

“The Treaty of Tlatelolco: It’s Role in the International Regime of Nonproliferation”

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Introduction

The thirtieth anniversary of the opening for signature of the Treaty for the Prohibition on Nuclear Weapons in Latin America and the Caribbean, or the Treaty of Tlatelolco, provides us with an opportunity to look back on the history of the Treaty and weigh the contribution it has made to preventing the spread of nuclear weapons and to enhancing not only regional, but also global security. Although its geographic scope applies to Latin America and the Caribbean, the Treaty of Tlatelolco has been an integral part of the international nonproliferation regime since its creation and continues to play an important role in world security.

The Treaty of Tlatelolco and its Protocols were concluded in 1967 and marked the first time non-nuclear weapon states (NNWS) and the nuclear weapon powers agreed on measures proscribing the acquisition and deployment of nuclear weapons, proving that such cooperation was possible. The success of the Treaty of Tlatelolco was followed by the completion in 1968 of the negotiations on the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). The NPT provides a global complement to the Treaty of Tlatelolco and the two regimes simultaneously reinforce one another.

The NPT has been the most successful arms control agreement in history. It is nearing universality with 185 parties. Only five states remain outside the Treaty: Brazil, Cuba, Israel, India, and Pakistan. Brazil is party to the Treaty of Tlatelolco and Cuba has signed, so in effect,

only four states do not yet formally subscribe to any part of the international nonproliferation regime. The NPT and the nonproliferation regime it created has added immeasurably to the security of the entire world. Before 1970, the acquisition of nuclear weapons or other nuclear explosive devices often had been a point of national pride. The NPT made it tantamount to a violation of international law. During the Kennedy Administration, it was predicted that 25-30 states would have nuclear weapons integrated into their military arsenals by the late 1970s, a trend that would have put world civilization in unimaginable danger. As frightening as it was to live with the nuclear weapons of the two superpowers during the Cold War, it would have been far, far worse if dozens or scores of nations possessed nuclear weapons and every border conflict, civil war or international incident had brought with it the potential threat of nuclear war. Through signing the Treaty of Tlatelolco, over 30 states made a commitment to refrain from developing nuclear weapons or other nuclear explosive devices, significantly reducing the likelihood of such a scenario becoming reality.

The Latin American and Caribbean Nuclear Weapons-Free Zone established by the Treaty also demonstrated that regional politics were as important, if not more important, than bloc politics, a fact that has become more clear since the collapse of the former Soviet Union. For decades, international politics were viewed by many as consisting of only an East-West or North-South component. The Treaty of Tlatelolco reinforced that nonproliferation was not a matter of concern to only the United States and Russia. Coming as it did upon the initiative of countries within the region, the Treaty demonstrated that nonproliferation was an important security concern of developing countries.

Since its inception, and especially since the end of the Cold War, the international

nonproliferation regime has been an important component of global security. Virtually all nuclear arms control agreements that have been signed since the NPT was opened for signature in 1968 have been based on the presumption that no new states would acquire nuclear weapons. The 1972 SALT I Interim Agreement and the 1979 SALT II Treaty, and the 1974 Threshold Test Ban Treaty were possible in the context of a strong nonproliferation regime created by the NPT and the Treaty of Tlatelolco. Moreover, treaties on non-nuclear weapons, such as the Biological Weapons Convention (BWC) and Chemical Weapons Convention (CWC), were possible in the context of the strong international norm of nuclear nonproliferation. More recent arms control and disarmament treaties, such as 1991 START I and 1993 START II and the recent Comprehensive Test Ban Treaty (CTBT), serve as reminders that without agreements such as the NPT and the Treaty of Tlatelolco, such progress would not be possible.

Background

As stated above, predictions made during the Kennedy Administration in the early 1960's were that 25-30 states would be in possession of nuclear weapons by the late 1970s, with these weapons integrated into their arsenals. The principal reason that this did not happen was the successful negotiation and conclusion of the NPT in 1968.

