



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

Secretariat

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**GUIDELINES FOR THE PARTICIPATION OF THE AGENCY FOR THE
PROHIBITION OF NUCLEAR WEAPONS IN LATIN AMERICA AND THE
CARIBBEAN (OPANAL) IN THE FIRST MEETING OF STATES PARTIES TO
THE TREATY ON THE PROHIBITION OF NUCLEAR WEAPONS (TPNW)**

June 21 – 23, 2022

Vienna

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I. Background information

Pursuant to the UNGA resolution 70/33, entitled “Taking forward multilateral nuclear disarmament negotiations”, adopted on 7 December 2015, an Open-ended Working Group (OEWG) was established to substantively address concrete effective legal measures, legal provisions and norms that will need to be concluded to attain and maintain a world without nuclear weapons, as well as to substantively address recommendations on other measures that could contribute to taking forward multilateral nuclear disarmament negotiations.

OPANAL Member States actively participated in the OEWG in their national capacity, as well as part of coalitions and as Members of the Community of Latin American and Caribbean States (CELAC).

OPANAL was one of the international organizations invited to participate in the OEWG and, in order to contribute substantively to the work and discussions, the OPANAL Secretariat presented a working paper on some "articles of the Treaty of Tlatelolco, being especially relevant for the discussions of the Open-ended Working Group" (**Annex 2**).

By resolution 71/258, the General Assembly decided to convene in 2017 a United Nations conference to negotiate a legally binding instrument to prohibit nuclear weapons, leading towards their total elimination. The Assembly encouraged all Member States to participate in the Conference, with the participation and contribution of international organizations and civil society representatives.

The Conference took place from 27 to 31 March and from 15 June to 7 July in New York. The Conference was chaired by Ambassador Elayne Whyte Gómez, Permanent Representative of Costa Rica to the UN Office at Geneva.

For the UN Conference to negotiate a legally binding instrument to prohibit nuclear weapons, leading towards their total elimination, held in New York in 2017, the OPANAL Secretariat submitted Working Paper A/CONF.229/2017/WP.1 (**Annex 3**) “*Recommendations for the negotiation of a legally binding instrument to prohibit nuclear weapons, leading towards their total elimination*”.

The Treaty on the Prohibition of Nuclear Weapons (TPNW) was adopted by the Conference (by a vote of 122 States in favour, with one vote against (Netherlands) and one

abstention (Singapore)) at the United Nations on 7 July 2017, and opened for signature by the Secretary-General of the United Nations on 20 September 2017.

TPNW entered into force on 22 January 2021. Article 8, paragraph 2, of the Treaty specifies that "the First Meeting of States Parties shall be convened by the Secretary-General of the United Nations within one year of the entry into force of this Treaty."

Originally scheduled to be held in January 2022¹, States Parties subsequently decided to hold the Meeting from 21 to 23 June 2022 at the Austria Center Vienna².

Currently, 28 OPANAL Member States have signed and 24 of them have ratified the TPNW, which represents 33% and 39% of all signatures and ratifications, respectfully (**Annex 1**). With the recent ratification of Guatemala, the whole region of Central America has ratified the TPNW.

II. Context of the Conference

The First Meeting of the States Parties to the TPNW takes place on June 21-23, 2022, one day after the Vienna Conference on the Humanitarian Impact of Nuclear Weapons. The 2022 Vienna Conference on the Humanitarian Impact of Nuclear Weapons is the fourth conference of this kind. The previous three conferences were held in Oslo (2013), Nayarit (2014) and Vienna (2014).

Moreover, it takes place less than two months before the Tenth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), that has been postponed several times, starting from 2020, due to the COVID-19 pandemics.

This is an era of nearly unprecedented global threats to international peace and security. As the world struggles to recover from a harrowing pandemic, the armed conflict between Russia and Ukraine started on February 24, 2022. At the beginning of the military actions, Russia threatened to use nuclear weapons against the countries that would want to intervene in the conflict and put its nuclear deterrent forces on 'high alert'. As a result, all nuclear-armed states increase spending on ever-advancing nuclear arsenals.

