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ACTION TAKEN BY STATES IN CONNECTION WITH THE STATUTE

Information received by the Secretariat up to 30 April 1966

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 for the 26 States that had ratified it on that date or previously. An amendment to the first sentence of Article VI.A.3 was approved by the General Conference on 4 October 1961 [2] and came into force for all Members on 31 January 1963 upon fulfilment of the requirement in Article XVIII.C [3].

2. This document deals with action taken by States in connection with the Statute. Part I 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 [4]; Part II gives information about acceptances of the amendment to Article VI.A.3. With regard to the arrangement of the material:

(a) In the Tables, States are listed in alphabetical order, which is different in versions of this document in other languages; the reference numbers in Tables 1 and 3 are, however, the same in all versions;

(b) Notwithstanding the changes in designations of States to which paragraph 1 of the Supplementary Information to Table 1 relates, throughout the document (except in Table 1 itself) all States are referred to by the designations they had at the time the actions described were taken;

(c) All the "circulars" cited were sent out by the depositary Government (that of the United States of America) under Article XXI.F of the Statute; and

(d) Except as otherwise indicated, all diplomatic representatives or missions referred to were accredited to the depositary Government.

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

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

[3] For the text of the amendment see document INFCIRC/41 and the United Nations Treaty Series under registration number 3988, Vol. 471, p. 334. The amended text of the Statute was published by the Agency in August 1963.

[4] Most of this information can also be found in the United Nations Treaty Series under registration number 3988, as follows: Vol. 276, p. 4 (original text of the Statute); Vol. 293, p. 359; Vol. 312, p. 427; Vol. 316, p. 387; Vol. 356, p. 378; Vol. 394, p. 276; Vol. 407, p. 262; Vol. 416, p. 342; and Vol. 471, p. 333.

PART I

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

Table 1

STATE[1]	CONFERENCE ON THE STATUTE		SIGNATURE OF THE STATUTE	RATIFICATION OR ACCEPTANCE OF THE STATUTE		
	Invited to	Represented at	Date[2]	Eligibility to ratify (R) or accept (A)[3]	Deposit of Instrument	
					Date	Sequence[4]
AFGHANISTAN	x	x	23 Jan 1957	R	31 May 1957	8
ALBANIA	x	x	26 Oct 1956	R	23 Aug 1957	38
ALGERIA				A	24 Dec 1963	85
ARGENTINA	x	x	26 Oct 1956	R	3 Oct 1957[5]	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[4b]
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 SOVIET SOCIALIST REPUBLIC	x	x	26 Oct 1956	R	8 Apr 1957	4
CAMBODIA	x	x	26 Oct 1956	R	6 Feb 1958	63
CAMEROON				A	13 Jul 1964	88
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[6]	R	10 Sep 1957[7]	41
COLOMBIA	x	x	26 Oct 1956	R	30 Sep 1960	73
CONGO, Democratic Republic of[1a]				A	10 Oct 1961	77
[Congo (Leopoldville)][1a]						
COSTA RICA	x	x	26 Oct 1956	R	25 Mar 1965	91
CUBA	x	x	26 Oct 1956	R	1 Oct 1957	54
CYPRUS[3]				A	7 Jun 1965	92

STATE[1/]	CONFERENCE ON THE STATUTE		SIGNATURE OF THE STATUTE	RATIFICATION OR ACCEPTANCE OF THE STATUTE		
	Invited to	Represented at	Date[2/]	Eligibility to ratify (R) or accept (A)[3/]	Deposit of Instrument	
					Date	Sequence[4/]
CZECHOSLOVAK SOCIALIST REPUBLIC[1b/]	x	x	26 Oct 1956	R	5 Jul 1957	12
[Czechoslovakia][1b/]						
DENMARK	x	x	26 Oct 1956	R	16 Jul 1957	19
DOMINICAN REPUBLIC	x	x	26 Oct 1956	R	11 Jul 1957	14
ECUADOR	x	x	26 Oct 1956	R	3 Mar 1958	64
[Egypt][1e/]						
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
GABON				A	21 Jan 1964	86
GERMANY, Federal Republic of[8/]	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[1c/]	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[9/]	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
IVORY COAST				A	19 Nov 1963	84
JAMAICA				A	29 Dec 1965	94
JAPAN	x	x	26 Oct 1956	R	16 Jul 1957	17

