



International Atomic Energy Agency

INFCIRC/42

3 May 1963

GENERAL Distr.

ENGLISH

Original: ENGLISH, FRENCH,  
RUSSIAN and SPANISH

---

ACTION TAKEN BY STATES IN CONNECTION WITH THE STATUTE

Information received by the Secretariat up to 31 March 1963

INTRODUCTION

1. The Statute was adopted unanimously on 23 October 1956 by the Conference on the Statute of the International Atomic Energy Agency [ 1 ], was signed by 80 States during a period of 90 days beginning on 26 October 1956 and, as a consequence of the fulfilment of the requirements in Article XXI, E, came into force on 29 July 1957 among those States that had ratified it on that date or previously. Part I of this document contains information about the participation of States in the Conference on the Statute, and about signatures, ratifications and acceptances of the Statute, together with related data [ 2 ].

2. Part II gives information about acceptances of the amendment to the first sentence of Article VI, A. 3 of the Statute, which was approved by the General Conference on 4 October 1961 [ 3 ] and came into force for all Members on 31 January 1963 upon the fulfilment of the requirement in Article XVIII, C(ii). [ 4 ]

---

[ 1 ] Which met at United Nations headquarters in New York from 20 September to 26 October 1956. The Statute was subsequently reproduced in Conference document IAEA/CS/13.

[ 2 ] This Part brings up to date the information communicated to Members in documents INFCIRC/16 and INFCIRC/16/Add.1/Rev.2, which are hereby superseded.

[ 3 ] By Resolution GC(V)/RES/92.

[ 4 ] For the text of the amendment see document INFCIRC/41, para. 2.

PART I

THE PARTICIPATION OF STATES IN THE CONFERENCE ON THE STATUTE AND  
SIGNATURES, RATIFICATIONS AND ACCEPTANCES OF THE STATUTE

In the Table below States are listed in alphabetical order, which is different in versions of this document in other languages. The reference numbers in the Table, which relate to individual paragraphs of the supplementary information that follows it, are however the same in all versions.

Table

| STATE   | CONFERENCE ON<br>THE STATUTE |                   | SIGNATURE<br>OF THE<br>STATUTE<br><br>Date <sup>1/</sup> | RATIFICATION OR ACCEPTANCE OF<br>THE STATUTE                |   |    |
|---|------------------------------|-------------------|--|---|---|----|
|   | Invited<br>to                | Represented<br>at |  | Eligibility<br>to ratify (R)<br>or accept (A) <sup>2/</sup> | Deposit of Instrument<br><br>Date      Sequence |    |
| AFGHANISTAN                                     | x                            | x                 | 23 Jan 1957  | R   | 31 May 1957                                     | 8  |
| ALBANIA   | x                            | x                 | 26 Oct 1956  | R   | 23 Aug 1957                                     | 38 |
| ARGENTINA                                       | x                            | x                 | 26 Oct 1956  | R   | 3 Oct 1957 <sup>4/</sup>                        | 55 |
| AUSTRALIA                                       | x                            | x                 | 26 Oct 1956  | R   | 29 Jul 1957                                     | 25 |
| AUSTRIA   | x                            | x                 | 26 Oct 1956  | R   | 10 May 1957                                     | 7  |
| BELGIUM   | x                            | x                 | 26 Oct 1956  | R   | 29 Apr 1958                                     | 66 |
| BOLIVIA   | x                            | x                 | 26 Oct 1956  | R   | 15 Mar 1963                                     | 81 |
| BRAZIL  | x                            | x                 | 26 Oct 1956  | R   | 29 Jul 1957                                     | 23 |
| BULGARIA  | x                            | x                 | 26 Oct 1956  | R   | 17 Aug 1957                                     | 34 |
| BURMA   | x                            | x                 | 9 Jan 1957   | R   | 18 Oct 1957                                     | 59 |
| BYELORUSSIAN<br>SOVIET<br>SOCIALIST<br>REPUBLIC | x                            | x                 | 26 Oct 1956  | R   | 8 Apr 1957                                      | 4  |
| CAMBODIA  | x                            | x                 | 26 Oct 1956  | R   | 6 Feb 1958                                      | 63 |
| CANADA  | x                            | x                 | 26 Oct 1956  | R   | 29 Jul 1957                                     | 24 |
| CEYLON  | x                            | x                 | 26 Oct 1956  | R   | 22 Aug 1957                                     | 37 |
| CHILE   | x                            | x                 | 26 Oct 1956  | R   | 19 Sep 1960                                     | 71 |
| CHINA   | x                            | x                 | 26 Oct 1956 <sup>5/</sup>                                | R   | 10 Sep 1957 <sup>6/</sup>                       | 41 |
| COLOMBIA  | x                            | x                 | 26 Oct 1956  | R   | 30 Sep 1960                                     | 73 |
| CONGO<br>(Leopoldville)                         |                              |                   |  | A   | 10 Oct 1961                                     | 77 |
| COSTA RICA                                      | x                            | x                 | 26 Oct 1956  | R   |   |    |
| CUBA  | x                            | x                 | 26 Oct 1956  | R   | 1 Oct 1957                                      | 54 |

