

## **A “Nuclear Integration”: Constructing Supranationality in the South American Southern Cone**

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### **SUMMARY**

The agreements for the peaceful use of nuclear energy reached by Argentina and Brazil are not like the traditional South American integration schemes. Historically, the latter were characterized by their interpresidential structure, which showed progress but produced a precarious level of institutionalization. Although the beginning of the "nuclear cooperation" can also be characterized by its interpresidential nature, later the course of the development turned towards supranationality, with both parties becoming complementary to the same process, previously unknown in the region, and extraordinary successful.

## **1 Introduction**

Historically, the processes of Latin American regional integration have been characterized by a low and/or precarious level of institutionalization. For many authors, this was one of the key obstacles in the way to achieve a successful integration in the region.

However, not all the cases had the same outcome. Indeed, there are some truly successful exceptions with respect to what was taking place commonly within the region. One of these exceptions is the outcome of the process of bilateral cooperation between Argentina and Brazil during the 1980s and 1990s in the area of the peaceful use of nuclear energy. From this perspective, the major objective of this paper is to examine how an interpresidential process like the one initiated in 1985 by Raúl Alfonsín and José Sarney could result - at least in one of its manifestations (namely, the control of nuclear materials and installations) – in what is perhaps the only supranational institution in the American Southern Cone. That is why the author's interest is to examine in detail some of the vital elements of the process including:

- The building of reciprocal confidence and a major impact of interpresidential diplomacy on this rapprochement.
- The gradual advance as a central element of the process.
- Mutual confidence between partners as a necessary condition for the creation of supranational institutions.

## **2. A Brief Theoretical Note**

There are certain concepts of supranationalism and interpresidentialism that can be used to examine various stages of the process of bilateral integration between Argentina and Brazil. Firstly, as a common theoretical background (here, of course, we are referring specifically to the theories of integration), this is the approach originated in the neofunctionalist tradition. Secondly, there is a smaller-scale concept used specifically for the analysis of the processes of regional Latin-American integration, particularly, in the case of MERCOSUR.

Coined by Ernst Haas (1958) in the decade of the 1960s, the supranationality concept cannot be separated (at least, initially) from a particular case of the foundation

of the High Authority of the European Coal and Steel Community and implies the secession of sovereignty on the part of a nation-state, which voluntarily confers it to "[...] a new and more ample center with institutions that have the competence affecting, to greater or smaller degree, the preexisting States" (Morata, 1998: 89). Projecting regionally, this new organ transcends the national borders, and its decisions have direct, immediate and boundary power in the internal affairs of the member-States (that is to say, that they are not subject to any type of ratification at national level, which is necessary otherwise) (Mariño Fagés, 1999).

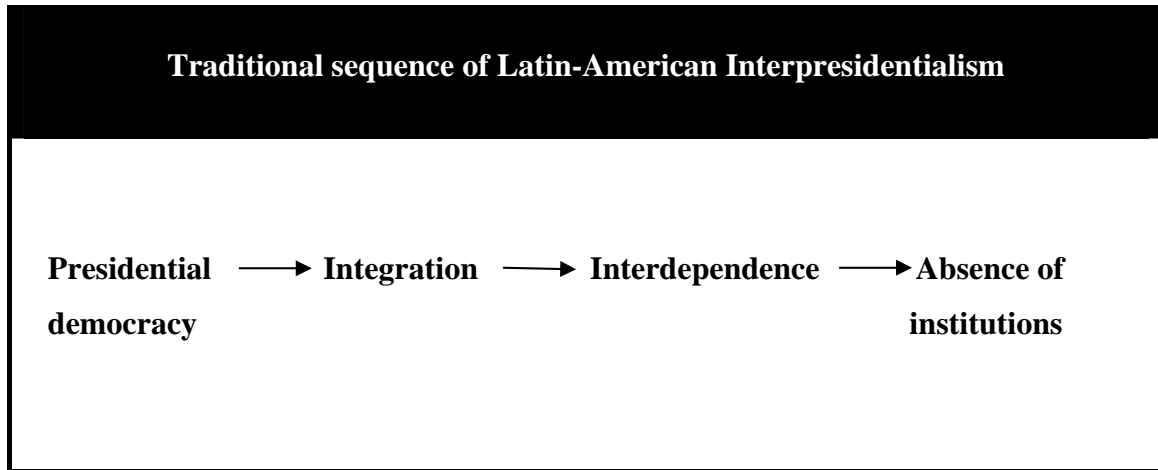
In addition, a true supranational institution must have some other properties as well. For example, this kind of organization should be comprised by people who are there not to represent the interests of a particular State but are independent from any government and pursue a "communitarian interest". Hence, the organization should be capable of negotiating and concluding international agreements with third parties without neither the interference nor the need for parliamentary ratification by the member-states.

Following Andres Malamud (2003), the interpresidentialism can be understood as "a kind of intergovernmentalism", which can be distinguished, mainly, by the active and constant participation of the presidents in diplomatic affairs (interpresidential diplomacy). In fact, the interpresidentialism is an "autochthonous South-American product" originated in the continent's tradition of the moving towards exaggerated presidentialism (see more in Alberti 1991). The key feature of this process is a large degree of flexibility, on the one hand, and a modest institutionalization, on the other hand.

