

# 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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## Memorandum of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean

1. Pursuant to the decisions on background documentation adopted by the Preparatory Committee for the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, the Secretary-General of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (OPANAL) presents a memorandum regarding the Agency's activities related to the Treaty that have taken place since the 2015 Review Conference.

### Control system of the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco) and regional and external activities of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean

#### Compliance with obligations established by the control system of the Treaty of Tlatelolco

2. In accordance with article 14 of the Treaty of Tlatelolco, each State party submits to the Agency semi-annual reports stating that no activity prohibited under the Treaty has taken place in its territory. The dates of the latest reports submitted by OPANAL member States are shown in annex I.

3. Article 24 contains another important obligation of States parties, under which States are required to inform the Agency of any international agreement concluded by them on matters with which the Treaty is concerned. Unlike article 14, article 24 does not establish a specific periodicity for States to submit their reports in this regard (see annex II).

#### External relations of the Agency

4. OPANAL has continued its participation in nuclear disarmament and non-proliferation forums: the Conference on Disarmament, general conferences of the International Atomic Energy Agency (IAEA), sessions of the Preparatory Committee, the First Committee of the General Assembly and the high-level panel of the First Committee on the theme "Current state of affairs in the field of arms control and disarmament", held at United Nations Headquarters on 17 October 2018.



5. The Secretary-General of OPANAL participated in the third Conference of States Parties and Signatories to Treaties that Establish Nuclear-Weapon-Free Zones and Mongolia, at which he highlighted the importance of the recognition of treaties on nuclear-weapon-free zones and respect for their letter and spirit by nuclear-weapon States ([Inf.008/2015](#), p. 1).
6. OPANAL has maintained its cooperation with IAEA, in accordance with articles 13 and 19 of the Treaty of Tlatelolco. On 5 February 2016, the OPANAL Council held a special session on the occasion of the visit of the then IAEA Director General, Yukiya Amano, to OPANAL headquarters.
7. The Secretary-General of OPANAL also held bilateral meetings with the Executive Secretary of the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization, Lassina Zerbo (2 May 2017) and the Secretary-General of the United Nations, António Guterres (19 October 2018).
8. OPANAL participated in the United Nations conference to negotiate a legally binding instrument to prohibit nuclear weapons, leading towards their total elimination, held in New York from 27 to 31 March 2017. The secretariat of OPANAL submitted to the Conference a working paper entitled “Recommendations for the negotiation of a legally binding instrument to prohibit nuclear weapons, leading towards their total elimination” ([A/CONF.229/2017/WP.1](#)), in which it listed and commented on some legal provisions of the Treaty of Tlatelolco relevant to the negotiation of a legally binding instrument to prohibit nuclear weapons.
9. In order to improve cooperation between the existing nuclear-weapon-free zones, OPANAL held several bilateral meetings with its African counterpart, the African Commission on Nuclear Energy, and participated for the first time in the extraordinary session of the Commission’s conference, which was held in Algiers on 12 and 13 February 2019.
10. Pursuant to General Assembly resolutions [71/257](#), [72/73](#) and [73/124](#), entitled “Oceans and the law of the sea”, OPANAL provided comprehensive reports on the application of the law of sea to the Treaty of Tlatelolco ([Inf.11/2017](#), [Inf.14/2018](#) and [Inf.14/2019](#)).
11. The secretariat of OPANAL has continued its cooperation with the Brazilian-Argentine Agency for Accounting and Control of Nuclear Materials in the framework of its cooperation agreement on verification of use of nuclear energy for peaceful purposes.

#### **Education for disarmament and non-proliferation**

12. From 2017 to 2019, OPANAL organized four courses on disarmament and non-proliferation, in Montevideo, La Paz, Guatemala City and Managua. All four courses were conducted with the support of Sergio de Queiroz Duarte, former High Representative for Disarmament Affairs and current President of the Pugwash Conferences on Science and World Affairs.
13. Since 2016, the secretariat of OPANAL has welcomed eight young professionals from the Caribbean as part of the internship programme earmarked for Caribbean member States, with the financial support of the Netherlands. Fifteen students from different parts of the world have taken part in the internship programme without financial support.
14. Since 2014, together with the Ministry of Foreign Affairs of Mexico and the James Martin Center for Nonproliferation Studies, OPANAL has organized five editions of the Summer School on Nuclear Disarmament and Non-Proliferation for diplomats from the region.

