



**Nuclear Proliferation  
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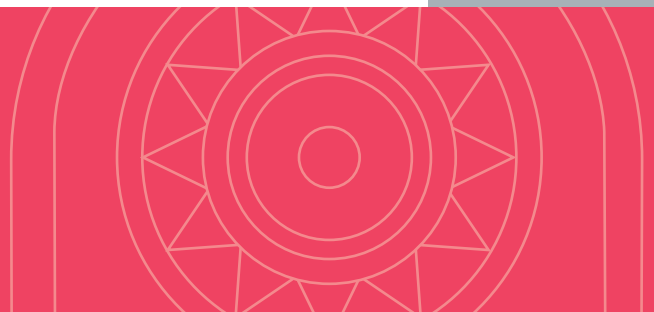
**Woodrow Wilson  
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## **Nuclear Proliferation International History Project**

### **Tlatelolco Tested**

The Falklands/Malvinas War and Latin America's Nuclear  
Weapon Free Zone

By Ryan Alexander Musto  
NPIHP Working Paper #7  
July 2015





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**Christian F. Ostermann, Leopoldo Nuti and Evan Pikulski, Series Editors**

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## **Tlatelolco Tested:**

### **The Falklands/Malvinas War and Latin America's Nuclear Weapon Free Zone**

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## Executive Summary

During the 1982 Falklands/Malvinas War and in its aftermath, Argentina accused Great Britain of violating Latin America's nuclear weapon free zone (NWFZ) by deploying nuclear propelled submarines to the demarcated geographic area and by entering the zone with ships carrying nuclear weapons, possibly with the intent of using them in the War. This NPIHP working paper examines the unprecedented role played by OPANAL, the nonproliferation agency charged with upholding the 1967 Treaty of Tlatelolco that established Latin America as the first NWFZ in an inhabited region of the world, in addressing the first accusations of a militaristic violation of a NWFZ.

Utilizing primary source materials from OPANAL, this working paper finds that while OPANAL was mostly an inefficient and ineffectual agency during the 1970s, it provided a central forum through which to address the nonproliferation concerns raised by the conflict. Argentina and Brazil, erstwhile rivals and the two most advanced nuclear states in Latin America, were not formal members of Tlatelolco but found in OPANAL a common shield against perceived nuclear imperialism after the Falklands/Malvinas War. OPANAL provided these two rivals a chance to collaborate on regional nuclear nonproliferation initiatives even as they were external to the Tlatelolco regime, thereby helping to build trust not only between themselves, but with other Latin American states as well.

OPANAL provided all Latin American states with a forum to engage in multilateral contact on nuclear nonproliferation issues and maintain contact with non-Latin American nuclear weapon states, all (crucially) without extra-regional oversight. Despite the underwhelming official response by OPANAL to perceived British violations of Tlatelolco during the Falklands/Malvinas War, Argentina, Brazil, and other states still found the organization to be important, and joined in efforts to strengthen the Latin American nuclear nonproliferation regime moving forward. Perhaps the larger point to be made is that Argentina, Brazil and other states *wanted* OPANAL to rectify perceived violations of Tlatelolco.

Overall, this working paper finds that even a weakened regional nonproliferation agency like OPANAL can play an important role in the aftermath of a perceived nuclear threat from an extra-regional state. Looking forward, this paper suggests that lessons from OPANAL during the Falklands/Malvinas War could inform the efforts of Africa's NWFZ, as its own nonproliferation agency is faced with the questions raised by the contested island of Diego Garcia.

Furthermore, proposals for the creation of a NWFZ in the Middle East would be well served by including plans for the creation of a regional nonproliferation agency like OPANAL. The regional rivalries and conflicts of the Middle East and the inherent opacity of the nuclear field make imperative the creation of a diplomatic space dedicated to achieving dialogue, political transparency, and cooperation in issues of regional nuclear nonproliferation.



## **Tlatelolco Tested**

### **The Falklands/Malvinas War and Latin America's Nuclear Weapon Free Zone**

By Ryan Alexander Musto<sup>1</sup>

In June 1986, officials at the Soviet embassy in Buenos Aires warned that, “the Argentines have their own Chernobyl in the Atlantic,” using as evidence a number of dead penguins in areas where British ships had sunk during the 1982 Falklands/Malvinas War.<sup>2</sup> This Soviet analysis, although imaginative, reinforced Argentina's continual protestation against what it considered to be illegal and menacing nuclear intrusions made by Great Britain into the South Atlantic. During the Falklands/Malvinas War and in its aftermath, Argentina accused Great Britain of violating Latin America's nuclear weapon free zone (NWFZ) by deploying nuclear propelled submarines for militaristic purposes to the demarcated geographic area and by entering the Zone with ships carrying nuclear weapons, possibly with the intent of using them in the War.<sup>3</sup>

This NPIHP working paper examines the unprecedented role played by OPANAL, the regional nonproliferation agency charged with upholding the 1967 Treaty of Tlatelolco that established Latin America as the first NWFZ in an inhabited region of the world, in addressing the first accusations of a militaristic violation of a NWFZ in history. Utilizing primary source materials from OPANAL, this working paper finds that OPANAL was mostly

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<sup>2</sup> L. Freedman, “The South Atlantic Crisis: Implications for Nuclear Crisis Management,” Center for the Study of Soviet Behavior, RAND/UCLA, (May 1989): 12–13

<sup>3</sup> See, for example, “Denúncianse violaciones a normas del tratado de no proliferación,” *La Prensa*, Buenos Aires, 15 April 1982, Argentina Folder 2 – CS0/PSS.02, OPANAL Archives, Mexico City, MX

an inefficient and ineffectual agency before the Falklands/Malvinas War, but became an important forum for multilateral dialogue on the nonproliferation concerns raised by the conflict amongst both Latin American and extra-regional states. Argentina and Brazil, erstwhile rivals and the two most advanced nuclear states in Latin America, were not formal members of Latin America's NWFZ, but found a mechanism in OPANAL to further strengthen the existing Latin American nuclear nonproliferation regime. Overall, this paper finds that even a weakened regional nuclear nonproliferation agency like OPANAL can play an important role in the aftermath of a perceived nuclear threat from an extra-regional state.

In three sections, this paper looks at OPANAL's struggles before the Falklands/Malvinas War, the debate surrounding the Falklands/Malvinas War at OPANAL's 1983 General Conference meetings, and the formal response by Latin America's NWFZ to Argentina's accusations against Great Britain. It concludes with a summary of the main findings and looks ahead to how NWFZs in Africa and the Middle East could benefit from taking into account OPANAL's experience with the Falklands/Malvinas War.

### **A Beleaguered Existence: OPANAL Before the Falklands/Malvinas War**

In April 1969, Latin America became the first inhabited region of the world to establish a NWFZ with the formal implementation of the Treaty for the Prohibition of Nuclear Weapons in Latin America, commonly referred to as the Treaty of Tlatelolco.<sup>4</sup> To ensure that the conditions of the Treaty were upheld moving forward, the negotiating parties created the Organismo para la Proscripción de las Armas Nucleares en la América Latina (Agency for the Prohibition of Nuclear Weapons in Latin America), or OPANAL, which at that time was the

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<sup>4</sup> The nickname stems from the neighborhood in Mexico City where the Treaty was formally negotiated between 1964–1967.

