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XVIII Regular Session of the General Conference  
Agenda Item 6  
Santiago, Republic of Chile, 7-8 November, 2005.

## **REPORT OF THE SECRETARY GENERAL**

This Report comprises November 2004 through October 2005. It is worth noting that great strides have been made toward the strengthening of our Agency during the period. This Report has been divided into the following sections to facilitate its reading:

- I. Regular Activities
- II. Official Activities
- III. Academic and Informational Activities
- IV. Administrative and Financial Activities
- V. 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 November 2004 to October 2005. 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.439 “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 they may enter into full force. The Republic of Guatemala ratified the second Amendment regarding Article 25 and the third Amendment regarding Articles 14, 15, 16, 19 and 20 of the Treaty.

**Resolution CG/Res. 441 “Control System. Application of Articles 13 and 14”**

3. With the authorization and supervision of the Council, the Secretary 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. Only the Republic of Haiti has yet to fulfill its constitutional requirements to permit the Agreement's entry into force.
4. The Secretariat has called upon the Member States via diplomatic note to sign and/or ratify the IAEA Additional Protocol, which, to date, has been ratified by Chile, Cuba, Ecuador, El Salvador, Honduras, Jamaica, Panama, Paraguay, Peru and Uruguay, and signed by Colombia, Costa Rica, Guatemala, Haiti, Mexico and Nicaragua.
5. As regards the fulfillment of Article 14, the Secretary General informed the Council at each of its sessions. (This activity is described at length in document CG/589 “Control System”).
6. 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.442 “Application of Article 24 (XVIII)”**

7. This article makes reference to the obligation of the Member States to inform OPANAL of any international agreement, arrangement or treaty of any kind reached on the matters referred to in the Treaty. 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. (Doc. CG/590)

**Resolution CG/Res.443 (XVIII) “Use of Nuclear Energy for Peaceful Purposes”**

8. 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 this end, the Secretariat has received the official positions of the Republic of Cuba, which stated its position regarding the matter at the XVII Regular Session of the General Conference, and the Republic of Nicaragua. (Doc. CG/591)

**Resolution CG/Res. 444 “Prevention of Radioactive Contamination of the Marine Environment within the Framework of the Treaty of Tlatelolco”**

9. The Council took note that the Secretary General had sent letters to the Member States reiterating the request for opinions regarding the technical and legal measures needed to effectively prevent the radioactive contamination of the marine environment in the Zone of Application of the Treaty of Tlatelolco. During the XVIII Regular Session, the Delegations of Cuba and Guatemala expressed their opinions. (Doc.CG/592)

**Resolution CG/Res. 445 “Education for Peace, Disarmament and Nuclear Non-Proliferation”**

10. Pursuant to operative paragraph 4, the Secretary General prepared a proposal on the application by the Agency of the recommendations included in the United Nations study directed to international and regional bodies. (Doc. CG/595)

**Resolution CG/Res.447 “Declarations of Nuclear Powers to Additional Protocols I and II of the Treaty of Tlatelolco”**

11. The Secretary General presented the XVII Special Session held in Mexico City on 23 November 2004 with a detailed report on this subject. (Doc. CG/E/575)
12. As a result of the work undertaken, Resolution CG/E/Res.461 was approved. Operative paragraph 5 expressed thanks for the efforts of several representatives of the OPANAL Member countries for working with the authorities of the Ministries of Foreign Affairs of France and the United Kingdom to request a response to the diplomatic notes they had received. The meetings took place and the responses are contained in document CG/593.

13. The Secretary General informed that responses have been received from the Government of the Republic of France, dated 2 February 2005, and from the Government of the United Kingdom of Great Britain, dated 24 March 2005. The Secretary General prepared responses to the Foreign Ministries of the United States, France, the Russian Federation, and the United Kingdom.
14. At its 217th Session, the Council approved the sending of diplomatic notes to the United States Secretary of State and to the Ministers of the Foreign Affairs of the Russian Federation, the French Republic, and the United Kingdom of Great Britain and Northern Ireland. It was also decided at this session that these notes would be provided to the media at the General Conference as an additional measure. At the Special Session held on 4 October, the Secretary General informed that the notes were delivered to the United States of America, Russian Federation, France and the United Kingdom.

