



XIX Regular Session of the General Conference
Santiago, Republic of Chile, 7-8 November, 2005.

RESOLUTION CG/Res.487
SANTIAGO DE CHILE DECLARATION

La Conferencia General,

Having adopted the “Declaration of Santiago de Chile” by the Governments of the Member States of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean and the State Parties to the Treaty of Tlatelolco, during its XIX Regular Session, held in Santiago, Chile from 7 to 8 November 2005,

Resuelve:

To entrust the Government of the Republic of Chile and the Secretary General of OPANAL to take the appropriate steps to have the “Declaration of Santiago de Chile” distributed as an official document at the 61st Regular Session of the General Assembly of the United Nations Organization.

SANTIAGO DE CHILE DECLARATION

The Member States of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (OPANAL), on the occasion of the XIX Regular Session of the General Conference, held in Santiago, Chile on 7 and 8 November,

Recognizing the important contribution that the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco) has made to international peace and security, by making Latin America and the Caribbean a region free of nuclear weapons;

Highlighting the importance of keeping Latin America and the Caribbean free of nuclear weapons and that the nuclear powers have committed to respecting the denuclearization statute established for the region in the Treaty of Tlatelolco and its Additional Protocols;

Convinced that the establishment of Nuclear-Weapon-Free Zones that fulfill international criteria constitutes an important measure that significantly strengthens the international non-proliferation regime and that, as established by the Treaty of Tlatelolco in its Preamble, the militarily denuclearized zones do not constitute an end in themselves, but rather a means for achieving general and complete disarmament at a later stage;

Recognizing that the Treaty of Tlatelolco has become a model for the establishment of other nuclear-weapon-free zones in different regions of the world, as in the case of the South Pacific (Treaty of Rarotonga), Southeast Asia (Treaty of Bangkok), Africa (Treaty of Pelindaba), and Mongolia, which cover more than half of the countries of the world and all of the territories of the southern hemisphere;

Reaffirming that the consolidation of the Nuclear-Weapon-Free Zone set forth in the Treaty of Tlatelolco constitutes a firm demonstration of the commitment of Latin America and the Caribbean to the cause of complete and verifiable nuclear disarmament and the non-proliferation of nuclear weapons;

Observing with satisfaction that at the Conference of the States Parties and Signatories of the Treaties that Establish Nuclear-Weapon-Free Zones, held in Mexico City from 26 to 28 April 2005,

a significant number of States that do not possess nuclear weapons adopted a Declaration that constitutes an important contribution to disarmament and nuclear non-proliferation and agreed to cooperation and consultation mechanisms among the zones established by the Treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba to promote cooperation and coordination among them, their respective agencies, and other interested States;

Convinced that the existence of nuclear weapons constitutes a threat to the survival of humanity and that the only real guarantee against their use or threat thereof is their total elimination as a way to achieve a nuclear-weapon-free world;

Disappointed by the lack of concrete progress towards the objective of the total elimination of nuclear weapons and underscoring the fundamental responsibility of the nuclear powers in reaching that objective, which requires the fulfillment of Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons;

Recalling the 1996 Advisory Opinion of the International Court of Justice on the “Legality of the Threat or Use of Nuclear Weapons,” which reaffirmed the general illegality of the threat or use of nuclear weapons and confirmed the obligation to bring to a conclusion negotiations leading to nuclear disarmament in all its aspects;

Highlighting that general and complete disarmament, the non-proliferation of nuclear weapons and the peaceful use of nuclear energy under adequate international control are closely linked and must necessarily be addressed as a whole;¹

Recognizing the importance of multilateralism and in particular the notable role played by the UN in the area of nuclear disarmament and nuclear non-proliferation and reiterating our commitment to adopting measures to strengthen that role,

Resolve:

1. **To reiterate** that the mere existence of nuclear weapons constitutes a threat to all humanity and that their use would have catastrophic consequences given their devastatingly destructive

¹ Cuba and Venezuela favored not including the following phrase in this paragraph: “The peaceful use of nuclear energy.” See Minutes 107th Session.

capacity, their irreparable damage to human beings, and their devastating effects on the environment, the preservation of which is the responsibility of all nations.