“only especially established control organization to be created by a disarmament agreement after World War II.”<sup>5</sup>

OPANAL consists of three main bodies: The Office of the Secretariat, the Council, and the General Conference. Headquartered in Mexico City, the Office of the Secretariat houses OPANAL’s Secretary General, an individual elected to a four-year term (and eligible for one re-election) who works on a year-round basis to ensure the proper functioning of the control system of Tlatelolco. The Council is composed of five states from OPANAL, with “equitable geographic distribution” taken into consideration, elected to serve a four-year term.<sup>6</sup> These countries also ensure the proper functioning of the control system of OPANAL and help set the agenda for OPANAL’s General Conference.

The General Conference is the Agency’s supreme organ. It consists of representatives from all signatory Latin American states and selected observers from states and organizations around the world. OPANAL’s General Conference holds regular meetings every two years and acts as a forum for discussion among member states for the purpose of voting on any issue concerning Latin American nuclear nonproliferation. Non-Latin American states under the two Additional Protocols to the Treaty are permitted to send observers to the General Conference meetings. Under Additional Protocol I, non-Latin American states with territory in the region (Great Britain, France, the Netherlands, and the United States) are asked to respect Tlatelolco’s boundaries and requirements in the same manner as contracting Latin American states. The requirements include the prohibition of the use, testing, acquisition, deployment, storing, and manufacture of nuclear weapons in the Zone. Under Additional Protocol II, the world’s first five nuclear powers (China, France, Great Britain, Russia, and

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<sup>5</sup> J.R. Redick, “Regional Nuclear Arms Control in Latin America.” *International Organization*, Vol. 29, No. 2, (Spring 1975): 445

<sup>6</sup> “Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco).” OPANAL website. Available at: <http://www.opanal.org/opanal/Tlatelolco/Tlatelolco-i.htm#20>

the United States) are also required to respect the Treaty's stipulations.<sup>7</sup> The observers under the Additional Protocols are permitted to make statements within OPANAL's General Conference meetings but are prohibited from voting on any of the issues raised.

In the 1970s, many countries from around the world found OPANAL to be an important leader in nuclear nonproliferation. In one example, six countries with no formal ties to the Treaty of Tlatelolco sent observers to the 1975 General Conference meetings in Mexico City, where they all praised the Treaty and the work of OPANAL. Finland, Iran, and New Zealand stated that they hoped OPANAL would serve as a model for, and assist in the creation of, other NWFZs, noting that each had called for one in their own respective regions. The Netherlands also used the 1975 General Conference meetings to announce that it was going to grant Suriname independence within a year and that it desired for the newly independent state to join OPANAL.<sup>8</sup>

Yet the same General Conference meetings demonstrate the inefficiency of OPANAL in its early history. The US observer to the meetings noted that participants failed to resolve OPANAL's inability to collect dues from a majority of its member states, a significant problem since many had yet to contribute money to the Agency and only Mexico and Venezuela were current with their payments. Meanwhile, Panama did not raise the pressing issue of whether the Panama Canal should be included under Tlatelolco's jurisdiction, Venezuela did not announce that it was dropping its opposition to Guyana joining Tlatelolco because of territorial disputes (an inaction that seemingly went against its own government's wishes), and the issue of India's inclusion under Additional Protocol II remained, for no apparent reason, unresolved. To top it off, the members of OPANAL misidentified the tenth

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<sup>7</sup> Both Additional Protocols are currently signed and ratified by all possible adherents.

<sup>8</sup> "Acta de la Vigésimasegunda Sesión Plenaria," Cuarto Período Ordinario de Sesiones, CG/PV/22, 21 April 1975, 33, 35, 42–43 (Hereafter all General Conference documents will be listed by their document numbers, dates, and page numbers, and they can be accessed at the following website unless otherwise specified: [http://www.opanal.org/CInfo\\_CG.html](http://www.opanal.org/CInfo_CG.html))

anniversary of Tlatelolco, a mistake that was “typical of the many errors and confusion which prevailed throughout most of the meeting.”<sup>9</sup>

OPANAL’s early inefficiency was especially troubling as it tried to deal with Argentina and Brazil, the two most advanced nuclear states in the region.<sup>10</sup> Though both states had signed the Treaty of Tlatelolco in 1967, Argentina refused to ratify it, possibly in response to its exclusion from the initial multilateral effort to create the Treaty in 1963.<sup>11</sup> Brazil ratified the Treaty in 1968, but refused to waive paragraph 2 of Article 28 that delayed enforcement of Tlatelolco for a state until all possible parties fully adhered to it through signature and ratification, including those states under the Additional Protocols.<sup>12</sup> As a result, the Treaty was null and void for both Argentina and Brazil. Like the extra-regional states under the Additional Protocols, Argentina and Brazil could voice their opinions but could not cast votes within OPANAL’s General Conference.

Argentina and Brazil’s unclear relationship, especially in the nuclear field, further complicated matters for OPANAL. On the one hand, both states found camaraderie in remaining external to international nuclear nonproliferation regimes like the Treaty of Tlatelolco and the 1970 Treaty on the Non-Proliferation of Nuclear Weapons (NPT). Yet it also appeared that Argentina and Brazil carried mutual distrust dating to the colonial era into

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<sup>9</sup> US State Department Cable, MX 3485, US Embassy (Jova) to Secretary of State (Kissinger), 22 April 1975. Subject: “OPANAL Conference Concludes,” Limited Official Use, Access to Archival Databases (AAD), The National Archive Online. Available: <http://aad.archives.gov/aad/createpdf?rid=19010&dt=2476&dl=1345>

<sup>10</sup> While both countries had started nuclear programs independently in the early 1950s, they were also both aided by US President Dwight D. Eisenhower’s “Atoms for Peace” program. In 1958 Argentina produced Latin America’s first nuclear research reactor and in 1974 opened its first nuclear power plant. Meanwhile, in 1967 Brazil formally decided to pursue the complete nuclear fuel cycle, and reached an agreement with West Germany in 1975 for what was to be the largest transfer of nuclear technology to a developing nation in history. Around the same time Brazil’s military, ostensibly in the hopes of producing a nuclear explosive device, pursued a parallel nuclear program not made public until 1986. See, M. Serrano, *Common Security in Latin America: The 1967 Treaty of Tlatelolco*, (London, UK: Institute of Latin American Studies, University of London, 1992): 14; T. Kassenova, “Brazil’s Nuclear Kaleidoscope: An Evolving Identity,” Carnegie Endowment for International Peace, (2014): 20, 25; “Nuclear Madness,” *The New York Times*, 13 June 1975, 36. Available: <http://query.nytimes.com/mem/archive/pdf?res=F10912F6395F1B7493C1A8178DD85F418785F9>

<sup>11</sup> J.R. Redick, “The Politics of Denuclearization: A Study of the Treaty for the Prohibition of Nuclear Weapons in Latin America,” (PhD Diss., University of Virginia, 1970): 98

<sup>12</sup> The Treaty of Tlatelolco came into existence when a majority (eleven) of the negotiating Latin American states (twenty-one) fully adhered to the Treaty through signature, ratification, and waiver of paragraph 2 of Article 28.

the modern nuclear field. US analysts attuned to regional and global proliferation problems perceived a nuclear rivalry between the two states and forecasted that nuclear developments in one state would lead to similar developments in the other.<sup>13</sup> Since Argentina and Brazil remained adamant in their opposition to formally joining an international nuclear nonproliferation regime as late as 1989, weaponization of their nuclear programs remained a distinct possibility.<sup>14</sup>

During the 1970s, OPANAL tried to encourage movement on the part of Argentina and Brazil towards full accession to Tlatelolco. Héctor Gros Espiell, a Uruguayan diplomat and OPANAL's Secretary General from 1973 to 1981, made numerous overtures towards Argentina and Brazil to achieve this goal. Gros Espiell first traveled to both states in May 1973 to convince their leaders of the necessity of full adherence, and over the next year appealed to both states by emphasizing the pride and camaraderie that would ensue throughout the region should they decide to fully join Tlatelolco. In the process Gros Espiell made it be known that OPANAL preferred Brazil's signatory status to that of Argentina's, and tried to persuade Argentina to follow its northern neighbor's example, even if just for rhetorical purposes.<sup>15</sup>

