



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

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Report of the Secretary-General

The Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean - OPANAL is 50 years old.

OPANAL has worked continuously in those five decades. It is part of the Treaty of Tlatelolco and was one of the great contributions that its negotiators brought to International Law, between 1965 and 1967. They had the wisdom to recognize that, in addition to ensuring compliance with the Treaty, the integrity of the Nuclear-Weapon-Free Zone in Latin America and the Caribbean, it would be a task of OPANAL to ensure that this innovation be expanded to other regions. They considered that the elimination of nuclear weapons, the ultimate purpose of the Treaty of Tlatelolco, could be better pursued through a permanent institution.

The Treaty of Tlatelolco is the only one of the five treaties establishing Nuclear-Weapon-Free Zones that has instituted an organization, with the exception of Africa. The African Commission on Nuclear Energy, which is just now starting to operate, has different objectives than those of OPANAL in the sense that it is dedicated to promoting the use of nuclear energy, cooperation and technical assistance - themes that are not among the functions of OPANAL.

OPANAL is an intergovernmental organization with all the characteristics of its counterparts, as the United Nations, and therefore has the required legal status. It is essentially a political organization.

During the long period of 35 years between the conclusion of the Treaty and the full adherence of the 33rd Member State, achieving its universality, the main task was the consolidation of the Nuclear-Weapon-Free Zone. Thus, the resolutions on the Treaty of Tlatelolco -which the United Nations General Assembly adopts every three years- and the corresponding agenda item, both have been entitled until three years ago “Consolidation of the Nuclear-Weapon- Free Zone in Latin America and the Caribbean.” In 2016, at the initiative of OPANAL, the title of that Agenda item and therefore of the resolution changed from “Consolidation” to be just “Nuclear-Weapon-Free-Zone in Latin America and the Caribbean.”

During those 35 years, efforts were made to fulfill the requirements related to the entry into force, as established in article 29 of the Treaty, though they could be waived by decision of each State ratifying the Treaty. Among those provisions, perhaps the most important one was the universality, that is to say, that the entire region without exception were incorporated in the Treaty. Of similar importance was the ratification of the Additional Protocols by all the six extra-regional States Party to them - an integral part of the Treaty and essential for its effectiveness - was also important.

In recent years, since after the Nuclear-Weapon-Free Zone in Latin America and the Caribbean was fully consolidated, the other aspects of the Agency’s attributions have been envisaged.

As a perspective report of the last years in which the current Secretary-General was in office, it would be useful and adequate to mention some main aspects that still remain problematic, which have been addressed but not yet resolved and thus should be subject to continued efforts.

First of all, the very aspect of the universality of the Treaty needs to be mentioned. The Treaty of Tlatelolco embraces the entire region since almost 30 years. There is no doubt of it from the legal point of view. On the other hand, there is a problem concerning universal participation in OPANAL. The Agency is based in Mexico City according to the Treaty. 22 Member States are permanently represented here, but 11 Member States, one third of the

membership, do not have resident representation in Mexico City. Consequently, it is impossible for them to participate in the daily activities of the Agency, integrate the composition of the permanent body, that is the Council, or the advisory body of the Council which is the Committee on Contributions and Administrative and Budgetary Matters, or even attend General Conference Sessions.

This is undoubtedly an element that limits the activities of the Agency. The States that constitute this third of the membership are all from the Caribbean, CARICOM members. They do have participation, although not direct. They fulfill their obligations, though with exceptions. They are constantly informed of the activities by the Secretariat. All documents, without exception, are issued in English and sent to all those countries.

Contacts sought with CARICOM have not succeeded to date. It would be very important to intensify actions in order to explore ways to incorporate all Member States in the activities of OPANAL as fully as possible.

A second point of fundamental significance is compliance with the Treaty, the core of which is the Control System and Article 14, that deals with the biannual certification in which each Member State reports that no activity contrary to the Treaty has taken place in its territory. If there is no compliance with Article 14, it is not possible to have certainty that the Treaty is being fully respected, and there is a considerable number of Member States that are not up-to-date with this obligation. Therefore, this is an issue that should be subject to the Secretariat's action. But more than the Secretariat, it is important that Member States, in the General Conference, in the Council and in other occasions, really shown concern about this issue so that all States, without exception, comply with Article 14.