The first arms control treaties of the nuclear era responded to calls for disarmament from the 1950s and were aimed at stemming the seemingly inexorable arms race between the superpowers. Two early treaties, the Antarctic Treaty (1959) and the Limited Test Ban Treaty (1963) respectively placed an entire continent off-limits to nuclear weapons and other military forces and prohibited the testing of nuclear weapons or carrying out nuclear explosions for

peaceful purposes anywhere but underground.

In 1962, the Brazilian representative at the UN General Assembly (UNGA) proposed making Latin America a region free of nuclear weapons. The Cuban Missile Crisis that occurred in October of that year generated widespread support for this proposal, as states in the southern hemisphere realized that they would be disastrously affected by a nuclear exchange between the United States and the Soviet Union. During the October Cuban Missile Crisis, Brazil submitted to the UNGA a draft resolution calling for a nuclear-weapon-free zone in Latin America. The resolution was supported by Bolivia, Chile and Ecuador, but was not put to a vote. The next spring, the Presidents of five Latin American countries -- Bolivia, Brazil, Chile, Ecuador and Mexico -- announced that they were prepared to sign a multilateral agreement that would make the region a nuclear-weapon-free zone. In November 1963, their declaration received a vote of support by the UNGA.

A Preparatory Commission for the Denuclearization of Latin America was created in 1964 and after a lengthy period of negotiations over questions such as defining the boundaries of the zone, transit guarantees, and safeguarding of peaceful nuclear activities, a draft treaty was agreed. Mexico, particularly Noble Peace Prize recipient Ambassador Garcia-Robles, provided invaluable leadership in this process. Under his guidance, Mexico worked diligently and productively to foster agreement on the draft treaty. The Treaty of Tlatelolco was opened for signature on February 14, 1967, and was subsequently endorsed by the UNGA on December 5 by a vote of 82-0.

The creation and establishment of the Latin American Nuclear-Weapon-Free Zone pursuant to the Treaty was a landmark event in arms control. It was the first arms limitation

treaty to cover a populated region, proving to the world that the proliferation of nuclear weapons was not inevitable. Its conclusion in 1967 gave successful impetus to efforts to include in the NPT, under negotiation at that time, what is now Article VII. Article VII of the NPT provides that “Nothing in this Treaty affects the right of any group of States to conclude regional treaties in order to assure the total absence of nuclear weapons in their respective territories.”

The Tlatelolco Treaty’s Role in the Nonproliferation Regime

As the first nuclear nonproliferation agreement, the Treaty of Tlatelolco plays an important role in the international nonproliferation regime. By complementing the NPT and providing a model for other nuclear-weapon-free zones, the Treaty of Tlatelolco forms one of the building blocks of international security.

Reinforcing the Nonproliferation Regime

The Treaty of Tlatelolco enhances regional and global security in that it serves as a regional complement to the NPT. Under the NPT, it was agreed that no additional nation would acquire nuclear weapons or other nuclear explosive devices; and the five states that possessed them when the NPT was negotiated would agree to engage in nuclear disarmament negotiations in good faith. Expressed in different terms, the ultimate objective of the NPT is a nuclear weapon-free world. The Treaty of Tlatelolco also became a model for other nuclear-weapon-free zones which, as they have been established, further strengthen the world-wide NPT regime by underlining the important regional aspect of the control of nuclear weapons. The greater institutionalization of the global norms and commitments of nonproliferation directly benefits

not only each region, but the entire world.

On the regional level, the Treaty of Tlatelolco significantly enhances security of all states in Latin America and the Caribbean, indeed in the entire western hemisphere. The obligation of each of the parties not to possess nuclear weapons and to prohibit the deployment of any nuclear weapons in its territory is an obvious benefit that carries with it important political, economic and military advantages. Treaty parties can be confident that their neighbors do not possess nuclear weapons and do not permit the deployment of such weapons on their territory by the nuclear weapon states. As such, they have no need to waste resources building their own nuclear weapons or creating a military capable of overcoming a nuclear threat. In addition, they receive legally-binding assurances from the nuclear weapon states that they will not use, or threaten the use of, nuclear weapons against Treaty Parties. The creation of a standing body to oversee the Treaty, the Agency for the Prohibition of Nuclear Weapons in Latin America (OPANAL), serves as a confidence-building mechanism, institutionalizing regional cooperation through periodic meetings and consultations. The Treaty of Tlatelolco's value can be measured by the fact that nearly every state that is eligible to do so has become a Party to the Treaty. This wide-spread support further serves to build confidence among states in the region that they can address important security problems through legal means.