| STATE  | CONFERENCE ON<br>THE STATUTE |                   | SIGNATURE<br>OF THE<br>STATUTE | RATIFICATION OR ACCEPTANCE OF<br>THE STATUTE                |                           |          |
|--|------------------------------|-------------------|--------------------------------|---|---------------------------|----------|
|  | Invited<br>to                | Represented<br>at | Date <sup>1/</sup>             | Eligibility<br>to ratify (R)<br>or accept (A) <sup>2/</sup> | Deposit of Instrument     |          |
|  |                              |                   |                                |   | Date                      | Sequence |
| CZECHOSLOVAK<br>SOCIALIST<br>REPUBLIC <sup>3a/</sup> | x                            | x                 | 26 Oct 1956                    | R   | 5 Jul 1957                | 12       |
| [Czechoslovakia] <sup>3a/</sup>                      |                              |                   |                                |   |                           |          |
| DENMARK  | x                            | x                 | 26 Oct 1956                    | R   | 16 Jul 1957               | 19       |
| DOMINICAN<br>REPUBLIC                                | x                            | x                 | 26 Oct 1956                    | R   | 11 Jul 1957               | 14       |
| ECUADOR  | x                            | x                 | 26 Oct 1956                    | R   | 3 Mar 1958                | 64       |
| [Egypt] <sup>3d/</sup>                               |                              |                   |                                |   |                           |          |
| EL SALVADOR  | x                            | x                 | 26 Oct 1956                    | R   | 22 Nov 1957               | 60       |
| ETHIOPIA   | x                            | x                 | 26 Oct 1956                    | R   | 30 Sep 1957               | 49       |
| FINLAND  | x                            |                   |                                | A   | 7 Jan 1958                | 61       |
| FRANCE   | x                            | x                 | 26 Oct 1956                    | R   | 29 Jul 1957               | 26       |
| GERMANY,<br>Federal<br>Republic of <sup>7/</sup>     | x                            | x                 | 26 Oct 1956                    | R   | 1 Oct 1957                | 53       |
| GHANA  |                              |                   |                                | A   | 28 Sep 1960               | 72       |
| GREECE   | x                            | x                 | 26 Oct 1956                    | R   | 30 Sep 1957               | 51       |
| GUATEMALA  | x                            | x                 | 26 Oct 1956                    | R   | 29 Mar 1957               | 1        |
| HAITI  | x                            | x                 | 26 Oct 1956                    | R   | 7 Oct 1957                | 56       |
| HOLY SEE <sup>3b/</sup>                              | x                            | x                 | 26 Oct 1956                    | R   | 20 Aug 1957               | 36       |
| HONDURAS   | x                            | x                 | 26 Oct 1956                    | R   | 9 Jul 1957                | 13       |
| HUNGARY  | x                            | x                 | 26 Oct 1956                    | R   | 8 Aug 1957                | 32       |
| ICELAND  | x                            | x                 | 26 Oct 1956                    | R   | 6 Aug 1957                | 30       |
| INDIA  | x                            | x                 | 26 Oct 1956                    | R   | 16 Jul 1957 <sup>8/</sup> | 18       |
| INDONESIA  | x                            | x                 | 26 Oct 1956                    | R   | 7 Aug 1957                | 31       |
| IRAN   | x                            | x                 | 26 Oct 1956                    | R   | 16 Sep 1958               | 69       |
| IRAQ   | x                            | x                 | 15 Jan 1957                    | R   | 4 Mar 1959                | 70       |
| IRELAND  | x                            |                   |                                |   |                           |          |
| ISRAEL   | x                            | x                 | 26 Oct 1956                    | R   | 12 Jul 1957               | 16       |
| ITALY  | x                            | x                 | 15 Nov 1956                    | R   | 30 Sep 1957               | 48       |
| JAPAN  | x                            | x                 | 26 Oct 1956                    | R   | 16 Jul 1957               | 17       |
| JORDAN   | x                            | x                 |                                |   |                           |          |
| KOREA,<br>Republic of                                | x                            | x                 | 26 Oct 1956                    | R   | 8 Aug 1957                | 33       |

