

2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

7 May 2010
English
Original: Spanish

New York, 3-28 May 2010

Implementation of the Treaty on the Non-Proliferation of Nuclear Weapons: report submitted by Cuba

Introduction

1. On 4 November 2002, the Government of the Republic of Cuba deposited its instrument of accession to the Treaty on the Non-Proliferation of Nuclear Weapons with the Government of the Russian Federation, thereby becoming a State party to that Treaty.
2. Cuba maintains the declaration it made upon accession to the Treaty. We consider this to be a discriminatory international regime conducive to the existence of a “club of nuclear-weapon-States”, and because these countries have failed, over all the years that have elapsed since the Treaty entered into force on 5 March 1970, to attain the ultimate objective of the total elimination of such weapons.
3. On becoming a State party to the Treaty Cuba’s position of principle did not change. Our country has decided to work from within the Treaty in order to further what we regard to be our priority in the area of disarmament, namely, achieving the total elimination of nuclear weapons.

Specific considerations relating to article III of the Treaty on the Non-Proliferation of Nuclear Weapons and its national implementation

4. Cuba’s interest in nuclear energy relates solely to the peaceful uses of such energy subject to verification by the International Atomic Energy Agency (IAEA), which Cuba recognizes as the authority responsible for verifying compliance with the Treaty.
5. All of Cuba’s programmes involving nuclear energy have strictly peaceful uses. They are subject to strict control by the competent national authorities and have been monitored on a permanent basis by IAEA, even before Cuba acceded to the Treaty.
6. In accordance with its commitments as a State party to the Treaty, Cuba began negotiations with IAEA, of which it is an active member and on whose Board of



Governors it has held a post on several occasions, in order to establish the agreements enabling the Agency to verify the country's nuclear activities.

7. As a result of those negotiations, on 9 September 2003, the Board of Governors approved the Agreement between the Republic of Cuba and the International Atomic Energy Agency for the Application of Safeguards (INFCIRC/633), and the Protocol Additional to that safeguards agreement (INFCIRC/633/Add.1), which were signed by Cuba on 18 September 2003 and ratified on 27 May 2004, entering into force on 3 June 2004.

8. As part of its compliance with these responsibilities, the following actions have been carried out:

(a) The initial report required by the comprehensive safeguards agreement has been submitted to IAEA giving information about the nuclear materials and activities being developed by our country;

(b) Following the final decision to close down the Juraguá nuclear facility, whose construction had been halted in the 1990s, it was agreed to terminate the safeguards and reduce the material balance area established by that nuclear facility;

(c) Negotiations about the structure of our safeguards have been concluded with two material balance areas as locations outside facilities and the key measurement points have been established, although no nuclear facilities exist;

(d) Annual inspections have been carried out, including additional access to the main sites of interest to IAEA;

(e) All the reports and declarations pertaining to the comprehensive safeguards agreement and the additional protocol have been submitted, as well as all responses to the clarifications and communications requested from Cuba by the IAEA Department of Safeguards;

(f) Requests for exemption of 100 per cent of small quantities of nuclear material subject to IAEA safeguards have been made, as established in the comprehensive safeguards agreement;

(g) IAEA has granted exemption requests made by our country;

(h) A procedure has been agreed with IAEA to issue multiple-entry visas to safeguards inspectors approved by Cuba.

9. As a result of these actions, in its Safeguards Implementation Report for 2007, issued in 2008, IAEA reported that it was able to draw conclusions about safeguards in Cuba, that is to say that it had verified all the information about Cuba's nuclear programme provided to the Agency, all the declared nuclear material was destined for peaceful activities and there were no undeclared activities.

10. Cuba numbered among the 47 States that year with double certification from IAEA. In the Safeguards Implementation Report for 2008, issued in 2009, Cuba was among 51 States with that status.

11. Cuba has an effective, predictable and reliable system for the national implementation of the international obligations incumbent upon it as a State party to the Treaty and as a member of IAEA.

