First Meeting of States Parties to the Treaty on the Prohibition of Nuclear Weapons

Vienna, 21–23 June 2022

TPAN, possible contributions from Latin America

Working paper submitted by ICAN on behalf of member organization SEHLAC

1. President Vladimir Putin's statement: "(...) I have ordered the Russian (nuclear) detention forces to put themselves on high alert" arises international concern. The headlines in the major international media all went in the direction of understanding that the war in Ukraine was now a nuclear crisis. The explosion of a nuclear device anywhere on the planet is not a local or regional issue; it becomes a global event, with negative effects on people's health, the environment, and food production. As these perceptions are sharpened by the events in Ukraine, it is important that society takes a stand, demanding coherent actions and attitudes from its leaders.

2. The first Meeting of States Parties to the UN Treaty on the Prohibition of Nuclear Weapons, to be held from June 21 to 23, 2022 in Vienna, Austria, is undoubtedly a great opportunity for civil society organizations involved in relevant issues to present their contributions.

3. In this context, the initiative of the Red de Seguridad Humana para América Latina y el Caribe (SEHLAC) in presenting the Region's ideas, perceptions, and potentials capable of contributing to the international effort of banning nuclear arsenals is pertinent and necessary.

4. South America and the Caribbean, as the first densely populated region on the planet to declare itself, by free decision of its component nations, as a Nuclear Weapons Free Zone and for its history of positions contrary to nuclear arsenals and in favor of the understanding and peace among nations, not only deserves but has the duty to collaborate with the efforts of the international community in objectives and actions aimed at the full implementation of the Treaty for the Prohibition of Nuclear Weapons (TPNW).

5. Throughout 2021 I had the opportunity to participate in a series of events of the Building Capacity on Multilateral Verification of Nuclear Disarmament project (VERTIC Project Code: VM08), a joint venture between the VERTIC Foundation (vertic@vertic.org) and NPSGlobal (www.npsglobal.org). Below, I present a summary of the main considerations and suggestions made in the course of the Project, clearly demonstrating that the creation of a hub for a future international nuclear disarmament verification (NDV) regime in Latin America is absolutely
justifiable, both for the existing scientific/technological capacity and for its historical background of involvement in nuclear non-proliferation and disarmament issues.

Towards a qualified international NDV system.

6. The Treaty on the Prohibition of Nuclear Weapons (TPNW) became effective on January 22, 2021. Despite the fact that its text does not provide for any mechanism to verify compliance with the terms established in the Treaty, the issue has been part of the pro-nuclear disarmament agenda for at least a decade. A review of the discussions on the Group of Governmental Experts for Nuclear Disarmament Verification (GGENDV) established by the United Nations (A/RES/71/67) clearly indicates that the success of a global Nuclear Disarmament Verification (NDV) System depends not only on the decisive involvement of nation states, but also on the strong support of non-governmental organizations and international and regional institutions. Numerous initiatives by groups composed of different countries have devoted time and attention to this issue building active collaborations among their members, developing appropriate methods/technologies for nuclear disarmament verification activities, and seeking guarantees of irreversibility, confidence and transparency.

7. The involvement of a large number of nations will certainly produce an environment rich in institutional experience and technical-scientific excellence. The joint participation of NWS and Non-Nuclear Weapon States (NNWS) could have a positive influence by encouraging mechanisms with greater international legitimacy and greater credibility, transparency, and reliability.

A Latin American hub for NDV.

8. The effectiveness of a center of excellence in Latin America in collaboration with NDV international efforts will naturally depend on achieving a functional and operational model capable of maximizing the potential already existing in the Region. The existence in Latin America of two very well-known and internationally recognized organizations dedicated to the theme, (1) Organismo Para Prohibición de Armas Nucleares en América Latina y el Caribe (OPANAL), and (2) Agência Brasileiro-Argentina de Contabilidade e Controle de Materiais Nucleares (ABACC), make them the first choice. The following analysis of the positive and negative points of each of these two alternatives are based on the mission, structure, and history of involvement in nuclear non-proliferation and disarmament issues of the two organizations.

a. OPANAL: Advantages and disadvantages.