### **Fiftieth anniversary of the conclusion of the Treaty of Tlatelolco**

15. The fiftieth anniversary of the conclusion of the Treaty of Tlatelolco was commemorated on 14 February 2017, at the twenty-fifth regular session of the General Conference of OPANAL. The session was opened by the President of Mexico. Besides OPANAL member States, six States parties to the additional protocols to the Treaty attended, as well as representatives of Central Asian and South-East Asian nuclear-weapon-free zones, international organizations, States accredited to Mexico and civil society organizations.

16. At the end of the twenty-fifth session of the General Conference, the declaration of the States members of OPANAL on the fiftieth anniversary of the conclusion of the Treaty of Tlatelolco was adopted (CG/03/2017) and circulated as a document of the General Assembly ([A/71/803](#)), the Conference on Disarmament ([CD/2091](#)) and the Preparatory Committee ([NPT/CONF.2020/PC.I/2](#)) and as an information circular of IAEA (INFCIRC/914).

17. An international seminar on the theme “A world free of nuclear weapons: is it desirable, is it possible? How could it be achieved?” was organized.

### **Declarations of member States**

18. Latin America and the Caribbean is the only region that issues declarations at least twice a year, on 14 February (anniversary of the conclusion of the Treaty of Tlatelolco) and 26 September (International Day for the Total Elimination of Nuclear Weapons). These declarations are circulated as documents of the General Assembly, the General Conference of IAEA and the Conference on Disarmament.

### **General Assembly resolutions on the Treaty of Tlatelolco**

19. In 2016 and 2019, the General Assembly adopted, without a vote, resolutions [71/27](#) and [74/27](#), respectively, on the Treaty of Tlatelolco, submitted by Mexico, as depositary State, on behalf of the OPANAL member States, in which it encouraged the States members of the Agency to support the efforts being undertaken in a multilateral context to identify and seek effective measures that favoured compliance with disarmament and non-proliferation commitments.

### **Interpretative declarations made by States parties to Additional Protocols I and II to the Treaty of Tlatelolco**

20. The legal commitments of the States parties to Additional Protocols I and II to the Treaty of Tlatelolco represent essential guarantees for the nuclear-weapon-free zone in Latin America and the Caribbean. However, interpretative declarations made by some States parties to the Protocols at the time of signing and/or ratifying the Protocols limit, in some cases, such commitments and, therefore, constitute reservations. The OPANAL member States have initiated the process of démarches before some of the States parties to the Additional Protocols. Nevertheless, the responses (when received) have not been positive. OPANAL member States will continue to work on this matter in order to propose to those States parties to the Additional Protocols adjustments concerning their interpretative declarations that would serve to clarify controversies over the text of the Treaty. The intention is to eliminate the misunderstandings presented in the interpretative declarations that constitute reservations.

**Views, positions and resolutions of the Agency concerning matters related to the Non-Proliferation Treaty and to the Final Document of the 2010 Review Conference of the Parties to the Treaty, with special reference to actions contained in the section entitled “Conclusions and recommendations for follow-on actions” (NPT/CONF.2010/50 (Vol. I))**

**Nuclear disarmament**

*Actions 3–6: qualitative improvement of nuclear weapons*

21. Since 2015, OPANAL member States, in their declarations of 26 September, have urged the nuclear-weapon States “to cease the qualitative improvement of nuclear weapons and development of new types of these weapons” (C/17/2019.Rev8, para. 5; Inf.15/2018Rev.6, para. 9; Inf.18/2017Rev.5, para. 12; Inf.18/2016, para. 9; and Inf.013/2015, para. 8).

22. During the seventy-second and seventy-fourth sessions of the General Assembly, OPANAL highlighted, in its statements to the First Committee, its demand for the cessation by the nuclear-weapon States of the development and qualitative improvement of nuclear weapons and their means of delivery systems (Inf.23/2017, p. 4; and Inf.23/2019, p. 2).

*Actions 3–7: legally binding instrument prohibiting nuclear weapons*

23. States members of OPANAL have declared the urgent need to negotiate a legally binding instrument that would finally prohibit nuclear weapons, and have firmly advocated action on the negotiation of such an instrument (Inf.013/2015, para. 6; Inf.18/2016, para. 6; and CG/03/2017, paras. 3 and 12).

