



UNITED NATIONS
GENERAL
ASSEMBLY



Distr.
GENERAL

A/7993 and Add. 1, 2
13 July 1970
ENGLISH
ORIGINAL: SPANISH

Twenty-fifth session

REQUEST FOR THE INCLUSION OF AN ITEM IN THE PROVISIONAL AGENDA
OF THE TWENTY-FIFTH SESSION

STATUS OF THE IMPLEMENTATION OF GENERAL ASSEMBLY
RESOLUTION 2456 B (XXIII) CONCERNING THE
SIGNATURE AND RATIFICATION OF ADDITIONAL
PROTOCOL II OF THE TREATY FOR THE PROHIBITION OF
NUCLEAR WEAPONS IN LATIN AMERICA (TREATY OF
TLATELOLCO)

Letter dated 10 July 1970 from the representatives of
Bolivia, Costa Rica, Ecuador, El Salvador, Guatemala,
Jamaica, Mexico and Uruguay to the United Nations
addressed to the Secretary-General

In accordance with the provisions of resolution 1 (I) of the General Conference of the Agency for the Prohibition of Nuclear Weapons in Latin America, adopted by our respective Governments on 5 September 1969, we request you to include the following item in the agenda of the twenty-fifth session of the General Assembly:

"Status of the implementation of General Assembly resolution 2456 B (XXIII) concerning the signature and ratification of Additional Protocol II of the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco)".

In accordance with the provisions of rule 20 of the rules of procedure of the General Assembly, this communication is accompanied by an explanatory memorandum.

(Signed)

Walter GUEVARA ARZE
Bolivia

Emilia C. de BARISH
Costa Rica

Leopoldo BENITES
Ecuador

Reynaldo GALINDO POHL
El Salvador

(Signed)

Maximiliano KESTLER
Guatemala

Probyn V. MARSH
Jamaica

Francisco CUEVAS CANCINO
Mexico

Augusto LEGNANI
Uruguay

EXPLANATORY MEMORANDUM

1. The General Conference of the Agency for the Prohibition of Nuclear Weapons in Latin America which, in accordance with the provisions of article 9 of the Treaty of Tlatelolco, constitutes the supreme organ of that Agency, held the first part of its first session at Mexico City from 2 to 9 September 1969,^{1/} with the participation of delegations of thirteen of the fourteen States which at that time were members of the Agency.^{2/} Observers from a further twenty-six States were present at the meeting. U Thant, Secretary-General of the United Nations, and Dr. Sigvard Eklund, Director-General of the International Atomic Energy Agency, also attended, following the invitation addressed to them in June 1969 by the Preliminary Meeting on the establishment of the Agency for the Prohibition of Nuclear Weapons in Latin America (REOPANAL).^{3/}
2. At its plenary session, the General Conference considered the report submitted to it by the depositary Government on item 9 of its agenda, entitled "Status of Additional Protocol II of the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco)", and, as a result of its discussions on that report, on 5 September 1969 unanimously adopted resolution 1 (I), the complete text of which is reproduced below, since it is considered that the text itself constitutes the best "explanatory memorandum" that can be submitted to the General Assembly in connexion with the item whose inclusion in the agenda of the twenty-fifth session of the General Assembly has now been requested. The text of the relevant resolution is as follows:

"The General Conference,

"Having considered the report of the depositary government on the status of Additional Protocol II of the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco), 4/

1/ A/7681, 23 September 1969.

2/ Up to the present date, membership of OPANAL has increased to sixteen.

3/ A/7639, 28 August 1969, pp. 105-106.

4/ OPANAL/2.