One example of this is the "Treaty of Tlatelolco II" initiative which attempted to carry the spirit of the Treaty of Tlatelolco into the field of conventional armaments. At the invitation of the Government of Mexico, 21 countries of Latin America and the Caribbean held informal meetings in Tlatelolco, Mexico City, on August 21-24, 1978 on limiting conventional weapons in the region. Discussions among the countries focused on a working document entitled,

"Limitations or Prohibitions on the Transfer and use of Certain Conventional Weapons at a Regional Level". In the form of a resolution, the working paper:

- (1) called for consultation for a) regulation on the transfer of certain types of conventional weapons to Latin America and the Caribbean, as well as among countries of the area, b) the establishment of limitations and/or prohibitions on the use of certain types of conventional weapons considered to be excessively harmful and/or having indiscriminate effects;
- (2) Proposed a meeting of a Conference of Chancellors in order to adopt concrete measures; and
- (3) raised the possibility of calling a high level meeting to which all supplier countries of conventional weapons would be invited and which would be decided by the Chancellors, ... in order to guarantee the effectiveness of the measures adopted by the States of the region in this matter.

The "Tlatelolco II" proposal was referred to in the November 1995 Declaration of Santiago on confidence and security-building measures and recently has been accepted as a point of discussion among the Rio Group countries, most recently in Cancun on November 14-15, 1996.

The "Tlatelolco II" initiative is an encouraging example of states attempting to build upon the confidence and stability created by the nuclear nonproliferation regime.

Just as the Treaty of Tlatelolco promotes peace and stability in the region by helping to secure it from the threat of nuclear weapons proliferation, it also serves as a confidence building measure among the nuclear weapon states. All five of the nuclear weapon states are parties to Protocol II of the Treaty, which obligates them not to use or threaten to use nuclear weapons against

contracting parties. Although these negative security assurances do not apply to each other's own territory, the nuclear weapon states gain some degree of trust by jointly extending such assurances to the same region, thus eliminating the likelihood that an event in Latin America could serve as catalyst for nuclear war. The Treaty's ban on the deployment of nuclear weapons within the territory of Treaty Parties also decreases the likelihood of nuclear confrontation in the region among the nuclear weapon states.

The commitment not to acquire nuclear weapons and to develop and use nuclear energy only under international safeguards has already been undertaken by countries that are NPT non-nuclear weapon state Parties, but these commitments are reinforced by nuclear-weapon-free zone treaties. The authority of the International Atomic Energy Agency (IAEA) to conduct comprehensive inspections of all of a state's nuclear activities is strengthened, as these treaties have designated the IAEA to carry out these activities in a manner virtually identical to the safeguards regime developed under the NPT. Nuclear-weapon-free zone treaties have also contained unique verification provisions that stipulate a procedure for parties to request special inspections by the IAEA or (in the case of the South Pacific Nuclear-Free Zone) by a regional Consultative Committee.

Nations harboring nuclear weapon ambitions face pressure on both a global and regional level to renounce nuclear weapons. Although the NPT is world-wide in scope, nuclear-weapon-free zone treaties have the advantage of being tailored to unique regional security situations. Although the great majority of states that are party to a nuclear-weapon-free zone such as Tlatelolco are also party to the NPT, nuclear-weapon-free zones are valuable because they emphasize the importance with which these regions view the nonproliferation of nuclear weapons. Even countries that are not Party to a nuclear-weapon-free zone treaty, or do not fully implement its provisions cannot avoid the

regional norm of nonproliferation established by that treaty. For example, Argentina and Brazil were unwilling to join the NPT for many years, but the Treaty of Tlatelolco gave them an alternative avenue to support the nonproliferation regime, providing a framework that allowed both countries to collaborate and cooperate on measures to reduce suspicions about their respective nuclear programs. The two countries eventually accepted comprehensive IAEA safeguards on their nuclear facilities, which are in fact, virtually identical to those required by the NPT, facilitating Argentina's accession to the NPT in 1995.