| STATE                       | CONFERENCE ON<br>THE STATUTE |                   | SIGNATURE<br>OF THE<br>STATUTE<br>Date <sup>1/</sup> | RATIFICATION OR ACCEPTANCE OF<br>THE STATUTE                |                           |          |
|-----------------------------|------------------------------|-------------------|--|---|---------------------------|----------|
|                             | Invited<br>to                | Represented<br>at |  | Eligibility<br>to ratify (R)<br>or accept (A) <sup>2/</sup> | Date                      | Sequence |
| LAOS                        | x                            |                   | 17 Jan 1957  | R   |                           |          |
| LEBANON                     | x                            | x                 | 26 Oct 1956  | R   | 29 Jun 1961               | 75       |
| LIBERIA                     | x                            | x                 | 26 Oct 1956  | R   | 5 Oct 1962                | 78       |
| LIBYA                       | x                            | x                 | 26 Oct 1956  | R   |                           |          |
| LUXEMBOURG                  | x                            |                   | 18 Jan 1957  | R   | 29 Jan 1958               | 62       |
| MALI                        |                              |                   |  | A   | 10 Aug 1961               | 76       |
| MEXICO                      | x                            | x                 | 7 Dec 1956   | R   | 7 Apr 1958                | 65       |
| MONACO                      | x                            | x                 | 26 Oct 1956  | R   | 19 Sep 1957               | 46       |
| MOROCCO                     | x                            | x                 | 9 Jan 1957   | R   | 17 Sep 1957               | 45       |
| NEPAL                       | x                            |                   |  |   |                           |          |
| NETHERLANDS                 | x                            | x                 | 26 Oct 1956  | R   | 30 Jul 1957               | 27       |
| NEW ZEALAND                 | x                            | x                 | 26 Oct 1956  | R   | 13 Sep 1957               | 42       |
| NICARAGUA                   | x                            | x                 | 23 Jan 1957  | R   | 17 Sep 1957               | 44       |
| NORWAY                      | x                            | x                 | 26 Oct 1956  | R   | 10 Jun 1957               | 10       |
| PAKISTAN                    | x                            | x                 | 26 Oct 1956  | R   | 2 May 1957                | 6        |
| PANAMA                      | x                            | x                 | 26 Oct 1956  | R   |                           |          |
| PARAGUAY                    | x                            | x                 | 26 Oct 1956  | R   | 30 Sep 1957               | 50       |
| PERU                        | x                            | x                 | 26 Oct 1956  | R   | 30 Sep 1957               | 52       |
| PHILIPPINES                 | x                            | x                 | 26 Oct 1956  | R   | 2 Sep 1958                | 68       |
| POLAND                      | x                            | x                 | 26 Oct 1956  | R   | 31 Jul 1957               | 29       |
| PORTUGAL                    | x                            | x                 | 26 Oct 1956  | R   | 12 Jul 1957               | 15       |
| ROMANIA                     | x                            | x                 | 26 Oct 1956  | R   | 12 Apr 1957               | 5        |
| SAN MARINO                  | x                            |                   |  |   |                           |          |
| SAUDI ARABIA                | x                            | x                 |  | A   | 13 Dec 1962               | 79       |
| SENEGAL                     |                              |                   |  | A   | 1 Nov 1960                | 74       |
| SOUTH AFRICA <sup>3c/</sup> | x                            | x                 | 26 Oct 1956  | R   | 6 Jun 1957 <sup>9/</sup>  | 9        |
| SPAIN                       | x                            | x                 | 26 Oct 1956  | R   | 26 Aug 1957               | 39       |
| SUDAN                       | x                            | x                 | 26 Oct 1956  | R   | 17 Jul 1958               | 67       |
| SWEDEN                      | x                            | x                 | 26 Oct 1956  | R   | 19 Jun 1957               | 11       |
| SWITZERLAND                 | x                            | x                 | 26 Oct 1956  | R   | 5 Apr 1957 <sup>10/</sup> | 2        |
| SYRIA <sup>3d/</sup>        | x                            | x                 | 26 Oct 1956  | R   |                           |          |
| THAILAND                    | x                            | x                 | 26 Oct 1956  | R   | 15 Oct 1957               | 58       |
| TUNISIA                     | x                            | x                 | 8 Jan 1957   | R   | 14 Oct 1957               | 57       |

| STATE  | CONFERENCE ON<br>THE STATUTE |                   | SIGNATURE<br>OF THE<br>STATUTE<br>Date <sup>1/</sup>             | RATIFICATION OR ACCEPTANCE OF<br>THE STATUTE                |  |    |
|--|------------------------------|-------------------|--|---|--|----|
|  | Invited<br>to                | Represented<br>at |  | Eligibility<br>to ratify (R)<br>or accept (A) <sup>2/</sup> | Deposit of Instrument<br>Date Sequence               |    |
| TURKEY   | x                            | x                 | 26 Oct 1956  | R   | 19 Jul 1957  | 20 |
| UKRAINIAN<br>SOVIET<br>SOCIALIST<br>REPUBLIC                     | x                            | x                 | 26 Oct 1956  | R   | 31 Jul 1957  | 28 |
| [ Union of South<br>Africa] <sup>3c/</sup>                       |                              |                   |  |   |  |    |
| UNION OF SOVIET<br>SOCIALIST<br>REPUBLICS                        | x                            | x                 | 26 Oct 1956  | R   | 8 Apr 1957   | 3  |
| UNITED ARAB<br>REPUBLIC <sup>3d/</sup>                           | x                            | x                 | 26 Oct 1956  | R   | 4 Sep 1957   | 40 |
| UNITED KINGDOM<br>OF GREAT<br>BRITAIN AND<br>NORTHERN<br>IRELAND | x                            | x                 | 26 Oct 1956  | R   | 29 Jul 1957 <sup>5a/</sup>                           | 21 |
| UNITED STATES<br>OF AMERICA                                      | x                            | x                 | 26 Oct 1956  | R   | 29 Jul 1957 <sup>11/</sup>                           | 22 |
| URUGUAY  | x                            | x                 | 26 Oct 1956  | R   | 22 Jan 1963  | 80 |
| [ Vatican City] <sup>3b/</sup>                                   |                              |                   |  |   |  |    |
| VENEZUELA  | x                            | x                 | 26 Oct 1956 <sup>12/</sup>                                       | R   | 19 Aug 1957  | 35 |
| VIET-NAM   | x                            | x                 | 26 Oct 1956  | R   | 24 Sep 1957  | 47 |
| YEMEN  | x                            | x                 |  |   |  |    |
| YUGOSLAVIA   | x                            | x                 | 26 Oct 1956  | R   | 17 Sep 1957  | 43 |
| TOTALS   | 87                           | 81                | 80<br>(70 at the<br>Conference;<br>10 more<br>within 90<br>days) | 86<br>(80 to ratify,<br>6 to accept)                        | 81<br>(75 ratifi-<br>cations,<br>6 accept-<br>ances) |    |

Supplementary Information

1. Signature of the Statute. The same States were invited to sign the Statute pursuant to Article XXI, A thereof, as had been invited to the Conference on the Statute. The date of the first signature for each State is given in this column; for several States additional signatures were subsequently added.

