



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

General Conference

XXV Special Session
28 September 2017

CG/E/Res.02/2017
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Resolution

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

The General Conference,

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

Bearing in mind that Article 4 of the Treaty of Tlatelolco establishes the limits of the Zone of Application of the Treaty;

Taking into consideration that the relation between the Additional Protocols I and II and the Treaty of Tlatelolco is clearly defined in Article 29 of the Treaty;

Considering that all States to which the Additional Protocols I and II are addressed have signed and ratified those instruments;

Highlighting that the States Party to the 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 “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 made interpretative declarations and that some specific points in such declarations constitute reservations;

Considering that the United Nations General Assembly, through Resolution 71/27, adopted without vote on 5 December 2016, “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”;

Recalling 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, through the full observance of its obligations under the Treaty of Tlatelolco, the region of Latin America and the Caribbean remains a political and legal benchmark for the regime on the non-proliferation of nuclear weapons and a source of inspiration to achieve the common objective of the total elimination of nuclear weapons at the global level;

Reaffirming the Special Declarations on nuclear disarmament of the Community of Latin American and Caribbean States (CELAC), in which OPANAL Member States have requested, *inter alia*, that the status of denuclearization for warlike purposes of Latin America and the Caribbean be respected, and that nuclear-weapon States withdraw their interpretative declarations to the Additional Protocols I and II to the Treaty of Tlatelolco that are incompatible with the objective and purpose of the latter;

Considering General Conference 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; and CG/E/Res.03/2016, of 10 November 2016, which instructed the Council and the Secretary-General to study and review, together with the States Party to the Additional Protocols, the interpretative declarations made by the latter that constitute reservations;

Recalling further that, through Resolution CG/E/Res.568, adopted on 19 November 2014 at its XXIII Special Session, the General Conference instructed the Secretary-General “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 account Document CG/05/2015Corr. submitted at the XXIV Session of the General Conference (26 November 2015), in which the Secretary-General submitted a plan of action to review, together with the concerned States Party to the Additional Protocols, the specific items of their interpretative declarations that constitute reservations,

Resolves:

1. **To reconfirm** the validity of Resolution CG/Res.03/2015, and therefore that of the plan on action presented by the Secretary-General in Document CG/05/2015Corr.;
2. **To take note and thank** the Member States of the Council (Brazil, Guatemala, Mexico, Paraguay and Peru) for the *démarches* undertaken by their Representatives, in December 2016, before the Governments of the Russian Federation and the French Republic for the purpose to present the respective memoranda and proposals of Adjustment to the interpretative declarations that constitute reservations made by those States;

3. **To invite** the Council to follow up the *démarches* undertaken in December 2016 before the Governments of the Russian Federation and the French Republic;
4. **To take note** also that, at its 310th Meeting, the Council decided to postpone for two months the consideration of the *démarches* to be undertaken before the Governments of the United States of America and the United Kingdom of Great Britain and Northern Ireland for the purpose to present the respective memoranda and proposals of Adjustment concerning the interpretative declarations made by those States that constitute reservations;
5. **To request** that the Council take again into consideration this matter at its 311th Meeting scheduled for November 2017.