

The Tlatelolco treaty: An update

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The persistent armaments race always has been one characteristic determining international political reality. However, humanity is now living in the shadow of a threat unique in all its history: the threat of extinction of the species. To prevent the catastrophe of a nuclear war is the greatest moral challenge that mankind has ever had to confront; there is no time to lose – either we eliminate nuclear weapons or they destroy civilization as we know it.

The spectre of nuclear war rises from the shadows of the international political scene. The mere possession of nuclear weapons could lead to aggressive designs, through error, through simple chance, or through the criminal madness of elements of which history has never been entirely free. The world situation is deteriorating day by day. Mistrust and rivalry between the Powers are growing. There is no serious dialogue between East and West, or between North and South. The serious inequalities between countries, short-sighted nationalistic ambitions, the appetite for dominance and power – all these are seeds that could produce a nuclear confrontation at any time.

The path towards disarmament

It is true that during the last few decades disarmament has come to be accepted and confirmed as an undisputed principle of international law and as an essential objective of the international community organized as a legal entity: This already was recognized in the Covenant of the League of Nations, and it is so conceived in the Charter of the United Nations. It is also an undoubted fact that the question of disarmament today constitutes the central and principal task of legions of jurists and diplomats, and the main staff of innumerable international meetings and activities.

However, when one examines dispassionately the work actually accomplished towards disarmament in the international and regional organizations, when one analyses the history of the countless conferences devoted to this theme, when one studies closely the treaties and bilateral agreements that have been concluded, and then confronts all these with reality, one cannot escape a feeling of discouragement and frustration. In actual fact, what has been achieved is very little.

Enormous legal and diplomatic efforts deployed in the matter of disarmament, and the large formal and

normative contributions to those efforts, have been in the final analysis almost fruitless. The generations now inhabiting the earth are powerless spectators of the largest and most sophisticated concentration of armaments that could ever be imagined, not only in the rich and highly industrialized countries but also in the economically weak and less developed parts of the world.

The utilization of nuclear energy since the explosion of the Hiroshima bomb in 1945 has changed the whole traditional focus of the disarmament question. Considering the global consequences of a nuclear confrontation, we can only conclude that the world has become a hostage of the superpowers and is bound to serve their interests. And this is tragic and immoral because, even though States possessing nuclear weapons will be the ones who suffer the largest numbers of victims and the most extensive material damage, no nation, great or small, in any part of the globe, would come away unscathed.

It is distressing to witness the general agreement in society that what has been achieved in nuclear disarmament is very slight, despite efforts invested in it through the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and bilateral agreements between nuclear superpowers.

On the contrary, nuclear arsenals are growing from one day to the next and the process of horizontal proliferation of nuclear weapons has accelerated dangerously. All peoples inhabiting the earth are dependent on one highly fragile policy of the two superpowers – deterrence through terror. But this policy could fail if one side or the other thought it had acquired the capacity to strike a blow and absorb the damage caused by the other side's response.

Nuclear-weapon-free zones: An effective route

One of the most practicable and effective paths towards nuclear disarmament and towards peace is no doubt the establishment of nuclear-weapon-free zones. The creation of such zones not only imposes total nuclear disarmament on the countries involved, it also has the effect of reducing the areas on earth where a confrontation with nuclear arms could conceivably take place. If many such zones were established, then obviously this would gradually reduce the area available for nuclear conflict by putting a geographical limitation on proliferation, so that, in theory, a nuclear conflict could be restricted to the territories of the nuclear powers.

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The possession of nuclear weapons entails, for States which have them, the constant risk of falling victim to a nuclear attack aimed at destroying their nuclear arsenals. This means that their security is diminished rather than increased. The creation of militarily de-nuclearized zones thus enhances the security of the non-nuclear-weapon States and helps in particular to reduce the possibility of warlike nuclear confrontations.

Accordingly, we have to accept that the creation of these zones is not an end in itself, but one stage on the path towards disarmament which has to be complemented by other steps.