2. Ratifications and acceptances of the Statute. Pursuant to Articles IV, A and XXI, B of the Statute, all States that signed it thereby became eligible to become Members of the Agency by depositing an instrument of ratification with the depositary Government (that of the United States of America). Pursuant to Article IV, B, the General Conference approved, upon the recommendation of the Board of Governors, the membership of the following non-signatory States, which thereby became eligible to become Members by depositing an instrument of acceptance:

| STATE                   | BOARD'S RECOMMENDATION |             | GENERAL CONFERENCE'S APPROVAL |  |
|-------------------------|------------------------|-------------|-------------------------------|--|
|                         | Date                   | Document    | Date                          | Document                                   |
| Congo<br>(Leopoldville) | 22 Sep 1961            | GC(V)/166   | 26 Sep 1961                   | GC(V)/RESOLUTIONS,<br>GC(V)/RES/88         |
| Finland                 | 8 Oct 1957             | GC, 1(S)/17 | 9 Oct 1957                    | GC(I)/RESOLUTIONS,<br>Part II, B, para. 10 |
| Ghana                   | 29 Mar 1960            | GC(IV)/110  | 20 Sep 1960                   | GC(IV)/RESOLUTIONS,<br>GC(IV)/RES/58       |
| Mali                    | 30 Sep 1960            | GC(IV)/147  | 1 Oct 1960                    | GC(IV)/RESOLUTIONS,<br>GC(IV)/RES/84       |
| Saudi Arabia            | 21 Sep 1962            | GC(VI)/211  | 21 Sep 1962                   | GC(VI)/RESOLUTIONS,<br>GC(VI)/RES/112      |
| Senegal                 | 30 Sep 1960            | GC(IV)/146  | 1 Oct 1960                    | GC(IV)/RESOLUTIONS,<br>GC(IV)/RES/83       |

3. Changes in the designations of States: <sup>\*/</sup>

- (a) Use of the designation "Czechoslovak Socialist Republic":

On 8 August 1960 the Director General informed all Members of the Board of Governors and Resident Representatives to the Agency that:

"... the Permanent Mission of Czechoslovakia has notified the Director General that on 11 July 1960 the Czechoslovak National Assembly approved the new Constitution according to which the official name of the State is the Czechoslovak Socialist Republic ...".

- (b) Use of the designation "Holy See":

(i) The invitation to attend the Conference on the Statute was addressed to the Government of the Vatican City, and the Statute was signed under that designation. The instrument of ratification was deposited in the name of the Holy See, but in the relevant circular the depositary Government referred to the deposit by the Vatican City (circular of 20 September 1957). The designation "Vatican City" was consequently used by the Agency until 7 January 1960.

(ii) On 7 January 1960 the Director General informed the Governments of all Member States that:

<sup>\*/</sup> Notwithstanding the changes in designations to which this paragraph relates, all States are referred to in the paragraphs that follow by the designations they had at the time the actions described therein were taken.

"... the Permanent Representative of the Vatican City has notified the Director General that his Government desires to be called 'The Holy See' both in the organs of the Agency and in correspondence with the Secretariat. The Permanent Representative has invited attention to the facts that his Government's instrument of ratification of the Agency's Statute was drawn up in the name of The Holy See and that the United Nations and several specialized agencies use that designation.

"In the light of this request from the Member State concerned, the Director General intends to use the designation 'Holy See' in all documents and communications of the Agency."

(c) Use of the designation "South Africa":

The Governor from the Republic of South Africa informed the Director General on 31 May 1961 that:

"... in terms of the Republic of South Africa Constitution Act promulgated on 25th April, 1961, the Union of South Africa becomes as from to-day's date (31st May 1961) the Republic of South Africa.

" In listing the name of my country in Agency documentation, etc., it would be appreciated if it might be listed under 'S' and not under 'R', i.e. in its short form as 'South Africa'."

(d) Use of the designation "United Arab Republic":

(i) The Governor from the United Arab Republic (formerly the Governor from Egypt) informed the Director General on 6 March 1958 that:

"... as a result of the plebiscite which was held on 21 February 1958, both in Egypt and Syria, the Egyptian and Syrian peoples have chosen to be united in one state: the 'United Arab Republic'.

"Consequently, the United Arab Republic becomes the official member of the International Atomic Energy Agency."

The Director General transmitted copies of this communication to all Members of the Agency under cover of a note dated 31 March 1958.

(ii) On 13 October 1961 Syria resumed its separate membership in the United Nations (see United Nations General Assembly (XVI), Official Records of the 1036th Plenary Meeting, paragraph 49).

