



AGENCY FOR THE PROHIBITION OF NUCLEAR WEAPONS IN LATIN AMERICA AND THE CARIBBEAN

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Contribution of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (OPANAL) to the report of the United Nations Secretary-General on the law of the sea, pursuant to General Assembly resolution A/RES/69/245

(Executive Summary)

The approach of the Treaty of Tlatelolco could seem alien to the Informal Consultative Process on Oceans and the Law of the Sea. However, keeping an ocean space free of nuclear weapons has environmental, social and economic healthy consequences.

Article 4 of the Treaty of Tlatelolco defines its “Zone of Application” with precise limits that includes ocean space, both within and beyond national jurisdiction of States Party. The Treaty does not include any provision related to “transit” of nuclear weapons in the “Zone of Application”. In the case of the States Party, Article 1 prohibits the possession of nuclear weapons “by any means”. However, the question may arise in relation to the Nuclear-Weapon States (NWS).

The Final Act adopted by the Preparatory Commission for the Denuclearization of Latin America ([Doc. COPREDAL/76](#); p. 10-11), the body responsible for negotiating the Treaty, at its Fourth Session, in Mexico City on 14 February 1967, reads as follows:

“(…) In the absence of any Treaty provision related to “transit”, it must be understood to be governed by the principles and applicable rules of international law to this matter. According to those principles and rules it falls upon the territorial State, in the free exercise of its sovereignty, to grant or deny permission for such transit in a case by case manner, upon request by the interested State, unless something else has been agreed otherwise in a Treaty between such States”.¹

¹ English translation prepared by the Secretariat of OPANAL (January 2015). Spanish version available at: [COPREDAL/76](#)

Among the Parties to the Additional Protocols to the Treaty, the United States and France took note of the interpretation given by COPREDAL on transit; while the Soviet Union expressed that authorizing transit of nuclear weapons in any form would be contrary to the spirit of the Treaty. China believes that transit is prohibited by the Treaty (To read interpretative declarations made by the NWS go to the extended version of this document).

Being the Protocols integrated to the Treaty, it is important that the Contracting Parties and the Parties to the Protocols share a common understanding. Interpretative declarations, which amount to reservations, cannot be considered as a shared understanding. That is why consultations between OPANAL and each State Party to the Protocols are advisable in order to ascertain the continued validity of said interpretative declarations.

There is interest in discussing the question among the different Zones in the conferences of NWFZ, the next one scheduled to take place on 26 April 2015.