Gros Espiell remained ever hopeful that Argentina would ratify Tlatelolco. After meeting with Mexican President Luis Echeverría Álvarez in January 1974, Gros Espiell wrote a letter to a Mexican government official exclaiming the information he had learned: the possibility of the Argentine ratification of Tlatelolco depended solely upon the personal decision of Argentine President Juan Perón. Both Gros Espiell and Echeverría had decided

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<sup>13</sup> See, for example, US State Department Cable, BA 7617, US Embassy (Montllor) to Secretary of State (Kissinger), 11 October 1974. Subject: "Argentine Nuclear Program," *SECRET*, AAD, The National Archive Online. Available: <http://aad.archives.gov/aad/createpdf?rid=233983&dt=2474&dl=1345>

<sup>14</sup> See, T. Kassenova, "Brazil's Nuclear Kaleidoscope," 24; J.R. Redick, "Nuclear Illusions: Argentina and Brazil," The Henry L Stimson Center, Occasional Paper No. 25, (December 1995): 23; J. Doyle, *Nuclear Safeguards, Security, and Nonproliferation: Achieving Security with Technology and Policy*, (Amsterdam, the Netherlands: Butterworth-Heinemann, 2008): 328

<sup>15</sup> "Memorandum About the Reasons Why Argentina Should Ratify the Treaty of Tlatelolco," August 1976, Argentina Folder 1 - CSO/PSS.01, OPANAL Archives



that the Mexican President should send Perón a letter imploring him to ratify the Treaty, but by March Gros Espiell worried that communication on the issue had been lost between both governments.<sup>16</sup> This window of opportunity proved to be short-lived: Perón died on July 1, 1974, and there is no record that OPANAL ever formally followed up on the issue with him or his widow, Isabel.

In 1977 Gros Espiell again saw a window of opportunity with Argentina, this time in the bilateral negotiations taking place between the leader of Argentina's military junta General Jorge Videla and US President Jimmy Carter. The meeting between Videla and Carter at the White House on September 9, 1977 was intended to bring about Argentine ratification of Tlatelolco, but "nationalistic elements" within the Argentine government and disagreements over human rights abuses prevented the deal from taking place.<sup>17</sup> In November, US Secretary of State Cyrus Vance visited Buenos Aires to secure a nonproliferation deal, and under increased pressure over human rights abuses, Argentina publicly conceded. Vice-Admiral and Argentine Chancellor Oscar A. Montes stated for the first time in Argentina's history that his country would ratify the Treaty of Tlatelolco while maintaining its current peaceful nuclear projects. Vance and Montes issued a joint declaration stating that both Argentina and the US would fully accede to the Treaty in the near future.<sup>18</sup>

Gros Espiell used both exchanges between Argentina and the US to reach out to the former on the issue of ratification. At the end of September, Gros Espiell wrote to Argentina's ambassador to Mexico to stress the opening provided by the Videla-Carter talks and the benefits that would be accorded to Argentina should it accede to the Treaty. After the joint Argentine-US declaration in November, the Secretary General telegraphed Videla to

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<sup>16</sup> Letter, Gros Espiell to E.O. Rabasa, 25 March 1974, Argentina Folder 1 - CSO/PSS.01, OPANAL Archives

<sup>17</sup> US State Department Cable, BA 7732, US Embassy (Chaplin) to Secretary of State (Vance), 18 October 1977. Subject: "Tlatelolco Treaty," SECRET, Digital National Security Archive

<sup>18</sup> "Cyrus Vance Llegó a la Argentina," *El Día*, Mexico City, 21 November 1977, Argentina Folder 1 - CSO/PSS.01, OPANAL Archives; "Argentina Ratificará el Tratado de Tlatelolco." *El Día*, Mexico City, 22 November 1977, Argentina Folder 1 - CSO/PSS.01, OPANAL Archives; J. de Onis, "Vance Wins Pledge on Nuclear Arms," *The New York Times*, 22 November 1977, A3

congratulate the Argentine leader on behalf of OPANAL's Council for his decision to ratify the Treaty.<sup>19</sup> In a letter to Alfonso García Robles, the Mexican diplomat who in 1982 would win the Nobel Peace Prize for his efforts in negotiating Tlatelolco, Gros Espiell expressed his optimism for the future of Argentina in Latin America's NWFZ: "I am also very pleased by the Argentine announcement of the imminent ratification of the Treaty of Tlatelolco. We will see if this announcement is with or without waiver [of paragraph 2 of article 28]. If it is with waiver, and I believe that the [US] State Department is pushing in this direction, I think that it will be relatively easy to obtain, using the same path, the presentation of the waiver by Chile."<sup>20</sup> In contrast, Gros Espiell told García Robles that he did not foresee further movement towards Tlatelolco by Brazil anytime soon.<sup>21</sup>

Yet both Argentina and Brazil remained intransigent towards Tlatelolco before the 1982 Falklands/Malvinas War. Neither state was eager to participate in OPANAL's General Conference meetings; both were absent from the opening meetings in 1969, and remained silent throughout the next three despite having sent observers. When Argentina and Brazil finally broke their silence, they did so as states justifying their position as outsiders to Tlatelolco. In Brazil's first comments before OPANAL at the 1975 General Conference meetings, its observer defended the right of a Brazilian minister of parliament to publicly state that his country should acquire nuclear weapons.<sup>22</sup> At the 1977 General Conference meetings, Brazil defended its position as a partial member of Tlatelolco. It stated that its incomplete membership acted as "an important factor in the common effort to confer the maximum credibility" to the Treaty, and reiterated this position at the 1979 General

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<sup>19</sup> OPANAL's Council at that time consisted of Ecuador, Mexico, Jamaica, Costa Rica, and Venezuela; "Night Telegram from H.G. Espiell to General J.R. Videla," 23 November 1977, Argentina Folder 1 - CSO/PSS.01, OPANAL Archives

<sup>20</sup> In 1974 Chile, like Brazil, ratified the Treaty of Tlatelolco without waiver of paragraph 2 of Article 28.

<sup>21</sup> Letter, H.G. Espiell to A.G. Robles, 7 December 1977, Brazil Folder 1 - CSO/PSS.01, OPANAL Archives

<sup>22</sup> CG/PV/22, 19 April 1975, 27

Conference meetings.<sup>23</sup> All the while Brazil used its ties to Tlatelolco as a shield against international criticism of its nonproliferation record, and in particular its refusal to sign the NPT.<sup>24</sup> When the Argentine delegation finally broke its silence at the 1981 General Conference meetings, it did so to criticize Article 13 of Tlatelolco that requires states under the Treaty to individually negotiate safeguards agreements with the International Atomic Energy Agency (IAEA).<sup>25</sup> In the end, neither Argentina nor Brazil would become full members of Tlatelolco until 1994.