"Considering that the Treaty of Tlatelolco is the only international instrument in force designed to ensure the total absence of nuclear weapons in an inhabited area of the earth, and that it is also the only treaty dealing with disarmament measures that establishes an effective system of international control under its own permanent supervisory organ,

"Recalling that the General Assembly of the United Nations, in resolution 2286 (XXII), declared that the Treaty of Tlatelolco 'constitutes an event of historic significance in the efforts to prevent the proliferation of nuclear weapons and to promote international peace and security',

"Recalling also that the Conference of Non-Nuclear-Weapon States expressed in its resolution B the conviction that 'for the maximum effectiveness of any treaty establishing a nuclear-weapon-free zone, the co-operation of the nuclear-weapon States is necessary and that such co-operation should take the form of commitments likewise undertaken in a formal international instrument which is legally binding, such as a treaty, convention or protocol',

"Bearing in mind that, for reasons similar to those adduced by the Conference, the Preparatory Commission for the Denuclearization of Latin America (COPREDAL) adopted Additional Protocol II of the Treaty of Tlatelolco, which was opened for signature by the nuclear-weapon States on 14 February 1967,

"Noting that accession to that Protocol only entails the following obligations for the nuclear-weapon States:

(a) To respect, 'in all its express aims and provisions', the 'statute of denuclearization of Latin America in respect of warlike purposes, as defined, delimited and set forth' in the Treaty of Tlatelolco;

(b) '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'; and

(c) 'Not to use or threaten to use nuclear weapons against the Contracting Parties of the Treaty',

"Convinced that these obligations are essentially nothing more than the application to a specific case of the general obligations laid down in the Charter of the United Nations, which every Member of the Organization has solemnly undertaken to 'fulfil in good faith', as set forth in Article 2 of the Charter,

"Bearing in mind that the General Assembly of the United Nations, in two of its resolutions - resolution 2286 (XXII) of 5 December 1967 and resolution 2456 B (XXIII) of 20 December 1968 - and the Conference of Non-Nuclear-Weapon States, in one - resolution B of 27 September 1968 - have invited Powers possessing nuclear weapons to sign and ratify Additional Protocol II of the Treaty of Tlatelolco as soon as possible,

"Noting that, despite such appeals, despite the support that should be given to any nuclear-weapon-free zone that may be established on the initiative of the States within that zone, as has been repeatedly proclaimed by the nuclear-weapon Powers themselves, and despite the fact that the Treaty of Tlatelolco is the only one it has been possible to conclude for the establishment of such a zone in a densely populated area, Additional Protocol II, which was opened for signature two-and-a-half years ago, has so far been signed by only two of the nuclear-weapon States and has not yet been ratified by any of them,^{5/}

"Convinced that, if such a situation persists, it will be necessary for the General Assembly of the United Nations, as it does each year with respect to the Declaration on the Granting of Independence to Colonial Countries and Peoples and as it did at its twenty-first session with regard to the Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States, to review the status of implementation of its resolution 2456 B (XXIII), in which it emphatically reiterated paragraph 4 of resolution 2286 (XXII) and the pertinent provisions of resolution B of the Conference of Non-Nuclear-Weapon States,

"1. Deplores the fact that not all nuclear-weapon States have yet signed Additional Protocol II of the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco);

"2. Urges all nuclear-weapon States to comply fully with the appeals made to them by the General Assembly of the United Nations and the Conference of Non-Nuclear-Weapon States to sign and ratify the Protocol as soon as possible;

"3. Calls upon the States members of the Agency for the Prohibition of Nuclear Weapons in Latin America, if by 30 June 1970 Additional Protocol II has not yet been signed and ratified by all nuclear-weapon States, jointly to propose the inclusion of the following item: "Status of the implementation of resolution 2456 B (XXIII) concerning the signature and ratification of Additional Protocol II of the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco)" in the agenda of the twenty-fifth session of the General Assembly of the United Nations;

"4. Requests the President of the General Conference to transmit the text of this resolution to the Governments of nuclear-weapon States."

3. It is relevant to point out also that the General Assembly, in resolution 2499 (XXIV) which it adopted on 31 October 1969 and which is entitled "Celebration of the twenty-fifth anniversary of the United Nations", agreed to appeal "to all Member States to give urgent consideration to the ratification of, or accession to, a number of multilateral instruments which have been adopted, endorsed or supported by the United Nations and which have not entered into force for lack of sufficient

^{5/} After the adoption of this resolution, Additional Protocol II has been ratified by the Government of the United Kingdom whose instrument of ratification was deposited on 11 December 1969. /...

ratifications or accessions". The background documents for this resolution included the list transmitted by the Secretary-General to Member States (A/7712 and Corr.1) in section III, 3, of which appears Additional Protocol II of the Treaty of Tlatelolco.