¹ [Note verbale](#) from the Secretary-General of the United Nations, dated 27 April 2021, on the convening of the first Meeting of States Parties to the TPNW

² [Note verbale](#) from the Secretary-General of the United Nations, dated 4 April 2022, on the convening of the first Meeting of States Parties to the TPNW

Of the total inventory of an estimated 12 705 warheads at the start of 2022, about 9440 were in military stockpiles for potential use. Of those, an estimated 3732 warheads were deployed with missiles and aircraft, and around 2000—nearly all of which belonged to Russia or the USA—were kept in a state of high operational alert.

It is at this time that the first international treaty to prohibit nuclear weapons is so critical to preserve international peace and security.

III. Challenges of the Meeting

The first Meeting of States Parties is an important opportunity to advance the treaty's implementation and the goal of a nuclear-weapon-free world.

According to the article 8 of the Treaty, “the meeting of States Parties shall adopt its rules of procedure at its first session”. Adoption of the Rules of procedure is of highly importance, because it represents an overview of the rules that will guide the first and the subsequent meetings.

At the First Meeting, States Parties will consider and discuss the status and operation of the Treaty and other matters important for achieving the objectives, purpose and application of the Treaty.

In this regard, the application of the following articles will be discussed:

- **Declarations regarding the ownership, possession or control of nuclear weapons (Article 2)**

As established by the Article 2, after the entry into force, each State Party shall submit to the UN Secretary-General a declaration in which it shall declare whether it owns/ed, possesses/ed or controls/ed nuclear weapons or nuclear explosive devices and eliminated its nuclear-weapon programme.

- **Universalization (Article 12)**

Under Article 12, States Parties are required to take steps to encourage other states to join the treaty – with the ultimate goal of bringing every state on board.

States Parties may adopt an action plan that implements concrete actions to promote universalization. States Parties may establish a framework to operationalize outreach (which could be formal or informal) to promote leadership (for example, by appointing regional leads), ownership and accountability (for example, establishing a reporting mechanism and actionable plans for intersessional periods).

- **Deadlines for the removal from operational status and destruction of nuclear weapons and other nuclear explosive devices, and their removal from national territories (Article 4)**

Article 4 establishes a legal framework for the verified and irreversible elimination of nuclear weapons and their associated facilities. No other multilateral agreement provides such a framework.

At the First Meeting, States Parties might set a deadline for the destruction of nuclear weapons, with a possible extension, and another deadline for the removal of nuclear weapons from a hosting state's territory.

- **Competent international authority, including verification (Article 4)**

The States Parties will designate a competent international authority to negotiate and verify the irreversible elimination of nuclear-weapons programmes.

- **Victim assistance, environmental remediation and international cooperation and assistance (Articles 6 and 7)**

Under Articles 6 and 7, States Parties are obligated to assist victims of and remediate environments contaminated by nuclear weapon use and testing. These “positive obligations” break new ground in international nuclear weapons law. States with affected victims and contaminated lands under their jurisdiction have the primary responsibility for providing assistance, in a nod to state sovereignty and practical facilitation.

The First Meeting of States Parties should agree on initial actions and structures for work going forward, seeking to develop a collaborative and constructive culture of work amongst states parties, international organizations and civil society. Implementation should center affected communities.

- **National implementation measures (Article 5)**

Under Article 12, States Parties shall adopt the necessary measures, including legal, administrative and other measures, to implement its obligations under this Treaty and prevent and suppress any activity prohibited under the Treaty.

Other matters important for achieving the objectives and purpose of the Treaty, such as: institutionalizing scientific and technical advice for the effective implementation of the Treaty; intersessional structure for the implementation of the Treaty; complementarity of the Treaty with the existing nuclear disarmament and non-proliferation regime; will be discussed.