The United Nations always has favoured the idea of setting up these zones, recognizing their growing importance as one of the few ways of making concrete progress towards nuclear disarmament. However, we must unfortunately conclude, if we take a realistic view of the matter, that there is no glimmer of a possibility of establishing new nuclear-weapon-free zones in the immediate future, since none of the circumstances that have impeded or obstructed their creation has actually disappeared.

More serious still is that the number of countries in all regions of the world aspiring to become nuclear powers soon is constantly on the increase. Thus, everything compels us to think that for some years to come the Latin American region will remain the only example of practical implementation of this visionary idea.

Tlatelolco: regional and universal objectives

The Treaty for the Prohibition of Nuclear Weapons in Latin America, known as the Tlatelolco Treaty, is the first – and up until now the only agreement – establishing a nuclear-weapon-free zone in an important, densely populated region of the earth.

The Tlatelolco Treaty, which actually antedates the NPT, marked the culmination of a process undertaken as an act of sovereign will by the governments of the Latin American countries. It was opened for signature on 14 February 1967 and entered into force on 25 April 1969.

The objectives of Tlatelolco are both regional and universal. On the one hand, it establishes a militarily de-nuclearized zone in Latin America as a step towards strengthening peace and security on that continent and avoiding a nuclear armaments race. In so doing, it contributes to the economic and social development of the Latin American peoples by preventing the diversion of economic resources to nuclear weapons construction – resources that, thus, remain available for growth and can be devoted to the social and cultural progress of the continent's peoples.

But the Treaty also has made an invaluable contribution to international law in the sphere of disarmament and to the political philosophy of peace. It is of special

relevance to international security, which requires – as has been recognized in various resolutions of the United Nations General Assembly – an efficient, realistic, and effective policy in matters of disarmament, especially nuclear disarmament.

To date, 26 States have signed

Countries of Latin America that have signed and ratified the Treaty undertake to use all nuclear materials and installations that are within or come to be within their jurisdiction exclusively for peaceful purposes. To that end, they undertake to prohibit or prevent in their respective territories the use, testing, manufacture, production and acquisition, by any means and in any form whatever, of nuclear weapons.

The Treaty has been signed so far by 26 sovereign Latin American States: Antigua and Barbuda, Argentina, the Bahamas, Barbados, Bolivia, Brazil, Colombia, Costa Rica, Chile, Ecuador, El Salvador, Grenada, Guatemala, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, the Dominican Republic, Surinam, Trinidad and Tobago, Uruguay, and Venezuela.

Of these States, Brazil and Chile still are not Parties to the Treaty because they have not availed themselves of the waiver provided for in Article 28. Argentina, which has signed the Treaty, has still not ratified it. However, high-level Argentine authorities repeatedly have expressed in various international bodies their support for the Treaty and their acceptance of its fundamental principles, so there is reason to hope that Argentina soon will ratify. Thus, the Agency for the Prohibition of Nuclear Weapons in Latin America (OPANAL) has at present 23 Member States enjoying full rights.

Four independent Latin American States still have not signed the Treaty of Tlatelolco: Cuba, Dominica, St. Lucia, and St. Vincent and the Grenadines. Two others, Belize and Guyana, have not been invited by the General Conference to accede to the Treaty because a special regime is foreseen for those political entities whose territories are wholly or partially subject to litigation or claims by one or more Latin American States. Finally, St. Christopher and Nevis has acquired independence since the last meeting of the OPANAL General Conference in May 1983.

Additional protocols

Additional Protocol I to the Tlatelolco Treaty is an instrument whereby non-Latin American States having international responsibility under whatever title for territories located within the Treaty's zone of application assume the same obligations to the de-nuclearized status of the said territories as the States that are Parties to the Treaty themselves. This Protocol has been signed by the four States holding territories in Latin America, namely France, Great Britain, the Netherlands, and the United States of America.