Model for Other Nuclear-Weapon-Free Zones

The Antarctic Treaty, the earliest of the post-World War II arms control agreements, demilitarized the continent of Antarctica and provided for its cooperative exploration and use. Signed in December 1959, the Antarctic Treaty can be considered the very first nuclear-weapon-free zone treaty since it prohibited “any measures of a military nature” and explicitly outlawed “any nuclear explosions in Antarctica and the disposal there of radioactive waste material.” The Antarctic Treaty has been cited as a precedent and model for “nonarmament” treaties, such as the agreements that excluded nuclear weapons from outer space and from the seabed, but with respect to nuclear-weapon-free zones covering land territories, it applies only to a non-populated and seldom-traveled region of the earth. The Treaty of Tlatelolco created the first nuclear-weapon-free zone in a populated area of the world, proving that such a goal was possible to accomplish, and that populous, industrialized nations could reach agreement over complicated issues such as inspection of nuclear facilities, rights of navigation, and boundary delineations. Thus, it was the Treaty of Tlatelolco that established the precedent for later nuclear-weapon-free zone treaties and the standard against which

they would be judged.

From the beginning, the Treaty of Tlatelolco was supported by the United States. The United States voted in favor of the proposed treaty at the UNGA in 1963 and in 1967, and signed Protocol II in 1968 and Protocol I in 1977. Protocol I requires parties with international responsibility for territories within the region to respect specific denuclearization provisions of the Treaty and to conclude IAEA safeguards agreements for their territories. Protocol II requires nuclear weapon states also to respect and support the denuclearization provisions and not use or threaten to use nuclear weapons against Treaty parties. In the course of its deliberations over the Treaty of Tlatelolco, the United States established a set of criteria against which it has assessed other nuclear-weapon-free zone proposals. These criteria are:

- (1) the initiative for the creation of the zone should come from the states in the region concerned;
- (2) all states important to the denuclearization of the area should participate in the zone;
- (3) the zone arrangement should provide for adequate verification of compliance with its provisions;
- (4) it should not disturb existing security arrangements to the detriment of regional and international security or otherwise abridge the inherent right of individual or collective self-defense guaranteed in the U.N. Charter;
- (5) the zone arrangement should effectively prohibit its parties from developing or otherwise possessing any nuclear device for whatever purpose;
- (6) the establishment of the zone should not affect the existing rights of its parties under international law to grant or deny other states privileges within their respective land

territory, internal waters and airspace to nuclear powered and nuclear capable ships and aircraft of non-party nations, including port calls and overflights; and

(7) the zone arrangement should not seek to impose restrictions on the exercise of rights recognized under international law, particularly the high seas freedoms of navigation and overflight, the right of innocent passage of territorial and archipelagic seas, the right of transit passage of international straits, and the right of archipelagic sea lanes passage of archipelagic waters.

These criteria reflect the basic characteristics in the view of the United States that a nuclear-weapon-free zone must have to be an effective nonproliferation tool without impinging on important international and national rights. Clearly, when regional parties collaborate with the nuclear weapon states and other extraterritorial states that could be affected by a nuclear-weapon-free zone arrangement, the prospects for producing a meaningful nuclear-weapon-free zone which tangibly enhances states' security are increased.

Adequate and effective verification measures are also necessary for any arms control agreement, including nuclear-weapon-free zones. A great deal of the security gained from arms control treaties arises from the increased confidence that states are complying with the restrictions of a treaty, and this confidence comes only with inspections or other means of verification. The Treaty of Tlatelolco accomplishes this by applying IAEA safeguards to all nuclear activities and establishing OPANAL to help ensure compliance with its provisions.