**Resolution CG/Res. 448 “Strengthening of OPANAL”**

15. The Secretary General presented the Council with a list of the projects that he would develop in this area, one of which was the preparation of a "Draft Declaration of the States Parties of the Nuclear-Weapon-Free Zones." (Doc.C/DT/60 Rev. 5)
16. The Draft Declaration was prepared by the Secretary General and reviewed by a working group during several meetings and at the Council's 48th Special Session, the document was approved for presentation to the Latin America and Caribbean Group (GRULAC) in New York.
17. During the XVII Special Session of the General Conference of OPANAL, the Government of Mexico expressed its desire that the International Conference of the States Parties of Treaties that Establish Nuclear-Weapon-Free Zones take place in Mexico, a gesture for which the Council expressed its gratitude.
18. The Delegation of Mexico to the United Nations coordinated the negotiations with GRULAC in New York and the International Conference of the States Parties and Signatories of Treaties that Establish Nuclear-Weapon-Free Zones to prepare a draft Declaration.

19. The Conference took place from 26 to 28 April 2005 in Tlatelolco and was attended by representatives of the governments parties to the Treaties that establish NWFZs, the nuclear powers, special guests, international organizations, NGOs and academics.
20. In Resolution CG/E/Res.460 (E-XVII), the Council was instructed to authorize the participation of the Secretary General of OPANAL as the Secretary General of the NWFZ Conference. Mexico's Alternate Representative to the Council, Minister Jose Robles Aguilar was appointed Assistant Secretary General.
21. In keeping with the practice of international conferences, the Chairmanship was occupied by a representative of the host State, who in this case was Her Excellency Ms. Patricia Olamendi, Undersecretary for Multilateral Affairs and Human Rights from the Mexican Secretariat of Foreign Relations. The positions of Vice-Chairs were occupied by His Excellency Mr. Wenceslao Carrera Doral, Viceminister of Science, Technology and Environment from the Republic of Cuba, in representation of the States Parties of the Treaty of Tlatelolco, Her Excellency Ms. Marian Hobbs, Minister of Disarmament from New Zealand in representation of the Treaty of Rarotonga, and His Excellency Ambassador Paul Badji, Permanent Representative of Senegal to the United Nations in representation of the Treaty of Pelindaba. The position of rapporteur was occupied by His Excellency Ambassador Rezian Izar Jenie, Permanent Representative of Indonesia to the United Nations, in representation of the Treaty of Bangkok.
22. During the General Debate of the NWFZ Conference, the Delegations agreed on the need "to strengthen the world disarmament and nuclear non-proliferation regimes by fulfilling and effectively applying the provisions in this area contained in the Nuclear Non-proliferation Treaty and the Treaties that establish Nuclear-Weapon-Free Zones." Moreover, the participants highlighted the contribution of the NWFZ treaties to achieving a nuclear-weapon-free world.
23. The Declaration of the Conference on Nuclear-Weapon-Free Zones (Doc. CZLAN/CONF/5) was approved at the end of the Conference.
24. The Delegation of the Republic of Argentina requested that formal note be taken of its objection to two paragraphs of the draft declaration (26 and 27) regarding the use of

radioactive waste and the transportation of radioactive material. The Representative from New Zealand expressed discrepancies with paragraph 24 and requested that official note of that fact be taken as well. (Doc. CZLAN/CONF/4)

25. The Secretary General of OPANAL wishes to congratulate the Government of Mexico again for the excellent job of hosting this Conference and for its efforts to have the Declaration accepted, approved and presented to the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons.
26. During the Conference, the Secretary General invited the representatives of the other NWFZs to a breakfast where they could exchange information and experiences and establish some type of coordination mechanism. The Report reflects the points of consensus reached during the meeting such as "...in an initial stage, which could be two years, the Treaty of Tlatelolco, through OPANAL, could carry out the necessary coordination to implement the agreements reached regarding these strengthening and coordination mechanisms. In the future, this function should be rotated among the treaties." (Doc. CG/594)
27. The Secretary General wishes to underscore that by adopting the Declaration of the Representatives of the States that make up the four current NWFZs, the non-nuclear-weapons States have made an historic contribution to the cause of non-proliferation--and more importantly--to the goal of complete and total nuclear disarmament.
28. At the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation on Nuclear Weapons held last May in New York City, the Mexican Delegation requested the distribution of the Declaration among the participants to this Conference.
29. The Secretary General received a letter dated 21 August from Mr. Alyn Ware, Coordinator for the Parliamentary Network for Nuclear Disarmament, an organization that actively participated as an observer at the NWFZs Conference, expressing the great interest that his organization has in following up on the results achieved by the Conference.