France has not yet ratified Additional Protocol I. When it does so – and this should be soon, inasmuch as there are no basic objections to ratification – French Guiana, Martinique, and Guadeloupe will be militarily de-nuclearized, continuing the process whereby all Latin American territories where States not belonging to the zone have *de jure* or *de facto* jurisdiction remain free of nuclear weapons.

A point to be remembered, too, is that the Panama Canal became de-nuclearized in respect of warlike purposes as a consequence of the entry into force of the Treaty on the Panama Canal.

Additional Protocol II is an instrument by which States possessing nuclear weapons guarantee they will respect the regime established by the Treaty of Tlatelolco. Through the Protocol, they undertake not to contribute in any way to actions that might entail a violation of the Treaty and not to use or threaten to use nuclear weapons against any of the Contracting Parties of the Treaty. The process foreseen under this Protocol has been concluded.

In fact, the five nuclear powers recognized as such – China, France, the United Kingdom, the United States of America and the Union of Soviet Socialist Republics – have signed and ratified this Protocol. A point deserving emphasis is that the Tlatelolco Treaty is the first instrument of its kind by which countries possessing nuclear weapons have formally undertaken to guarantee the security of States that have voluntarily renounced the possession and use of such weapons.

Zone of application: IAEA's rôle

Without going too deeply into the Tlatelolco regime, I should like to point out a few relevant aspects of the Treaty zone.

The zone foreseen – which will be finally established once the Treaty and Additional Protocols have entered into force for all Parties that are to subscribe to them – will exist by virtue of a formal instrument of multi-lateral character having all the force which such agreements possess under international law, with a guarantee from nuclear-weapon States, and with a range of applicability and sanctions established by the Tlatelolco regime itself.

At present, the Treaty's zone of application is the whole of the territories for which the Treaty is in force. However, when the requirements of Article 28 are met, the zone will be an area larger than the whole of the territories of the Contracting Parties: It will constitute a zone of protection so defined as to show that the Treaty does not confer sovereignty over this zone upon the States of Latin America, and does not extend or justify any extension of their territorial waters. It is a zone of a special nature, the scope of which is required in order to confer adequate nuclear protection on the region.

Tlatelolco Treaty Additional Protocols Signatures and Ratifications

<i>Country</i>	<i>Signature</i>	<i>Ratification</i>
ADDITIONAL PROTOCOL I		
United Kingdom	20 December 1967	11 December 1969
Netherlands	15 March 1968	20 July 1971
United States	26 May 1977	23 November 1981
France	2 March 1979	
ADDITIONAL PROTOCOL II		
People's Republic of China	21 August 1973	12 June 1974
United States	1 April 1968	12 May 1971
France	18 July 1973	22 March 1974
United Kingdom	20 December 1967	11 December 1969
USSR	18 May 1978	8 January 1979

Another point worthy of mention is the establishment of a rigorous control system through OPANAL, which created the Treaty, and the IAEA, which is called upon to apply the safeguards foreseen in the Treaty. This system of control, implemented by two separate international organizations, makes it possible to ensure compliance with the obligations the Tlatelolco Treaty places upon its Parties.

Within OPANAL, three bodies have been established to ensure strict compliance with the terms of the Treaty: the General Conference, in which all Parties are represented and which meets once every two years (so far eight regular sessions and three extraordinary sessions have been held); the Council, made up of the representatives of five Member States meeting in Mexico City, the headquarters of the Agency, at regular two-month intervals; and the Secretariat, which co-ordinates the work of the two bodies mentioned above and carries out liaison functions, as well as the dissemination and interchange of information among Member States.

Safeguards agreements signed by most Treaty Parties


The safeguards agreements are unique in that under them – for the first time in the history of the law of nations – sovereign States have accepted that an international organization may carry out on their territory systematic and periodic inspections of installations that are highly important and sensitive.