4. Reservation by Argentina:

(a) The instrument of ratification of Argentina contains the following reservation:

"So far as concerns Article XVII, the Argentine Government reserves the right not to submit to the procedure indicated in that article any dispute concerning sovereignty over its territory." (Original Spanish: translation reproduced from the United Nations Treaty Series; circular of 20 August 1957 \*\*/)

(b) The Ambassador of Argentina stated in a letter dated 13 August 1957:

"I have the honor to refer to this Embassy's Note ... of June 26, 1957 concerning the instrument of ratification of the Statute of the International Atomic Agency, to clarify, by the following statement, the meaning of the reservation contained in the aforementioned document.

---

\*\*/ This circular and the others subsequently cited were sent out by the depositary Government pursuant to Article XXI, F of the Statute. Except as otherwise indicated, all diplomatic representatives or missions referred to below are those accredited to that Government.

"The Argentine Republic has adopted the general rule of adhering with a reservation analogous to the one set forth in this instance to all international agreements whose scope could, eventually, impair the irrefutable aspects of her territorial sovereignty.

"Therefore, in compliance with instructions received from my Government and with reference to the reservation set forth with regard to Article 17 of the Statute of the International Atomic Energy Agency, I wish to make it perfectly clear that the reservation does not in any way imply opposition to the clause itself, but rather that it has been submitted for the sole purpose of clearly establishing the interpretation which, in the opinion of the Argentine Government, should be applied to said article.

"In view of the foregoing, I wish to point out that the Argentine Government understands that the reservation does not restrict the Statute nor any of its clauses and therefore would only be invoked in the rare instance that the Statute might be used to the detriment of its own objectives to impair the irrefutable rights of Argentine territorial sovereignty." (Original Spanish: translation by the depositary Government; circular of 20 August 1957, enclosures 3, 4)

(c) The depositary Government communicated the texts of the instrument of ratification of Argentina, of a covering note from the Chargé d'Affaires ad interim of Argentina and of the letter quoted in paragraph (b) above to all Governments concerned with the Statute (circular of 20 August 1957 and enclosures 1 to 4), requesting notifications of acceptance of the reservation. Subsequently, the depositary Government informed all Governments concerned that it considered 3 October 1957 as the date of acceptance of the reservation of Argentina, taking into consideration the following facts:

- (i) All but nine of the Governments concerned (i. e. Governments that had deposited instruments of ratification before receiving notification of the reservation of Argentina) had by that date given notification of acceptance;
- (ii) No objection had been received; and
- (iii) The General Conference at its first regular session, at which each of the nine Governments that had not accepted the reservation was represented, on 3 October 1957 unanimously approved (GC. 1/OR. 3, para. 43) the report of the Credentials Committee (GC. 1/14), which stated in paragraph 7 that satisfactory credentials had been submitted by Argentina, and unanimously elected Argentina to the Board of Governors (GC. 1/OR. 4, para. 20). (Circular of 18 November 1957)

5. Statement concerning the signature of the Republic of China:

(a) The British Ambassador made the following statement in the note transmitting the instrument of ratification of the Government of the United Kingdom of Great Britain and Northern Ireland:

"On the occasion of depositing this Instrument I have the honour to refer to a statement made on October 11, 1956, during the Conference on the Statute, that the Government of the United Kingdom recognise the Central Peoples Government as the Government of China. I must therefore, under instructions from her Majesty's Government, reserve the position of my Government regarding the validity of the signature of this Statute which purported to have been made on behalf of China." (Circular of 1 August 1957, enclosure)

(b) The Ambassador of China made the following reference to the foregoing statement in a note dated 30 October 1957:

"Under instructions from the Ministry of Foreign Affairs, the Ambassador wishes to point out that the Government of the Republic of China is the only legal Government of China which participates in various international



organizations on behalf of the whole country and carries out the obligations under the instruments of such organizations. He is, therefore, surprised at the doubt entertained by the British Government in the validity of the signature and of the ratification by the Government of the Republic of China." (Circular of 18 November 1957, enclosure 4)

(c) See also paragraph 6 below.

6. Objections to the signature of and ratification by the Republic of China:

(a) The Ambassador of India stated in a note dated 19 September 1957:

"The Government of India . . . do not recognise the signature which purports to have been made on behalf of China on the statute of the International Atomic Energy Agency or the ratification of the statute." (Circular of 18 November 1957, enclosure 1)

(b) The Embassy of the Union of Soviet Socialist Republics stated in a note dated 27 September 1957:

"The Soviet Union has pointed out repeatedly that Kuomintang members do not have the right to represent China in the Agency. The Soviet Union reaffirms its position and states that it does not recognize the legality either of the signature of the Kuomintang members affixed to the Statute or of the ratification of the Statute by them, since they do not represent China; . . ." (Original Russian: translation by the depositary Government; circular of 18 November 1957, enclosure 2)

(c) The Ministry of Foreign Affairs of the Byelorussian Soviet Socialist Republic stated in a note dated 8 October 1957:

"The Byelorussian SSR has repeatedly pointed out that the Kuomintang members have no right to represent China in the International Atomic Energy Agency. Reaffirming its position, the Byelorussian SSR states that it recognizes neither the legality of the signature of the Kuomintang members under the Statute of the Agency nor the legality of their ratification of the Statute of the Agency since they do not represent China." (Original Russian: translation by the depositary Government; circular of 18 November 1957, enclosure 3)