Establishing a body to provide scientific advice to states parties

At the First Meeting, States Parties may adopt a decision establishing a scientific advisory board or group for the TPNW, to report publicly on nuclear weapons risks and consequences and assist with implementation. States should also adopt the terms of reference for this body, which may include the following roles and functions:

- Prepare regular scientific reports on nuclear weapons and disarmament, including on the humanitarian consequences of nuclear weapons use, risks of nuclear weapons use and on relevant developments in science and technology;
- Organize outreach events to communicate its findings to media, states not party to the TPNW and the broader public;
- Provide scientific and technical advice to states parties on TPNW implementation as requested;
- Coordinate research and reporting with scientific and non-scientific experts in states and in civil society, in particular those most impacted by nuclear weapons use and testing.

Moreover, States Parties will discuss financial matters, as well as pave the way for the second Meeting of States Parties, and make respective preparations for it. Finally, States Parties will have to adopt a final document of the Meeting.

IV. Organization of work

The First Meeting will be presided by Ambassador Alexander Kmentt, the Director of the Disarmament, Arms Control and Non-Proliferation Department of the Austrian Foreign Ministry. From 2016-19, Alexander Kmentt served as Ambassador and Permanent Representative to the Political and Security Committee of the EU. He has worked extensively on disarmament issues, including at the Conference on Disarmament and in the CTBTO in Vienna. He is one of the architects of the initiative on the humanitarian impact of nuclear weapons and the Treaty on the Prohibition of Nuclear Weapons (TPNW). He was responsible for the 2014 Vienna Conference on the Humanitarian Impact of Nuclear Weapons for which he conceived the Humanitarian Pledge. This Pledge garnered the support of 135 States and paved the way for the 2017 TPNWs.

For the vice presidencies, nominations from Kazakhstan, Mexico and Thailand have been received.

It is of knowledge of the OPANAL Secretariat that the Second Meeting of the States Parties to the TPNW will be presided by Mexico and held in Mexico.

V. General Position of OPANAL

- The Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean –Treaty of Tlatelolco – is the first multilateral legal instrument that prohibited nuclear weapons
 - Treaty of Tlatelolco was the first international legal instrument to define nuclear weapons³.
 - OPANAL supports the TPNW as it complements the prohibition norm established by the Treaty of Tlatelolco and article VI of the Treaty on the Non-Proliferation of Nuclear Weapons.
 - With the conclusion of the Treaty of Tlatelolco, the world saw the first example of a legally binding instrument on the prohibition of nuclear weapons in a densely populated territory of the planet. With the adoption of the TPNW, the path towards the total

³ A nuclear weapon is any device which is capable of releasing nuclear energy in an uncontrolled manner and which has a group of characteristics that are appropriate for use for warlike purposes. An instrument that may be used for the transport or propulsion of the device is not included in this definition if it is separable from the device and not an indivisible part thereof. (article 5 of the Treaty of Tlatelolco)

elimination of nuclear weapons is paved and the nuclear non-proliferation regime (based on the Treaty on the Non-Proliferation of Nuclear Weapons - NPT, the Comprehensive Nuclear-Test-Ban Treaty - CTBT, and the treaties establishing Nuclear-Weapon-Free Zones - NWFZs, and Mongolia as a nuclear-weapons-free State) is enhanced.

- OPANAL's contributions shared to the Open-Ended Working Group and the Conference to negotiate a treaty banning nuclear weapons, were taken into account by the participating states and are now form part of the preamble and provisions of the final text of the TPNW.

- OPANAL's support to such an instrument has been demonstrated through the Secretary General's statements, Member States' declarations and communiques, as well as through the active participation in the negotiation and adoption of the TPNW.

- In the communiqué of the OPANAL Member States on the 54th Anniversary of the conclusion of the Treaty of Tlatelolco on the 14th February 2021, OPANAL Member States recalled their participation in the adoption and entry into force of the Treaty on the Prohibition of Nuclear Weapons, and considered that the Treaty “joins the path towards the elimination of those weapons of mass destruction that have marked the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco) and the Treaty on the Non-Proliferation of Nuclear Weapons” (Inf.02/2020Rev.7, para. 10-11; and Inf.01/2021Rev.5, para. 11-12). The same joint position is repeated in the OPANAL Declaration of 26 September 2021 (Inf.29/2021Rev.6, para. 8 -10)

- On January 22, 2021, the Secretary General of OPANAL, Ambassador Flávio Roberto Bonzanini, and Executive Secretary of AFCONE, Mr. Messaoud Baaliouamer, issued a Joint Communiqué welcoming the entry into force of the Treaty and expressing their commitment to continue strengthening the norm established by the treaties that created nuclear weapon-free zones, and to achieve and preserve a world free of nuclear weapons⁴.

