

# TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

---

---

JAARGANG 1971 Nr. 200

---

---

A. TITEL

*Verdrag tot verbod van kernwapens in Latijns-Amerika  
(„Verdrag van Tlatelolco”),  
met Aanvullende Protocollen;  
Mexico, D.F., 14 februari 1967*

B. TEKST

De Engelse en de Spaanse tekst van Verdrag en Aanvullende Protocollen zijn geplaatst in *Trb.* 1968, 145.

Het Verdrag is overeenkomstig zijn artikel 25, eerste lid, nog ondertekend voor de volgende Staat:

Barbados ..... 18 oktober 1968

C. VERTALING

Zie *Trb.* 1968, 145.

D. GOEDKEURING

Artikel 1 van de Rijkswet van 29 april 1971 (*Stb.* 281) luidt: „Het op 14 februari 1967 te Mexico, D.F., tot stand gekomen Aanvullend Protocol I bij het Verdrag tot verbod van kernwapens in Latijns-Amerika, waarvan de Engelse en de Spaanse tekst en de vertaling in het Nederlands in *Trb.* 1968, 145 zijn geplaatst, wordt voor Suriname en de Nederlandse Antillen goedgekeurd.”

Deze Rijkswet is gecontrasigneerd door de Minister van Buitenlandse Zaken a.i. DE JONG en de Minister van Defensie W. DEN TOOM. Zie voor de behandeling in de Staten-Generaal: *Hand.* II 1969/70 en 1970/71 – 10 503 (R 723); *Hand.* II 1970/71, blz. 3137–3140; *Bijl. Hand.* I 1970/71, nrs. 193 en 193a; *Hand.* I 1970/71, blz. 1056–1057.

## E. BEKRACHTIGING

Zie *Trb.* 1968, 145.

Behalve de aldaar genoemde hebben nog de volgende Staten in overeenstemming met artikel 26, tweede lid, van het Verdrag een akte van bekrachtiging van het *Verdrag* bij de Regering van de Verenigde Mexicaanse Staten nedergelegd:

|                                |                  |
|--------------------------------|------------------|
| Nicaragua <sup>1)</sup> .....  | 24 oktober 1968  |
| Ecuador <sup>2)</sup> .....    | 11 februari 1969 |
| Bolivia <sup>3)</sup> .....    | 18 februari 1969 |
| Perú <sup>4)</sup> .....       | 4 maart 1969     |
| Paraguay <sup>5)</sup> .....   | 19 maart 1969    |
| Barbados <sup>6)</sup> .....   | 25 april 1969    |
| Haïti <sup>7)</sup> .....      | 23 mei 1969      |
| Jamaica <sup>8)</sup> .....    | 26 juni 1969     |
| Guatemala <sup>9)</sup> .....  | 6 februari 1970  |
| Venezuela <sup>10)</sup> ..... | 23 maart 1970    |
| Trinidad en Tobago .....       | 3 december 1970  |
| Panamá <sup>11)</sup> .....    | 11 juni 1971     |

1) Onder de volgende verklaring:

"The Government of the Republic of Nicaragua while making deposit of the Instrument of Ratification of the Treaty on Proscription of Nuclear Weapons in Latin America, confirm the Declaration, made subscribing the mentioned Treaty, that says: 'The Delegation of Nicaragua has understood that the prohibitions of the present Treaty only refer to the use of nuclear energy for warlike purposes.

Consequently, Nicaragua, signing this Treaty, without injury its Sovereign right of using, on its own discernment, the nuclear energy for purposes of peace, like are the removal of big quantities of land for construction of interoceanic or any kind of canals, irrigation works, electric centrals, etc., as well as the permission of transit of atomic materials across its territory'.

Also, according the prescription in paragraph 2 of article 28 of the same Treaty, renounces to the totality of the requirements established in paragraph 1 of mentioned Article 28 with the purpose to go into effect for Nicaragua at the moment of deposit of its Instrument of Ratification".

2) Bij de nederlegging van de akte van bekrachtiging legde de Regering van Ecuador de volgende verklaring af:

"While making deposit of the corresponding Instrument of Ratification to the Treaty on Proscription of Nuclear Weapons in Latin America, to the effects of Article 28, Second Paragraph of the said Treaty, renounces to the totality of requirements established at the first Paragraph of mentioned Article 28, with the purpose to go into effect for Ecuador since the date of deposit of its Instrument of Ratification."