(d) In a note dated 29 November 1957, the Ambassador of China made the following observation with reference to the three notes quoted in paragraphs (a) to (c) above:

"... the Ambassador wishes to point out that his Government is the only legal government which has been so recognized by the United Nations and which represents the whole country of China in the different international organizations and in carrying out the obligations under the instruments of such organizations. There should not be any doubt about the validity of the signature by the duly appointed representative of the Republic of China on the Statute of the International Atomic Energy Agency or about the subsequent ratification." (Circular of 7 February 1958, enclosure 2)

(e) The Ministry of Foreign Affairs of the Ukrainian Soviet Socialist Republic stated in a note dated 14 November 1957:

"The Ukrainian SSR has more than once pointed out that the Kuomintang regime has no right to represent China in the International Atomic Energy Agency. For this reason the Ukrainian SSR declares that it recognizes neither the signature of Kuomintang representatives under the Statute of the Agency nor the ratification of that Statute by the Kuomintang regime." (Original Russian: translation by the depositary Government; circular of 7 February 1958, enclosure 1)

7. Application of the Statute to Berlin (West):

(a) The Ambassador of the Federal Republic of Germany stated in a note dated 10 June 1958:

"... that the Statute of the International Atomic Energy Agency also applies to Berlin (West)." (Circular of 14 July 1958)

(b) The Embassy of the Union of Soviet Socialist Republics stated in a note dated 11 August 1958:

"In reply to the note of the Department of State dated July 14, 1958, the Embassy has the honor to communicate that the statement of the representative of the FRG to the effect that, in connection with the ratification by the Government of the FRG of the Statute of the International Agency for Peaceful Uses of Atomic Energy, this Statute 'also applies to Berlin (West)' cannot be accepted, both because of the present international status of Berlin and the fact that West Berlin is not part of the FRG and therefore the latter is not competent to extend the effect of international agreements to West Berlin." (Original Russian: translation by the depositary Government; circular of 29 August 1958, enclosure)

(c) The Department of State of the United States of America stated in a note dated 20 September 1958:

"As one of the occupying powers exercising authority in Berlin, the United States wishes to correct the misapprehensions upon which the Soviet note appears to be based and to confirm that, while Berlin is not governed by the German Federal Republic, the German Federal Republic is, subject to the authority of the Allied Kommandatura, nonetheless competent to declare the applicability in Berlin of the Statute in question and that the application of this Statute in Berlin is entirely compatible with the present international status of Berlin.

"The Statement of Principles for Berlin which the Allied Kommandatura, as the supreme authority in Berlin, promulgated May 14, 1949 as an organic document for Berlin specifically reserved to the Allied Kommandatura (paragraph 2(c)) powers in the field of relations with authorities abroad. The First Instrument of Revision of the Statement of Principles, which became effective March 8, 1951 modified paragraph 2(c) to read as follows:

"In order to ensure the accomplishment of the basic purpose of Occupation, powers in the following fields are specifically reserved to the Allied Kommandatura . . . relations with the authorities abroad, but this power will be exercised as to permit the Berlin authorities to assure the representation of Berlin interests in this field by suitable arrangements."

"The Statement of Principles, as revised, was supplanted on May 5, 1955 by the Declaration on Berlin, which is currently in force. Paragraph III e of this Declaration reads as follows:

"The Allied authorities will normally exercise powers only in the following fields: . . . Relations of Berlin with authorities abroad. However, the Allied Kommandatura will permit the Berlin authorities to assure the representation abroad of the interests of Berlin and of its inhabitants under suitable arrangements."

"In accordance with these basic documents, the Allied Kommandatura has permitted the interests of Berlin and its inhabitants to be represented abroad by the German Federal Republic under arrangements whereby the German Federal Republic has, in each instance, under the authority of the Allied Kommandatura, extended to Berlin treaties or undertakings into which it has entered with many other powers, including most of the members of the International Atomic Energy Agency. The Federal Republic frequently makes provision for the eventual extension of its international agreements to Berlin by inserting in the agreements a special clause regarding Berlin." (Circular of 26 September 1958, enclosure)

- (d) The British Ambassador stated in a note dated 3 November 1958:

"... that Her Majesty's Government in the United Kingdom of Great Britain and Northern Ireland, as one of the occupying powers exercising authority in Berlin, are in full agreement with the views expressed by the Department of State concerning the application of this Statute in Berlin." (Circular of 21 November 1958, enclosure)

- (e) The Ambassador of Poland stated in a note dated 25 November 1958:

"The Polish authorities cannot acknowledge the declaration of the authorities of the German Federal Republic to include West Berlin within the territory subject to the resolutions of the Statute of the International Atomic Energy Agency, since West Berlin does not constitute a part of the German Federal Republic and its inclusion would be inconsistent with its international status." (Circular of 31 December 1958, enclosure)

- (f) The Chargé d'Affaires ad interim of Hungary stated in a note dated 6 January 1959:

"... that his Government is not in a position to take notice of the statement of the representative of the Federal Republic of Germany, contained in the Note of July 14, 1958, that is: that the statute of the International Atomic Energy Agency 'also applies to Berlin (West)'. " (Circular of 27 February 1959, enclosure 1)