The requirement for the initiative for the development of a nuclear-weapon-free zone to come from within the region is based on an obvious fact: states are unlikely to support or observe a treaty which is imposed upon them by an outside party. The Treaty of Tlatelolco provides an excellent

example of states acting, on their own initiative, to negotiate an agreement which addressed an issue important to all of them. The idea for a nuclear-weapon-free zone in Latin America came from within the region and the idea quickly garnered the support of important states in the region.

Obviously, it is important for all states within the region with nuclear activities and facilities to support a nuclear-weapon-free zone. While domestic politics or extenuating circumstances may prevent a party from ratifying a nuclear-weapon-free zone Treaty, no nuclear-weapon-free zone will be effective if a major regional power is adamantly opposed to such a treaty from the very start. In the case of Tlatelolco, Argentina, Brazil, and Chile did not bring the agreement into force for many years, but had signed the Treaty in 1967 and eventually became parties in 1994 complete with the requisite safeguards arrangements.

Tlatelolco's long and successful history has engendered international support for similar measures. The end of the Cold War and the near-universal membership and indefinite extension of the NPT has given new momentum to the creation of nuclear-weapon-free zones. At the 1995 NPT Review and Extension Conference, the states parties adopted a document on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament" that, among other things, reaffirmed the states parties' conviction "that the establishment of internationally recognized nuclear-weapon-free zones, on the basis of arrangements freely arrived at among the States of the region concerned, enhances global and regional peace and security," and called for the "development of nuclear-weapon-free zones, especially in regions of tension...".

Aside from the Latin American Nuclear-weapon-free zone established by the Treaty of Tlatelolco, there are currently three other nuclear-weapon-free zones; the Treaty of Rarotonga -- the 1985 South Pacific Nuclear-Free Zone (SPNFZ) Treaty, the Treaty of Pelindaba -- the 1996 African

Nuclear-Weapon-Free Zone (ANWFZ) Treaty, and the Southeast Asian Nuclear-Weapon-Free Zone (SEANWFZ) established in December 1995. Rarotonga and Pelindaba closely follow the Treaty of Tlatelolco model.

The South Pacific Nuclear Free Zone Treaty prohibits the testing, manufacture, acquisition, and stationing of nuclear explosive devices in the territory of parties to the Treaty and the dumping of radioactive waste at sea. It also requires all parties to apply full scope IAEA safeguards to their nuclear facilities and establishes a comprehensive control system, including provisions for mandatory on-site inspection, to verify compliance. The Treaty of Rarotonga has three Protocols. Under Protocol I, the United States, France, and the United Kingdom apply the basic provisions of the Treaty to their respective territories in the zone established by the treaty. Protocol II requires the nuclear weapon states to agree not to use or threaten to use nuclear explosive devices against any party to the Treaty or to each other's territories located within the zone. Under Protocol III, the nuclear weapon states agree not to test nuclear explosive devices with the zone. When the Treaty and Protocols were first opened for signature in 1985, the United States decided that in view of its global security interests and responsibilities, it was not at that time in a position that would allow it to sign the Protocols. However, U.S. practices and activities in the region were not inconsistent with the Treaty or its Protocols and when circumstances changed, the United States reconsidered its position. The end of the Cold War and the resulting dramatic reductions in nuclear weapons created a more stable strategic environment. These positive developments enabled the United States to reassess the Treaty of Rarotonga and sign the relevant Protocols to the Treaty on March 25, 1996. All five nuclear weapon states have now signed these Protocols, and Russia, China, and France have ratified the Protocols.

The African Nuclear-Weapon-Free Zone Treaty, or the Treaty of Pelindaba, prohibits the research, development, manufacture, stockpiling, acquisition, testing, possession, control or stationing of nuclear explosive devices in the territory of parties to the Treaty and the dumping of radioactive wastes in the African zone by Treaty parties, as well as prohibiting any attack against nuclear installations in the zone by Treaty parties. The Treaty of Pelindaba requires all parties to apply full-scope IAEA safeguards to all their peaceful nuclear activities and provides measures to ensure compliance, including the establishment of the African Commission on Nuclear Energy. The Pelindaba Treaty, like Tlatelolco and Rarotonga, includes Protocols inviting nuclear weapon states. Under Protocol I, The United States France, the United Kingdom, the Russian Federation and China are invited to agree not to use or threaten to use a nuclear explosive device against any Treaty party or against any territory of a Protocol III party within the African zone. Under Protocol II, the United States, France, the United Kingdom, the Russian Federation and China are invited not to test or assist or encourage the testing of a nuclear explosive device anywhere within the African zone. Protocol III is open to states with dependent territories in the zone and obligates them to observe certain provisions of the Treaty with respect to these territories; only Spain and France may become Parties to it. The United States signed Protocols I and II to the Treaty of Pelindaba when it was opened for signature on April 11, 1996, and all five declared nuclear weapon states have now signed the relevant Protocols.