### **The Falklands/Malvinas War and OPANAL's 1983 General Conference Meetings**

Between April 2 and June 14, 1982, Argentina and Great Britain waged the Falklands/Malvinas War for possession of the Falklands/Malvinas, South Georgia, and South Sandwich Islands in the South Atlantic Ocean. As mentioned in the introduction, Argentina claimed that Great Britain violated Tlatelolco during the War by deploying nuclear propelled submarines to the geographic area demarcated by the Treaty and by entering the Zone with ships carrying nuclear weapons, possibly with the intent of using them in the conflict.<sup>26</sup>

Conversely, others found the Falklands/Malvinas War to have heightened the danger posed by *Argentina's* nuclear program. During the War, US officials made it clear to one journalist from *The New York Times* that, "No matter the outcome of the Falklands conflict, Argentina is now more likely than ever to develop an atomic bomb as a sign of its military strength. If this happens, Brazil, the continent's leading power, will be psychologically pressed to do the same. Such developments would be disastrous to Washington's hopes of limiting the spread of nuclear weapons."<sup>27</sup> A US special National Intelligence Estimate

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<sup>23</sup> CG/PV/27, 20 April 1977, 9

<sup>24</sup> M. Serrano, *Common Security in Latin America*, 55

<sup>25</sup> CG/PV/38, 21 April 1981, 4–6

<sup>26</sup> See, for example, "Denúncianse violaciones a normas del tratado de no proliferación," *La Prensa*, Buenos Aires, 15 April 1982, Argentina Folder 2 – CS0/PSS.02, OPANAL Archives

<sup>27</sup> B. Gwertzman, "US Sees Setback to its Latin Ties," *The New York Times*, 23 May 1982. Available: <http://www.nytimes.com/1982/05/23/world/us-sees-setback-to-its-latin-ties.html>

conducted in September 1982 found great uncertainty in the state of Argentina's nuclear program; Argentina's political and economic instability would inhibit efforts to build nuclear weapons, but its embarrassing defeat in the Falklands/Malvinas War enhanced its desire for such a capability. The report recalled that Argentina's nuclear ambitions and development had historically persevered through equally adverse domestic conditions.<sup>28</sup> Indeed, in late 1983, and much to the surprise of Western intelligence agencies, the Argentine Nuclear Energy Commission (CNEA) announced that it had developed gaseous diffusion uranium enrichment capabilities, a technology held by only the most advanced nuclear powers in the world.<sup>29</sup> This development led Brazil to believe that Argentina could have a nuclear explosive device by the mid 1980s.<sup>30</sup>

Yet after the Falklands/Malvinas War, Argentina used OPANAL's General Conference meetings as a forum to address Great Britain's perceived nuclear violations and thereby strengthen Latin America's nuclear nonproliferation regime. At the May 1983 General Conference meetings in Kingston, Jamaica, the Argentine observer Altilio N. Molteni was forceful in his condemnation of British actions during the War. Molteni found the conflict to be the first test of the effectiveness of Tlatelolco. It reflected the credibility of NWFZs as a whole and constituted "a mockery of the growing international public opinion that each time, with more vigor, criticizes the existence of nuclear arms." Molteni criticized Great Britain for bringing the threat of nuclear accident to Latin America. He also suggested that Great Britain had been ready to use nuclear weapons against his country, quoting British Prime Minister Margaret Thatcher's statement at the Second UN General Conference on Disarmament that

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<sup>28</sup> "Special National Intelligence Estimate, SNIE 91-2-82, 'Argentina's Nuclear Policies in Light of the Falkland's Defeat,'" 1 September 1982, History and Public Policy Program Digital Archive, Obtained and contributed by William Burr and included in NPIHP Research Update #11, 3. Available:

<http://digitalarchive.wilsoncenter.org/document/116895>

<sup>29</sup> J.R. Redick, J.C. Carasales, and P.S. Wrobel, "Nuclear rapprochement: Argentina, Brazil, and the nonproliferation regime," *The Washington Quarterly*, Volume 18, Issue 1, (Winter 1995): 107-122

<sup>30</sup> T. Coutto, "An International History of the Brazilian-Argentine Rapprochement," *The International History Review*, Vol. 36, No. 2 (20 January 2014): 317

“these promises [of non-use] are never able to be reliable amidst the tension of war.” Molteni concluded that Great Britain wanted “to satisfy its ambitions of colonial perpetuation with a unilateral interpretation [of Tlatelolco], to restrict the scope and force of the Zone that Latin American countries want to see free of the scourge of the military uses of nuclear energy.”<sup>31</sup>

British observer David M. Edwards found much of Molteni’s rhetoric “confined to polemic terms or based in hypothetical criteria or . . . in large measure impertinent to the true work of the conference.” Edwards addressed Argentina’s complaint that Great Britain had ignored its obligations under Tlatelolco by responding that, “At least the United Kingdom has obligations. The United Kingdom has accepted formal juridical obligations under the Protocols, while Argentina has not even ratified the Treaty.” He also argued that Thatcher’s quote was taken out of context, and noted that Great Britain had never lost, had an accident, or experienced the dispersal of radioactive contamination with, nuclear weapons.<sup>32</sup> Overall, the British denied violating the Additional Protocols, but noted that it was against national security policy to confirm or deny the presence of nuclear weapons in a given location.<sup>33</sup>

At the heart of the British defense rested two contentious questions. The first involved the definition of nuclear submarines: Did they employ nuclear power for warlike purposes and thus violate Tlatelolco? Great Britain maintained that nuclear submarines were not explicitly prohibited under the definitions of a nuclear weapon laid out in the Treaty. A second issue involved the geographical area where Great Britain had attacked and sunk Argentina’s warship *ARA General Belgrano*: Did such an action, with the use of the British nuclear submarine *HMS Conqueror*, and possibly with the presence of nuclear weapons in the

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<sup>31</sup> CG/PV/45, 17 May 1983, 34–36

<sup>32</sup> CG/PV/49, 19 May 1983, 3–7

<sup>33</sup> Gros Espiell, then a special advisor to OPANAL at the time of the Falklands/Malvinas War, found Great Britain to be guilty of violating Latin America’s NWFZ: “It’s clear that there is no direct and full proof that the British ships brought nuclear weapons. But, personally, I am convinced of it; I believe that those arms were brought to the South Atlantic to be used in an extreme case, in a final and critical situation if the existence and success of the [British] expeditionary force of the operation was in question.” H.G. Espiell, “El Conflicto Belico de 1982 en el Atlantico Sur y el Tratado de Tlatelolco,” in OPANAL (ed.) *Vigesimo Aniversario del Tratado de Tlatelolco* (Mexico City, MX: 1987): 69

area, even fall within the Zone demarcated by Tlatelolco? From Great Britain's perspective, Argentina's incomplete membership under Tlatelolco meant that the area of conflict did not fall under the Treaty's jurisdiction.<sup>34</sup>

What is to be made of the British defense? The issue was, and remains, far from clear. Nuclear submarines are not explicitly defined under the Treaty of Tlatelolco as nuclear weapons, but some argued that the use of nuclear submarines in the War, even in carrying conventional armaments, employed nuclear power for non-peaceful purposes and thereby violated the principles of Tlatelolco.<sup>35</sup> Meanwhile, Argentina's incomplete membership under Tlatelolco made the Treaty null and void for its territory, but the Falklands/Malvinas, South Georgia, and South Sandwich Islands were *British*, not Argentine, territory, therefore making those insular possessions, and their defense, fall under British obligations to the Additional Protocols.<sup>36</sup> Further complicating matters was the fact that the longitudinal and latitudinal coordinates demarcating Latin America's NWFZ agreed upon during the negotiations of Tlatelolco would not come into effect until all possible parties adhered to the Treaty. Where did the Treaty begin and end in the South Atlantic?<sup>37</sup> And more generally, how was OPANAL to confirm the presence of nuclear weapons in the theater of conflict?<sup>38</sup>

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<sup>34</sup> CG/PV/49, 19 May 1983, 6

