



Twenty-first Regular Session of the General Conference
Mexico City, 26 November 2009

RESOLUTION CG/Res.515

INTERPRETATIVE DECLARATIONS OF THE NUCLEAR POWERS TO PROTOCOLS I AND II OF THE TREATY OF TLATELOLCO

The General Conference,

Bearing in mind that the Zone of Application of the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Tlatelolco Treaty) has acquired full force in all the States Parties and States Linked to the Treaty;

Recalling Resolutions 430 (E-XVI-02), 461 (E-XVII-04), 447 (XVIII-03) and 477 (XIX-05) which promote the modification or withdrawal of interpretative declarations formulated by some of the States Parties of the Additional Protocols to the Treaty of Tlatelolco at the time of signing or ratification;

Recalling also that the States Linked to the Treaty of Tlatelolco have pledged by means of the signing and ratification of its Additional Protocol II, to fully respect its objectives and express provisions and “not to use nuclear weapons and not to threaten with their use against the Contracting Parties of the Treaty for the Prohibition of Nuclear Weapons in Latin America”;

Underscoring that the Consultative Opinion of the International Court of Justice on the “Legality of the Threat or Use of Nuclear Weapons” of 1996 concluded that “The threat of or recourse to the use of force by means of nuclear weapons is illicit when the provisions of Paragraph 4 of Article 2 of the Charter of the United Nations are contravened and the requirements of Article 51 are not fulfilled”;

Underscoring also that the International Court of Justice decided that “The threat or use of nuclear weapons should also be compatible with the requirements of international law applicable to armed conflicts, particularly the principles and norms of humanitarian international law, as well as the particular obligations contracted by virtue of the treaties and other commitments that refer specifically to nuclear weapons”;

Considering that all the States of Latin America and the Caribbean are Parties to the Treaty on Non-Proliferation of Nuclear Weapons (NPT);

Considering also that all the States of Latin America and the Caribbean that form part of Annex 2 of the Comprehensive Nuclear Test Ban Treaty (CTBT) have signed and ratified said Treaty;

Resolves:

1. **To entrust** the Secretary General with renewing his negotiations with the States possessing nuclear weapons that are Parties to Additional Protocols I and II of the Treaty of Tlatelolco, so that they review the restrictive aspects contained in the declarations they issued on occasion of the signing or ratification of said instruments, with a view to withdrawing from those declarations that which could be interpreted as possible exceptions to the commitment not to use nuclear weapons in the zone of application of the Treaty of Tlatelolco.
2. **To reaffirm** that in the current state of international law, the use of nuclear weapons as a legitimate defense in response to an armed attack with conventional weapons cannot be endorsed by international law, since it dispenses with the requirement of need and is not proportional to the end sought with the defensive action recognized in the Charter of the United Nations in its Article 51.
3. **To request** the Council and the Secretary General to incorporate the topic of “Interpretative Declarations of the Nuclear powers to Protocols I and II of the Treaty of Tlatelolco” in the agendas of the agencies that deal with the topic of negative security guarantees.
4. **To urge** the States possessing nuclear weapons which, having ratified Protocols I and II of the Treaty of Tlatelolco, have done so with unilateral interpretations that affect the status of

denuclearization established by the Treaty, to modify or withdraw said unilateral interpretations.

5. **To urge also** the General Secretariat to make this resolution known to the States Linked to the Treaty of Tlatelolco, the Focal Points of the Nuclear-Weapon-Free Zones and Mongolia, the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and the Conference of Disarmament.

(Approved at the 111th Session
held on 26 November 2009).