Improving the effectiveness of the strengthened review process for the Treaty on the Non-Proliferation of Nuclear Weapons and implementation of article VI of the Treaty and paragraph 4 (c) of the 1995 Decision on “Principles and Objectives for Nuclear Non-Proliferation and Disarmament”

Report submitted by Peru

1. At the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, the States parties, in their consideration of article VI and the eighth and twelfth preambular paragraphs, agreed in paragraph 15 on the following practical step:

   “12. Regular reports, within the framework of the strengthened review process for the Non-proliferation Treaty, by all States parties on the implementation of article VI and paragraph 4 (c) of the 1995 Decision on ‘Principles and Objectives for Nuclear Disarmament’, and recalling the advisory opinion of the International Court of Justice of 8 July 1996’.”

2. Accordingly, Peru herewith submits its report to the second session of the Preparatory Committee for the 2005 Conference of the Parties.

3. The report is comprehensive, and its structure follows the order of the articles of the Treaty.

4. Peru places particular emphasis in this report on the activities conducted and responsibilities assumed during the period subsequent to the 2000 Conference of the Parties.

Introduction

5. Peru signed the Treaty on the Non-Proliferation of Nuclear Weapons on 1 July 1968, when it was opened for signature. It ratified the Treaty on 3 March 1970,
before its entry into force, and was thus one of the first countries for which the Treaty first entered into force.

6. Peru’s position with regard to nuclear disarmament and non-proliferation is clear. Although it regards measures aimed at limitation of nuclear arsenals, limited nuclear disarmament and non-proliferation as positive, Peru is of the view that these are all necessarily temporary measures, and that nuclear-weapon States and those in a position to produce such weapons must participate in an irreversible process for their full and complete elimination.

7. The guiding principle behind all the multilateral agreements relating to nuclear weapons must be the establishment of a nuclear-weapon-free world. In the absence of specific commitments to the total eradication of nuclear weapons, the risk of proliferation or a nuclear accident, and of these weapons falling into the hands of terrorist groups, will become a real possibility.

8. Peru fully shares the unanimous conclusion of the International Court of Justice (advisory opinion of the International Court of Justice of 8 July 1996) that there exists an obligation for all States to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control. Consequently, Peru has been a co-sponsor of the General Assembly resolutions entitled “Follow-up to the advisory opinion of the International Court of Justice on the Legality of the Threat or Use of Nuclear Weapons”.

9. Peru’s position with regard to nuclear disarmament extends to all weapons of mass destruction and to those conventional weapons which may be deemed to be excessively injurious or to have indiscriminate effects. Peru is also a promoter of conventional disarmament, and has taken steps and submitted initiatives addressed to that end in various contexts, bilateral, subregional, regional and multilateral. Peru is aware of the links between disarmament and development, and urges that, in parallel to all of these efforts to achieve total disarmament, efforts to reduce defence spending with a view to allocating greater resources to social investment and combating poverty should be conducted with the same intensity.

10. Peru reaffirmed its commitments and agreed positions in subregional, regional, international and multilateral mechanisms and instruments such as the Andean Community, the Rio Group, the Organization of American States (OAS), the Ibero-American Summit, the Movement of Non-Aligned Countries and the United Nations.

Article I

11. Peru considers strict compliance with this obligation by nuclear-weapon States to be of great importance. Legislative provisions penalizing non-compliance are not sufficient. Stricter control systems, both national and international, need to be put into effect in order to prevent nuclear weapons from falling into the hands of international terrorism.

12. It must nevertheless be recognized that this risk will be considerably reduced if the number of nuclear weapons, and the fissile material they contain, are also reduced. Nuclear-weapon States should accordingly take all necessary measures to speed up the process of achieving a nuclear-weapon-free world.
Article II

13. Peru fully complies with the obligation contained in this article of the Treaty.

14. Peru is firmly committed to the denuclearization regime provided for in the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco), and consequently to the complete elimination of nuclear weapons. Accordingly, as current Chairman of the Rio Group, it coordinated the communiqué of 16 January 2003 relating to the situation created by the decision of the Democratic People’s Republic of Korea to withdraw from the Treaty on the Non-Proliferation of Nuclear Weapons and the safeguards system of the International Atomic Energy Agency (IAEA), a decision which affects the stability of the East Asia region and constitutes a step back from the international commitments whose main objectives are the maintenance of international peace and security among nations.

15. Similarly, Peru complies fully with its obligations under article 1 of the Treaty of Tlatelolco, which contains obligations similar to those contained in article II.