24. OPANAL submitted, to the United Nations conference to negotiate a legally binding instrument to prohibit nuclear weapons, leading towards their total elimination, held in March 2017, a document entitled “Recommendations for the negotiation of a legally binding instrument to prohibit nuclear weapons, leading towards their total elimination” (A/CONF.229/2017/WP.1), in which it listed provisions of the Treaty of Tlatelolco relevant to the negotiation of the Treaty on the Prohibition of Nuclear Weapons.

25. The Treaty on the Prohibition of Nuclear Weapons has been signed by 27 States members of OPANAL; 15 of them have also ratified it.

*Action 5: article VI of the Treaty on the Non-Proliferation of Nuclear Weapons*

26. In their declarations of 26 September, OPANAL member States reaffirmed the importance of negotiating effective measures related to disarmament and urged the nuclear-weapon States to fulfil their commitments in accordance with article VI of the Non-Proliferation Treaty (Inf.013/2015, para. 11; Inf.18/2016, para. 13; Inf.18/2017Rev.5, para. 15; Inf.15/2018Rev.6, preamble, para. 13; and C/17/2019.Rev8, para. 14).

27. In the declaration on the fiftieth anniversary of the conclusion of the Treaty of Tlatelolco, OPANAL member States regretted the failure of the nuclear-weapon States to comply with article VI of the Non-Proliferation Treaty (CG/03/2017, para. 8).

28. In April 2019, at the third session of the Preparatory Committee for the 2020 Review Conference, OPANAL underlined that “the obligation established in article VI of the Non-Proliferation Treaty must be fulfilled by each party to the Treaty” (Inf.11/2019, p. 3).

*Action 5 (c): role of nuclear weapons in security policies*

29. The OPANAL member States have consistently called upon “nuclear-weapon States to eliminate the role of nuclear weapons in their security and defence doctrines and policies” ([Inf.013/2015](#), para. 7; [Inf.18/2016](#), para. 8; [Inf.18/2017Rev.5](#), para. 11; [Inf.15/2018Rev.6](#), para. 8 and [C/17/2019.Rev8](#), para. 4).

*Security assurances**Actions 6–7: Conference on Disarmament*

30. At the session of the Conference on Disarmament held in 2015, the OPANAL Secretary-General noted that the Conference had achieved important results in the first half of its existence; nevertheless, during the second half of its history, “no decision could be taken that led to actual negotiations in spite of patient and persistent efforts, as is to be expected from diplomats”. He also added that “Member States and the General Assembly can break the stalemate”. The Secretary-General highlighted that “of the 33 member States of OPANAL, only 9 are members of the Conference on Disarmament, a percentage significantly inferior to other regions” ([Inf.005/2015](#), pp. 1–2).

*Actions 7–8: threat or use of nuclear weapons*

31. In 2017, on the fiftieth anniversary of the conclusion of the Treaty of Tlatelolco, OPANAL member States declared that “the only effective guarantee against the use or threat of use of nuclear weapons is their prohibition and elimination in a transparent, verifiable and irreversible manner, within clearly established timeframes” ([CG/03/2017](#), preamble, para. 13).

32. In April 2019, during the third session of the Preparatory Committee for the 2020 Review Conference, OPANAL emphasized that “the use and threat of use of nuclear weapons are a violation of the Charter of the United Nations, a violation of international law, including international humanitarian law, and constitute a crime against humanity” ([Inf.11/2019](#), p. 3).

33. The same joint position is repeated in the OPANAL member States’ declarations of 26 September ([Inf.013/2015](#), para. 1; [Inf.18/2016](#), para. 1; [Inf.18/2017Rev.5](#), preamble, para. 5; [Inf.15/2018Rev.6](#), preamble, para. 5; and [C/17/2019.Rev.8](#), preamble, para. 5).

*Action 9: negative security assurances*

34. Since 2015, States members of OPANAL, through their declarations of 26 September, have urged States parties to the Additional Protocols to the Treaty to give unequivocal, legally binding guarantees to the States of the region not to use or threaten to use such weapons against them ([Inf.013/2015](#), para. 9; [Inf.18/2016](#), para. 10; [Inf.18/2017Rev.5](#), para. 18; [Inf.15/2018Rev.6](#), para. 16; and [C/17/2019.Rev8](#), para. 20).