**Resolution CG/Res. 449 (XVIII) "Comprehensive Nuclear Test Ban Treaty"**

30. The Secretary General sent a copy of this resolution to the OPANAL Member States along

with a letter encouraging the countries that have yet to sign or ratify the treaty to consider doing so as soon as possible.

31. During the Conference of the States Parties of Treaties that Establish NWFZs, a parallel event was organized by the Preparatory Commission for the Comprehensive Nuclear Test Ban Treaty Organization (CTBTO), which was attended not only by the President of the CTBTO, Her Excellency Taous Feroukhi but also by the Chief of Foreign Relations of the Legal Division, Mrs. Lillim Ballon and the Chief of International Cooperation from the Legal Division, Mr. Hong-Lae Chang.
32. The majority of the OPANAL Member States have ratified the CTBT are: Argentina, Belize, Bolivia, Brazil, Chile, Costa Rica, Ecuador, El Salvador, Grenada, Guyana, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, St. Lucia, Uruguay and Venezuela.

**Resolution CG/Res. 450 (XVIII) “Cooperation with the Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean” and Resolution CG/Res.456 (XVIII) “Cooperation with Soka Gakkai International”**

33. The Secretary General sent Resolution CG/Res. 450 (XVIII) "Cooperation with the United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean" to the Member States. He also sent Resolution CG/Res. 456 (XVIII) “Cooperation with Soka Gakkai International.” Both documents authorize the Secretary General to continue carrying out cooperation projects and programs based on the common objectives of the Treaty of Tlatelolco.

## **II. OFFICIAL ACTIVITIES**

34. It has been an ongoing concern of the Secretary General to disseminate information about the Treaty of Tlatelolco and the activities of OPANAL. In December 2004, he participated in the forum “Parliamentarians, the Nuclear Non-Proliferation Treaty and Nuclear Weapon Free Zones” at the invitation of the Government of New Zealand and the Parliamentary Network for Nuclear Disarmament. Representatives from 29 countries and 40 parliamentarians from around

the world participated in the event. The Secretary General informed the Council of his talks with Prime Minister Helen Clark and Disarmament Minister Marian Hobbs as well as his participation at the event.

35. On 14 February 2005, and with the consent of the Council, the celebration of the 38th Anniversary of the Opening for Signature of the Treaty of Tlatelolco was held. The activities included the holding of a special Session to honor Ambassadors Joao Augusto de Araujo Castro, Alfonso Garcia Robles and Leopoldo Benites Vinueza. Brazilian Ambassador Luiz Augusto de Araujo Castro, Mexican Ambassador Emeritus Sergio Gonzalez Galvez, Ecuadorian Ambassador Dr. Reynaldo Huerta Ortega and Undersecretary for Latin America and the Caribbean of the Secretariat of Foreign Affairs Dr. Miguel Hakim Simon attended the event. Representatives from the Member States and Entailed States of the Treaty of Tlatelolco were also invited.
36. The Secretary General participated in the meeting of the Preparatory Commission of the 2005 Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) held in May in New York City.
37. During his trip to the NPT meeting, the Secretary General traveled to Washington, D.C. to attend a meeting of the Committee on Hemispheric Security at the Organization of American States, where he gave an extensive report on the results of the conference of the States Parties and Signatories of the Treaties that Establish Nuclear-Weapon-Free Zones and the activities of OPANAL.
38. The Secretary General attended the XXXV Regular Session of the Organization of American States held from 5 to 7 June in Fort Lauderdale, Florida. He spoke with Foreign Ministers and other authorities from Latin America and the Caribbean on the results of the NWFZ Conference. He also took the opportunity to speak with those representatives about the Agency's economic situation and request that they pay their contributions in a timely manner. He informed the Council on the approval of Resolution AG/RES.2009 (XXXV-0/05) "Consolidation of the Regime Established in the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco)."
39. The Secretary General also attended the 60th Regular Session of the UN General Assembly



from 10 to 14 October, where he participated as an Observer to the First Committee. He used the time to contact UN staff, intergovernmental organizations, non-governmental organizations, and representatives of other NWFZs.

