



General Conference

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Agenda Item 8

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Report of the Control System of the Treaty of Tlatelolco

I. The obligations of the Treaty of Tlatelolco

The obligations of the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco) are recorded in its article 1:

1. *The Contracting Parties hereby undertake to use exclusively for peaceful purposes the nuclear material and facilities which are under their jurisdiction, and to prohibit and prevent in their respective territories:*
 - a. *The testing, use, manufacture, production or acquisition by any means whatsoever of any nuclear weapons, by the Parties themselves, directly or indirectly, on behalf of anyone else or in any other way, and*
 - b. *The receipt, storage, installation, deployment and any form of possession of any nuclear weapons, directly or indirectly, by the Parties themselves, by anyone on their behalf or in any other way.*
2. *The Contracting Parties also undertake to refrain from engaging in, encouraging or authorizing, directly or indirectly, or in any way participating in the testing, use, manufacture, production, possession or control of any nuclear weapon.*

The head of paragraph 1 establishes the positive obligation to “use nuclear material and facilities exclusively for peaceful purposes”. Subparagraphs a, b of paragraph 1, and paragraph 2 include a series of negative obligations that cover all the necessary ways for Latin America and the Caribbean to be free of nuclear weapons.

In Article 1 the very essence of the Treaty of Tlatelolco is condensed and specified.

II. Control System of the Treaty of Tlatelolco

In order to verify compliance with the obligations of Article 1, the Treaty of Tlatelolco establishes a Control System that is applied in accordance with the provisions of Articles 13 to 17. Although Article 24 is not part of the Control System, its observance is essential to ensure compliance with the obligations of the Treaty. Consequently, this article is linked to the Control System.

Articles of the Treaty of Tlatelolco that refer to the Control System address the following aspects:

- **Article 13** – The Parties shall enter into nuclear safeguards agreements with the International Atomic Energy Agency (IAEA).
- **Article 14** – The Parties must submit semiannual reports to OPANAL stating that no activity prohibited by the Treaty has occurred in their respective territories.
- **Article 15** – Special reports at the request of the Secretary-General with respect to any extraordinary fact or circumstance that affect the fulfillment of the Treaty, at the initiative of any of the Parties and with the authorization of the Council.
- **Article 16** – Special inspections by the IAEA, at the request of any of the Parties and with the authorization of the Council.
- **Article 17** – The Treaty does not restrict the rights of the Parties to use nuclear energy for peaceful purposes.
- **Article 24** – The Parties must notify OPANAL of any international agreement they conclude on the matters referred to in the Treaty of Tlatelolco.

In accordance with Article 13 of the Treaty, all 33 States Parties have concluded nuclear safeguards agreements with the IAEA. This obligation is fully covered. For their part, articles 15 to 17 refer to peaceful uses of nuclear energy and mechanisms to be used in case of special events or circumstances that affect compliance with the Treaty of Tlatelolco.

This report focuses on articles 14 and 24; in particular, in the need for all the States Parties to the Treaty of Tlatelolco to comply fully with these two articles.

As established in article 10, paragraph 5, of the Treaty of Tlatelolco, "the Council, through the Secretary-General, shall ensure the proper functioning of the Control System". It is under this provision that the Secretary-General is compelled to bring to the attention of the General Conference

the need for all OPANAL Member States to maintain full compliance with articles 14 and 24 of the Treaty of Tlatelolco.

III. Article 14 of the Treaty of Tlatelolco

One of the responsibilities of OPANAL in the application of the Control System of the Treaty of Tlatelolco is to receive and record the reports of the Member States “*stating that no activity prohibited under this Treaty has occurred in their respective territories*” (Article 14, paragraph 1). Compliance with article 14 is not a bureaucratic issue, but an unavoidable commitment for the 33 States Parties to the Treaty of Tlatelolco. In order for the supervision and oversight of the Treaty to operate properly, it is required that the Parties formally express their compliance by regularly submitting reports on Article 14.

There is consensus in the international community that legal instruments in the field of nuclear weapons require verification clauses. In the case of the Treaty of Tlatelolco, the basis for verification –Article 14– rests on the States Parties themselves through formal declarations. The biannual frequency of compliance with article 14 makes not only political and legal, but also practical sense. It is not possible to guarantee that a State Party to the Treaty of Tlatelolco is complying with the Treaty if it does not send the corresponding certifications. Compliance with the Treaty is not only important for its States Parties but also for the entire international community and the United Nations.

The XXVI Special Session of the General Conference (15 November 2018), by resolution CG/E/Res.02/2018, decided to “*adopt, as an option for compliance with the obligation provided for in Article 14 of the Treaty of Tlatelolco, the semiannual reporting format proposed by the Secretary-General in his Report on the Control System, attached to document CG/E/05/2018Rev.2*”.