STATE[1]	CONFERENCE ON THE STATUTE		SIGNATURE OF THE STATUTE	RATIFICATION OR ACCEPTANCE OF THE STATUTE		
	Invited to	Represented at	Date[2]	Eligibility to ratify (R) or accept (A)[3]	Deposit of Instrument	
					Date	Sequence[4]
JORDAN	x	x		A	18 Apr 1966	96
KENYA				A	12 Jul 1965	93
KOREA, Republic of	x	x	26 Oct 1956	R	8 Aug 1957	33
KUWAIT[3]				A	1 Dec 1964	89
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	9 Sep 1963	83
LUXEMBOURG	x		18 Jan 1957	R	29 Jan 1958	62
MADAGASCAR				A	22 Mar 1965	90
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[4a]
NEW ZEALAND	x	x	26 Oct 1956	R	13 Sep 1957	42
NICARAGUA	x	x	23 Jan 1957	R	17 Sep 1957	44
NIGERIA				A	25 Mar 1964	87
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	2 Mar 1966	95
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[1d]	x	x	26 Oct 1956	R	6 Jun 1957[10]	9
SPAIN	x	x	26 Oct 1956	R	26 Aug 1957	39

STATE[1]	CONFERENCE ON THE STATUTE		SIGNATURE OF THE STATUTE	RATIFICATION OR ACCEPTANCE OF THE STATUTE		
	Invited to	Represented at	Date[2]	Eligibility to ratify (R) or accept (A)[3]	Deposit of Instrument	
					Date	Sequence[4]
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[11]	2
SYRIAN ARAB REPUBLIC[1e]	x	x	26 Oct 1956	R	6 Jun 1963	82
[Syria][1e]						
THAILAND	x	x	26 Oct 1956	R	15 Oct 1957	58
TUNISIA	x	x	8 Jan 1957	R	14 Oct 1957	57
TURKEY	x	x	26 Oct 1956	R	19 Jul 1957	20
UKRAINIAN SOVIET SOCIALIST REPUBLIC	x	x	26 Oct 1956	R	31 Jul 1957	28
[Union of South Africa][1d]						
UNION OF SOVIET SOCIALIST REPUBLICS	x	x	26 Oct 1956	R	8 Apr 1957	3
UNITED ARAB REPUBLIC[1e]	x	x	26 Oct 1956	R	4 Sep 1957	40
UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND	x	x	26 Oct 1956	R	29 Jul 1957[6a]	21
UNITED STATES OF AMERICA	x	x	26 Oct 1956	R	29 Jul 1957[12]	22
URUGUAY	x	x	26 Oct 1956	R	22 Jan 1963	80
[Vatican City][1c]						
VENEZUELA	x	x	26 Oct 1956[13]	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 (70 at the Conference; 10 more within 90 days)	97 (80 to ratify, 17 to accept)	96 (79 ratifications, 17 acceptances)	

Supplementary Information

1. Changes in the designations of States:

(a) Use of the designation "Congo, Democratic Republic of":

The Governor from the Democratic Republic of the Congo on the Board of Governors informed the Director General on 24 February 1965 that:

> "... as the result of a constitutional referendum held in July 1964, the Congolese people approved the new constitution according to which the official designation of my country is The Democratic Republic of the Congo.
>
> "I should be grateful if, in the alphabetical lists of countries that appear in the Agency's publications and other documents, the name of my country could be included under Congo, Democratic Republic of." (Original French: translation by the Secretariat)

(b) 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 ..."