<sup>35</sup> A report produced by OPANAL's Secretary General in the lead-up to 1983 General Conference meetings encapsulated the conundrum concerning nuclear submarines. The Secretary General concluded that nuclear submarines did not violate Tlatelolco because they used nuclear energy in a controlled manner and believed a 1971 Jamaican inquiry into the matter served as precedent. However, he also found Great Britain's use of nuclear submarines to defend the Falklands/Malvinas Islands to violate the philosophy of the peaceful uses of nuclear energy laid out in Article 1 of Tlatelolco. See, CG/234, 10 May 1983. Available in: Naciones Unidas Ofic. Res. R-03-191, Fondo Organismos Internacionales, Vol. 1019, Archivo General Histórico (hereafter: AGH), Ministerio de Relaciones Exteriores, Santiago, Chile, 5, 8

<sup>36</sup> H.G. Espiell, *El Conflicto Belico De Las Malvinas (abril-junio 1982), Las Armas Nucleares Y El Tratado De Tlatelolco*, (Madrid, Spain: Colegio Mayor Argentino, Nuestra Señora de Luján, 1983): 18, 26; In May 1983 OPANAL's Secretary General found that the Falklands/Malvinas, South Georgia, and South Sandwich Islands fell under British obligations to the Additional Protocols. See, CG/234, 10 May 1983, 4

<sup>37</sup> J.R. Redick, "The Politics of Denuclearization," 239

<sup>38</sup> OPANAL's Secretary General wrote that he conferred with the British ambassador to Mexico and had received assurances from Great Britain that it "is a signatory of the Treaty of Tlatelolco, that restricts the use of nuclear devices for warlike purposes and we are committed to not breaking our word." It is unclear when this consultation took place. See, CG/234, 10 May 1983, 6

The nuclear-weapon states in attendance at the 1983 General Conference meetings found no fault with British actions during the conflict. As Gros Espiell later wrote, “One cannot forget the tremendous passion exercised by the United States and the observers of NATO including France, for which there was no resolution to openly condemn English actions.”<sup>39</sup> France mimicked Great Britain’s argument, while the US defense of Great Britain rested on the notion that adherence to Tlatelolco’s Additional Protocols did not affect the right to freedom of navigation of the high seas or the innocent passing of one country through the territorial waters of another.<sup>40</sup> The US observer also warned against political arguments obstructing the legal basis of the Additional Protocols, and had sent a letter to OPANAL before the 1983 General Conference meetings pressuring the Agency to come to a resolution in favor of Great Britain.<sup>41</sup>

Even the Soviet Union did not take the opportunity to condemn its Cold War rivals. It remained silent on the dominant issue of the 1983 General Conference meetings and instead expressed its concern over the potential for Argentina, Brazil, and Chile to become nuclear powers in their own right.<sup>42</sup> This abstention is surprising given Soviet actions during and after the Falklands/Malvinas War. On the first day of the conflict the Soviet Union issued a statement that found the US reservation allowing for transit of nuclear weapons through Latin America’s NWFZ to be contrary to the purposes of Tlatelolco.<sup>43</sup> Meanwhile, Western officials believed that the Soviets had dispatched two nuclear submarines of their own to the

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<sup>39</sup> Gros Espiell noted that of the European observers, only Spain refrained from taking Great Britain’s side in the matter. See, H.G. Espiell, *El Conflicto Belico De Las Malvinas*, 23

<sup>40</sup> Like Great Britain, the observer for France found that Argentina’s territory did not fall under the specified geographic zone of Tlatelolco (because of its incomplete membership) and that nuclear submarines did not fall under the definition of nuclear weapons as stipulated by Tlatelolco. Meanwhile, the US had evoked these “reservations” when it ratified Additional Protocol II of Tlatelolco in 1971. See, CG/PV/49, 19 May 1983, 18; See, J.R. Redick, “Nuclear Illusions,” 18

<sup>41</sup> “Letter from US to OPANAL on Eighth General Conference of OPANAL May 16–19,” 8 May 1983, Argentina Folder 2 – CSO/PSS.02, OPANAL Archives; CG/PV/45 17 May 1983, 47–48

<sup>42</sup> *Ibid*, 19–26

<sup>43</sup> “United States of America: Ratification of Additional Protocol II to the Treaty of Tlatelolco,” 12 May 1971, The United Nations Office for Disarmament Affairs. Available: [http://disarmament.un.org/treaties/a/Tlatelolco\\_p2/unitedstatesofamerica/rat/mexico+city](http://disarmament.un.org/treaties/a/Tlatelolco_p2/unitedstatesofamerica/rat/mexico+city)

South Atlantic during the conflict in order to locate British nuclear submarines for Argentina. As one senior British official quipped, “Stalin was flexible enough to make a deal with Hitler over Poland. Why should the Politburo embrace neutrality now in view of that record?”<sup>44</sup> In January 1983 the Soviet Defense Ministry newspaper *Krasnaya Zvezda* accused Great Britain of carrying nuclear weapons aboard the *HMS Sheffield* during the War and believed that British naval vessels were carrying out nighttime search and salvage missions to recover the lost weapons from the sunk destroyer.<sup>45</sup>

Many Latin American states expressed their position on the Argentine-British debate within OPANAL’s General Conference. Like Argentina, Brazil felt threatened by the presence of extra-regional states in the South Atlantic, and had provided its South American rival clandestine wartime assistance to fight the British.<sup>46</sup> Argentina’s vulnerability from its economic woes and transition to democracy enhanced its need to cooperate with Brazil and made Argentina appear less of a threat, especially as it placed its nuclear program further under civilian control.<sup>47</sup>

OPANAL was not responsible for the growing rapprochement between Argentina and Brazil, but its General Conference provided a forum through which to further facilitate, and capitalize on, the heightened cooperation. Although succinct in its comments, Brazil used OPANAL’s General Conference to unequivocally support Argentina’s case against Great Britain. Brazil’s observer stated that NWFZs needed guarantees from the world’s nuclear

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<sup>44</sup> D. Middleton, “2 Soviet Subs Reported in Crisis Area,” *The New York Times*, 14 April 1982. Available: <http://www.nytimes.com/1982/04/14/world/2-soviet-subs-reported-in-crisis-area.html?module=Search&mabReward=relbias%3Ar%2C%7B%221%22%3A%22RI%3A5%22%7D>

<sup>45</sup> An Argentine Exocet missile struck the *HMS Sheffield* on May 4, 1982 and the destroyer sunk six days later. “Soviet Asserts Britain Risked Nuclear Mishap in Falklands,” *The New York Times*, 23 January 1983. Available: <http://www.nytimes.com/1983/01/23/world/soviet-asserts-britain-risked-nuclear-mishap-in-falklands.html>

<sup>46</sup> J. Casado and E. Oliveira, “Ilhas Malvinas: Brasil apoiou tráfico de armas para Argentina,” *O Globo*, Rio de Janeiro, 21 April 2012. Available: <http://oglobo.globo.com/pais/ilhas-malvinas-brasil-apoiou-trafico-de-armas-para-argentina-4707825>

<sup>47</sup> P.S. Wrobel, “From Rivals to Friends: The Role of Public Declarations in the Argentina-Brazil Rapprochement,” in M. Krepon (ed.), *Declaratory Diplomacy: Rhetorical Initiatives and Confidence Building*, Report No. 27 (Washington, DC: The Stimson Center, 1999): 138; It is important to note, however, that the rapprochement was taking place before the transition to democracy in both countries, highlighted in the nuclear field by the 1980 bilateral agreement to use nuclear energy for peaceful purposes. See, T. Coutto, “An International History of the Brazilian-Argentine Rapprochement,” 315



powers that they would not use or threaten the use of nuclear arms against countries without nuclear weapons programs. He added that, “Brazil is worried only with the idea that in certain situations the introduction of nuclear arms into Latin America is able to be considered acceptable.” The Brazilian observer went on to predict that such actions would destroy efforts to use nuclear energy for peaceful purposes and the advancement of humanity.<sup>48</sup>

