



Secretariat

**REPORT OF THE AD-HOC WORKING GROUP
ON THE STRENGTHENING OF OPANAL
In accordance to Resolution 339 Rev. of the
Tenth Special Session of the General Conference
held on December 5, 1995**

**Report of the Ad-hoc Group on the
Strengthening of OPANAL
Res. 339 Rev. (E-X)**

1. The XIV Regular Session of the General Conference of OPANAL held in Viña del Mar, Chile, from the 28-30 March 1995, considered, among others, the Item referred to the "Strengthening of OPANAL in its new stage". In this regard, it adopted the decision to transfer the Item to the analysis of the next Special Session of the General Conference.
2. The General Conference of OPANAL at its X Special Session held on December 5, 1995 at Mexico City, adopted Resolution CG/E/Res.339 Rev. concerning the Strengthening of OPANAL through which it establishes an Ad-hoc Working Group of voluntary composition in order to examine and submit to the Council not later than April 30, 1996, the recommendations for the strengthening of OPANAL, so that it may convene, at the earliest possible time, a Special General Conference to adopt the pertinent measures".
3. In compliance with such Resolution, the Council requested that through the Secretary General of the Agency all Member States be invited so that at their own free will participate in the Ad-hoc Working Group. The 28 Special Meeting of the Council of OPANAL held on January 11th, 1996 at the seat of the Agency, established the Working Group which was composed by Argentina, Belize, Bolivia, Brazil, Chile, Colombia, Costa Rica, El Salvador, Jamaica, Mexico, Nicaragua, Panama, Peru and Venezuela. The Working Group met on 6 opportunities: on February 21, on March 8, on March 18, on March 20, on April 17 and on April 30 of 1996. The summarized records of said meetings are enclosed to this Report.
4. As a result of the exchange of opinions and information on the positions of the different Delegations it was concluded by consensus that the process for the Strengthening of OPANAL have two clearly defined instances: the first one conformed by the proposals of action within the framework of the Treaty of Tlatelolco which do not imply amendments to it. The second instance will comprehend such actions which will require a necessary process of amendments to the Treaty of Tlatelolco. However, some Delegations were in partial disagreement regarding which actions should be included in the first instance.

5. With regard to the actions that do not require amendments to the Treaty the following was agreed:
- a) The General Conference as a supreme Organ of the Agency will strengthen its political role. In this sense, it will continue and increase the interchange on the areas of its competence among the Treaties of Tlatelolco and Rarotonga and will extend them to the Treaty of the South-East Asia Nuclear Weapon Free Zone and the Treaty of the African Nuclear Weapon Free Zone (Treaty of Pelindaba), propitiating common actions in favor of the prohibition of nuclear weapon tests, the non proliferation and eventually cooperation agreements between them. In accordance with the established in Article 10 of the Treaty, the General Conference will confer to the Council the task to follow these items.
 - b) The General Conference will establish a program for the strengthening of the institutional scope of OPANAL. This program shall include, among other aspects, the strengthening of a small professional group in the General Secretariat; an increase in the quality of the documentation on the items of nuclear non proliferation; and to reinforce its capacity of analysis in matters of non proliferation and nuclear disarmament and update the Cooperation Agreement with the International Atomic Energy Agency (IAEA).
 - c) The General Conference, to ensure the proper operation of the Control System established by the Treaty, will reinforce the capacity of analysis of the Secretariat General and of the Council through a closer coordination with the IAEA.
 - d) The General Conference in the promotion of the peaceful uses of nuclear energy in Latin America and the Caribbean:¹
 - i. will define the feasible fields, within the framework of the Treaty, where it may develop a regional cooperation in peaceful uses of nuclear energy.
 - ii. It will agree to institutionalize the cooperation within the areas of its competence, with ARCAL/OPANAL/IAEA in such a way that the action of OPANAL in this field do not duplicate pre-existing functions and be instrumental to the cooperation among the national institutions of

¹ With regard to paragraph 5.d) i, ii, iii, the Delegations of Argentina, Brazil and Bolivia consider that this matter relates to cooperation on the peaceful uses of nuclear energy in general and particularly to the cooperation with the program ARCAL, mechanism exclusively dedicated to technical cooperation in nuclear matters. These items go beyond the present mandate of OPANAL so that they should be placed in paragraph 6.d) which relates to the transference of technology, scientific investigation and training.

development of nuclear energy for peaceful uses of the countries of Latin America and the Caribbean. To that effect, the Cooperation Agreement of OPANAL/IAEA may constitute the proper framework to establish the cooperation with the ARCAL Program;

- iii. it will establish a reasonable program which do not duplicate activities already being developed in other areas, addressed especially to Member States which do not participate in other mechanisms of cooperation; and
 - iv. it will propose the cooperation with other regional agencies and of the region, like ABACC.
- e) The General Conference will develop and strengthen the relations with new international Organizations created to supervise disarmament and measures for the control of armaments, including those referred to weapons of mass destruction weapons and conventional weapons, in accordance with Article 20 of the Treaty.²
 - f) On financial matters, the General Conference will analyze new sources of procuring resources aside from those of Member States, to develop activities and programs that may be convened.
6. Regarding those actions which will require a process of amendments to the Treaty of Tlatelolco, several countries submitted proposals to the Ad-hoc Group on the following aspects:
- a) OPANAL should be provided with the sufficient legal instruments to participate in activities related to the peaceful use of nuclear energy.
 - b) Taking into consideration that the Treaty of Tlatelolco concedes limited faculties to OPANAL to attend issues of current international interest related with the spirit of the Treaty, it was proposed that the Council will carry out studies on the ways and means to supply OPANAL with a sufficient legal basis to undertake functions in different fields such as: in the safe transport and deposit of radioactive materials in the Zone of Application; the prevention of nuclear pollution of the marine environment; the harmful effects on the environment of the region due to the use, storage and radioactive waste of sources, substances, materials and related technologies; in the control on the production and/or commercialization of fissionable

² With regard to item 5.e), the Delegations of Argentina and Brazil stated that it would need a more detailed study on this matter, taking into consideration the cost/benefit equation of the eventual advantages that might bring the linking to other mechanisms of non proliferation, being them of mass destruction weapons or conventional weapons.

material; in the safety of existent nuclear facilities in the Zone of Application; and others that will be derived of the new developments in the field of nuclear science.

- c) To follow up the issue of nuclear explosions with peaceful purposes accepted by Article 18 of the Treaty of Tlatelolco, *vis a vis* the Comprehensive Test Ban Treaty (CTBT) which is being negotiated at the Disarmament Conference and the full enforcement of the Treaty of Tlatelolco once it has been ratified by all Signatory States.
 - d) To give OPANAL the sufficient legal mechanisms to widen its scope of cooperation in general, in matters related to the technology transfer and scientific investigation and training from the nuclear powers as well as from the countries of the region with higher developed nuclear technologies, in areas beyond the System of Control and disarmament established by the Treaty of Tlatelolco.
7. In spite that the complete text of the proposals submitted which require amendments to the Treaty are enclosed, the Ad-hoc Working Group considered it necessary to handle this issue with caution, without implying an unnecessary delay in its treatment, and to convey to the Council its suggestion that these proposals be considered by the General Conference.