(c) Use of the designation "Holy See":

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, when the Director General informed the Governments of all Member States that:

> "... 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."

(d) 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'."

(e) Use of the designations "Syrian Arab Republic" and "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 6 June 1963 (about 20 months after Syria had resumed its separate membership in the United Nations) an instrument of ratification of the Statute was deposited in the name of the Syrian Arab Republic. (Circular of 14 June 1963)

2. 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.

3. 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). Under Article IV.B, the following non-signatory States have been recommended by the Board of Governors for membership; those approved by the General Conference became eligible, on the dates given, to become Members by depositing an instrument of acceptance:

Table 2

STATE	BOARD'S RECOMMENDATION		GENERAL CONFERENCE'S APPROVAL	
	Date	Document	Date	Resolution or Decision
Algeria	1 Oct 1963	GC(VII)/263	1 Oct 1963	GC(VII)/RES/161
Cameroon	26 Sep 1963	GC(VII)/249	27 Sep 1963	GC(VII)/RES/137
Congo, Democratic Republic of	22 Sep 1961	GC(V)/166	26 Sep 1961	GC(V)/RES/88
Cyprus	26 Feb 1964	GC(VIII)/267	14 Sep 1964	GC(VIII)/RES/162
Finland	8 Oct 1957	GC.1(S)/17	9 Oct 1957	GC.1(S)/DEC/10[a/]
Gabon	18 Sep 1963	GC(VII)/244	24 Sep 1963	GC(VII)/RES/136
Ghana	29 Mar 1960	GC(IV)/110	20 Sep 1960	GC(IV)/RES/58
Ivory Coast	19 Feb 1963	GC(VII)/235	24 Sep 1963	GC(VII)/RES/134
Jamaica	20 Sep 1965	GC(IX)/308	21 Sep 1965	GC(IX)/RES/184
Jordan	20 Sep 1965	GC(IX)/308	21 Sep 1965	GC(IX)/RES/183
Kenya	14 Sep 1964	GC(VIII)/282	14 Sep 1964	GC(VIII)/RES/164
Kuwait	26 Feb 1964	GC(VIII)/267	14 Sep 1964	GC(VIII)/RES/163
Madagascar	14 Sep 1964	GC(VIII)/282	14 Sep 1964	GC(VIII)/RES/165
Mali	30 Sep 1960	GC(IV)/147	1 Oct 1960	GC(IV)/RES/84
Nigeria	20 Jun 1963	GC(VII)/237	24 Sep 1963	GC(VII)/RES/135
Saudi Arabia	21 Sep 1962	GC(VI)/211	21 Sep 1962	GC(VI)/RES/112
Senegal	30 Sep 1960	GC(IV)/146	1 Oct 1960	GC(IV)/RES/83

a/ As numbered retroactively (see document GC/RES/INDEX/3, Footnote 1).

4. Effects of deposits of instruments of ratification or acceptance:

(a) Pursuant to Article XXI.E, the Statute entered into force on 29 July 1957 for the 26 States that had deposited instruments of ratification on or prior to that date. For a State which deposited such an instrument after that date (i.e. a State for which the number in the "Sequence" column in Table 1 exceeds 26), the Statute entered into force on the date of deposit.

(b) Pursuant to Article XVIII.C of the Statute, the amendment to Article VI.A.3 came into force on 31 January 1963 for all States then Members. For a State which deposited an instrument of ratification or acceptance after that date (i.e. a State for which the number in the "Sequence" column in Table 1 exceeds 80), the Statute entered into force as thus amended.

5. 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 Energy Agency, to clarify, by the following statement, the meaning of the reservation contained in the aforementioned document.

"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 sub-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)

6. 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 7 below.