9. The Treaty of Tlatelolco created OPANAL in its Art. 7, as the agency to ensure the fulfilment of the obligations set out in the Treaty. With the status of intergovernmental agency, it is responsible for promoting the relationship between the members of the Treaty in matters concerning the purposes, procedures and provisions established in the scope of the Agreement. The operations of OPANAL are financed by the

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1 The International Partnership for Nuclear Disarmament Verification (IPNDV), with 25 state members, the QUAD initiative (UK, Norway, USA and Sweden), the NuDiVe exercise between France and Germany, and VERTIC’s initiative to foster centers of excellence in Latin America, South Africa, and Kazakhstan.


3 Art.7. In order to ensure compliance with the obligations of this Treaty, the Contracting Parties hereby establish an international organization to be known as the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean, hereinafter referred to as “the Agency”. Only the Contracting Parties shall be affected by its decisions.
participation of the Member States and by possible agreements and contracts with other institutions and organizations in the development of projects related to its institutional mission. The General Assembly established the Committee on Administrative, Budgetary and Contributions Matters\(^4\) to advise the Secretariat on administrative/financial and budgetary matters.

10. The Agency's organization is very lean, with the General Assembly as the general decision-making and supervisory body, composed of all member states of the Treaty. The Assembly elects a Council of five member states for a four-year term, with the main function of ensuring the proper operation of the Control System in accordance with the Treaty provisions. The executive organ of the Agency is the General Secretariat, composed of the Secretary General and the operational staff: 1 Administrative Officer; 1 International Relations Officer; 1 Research and Education Officer and 1 Research and Communications Officer.

11. Analysing the advantages and disadvantages of the possibility of using the structure of OPANAL as a hub in LA for an international system of NDV, a first positive point to be highlighted is its capacity of unification and of serving as a common space in the exchange of ideas and construction of synergies among all countries in the region. Its mode of action in matters relevant to its mission and of interest to the member states makes it trusted and respected by its members. Its proactive participation in international events related to non-proliferation and nuclear disarmament initiatives, amply documented, gives OPANAL credibility and confidence as a significant participant in the global scenario. The provisions of Article 20 of the Treaty of Tlatelolco\(^5\) itself allow it to act as a regional centre of excellence. On the other hand, OPANAL lacks both an experienced technical staff and a proper operational technological support structure for the application of safeguards, capable of being adapted to act positively in nuclear disarmament verification efforts.

b. ABACC: Advantages and disadvantages.

12. On July 18, 1991, Argentina and Brazil signed the Bilateral Agreement for Exclusively Peaceful Use of Nuclear Energy, creating ABACC as the executive agency of the Agreement. The primary mission of ABACC is to assure Argentina, Brazil, and the international community that all nuclear materials and facilities in the two countries are used exclusively for peaceful purposes. The status of ABACC is that of an international intergovernmental agency, enjoying all inherent obligations and prerogatives. The agreement between the two countries ensures ABACC complete autonomy of action in fulfilling its institutional mission, throughout the territorial extent of the two countries. The Agency's budget is guaranteed by both governments on an equal basis. ABACC's highest decision-making body is the Commission, which consists of four members; each government appoints two representatives.

13. The Agency has a Secretary nominated by the Argentine government and a Secretary nominated by the Brazilian government. The Secretary's term of office alternates between them on an annual basis. The Secretariat's internal structure is composed of four technical sectors: Planning and Evaluation; Operations; Nuclear

\[^4\] The Committee on Contributions and Administrative and Budgetary Matters (CCAAP) was established by resolution [CG/Res.106 (V)](https://opanal.org/documents/OPANAL/GC/Res_106), adopted on 21 April 1977 by the OPANAL General Conference.

\[^5\] Art. 20.1. The Agency may also enter into relations with any international organization or body, especially any which may be established in the future to supervise disarmament or measures for the control of armaments in any part of the world.
Material Accounting and Technical Support, an Institutional Relations sector, and an Administration and Finance sector.

14. When examining ABACC’s assets to serve as a regional hub, certainly the most outstanding fact is its recognized technical and operational capacity in the application of nuclear safeguards, developed over three decades. This capacity is linked to the fact that all its officers and inspectors come from Brazilian and Argentine institutions of recognized technical/scientific excellence. A careful comparison of the 14 key steps for nuclear weapons dismantlement\(^6\) with the technical/scientific capabilities of the ABACC System, assessed that, with minor adaptations and convenient training, existing infrastructure and personnel resources will be able to make a qualified contribution in at least half of the proposed key steps\(^7\).

