XIX Regular Session and the XVIII Special Session of the General Conference.
2. The Secretary General wishes to highlight the achievements associated with the Commemoration of the 40th Anniversary of the Opening for Signature and Adoption of the Treaty of Tlatelolco and thank all of the Member States, especially Mexico, for their support. The topics discussed by the panelists at the academic seminar were of great importance as well.
3. The Secretary General also wishes to underscore the efforts of the OPANAL Member States to obtain a response from the nuclear powers regarding the withdrawal or amendment of the declarations that they made regarding the Additional Protocols to the Treaty of Tlatelolco and that affect the denuclearization statute established in the Treaty. The Secretary General is of the opinion that this topic should be the object of further study, in particular regarding informing the public and the international community about the points of view of the States of Latin America and the Caribbean that some of the aforementioned interpretative declarations lack the support of current international law.
4. The Secretary General wishes to point out that the budget approved for fiscal year 2007 is a realistic reflection of the costs necessary to keep the Agency functioning. However, the

contributions received fall short of the amount needed for Agency operations. He publicly recognizes the efforts undertaken by certain Member States to fulfill their financial obligations in a timely manner: Antigua and Barbuda, Bahamas, Barbados, Belize, Bolivia, Chile, Colombia, Costa Rica, Cuba, Ecuador, Grenada, Guatemala, Guyana, Honduras, Jamaica, Mexico, Nicaragua, Panama, Peru, and Venezuela.

5. The Secretary General has constantly emphasized the importance of receiving the contributions of the larger contributors, which are absolutely necessary in order to cover OPANAL's budget and allow the Agency to carry out its work plan and regular activities.
6. The Secretary General wishes to state that it has been an honor to lead the Agency, which he did for six years, effectively fulfilling the responsibilities conferred upon him by the governments of Latin American and the Caribbean. And that in spite of the budgetary restrictions, he disseminated information about and promoted the Treaty of Tlatelolco and the activities of OPANAL, both in Mexico and other countries.
7. The Secretary General wishes to express special thanks to the Member and Observer States of the Council and the Committee on Contributions and Administrative and Budgetary Matters and the personnel of the Secretariat General for their unwavering dedication and support for his efforts to effectively carry out the important tasks conferred upon him by the Treaty of Tlatelolco.