*Action 9: interpretative declarations of nuclear-weapon States to additional protocols to the Treaty of Tlatelolco*

35. On 5 December 2016, during its seventy-first session, and on 12 December 2019, at its seventy-fourth session, the General Assembly adopted, without a vote, two resolutions regarding the Treaty of Tlatelolco, in which it encouraged “States parties to Additional Protocols I and II to the Treaty of Tlatelolco to review their interpretative declarations thereto, in accordance with action 9 of the Final Document of the 2010 Review Conference” (resolution [71/27](#), para. 3; and resolution [74/27](#), para. 3).

36. During its twenty-sixth regular session, held in Mexico City on 7 November 2019, the General Conference of OPANAL adopted resolution [CG/Res.12/2019](#), entitled “Interpretative declarations made by States Party to the Additional Protocols I and II to the Treaty of Tlatelolco”, in which it resolved “to follow up the démarches made in 2016 before the Governments of the Russian Federation and the French Republic” (para. 3) and “to renew joint démarches before the Governments of the United States of America and the United Kingdom of Great Britain and Northern Ireland” (para. 4).

*Action 9: establishment of permanent bodies in nuclear-weapon-free zones*

37. At the International Seminar on Fostering Cooperation and Enhancing Consultation Mechanisms among the Existing Nuclear-Weapon-Free Zones, held in Nur-Sultan in August 2019, OPANAL underlined that “three out of the four nuclear-weapon-free zones have some form of institutionalization, but a creation of follow-up mechanisms is still a great challenge for cooperation and coordination with other zones” ([Inf.18/2019](#), p. 2).

*Action 9: establishment of additional nuclear-weapon-free zones*

38. OPANAL welcomes the establishment of new nuclear-weapon-free zones. In 2018, at the second session of the Preparatory Committee for the 2020 Review Conference, the Secretary-General of OPANAL shared the readiness and willingness of the OPANAL member States “to contribute with the expertise and authority earned in 50 years of an impeccable fulfilment of the provisions and objectives of the Treaty of Tlatelolco” ([Inf.08/2018](#), p. 4).

*Nuclear testing*

*Action 10: Comprehensive Nuclear-Test-Ban Treaty*

39. Since 2016, the States members of OPANAL have called upon “all States to refrain from carrying out nuclear weapon test explosions, or any other non-explosive experiment, including subcritical experiments for the improvement of nuclear weapons”, and have urged “the States included in annex II to the Comprehensive Nuclear-Test-Ban Treaty that have not ratified the Treaty to take the necessary measures to do so without further delay”, in the declarations of 26 September ([Inf.18/2016](#), paras. 16–17; [Inf.18/2017Rev.5](#), paras. 13–14; [Inf.15/2018Rev.6](#), paras. 10–11; and [C/17/2019.Rev8](#), paras. 11–12).

40. Of the 33 OPANAL member States, 31 have signed and ratified the Comprehensive Nuclear-Test-Ban Treaty. Cuba and Dominica have neither signed nor ratified it yet; however, since they are not among the annex II States, they do not prevent the entry into force of the Treaty.

41. On the occasion of the nuclear tests conducted by the Democratic People’s Republic of Korea in January and September 2016 and September 2017, the OPANAL Council adopted two resolutions ([C/Res.01/2016](#) and [C/24/2016](#)) and issued a communiqué ([Inf.19/2017Rev.3](#)) condemning the country’s nuclear tests and urging it “to sign without delay the Comprehensive-Nuclear-Test-Ban Treaty and to rejoin the Treaty on the Non-Proliferation of Nuclear Weapons as a non-nuclear-weapon State”.

*Other measures in support of nuclear disarmament*

*Action 19: cooperation with other existing nuclear-weapon-free zones*

42. The General Assembly, in its resolutions [71/27](#) and [74/27](#), of 2016 and 2019, respectively, encouraged the OPANAL member States “to enhance cooperation with

States parties and signatories to treaties that establish nuclear-weapon-free zones and Mongolia” (para. 4).

43. OPANAL held bilateral meetings with the African Commission on Nuclear Energy and participated in the extraordinary session of the Commission’s Conference, held in Algiers in February 2019.

44. At the International Seminar on Fostering Cooperation and Enhancing Consultation Mechanisms among the Existing Nuclear-Weapon-Free Zones, OPANAL presented practical proposals to improve cooperation between the zones: (a) to reaffirm the common position of the States of the nuclear-weapon-free zones and Mongolia; (b) to adopt arrangements to promote permanent and effective collaboration between zones; (c) to explore the possibility of drafting and submitting joint resolutions to the General Assembly; (d) to explore the possibility of promoting a new comprehensive study on the issue of nuclear-weapon-free zones; (e) to promote greater cooperation and dialogue with the Office for Disarmament Affairs; and (f) to improve the preparatory process and the coordination of future conferences of nuclear-weapon-free zones ([Inf.18/2019](#), pp. 5–6).