12. Cuba has a body of legislation and other procedures which govern all the activities of the various national bodies and institutions whose work relates, in one way or another, to the nuclear sphere.

13. Current national legislation in this area ensures the strictly peaceful use of nuclear energy and associated equipment and technology.

Specific considerations relating to article IV

14. In Cuba, the use of nuclear technologies in critical areas of the economy is greatly appreciated and particular importance is given to technical cooperation from IAEA since, for developing countries, there is a growing need to make use of nuclear technologies in resolving their problems.

15. Cuba's first technical cooperation programme with IAEA was established in 1977 and there has been continuing and free-flowing cooperation ever since. The principal outcomes achieved through the implementation of IAEA technical cooperation programmes in Cuba have been focused on improvements in national capacity in radiotherapy and nuclear medicine; an increase in the quality of production of radiopharmaceuticals and labelled compounds; strengthening the infrastructure of the nuclear regulatory body and the technical basis for radiological protection; the establishment and strengthening of a regional centre for repairs and maintenance of nuclear instrumentation; improvement of the services of nuclear analysis laboratories at the national level; and further development of other applications of nuclear technologies in agriculture, hydrology and industry.

16. However, as we have reported on previous occasions and in other international forums, the IAEA Secretariat faces continued and increasing difficulties in acquiring approved scientific equipment for projects in Cuba, due to the fact that companies in the United States of America, or those with capital investment from that country, cannot sell such equipment for use in Cuba and face the real possibility of sanctions, as a result of the unilateral and unjust economic, commercial and financial blockade imposed by the Government of the United States against Cuba. Among the consequences of that situation, the execution of our projects is more expensive, since the equipment has to be purchased from further away.

17. Cuba confirms its belief that IAEA technical cooperation should be free of political conditions, as reflected unequivocally in the Statute on which the Agency was conceived and established 50 years ago.

Specific considerations relating to article V

18. Cuba is firmly opposed to nuclear testing through explosions or any other means. Nuclear tests, as well as being contrary to the objective of nuclear disarmament and non-proliferation in all its aspects, are themselves a threat to international peace and security.

19. Accordingly, and in keeping with its principled positions on disarmament, Cuba actively participated in negotiations on the Comprehensive Nuclear-Test-Ban Treaty at the Conference on Disarmament, where it clearly stated what should be the letter and the spirit of the Treaty being negotiated.

20. However, the end result did not respond to the interests and expectations of a group of countries, including Cuba, as the Comprehensive Nuclear-Test-Ban Treaty does not place the commitment to eliminate nuclear weapons within a specific time frame nor does it prohibit States from developing or improving nuclear weapons.

21. However, none of this changes Cuba's definitive position as regards the Treaty. For several consecutive years, Cuba has voted in favour of the resolution on the Comprehensive Nuclear-Test-Ban Treaty that has been submitted to the United Nations General Assembly's First Committee each year and adopted with the support of the vast majority of Member States. Pending the entry into force of the Treaty, Cuba believes that all States must refrain from carrying out actions that are contrary to the objectives and aims of that Treaty.

22. Despite the uncertainty surrounding the future of this international instrument, the relevant national authorities continue to give careful consideration to the possibility of Cuba's accession.

23. Whatever the decision with regard to the ratification of the Comprehensive Nuclear-Test-Ban Treaty, it will be taken in the context of the pacifist and multilateral stance of the Cuban Government and people, and will be brought to the international community's attention at the appropriate time.

Specific considerations relating to article VI

24. The Treaty on the Non-Proliferation of Nuclear Weapons is not an end in itself; it is only one step on the path towards nuclear disarmament. Nuclear-weapon States are obliged, pursuant to the provisions of article VI of the Treaty and together with the other States parties, to pursue negotiations in order to achieve nuclear disarmament.