- (g) The Ministry of Foreign Affairs of the Ukrainian Soviet Socialist Republic stated in a note dated 21 January 1959:

"The Ministry of Foreign Affairs of the Ukrainian Soviet Socialist Republic declares that the statement of the Ambassador of the German Federal Republic concerning the extension of the application of the Statute of the International Atomic Energy Agency to include West Berlin cannot be taken into consideration, firstly, because of the present international status of Berlin and, secondly, because West Berlin is not a part of the German Federal Republic, and the German Federal Republic is not competent to extend the effect of international agreements to include West Berlin." (Original Russian: translation by the depositary Government; circular of 27 February 1959, enclosures 2, 3)

- (h) The Ministry of Foreign Affairs of the Byelorussian Soviet Socialist Republic stated in a note dated 27 January 1959:

"The Byelorussian SSR cannot take into consideration the communication of the Federal Republic of Germany concerning the extension of the application of the Statute of the International Atomic Energy Agency to West Berlin both because of the present international status of Berlin and also in connection with the fact that West Berlin is not a part of the FRG, and the FRG is not competent to extend to West Berlin the application of international agreements." (Original Russian: translation by the depositary Government; circular of 8 May 1959, enclosures 1, 2)

- (i) The Legation of Romania stated in a note dated 16 April 1959:

"The Government of the Rumanian People's Republic does not recognize the competence of the Government of the Federal Republic of Germany to extend the effect of the Statute of the International Atomic Energy Agency to West Berlin, since it is not within the territory of the Federal Republic of Germany. Consequently, the Government of the Rumanian People's Republic cannot take into consideration the statement made by the Federal Republic of Germany in this respect." (Circular of 6 August 1959, enclosure)

- (j) The Ministry of Foreign Affairs of Albania stated in a note dated 21 July 1959:

"The Ministry of Foreign Affairs of the People's Republic of Albania ... has the honour to state that it considers the said declaration by the representative of the Federal Republic of Germany unacceptable, seeing that it

fails to take account of the present status of Berlin, that West Berlin does not form part of the Federal Republic of Germany and that the latter is therefore not competent to extend to West Berlin the application of international conventions." (Original French: translation by the Secretariat; circular of 16 November 1959, enclosure 2)

(k) The Ambassador of Czechoslovakia stated in a note dated 14 August 1959:

"The Czechoslovak Republic considers the above-mentioned declaration of the German Federal Republic as illegal and cannot agree with it. Berlin is located within the territory of a sovereign State, the German Democratic Republic, of which it is the capital city and, consequently, the Government of the German Federal Republic is in no way competent to declare contractual obligations with regard to Berlin. Thus the declaration of the Government of the German Federal Republic is in contradiction to the actual legal status of Berlin." (Circular of 16 November 1959, enclosure 1)

8. Observation by India. The Embassy of India stated in a note dated 16 July 1957 (the date of the deposit of the instrument of ratification of India):

"1. If safeguards are applied by the Agency only to those States which cannot further their atomic development without the receipt of aid from the Agency or other Member States, the operations of the Agency will have the effect of dividing Member States into two categories, the smaller and less powerful States being subject to safeguards, while the Great Powers are above them. This will increase rather than decrease international tension.

"2. As long as uranium and other materials needed for the development of atomic energy are sold by Member States to certain Member States under bilateral agreements without the application of any safeguards, the sale of such materials to other States with the application of Agency safeguards will result in discrimination." (Circular of 22 July 1957, enclosure)

9. Observation by the Union of South Africa. The Ambassador of the Union of South Africa stated in a note dated 6 June 1957 (the date of the deposit of the instrument of ratification of the Union of South Africa):

"While the Government of the Union of South Africa is satisfied with Article XVII as it stands and has ratified the Statute unreservedly, it will have to consider very carefully whether it would be in a position to agree to any ratifications which are made subject to reservations on this Article." (Circular of 2 July 1957, enclosure)

10. Reservation by Switzerland. The instrument of ratification of Switzerland contains the following reservation:

"In depositing its instrument of ratification of the Statute of the International Atomic Energy Agency, Switzerland makes the general reservation that its participation in the work of the International Atomic Energy Agency, particularly as regards relations between the Agency and the United Nations, may not exceed the limits imposed by its status as a permanently neutral State. In the context of this general reservation it makes a specific reservation with regard to the text of article III.B.4 of the Statute and any analogous clause which might replace or supplement these provisions in the Statute or in another agreement." (Original French: translation reproduced from the United Nations Treaty Series; circular of 19 April 1957)

11. Statement of interpretation and understanding by the United States of America:

(a) The instrument of ratification of the United States of America quotes the statement of interpretation and understanding subject to which the Senate, on 18 June 1957, gave its advice and consent to ratification of the Statute, namely that:

"(1) any amendment to the Statute shall be submitted to the Senate for its advice and consent, as in the case of the Statute itself, and (2) the United States will not remain a member of the Agency in the event of an amendment to the Statute being adopted to which the Senate by a formal vote shall refuse its advice and consent." (Circular of 1 August 1957)

(b) The Acting Secretary of State of the United States stated in the same circular:

"The Government of the United States of America considers that the above statement of interpretation and understanding pertains solely to United States constitutional procedures and is of a purely domestic character." (Circular of 1 August 1957)

12. Note added to the Venezuelan signatures:

(a) The representatives of Venezuela added the following note to their signatures:

"Ad referendum and subject to the conditions set forth in the communication addressed to the President of the Conference on 25 October 1956." (Original Spanish: translation reproduced from the United Nations Treaty Series; circular of 18 November 1957, enclosure 5, note (8), para. 1)

(b) The communication referred to in the note quoted in paragraph (a) above contains the following declaration:

"The Delegation of Venezuela signs this Statute ad referendum on the understanding:

(1) With regard to article XVII thereof, the signing or ratification of this instrument by Venezuela does not signify acceptance by the latter of the jurisdiction of the International Court of Justice without Venezuela's express consent in each case.

