



## General Conference

XXVIII Session  
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Agenda Item 7.1

**CG/08/2023**  
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### **Report on the demarches carried out by the Council pursuant to resolution CG/E/Res.03/2022**

This report is presented by the current Presidency of the Council for the purpose of giving an account of the demarches carried out in accordance with the mandate in resolution CG/E/Res.03/2022, adopted by the XXVII Special Session of the General Conference, which instructed the Council to take "the necessary measures to establish a constructive dialogue with the States Parties to Additional Protocols I and II to the Treaty of Tlatelolco so that they may positively consider the proposals for Adjustment to Interpretative Declarations".<sup>1</sup>

On 7 December 2022, the 341<sup>st</sup> meeting of the Council analyzed the matter and identified measures to comply with the aforementioned resolution after the impasse of almost a year and a half resulting from the global pandemic caused by the SARS-CoV-2 virus. Among these, the Council decided to restart demarches with the States Parties to Additional Protocols I and II to the Treaty of Tlatelolco that issued interpretative declarations, with the aim to request a virtual meeting and review the specific points that constitute reservations. To this end, the Council requested the Secretariat to prepare respective draft joint notes for the consideration, approval, and signature of the Ambassadors of the Member States of the Council, which would be transmitted by the Secretariat to the United States, France, the United Kingdom, and the Russian Federation.

Likewise, the Council also stressed the relevance of taking advantage of multilateral forums to hold in-person meetings with the States Parties to the Additional Protocols, with the aim to strengthen and follow up on these demarches.

The matter of the Council's demarches with States Parties to Additional Protocols I and II to the Treaty of Tlatelolco was included in the "Work Plan of the Council" document C/01/2023.Rev2, in particular the dispatch of the joint notes signed by the Ambassadors of the five States of the Council

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<sup>1</sup> CG/E/Res.03/2022. "Interpretative Declarations Made by State Parties to Additional Protocols I and II to the Treaty of Tlatelolco".

requesting States Parties to Protocols I and II to the Treaty of Tlatelolco for a virtual meeting to address the matter.

On 7 February 2023, the 342<sup>nd</sup> meeting of the Council took note of the dispatch of the draft joint notes made by the Secretariat for the consideration, approval, and signature by the Ambassadors of the Member States of the Council, through note S-042/2023 of 25 January 2023. After making changes to the draft joint notes, with the aim to strengthen the text, the Council requested the Secretariat to proceed with efforts to obtain the respective initials of the representatives of Member States of the Council.

On 9 March 2023, the 343<sup>rd</sup> meeting of the Council took note of the Secretariat's dispatch of the joint notes addressed to the four States Parties to Additional Protocols I and II – the United States (S-183/2023), the United Kingdom (S-184/2023), France (S-185/2023), and Russia (S-186/2023) – which were shared with the Member States of the Council, through note S-196/2023 of 3 March 2023, and requested the Secretariat to continue reporting on the progress of this matter.

In response to note S-186/2023, the Russian Federation transmitted notes No. 163/n of 16 March and No.171/n of 22 March 2023, indicating the willingness of Mr. Sergei Ryabkov, Deputy Minister of Foreign Affairs of the Russian Federation, to hold a virtual meeting. On 24 March 2023, the Presidency of the Council convened an open coordination meeting with all OPANAL Member States, with the aim to agree on the strategy for the virtual meeting with the Russian Federation. The Minutes of that coordination meeting were circulated on the same day by the Secretariat through notes S-266/2023 and S-267/2023.

On 28 March 2023, the Council held a virtual meeting with Deputy Minister Ryabkov, the Minutes of which (Inf.16/2023) were circulated by the Secretariat through notes S-352/2023 and S-353/2023 of 11 May 2023. Among the most relevant points of the meeting are:

- Russia considers the current events in Europe pose a threat to its security and therefore have an impact on its position in negotiations at the international level.
- Russia does not intend to use nor threaten to use nuclear weapons against countries in the region that respect and observe the provisions of the Treaty of Tlatelolco. However, it believes that there were some gaps in the Treaty that cause concern, such as the transport of nuclear weapons within the area of application and the issue of peaceful nuclear explosions.
- Russia stressed the difficulty of granting negative security assurances to countries that could

help threaten it. In that regard, paragraph 6 of its statement was intended to balance the lack of prohibition on the transport of nuclear weapons within the area of application. Likewise, it would also prevent and avoid the covert use of the area to threaten Russia by other actors.

- Russia considers that the zone of application should be strictly limited to the sovereign territory of Member States and should not extend to areas on the high seas.

On 18 May 2023, the 344<sup>th</sup> meeting of the Council took note of the Secretariat's receipt of note 061/2023 of 5 May 2023, from the Embassy of the United Kingdom informing that the Government of that country had taken due note of the proposed dialogue mechanism and that the matter was being analyzed by the corresponding authorities.