The other Latin American members of OPANAL delivered diverse responses to the feud between Argentina and Great Britain. The Panamanian and Nicaraguan representatives defended Argentina’s position, stating that the mere presence of British nuclear weapons threatened Latin America’s NWFZ.<sup>49</sup> Nicaragua asked other delegations to condemn Great Britain’s presence in the South Atlantic as a violation of the “spirit of Tlatelolco” and, finding this to be an historic moment for the Treaty, urged the definitive prohibition of nuclear arms arriving on ships with military purposes.<sup>50</sup> Yet some Latin American participants, such as Uruguay and Trinidad and Tobago, were less prepared to criticize British actions in such a forum.<sup>51</sup> Chile, which had hitherto followed Argentina and Brazil in remaining formally outside of the Tlatelolco regime, remained silent on the issue within the General Conference likely due to its clandestine support for the British during the War.<sup>52</sup>

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<sup>48</sup> CG/PV/44, 17 May 1983, 34–35

<sup>49</sup> In March 1983 Panama sent a letter to all of the signatories of Tlatelolco whereby it expressed its belief that Great Britain had violated “the spirit of Tlatelolco” with its actions during the Falklands/Malvinas War. See, CG/234, 10 May 1983, 6–8

<sup>50</sup> CG/PV/49, 19 May 1983, 12

<sup>51</sup> The Uruguayan representative simply re-read definitions of nuclear weapons, presumably in the hopes of determining whether or not a nuclear submarine used in a conflict would count as a violation of Tlatelolco. Overall, he did not come to any meaningful conclusion on the issue. See, CG/PV/46, 18 May 1983, 12–14; Trinidad and Tobago questioned whether the General Conference was the proper forum to discuss such matters. See, CG/PV/49, 19 May 1983, 14–15; OPANAL’s Secretary General avoided the debate altogether, saying that he did not think he should address the questions raised by the various delegates but instead should move on to more routine business. See, CG/PV/46, 18 May 1983, 21

<sup>52</sup> The Chilean observer internally reported that his delegation had “maintained close contact [on the issue] with Great Britain which appreciated, repeatedly, our cooperation.” In comparison, Chile informed Argentina that its “insistence on radical positions” was counterproductive. Chile’s observer believed that the Non-Aligned Movement (NAM), which “approves acts of this nature to make its weight and frustration felt with the policies of the great powers,” had influenced the Argentine position. See, Embajador Representante Permanente de Chile ante Naciones Unidas (Trucco) al Señor Director de Política Especial, “Remite Informe VIII Reunión,” Naciones Unidas Ofic. Res. R-03-191, Fondo Organismos Internacionales, Vol. 1019, 2 June 1983, AGH, 16; On Chile’s role in the War, see, for example, J. O’Sullivan, “Chile’s Valuable Role in the Falklands,” *National Review Online* 3 April 2012: Available: <http://www.nationalreview.com/corner/295165/chiles-valuable-role->

## The Formal Response of Latin America's NWFZ to the Falklands/Malvinas War

From the perspective of Argentina and many Latin American states, multilateral organizations had failed to protect the region from acts of British imperialist aggression during the Falklands/Malvinas War. Due to US support for Great Britain, the Organization of American States (OAS) failed to uphold the so-called "Rio Pact" that promised collective security against an extra-hemispheric attack. In their eyes, the UN, under the thumb of its Security Council, acted belatedly to stop British aggression and failed to address Argentine claims.<sup>53</sup> Initially, OPANAL proved no different by adopting a pro-British position, possibly due to US pressure.<sup>54</sup> Three weeks into the Falklands/Malvinas War, OPANAL's Office of the Secretariat wrote in a memorandum that Tlatelolco did not cover Argentine and Brazilian territory, that the British had not brought nuclear weapons into the theater of conflict, and that nuclear submarines were not nuclear weapons since they were examples of a controlled use of nuclear energy.<sup>55</sup>

The 1983 General Conference meetings changed OPANAL's posture. At the end of the meetings OPANAL passed Resolution 170 that resolved to "take note" of the statement made by Great Britain that it had not violated the Additional Protocols and to "take note with concern" the Argentine allegations of British aggression with nuclear weapons. Resolution 170 also held that OPANAL would "express its concern over the fact that nuclear propelled

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[falklands-war-john-osullivan](#); "Chile Not Proud of Falklands War Support', but 'proud of peace treaty with Argentina,'" *MercoPress* 18 August 2014: Available: <http://en.mercopress.com/2014/08/18/chile-not-proud-of-falklands-war-support-but-proud-of-peace-treaty-with-argentina>

<sup>53</sup> J.O. Laucirica, "Lessons From Failure: The Falklands/Malvinas Conflict," *Seton Hall Journal of Diplomacy and International Relations*, Vol. 1, No. 1, (2000): 79–95. Available:

<http://blogs.shu.edu/diplomacy/files/archives/laucirica.pdf>; G. Connell-Smith, "The OAS and the Falklands Conflict," *The World Today*, Vol. 38, No. 9 (Sep., 1982): 340–347

<sup>54</sup> M. Serrano, *Common Security in Latin America*, 48

<sup>55</sup> It is unclear how OPANAL's Secretary General came to the second conclusion concerning the location of British nuclear weapons. "Memorandum," 21 April 1982, Argentina Folder 2 – CSO/PSS.02, OPANAL Archives

submarines have been used in warlike actions in areas falling within the geographical Zone defined by . . . the Treaty.”<sup>56</sup>

Gros Espiell later wrote that in issuing Resolution 170, the General Conference likely did as much as it could in expressing its concern that nuclear-powered submarines could be employed for warlike purposes.<sup>57</sup> Mexican political scientist Mónica Serrano is more dismissive of the Agency’s actions. She finds that OPANAL’s performance in the crisis “revealed its incapacity to take advantage of the legal and political opportunities offered by the instruments provided by the Treaty of Tlatelolco.” Serrano points out that Argentina’s inability as an informal member of Tlatelolco to call an exceptional meeting of OPANAL’s General Conference hampered the ability of OPANAL to deal with the crisis in real-time.<sup>58</sup>

OPANAL’s response was toothless, but Resolution 170 had shifted OPANAL’s stance during the Falklands/Malvinas War from support for Great Britain to concern over its actions.<sup>59</sup> Argentina found this shift to be important. It used Resolution 170 at the 1985 General Conference meetings as evidence that OPANAL had acknowledged the presence of British nuclear arms in the region and had reaffirmed its “commitment to prevent all those activities that put in danger the status of the military denuclearization of Latin America.”<sup>60</sup>

Both Argentina and Nicaragua believed that the precedent set by Resolution 170 could soon be put to the test. At the 1985 and 1987 General Conference meetings Argentina claimed

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<sup>56</sup> “Resolución 170 (VIII): Informaciones sobre la introduccion de armas nucleares por parte del Reino Unido del Gran Bretaña e Irlanda del Norte en la zona de las Islas Malvinas, Georgias del Sur, y Sandwich del Sur,” 18 May 1983. OPANAL Resolutions Website. Available:

<http://www.opanal.org/Conference/sp/cgres/opacgres08.html>

<sup>57</sup> H.G. Espiell, *El Conflicto Belico De Las Malvinas*, 27

<sup>58</sup> M. Serrano, *Common Security in Latin America*, 49

<sup>59</sup> The Chilean observer reported that, “with a lot of discretion, [the Chilean delegation] suggested moderate solutions” accepted by the Latin American states negotiating Resolution 170, but conceded that the final product “constituted a success for Argentina.” He also saw a potential lesson in Argentina’s use of Tlatelolco while it remained outside of the Treaty’s formal jurisdiction: “. . .with respect to Argentina, it is interesting to consider the need to not separate the politics of national security and that country’s nuclear development from the Tlatelolco system. One should not discard the alternative that, even overcoming the known difficulties of Argentina to ratify that instrument, it has not done it. This fact would suggest studying the possibility of considering as an alternative the reexamination of our national position on the matter, with pragmatism.” See, “Remite Informe VIII Reunión,” 16

<sup>60</sup> CG/PV/51, 7 May 1985, 49–50

that Great Britain still patrolled the South Atlantic with nuclear submarines and nuclear-capable battleships, and now stationed nuclear-capable Harrier jets on an increasingly militarized “Fortress Falklands.” Argentina found that “this new British initiative creates a new source of tension and conflict in the area, able to affect the security of the region and with a purpose incompatible with Resolution 170.”<sup>61</sup> Meanwhile, at the 1985 General Conference meetings Nicaragua expressed concern over what it perceived to be the stationing of US nuclear weapons in Puerto Rico and the presence of US nuclear-armed vessels off the Nicaraguan coast meant to influence (through intimidation) the outcome of its civil war in favor of anti-government forces.<sup>62</sup>

Like Argentina and Nicaragua, Brazil looked to strengthen Latin America’s NWFZ against violations by contracting nuclear weapon states. At the 1987 General Conference meetings Brazil found it necessary to establish “adequate and reliable procedures for verification of the fulfillment of responsibilities assumed with relation to the Zone by the nuclear armed powers. Only with the adoption of these measures, that today do not exist, will there be complete assurance of the essential equality of the obligations and responsibilities between the two groups of [nuclear and non-nuclear] states.” Brazil worked with Mexico and other Latin American parties to draft Resolution 208, which put OPANAL’s Council in charge of studying how to ensure strict adherence to Tlatelolco by all contracting parties, especially those under the Additional Protocols.<sup>63</sup> Brazil’s observer found that Resolution 208 “gives us the hope that these concerns were taken in due consideration, and that the crucial problem [of foreign violations of Tlatelolco] of which I have made reference was properly considered, with a view to finding satisfactory solutions.”<sup>64</sup>

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<sup>61</sup> CG/PV/58, 28 April 1987, 26–27

<sup>62</sup> CG/PV/51, 7 May 1985, 37–39

<sup>63</sup> CG/PV/53, 9 May 1985, 31–32, 36; “Resolución 208 (IX): Examen de las medidas tendientes a alcanzar a plena vigencia del Tratado de Tlatelolco y el estricto cumplimiento del Tratado y sus Protocolos Adicionales,” 9 May 1985. Available: <http://www.opanal.org/Conference/sp/cgres/opacgres09.html>

<sup>64</sup> CG/PV/58, 28 April 1987, 37

In particular, Brazil looked to prevent a recurrence of the nuclear problems posed by the Falklands/Malvinas War. At the 1986 United Nations General Assembly (UNGA) Brazil led the creation of the Zone of Peace and Cooperation in the South Atlantic. This interregional initiative emphasized coordination in nuclear nonproliferation efforts between the African and Latin American states bordering the South Atlantic.<sup>65</sup> Brazil introduced the initiative at OPANAL's 1987 General Conference and received praise for its leadership in strengthening and extending the region's commitment to nonproliferation. Uruguay began to strategize on how to properly integrate this Zone with Tlatelolco, and suggested that part of the next General Conference meetings be dedicated solely to this topic.<sup>66</sup> At the 1989 General Conference meetings Brazil supported Peru's suggestion that the South Atlantic Zone receive input from all Latin American members participating in OPANAL's General Conference.<sup>67</sup>

OPANAL increasingly became a forum for Argentine cooperation with other General Conference participants as well. At the 1987 General Conference meetings France, possibly finding camaraderie with another outcast of an international nonproliferation regime, reneged on its prior support for Great Britain and forcefully defended Argentina's nuclear program and its opposition to British actions. During one session the Argentine delegation conceded speaking time to France. In turn, France attacked Great Britain for building "Fortress Falklands," for being secretive about its actions in the South Atlantic, and for its irresponsibility under the Additional Protocols. Such support by a Western nuclear weapon state strengthened the position of all Latin American parties working within OPANAL to prevent future nuclear intrusions into region.<sup>68</sup>

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<sup>65</sup> The Zone of Peace and Cooperation in the South Atlantic came into effect in 1994.

<sup>66</sup> CG/PV/58, 28 April 1987, 9, 32; CG/PV/59, 28 April 1987, 25

<sup>67</sup> CG/PV/64, 26 April 1989, 16

<sup>68</sup> CG/PV/58, 28 April 1987, 25–29

## **OPANAL as Model**

Before the Falklands/Malvinas War, OPANAL was mostly an inefficient and ineffectual regional nuclear nonproliferation agency that struggled to affect change in Latin America. Likewise, the importance of OPANAL in dealing with the Falklands/Malvinas War should not be overstated: It had no impact on the outcome of the conflict, its retroactive analysis of Great Britain's potential violation of Tlatelolco produced no tangible ramifications, and Argentina and Brazil, the region's two most advanced nuclear states, remained outside of Tlatelolco's formal jurisdiction even as they tried to use the Treaty to their own advantage.

And yet, Argentina and Brazil found in OPANAL a common shield against perceived nuclear imperialism after the War. OPANAL provided these two rivals a chance to reinforce each other's regional nuclear nonproliferation initiatives even as they were external to the Tlatelolco regime, thereby helping to build trust not only between themselves but with other Latin American states as well. It provided all Latin American states a forum to engage in multilateral contact on nuclear nonproliferation issues as well as maintain contact with non-Latin American nuclear weapon states, all (crucially) without extra-regional oversight. Despite the underwhelming official response by OPANAL to perceived British violations of Tlatelolco during the Falklands/Malvinas War, Argentina, Brazil, and other states still found it to be important, and joined in efforts to strengthen the Latin American nuclear nonproliferation regime. Perhaps the larger point to be made is that many Latin American states *wanted* OPANAL to rectify perceived violations of Tlatelolco. Overall, this working paper finds that even a weakened regional nonproliferation agency like OPANAL can play an important role in the aftermath of a perceived nuclear threat from an extra-regional state.

Of the other eight NWFZs currently in existence, Africa might be best situated to learn from OPANAL's experience with the Falklands/Malvinas War. The 1996 Treaty of Pelindaba that established Africa's NWFZ in 2009 created the African Commission on

Nuclear Energy (AFCONE). AFCONE, like OPANAL under Tlatelolco, helps ensure the proper functioning of Pelindaba, but consists of only twelve African states that serve a three-year term. It too faces an insular problem in Diego Garcia, a tiny island in the Indian Ocean claimed by Mauritius (a member of Africa's NWFZ) and Great Britain, but leased by the latter to the US for military operations.

The African states that negotiated Pelindaba agreed that Diego Garcia fell under the jurisdiction of Africa's NWFZ. However, Great Britain ratified Additional Protocols I and II to the Treaty with the understanding that Diego Garcia would be excluded.<sup>69</sup> Unsurprisingly, the US, the only eligible nuclear weapon state yet to ratify Pelindaba's Additional Protocols, subscribes to the British position.<sup>70</sup> The highly militarized nature of Diego Garcia (which includes the presence of nuclear-capable aircraft and submarines and thus likely nuclear weapons) and its disputed ownership pose a challenge to the Pelindaba regime. AFCONE, despite its subset representation, is in position to provide a forum for dialogue on the nonproliferation issues raised by Diego Garcia. Such multilateral dialogue will help foster a regional approach towards the island and strengthen Africa's NWFZ moving forward.