16. This commitment was also reiterated in the Andean Charter for Peace and Security: limitation and control of external defence spending, adopted in the Lima Commitment on the occasion of the Conference of Ministers for Foreign Affairs and of Defence of the Andean Community on 17 June 2002. In this respect, the Andean Charter establishes the following commitments relating to this article:

   “Commitment to establish a zone of peace in the Andean Community. In the Andean Community Zone of Peace: ... the deployment, manufacture, transport of nuclear, biological and chemical weapons shall be banned, in conformity with the provisions of the Treaty of Tlatelolco ... The development, manufacture, possession, deployment and use of all weapons of mass destruction, as well as their transit through the countries of the subregion, shall be banned”.

   “Commitments to consolidate the ban on nuclear, chemical and biological weapons. The member States of the Andean Community reiterate their commitments: To use the nuclear material and facilities under the jurisdiction exclusively for peaceful purposes and to comply scrupulously with the Treaty of Tlatelolco and its protocols ... To prohibit in their respective territories the manufacture, reception and transit of fissile material and to refuse to accept any transfer of nuclear weapons or other explosive nuclear devices, either directly or indirectly”.

17. It should be pointed out in this connection that the tenth Andean Council of Ministers for Foreign Affairs (Bogotá, 11 March 2003), in its Declaration on the new strategic organization of subregional integration, regarded the initiation of implementation of the development of the programme contained in the Lima Commitment for Peace, Security and Confidence-Building as among the thematic focuses of the new approach.

18. In addition, within the South American sphere, the President of Peru signed at Guayaquil, Ecuador, on 27 July 2000, together with the Presidents or representatives of a further 11 South American countries, the Declaration on the South American Zone of Peace. The Declaration bans the siting, development, manufacture,
Article III

19. All the nuclear material Peru possesses is covered under the Safeguards Agreement between IAEA and Peru, which entered into force on 1 August 1979.

20. Peru was the first country in Latin America to sign and put into effect its Additional Protocol with IAEA for the purpose of applying safeguards in relation to treaties for the banning and non-proliferation of nuclear weapons. This agreement was signed on 22 March 2000 and ratified on 15 June 2001. The Additional Protocol signed between Peru and IAEA entered into force on 23 July 2001.

21. In 2002 Peru submitted its first national report pursuant to the Additional Protocol to the Safeguards Agreement signed with IAEA.

22. Peru participates actively in the work of IAEA, and was until recently a member of its Board of Governors (2000-2002). It currently participates in the Board as an observer.

23. In addition, Peru chairs together with Australia the informal open-ended working group established for the purpose of reaching consensus on the IAEA programme and budget for 2004 and 2005, which began work in the last week of March.

24. Promotion of the signing of additional protocols is a task which Peru has addressed with particular enthusiasm. Peru forms the central nucleus of the “Group of Friends of the Additional Protocol” (together with Australia, Austria, France, Indonesia, Japan, Jordan, Romania and South Africa), the first meeting of which took place on 24 March 2003. The Group was established as a follow-up to the Tokyo International Conference for the Strengthening of IAEA Safeguards (December 2002).

25. At the regional level, in December 2001 Lima was the venue for a regional seminar to promote the signature and/or ratification of additional protocols by the countries of the region. This seminar contributed to the initiation or completion by a significant number of countries in the region during 2002 of their respective ratification processes.

Article IV

26. Peru utilizes nuclear science and technology, with the assistance of IAEA. There are two research reactors in Lima (RP-0 and RP-10). Both facilities are under IAEA safeguards.

27. Peru considers that the countries able to do so should promote the transfer of nuclear knowledge and technology for peaceful purposes, especially to non-nuclear-weapon States. IAEA has a particular role to play in promoting and channelling cooperation for the use of nuclear science and technology. These points were emphasized in Peru’s statement at the 2000 Review Conference on behalf of the member countries of the Andean Community (Bolivia, Colombia, Ecuador, Peru and Venezuela).
Article V

28. The final document of the 2000 Review Conference indicates that the provisions of article V should be interpreted in the light of the Comprehensive Nuclear-Test-Ban Treaty.

29. Peru participated in the negotiation of that Treaty at the Disarmament Conference between 1993 and 1996, and was the first Latin American country to ratify it (12 November 1997) and the second on the list of 44 States appearing in annex II to the Treaty.

30. Similarly, Peru participated in the 1999 Vienna Conference and the 2001 New York Conference convened pursuant to article XV of the Treaty for the purpose of promoting its entry into force. At the New York meeting, it occupied the Vice-Presidency for the Latin American and Caribbean Group. Currently, Peru forms part, together with Austria, Slovakia, Mexico, the Republic of Korea and South Africa, of the Coordination Group (or Group of Friends of the Coordinator) to provide follow-up to the New York Declaration of 2001 and organize the 2003 Conference. Peru was also one of the countries which signed the joint Ministerial Declaration of New York, in September 2002, in support of the early entry into force of the Comprehensive Test-Ban Treaty.