3) Onder een soortgelijke verklaring als door de Regering van Ecuador werd afgelegd.

4) Onder de volgende verklaring:

"for the effects of the second paragraph of the Article 28 of same, that it renounces to the totality of the requirements established at the first paragraph of mentioned Article, with the purpose that the Treaty goes into effect for Peru on the moment that the deposit is made of its Instrument of Ratification."

## 5) Onder de volgende verklaring:

"The Government of the Republic of Paraguay declares, to the foreseen effects in the Second Paragraph of the Article 28 that the present Treaty for the Proscription of Nuclear Weapons in Latin America will go into effect for the Republic of Paraguay with the Deposit of the present Ratification."

## 6) Onder de volgende verklaring:

".....the Government of Barbados hereby declares that it has waived wholly the requirements laid down in paragraph 1 of Article 28 of the Treaty for the Prohibition of Nuclear Weapons in Latin America."

## 7) Onder de volgende verklaring:

„Le Gouvernement Haitien en ratifiant le Traité visant l'interdiction des Armes Nucléaires en Amérique Latine déclare expressément pour les effets du paragraphe 2 de l'article 28, qu'il renonce à la totalité des formalités prescrites dans le paragraphe 1 de l'article précité, afin que le Traité entre en vigueur en ce qui concerne Haïti, au moment du dépôt de son Instrument de Ratification."

## 8) Onder de volgende verklaring:

".....notifies the complete waiver by Jamaica of the requirements laid down in paragraph 1 of Article 28, in consequence of which the Treaty for the Prohibition of Nuclear Weapons in Latin America enters into force for Jamaica on the date of the deposit of its Instrument of Ratification."

## 9) Onder de volgende verklaring met betrekking tot artikel 28:

".....that it waives the totality of requirements laid down at the First Paragraph of mentioned Article with the purpose that the Treaty goes into force, as Guatemala is concerned, at the moment that the deposit of its Instrument of Ratification and this Declaration are made."

## 10) Onder de volgende verklaring:

"The Government of the Republic of Venezuela submits itself to the text of Article 28, Paragraph 2 of said Treaty, to the effects that the Treaty comes into force, as Venezuela is concerned at the date that the deposit of its Instrument of Ratification is made.

The Government of the Republic of Venezuela while ratifying the Treaty on proscription of Nuclear Weapons in Latin America, states it with the understanding that in the meantime, until is finished by peaceful proceedings the controversy existing between Venezuela by one side, and the United Kingdom of Great Britain and Northern Ireland and Guyana by the other, according with the Agreement signed at Geneva on 17th February 1966, are wholly applicable to Guyana the regulations of Paragraph 2 of Article 25 and Paragraph 1, a) of Article 28 of the mentioned Treaty."

## 11) Onder de volgende verklaring:

„El Gobierno de la República de Panamá al efectuar el depósito del Instrumento de Ratificación del Tratado para la Proscripción de las Armas Nucleares en la América Latina, para los efectos establecidos en el párrafo 2 del Artículo 28, hace la siguiente Declaración:

que dispensa de la totalidad de los requisitos establecidos en el párrafo 10 del citado artículo, a fin de que el Tratado entre en vigor, en lo que a Panamá se refiere, en el momento en que se efectúe el depósito de su Instrumento de Ratificación."

In overeenstemming met artikel 26, tweede lid, van het Verdrag, juncto artikel 2 van het Eerste Aanvullend Protocol, hebben de volgende Staten een akte van bekrachtiging van het *Eerste Aanvullend Protocol* bij de Regering van de Verenigde Mexicaanse Staten nedergelegd:

het Verenigd Koninkrijk van Groot-Brittannië en Noord-Ierland, mede voor de geassocieerde Staten (Antigua, Dominica, Grenada, St. Christopher, Nevis, Anguilla, St. Lucia en St. Vincent), en de Bahama-eilanden, Brits-Honduras, de Britse Maagden-eilanden, de Cayman-eilanden, de Falkland-eilanden, Montserrat en de Turks- en Caicos-eilanden<sup>1)</sup> . . . . .