### III. ACADEMIC AND INFORMATIONAL ACTIVITIES

40. In April, the Secretary General participated in the presentation of the book "Los siete principios básicos de la política exterior de México" [The Seven Basic Principles of Mexican Foreign Policy] at the "Dr. Guillermo F. Margadant" Seminar Room at the Legal Research Institute at the UNAM. He contributed an article to the book entitled "The Use or Threat to Use Force in International Relations." The article contains a detailed study of the use of nuclear weapons, especially as regards their use as a means of self-defense in response to an attack with conventional arms, maintaining that there is no existing provision in current international law that would support such a use of nuclear weapons.
41. On several occasions, the Secretary General informed the Council of conversations with professor Elena del Mar Garcia Rico from the University of Malaga, who participated in the NWFZ Conference, about a possible agreement between OPANAL and the University of Malaga. He presented the agreement sent by the University and drafted by the University President's Office's legal counsel. The document was in keeping with OPANAL's objectives. The project was approved and signed by the Secretary General and the University of Malaga Headmistress
42. In July, the Secretary General received an invitation from Senator Dulce Maria Sauri to speak at the Conference "The Treaty of Tlatelolco, Mexican Diplomacy and the Promotion of Nuclear Disarmament" as part of the commemoration of the 60th Anniversary of the dropping of atomic bombs on Hiroshima and Nagasaki. He spoke together with other qualified experts at the event held in the Sebastian Lerdo de Tejada Auditorium of the Mexican Senate on 2 August 2005.
43. The Secretary General began negotiations with leadership of the Latin-American Parliament in an effort to reach a Cooperation Agreement that would be signed by the Chairman of the Latin-American Parliament, Deputy Ney Lopes, and the Secretary General. At its 218th Session on 20 October, the Council approved the draft agreement presented by the Secretary General and

expects the Agreement to be signed soon.

44. In commemoration of the same anniversary, the Secretary General was invited by the director of the program "Ventana Semanal" seen on Channel 22 to give an interview on OPANAL's activities and how they relate to the use of nuclear weapons.
45. The Secretary General informs that OPANAL's web site has been visited by 5,521,065 people up to 30 September.

#### **IV. ADMINISTRATIVE AND FINANCIAL ACTIVITIES**

46. The Secretary General informed the Council of the Agency's economic and financial situation. He was present at all of the meetings held by the Committee on Contributions and Administrative and Budgetary Matters. During the OAS and United Nations meetings he attended, the Secretary General met with several Foreign Ministers and high-ranking Foreign Ministry officials to inform them of the Agency's difficult financial situation and ask that they pay their contributions.
47. The Secretary General wishes to thank the Representative from Mexico and President of the CCAAP, Ambassador Yanerit Morgan Sotomayor, for her efforts to reach a consensus on the draft Scale of Contributions for fiscal year 2006. The Scale of Contributions had not been reviewed for five years and this delicate matter needed to be studied in depth. The results of the study are found in the "Report of the Working Group of the Committee on Contributions and Budgetary and Administrative Matters."
48. The Secretary General also wishes to highlight the capable assistance of the Members and Observers of the Committee for their contributions to the study of the Scale of Contributions, especially the Representatives from Belize, Brazil, Chile, Guatemala and Mexico for the proposals they made, and the Observers from Argentina, Bolivia, Cuba, El Salvador, Jamaica, Paraguay and Uruguay for their keen observations.
49. The Secretary General presented a draft budget of \$330,000.00 USD to the CCAAP. Nevertheless, after an exhaustive analysis by the CCAAP and the requests of the Representatives of Mexico and Argentina, a budget of US\$324,000.00 was approved.

