



General Conference

XXVII Special Session
17 November 2022
Agenda Item 7

CG/E/Res.03/2022
Original: English/Spanish

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 the States to which Additional Protocols I and II are addressed have signed and ratified them¹;

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

Highlighting that the States Party 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 Party to the Additional Protocols issued interpretative declarations, which contain specific points that constitute reservations;

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

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, Netherlands, Russia, United Kingdom, and United States.

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

Reaffirming the Special Declarations of the Community of Latin American and Caribbean States (CELAC) on nuclear disarmament, 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 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; **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; and **CG/Res.01/2021** of 30 September 2021; which instructed the Council and Secretary-General to study and review, together with States Party to the Additional Protocols I and II to the Treaty of Tlatelolco, 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 XXIII Special Session, the General Conference instructed the Secretary-General to “submit to the Member States, for consideration and adoption, an action plan with a view to the States Parties to the Additional Protocols I and II to the Treaty of Tlatelolco reviewing or withdrawing the Interpretative Declarations that they have made regarding such instruments”;

Taking into account document **CG/05/2015Corr.** presented during the XXIV Session of the General Conference held on 26 November 2015, in which the Secretary-General proposed an action plan aimed at reviewing together with the States Party to the Additional Protocols I and II to the Treaty of Tlatelolco, the specific points of their interpretative declarations that constitute reservations.

Taking into consideration that the Council decided, at its 336th Meeting on 27 April 2022, to postpone the commencement of the démarches to the second half of 2022, taking into consideration the deterioration of the international security situation;

Taking note of the report of the Secretary-General contained in document **CG/E/06/2022** on the current status of the démarches carried out by the Member States of the Council with the States Party to the Additional Protocols I and II to the Treaty of Tlatelolco;

Resolves:

1. **To reiterate** the validity of the resolution **CG/Res.03/2015** and, therefore, of the action plan presented by the Secretary-General in document **CG/05/2015Corr.**, as a basis to continue with the démarches carried out by the Member States of the Council before the States Party to the Additional Protocols I and II to the Treaty of Tlatelolco to review or withdraw their interpretative declarations that they have made regarding such instruments.
2. **To invite** the Council to take the necessary measures to engage in a constructive dialogue with the States Party to Additional Protocols I and II to the Treaty of Tlatelolco, so that they may positively consider the proposed adjustments to the Interpretative Declarations prepared by the Council itself.
3. **To instruct** the Secretary-General to provide the necessary support to the Council to fully comply with this resolution and to keep the Member States informed of these actions and their implementation.