11 december 1969

het Koninkrijk der Nederlanden (voor Suriname en de Nederlandse Antillen)<sup>2)</sup>

26 juli 1971

<sup>1)</sup> Bij de bekrachtiging van de twee Aanvullende Protocollen is door de Britse Regering de volgende verklaring afgelegd:

- “(a) The reference in Article 3 of the Treaty to “its own legislation” relates only to such legislation as is compatible with the rules of international law and as involves an exercise of sovereignty consistent with those rules, and accordingly that signature or ratification of either Additional Protocol by the Government of the United Kingdom could not be regarded as implying recognition of any legislation which did not, in their view, comply with the relevant rules of international law;
- (b) Article 18 of the Treaty, when read in conjunction with Articles 1 and 5 thereof, would not permit the Contracting Parties to the Treaty to carry out explosions of nuclear devices for peaceful purposes unless and until advances in technology have made possible the development of devices for such explosions which are not capable of being used for weapons purposes;
- (c) Signature or ratification of either Additional Protocol by the Government of the United Kingdom could not be regarded as affecting in any way the legal status of any territory for the international relations of which they are responsible lying within the limits of the geographical zone established by the Treaty; and
- (d) The Government of the United Kingdom would, in the event of any act of aggression by a Contracting Party to the Treaty in which that Party was supported by a nuclear-weapon State, be free to reconsider the extent to which they could be regarded as committed by the provisions of Additional Protocol II.

I have the honour further to declare that the Government of the United Kingdom are prepared to regard their undertaking under Article 3 of Additional Protocol II not to use or threaten to use nuclear weapons against the Contracting Parties to the Treaty as extending not only to those Parties but also to territories in respect of which the undertaking to apply the statute of denuclearisation, in accordance with Article 1 of Additional Protocol I, becomes effective.

The Government of the United Kingdom have always believed that the establishment of a nuclear-free zone in Latin America would be a most useful step towards non-proliferation and the building up of international confidence. While warmly welcoming the achievement of the States concerned in setting up the organs of the Treaty, Her Majesty's Government note with regret that the Treaty is not yet in force in a number of important States in the area. The Government of the United Kingdom therefore hope that the deposit of their instruments of ratification of the Additional Protocols to the Treaty will serve as an encouragement both to other nuclear-weapon States to recognise the Treaty and to those Latin

American States which have not yet done so, to bring the Treaty into force in their territory.”.

2) Onder bevestiging van de bij de ondertekening gemaakte verklaringen (zie *Trb.* 1968, 145, blz. 40).

In overeenstemming met artikel 26, tweede lid, van het Verdrag, juncto artikel 4 van het Tweede Aanvullend Protocol, hebben de volgende Staten een akte van bekrachtiging van het *Tweede Aanvullend Protocol* bij de Regering van de Verenigde Mexicaanse Staten nedergelegd:

|   |                  |
|---|------------------|
| het Verenigd Koninkrijk van Groot-Brittannië en Noord-Ierland <sup>1)</sup> ..... | 11 december 1969 |
| de Verenigde Staten van Amerika <sup>2)</sup> .....                               | 12 mei 1971      |

1) Zie voor de hierbij afgelegde verklaring noot 1 op blz. 4 en 5 van dit *Tractatenblad*.

2) Onder de volgende verklaringen:

#### “I

That the United States Government understands the reference in Article 3 of the treaty to “its own legislation” to relate only to such legislation as is compatible with the rules of international law and as involves an exercise of sovereignty consistent with those rules, and accordingly that ratification of Additional Protocol II by the United States Government could not be regarded as implying recognition, for the purposes of this treaty and its protocols or for any other purpose, of any legislation which did not, in the view of the United States, comply with the relevant rules of international law.

That the United States Government takes note of the Preparatory Commission’s interpretation of the treaty, as set forth in the Final Act, that, governed by the principles and rules of international law, each of the Contracting Parties retains exclusive power and legal competence, unaffected by the terms of the treaty, to grant or deny non-Contracting Parties transit and transport privileges.

That as regards the undertaking in Article 3 of Protocol II not to use or threaten to use nuclear weapons against the Contracting Parties, the United States Government would have to consider that an armed attack by a Contracting Party, in which it was assisted by a nuclear-weapon state, would be incompatible with the Contracting Party’s corresponding obligations under Article I of the treaty.

