



XX Special Session of the General Conference
Item 5 of the Agenda
Mexico City, 18th November 2010.

**MEMORADUM FROM THE GENERAL SECRETARIAT FOR THE ANALYSIS
AND REFLECTIONS ON ARTICLE 18 OF THE TREATY OF TLATELOLCO
THAT REFERS TO EXPLOSIONS OF NUCLEAR DEVICES FOR PEACEFUL
PURPOSES.**

Article 18 of the Treaty of Tlatelolco establishes, in its essential part, that:

“1. The Contracting Parties may carry out explosions of nuclear devices for peaceful purposes –including explosions which involve devices similar to those used in nuclear weapons- or collaborate with third parties for the same purpose, provided that they do so in accordance with the provisions of this article and the other articles of the Treaty, particularly articles 1 and 5.”

Numerals 2, 3 and 4 make reference to the procedure and to the requirements in applying numeral 1.

This article was included in the text of the Treaty because in that time (decade of the sixties), it was considered necessary to make this type of test for the development of nuclear energy for peaceful purposes. The incorporation of Article 18, previewed that in the future Argentina and Brazil will signed and ratified the Treaty, as happened in the middle nineties (1994). So, this fact had a historical reason and a political justification, but today and since more than three decades, has been clear that this tests aren't necessities to nuclear technology development.

It is important to highlight that the Nuclear-Weapon-Free Zones that emerged after the one in Latin America and the Caribbean, even they inspired in this last in many aspects, they added

in their respective law instruments, the prohibition of nuclear testing with peaceful purposes and they included the relation with the environment.

Consider that it is an article that has never been applied in the region and that the Member States of the Treaty of Tlatelolco have reiterated their contrary position to any kind of nuclear test. In that same line, it is precise to remember that all the States have ratified the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and also the Safeguards Agreements with the International Atomic Energy Agency (IAEA), as Member States of the NPT and of the Treaty of Tlatelolco. These agreements prohibit the use of nuclear material in any kind of explosive nuclear device.

Beside, of the 33 States, 30 have ratified the Complete Test Ban Treaty (CTBT), the other three haven't expressed substantive reasons for not doing it. The General Secretariat has worked with these three countries, through their Embassies in Mexico in the case of two and before the Minister for Foreign Affairs in the case of the Caribbean country, with the objective of knowing the political will on the subject of the ratification of the CTBT. In the case that we could move forward with the ratification by the three States (at the beginning of the year there were four), Latin America and the Caribbean would be the first Nuclear-Weapon-Free Zone which all its Member States would be part of the CTBT.

Recommendation: In conclusion, Article 18 of the Treaty of Tlatelolco is unnecessary for the development of the nuclear technology and the clear will and ethical and lawful commitment of the 33 Member States of the Treaty of Tlatelolco against nuclear testing of any kind, so it would be a good moment to analyze the pertinence of agree on its review and, in a near future, the eventual amendment of the Article.

Mexico City, 31 October 2010.