25. The five nuclear powers recognized in the Treaty currently possess over 23,300 nuclear weapons in their arsenals. Cuba deeply regrets the lack of real progress towards fulfilling the unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament and that, since the 2000 Review Conference, there have been serious setbacks to the implementation of that commitment.

26. The advisory opinion of the International Court of Justice of 8 July 1996, with regard to the legality of the threat or use of nuclear weapons, is an important legal precedent that requires adequate follow-up.

27. Although it was not a Party to the Treaty when the sixth Review Conference took place in 2000, Cuba welcomed the adoption of the "thirteen practical steps for the implementation of article VI". Cuba deeply regrets the lack of tangible progress in implementing most of those steps.

28. In that regard, the outcome document of the eighth Review Conference, in 2010, must contain practical commitments that clearly reflect the role and responsibility of the nuclear powers in the disarmament process, which must be undertaken with full respect for the principles of transparency, verification and irreversibility.

29. Historically, Cuba has supported the establishment of an ad hoc committee on nuclear disarmament within the Conference on Disarmament, as a matter of priority.

As a member of the Movement of Non-Aligned Countries, Cuba has called for the achievement of that objective and, in that connection, for the immediate commencement of negotiations on a phased programme for the total elimination of nuclear weapons within a specific time frame, including a convention on nuclear weapons.

30. Cuba is prepared to undertake this exercise and is of the view that the inflexible position of some nuclear Powers is continuing to prevent the Conference on Disarmament from establishing an ad hoc committee on nuclear disarmament.

31. Likewise, Cuba is in favour of beginning negotiations within the Conference on Disarmament on a non-discriminatory, multilateral and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices. Cuba is of the opinion that this treaty should represent a new step towards achieving the objective of the total elimination of nuclear weapons and, accordingly, that it must contain both non-proliferation and nuclear disarmament measures.

32. Cuba supports the establishment within the Conference on Disarmament of an ad hoc committee mandated with negotiating a treaty similar to that described in the preceding paragraph, in the context of the adoption of a programme of work for the Conference which accurately reflects the legitimate interests and priorities of all its member countries.

33. Pending the total elimination of nuclear weapons, a legally binding international instrument must be concluded, as a matter of priority, whereby nuclear-weapon States commit not to use or threaten to use such weapons against non-nuclear-weapon States under any circumstances. The Conference on Disarmament would be an appropriate forum for the negotiation and adoption of such an instrument.

34. Year after year in the United Nations General Assembly, Cuba has supported many resolutions which, directly or indirectly, call for compliance with the objective of nuclear disarmament.

35. Cuba sees the signing of a treaty on the reduction of strategic nuclear weapons between the Governments of the Russian Federation and the United States in April 2010 as a positive sign and believes that these reductions should be irreversible and verifiable. In addition, such commitments should not promote a generalized sense of complacency or divert attention away from our ultimate goal of nuclear disarmament.

Specific considerations relating to article VII

36. In 2002, Cuba not only acceded to the Treaty on the Non-Proliferation of Nuclear Weapons but also decided to ratify the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco), despite the fact that the only nuclear power in the Americas maintains towards Cuba a policy of hostility that does not exclude the use of force.

37. This step constitutes an additional contribution towards strengthening and consolidating multilateralism and international treaties on weapons of mass destruction, and a redoubling of efforts in favour of nuclear disarmament.

38. Cuba strongly supports the establishment of nuclear-weapon-free zones in various countries and regions of the world, on the basis of agreements freely negotiated between the States of the region concerned. Nuclear-weapon-free zones reinforce nuclear non-proliferation and contribute to achieving the objective of nuclear disarmament.

39. Cuba reiterates its support for the establishment of a Middle East zone free of weapons of mass destruction. As a first step, we support the rapid establishment of a nuclear-weapon-free zone in the Middle East.

40. Cuba welcomes the two Conferences of States Parties and Signatories to Treaties that Establish Nuclear-Weapon-Free Zones that were held in Mexico in 2005 and in New York in 2010, since they provided an opportunity to explore and implement concrete methods of cooperation between the various zones and with other interested States.