Agenda items of the First Meeting of States Parties to the TPNW that are relevant to OPANAL and where OPANAL can share its experience, knowledge and expertise:

Universalization (Article 12)

⁴ <https://www.opanal.org/wp-content/uploads/2021/01/Joint-Communiqu%C3%A9-TPNW-22.01.2021.pdf>

The universality of the Treaty of Tlatelolco, meaning the complete participation of the 33 States of Latin America and the Caribbean, took 35 years. During those 35 years, the Treaty of Tlatelolco lived, functioned and the nuclear-weapon-free zone in the region was in force.

The Treaty of Tlatelolco entered into force on 25 April 1969, but only in 2002, it came into force for all the 33 States of Latin America and the Caribbean.

Institution / Organization (Article 4)

In the case of the nuclear-weapon-free zone in Latin America and the Caribbean, the Treaty created the Agency, OPANAL, and it states clearly that this Agency has to make work the control system established by the Treaty. Moreover, according to the Treaty, it has to promote consultation among the States Parties. OPANAL is the “specialized body in the region for articulating common positions and joint actions on nuclear disarmament.”⁵

Throughout the last 55 years, OPANAL has fulfilled the functions conferred on it by the Treaty of Tlatelolco, namely, the implementation of the control system. The Agency’s secretariat organizes the sessions of the general conference, which establish procedures for the control system in order to ensure observance of the Treaty in accordance with its provisions.

The establishment of OPANAL has been effective not only in ensuring compliance with the obligations of States parties with respect to the Treaty of Tlatelolco. It has also served as a mechanism to strengthen transparency regarding non-proliferation obligations. The institutionalization of the commitments and obligations deriving from the Treaty of Tlatelolco, through the Agency, is based on the principle that States can address security concerns and prevent possible conflicts through legal provisions.

Among the five treaties establishing nuclear-weapon-free zones, only the Treaties of Tlatelolco and Pelindaba, created institutions to ensure compliance with the obligations established by those treaties: OPANAL and the African Commission on Nuclear Energy – AFCONE – respectively. The main difference between those organizations is that OPANAL has been functioning continuously for almost 50 years. It should also be noted

⁵ According to the special declarations on nuclear disarmament adopted by the Heads of State and Government at the Summits of the Community of Latin American and Caribbean States - CELAC held in Cuba in 2014, in Costa Rica in 2015, and in Ecuador in 2016;

that, in accordance with the Treaty of Tlatelolco, OPANAL has as its ultimate goal the pursuit and achievement of general and complete nuclear disarmament.

Verification (Article 4)

The TPNW doesn't contain a verification regime. Each State Party must maintain its existing safeguards agreements with the International Atomic Energy Agency (IAEA). State Parties that have not yet done so must, at a minimum, conclude a comprehensive safeguards agreement.

The control system established by the Treaty of Tlatelolco in articles 13-18 contains both subjective and objective elements. The subjective elements include the semi-annual reports whereby the Parties to the Treaty formally notify the OPANAL that no activity prohibited by the instrument has taken place in their respective territories. The objective elements of the control system include the conclusion and implementation of safeguards agreements with the International Atomic Energy Agency (IAEA) in order to ensure that nuclear energy be used exclusively for peaceful purposes.

VI. General Debate

The Secretary General of OPANAL will deliver a statement under agenda item 10, as an observer.

