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COMMUNICATION RECEIVED FROM THE UNION OF SOVIET SOCIALIST REPUBLICS
REGARDING THE TREATY FOR THE PROHIBITION OF NUCLEAR WEAPONS
IN LATIN AMERICA

On 8 June 1978 the Director General received a note dated 6 June from the Resident Representative of the Union of Soviet Socialist Republics to the International Organizations in Vienna in which he communicated the text of a statement made by the Soviet Union on the occasion of the signing of Additional Protocol II to the Treaty for the Prohibition of Nuclear Weapons in Latin America[1] in Moscow on 18 May. In accordance with the request made by the Resident Representative of the Soviet Union the texts of his note and of the attached statement are reproduced below. [2]

I have the honour to inform you that the signing of Additional Protocol II to the Treaty for the Prohibition of Nuclear Weapons in Latin America (the Tlatelolco Treaty) by the Soviet Union took place in Moscow on 18 May 1978. This important and constructive step was taken by the Soviet Union in conformity with its basic policy of working to reduce the threat of nuclear war.

Additional Protocol II was signed on behalf of the Soviet Union by Mr. A.A. Gromyko, the Minister for Foreign Affairs. A statement, the text of which is attached, was made at the signing.

I would request that you arrange for the distribution of the text of this note together with that of the above-mentioned statement as an official Agency document.

[1] United Nations Treaty Series, Vol. 634, No. 9068.

[2] Unofficial translation by the Agency's Secretariat.

STATEMENT

made at the signing of Additional Protocol II to the Treaty for the Prohibition of Nuclear Weapons in Latin America (the Tlatelolco Treaty) by the Soviet Union.

As a consistent advocate of the establishment of nuclear-free zones in various parts of the world and desiring to support the efforts of the Latin American States along these lines, the Soviet Government has decided to sign Additional Protocol II to the Treaty for the Prohibition of Nuclear Weapons in Latin America (the Tlatelolco Treaty).

In signing Additional Protocol II to the Tlatelolco Treaty, the Government of the Union of Soviet Socialist Republics deems it necessary to state the following:

1. The Soviet Union proceeds from the assumption that the effect of Article 1 of the Treaty extends, as specified in Article 5 of the Treaty, to any nuclear explosive device and that, accordingly, the carrying out by any party to the Treaty of explosions of nuclear devices for peaceful purposes would be a violation of its obligations under Article 1 and would be incompatible with its non-nuclear status. For States parties to the Treaty, a solution to the problem of peaceful nuclear explosions can be found in accordance with the provisions of Article V of the Treaty on the Non-Proliferation of Nuclear Weapons and within the framework of the international procedures of the International Atomic Energy Agency.

2. In signing Additional Protocol II, the Soviet Union proceeds from the assumption that at present the zone of application of the Treaty comprises the territories for which it is in force as provided in Article 4(1) of the Treaty. The signing of Additional Protocol II by the Soviet Union does not in any way signify recognition of the possibility of the force of the Treaty as provided in Article 4(2) being extended beyond the territories of the States parties to the Treaty, including air space and territorial waters as defined in accordance with international law.

3. With regard to the reference in Article 3 of the Treaty to "its own legislation" in connection with the territorial waters, air space and any other space over which the States parties to the Treaty exercise sovereignty, the signing of Additional Protocol II by the Soviet Union does not signify recognition of their claims to the exercise of sovereignty which are contrary to generally accepted standards of international law.

4. The Soviet Union takes note of the interpretation of the Treaty given in the Final Act of the Preparatory Commission for the Denuclearization of Latin America to the effect that the transport of nuclear weapons by the parties to the Treaty is covered by the prohibitions envisaged in Article 1 of the Treaty.

5. The Final Act of the Preparatory Commission for the Denuclearization of Latin America includes an interpretation of the Treaty to the effect that the granting of permission for the transit of nuclear weapons at the request of States not parties to the Treaty lies within the competence of each individual State party to the Treaty. In this connection the Soviet Union reaffirms its position that authorizing the transit of nuclear weapons in any form would be contrary to the objectives of the Treaty, according to which, as specially mentioned in the Preamble, Latin America must be completely free from nuclear weapons, and that it would be incompatible with the non-nuclear status of the States parties to the Treaty and with their obligations as laid down in Article 1 thereof.

6. Any actions undertaken by a State party to, or States parties to, the Tlatelolco Treaty which are not compatible with their non-nuclear status, and also the commission by one or more States parties to the Treaty of an act of aggression with the support of a State which is in possession of nuclear weapons or together with such a State, will be regarded by the Soviet Union as incompatible with the obligations of those countries under the Treaty. In such cases the Soviet Union reserves the right to reconsider its obligations under Additional Protocol II.

The Soviet Union further reserves the right to reconsider its attitude to Additional Protocol II in the event of any actions on the part of other States possessing nuclear weapons which are incompatible with their obligations under the said Protocol.

7. The Soviet Government states that the provisions of the articles of Additional Protocol II are applicable to the text of the Treaty for the Prohibition of Nuclear Weapons in Latin America in the wording of the Treaty at the time of the signing of the Protocol by the Government of the Soviet Union, due account being taken of the position of the Soviet Union as set out in the present statement. In this connection, any amendment to the Treaty entering into force in accordance with the provisions of Articles 29 and 6 of the Treaty without the clearly expressed approval of the Soviet Union shall have no force as far as the Soviet Union is concerned.