Yet, the presidents do not act like merely individual actors placed in realm of institutional emptiness. Rather, they lean across a specific institutional format. This way, the interpresidentialism appears the opposite to the supranationality since the "presidential hyperactivity" and the politicization of the processes "drown" the possibility of construction of any technical organism of supranational nature, leaving it outside the minimum independent margin of action. Hence, because of their institutional capacities and the traditional role of the presidential structure, in practical terms, the presidents themselves constitute the only normative source. Therefore, each demand, be

that significant or trivial, coming from national actors or foreign governments, is directly derived by the president (see Fig. 1)

**Fig.1 Traditional Sequence of Latin-American Interpresidentialism<sup>1</sup>**



### **3 The First Step Towards the Process of Integration**

One can say that there are two equally balanced competitors wishing to reach the same objective: the leadership in South America. This is the feature of the past and of the present that characterizes the relations between Argentina and Brazil. Not enmity, but – undoubtedly – the rivalry is the reason behind the "nuclear race" that was by no mean a warlike one, but rather a race, in which neither side wanted to see the other surpassing the opponent.

At the same time, despite of the well-known initial lack of interest of both political and nuclear authorities (see more in Orstein 1998: 129 for the examples of the Brazilian rejectionism), the antagonism did not prevent a steady growth of informal relations between the representatives (mainly scientists) of the nuclear organisms of both countries. Hence, although the convenience of the collaboration with Brazil always seemed obvious for Argentina, the mutual rapprochement was almost exclusively of academic nature (for example, between the National Commission of Atomic Energy - CNEA- and various groups of researchers, mainly from Brazilian universities). The contacts were ample, yet barely institutionalized.

Eventually, in both countries some circles within the military governments became concerned with the state of affairs in the issue of our discussion. As a consequence, the initial rapprochement between the “rivals” started to materialize and both parties agreed it was necessary to initiate a dialogue that would lead them to an effective institutionalized cooperation. One of the evidences of this change of the attitude is the following statement by the General Juan Enrique Guglielmeli”<sup>2</sup>(1976) in his “Argentina, Brazil and the atomic bomb”:

From the world and hemispheric perspectives as well as taking into account the common concerns, it seems to be a true anachronism to let the chauvinist sectors to promote rivalries of the past against the interests of others. I urge to put behind the contradictions between both countries for our own benefit and for the genuine objectives of the interested nations

It is in May of 1980 that the proposed agreement was materialized. Back then, the President of Brazil Joao Baptist of Figueredo officially visited the Republic of Argentina and the nuclear issue became one of the “protagonists” of the agenda. In the Joint Declaration of the presidents, the two heads of states expressed “their satisfaction by signed documents in the area of nuclear cooperation” and expressed their intent to “ratify the documents emphatically so as the nuclear programs of both countries persecute exclusively pacific aims and by no way towards the development of nuclear arms” (Carasales 1997: 63)

It is important to mention that both countries had plants and other non-submissive facilities but neither safeguards nor any other type of international control. This could generate suspicions with respect to the production of nuclear weapons within either of the countries<sup>3</sup> (Redick, 1996). Hence, following Hirst and Rico (1992: 36), the cooperation in the nuclear area was due fundamentally to the identification of mutual interest that allowed the beginning of the process of the formation of reciprocal confidence. Besides, that was an answer (although a weak one) to the growing international pressure<sup>4</sup> towards the nonproliferation (Carasales 19965; Redick, 1996), since the refusal to sign the Treaty of Non-Proliferation (TNP) had placed both

Argentina and Brazil in a complicated and uncomfortable situation making the development of the national programs more difficult.

However, although the expectations after the signing of the agreements were high, the following-up did not bring the awaited results after all. That is because “whereas at the highest level the political decision had been made to cooperate instead of competing, later on, at the lower levels concerned with the implementation of the agreements, the impact of the decades of distrusts and lack of mutual confidence together with practical difficulties of application had prevented the further progress in the way that was initially sought in 1980” (Carasales, 1997)

#### **4 Democracy and Cooperation: At the Height of the Interpresidential Diplomacy in the Nuclear Sector**

In 1983, the return of democracy marked a new stage of the Argentinean institutional development. The energetic president-elect Raul Alfonsín had the firm intention to place the relations of Argentina with the neighbors in the region at a new level. However, the efforts of the government that proclaimed democracy its supreme political value could hardly be welcomed by the dictatorships of Brazil, Uruguay, Paraguay and/or Chile (Carasales 1997: 73).

Once elected, the Brazilian president Tancredo Neves de Fortuna (1984) visited Argentina aiming at the establishing of close relations with its Argentinean pair. But just a short time before assuming the presidency, Neves passed away and his place was taken by Jose Sarney (vice-president-elect). Along with Alfonsín, the latter would participate in a little known process of rapprochement of the most powerful countries of the Southern Cone of Latin America (Milanese 2004) that is characterized by the strong political and personal impact (Malamud 2002: 51).

Already from that moment on, the democracies of the Southern Cone started to demonstrate a very particular way in which presidents participated in the processes of integration. This process began formally in 1985 precisely because of the close relations between Alfonsín and Sarney that contributed into the proper mode of how the presidents ruled. Within this framework, the nuclear issue was not the only that appeared on the negotiation table. Even more, the nuclear theme seemed to be rather of

lesser importance compared to a number of other issues of “greater economical importance”. Yet, as the economic profile decelerated as a result of asynchronous cycles in both countries, the “atom” was gaining momentum becoming one of the main topics. Moreover, the political impact of the nuclear rapprochement can be considered a counterbalance to the difficulties presented in the economic area (Bocco, 1989: 26).

The rapprochement in the nuclear matters had been part of [the] vast process. This was unusual inasmuch as the nature of the subject normally requires that an effective cooperation between two traditionally rival countries has been established at the final stage of the period of rapprochement after an acceptable level of confidence and security has been already reached.

