

OPANAL
Organismo para la Proscripción de las Armas Nucleares en la América Latina y el Caribe

Secretaría

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⁵ is directed towards the five nuclear-weapon states recognized by the Treaty on the Non-Proliferation of Nuclear Weapons.

At the time of signature and/or ratification of the Additional Protocols I and II, the States Party to such instruments issued declarations. Two of them, issued declarations containing reservations to the zone of application of the Treaty of Tlatelolco: France and the Russian Federation.

The Member States of OPANAL, and the Agency itself, consider that the zone of application of the Treaty of Tlatelolco implies no distortion, violation or incompatibility with the freedom of the high seas established in article 87 of the Convention on the Law of the Sea. Moreover, the vast majority of Latin American and the Caribbean states are parties to this convention and have never issued any restrictive declaration on its provisions.

Additionally, OPANAL has reiterated its willingness to achieve a mutually agreed solution with the States Party of Protocols I and II, in accordance with article 88 of the UN Convention on the Law of the Sea, which states that “

”, which is fully compatible with the zone of application of the Treaty of Tlateloloco and, in no way, it jeopardizes the maritime security of none of the States Party to the Protocols I and II of the Treaty of Tlatelolco.

The Resolution A/RES/71/27 of the United Nations General Assembly entitled “Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco)”⁶ also encourages 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 (NPT),⁷ 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 nuclear-weapon States.

III. Recent developments

In 2015, the General Conference of OPANAL accepted a plan of action suggested by the Secretary General of OPANAL.⁸ This action consisted in proposing Adjustments, alongside with explanatory memoranda, to those States having made interpretative declarations to Additional Protocols I and II. On the reservations concerning the zone of application of the Treaty of Tlatelolco, the proposed Adjustments and memoranda were submitted to the Ministry for Europe and Foreign Affairs of the French Republic and to the Ministry of Foreign Affairs of the Russian Federation.⁹

In the second half of 2018, the Agency received notes verbale from France and the Russian Federation.

1. *France*: On its note, France affirms that after the proper analysis of the proposal

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The Treaty of Tlatelolco is legally compatible with the Convention of the High Seas of 1958 and the United Nations Convention on the Law of the Sea of 1982. In this sense, the Treaty of Tlatelolco does not represent a modification of the law of the sea but rather its

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vols. I-III (NPT/CONF.2010/50 (Vols. I-III):

⁸ General Conference of Opanal. Resolution CG/Res.03/2015 “Interpretative Declarations made by the States Party to the

States Parties undertake to comply with the obligations under the treaty, including in geographical areas of the high seas.

OPANAL maintains that it would be possible to agree on a text with the French Republic that -without eliminating the interpretative declaration made on March 2, 1979 when signing Additional Protocol I to the Treaty of Tlatelolco- could represent a mutual understanding that would correct the problem.

The Member States of OPANAL are preparing a proposal to the French Republic to reconsider the aforementioned points and reiterate its willingness to engage in a direct and

The Member States of OPANAL are preparing a proposal to the Russian Federation to reconsider the aforementioned points while reiterating their willingness to establish an open and constructive dialogue with the Ministry of Foreign Affairs of the Russian Federation regarding the Adjustments contained in Memoranda C/29/2016 and C/30/2016.

The General Conference of OPANAL, to be held in the second semester of 2019, will continue to revisiting both interpretative declarations, in accordance with the resolutions CG/E/Res.02/2017¹⁰ and CG/E/Res.01/2018.¹¹

¹⁰ http://www.opanal.org/wp-content/uploads/2017/10/CG_E_Res.02_2017_Declaraciones_interpretativas.pdf

¹¹ http://www.opanal.org/wp-content/uploads/2018/11/CG_E_Res.01_2018_Declaraciones_interpretativas.pdf