50. Resolution CG/E/Res.463 "Discount Program for the Strengthening of OPANAL" approved at the XVII Special Session, which encouraged (on a one-time basis) those countries furthest in arrears on their contributions to bring payment up to date through discount incentives. Only the Government of Colombia acceded to this resolution.
51. The Secretary General wishes to thank the efforts of the Governments of Argentina, Bahamas, Barbados, Belize, Chile, Colombia, Cuba, Guatemala, Guyana, Nicaragua, Mexico, Panama, Venezuela and Trinidad and Tobago, which have made payments this year to cover their contributions for the current year as well as previous years, thus making the work of the Secretariat General possible. However, this means that the Secretariat has only received 36.35% of the contributions for 2005, consequently the Secretary General considers it an absolute necessity that the Member States cover 100% of the budget in a timely manner.
52. The Secretary General wishes to thank the Government of Mexico for its efforts to provide, in commodatum, an adequate headquarters for OPANAL. If the Agency were to have a headquarters, its financial situation would improve since it would mean a reduction of approximately 15% in our budget, which is fundamental, given current circumstances.
53. The Secretary General would also like to thank the Mexican Representatives to OPANAL for their valuable work with the Secretariat of Finance and Public Credit to obtain a refund of the income tax levied on the Agency's bank accounts.
54. Pursuant to Resolution 427 (XVII) the Auditing Firm of "Muñoz, Gómez, Hernández y Cía., S.C." was appointed for a four-year period from 1 January 2002 to 31 December 2005 and is presenting the Auditor's Report for the final quarter of 2004 and the first three quarters of 2005 to the Regular Session of the XIX General Conference for its consideration and subsequent approval.

## **V. CONCLUSIONS AND RECOMMENDATIONS**

1. The Secretary General has sought to summarize in the preceding paragraphs of this report what has taken place during the current year at OPANAL, noting the strictest fulfillment of the mandates of the XVIII Regular Session and XVII Special Session of the General Conference.

2. The Secretary General would especially like to emphasize that the efforts that began at the General Conference Session held in Panama in 2001 to prepare a draft Declaration of the States Parties and Signatories of the NWFZs and convene a Conference of those States to adopt the Declaration have become a reality.
3. The Secretary General would like to highlight the successes achieved at the Conference of the States Parties and Signatories of Treaties that Establish Nuclear-Weapon-Free Zones held from 26 to 28 April 2005. Following up on this important Conference and strengthening cooperation and coordination with the other Nuclear-Weapon-Free Zones should constitute one of our most important tasks in the near future.
4. He would also like to highlight the efforts made to obtain a satisfactory answer from the nuclear powers regarding the withdrawal or modification of the declarations they made regarding the Additional Protocols to the Treaty of Tlatelolco, which affect the denuclearization statute provided for in the Treaty. The matter will continue under study. For the time being, at least, we are interested in having the public and the international community become familiar with points of view that some of the interpretative declarations are not supported by current international law.
5. The Secretary General clarifies that for the Fiscal Year 2006 Budget, a realistic study of the necessary expenditures for maintaining the Agency was made.
6. The Secretary General would like to publicly recognize the efforts of certain Member States to meet their financial obligations in a timely manner and make an effort to be up to date with their payments since it is absolutely necessary that the budget be covered 100% so as not to negatively affect programmed work and activities, in addition to the day-to-day operations of the Agency.
7. The Secretary General, within budgetary constraints, continues to inform and promote the Treaty of Tlatelolco and the activities of OPANAL, both in Mexico and abroad. In this regard, he requests the cooperation of governments, international organizations, and academic institutions so OPANAL may sponsor or encourage courses, seminars, workshops or conferences that allow for the fulfillment of its objectives.

8. The Secretary General expresses, before the General Conference, his special thanks to the Member States and Observers of the Council and the Committee on Contributions and Administrative and Budgetary Matters and to the Secretariat General's personnel for their unwavering dedication and support of the Agency's activities in order to effectively carry out the tasks that the Treaty of Tlatelolco confers upon it.