Beyond the significant advance in the nuclear agenda, the fact that such a delicate matter as the nuclear one had emerged in the beginning and not in the end of the process of the ample rapprochement has always puzzled national and international observers (Carasales 1997: 74)

As already mentioned, the first agreements in the sphere of economic cooperation took place simultaneously with the de-facto initial rapprochement in the nuclear sector promoted by the military governments. Although this development corresponds to the wide-ranging political line of the time, the civil governments had different kind of motivations. Namely, whereas the military governments looked at these agreements as the way to diminish the international pressure or, perhaps, as an attempt to deal with the increasing external vulnerability, the governments of Alfonsín and Sarney perceived that taking into account the magnitude of the internal conflict related to the democratic transition, it was crucial to diminish the tension in the external front first.

This way, the agreements reached in the nuclear sector were perceived by the civilian authorities as an instrument to restrict the power of the military in the domestic affairs (mainly, in the Brazilian case, since in Brazil the Armed Forces historically played a fundamental role in the development of the nuclear energy and had a great deal of autonomy in this issue). Hence, the process discussed in this section had two dimensions: national and international. As for the former, it was the issue of the civilian

control of the military. As for the latter, the task was to reduce the degree of mutual suspicion (Llenderozas 2001: 333).

## **5 Presidential Encounters and Construction of Reciprocal Confidence**

Alfonsín and Sarney met for the first time on 30 November 1985 in Foz de Iguazú, in Brazil, where they elaborated the Joint Declaration on Nuclear Policy that marked the departure point of a series of political agreements in the nuclear sphere. Moreover, the Declaration of Iguazú represents not only the opening of a group of agreements, but also the closure of one stage and the beginning of another. The meeting in Brazil was a crucial turning point that symbolizes not simply the continuity but rather the challenge to the agreements made in 1980, initiating a new period in the relations (“nuclear” as well as political in general terms) between both countries, giving a new and strong impulse to the scientific cooperation and the joint efforts (see more in Ornstein 1998: 136)

Within the main guidelines found in the above agreement, it is possible to outline the following fundamental elements:

- The reiteration of the commitment to develop the nuclear energy for exclusively pacific use.
- Both parties agreed that the major objective of their efforts is the cooperation in all the fields of the pacific use of the nuclear energy and they agreed to assist each other in any other aspects if such assistance would be considered necessary.
- The parties called upon the other Latin American countries with the same objectives as Argentina and Brazil to join the cooperative efforts of the latter.

Also, like in the case of the 1980s, one of the main objectives of the cooperation was to attempt to reduce the dependency from the imported fuel and raw material since both countries faced the increasing difficulties in obtaining these sources of energy (Llenderozas 2001: 266).

In the declaration, the presidents did not limit themselves to making purely political statements. They established a workgroup coordinated by the ministries of



foreign affairs (a political axis) and integrated by the representatives of respective commissions and nuclear companies (i.e. concerned with the technical aspects of the nuclear cooperation). This is how the first regional institution within the sector was established with a structure that matched a classic intergovernmental model.

Yet, the Declaration of Iguazú was not the only step taken in order to advance the cooperation in the nuclear sector. In the subsequent years, a rollover of presidential encounters could not do more to demonstrate the importance that the sector had been given within the complex efforts towards the integration. Although the number of meetings is one of the “curious” features of the process; another phenomenon should not be left unmentioned either. This is the frequency with which the visits had been taking place, obviously much greater that would be expected by one considering purely diplomatic objectives.

Let us look in more detail at the series of the interpresidential meetings.

**Declaration of Brasilia, 10 December 1986.**

**Declaration of Viedma, 17 July 1987.**

Without being too abounding as far as its content concerned, the Declaration of Viedma represented a fundamental landmark of the cooperation in the sector. This is because the declaration was followed by the visit of President Sarney to the uranium enrichment plant in Pilcaniyeu, the one that was not under the system of safeguards maintained by the International Agency for the Atomic Energy (IAEA) <sup>5</sup>.

On this matter, the President Sarney had the following to say:

[...] this is the first time ever in the world that a head of the State, invited by another head of the State, visits a uranium enrichment facility, which is by its very own nature a secret installation. This gesture demonstrates the level of relations between Brazil and Argentina and a vision to construct a future with President Alfonsín (Statements by José Sarney a Clarín 18/7/87). <sup>6</sup>

In addition to the symbolic visit of Sarney, a group of Brazilian experts was invited to inspect the Pilcaniyeu facilities that would represent a transcendental act in the process of integration between both countries. Referring to this visit, Marco Marzo <sup>7</sup> remembers that:

For a moment, the Brazilian delegation was skeptical about the visit. Our president visited the plant a week before, and, therefore, we thought that our trip would be just a protocol one (...) To our surprise, a great amount of questions we had made were answered by the Argentineans. We visited all the facilities (...) This technology is very secret. This step was very important for the construction of confidence, not only between both countries, but also between the professionals involved in the nuclear business (Marzo 1996)<sup>8</sup>

Marzo further noted that:

Then I thought, well; this is going to be a protocol visit. We will make many questions and people would say “bla, bla, bla, bla” and never really respond the questions. But, to my surprise, we went to the enrichment plant and all our questions were answered.