Safeguards must be regarded as an essential measure affording States the opportunity to inspire confidence in the international community that they are complying with obligations voluntarily undertaken – not as a


Status of the Tlatelolco Treaty*

States Party to Treaty 


<i>Country</i>	<i>Signature</i>	<i>Ratification</i>	<i>Waiver</i>
Antigua and Barbuda	11 Oct. 1983	11 Oct. 1983	11 Oct. 1983
Bahamas	29 Nov. 1976	26 Apr. 1977	26 Apr. 1977
Barbados	18 Oct. 1968	25 Apr. 1969	25 Apr. 1969
Bolivia	14 Feb. 1967	18 Feb. 1969	18 Feb. 1969
Colombia	14 Feb. 1967	4 Aug. 1972	6 Sep. 1972
Costa Rica	14 Feb. 1967	25 Aug. 1969	25 Aug. 1969
Ecuador	14 Feb. 1967	11 Feb. 1969	11 Feb. 1969
El Salvador	14 Feb. 1967	22 Apr. 1968	22 Apr. 1968
Grenada	29 Apr. 1975	20 Jun. 1975	20 Jun. 1975
Guatemala	14 Feb. 1967	6 Feb. 1970	6 Feb. 1970
Haiti	14 Feb. 1967	23 May 1969	23 May 1969
Honduras	14 Feb. 1967	23 Sep. 1968	23 Sep. 1968
Jamaica	26 Oct. 1967	26 Jun. 1969	26 Jun. 1969
Mexico	14 Feb. 1967	20 Sep. 1967	20 Sep. 1967
Nicaragua	15 Feb. 1967	24 Oct. 1968	24 Oct. 1968
Panama	14 Feb. 1967	11 Jun. 1971	11 Jun. 1971
Paraguay	26 Apr. 1967	19 Mar. 1969	19 Mar. 1969
Peru	14 Feb. 1967	4 Mar. 1969	4 Mar. 1969
Dominican Republic	28 Jul. 1967	14 Jun. 1968	14 Jun. 1968
Surinam	13 Feb. 1976	10 Jun. 1977	10 Jun. 1977
Trinidad and Tobago	27 Jun. 1967	3 Dec. 1970	27 Jun. 1975
Uruguay	14 Feb. 1967	20 Aug. 1968	20 Aug. 1968
Venezuela	14 Feb. 1967	23 Mar. 1970	23 Mar. 1970

States that have signed, but not ratified, Treaty 

Argentina 27 Sep. 1967

States that have signed and ratified Treaty, but have not availed themselves of waiver under Article 28(2) 

Brazil	9 May 1967	29 Jan. 1968
Chile	14 Feb. 1967	9 Oct. 1974

Latin American States not associated with the Treaty 

Belize	St. Vincent and the Grenadines
Cuba	St. Lucia
Dominica	St. Christopher and Nevis
Guyana	

* Officially entitled the Treaty for the Prohibition of Nuclear Weapons in Latin America.

limitation imposed on their sovereign rights that might be interpreted as signifying a lack of confidence in their nuclear activities.