The XXVI Regular Session of the General Conference (7 November 2019), through its resolution CG/Res.01/2019 resolved to “*... instruct the Secretary-General to transmit to all Member States the optional format for the presentation of semi-annual reports of Article 14 of the Treaty of Tlatelolco, proposed by the Secretary-General in his Report on the Control System, attached to document CG/E/05/2018*”, and “*...request the Council and the Secretary-General to take the necessary measures, within their respective powers, to ensure that all Member States regularize their situation regarding compliance with Articles 14 and 24*”.

As of November 3, 2023, fifteen Member States are in full compliance with Article 14 of the Treaty, having submitted the necessary certification covering the period up to 30 June 2023; another seven Member States reported their compliance as of 31 December 2022, and can be

considered as relatively up to date the 66.67 % of the Membership (see Annex I: Article 14 compliance status).

The status of the submission of reports is as follows:

- **Reports submitted until the first half of 2023:** Brazil, Colombia, Costa Rica, Cuba, Ecuador, El Salvador, Mexico, Nicaragua, Dominican Republic, Paraguay, Saint Kitts and Nevis y Saint Vincent and the Grenadines and Uruguay
- **Reports submitted until the second half of 2022:** Argentina, Belice, Bolivia, Chile, Dominica, Guatemala, Honduras y Saint Lucia
- **Reports submitted until the first half of 2022:** Guyana, Haiti, and Trinidad and Tobago

Four countries, that is to say 12.12% of the Member States, have not submitted information for five or more semesters, and are therefore in non-compliance with Article 14.

- **Reports submitted until the second half of 2021:** Bahamas, Jamaica, Panamá, Perú y Suriname.
- **Reports submitted up to the first semester of 2020:** Antigua and Barbuda
- **Reports submitted up to the first semester of 2019:** Venezuela.
- **Last report submitted until the first semester of 2016:** Grenada.
- **Last report submitted until the second semester of 1984:** Barbados.

Without compliance with Article 14 by all States Parties, it is not possible to ensure the effective functioning of the nuclear-weapon-free regime in Latin America and the Caribbean.

IV. Article 24 of the Treaty of Tlatelolco

Since the entering into force of the Treaty of Tlatelolco, 14 February 1967, a large number of legal instruments have been added to strengthen the international regime for disarmament and non-proliferation of nuclear weapons. To these international instruments other arrangements concerning the use of nuclear energy have been added. This is of great importance for the work of OPANAL, in particular, for the achievement of the principles and objectives of the Treaty of Tlatelolco. Article 24 of the Treaty of Tlatelolco states:

Once this Treaty has entered into force, the Secretariat shall be notified immediately of any international agreement concluded by any of the Contracting Parties on matters with which this Treaty is concerned; the Secretariat shall register it and notify the other Contracting Parties.

Unlike article 14, article 24 does not have to be complied with under a specific temporality, but it states that the conclusion of an international agreement related to the matters covered by the Treaty of Tlatelolco shall be notified “immediately” to the Secretariat.

There are two Member States that have never reported on the signing of agreements on the matters referred to in the Treaty of Tlatelolco (see Annex II: Date of submission of the last report (Art. 14 and Art. 24)).

V. Observations to the OPANAL General Conference at its XXVIII Session

The Treaty is not a political declaration. It is a legal instrument that establishes obligations. OPANAL administers compliance with these obligations of the Member States.