2. **To reaffirm** the importance of strengthening OPANAL as an appropriate political and legal forum for ensuring complete respect for the Treaty of Tlatelolco in its zone of application and encourage cooperation with international organizations responsible for disarmament and non-proliferation, as well as with other Nuclear-Weapon-Free Zones.
3. **To intensify** the cooperation and coordination mechanisms with the Treaties of Rarotonga, Bangkok, Pelindaba, with Mongolia and with those that may be established in the future, as well as with their respective agencies, in order to speed the achievement of common objectives, as agreed at the Conference of the States Parties and Signatories of the Treaties that Establish Nuclear-Weapon-Free Zones, held in Mexico City in April 2005, and promote the consolidation of the legal regimes established by those Zones.
4. **To express** our profound discouragement with the limited success in advancing the cause of general and complete disarmament. We are especially concerned about the unfulfilled obligation set forth in Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons regarding the negotiation in good faith of effective measures relative to nuclear disarmament as well as a treaty for general and complete disarmament under strict and effective international control, recalling in particular the commitment of the nuclear weapon States to totally eliminate their nuclear arsenals with a view to achieving nuclear disarmament, to which all NPT States Parties are obliged.
5. **To reaffirm** that the use or threat of use of force constitutes a breach of a prevailing principle of international law, a violation of the UN Charter, and a crime against humanity, as the UN General Assembly has repeatedly declared.
6. **To call upon** the United Nations General Assembly, on the occasion of the X Anniversary of the Advisory Opinion by the International Court of Justice on the “Legality of the Threat or Use of Nuclear Weapons,” to consider the actions that the States should undertake to fulfill nuclear disarmament obligations emanating from the Treaty on the Non-Proliferation of Nuclear Weapons and the 1996 Advisory Opinion.

7. **To exhort** the five nuclear weapon States to give effective guarantees to all of the non-nuclear-weapon States that they will not use or threaten to use nuclear weapons against them. In this regard, in addition to the commitments assumed within the framework of Security Council Resolution 984 (1995) and the legally binding security guarantees already set forth within the Additional Protocols to the Treaty of Tlatelolco, we urge the aforementioned nuclear powers to give priority to efforts aimed at concluding a universal, unconditional and legally binding treaty on security guarantees for the States that do not possess nuclear weapons and that, in the interim, they respect the commitments made regarding security guarantees.

8. **To reiterate** to the nuclear powers that have signed or ratified Additional Protocols I and II to the Treaty of Tlatelolco and have done so with reservations or unilateral interpretations that affect the denuclearization statute of that zone that they should modify or withdraw those interpretative declarations. We especially consider that those declarations referring to aid to a State Party to the Treaty of Tlatelolco from a nuclear power refer to situations overcome by history, which are contradictory to the NPT. We also consider that those declarations justifying the use of nuclear weapons in self defense to respond to an attack with conventional weapons—which are the only weapons that the States Parties to the Treaty of Tlatelolco possess—cannot be supported by current international law since they do not fulfill the requirement of need nor are they proportional to the end sought with the defensive action recognized by Article 51 of the UN Charter.

9. **To continue to favor** the total elimination of nuclear testing and stress the significance of achieving universal adherence to the Comprehensive Nuclear Test Ban Treaty by all States, including the Nuclear Weapon States. We highlight the importance of maintaining a moratorium on all nuclear weapons testing or any other type of nuclear test until that treaty enters into force.

10. **To reaffirm** the inalienable right of all States to research, produce and use nuclear energy for peaceful purposes without discrimination, as well as the inviolability of nuclear facilities. In this regard, we underscore the important role of the International Atomic Energy Agency (IAEA) in verifying that nuclear energy is only used for peaceful purposes and we reiterate our support of the IAEA's fundamental role in the full application and verification of compliance with the international nuclear safeguards regime provided for in the NPT as well as the efforts of the IAEA to strengthen the regime and highlight the importance of the Model Additional Protocol

as the ideal instrument for making the IAEA safeguards system more efficient and effective.

11. **To highlight** the growing threat to international security posed by the possibility that non-state actors may obtain nuclear weapons. We, therefore, actively support the initiatives undertaken by the IAEA to this end. We are firmly convinced that the most effective way to avoid non-state actors from gaining access to nuclear weapons is through the total elimination of those weapons.

12. **To reiterate** our concern over the risks of transporting radioactive material and hazardous waste by sea or other navigable waters and exhort all States, particularly those that transport such materials, to strengthen the international legal code as regards security and responsibility measures applicable to this mode of transportation, through the effective application of the commitments adopted within the IAEA, the IMO, and other international fora. We also exhort all States to exchange information at the government level on the transport of radioactive material.²

13. **To express** our conviction that disarmament and non-proliferation education constitutes an important measure that can contribute to achieving a world free of nuclear threats. We therefore encourage all States to promote programs instilling the values of peace, disarmament, and nuclear non-proliferation in their respective educational and academic spheres.

Santiago de Chile, 8 November 2005.

(Adopted at the 107th Session
held on November 8, 2005)

² Argentina and Brazil expressed reservations about this paragraph. See Minutes 107th Session.