(2) That no amendment to this instrument, as referred to in article XVIII, paragraph C, can be considered by Venezuela to be in force unless the latter's constitutional provisions concerning the ratification and deposit of public treaties have previously been complied with." (Original Spanish: translation reproduced from the United Nations Treaty Series; circular of 18 November 1957, enclosure 5, note (8), para. 2)

(c) The instrument of ratification of Venezuela does not contain the declaration quoted in paragraph (b) above.

PART II

ACCEPTANCES OF THE AMENDMENT TO ARTICLE VI, A, 3 OF THE STATUTE

| MEMBER                                       | DEPOSIT OF INSTRUMENT<br>OF ACCEPTANCE |          | MEMBER  | DEPOSIT OF INSTRUMENT<br>OF ACCEPTANCE |          |
|--|--|----------|---|--|----------|
|  | Date                                   | Sequence |   | Date                                   | Sequence |
| Australia                                    | 21 May 1962                            | 21       | Netherlands   | 10 Sep 1962                            | 36       |
| Austria                                      | 17 Sep 1962                            | 39       | New Zealand   | 25 Jul 1962                            | 25       |
| Belgium                                      | 14 Feb 1962                            | 9        | Nicaragua   | 9 Oct 1962                             | 46       |
| Bulgaria                                     | 24 Sep 1962                            | 43       | Norway  | 22 Dec 1961                            | 3        |
| Burma  | 10 Aug 1962                            | 31       | Pakistan  | 13 Aug 1962                            | 33       |
| Byelorussian<br>Soviet Socialist<br>Republic | 31 Oct 1962                            | 50       | Paraguay  | 22 Aug 1962                            | 34       |
| Cambodia                                     | 31 Jul 1962                            | 29       | Philippines   | 26 Jul 1962                            | 27       |
| Canada                                       | 4 Jan 1962                             | 6        | Poland  | 27 Jun 1962                            | 22       |
| Ceylon                                       | 29 Jun 1962                            | 23       | Portugal  | 3 Aug 1962                             | 30       |
| China  | 30 Jul 1962                            | 28       | Romania   | 4 Sep 1962                             | 40       |
| Cuba   | 11 Oct 1962                            | 47       | Saudi Arabia  | 13 Dec 1962                            | 52       |
| Denmark                                      | 4 May 1962                             | 14       | South Africa  | 20 Feb 1962                            | 10       |
| Ecuador                                      | 27 Sep 1962                            | 45       | Spain   | 31 Jan 1963 <sup>a/</sup>              | 54       |
| El Salvador                                  | 27 Oct 1962                            | 48       | Sudan   | 11 Sep 1962                            | 38       |
| Ethiopia                                     | 31 Dec 1962                            | 53       | Sweden  | 28 Dec 1961                            | 5        |
| Finland                                      | 30 Oct 1961                            | 1        | Switzerland   | 13 Jul 1962                            | 24       |
| France                                       | 14 Mar 1962                            | 11       | Thailand  | 9 Feb 1962                             | 8        |
| Ghana  | 15 Mar 1962                            | 12       | Tunisia   | 22 Dec 1961                            | 4        |
| Holy See                                     | 11 Jan 1962                            | 7        | Ukrainian Soviet<br>Socialist<br>Republic                     | 31 Oct 1962                            | 49       |
| Hungary                                      | 11 May 1962                            | 20       | Union of Soviet<br>Socialist<br>Republics                     | 25 Jul 1962                            | 26       |
| Iceland                                      | 13 Aug 1962                            | 32       | United Arab<br>Republic                                       | 30 Aug 1962                            | 35       |
| India  | 10 May 1962                            | 19       | United Kingdom<br>of Great Britain<br>and Northern<br>Ireland | 12 Dec 1961                            | 2        |
| Indonesia                                    | 7 Nov 1962                             | 51       | United States<br>of America                                   | 10 Apr 1962                            | 13       |
| Iraq   | 25 Sep 1962                            | 44       | Venezuela   | 7 May 1962                             | 18       |
| Israel                                       | 7 May 1962                             | 17       | Viet-Nam  | 19 Sep 1962                            | 41       |
| Korea,<br>Republic of                        | 4 May 1962                             | 15       |   |  |          |
| Lebanon                                      | 4 May 1962                             | 16       |   |  |          |
| Monaco                                       | 11 Sep 1962                            | 37       |   |  |          |
| Morocco                                      | 22 Sep 1962                            | 42       |   |  |          |

<sup>a/</sup> The depositary Government informed the Agency that the amendment came into force on this date.