



OPANAL
Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean

General Conference

XXVI Special Session
15 November 2018
Agenda item 7

CG/E/Res.01/2018
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Resolution

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

The General Conference,

Recalling with satisfaction that all Latin American and Caribbean States are Party to the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean – Treaty of Tlatelolco;

Keeping in mind that Article 4 of the Treaty of Tlatelolco establishes the delimitation of the Zone of Application of the Treaty;

Taking into consideration that the relationship with Additional Protocols I and II to the Treaty of Tlatelolco are clearly defined in Article 29 of the Treaty;

Considering that all States to which Additional Protocols I and II are directed, have signed and ratified them;

Emphasizing that the States Party to Additional Protocols I and II to the Treaty of Tlatelolco legally commit 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 in the same manner “*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 Party to these instruments issued interpretative declarations and that some specific points in these declarations constitute reservations;

Considering that the United Nations General Assembly, through Resolution 71/27, on 5 December 2016, adopted without a vote, *“Encourages once again States parties to Additional Protocols I and II to the Treaty of Tlatelolco to review their interpretative declarations thereto, in accordance with action 9 of the Final Document of the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, reaffirming and recognizing the legitimate interests of the States that comprise the nuclear-weapon-free zone in Latin America and the Caribbean in receiving full and unequivocal security assurances from the nuclear-weapon States.”*;

Reiterating United Nations General Assembly Resolution 2028 (XX), mentioned in the preamble of the Treaty of Tlatelolco, *“which established the principle of an acceptable balance of mutual responsibilities and duties for the nuclear and non-nuclear powers”*;

Reaffirming that the region of Latin America and the Caribbean, through full compliance with its obligations under the Treaty of Tlatelolco, remains a political and legal reference for the nuclear weapon non-proliferation regime and a source of inspiration to achieve the common objective of total elimination of nuclear weapons globally;

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

Considering General Conference Resolutions CG/E/Res.430 dated 26 November 2002; CG/Res.447 dated 6 November 2003; CG/E/Res.461 dated 23 November 2004; CG/Res.477 dated 8 November 2005; CG/Res.515 dated 26 November 2009; CG/Res.536 dated 17 November 2011; CG/Res.554 dated 22 August 2013; CG/E/Res.568 dated 19 November 2014; CG/E/Res.03/2016 dated 10 November 2016 and CG/E/Res.02/2017 dated 28 September 2017, that instructed the Council and Secretary-General to study and review, together with the States Party to the Additional Protocols, the interpretative declarations made by them that constitute reservations;

Recalling further that, through Resolution CG/E/Res.568, adopted on 19 November 2014 during its XXII Special Session, the General Conference instructed the Secretary General to *“to submit to the Member States, for their consideration and approval, a plan of action with a view to achieving the review or withdrawal of the Interpretative Declarations that States Parties to the Additional Protocols to the Treaty of Tlatelolco made to such instruments”*;

Taking into consideration document CG/05/2015Corr. presented during the XXVI Session of the General Conference held on 26 November 2015, at which the Secretary-General proposed an action plan for reviewing, together with States Party to Additional Protocols, the specific points of their interpretative declarations that constitute reservations;

Taking note of the Secretary General’s Report on démarches undertaken by the Member States of the Council with the United States of America, the Russian Federation, the Republic of France and the United Kingdom of Great Britain and Northern Ireland, contained in document CG/E/08/2018.

Resolves:

1. **To reiterate** the validity of Resolution CG/Res.03/2015 and, thus, the plan of action presented by the Secretary General in document CG/05/2015Corr.

2. **To take note and thank** the Member States of the Council for the follow-up démarches carried out during 2018 with the Governments of the Russian Federation and the French Republic, to request a reaction to the respective Memoranda and proposals of Adjustment concerning the interpretative declarations which constitute reservations made by those States, and also for the démarches undertaken with the United States of America to present a Memorandum and proposal of Adjustment, in addition to the attempts to undertake démarches with the Government of the United Kingdom of Great Britain and Northern Ireland.

3. **To entrust** the Council with the follow-up on the démarches undertaken in December 2016 with the Governments of the Russian Federation and the French Republic and, to that end, prepare notes that reiterate the understanding of OPANAL Member States concerning the arguments and positions presented by the mentioned States Party to Additional Protocols I and II to the Treaty of Tlatelolco.