#### **Declaration of Iperó, 8 April 1988.**

The signing of the declaration corresponded to the President Alfonsín's visit to the Amaraté test center, during which the inauguration of an enrichment plant took place. At that time, this plant was also excluded from the system of safeguards maintained by IAEA. This was a gesture of vital importance, since this center belongs to the Brazilian Navy, and, thus, the visit was important not only as a contribution to the process of integration, but also as a sign of the success of a democratic transition in both countries

#### **Declaration of Ezeiza, 29 November 1988** (the last declaration at this stage)

This series of presidential visits (and 24 protocols signed) represented a high point of the process of rapprochement between Argentina and Brazil. This is because the reciprocal visits to the facilities determined an alteration in the knowledge about the capacities of each country. In addition, the decision to distribute and to publicize the content of the declarations at IAEA meetings was a certain indication of attempts to increase the transparency with respect to the development of the nuclear energy by Argentina and Brasil in the eyes of the rest of the world (Bocco 1989: 28, 29). Hence, the continuous intensification of the Argentinean-Brazilian relations in the nuclear field led by the presidents allowed both sides to augment the knowledge about the other's capacities and mutual possibilities as well as contributed to the process of the formation and strengthening of reciprocal confidence.

To the end of this stage of integration, the balance was positive. In spite of the modest progress from a technical point of view, the intensive and sincere efforts to place the relations between old competitors in a new prospective resulted in sound accomplishments in the political arena.

As previously mentioned, from the very beginning the intense and repeated contacts between the Heads of State of both countries had become an important feature of the process of cooperation in the nuclear area as well as of the process of bilateral integration in general.

The visits by the Chiefs of State – something that is worth of particularly pointing out here - were not simply a kind of usual protocol acts in the development of relations between two neighbors. They had the aim to demonstrate, at the highest level, that the initiated process of rapprochement was impelled and guaranteed by the proper governors of both countries, who had been paying their personal and direct attention to the process and who examined with a special interest everything that could be done in the nearest future [to achieve the objectives of the cooperation], and to give a particular endorsement them if that was necessary.

It is obvious that the visits had high political meaning anyway, but they also led to the dealing with the technical issues when the Presidents and their assistants touched upon the matters of extremely sensitive character such as the activities of the plants of uranium enrichment (Carasales 1997: 85)

From my point of view, if somebody would say to me in the middle of the '70 that in 1984 or 1985 there will be cooperation between Argentina and Brazil, I would think this person is “crazy.” This is because I had my personal observations: as Director of the Division of Safeguards in Brazil I had never had a contact with my Argentinean counterpart. Occasionally, at some symposium we saw each other, but had never surpassed the formalities. In other words, I was not informed about *the nuclear development in Argentina and they were not informed about the one of Brazil* (Marzo, 1996)

Adding to the above observations, the little changes in the negotiating team of each country (mainly at the technical level) made possible that the process became not only more meaningful but also more rapid. In this sense, the exchange visits by

technicians and scientists to the plants and nuclear test centers of each country were particularly helpful (Bocco 1989: 30)

In the axis of cooperation, the interpresidential diplomacy was put into action, mainly, because the subject was an extremely delicate one (pertaining to the realm of “high politics”), particularly, in the period of the transitions to democracy during the decade of the ‘80. In order to be successful, any initiative had to have a strong endorsement by the executives and by the presidents. Thus, technical institutions like the work group remained in a distant background as opposed to the central character acquired by the heads of governments who executed their roles at a much more accelerated rate, leaving the former at the margin and with no capacity of action. This is because the presidents were perceived the most reliable intermediaries (Malamud 2003: 219) capable of carrying out any kind of negotiations in addition to their visual positioning as the undisputed nation’s leaders (a strong tradition in both countries), i.e. as a figure, or an individual, whose authority is higher than that of any institution.

On the other hand, whereas it is certain that the mutual declarations reflected the achievements, they also pointed out the unsolved issues, in particular, with respect to the issue of reciprocal control. This appeared to be the most difficult topic. In both cases, the resistance to the constitution of these kinds of control measures was high, especially, in the case of Brazil,<sup>9</sup> where no consensus existed neither between the military nor between the civil employees of the Itamaratí Nuclear Center.

Although the process initiated by the Declaration of Iguazú allowed both sides to make clear the panorama of existing distrusts, as noted by Bocco (1989:46), the subject of the mutual safeguards was rapidly transforming into one of the main questions remaining pending to the bilateral cooperation. To make the situation even more complicated, the end of the mandates of Alfonsín and Sarney left many doubts with respect to the continuity of the cooperation in the sector. Their more likely successors (according to the public opinion polls of that time), Carlos Menem, in the Argentinean case, and Fernando Collor de Melo, in the case of Brazil (although with a smaller certainty comparing to Argentina since there would be Luiz Ignacio da Silva to dispute de Melo’s presidency in the second electoral run), seemed to choose hard line, during the electoral campaigns, in the issue of integration.

Yet, soon, the doubts disappeared. Following the inauguration of the Brazilian Head of State on July 6, 1990 he traveled to Buenos Aires where both Brazilian and Argentinean presidents issued an official communiqué that contained symbolic but very important for the “nuclear integration” paragraphs, in particular, the following ones:

[...] the necessity to continue and to deepen the cooperation and the joint efforts... the coincidence of points of view on nuclear policy... the commitment of Argentina and Brazil to use the nuclear energy for exclusively pacific aims and to develop it for the advance and the well-being of the people [... ]

Praising in addition

[...] the tasks of the Brazilian-Argentinean Permanent Committee on Nuclear Policy... for its work facilitates the attempts to deepen and to extend the fields of cooperation and collaboration in this matter between two countries [... ]  
(Carasales 1997: 92)

The process continued in the way similar to the previous period, i.e. where the presidents were the major protagonists impelling permanently the forward movement and being practically the only guarantee of the continuity of the process. Moreover, the close relations initiated in the interpresidential diplomacy should be regarded the fundamental stones in the background of the success of the rapprochement between both countries. Put it in a different way, the guarantees originated in the commitment of the presidents allowed both nations to achieve the reciprocal confidence that would allow the future cession of sovereignty for the construction of supranational institutions in the area of extreme sensitivity. Hence, even though not always unambiguous, until this moment the rapprochement between Argentina and Brazil had a clear interpresidentialist structure.