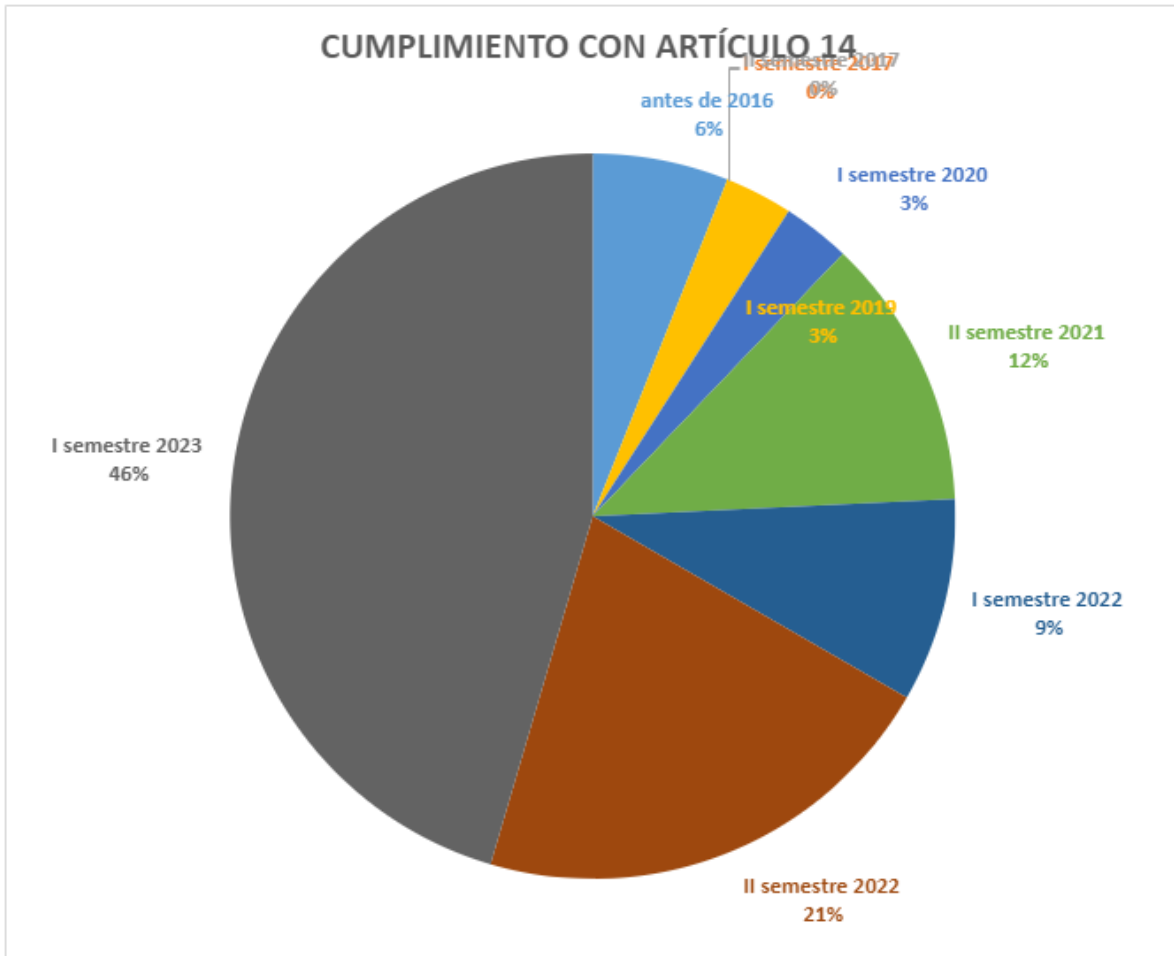
The periodic –semiannual– nature of the certification of article 14 was included in the Treaty of Tlatelolco as a concrete measure. Wisely, the Treaty of Tlatelolco establishes as a central point of the Control System a mechanism of great simplicity –Article 14–, which depends entirely on each Member State.

The OPANAL Secretariat has the function of registering the certifications of article 14. There is the possibility of special reports at the request of the Secretary-General (article 15) and of Special inspections by the IAEA (article 16), mechanisms that complement article 14. Articles 15 and 16 exist to resolve special situations. If a Member State fails to comply with article 14 for several semesters, the interpretation that fits is that it does not do so because it is not complying with Article 1 of the Treaty of Tlatelolco.

There are 4 Member States that have not complied with article 14 for more than two years. It has not been proposed so far to activate articles 15 and 16, but it is necessary to overcome the situation of non-compliance with article 14.

In all their meetings and sessions, the Council and the General Conference invariably ask all Member States to comply with article 14. The Secretary-General sends semiannually reminder notes with a certification model attached.

Annex I
Status of compliance with Article 14



Annex II**Date of submission of the last report (Art. 14 and Art. 24)**

ESTADOS MIEMBROS	Artículo 14	Artículo 24
	Último Informe	Último Informe
Antigua and Barbuda	30-jun.-2020	3-feb.-2015
Argentina	31-dic.-2022	19-jun.-2019
Bahamas	31-dic.-2021	10-may.-2007
Barbados	31-dic.-1984	10-abr.-1984
Belize	31-dic.-2022	5-feb.-2018
Bolivia	31-dic.-2022	25-feb.-2020
Brasil	30-jun.-2023	19-jun.-2019
Chile	31-dic.-2022	30-jun.-2021
Colombia	30-jun.-2023	6-abr.-2017
Costa Rica	30-jun.-2023	
Cuba	30-jun.-2023	5-feb.-2021
Dominica	31-dic.-2022	12-sep.-2012
Ecuador	30-jun.-2023	26-jun.-2019
El Salvador	30-jun.-2023	22-sep.-2010
Grenada	30-jun.-2016	13-sep.-1980
Guatemala	30-jun.-2023	29-ago.-2022
Guyana	30-jun.-2022	16-sep.-2010
Haïti	30-jun.-2022	31-jul.-1973
Honduras	31-dic.-2022	8-nov.-2010
Jamaica	31-dic.-2021	16-abr.-2021
México	30-jun.-2023	30-jun.-2023
Nicaragua	30-jun.-2023	30-jun.-2016
Panamá	30-jun.-2023	4-feb.-1986
Paraguay	30-jun.-2023	1-dic.-2021
Perú	31-dic.-2021	30-jun.-2016
República Dominicana	30-jun.-2023	7-ago.-1987
Saint Kitts and Nevis	30-jun.-2023	6-jun.-2014
Saint Lucia	31-dic.-2022	25-jul.-2013
Saint Vincent and the Grenadines	30-jun.-2023	
Suriname	31-dic.-2021	16-sep.-2010
Trinidad and Tobago	30-jun.-2022	25-jul.-2013
Uruguay	30-jun.-2023	26-oct.-2019
Venezuela	5-jun.-2019	3-oct.-2017