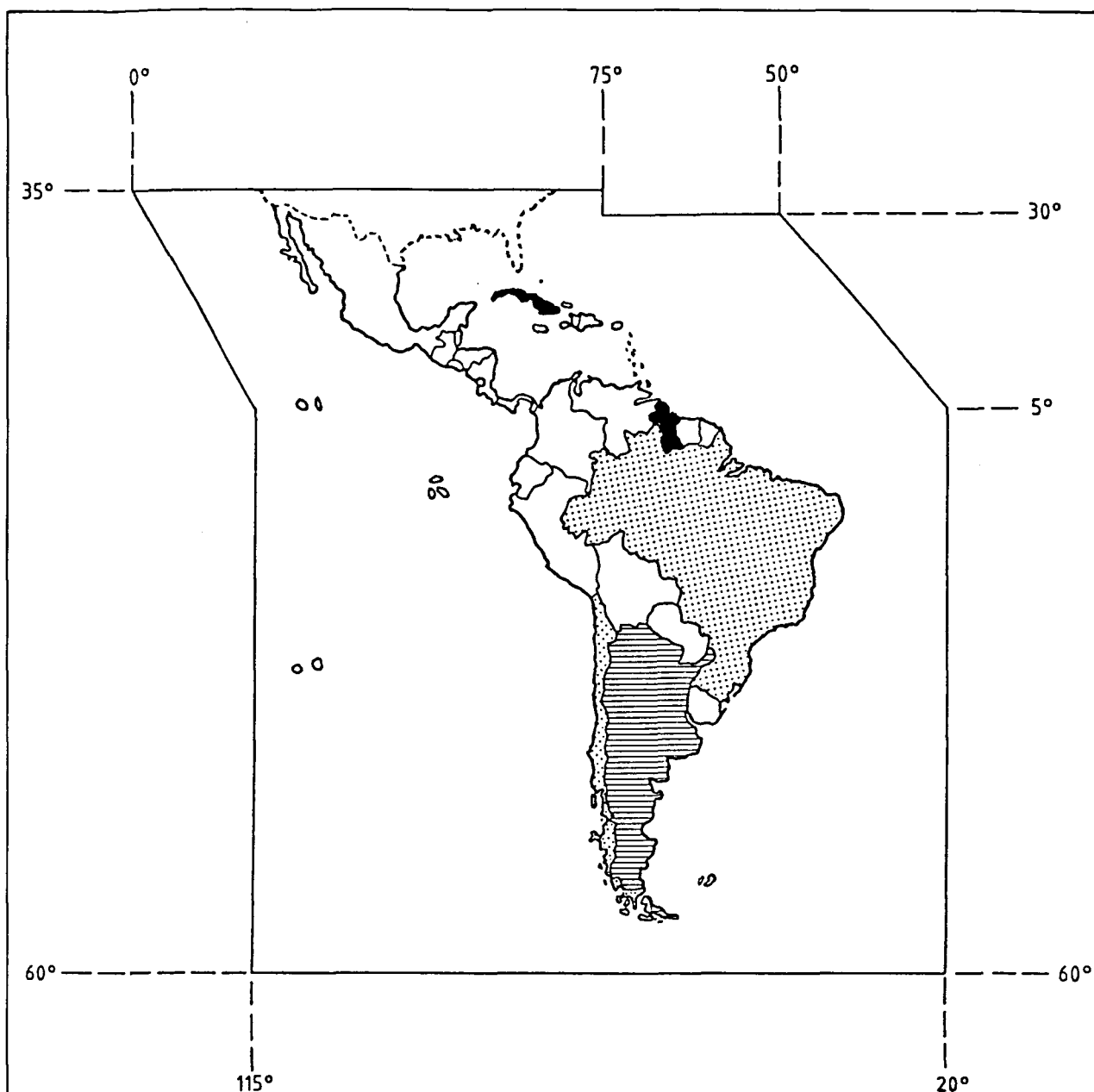
OPANAL has taken an active part in the process of negotiating these safeguards agreements between Latin American countries and the IAEA, assisting and providing advice to the States on request.

Of States Party to the Treaty, the majority – 18 so far – have signed safeguards agreements with the IAEA: Bolivia, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Jamaica, Mexico, Nicaragua,

Panama, Paraguay, Peru, the Dominican Republic, Surinam, Uruguay, and Venezuela. Agreements are at present being negotiated with the Bahamas and Grenada. The only member countries where the process has not yet begun are Antigua and Barbuda, Barbados, and Trinidad and Tobago.

Using nuclear technology peacefully

The use of nuclear energy for peaceful purposes is a right of States Party to the Treaty of Tlatelolco and an essential element in the economic and social development of their peoples. It is quite unthinkable that



Notes: **Zone of application of the Tlatelolco Treaty as defined in Articles 4(1) and 4(2)**

Article 4(1) reads as follows:

The zone of application of this Treaty is the whole of the territories for which the Treaty is in force.