31. Within the hemisphere, Peru has always voted in favour of the adoption of the OAS resolutions entitled “Inter-American support for the Comprehensive Nuclear-Test-Ban Treaty”, which urged the States of the region to sign and/or ratify that Treaty.

32. At the regional level, Peru has also contributed to promoting the ratification and entry into force of the Comprehensive Test-Ban Treaty. Lima was the venue for the Regional Workshop on international cooperation from the Comprehensive Nuclear-Test-Ban Treaty Organization and national processes of implementation of the Treaty, which took place from 29 November to 1 December 2000 with the cooperation of the Geophysics Institute of Peru and the United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean, as well as of the Government of Canada.

33. With regard to the national preparations for the entry into force of the Treaty, on 14 March 2001 Peru signed with the Preparatory Commission the agreement on the conduct of activities related to facilities of the Treaty’s international monitoring system, including activities subsequent to registration. The agreement was approved by legislative resolution on 30 May 2002, and entered into force in July 2002. Pursuant to the agreement, two Peruvian auxiliary seismological stations, located at Naña and Cajamarca, have been incorporated into the international monitoring system of the Treaty.

34. Peru has also promoted the signing of a cooperation agreement between the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (OPANAL) and the Provisional technical secretariat of the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization, which was signed and entered into force in 2002.

35. Peru has participated actively in the Preparatory Commission, having served as Vice-President on four occasions and as coordinator for the signatory States of the Group of Latin American and Caribbean States in the Commission on the proposal
of the Group. The responsibility was assigned to Ambassador Javier Paulinich. It extends until the first half of 2003.

36. Lastly, Peru considers that until the Comprehensive Test-Ban Treaty enters into force for all, all nuclear-weapon States should declare moratoriums on nuclear tests or any other nuclear explosions in accordance with the commitment agreed upon at the 2000 Review Conference (step 2 contained in the Final Document). Peru is pleased that some nuclear-weapon States have declared moratoriums, although these do not exempt States from ratifying the Treaty.

37. Likewise, the nuclear-weapon States must provide legally binding negative security assurances against the use or threat of the use of such weapons against non-nuclear-weapon States, so as to assure them that there will be no use or threat of the use of such weapons. Peru has always supported the establishment within the Conference on Disarmament of a subsidiary body to conduct negotiations with a view to arriving at an arrangement on effective international agreements offering such negative security assurances.

Article VI

Nuclear disarmament

38. Peru promotes all initiatives for the conduct of a multilateral negotiating exercise aimed at halting the nuclear arms race and achieving nuclear disarmament, as well as at supporting bilateral or plurilateral negotiation processes for nuclear disarmament.

39. Peru, as a member of the Group of 21 of the Conference on Disarmament, has sponsored the negotiation of a multilateral agreement on phased step by step nuclear disarmament. Nevertheless, in conformity with the agreement reached at the 2000 Review Conference contained in practical step 4 of the Final Document, Peru has explicitly supported initiatives directed towards the establishment within the Conference of an appropriate subsidiary body to deal with nuclear disarmament. This is particularly true with respect to the Amorim proposal of 2000 and the Initiative of the Five Ambassadors of 2002 and 2003, the latter of which is evolving in nature.

40. Peru is aware that the responsibility for nuclear disarmament rests primarily with the nuclear-weapon States, but also considers it legitimate that the non-nuclear-weapon States should participate in any process directed towards promoting this legally binding commitment, whether this process be unilateral, bilateral, plurilateral, regional or multilateral.

41. Peru is also concerned that, while the efforts of the nuclear-weapon States are not advancing at an appropriate pace, consideration is being given to the possibility of producing new types of nuclear weapons, which is contrary to the spirit and the letter of the Treaty on the Non-Proliferation of Nuclear Weapons.

42. Furthermore, Peru regularly votes in favour of, and on a number of occasions co-sponsors, the General Assembly resolutions calling for nuclear disarmament and non-proliferation, with a view to the complete elimination of nuclear weapons.
Fissile material cut-off treaty

43. Peru also considers that it is in the interests of the entire international community to embark immediately on negotiating a treaty to prohibit the production of fissile material for nuclear weapons and other nuclear explosive devices in the Conference on Disarmament. Also in the Conference on Disarmament, Peru has supported initiatives that comprise drafts of a work programme which would include a mandate for negotiating such a treaty. The text contained in the Shannon mandate, approved in 1995 and 1998, is appropriate for that purpose.