## **6 Towards the Unfamiliar Supranationality**

The new important step (that represented a new kind of movement) occurred a few months later, on November 28 of 1990, again in the city of Foz de Iguazú, the place where a declaration on Argentinean-Brazilian Common Nuclear Policy was made public.

Similarly to the declaration sounded in 1985, the one of 1990 also marked the beginning of a new stage in the integration process indicating the highest point of the efforts. As the first of the interpresidential encounters showed the way for cooperation and integration, this one would place them on new basis that would mean the definitive insertion in the prevailing structure

Considering that the Permanent Committee has elaborated the mechanisms of control over the nuclear activities of both countries, which establish, among others, common criteria of classification of materials and nuclear power plants and the determination of its relevance, and permits the reciprocal inspections to all the nuclear power plants; it was decided

1. To approve the Common System of Accounting and Control (SCCC), decided by the Permanent Committee that will be applied to all the nuclear activities in both countries<sup>10</sup>

However, the content of the Declaration was not limited to the above agreements. The document also demonstrated a significant advance towards the implementation of the idea to conclude a common agreement with IAEA safeguards in order to put into full effect the Treaty for Prohibition of Nuclear Weapons in Latin America (Tlatelolco).

Finally, the implementation of all decisions made in Foz de Iguazú took off with unusual speed. This is especially true if one would take into account the complexity of the subject and, consequently, a great deal of resistance at the internal front. Altogether, the meeting helped to increase the level of significant and balanced development, where each country could benefit from the experience of the other, within the exceptionally favorable political settings (see Palacios 1999).

As an Argentinean official has noted with respect to the above observations:

We compete in the world for a small but a very substantial for us part of the market of experimental reactors. We have problems caused by the pressure of other countries in which one talks about our businesses with Algeria and Albania. By signing this treaty we hope to achieve the sufficient confidence within the international community with respect to our good intentions.

To which a Brazilian official added:

We hope that these agreements will open the doors that until today were closed for us...The greatest concern of Brazil is the removal of the

restrictions that the United States has imposed on supercomputers and other high-tech equipment because of the fear that this technology could be used in the nuclear projects without safeguards or would be transferred to another country with illicit nuclear programs. The prohibition on the sale of computers apparently has been eliminated in December, yet there still remain many limitations with regard to the commerce with the United States.<sup>11</sup>

However, despite of the maintenance of the cooperation in the nuclear sector, this policy was undergoing some changes. The nuclear issue had been exclusively associated with the issue of technological autonomy, the latter happened to be the greatest concern, as it is possible to observe in the above commentaries, in particular, in the area of the access to the foreign technology (Vieira Vargas 1997: 55). The United States and their allies had exerted a strong pressure on the successive Argentinean and Brazilian governments in order to change the nuclear policy of these two countries. Whereas the resistance that both Argentina and Brazil exerted did not make the achievement of the goals of both governments impossible, this undoubtedly made the reaching of the objectives more difficult.

With every year the isolation had been increasing resulting in the higher costs for both sides. It is precisely for this reason the new axis of the cooperation was centered in the control of materials and facilities in order to achieve a higher degree of confidence of the nuclear powers and a more “benevolent” position of the latter towards Argentina and Brazil.<sup>12</sup>

## **7 ABACC and SCCC, Supranationality in the Southern Cone**

The Treaty of Iguazú established the Joint System of Accounting and Control of Nuclear Materials (Sistema Común de Contabilidad y Control de Materiales Nucleares in Spanish, or SCCC ) settling down a chronogram of activities to be fulfilled within 45 days. The most outstanding points in this agenda were:

- Exchange of descriptive lists of all nuclear power plants;
- Exchange of initial inventory of the existing nuclear fuel in each country;
- Implementation of the first reciprocal inspections of the centralized systems of registries;

- Beginning of the negotiations with IAEA for the eventual conclusion of a joint agreement with respect to the safeguards based on SCCC mechanism.<sup>13</sup>

The establishment of SCCC represented a fundamental step in the consolidation of the integrating effort that would lead to a definitive jump towards a higher degree of institutionalization of the process.

Shortly after, in 1991, the Declaration of Guadalajara (Mexico) was signed, by means of which the principles established in the Declaration of Foz de Iguazú had been put into actual agenda. In addition, according to the “Agreement on the Exclusively Peaceful Use of the Nuclear Energy,” both countries were committed not to test, not to use, not to make and not to acquire the nuclear weapons (Llenderozas 1996: 267). Finally, this agreement established the Brazilian-Argentinean Agency for the Accounting and Control over the Nuclear Materials (Agencia Brasileño-Argentina de Contabilidad y Control de Materiales Nucleares in Spanish, or ABACC) to compliment and administer SCCC. Hence, this is how the abandoning of the interpresidentialism as a model of integration in the nuclear sector started, and this is how the role formerly played by the presidents was given with a certain degree of precaution to the technical staff that formed the nucleus of the flaming supranational organism.

