



General Conference

XXVIII Session
3 November 2023
Agenda Item 7

CG/Res.01/2023
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Resolution

Interpretative Declarations made by States Parties to the Additional Protocols I and II to the Treaty of Tlatelolco

The General Conference,

Recalling with satisfaction that all the States to which Additional Protocols I and II are addressed have signed and ratified them¹;

Highlighting that the States Parties to Additional Protocols I and II to the Treaty of Tlatelolco have legally committed themselves *“not to contribute in any way to the performance of acts involving a violation of the obligations of Article 1 of the Treaty in the territories to which the Treaty applies in accordance with Article 4 thereof”* and likewise *“not to use or threaten to use nuclear weapons against the Contracting Parties of the Treaty”*;

Recalling that, upon signing and ratifying Additional Protocols I and II to the Treaty of Tlatelolco, four States Parties to the Additional Protocols issued Interpretative Declarations, which contain specific points that constitute reservations;

Recalling the Vienna Convention on the Law of Treaties, particularly the provisions of Article 2, paragraph d) and Article 19, paragraph c);

Recalling the "Guide to Practice on Reservations to Treaties", prepared by the United Nations International Law Commission, in particular points 1.1.3 and 1.1.4;

Bearing in mind that Article 4 of Additional Protocol II establishes that *“the provisions regarding ratification, reservations, and denunciation”* of the Treaty are applicable and, therefore, may not be subject to reservations in accordance with its Article 28;

¹ China, France, the Netherlands, Russian Federation, the United Kingdom, and the United States.

Recalling that the interpretative declarations are unilateral acts and therefore may be as well unilaterally revised or withdrawn;

Reaffirming the Special Declarations of the Community of Latin American and Caribbean States (CELAC) on nuclear disarmament², in which the Member States of OPANAL have requested, *inter alia*, that the militarily denuclearized character of Latin America and the Caribbean be respected, and that nuclear-weapon States withdraw their Interpretative Declarations to Protocols I and II to the Treaty of Tlatelolco that are incompatible with the objective and purpose thereof;

Considering its resolutions CG/E/Res.430 of 26 November 2002; CG/Res.447 of 6 November 2003; CG/E/Res.461 of 23 November 2004; CG/Res.477 of 8 November 2005; CG/Res.515 of 26 November 2009; CG/Res.536 of 17 November 2011; CG/Res.554 of 22 August 2013; CG/E/Res.568 of 19 November 2014; CG/Res.03/2015 of 26 November 2015; CG/E/Res.03/2016 of 10 November 2016, CG/E/Res.02/2017 of 28 September 2017; CG/E/Res.01/2018 of 15 November 2018; CG/Res.12/2019 of 7 November 2019; CG/Res.01/2021 of 30 September 2021; and CG/E/Res.03/2022 of 17 November 2022 which instructed the Council and Secretary-General to study and review, together with States Parties to the Additional Protocols I and II to the Treaty of Tlatelolco, the interpretative declarations made by them that constitute reservations;

Taking note of the report of the Secretary-General contained in document CG/04/2023 on the current status of the démarches carried out by the Member States of the Council with the States Parties to the Additional Protocols I and II to the Treaty of Tlatelolco and highlighting the fact that, since the previous session of the General Conference, specific channels of dialogue have been opened with the four respective States Parties;

Resolves:

1. **To entrust** the Council to take the necessary steps to continue the constructive dialogue with the States Parties to the Additional Protocols I and II to the Treaty of Tlatelolco, initiated in 2023, so that they may positively consider the proposed adjustments to the Interpretative Declarations in order to advance on this matter.

² Adopted on August 20, 2013, in Buenos Aires; on January 29, 2014, in Havana; on January 29, 2015, in Belen; on January 27, 2016, in Quito; on January 25, 2017, in Punta Cana; and on January 24, 2023, in Buenos Aires

2. **To instruct** the Secretary-General to continue supporting the démarches carried out by the Council before the States Parties to the Additional Protocols I and II to the Treaty of Tlatelolco, at the bilateral and multilateral levels, so that they revise or withdraw the segments of their Interpretative Declarations equivalent to reservations and/or contrary to international law that were made regarding such instruments.
3. **To instruct** the Secretary-General to keep the Member States informed on the execution of the present resolution, for permanent consideration of the Council.