A third point, another one, that can be considered on the less positive side regarding the operation of OPANAL is the fact that the Agency does not have and has never had its own permanent headquarters. OPANAL is located in Mexico City by force of the Treaty. It is not an option. There is no way to resolve this issue without the support of the host State. There is probably no international intergovernmental organization in the world that does not have its permanent headquarters. We have the example, in Mexico City and in this country, of

other intergovernmental organizations that have permanent headquarters, not to mention the agreements that provide facilities to United Nations services- which are not organizations themselves, but have representation in Mexico. This issue has been object of constant attention and action by the Secretariat. But once again it is up to Member States to join forces alongside the host State and depositary of the Treaty to resolve this issue, which represents not only a practical problem but a matter of political nature.

A final fourth problem is a substantial point that has not been resolved, but at least it has been directed in a novel way during the last years. This is the interpretative declarations made by four of the six States Party to the Additional Protocols. These four States, in their declarations, included points that are in fact reservations. This issue is on the agenda of this General Conference and the respective resolution is expected to be adopted. What is important is that, for the first time, this issue has been approached in a different way in comparison to what has been done before. For decades, the action was limited to exhort those countries to eliminate their declarations. In recent years, based on the realistic finding that such withdrawal of interpretative declarations was not possible and will never be done this way, the Agency has begun démarches with each of those four States so that, together with OPANAL, they can sign a document, an adjustment that eliminate the doubts that remain concerning these interpretative declarations. This will be an important step forward that will completely eliminate a dispute between the Member States of OPANAL and States Party to Additional Protocols to the Treaty.

I now want to refer to the especially positive part of the work of the Secretariat in these years. Without any doubt, the Secretariat and the Agency itself have as a basic function, according to the Treaty, to ensure compliance with the Treaty for the preservation of the Nuclear-Weapon-Free Zone. For the last 50 years, this has always been the goal and the work carried out by the Secretariat. But the Treaty in its articles and its preamble, which is a substantive part of the Treaty, has objectives that go beyond the very existence and compliance of the Nuclear-Weapon-Free Zone.

In other words, OPANAL is not an organization alien to the rest of the world and essentially concentrated in the region, as if Latin America and the Caribbean was a kind of political oasis

in terms of nuclear-weapons strategy. Not only the Treaty itself, the Agency, but also the outlook of the Member States go beyond achieving the Nuclear-Weapon-Free Zone. It includes reaching outwards in order to set the world free from this very serious problem. For this reason, the Secretariat has sought to increase the presence and recognition of OPANAL at the international level.

The Agency has held an observer status in the United Nations for a long time and, therefore, there is always a presence of OPANAL in the most important fora of the United Nations System. In recent years, this presence has increased, not only because of the advocacy efforts of the Secretary-General or other officials in international meetings, but also because of the scope of the statements delivered at various meetings.

We have continued the annual participation in the First Committee of the United Nations General Assembly. The presence and participation have been pursued through statements and communication with delegations in the review process of the Treaty on the Non-Proliferation of Nuclear Weapons, that is, in the three Preparatory Committees and in the Conference itself. Moreover, OPANAL submitted working papers to the NPT Preparatory Committees and Review Conference. These working papers presented by OPANAL reflects precise position of the whole region.

Likewise, we have maintained an annual participation in the General Conference of the International Atomic Energy Agency, in Vienna, with a statement in the General Debate, and for two occasions, the Secretary-General participated in the Conference on Disarmament, in Geneva. This work is facilitated by the collaboration of volunteer Member States that assume coordination of OPANAL actions, at the three United Nations headquarters: in New York, in Geneva and in Vienna. This topic will also be addressed in the agenda of this General Conference.

In addition to this effort at the headquarters of the United Nations and other organizations, Member States of OPANAL maintained during all these years the practice of issuing a communiqué every year on the anniversary of the Treaty, on 14 February. It is a comprehensive communiqué that includes all the political intention of the Treaty.

Moreover, since 2014, when the “International Day for the Total Elimination of Nuclear Weapons” began to be commemorated on 26 September, Member States of OPANAL have issued even more comprehensive declarations, which also cover all issues regarding non-proliferation and disarmament of nuclear weapons.

It should be noted that Latin America and the Caribbean is the only region that makes such statements. No other region or continent in the world achieves this kind of consensual declaration, because there is no way to reconcile the different positions. Latin America and the Caribbean give, at least twice a year, that example to the international community and, furthermore, it is constantly agreeing positions and corresponding diplomatic language that helps the expression of each Member State individually.

In this context of the external relations of OPANAL, it is worth mentioning the specific case of the participation of OPANAL in the High-Level Panel that is traditionally held each year in the framework of the First Committee of the United Nations General Assembly. The Panel is traditionally integrated by intergovernmental organizations that deal with the issues of the First Committee. Since 2014, the Secretariat has requested that OPANAL be included in the Panel. That was only achieved in 2017, reluctantly, and that participation was renewed in 2018 and 2019, also reluctantly, against the opposition from other States, notably from nuclear-weapons States and their allies.