As mentioned above, the main mandate of ABACC with the head-quarters in the Brazilian city of Rio de Janeiro was to administer via SCCC system the entire stock of nuclear materials possessed by Argentina and Brazil verifying that these materials are not turned aside for aims that are non-authorized by the bilateral agreement.<sup>14</sup>

It is exactly in the case of ABACC that one can observe the only existing supranational agency of any scope with respect to the integration between Argentina and Brazil. It is in this case, in which both states are committed to respect the principle of supranationality and not intervene in the execution of the tasks assigned to ABACC. Indicatively, both Marco Marzo (1996) as a civil servant of ABACC and Sonia Fernández Moreno as an official of the National Regulatory Authority of Argentina (based on the author’s interview with her on 22 December 2003) specifically point out the absence of pressure or interference on the part of their respective governments.



The same high degree of autonomy can be observed in the possibility of making surprise inspections without the need of having neither of the states to intervene in the decision-making process with respect to the matter and in the privileges and immunities that are enjoyed by Argentinean and Brazilian civil employees of the agency.

Within the established framework, the Agency is exclusively in charge of the control over nuclear materials and nuclear power plants, since both states voluntarily transferred their authority in the matter by signing the Treaty of Iguazú and letting the treaty to have the bounding power on them. ABACC executes its mandate through the institute of safeguards (for the purposes of verification) as concern all the nuclear materials and nuclear power plants in the possession of Argentina or Brazil under the principles of "each neighbor watching the other" and absolute symmetry<sup>15</sup> between both partners.

As for the bureaucratic structure, ABACC is a small organism made up of a directive body and an executive branch. The directive body consists of the Commission (the most important institution of the Agency) whose four members are named by the Ministries of Foreign Affairs, and the Commissions of Nuclear Energy of both countries, which, however, are representing neither the governments nor the states.

The executive branch consists of the Secretariat, composed by 10 administrative technicians, 2 professionals and 5 aids named by the Commission. In addition, there is a team of 70 inspectors (also assigned by the Commission) representing equally each country. These inspectors reside in their country of origin and are transferred to the other when an inspection visit is due.

In this context, the ABACC was structured like a typical regional agency but with more ample capacity to operate independently. As will be shown below in this paper, ABACC activities are coherent with that of IAEA. Therefore, there should be no surprise that only six months after the Declaration of Foz de Iguazú was adopted, the next anticipated step was taken, namely, the signing in Vienna of the Four-party Agreement (INFCIR/435) between Argentina, Brazil, ABACC and IAEA.<sup>16</sup> In particular, the agreement stipulated that

- the States are committed to employ safeguards to all nuclear fuels in all nuclear activities within its territories or under their jurisdiction, in order to

verify that the nuclear materials are not turned aside towards the manufacture of nuclear weapon

- in their verifications, IAEA must take into account the effectiveness of the controls of SCCC.
- the States are committed to the cooperation between ABACC and IAEA with the purpose of facilitating the implementation of safeguards as stipulated in the agreement.
- ABACC and IAEA must reach independent conclusions avoiding the unnecessary duplication of activities of safeguards.

Observing the above clauses of the agreement, it is important to note that this was the last time that the national governments had a direct participation in an international negotiation about the control of nuclear materials and facilities. Since then, any agreement signed by the Agency, even without the ratification on the part of the parliaments (as it happened in the case with the agreement reached with EURATOM<sup>17</sup>) does not do more than to reinforce the supranational character of the Agency.

Hence, the creation of ABACC is not simply a declaration of good intentions. From 1991 on, ABACC started to make inspection in both countries obtaining satisfactory results and representing the highest point of the cooperation and integration of Argentina and Brazil in the nuclear sector. If to compare these activities to the decade of the 1980s, in which the important political success had been achieved but modest technical results shown, the foundation of ABACC represented a key change. In the later case, the success was not only political but also implied the construction of a system of regional control that without an exaggeration became a new point of reference at the world-wide level.<sup>18</sup>

The key evidence of the efficiency of the Agency is its capacity to identify the anomalies.<sup>19</sup> Once a group of inspectors asked for information at one of the facilities but the release of information was denied. Immediately, all the necessary mechanisms for such case had been activated. Eventually, the president of the country (by the proper principle of how the system functions, it is unknown which country was involved) demanded the information to be given to him by the person in charge, and then the matter was immediately disclosed to the inspectors of ABACC (Marzo 1996).

Besides, if one of the member-states refuse to cooperate (in case of an anomaly), ABACC has as a last resource the right to appeal to the United Nations. This is another way how one can observe the supranational nature of ABACC as concern the subordination of the states (see Fig.2)