VII. Annexes

Annex 1

Status of signatures and ratifications

	Signature	Ratification
Algeria	20 September 2017	
Angola	27 September 2018	
Antigua and Barbuda	26 September 2018	25 November 2019
Austria	20 September 2017	8 May 2018
Bangladesh	20 September 2017	26 September 2019
Belize	6 February 2020	19 May 2020
Benin	26 September 2018	11 December 2020
Bolivia	16 April 2018	6 August 2019
Botswana	26 September 2019	15 July 2020
Brazil	20 September 2017	
Brunei	26 September 2018	
Cabo Verde	20 September 2017	
Cambodia	9 January 2019	22 January 2021
Central African Republic	20 September 2017	
Chile	20 September 2017	23 September 2021
Colombia	3 August 2018	
Comoros	20 September 2017	19 February 2021
Congo	20 September 2017	17 May 2022
Cook Islands		4 September 2018
Costa Rica	20 September 2017	5 July 2018
Côte d'Ivoire	20 September 2017	23 March 2022
Cuba	20 September 2017	30 January 2018
Dominica	26 September 2019	18 October 2019
Dominican Republic	7 June 2018	
Democratic Republic of the Congo	20 September 2017	
Ecuador	20 September 2017	25 September 2019
El Salvador	20 September 2017	30 January 2019
Fiji	20 September 2017	7 July 2020
Gambia	20 September 2017	26 September 2018
Ghana	20 September 2017	
Grenada	26 September 2019	
Guatemala	20 September 2017	13 June 2022
Guinea-Bissau	26 September 2018	15 December 2021
Guyana	20 September 2017	20 September 2017
Holy See	20 September 2017	20 September 2017
Honduras	20 September 2017	24 October 2020
Indonesia	20 September 2017	
Ireland	20 September 2017	6 August 2020
Jamaica	8 December 2017	23 October 2020
Kazakhstan	2 March 2018	29 August 2019
Kiribati	20 September 2017	26 September 2019
Laos	21 September 2017	26 September 2019
Lesotho	26 September 2019	6 June 2020
Libya	20 September 2017	
Liechtenstein	20 September 2017	
Madagascar	20 September 2017	
Malawi	20 September 2017	

Malaysia	20 September 2017	30 September 2020
Maldives	26 September 2019	26 September 2019
Malta	25 August 2020	21 September 2020
Mexico	20 September 2017	16 January 2018
Mongolia		10 December 2021
Mozambique	18 August 2020	
Myanmar	26 September 2018	
Namibia	8 December 2017	20 March 2020
Nauru	22 November 2019	23 October 2020
Nepal	20 September 2017	
New Zealand	20 September 2017	31 July 2018
Nicaragua	22 September 2017	19 July 2018
Niger	9 December 2020	
Nigeria	20 September 2017	6 August 2020
Niue		6 August 2020
Palau	20 September 2017	3 May 2018
Palestine	20 September 2017	22 March 2018
Panama	20 September 2017	11 April 2019
Paraguay	20 September 2017	23 January 2020
Peru	20 September 2017	23 December 2021
Philippines	20 September 2017	18 February 2021
Saint Kitts and Nevis	26 September 2019	9 August 2020
Saint Lucia	27 September 2018	23 January 2019
Saint Vincent and the Grenadines	8 December 2017	31 July 2019
Samoa	20 September 2017	26 September 2018
San Marino	20 September 2017	26 September 2018
São Tomé and Príncipe	20 September 2017	
Seychelles	26 September 2018	9 July 2021
South Africa	20 September 2017	25 February 2019
Sudan	22 July 2020	
Tanzania	26 September 2019	
Thailand	20 September 2017	20 September 2017
Timor-Leste	26 September 2018	
Togo	20 September 2017	
Trinidad and Tobago	26 September 2019	26 September 2019
Tuvalu	20 September 2017	12 October 2020
Uruguay	20 September 2017	25 July 2018
Vanuatu	20 September 2017	26 September 2018
Venezuela	20 September 2017	27 March 2018
Vietnam	22 September 2017	17 May 2018
Zambia	26 September 2019	
Zimbabwe	4 December 2020	
	Total OPANAL Member States: 28	Total OPANAL Member States: 24
	Total: 86	Total: 61