Other considerations of interest to Cuba with regard to compliance with the Treaty on the Non-Proliferation of Nuclear Weapons

41. As a State party to the Treaty, Cuba maintains that the isolated and selective application of the principle of non-proliferation is insufficient to eliminate nuclear weapons. Only the application of a systematic approach, which would also include the components of disarmament, verification, assistance and cooperation, will be able to guarantee the total elimination of nuclear weapons.

42. Because of the threat that it poses to international peace and security, Cuba is extremely concerned about the development of new types of nuclear weapons and the existence of strategic defence doctrines that are underpinned by the possession and use of such weapons, such as the United States' Nuclear Posture Review and the NATO strategic concept. In addition, the deployment of nuclear weapons by nuclear-weapon States within the territory of non-nuclear-weapon States is a concern.

43. As for concerns that weapons of mass destruction, including nuclear weapons, could be used in terrorist acts, Cuba is firmly convinced that the most effective and sustainable way of preventing this from happening is to achieve the total elimination of these weapons. Against this backdrop, the full, immediate and unconditional implementation of article VI of the Treaty is fundamental.

44. Cuba also considers that such concerns should be addressed within the framework of legally binding international instruments on disarmament and non-proliferation that already exist and in the relevant international organizations, in which the vast majority of countries participate. Cuba will therefore continue to cooperate and take concrete action in connection with these international treaties and bodies, particularly the Treaty on the Non-Proliferation of Nuclear Weapons and IAEA.

45. Imposing non-transparent mechanisms of selective composition that operate outside the United Nations and international treaties is definitely not the right way to tackle the phenomenon of international terrorism, including that relating to the use of weapons of mass destruction, their means of delivery or related materials.

46. Cuba therefore considers that the Proliferation Security Initiative (PSI) erodes the international unity that should exist in the area of non-proliferation and counter-terrorism and, in practice, seeks to usurp the role of the United Nations and the international treaties and intergovernmental bodies that already exist in the area of disarmament and arms control.

47. This Initiative violates — in its design and in the way in which it is implemented — the fundamental principles enshrined in the Charter of the United Nations and recognized in international law, such as non-interference in the internal affairs of States, sovereign equality between all States and the non-use or threat of use of force against the territorial integrity or political independence of any State. It also violates the basic provisions of a number of international treaties, such as the United Nations Convention on the Law of the Sea.

48. The so-called Nuclear Security Summit, organized by the United States for a limited group of countries on 12 and 13 April 2010, has made no contribution to the real efforts being made by the international community to deal with those issues in a transparent and open manner, with the participation of all States and within the framework of such multilateral forums as IAEA that have been established for that purpose.

Conclusions

49. Cuba fully complies with all the obligations and commitments undertaken since its accession to the Treaty on the Non-Proliferation of Nuclear Weapons, as demonstrated by its immediate negotiation and entry into force of safeguards agreements with IAEA and all the actions taken to ensure their full implementation.

50. This demonstrates, through concrete acts, our political will strictly to comply with each and every one of its provisions, including those relating to article VI, with the firm conviction that achieving the objective of nuclear disarmament must continue to be the international community's top priority in the area of disarmament and arms control.

51. Cuba reiterates its willingness to work together with the other States parties to the Treaty, particularly those belonging to the Movement of Non-Aligned Countries, to achieve compliance with all the provisions of this legal instrument and thereby contribute to the international community's efforts in favour of peace, security and a world free from nuclear weapons and the enormous danger that their mere existence represents.

52. The eighth Review Conference, in 2010, could be the scene of real progress towards the elimination of nuclear weapons in a transparent, irreversible and verifiable manner, and for all States parties to the Treaty to set themselves new goals for achieving that objective. This requires the commitment, determined participation and full political will of the international community, especially that of the nuclear-weapon States.