This year, for the third time, OPANAL participated in that Panel, finally settling this issue. Not only the participation in the Panel itself, but the discussion of the issue, even with a voting procedure, led to a significant increase of the visibility of our Agency in the United Nations. OPANAL is today a known reality. It is not confused with a non-governmental organization or a think tank.

In this outreaching of OPANAL, it is worth mentioning the educational work that has always been a concern for Member States and is also a concern for the United Nations. The United Nations adopt resolutions on disarmament and non-proliferation education, but its educational activities are not that widespread.

During the past years, we have worked in two ways. First, with the continuous admission of interns in the Secretariat, and an additional internship program with financial support for the participation of Caribbean Member States.

There has been a considerable number of participants in recent years who have had a direct experience in OPANAL about our Nuclear-Weapon-Free Zone, but also a glimpse of what an international organization is, because OPANAL, despite its very small dimensions, is an International Organization that operates within the absolutely identical standards to those of a large international organization. We have also organized four in-person courses in four Member States.

Finally, it would be important to mention the current international situation, in terms of the problem of nuclear weapons. Being OPANAL an active agent on this issue, this is fully adequate. As I have previously pointed out, OPANAL is not limited to our region. It is not focused only on Latin America and the Caribbean. It has international vocation, especially through the interaction with other Nuclear-Weapon-Free Zones.

At the initiative of OPANAL, in 2018 we achieved the adoption at the United Nations General Assembly of a Resolution convening the fourth Conference of Nuclear-Weapon-Free Zones in New York, in 2020, continuing the initiative conceived in OPANAL at the beginning of the first decade of the century, which led to the first Conference in 2005, held in Mexico.

Although among the Member States of OPANAL there is not, nor it is supposed to be, a uniform vision of the international context; in terms of nuclear weapons, it cannot be imagined that there is no consensus that we are going through a particularly worrisome period. And that for many reasons:

- 1) In the current decade, which is almost ending, there has been no action among the nuclear-weapons States towards limitation of their arsenals.

2) On the other hand, all nuclear-weapons States, the nine States, are engaged in expansion and modernization programs of their arsenals, not only in terms of their own nuclear warheads, but of launching devices, and command and control systems too. That is, *per se*, a sign that there is a setback in the international situation.

3) It is evident, as it can be seen in the debates in the United Nations General Assembly and in other fora, a very clear renewal of antagonism among the nuclear-weapons powers which involves, in different ways, all those States and those belonging to their alliances based on nuclear weapons. That undeniable fact contaminates international relations in a critical way.

4) Since 2010, the five nuclear-weapons States, recognized by the NPT -which are also the five permanent members of the Security Council- hold annual meetings. The last meeting was in Beijing earlier this year, and the next one will take place in France. There is not much information about what happens in these meetings of the biggest nuclear arsenals possessors. In every meeting, they adopt and issue a final document which in principle has the purpose of being positive and aims to justify that the existence of nuclear weapons is a benefit that guarantees international security. They also seek to give a perspective of future understandings or coordination, of confidence building, of negotiation possibilities, but nothing in concrete. As far as we all know, there is no ongoing bilateral or multilateral negotiation between these States.

We can divide those five nuclear weapons-states into three parts. Three of them belong to NATO, another side is Russia, and a third dimension, China. Between those three sides of the triangle, the opposition and the expressions in their statements are extremely negative and clear. However, it is curious that they hold these annual meetings, in which they seek to convey a positive image. More than a public relations event, the political meaning is, from the part of the five States, to give to the international community the impression that they are the guardians of the world order. They are the condominium of the political organization of the world, of the international society.

It is possible to doubt that this appearance is truthful since it is notorious that there are in practice serious divergences and real antagonism between them. What these meetings reveal is exactly what nuclear weapons mean: the manifestation of a supreme unchallengeable power that can be exerted over any component of the international community. This is something that must be subject to analysis and reflection not only for us, but in our peaceful action, our non-contradictory action, our non-antagonistic action, with the nuclear-weapons States, with their allies, and with any other.

Latin America and the Caribbean, happily so far, with all the divergences that are natural and that occur between us, can be an example of international awareness of understanding. We are not candidates to any hegemony, but we are candidates and actors in the search for international harmony and which goes through a real democratization of international relations. Let us not forget that nuclear weapons are the greatest obstacle to the democratization of the international relations.