44. While Peru would prefer the mandate in this respect to form part of a full work programme for the Conference, it is prepared to begin negotiating the fissile material cut-off treaty even if it is the only element in a work programme.

45. On the other hand, Peru has a preference for a future fissile material cut-off treaty covering stocks of fissile materials, so that the agreement is not only on non-proliferation but also contains effective nuclear disarmament provisions. Peru nevertheless considers that discussion of stocks should not prevent the immediate adoption of a mandate to negotiate.

General and complete disarmament

Weapons of mass destruction

46. With respect to general and complete disarmament under strict and effective international control, it should be pointed out that Peru is a State party to all the international conventions prohibiting weapons of mass destruction (1925 Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Weapons of Warfare, Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction and Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction). Peru has participated in the process aimed at strengthening the biological weapons convention through the negotiation of a verification protocol, a process which unfortunately has been suspended.

47. Peru is also a party to treaties prohibiting the use of nuclear weapons in certain parts of the common heritage (Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, Antarctic Treaty).

Conventional weapons (multilateral)

48. With respect to conventional weapons, Peru is a State party to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects and its four Protocols, as well as to the Ottawa Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, which totally prohibits this category of weapons. With regard to the latter treaty, Peru has discharged its obligation to destroy its stock of anti-personnel mines within the four-year period provided for in article 4 (it did so in less than three years), and is in the process of demining its entire territory within the 10-year period laid down in article 5.
Conventional weapons (regional and subregional)

49. The commitments contained in the Lima Commitment and the Andean Charter for Peace and Security: Limitation and Control of Expenditure on External Defence, referred to above, constitute, despite their subregional scope, a contribution to the worldwide efforts directed towards disarmament and arms control. Peru is vigorously promoting initiatives for the limitation of arms expenditures in Latin America. In 2001 Peru formulated within the framework of OAS a proposal to freeze the acquisition of offensive weapons in the South American subregion.

Article VII

50. Peru is a party to the Treaty of Tlatelolco, signed on 14 February 1967, which established the first nuclear-weapon-free zone.

51. Peru also participates actively in the work of OPANAL.

52. Peru has supported all OPANAL activities designed to promote the establishment of other nuclear-weapon-free zones. The General Conference of OPANAL held in Lima in November 1999 saw the signature of the Lima Calling, which calls on the international community to create international public awareness in order to proceed, in every sphere, towards the total ban in the use and manufacture of nuclear and mass-destruction weapons.

53. Peru also supported the initiative of the Secretary General of OPANAL in 2000 to convene an international conference of the parties to and signatories of the States parties to the nuclear-weapon-free zones, which is to take place in 2005.

54. Similarly, Peru has been a party to the Antarctic Treaty, which prohibits nuclear weapons in the Antarctic continent, since April 1981, and a consultative State of the Treaty since 1989.

55. In addition, Peru co-sponsors in the General Assembly of the United Nations the resolutions entitled “Nuclear-weapon-free southern hemisphere and adjacent areas”.

Article VIII

56. Peru supported the indefinite extension of the Treaty on the Non-Proliferation of Nuclear Weapons approved by the 2000 Review Conference. Peru has participated in all the review conferences held, and is preparing to participate actively in the 2005 Review Conference.

57. The submission of the present report is a clear example of Peru’s active participation for that occasion.

Article IX

58. Peru attaches great importance to the universalization of the Treaty on the Non-Proliferation of Nuclear Weapons. Accordingly, Peru welcomed the decision of the Government of Cuba to ratify the Treaty, and is pleased that Cuba is participating in the preparatory work for the 2005 Review Conference. With the
accession of Cuba, which has also acceded to the Treaty of Tlatelolco, the process of universalization of the Treaty on the Non-Proliferation of Nuclear Weapons in the Latin America and Caribbean region is complete.

**Article X**

59. Peru regretted the decision of the Democratic People’s Republic of Korea to withdraw from the Treaty on the Non-Proliferation of Nuclear Weapons. The Permanent Mechanism for Consultation and Concerted Policy Action known as the Rio Group, the temporary secretariat of which is currently provided by Peru, expressed that concern in a communiqué dated 16 January 2003. The communiqué urges the Democratic People’s Republic of Korea and the international community “to make every possible effort to find, at the earliest stage, a solution to this crisis through the appropriate diplomatic channels, in strict conformity with the purposes and principles of the Charter of the United Nations”.

60. With regard to the second paragraph of article X, it is reiterated that Peru supported the indefinite extension of the treaty approved by the 2000 Review Conference.

**Article XI**

[No comment]

**Notes**


2 A/51/218, annex.

3 CD/1684.

4 See NPT/CONF.2000/28 (Parts I-IV), Part I, article VI and eighth to twelfth preambular paragraphs, para.15.