**Fig. 2. Non-traditional sequence of the process of integration**

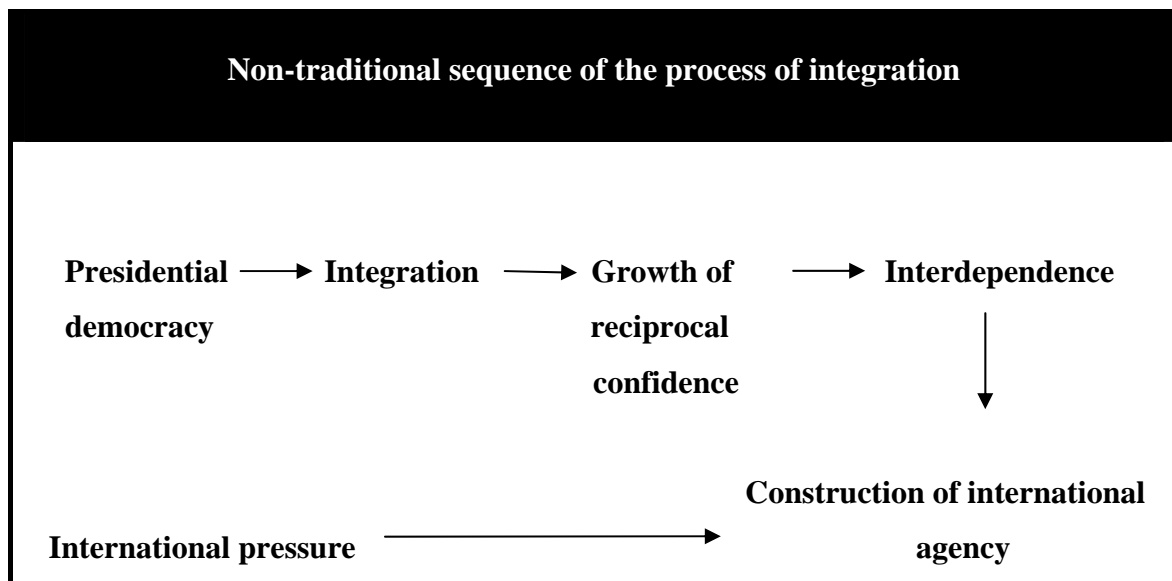
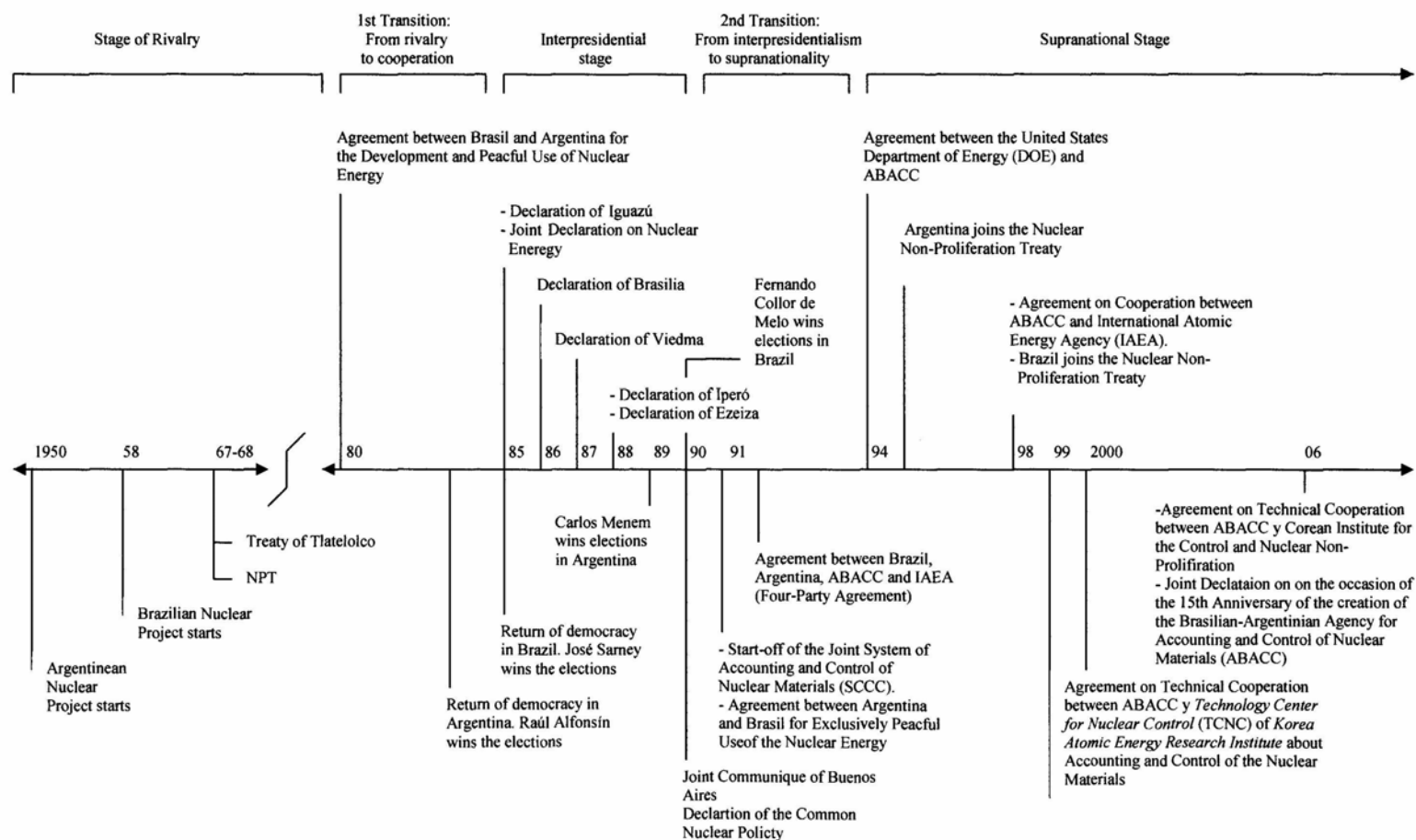


Table 1. Stages of the Argentinean-Brazilian “Nuclear Integration”



## 9 Concluding Remarks

The old hegemonic and strategic-military rivalries that existed between these neighboring countries were evidently moving [Argentina and Brazil] closer toward a dangerous warlike competition and the possession of explosive devices, when several factors, as much in the scientific area as in the political field, would contribute to the beginning of an attenuation of the conflict, changing the course of both rival States course in the direction of the gradual implantation of a lengthy and previously unfamiliar to them process of bilateral integration in the issue of the pacific use of the nuclear energy... (De Oliveira 1998: 5)

Among a number of conclusions that can be drawn from our examination of “nuclear integration” in the South-American Southern Cone, a particular one is worth of emphasizing here. In the process described in the actual paper, supranationality and interpresidentialism did not play a contradictory role but rather represented the different stages of the integration.