### **Nuclear non-proliferation**

#### *Action 26: non-proliferation of nuclear weapons*

45. All 33 States members of OPANAL are parties to the Non-Proliferation Treaty and have concluded safeguards agreements with IAEA, complying with article III of the Non-Proliferation Treaty and article 13 of the Treaty of Tlatelolco.

### **Peaceful uses of nuclear energy**

#### *Action 47: peaceful uses of nuclear energy*

46. According to article 17 of the Treaty of Tlatelolco, all States parties have the inalienable right to develop, research, produce and use nuclear energy for peaceful purposes without discrimination.

47. On 4 March 1994, the Quadripartite Safeguards Agreement between Argentina, Brazil, the Brazilian-Argentine Agency for Accounting and Control of Nuclear Materials and IAEA entered into force. It is a full-scope agreement on the application of safeguards on all nuclear activities carried out within the territories of Argentina and Brazil or anywhere under their jurisdiction or control, for the purpose of verifying that such materials are not diverted to nuclear weapons or other nuclear explosive devices.

**Annex I****Status of compliance with article 14 of the Treaty of Tlatelolco  
(as at 4 February 2020)**

<i>Member State</i>	<i>Reports received by the second half of 2019</i>
Antigua and Barbuda	28 February 2019
Argentina	23 January 2020
Bahamas	30 June 2010
Barbados	31 December 1984
Belize	31 December 2017
Bolivia (Plurinational State of)	2 September 2019
Brazil	9 January 2020
Chile	5 November 2019
Colombia	24 January 2020
Costa Rica	31 December 2018
Cuba	14 January 2020
Dominica	30 June 2017
Dominican Republic	30 June 2015
Ecuador	14 January 2020
El Salvador	31 December 2014
Grenada	30 June 2016
Guatemala	7 October 2019
Guyana	15 December 2014
Haiti	31 December 2016
Honduras	2 August 2019
Jamaica	28 October 2019
Mexico	23 July 2019
Nicaragua	11 July 2019
Panama	4 July 2019
Paraguay	31 December 2017
Peru	1 September 2019
Saint Kitts and Nevis	3 January 2020
Saint Lucia	31 July 2018

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<i>Member State</i>	<i>Reports received by the second half of 2019</i>
Saint Vincent and the Grenadines	17 April 2019
Suriname	31 December 2016
Trinidad and Tobago	24 July 2013
Uruguay	4 July 2019
Venezuela (Bolivarian Republic of)	5 June 2019

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**Annex II****Status of compliance with article 24 of the Treaty of Tlatelolco (as at 4 February 2020)**

<i>Member State</i>	<i>Reports received by the second half of 2019</i>
Antigua and Barbuda	3 February 2015
Argentina	19 June 2019
Bahamas	10 May 2007
Barbados	10 April 1984
Belize	5 February 2018
Bolivia (Plurinational State of)	4 May 2018
Brazil	19 June 2019
Chile	5 November 2019
Colombia	6 April 2017
Costa Rica <sup>a</sup>	
Cuba	13 February 2018
Dominica	12 September 2012
Dominican Republic	7 August 1987
Ecuador	26 June 2019
El Salvador	22 September 2010
Grenada	13 September 1980
Guatemala	2 December 2010
Guyana	16 September 2010
Haiti	31 July 1973
Honduras	8 November 2010
Jamaica	5 April 2016
Mexico	23 July 2019
Nicaragua	30 June 2016
Panama	4 February 1986
Paraguay	1 July 2015
Peru	30 June 2016
Saint Kitts and Nevis	6 June 2014
Saint Lucia	25 July 2013
Saint Vincent and the Grenadines <sup>a</sup>	

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<i>Member State</i>	<i>Reports received by the second half of 2019</i>
Suriname	16 September 2010
Trinidad and Tobago	25 July 2013
Uruguay	26 October 2019
Venezuela (Bolivarian Republic of)	3 October 2017

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<sup>a</sup> Costa Rica and Saint Vincent and the Grenadines have never reported on the signing of agreements on the matters referred to in the Treaty of Tlatelolco.