#### II

That the United States Government considers that the technology of making nuclear explosive devices for peaceful purposes is indistinguishable from the technology of making nuclear weapons, and that nuclear weapons and nuclear explosive devices for peaceful purposes are both capable of releasing nuclear energy in an uncontrolled manner and have the common group of characteristics of large amounts of energy generated instantaneously from a compact source. Therefore the United States Government understands the definition contained in Article 5 of the treaty as necessarily encompassing all nuclear explosive devices. It is also understood that Articles 1 and 5 restrict accordingly the activities of the Contracting Parties under paragraph 1 of Article 18.

That the United States Government understands that paragraph 4 of Article 18 of the treaty permits, and that United States adherence to Protocol II will not prevent, collaboration by the United States with Contracting Parties for the purpose of carrying out explosions of nuclear devices for peaceful purposes in a manner consistent with a policy of not contributing to the proliferation of nuclear weapons capabilities. In this connection, the United States Government notes Article V of the Treaty on the Non-Proliferation of Nuclear Weapons, under

which it joined in an undertaking to take appropriate measures to ensure that potential benefits of peaceful applications of nuclear explosions would be made available to non-nuclear-weapon states party to that treaty, and reaffirms its willingness to extend such undertaking, on the same basis, to states precluded by the present treaty from manufacturing or acquiring any nuclear explosive device.

### III

That the United States Government also declares that, although not required by Protocol II, it will act with respect to such territories of Protocol I adherents as are within the geographical area defined in paragraph 2 of Article 4 of the treaty in the same manner as Protocol II requires it to act with respect to the territories of Contracting Parties.”.

#### G. INWERKINGTREDING

Zie *Trb.* 1968, 145.

De bepalingen van het *Verdrag* zijn in overeenstemming met zijn artikel 28, tweede lid, op 22 april 1968 in werking getreden tussen Mexico en El Salvador. Voor de overige Staten welke bij of na de nederlegging van hun akten van bekrachtiging een verklaring als bedoeld in artikel 28, tweede lid, van het *Verdrag* hebben afgelegd c.q. afleggen, zijn zij in werking getreden c.q. treden zij in werking na nederlegging van bedoelde verklaring of zodra voldaan is aan de vereisten waarvan niet uitdrukkelijk is afgezien.

De bepalingen van het *Eerste Aanvullend Protocol* zijn ingevolge zijn artikel 3 op 26 juli 1971 in werking getreden voor het *Koninkrijk der Nederlanden* (voor Suriname en de Nederlandse Antillen).

#### J. GEGEVENS

Zie *Trb.* 1968, 145.

In overeenstemming met artikel 102 van het *Handvest der Verenigde Naties* is het onderhavige *Verdrag*, met de beide *Aanvullende Protocollen*, op 26 april 1968 bij het *Secretariaat der Verenigde Naties* geregistreerd onder nr. 9068. De tekst van *Verdrag* en *Protocollen* is afgedrukt in „*Recueil des Traités*” van de *Verenigde Naties*, deel 634, blz. 281 e.v.

Voor het op 26 juni 1945 te San Francisco tot stand gekomen *Handvest der Verenigde Naties* zie ook *Trb.* 1969, 104.

Voor het op 26 oktober 1956 te New York tot stand gekomen *Statuut van de Internationale Organisatie voor Atoomenergie* zie ook, laatstelijk, *Trb.* 1971, 56.

Voor het op 26 juni 1945 te San Francisco tot stand gekomen *Statuut van het Internationaal Gerechtshof* zie ook *Trb.* 1971, 55.

Bij brieven van 21 januari 1969 (*Bijl. Hand. II* 1968/69 – 10 004 (R 687), nr. 1) is het *Verdrag*, met de beide *Aanvullende Protocollen* in overeenstemming met artikel 60, tweede lid, van de *Grond-*

wet medegedeeld aan de Eerste en de Tweede Kamer der Staten-Generaal en in overeenstemming met artikel 24, eerste lid, van het Statuut voor het Koninkrijk aan de Staten van Suriname en aan de Staten van de Nederlandse Antillen.

Uitgegeven de vierde november 1971.

*De Minister van Buitenlandse Zaken,*  
W. K. N. SCHMELZER.