In looking towards the future, the Middle East has been signaled by many to be the next best candidate for a NWFZ (and a more encompassing Weapons of Mass Destruction Free Zone). Some studies have considered how nuclear nonproliferation lessons from Latin America could apply to a NWFZ in the Middle East, but most have ignored the importance of an agency like OPANAL.<sup>71</sup> The ability of a potential Middle Eastern nuclear nonproliferation

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<sup>69</sup> P.H. Sand, "Diego Garcia: A thorn in the side of Africa's nuclear-weapon-free zone," *Bulletin of Atomic Scientists*, 8 October 2009. Available: <http://thebulletin.org/diego-garcia-thorn-side-africas-nuclear-weapon-free-zone>

<sup>70</sup> "African Nuclear-Weapon-Free Zone Treaty and its Additional Protocols," US Bureau of International Security and Nonproliferation, US Department of State. Available: <http://www.state.gov/t/isn/4699.htm>

<sup>71</sup> See, for example, P.M. Lewis, "A Middle East free of nuclear weapons: Possible, probable, or pipe-dream?," *International Affairs*, Vol. 89, No. 2 (2013): 445–449; N. Fahmy and P.M. Lewis, "Possible elements of an NWFZ treaty in the Middle East," in Kerstin Vignard (ed.), *Disarmament Forum: Nuclear-weapon-free zones*, United Nations Institute for Disarmament Research (2011). Available: <http://www.unidir.org/files/publications/pdfs/nuclear-weapon-free-zones-en-314.pdf>; E. Solingen, "Middle East

agency to oversee inspections is understandably at the forefront of most thinking on the issue. It would be crucial for the specific nonproliferation dynamics of the Middle East, and is a responsibility not held by OPANAL under Tlatelolco. However, in a region beset by rivalries and conflict and in a field characterized by opacity, it is imperative to create a space for dialogue on issues of nuclear nonproliferation.

An agency similar to OPANAL would provide a forum through which Middle Eastern states could maintain multilateral contact with one another and with extra-regional states on issues of regional nuclear nonproliferation. It would give regional states the power of initiative and a proportionate voice. It would help isolate and insulate issues of nuclear nonproliferation from other contentious regional and global issues. Such a forum could also engage members on the periphery of the regional nuclear nonproliferation regime and facilitate the type of cooperation experienced by Argentina and Brazil in OPANAL's General Conference after the Falklands/Malvinas War. This model would work best for states that are rivals but not enemies, as has historically been the case with states like Iran and Saudi Arabia.<sup>72</sup>

There is currently no pressing extra-regional nuclear threat to the Middle East, but Great Britain did not appear overly menacing to Latin America upon Tlatelolco's inception either. The close proximity of the Middle East to three nuclear weapon states (India, Pakistan, and Russia), the prevalence of US military bases in the region, and the historic use of the Middle East as a corridor for the trafficking of illicit nuclear materials, heightens the need for close coordination under a NWFZ's regional nonproliferation agency.<sup>73</sup>

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Denuclearization? Lessons from Latin America's Southern Cone." *Review of International Studies*, Vol. 27, No. 3, (July 2001): 375–394

<sup>72</sup> See, for example, M.M. Milani, "Iran and Saudi Arabia Square Off: The Growing Rivalry Between Tehran and Riyadh," *Foreign Affairs*, 11 October 2011. Available:

<http://www.foreignaffairs.com/articles/136409/mohsen-m-milani/iran-and-saudi-arabia-square-off>

<sup>73</sup> For a brief description of illicit nuclear trafficking through the region, see, "Middle East and North Africa 1540 Reporting," *The Nuclear Threat Initiative*, 31 January 2014. Available:

<http://www.nti.org/analysis/reports/middle-east-and-north-africa-1540-reporting/>



More generally, the experience of Latin America's NWFZ in the wake of the Falklands/Malvinas War demonstrates the importance of the regionalization of nuclear nonproliferation efforts. For example, Argentina and Brazil's participation in OPANAL's General Conference after the War stemmed in large part from the fact that it was of Latin American origin and run by Latin American parties, not by the nuclear superpowers and suppliers. Over the years, Argentina and Brazil derided the "discriminatory" nature of the NPT, which they found to freeze in place the unequal and arbitrary status quo of nuclear and nonnuclear states.<sup>74</sup> While Argentina and Brazil had some disagreements with the Tlatelolco regime, they were still willing to work with it and through it after the Falklands/Malvinas War, and had always taken pride in its existence.<sup>75</sup>

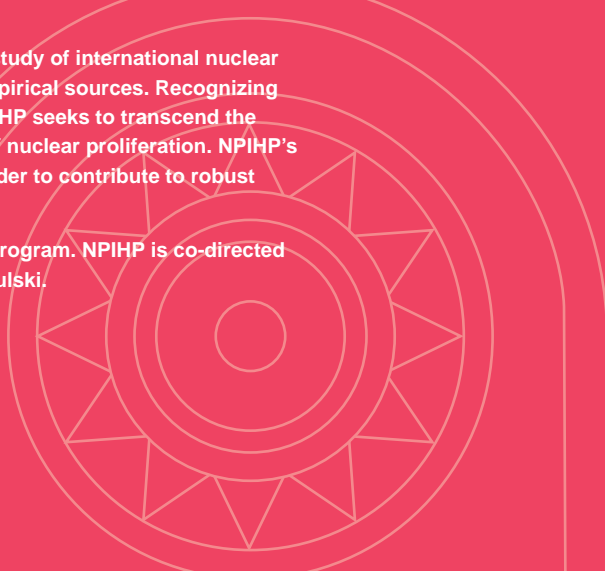

Today Iran, despite its membership, has also used the term "discriminatory" to describe the NPT, while Israel remains one of only five states in the world outside the NPT regime.<sup>76</sup> As in Latin America, perhaps the regionalization of nuclear nonproliferation efforts in the Middle East would provide a more suitable alternative. In any event, the ability of a NWFZ's regional nonproliferation agency to provide a forum for dialogue in dealing with extra-regional nuclear threats further justifies the creation of a NWFZ in the Middle East and in regions elsewhere around the world.

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<sup>74</sup> Argentina ratified the NPT in 1995 and Brazil ratified it in 1998; M. Reiss, *Bridled Ambition: Why Countries Constrain their Nuclear Capabilities*, (Washington, D.C: Woodrow Wilson Center for Special Studies, 1995): 52–54

<sup>75</sup> See, for example, "Apendice: Opiniones y Comentarios de los Estados que, Ademas de Mexico, Participaron en el Debate General del Primer Periodo Extraordinario de Sesiones de la Asamblea General de las Naciones Unidas Dedicado al Desarme y que se Refieron Expresamente al Tratado de Tlatelolco en sus Intervenciones," The Papers of Alfonso García Robles, MS 97–8, Special Collections at the University of Virginia Law Library, Folders 5–7, 6

<sup>76</sup> India, Pakistan, North Korea, and South Sudan are the other four countries, the latter presumably because of its nascent statehood. For some of Iran's more recent comments on the NPT, see, L. Charbonneau, "Iran Slams Anti-Nuclear Weapons Treaty as Discriminatory," *Reuters*, November 5, 2012. Available: <http://www.reuters.com/article/2012/11/05/us-nuclear-iran-treaty-idUSBRE8A41FN20121105>



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