At first, interpresidentialism played a fundamental role with respect to the initiation of the building of reciprocal confidence. This allowed the launch of the rapprochement process in the issue of such extreme sensitivity as the nuclear energy. Although a very scarce space of the maneuver was left to the technical institutions like work groups, the permanent commitment of the presidents worked as the best guarantee of the continuity of the process, since presidents were reliable and strong intermediaries capable of overcoming even the most solid resistance of important groups of pressure with great influence in the public and institutional life like the Armed Forces. The later was of an exceptional significance if one considers that the process took place during the period of the democratic transition. This is how a high degree of reciprocal confidence had been reached and the construction of supranational institutions that regulated the operation of the sector became possible.

In addition, there is another factor of vital importance for the success of the process. This is the confidence from the outside of Brazil and Argentina; mainly, originating among the nuclear powers and IAEA. The construction of a supranational agency, and, especially, of the one that has such tasks as the control over nuclear materials and facilities, is not only

perceived the guarantee of the elimination of the risk of proliferation on the part of the neighbor and, consequently, of the disappearance of a hypothetical nuclear arm race between Argentina-Brazil. Counting on the participation of IAEA after the conclusion of the Four-Party Agreement, the supranational institution in our case also served as a guarantee of nuclear nonproliferation and a greater security in the eyes of the international community, which resulted in a better access for both countries to the different “nuclear markets” in the world.

Within the above context, the need “to build the confidence” with respect to the use of the “atom” constitutes one essential incentive - or “the condition for the demand of integration” (Mattli 1999) – at the time that the State yields its capacity of taking decisions and management in the nuclear sector.

In short, the strong interpresidentialism, on the one hand, and the successful confidence building, on the other hand, are two key factors that explain why the process of integration was developing steadily but constantly, with no need to force the decision making and/or the construction of institutions for which the bilateral relations were not sufficiently mature yet.

This picture contradicts the classic model of the construction of regional institutions in the Latin American Southern Cone that is characterized by the contrast between ambitious objectives and precarious results reflecting a deep-rooted Latin American tradition of irresponsible rhetoric (Malamud 2002: 52). Yet, in the case examined in this paper, a perfect balance between two key factors in the success of any political process has been reached, namely, between the institutions and the leadership.

## Notes

<sup>1</sup> As explained in Malamud 2003.

<sup>2</sup> Even though only having one vote without too much decision power (Massot, 1995: 221)

<sup>3</sup> Argentina and Brazil: The Latin American Nuclear Rapprochement. Nahel Soreq, Israel, May 16, 1996.

<sup>4</sup> Despite of the fact that later on it was possible to figure out the exclusively peaceful objectives, at this moment the US non-proliferation authorities had been quite skeptical with respect to the Argentinean-Brazilian true motivation in the area of the development of nuclear energy

<sup>5</sup> Belongs to the United Nations.

<sup>6</sup> Quoted in Campbell, Rozemberg and Svarzman 1999, p. 101.

<sup>7</sup> Director of the Division of Safeguards of Brazil.

<sup>8</sup> A free translation .

<sup>9</sup> “I can remember that in 1988, when we started to discuss the regime of mutual inspections, the position of Brazil was the one favorable towards the broadening of the technical cooperation and academic exchange. I know that Argentines pressed for the joint system of inspections.” (Levite, 1997)

<sup>10</sup> Declaration about Common Argentinean-Brazilian Nuclear Policy, Foz de Iguazú 28 November 1990.

<sup>11</sup> Quoted in Goldman, 1991.

<sup>12</sup> Whereas it is true that the degree of mutual suspicion between nuclear powers had been reducing sensitively during the 1980s, in this case it was still necessary to send a different type of signals (Carasales 1999: 58)

<sup>13</sup> Presentation at the Argentinean Council of International Relations (CARI), Buenos Aires, 28 September 1999.

<sup>14</sup> The agreement did not impose any limits with regard to the use of the nuclear material for the operation of any type of transport, e.g. submarines.

<sup>15</sup> Symmetry in everything, including even the issue of devoting the resources by each side in order to maintain the institution (Feu Alvim, Mafra y Raffo, 1997).

<sup>16</sup> It is worth of mentioning here that with this act the two nations put an end to a decades-long rejection of the foreign control of the entire set of present and future nuclear facilities and activities that was limited only to the assistance or development aid (Carasales, 1997: 97)

<sup>17</sup> Agreement on cooperation between the Brazilian-Argentinean Agency for Accounting and Control of Nuclear Materials and European Community on the Nuclear Energy No. 14445-1998-11 S0PC ISP BR.

<sup>18</sup> In many respects, the process that led to the establishment of ABACC is viewed as an example for the conflict resolution in the case of India and Pakistan (Keplak and Donald, 2000)

<sup>19</sup> Here, an anomaly is understood as misuse or the non-authorized use of the nuclear materials, denial of the access for inspectors, modification of the design or operation of a facility without a proper announcement, significant modification of the system of registers of reports, malfunctioning or interference of the means of control and vigilance or excessive secrecy discovery during the field work or analysis (ABACC, 2001).

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