



XVII Special Session of the General Conference
Tlatelolco, Mexico, D.F., November 23, 2004.

RESOLUTION CG/E/Res.461
DECLARATIONS OF THE NUCLEAR POWERS TO PROTOCOLS I AND II OF THE
TREATY OF TLATELOLCO

The General Conference,

Bearing in mind that the Treaty of Tlatelolco has entered into full force throughout the entire Zone of Application, since all the States of Latin America and the Caribbean have become Parties to the Treaty, thus demonstrating their commitment to the cause of nuclear disarmament and the nonproliferation of nuclear weapons;

Recalling that Nuclear-Weapon-Free Zones constitute an effective way to reach the objective of the total elimination of nuclear weapons—an absolute priority to strengthen regional and international peace and security;

Recalling likewise that the United Nations General Assembly approved Resolution A/RES/58/35 “Conclusion of Effective International Arrangements to Assure Non-Nuclear Weapon States Against the Use or Threat of Use of Nuclear Weapons” on December 8, 2003, reaffirming the need to reach effective international agreements to provide assurances against their use or threat of use to those States that do not possess nuclear weapons;

Recalling also that Resolution CG/E/Res.430 (E-XVI), instructs the Secretary General of OPANAL to invite the nuclear powers that are Parties to Additional Protocols I and II of the Treaty of Tlatelolco to review the statements made when they signed or ratified said instruments for their possible withdrawal or modification, with a view to strengthening the statute of denuclearization set forth in the Treaty.

Having studied the Memorandum of the Secretary General (Doc. CG/E/575), “Declarations of the Nuclear Powers to Protocols I and II of the Treaty of Tlatelolco”,

Resolves:

1. **To reiterate that**, in current international law, the use of nuclear weapons as a means of self-defense to respond to an armed attack with conventional weapons cannot be endorsed by international law given that it is not proportional to the purpose of the defensive action recognized by Article 51 of the United Nations Charter.
2. **To reiterate also** the fact that an act of aggression is supported by a nuclear-weapon State does not mean that a State, due to that simple fact, is freed of its commitment to not use nuclear weapons.
3. **To note with recognition** the work carried out by the Council and the Secretary General in fulfilling Resolution CG/Res.447 (XVIII) by sending notes to the Illustrious Governments of the Republic of China, the French Republic, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States on the need to withdraw or revise the unilateral declarations formulated by the nuclear powers upon signing or ratifying Protocols I and II to the Treaty of Tlatelolco.
4. **To instruct** the Council and the Secretary General to continue following up on the responses to the diplomatic notes dated July 16, 2003, and July 16, 2004, sent to the French Republic and the United Kingdom in order to strengthen the integrity of the statute of denuclearization set forth in the Treaty through the granting by the nuclear powers of complete legal assurances not to use or threaten to use nuclear weapons against the countries of Latin America and the Caribbean.
5. **To thank** the Representatives of the Member Countries of the Council, Chile, Cuba, Ecuador, Guatemala, and Peru in addition to Mexico and Brazil for their efforts with the Ministries of Foreign Relations of France and the United Kingdom to inform those Governments of OPANAL's interest in procuring a timely response to its requests.
6. **To instruct** the Secretary General to keep the Council and the General Conference informed on the results of these efforts.

(Adopted at the 103rd Session,
held on November 23, 2004)