The Rarotonga and Pelindaba Treaties have gone a step further than the Treaty of Tlatelolco in dealing with ecological concerns, addressing the environment in explicit terms. These two treaties enjoin their members not to dump radioactive wastes at sea in the zone; Africa goes one step further in exhorting its members to observe the Bamako convention on the Ban of the Import into Africa

and Control of Transboundary Movement and Management of Hazardous Wastes within Africa with regard to such wastes. The Treaty of Pelindaba also includes provisions on export controls not found in other nuclear-weapon-free zone treaties.

In addition to the Tlatelolco, Rarotonga, and Pelindaba Treaties, the United States has been working closely with the ASEAN countries during the drafting of the Southeast Asian Nuclear-Weapon-Free Zone Treaty and its associated Protocols so that the five nuclear weapons states can eventually sign the Protocol to the Southeast Asian Nuclear-Weapon-Free Zone Treaty, which was opened for signature on December 15, 1995 in Bangkok. The United States supports in principle the objective of a nuclear-weapon-free zone in Southeast Asia and will continue to work with the ASEAN states and our P-5 partners to resolve the few concerns that remain.

It is unlikely that the pace at which new nuclear-weapon-free zones have been developing will continue in the near future since other regions which would benefit from such treaties, such as South Asia or the Middle East, must first lay the foundation for stable and peaceable political relations among states in those regions. Nonetheless, the United States fully endorses the objective of establishing additional nuclear-weapon-free zones, embodied in the decision on “Principles and Objectives” that was adopted at the 1995 NPT Review and Extension Conference, if they are in regions where nuclear-weapon-free zones would contribute to the achievement of nuclear nonproliferation goals and would be consistent with the United States’ established criteria for recognizing such zones.

The Treaty of Tlatelolco illustrated that nuclear-weapon-free zones could contribute to global security and set an important precedent for the development of the nuclear nonproliferation regime. The Treaties of Rarotonga and Pelindaba, and the Southeast Asian Nuclear-Weapon-Free Zone all

owe a debt to the Treaty of Tlatelolco.

Conclusion

The Treaty of Tlatelolco reflects the extraordinary foresight of its drafters who understood the dangers posed by nuclear weapon proliferation and endeavored to address that threat more than 30 years ago. The Tlatelolco Treaty was the first nuclear nonproliferation treaty to codify the belief that nuclear weapons did not have to be the final arbiter of international relations -- a notion that many are still struggling to come to grips with today, thirty years later.

Tlatelolco was the first, and for many years, the only nuclear-weapon-free zone (excepting Antarctica) in the world, but we are fast approaching the day when literally half of the globe will be covered by such zones. Latin America and the Caribbean is covered by Tlatelolco, Africa has its own nuclear-weapon-free zone, as does the South Pacific, and Southeast Asia is in the process of establishing yet another nuclear-weapon-free zone. Each zone that meets the criteria necessary for maximum effectiveness increases the confidence with which the United States can approach reductions in its nuclear arsenal and increases pressure upon states that have not yet foresworn nuclear weapons to do so. There is great value in having regional institutions dedicated to arms control and nonproliferation; the NPT and the nuclear weapon-free zone treaty regimes such as the Treaty of Tlatelolco may enhance the development of discussions on other arms control subjects and may ease tensions between suspicious neighbors. It could be said that nuclear-weapon-free zones are leading the way towards a nuclear-weapon-free world -- a process that all started with the Treaty of Tlatelolco.