At the same meeting, the Council noted that, on 12 May 2023, the Secretariat received a note from Ambassador Bonnie D. Jenkins, Secretary of State for Arms Control and International Security of the United States, in response to Note S-183/2023 of 28 February 2023, designating Ambassador Adam Scheinman, Special Representative of the President for Nuclear Non-Proliferation, as a point of contact for the establishment of a dialogue to jointly address the concerns of OPANAL Member States regarding the United States interpretative declaration on Additional Protocol II to the Treaty of Tlatelolco. In this sense and considering that three of the four States Parties to Protocols I and II that have emitted Interpretative Declarations have already entered into contact, the Council decided that the issue should be discussed in detail and in depth within the framework of a technical meeting open to all Member States.

On 23 May 2023, the meeting of the Technical Group convened by the Presidency of the Council was held to resume actions of rapprochement and possible dialogue with the United States, France, the United Kingdom, and Russia, which issued Interpretative Declarations to Protocols I and II to the Treaty of Tlatelolco. The Minutes of the meeting (Inf.19/2023) were circulated by the Secretariat through notes S-380/2023 and S-381/2023 of 31 May 2023.

On 22 June 2023, the preparatory coordination meeting was held for the virtual encounter between the Member States of the Council and Ambassador Adam M. Scheinman, Special Representative of the President of the United States for Nuclear Non-Proliferation, to address the issue of the Interpretative Declaration of the United States to Additional Protocol II to the Treaty of Tlatelolco. The Minutes of the meeting (Inf.23/2023) were circulated by the Secretariat through notes S-402/2023 and S-403/2023 of 26 June 2023.

On 28 June 2023, the virtual meeting between the Member States of the Council and Ambassador Adam M. Scheinman, the Special Representative of the President for Nuclear Non-Proliferation, took place. The Minutes of the meeting (Inf.27/2023) were circulated by the Secretariat through notes S-415/2023 and S-416/2023 of 30 June 2023. Among the most relevant points of the meeting are:

- The United States considers that an armed attack by a Contracting Party, with the assistance of a nuclear-weapon State, is incompatible with the corresponding obligations of the Contracting Parties under Article I of the Treaty.
- The United States considers that the Declaration made at the time of signature and reiterated at ratification does not represent a reservation or constitute a threat to any State Party to the Treaty of Tlatelolco, so that the applicability of the negative security assurances by the United States has never been called into question.
- The United States believes that, if an agreement is reached, it would have to resubmit the text of the Declaration to the Senate for a vote.
- The United States believes that it would have to engage in dialogue and reach an understanding with the other State Parties to Additional Protocol II on the proposed adjustment, which is an additional difficulty given the prevailing geopolitical reality.

On 6 July 2023, the 345th meeting of the Council called on the Secretary-General to meet with the representatives of the State Parties to Protocols I and II to the Treaty of Tlatelolco that maintain Interpretative Declarations, on the margins of the NPT First Preparatory Committee. The Council also took note of the request of the OPANAL Secretariat to the Russian Federation to hold a follow-up meeting to the virtual meeting held in March.

On 18 September 2023, the 346th meeting of the Council took note of the follow-up meetings, and in some cases initial meetings, with the States Parties to Additional Protocols I and II to the Treaty of Tlatelolco to discuss their so-called Interpretative Declarations.

Details of the meetings are contained in the Secretariat's report on its participation in the First Preparatory Committee (document Inf.42/2023), which was circulated to Member States. Highlights and key takeaways from these meetings include:

- The States Parties to Protocols I and II to the Treaty of Tlatelolco welcomed the dialogue and

are ready to continue the exchange of views with OPANAL Member States at the forthcoming multilateral meetings.

- They insisted that nuclear-weapon-free zones, their strengthening and the establishment of other zones are among their priorities and they are ready to support the efforts of State Parties to these treaties, including those belonging to the Treaty of Tlatelolco.
- In the case of France and the United Kingdom, they appreciated the proposed amendment contained in the respective memorandums prepared by the OPANAL Member States, although they insisted that this legal concept was something they were not familiar with. Accordingly, they suggested that their legal services or divisions in charge of these issues would be the ones to provide specific feedback.
- France, the Russian Federation and the United Kingdom reiterated their interest in exploring ways to meet the concerns of OPANAL Member States. However, they were not optimistic that a withdrawal or modification would occur in the short term, considering the current geopolitical situation.
- The United Kingdom and the Russian Federation agreed to make the necessary efforts to continue the dialogue in order to strengthen recognition of the status of the zone and to explore ways to make their support for nuclear-weapon-free zones more evident in their nuclear postures.

On 18 October the 347th meeting of the Council took note of the Secretariat's receipt of a note by Ambassador Adam M. Scheinman, Special Representative of the President of the United States for Nuclear Non-Proliferation, setting out the position of the United States on Article III of Additional Protocol II and the proposed adjustment submitted by OPANAL, which was transmitted to all Member States through notes S-619/2023 and S-620/2023 of 22 September 2023.