15. An important point to be considered is the experience acquired by ABACC, which is perhaps unique in the world, in dealing with teams of inspectors who are not permanent employees. This situation requires special strategies in the logistics of preparing pre- and post-inspection activities and in calling and training inspectors. This experience will certainly be valuable in the management of multidisciplinary teams, composed of specialists from different backgrounds, that would have to be assembled for the verification activities. The governance facilities resulting from ABACC’s status as a binational agency, especially with regard to the personnel and financial sectors, would be greatly complicated by having its operations regionalized. The differences and disparities, both economically and in terms of the level of involvement in the nuclear sector of the member states, would have to be exhaustively worked out in the search for a common understanding.

**Conclusion**

16. Considering the analyses presented in this paper, it seems clear that the formation of an NDV center of excellence in Latin America is fully feasible and justifiable. Considering the historical positions of the region on nuclear non-proliferation and disarmament issues, it is not only feasible and justifiable, but also necessary. An international nuclear disarmament verification system without the active participation of the region would not meet many of the parameters considered important for a non-discriminatory multilateral arrangement according to the GGENDV\(^8\) concept.

17. This paper analyzed the strengths and weaknesses of two existing structures, OPANAL and ABACC, as possible hosts for this hub in Latin America. It is evident that both agencies, although presenting facilitating institutional and situational characteristics, would require adaptations of considerable importance, both in their missions and in their structures. The option for either of the two agencies as a hub would demand governance reformulations, availability of economic resources and political decisions that are difficult to be made viable now, or even in the near future.

18. It is important to highlight the evident complementarity of the two agencies, inferred from a comparative analysis of their structures, missions, operational capabilities, and scenarios of operation. The perception of this level of complementarity leads to the assumption that a joint venture connecting the two agencies, with each one maintaining its peculiarities, but creating connections that meet the necessary characteristics of a center of excellence as desired, would possibly be the best solution. OPANAL, by its characteristic of involving all the countries of Latin America and the Caribbean, would lend the center of excellence the necessary agglutination capacity and sense of unity. Its solid political representativeness would


\(^8\) GGENDV, Geneva, 12-16 November 2018; Who verifies: Parameters for Multilateralization of Initiatives Submitted by Mr. Tom Coppen (Netherlands), Mr. Jonathan Herbach (Netherlands) and Mr. Reto Wollenmann (Switzerland).
bring significant specific weight to participations in international forums. OPANAL has created over more than 50 years of activities, a broad connection with governmental institutions and civil society organizations, which will serve as a facilitator in the creation of important synergies for the purposes desired. Regarding ABACC, it is worth highlighting its experience and operational capacity in the application of a safeguards regime internationally recognized as of quality, and which could easily be adapted to meet the needs of a regional verification center. The governance difficulties already mentioned are greatly reduced to the extent that only minor structural modifications are required. It is worth mentioning that ABACC and OPANAL have had a cooperation agreement in place since 1993. The production of a Memorandum of Understanding between the two agencies could easily define the appropriate terms for the creation of the hub.

19. A major issue is certainly the one of the financings of nuclear disarmament verification activities. Since such operations do not fall within the scope of activities envisaged in either institution, they will certainly have to be addressed in other ways. While it is expected that the budgetary resources of the two agencies can minimally support some of the activities, most of the expenditures will have to rely on other sources of funds. One possible way forward was already pointed out at the 3rd Session of the GGENDV (2018/19), through the creation of a special fund with the participation of the NWS and occasional contributors. Although the goal of a world without nuclear weapons is a desire of all nations and all peoples, it seems clear that morally it is incumbent upon the NWS to have the greater obligation to finance the actions necessary to achieve such a desideratum.

9 OPANAL has cooperation agreements with the following international organizations, academic institutions, and civil society organizations: Brazilian-Argentine Agency for Accounting and Control of Nuclear Materials (ABACC), Permanent Commission of the South Pacific (CPPS), Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO), Latin American Institute of Educational Communication (ILCE), Nonproliferation for Global Security Foundation (NPSGlobal), International Atomic Energy Agency (IAEA), Latin American Energy Organization (OLADE), Latin-American Parliament (PARLATINO), the Secretariat of the Pacific Islands Forum (PIF), United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean (UNLIREC) and Soka Gakkai International.

10 Group of Governmental Experts to consider the role of verification in advancing nuclear disarmament, Nuclear Disarmament Verification Fund (NDV Trust Fund), Submitted by Ms. Werdaningtyas (Indonesia), Mr. Langeland (Norway) and Mr. Chambers (United Kingdom of Great Britain and Northern Ireland).GE-NDV/2019/3, 9 April 2019, par. 5.