Article 4(2) reads as follows:

Upon fulfilment of the requirements of article 28, paragraph 1, the zone of application of this Treaty shall also be that which is situated in the western hemisphere within the following limits (except the continental part of the territory of the United States of America and its territorial waters): starting at a point located at 35° north latitude, 75° west longitude; from this point directly southward to a point at 30° north latitude, 75° west longitude; from there, directly eastward to a point at 30° north latitude, 50° west longitude; from there, along a loxodromic line to a point at 5° north latitude, 20° west longitude; from there, directly southward to a point at 60° south latitude, 20° west longitude; from there, directly westward to a point at 60° south latitude, 115° west longitude; from there, directly northward to a point at 0 latitude, 115° west longitude; from there, along a loxodromic line to a point at 35° north latitude, 150° west longitude; from there, directly eastward to a point at 35° north latitude, 75° west longitude.

treaties involving a renunciation of nuclear weapons should also impose limitations on the civilian applications of nuclear energy. It is likewise evident that the countries in possession of advanced nuclear technology have a duty to lend every possible aid and assistance to Latin American States in introducing nuclear science and technology, in return for the obligation the latter have assumed not to use this form of energy for military purposes.

OPANAL has the legal structure necessary to carry out the huge labour of co-ordination and preparation that will enable all countries of the region to make effective use of the enormous possibilities offered by this modern source of energy. Of course, efficient work in this field requires an exercise of will on the part of all Member States to transform the organization radically and endow it with the essential human and economic resources.

OPANAL can look back on 17 years of regular and efficient operation. Its relationship of co-operation with the IAEA, with which it is linked by a broad Co-operation Agreement signed on 3 October 1972, has been close and fruitful, since after all the two international organizations have one purpose that is the same – to avoid a catastrophic confrontation of nuclear weapons between nations.

Treaty prospects are 'excellent'

What we can discern of the Treaty's future is encouraging, and the prospects are excellent.

Although it would be wrong to speak of a complete success – certainly until Argentina has ratified and Cuba has signed the Treaty – everything indicates that within a reasonable time the militarily de-nuclearized zone will be complete for the whole broad geographical area of Latin America.

When the Treaty of Tlatelolco was drawn up, people thought the zone created would co-exist with other de-nuclearized zones in different parts of the world and that co-operative relationships could be established between them to bring about a common effort in favour of universal disarmament.

This, unfortunately, has not yet come to pass, but the successful example of Latin America still can serve as a model for the creation of other nuclear-weapon-free zones. It is to be hoped that Latin America soon will cease to have the honourable privilege of having created the only militarily de-nuclearized zone in the world.

The Treaty of Tlatelolco was conceived as one contribution to a global strategy in the matter of disarmament, as can be seen from its Preamble. Furthermore, some countries such as Mexico and Venezuela have maintained, with good reason, that the Treaty should be linked with a future regime for limiting conventional armaments, believing that it could provide a good basis for an analogous experiment aimed at controlling and limiting conventional weapons in Latin America.

Just as Latin America was able to establish its nuclear-weapon-free zone, so it also has the capacity to make good use of the benefits of nuclear science for development and for the well-being of its people. The path on which the continent has embarked – whereby the Treaty of Tlatelolco plays an important role in relation to the peaceful utilization of nuclear energy in Latin America and OPANAL serves as a centre for regional planning and co-ordination in this sphere – opens up particularly interesting prospects.

The Treaty's importance stands out in strong relief against the background of the dramatic situation prevailing in the modern world. The existence of a nuclear-weapon-free zone in Latin America covering the whole of the continent affords the best way of avoiding nuclear proliferation in the region and of giving its inhabitants confidence that they will not be the victims of a nuclear holocaust.