7. 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 noted 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 sub-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)

8. 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, nonethless 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 of the representative of the Federal Republic of Germany to be unacceptable in view of the fact that it does not take into account the present status of Berlin and the fact that West Berlin is not part of the Federal Republic of Germany and that therefore the latter is not competent to extend the application of international agreements to West Berlin." (Original French: translation reproduced from the United Nations Treaty Series; 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)

9. 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)

10. Statement 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)

11. 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)

12. 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)

13. 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 sub-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 sub-paragraph (b) above.

Supplementary Information

1. Effect of deposits of instruments of acceptance. In a circular of 5 February 1963 the depositary Government announced that the amendment had come into force for all Member States on the date of deposit of the instrument of acceptance by Spain. Instruments for which the number in the "Sequence" column in Table 3 exceeds 54 were thus deposited after such entry into force.

2. Objection to the deposit by certain States of instruments of acceptance:

(a) The Ministry of Foreign Affairs of Cuba stated in a note dated 12 October 1962:

"... that it has taken due note of the contents of ... [a circular regarding the deposit of instruments of acceptance of the amendment by various States] ... with the exception of the reference to the deposit of instruments of acceptance by Korea on 4 May 1962 and by China on 30 June [sic] 1962; this because the Governments which have carried out this legal act do not represent the real will of the Korean and Chinese peoples, whose interests can be truly represented only by the Governments of the Democratic People's Republic of Korea and of the People's Republic of China, with which the Revolutionary Government maintains cordial relations." (Original Spanish: translation by the Secretariat; circular of 17 December 1962, enclosure)

(b) In a note dated 23 April 1963 the Ambassador of China made the following observations with reference to the note quoted in sub-paragraph (a) above:

"Pursuant to instructions from the Government of the Republic of China, the Ambassador wishes to repudiate the assertion of the Cuban Government that the Communist regime in Peiping rather than the Government of the Republic of China represent the real will of the Chinese people, ... The Government of the Republic of China is the only legally constituted government of China and is recognized by a great majority of the nations in the world, while the Communist regime in Peiping is nothing but a creation imposed by force and maintains its hold by suppression of the people at home and by aggression against its neighbors. The Government of the Republic of China, as a founding member of both the United Nations and the International Atomic Energy Agency, has faithfully carried out its obligations under the Charter of the United Nations and the Statute of the Agency. Its lawful right to represent China has been consistently upheld by the United Nations, whereas the Communist regime in Peiping has been and still stands condemned as an aggressor in the Korean War and is considered disqualified for admission to that world organization. It is highly regrettable that the Cuban Government should choose to ignore these patent facts and make completely unwarranted accusations against the legitimate Government of the Republic of China." (Circular of 14 June 1963, enclosure)

(c) In a note dated 26 June 1963 the Embassy of the Union of Soviet Socialist Republics made the following observations with reference to the note quoted in sub-paragraph (b) above:

"As indicated, in particular, in the Embassy's note to the State Department of 27 September 1957 [*] , the Soviet Union does not recognize the legality either of the signature of the Chiang Kai-shekists affixed to the Agency's Statute or of the ratification of the Statute by them, since they do not represent China. Consequently the Soviet Union cannot recognize the legality of the acceptance by

[*] See Part I, Supplementary Information, paragraph 7(b).

the Chiang Kai-shekists of any amendment to the Statute, and the Embassy is therefore returning herewith the note by the Chiang Kai-shekists, dated 23 April 1963, which was enclosed with the State Department's note. (Original Russian: translation by the Secretariat; circular of 3 October 1963, enclosure 1)

(d) In a note dated 23 July 1963 the following observation was made on behalf of the Ministry of Foreign Affairs of the Byelorussian Soviet Socialist Republic with reference to the note quoted in sub-paragraph (b) above:

"As is well known, the Byelorussian Soviet Socialist Republic has repeatedly pointed out that it does not recognize the legality either of the signature of the Chiang Kai-shekists affixed to the Agency's Statute or of the ratification of the Statute by them. Consequently the Byelorussian Soviet Socialist Republic cannot recognize the legality of the acceptance by the Chiang Kai-shekists of any amendments to the Statute, and the Ministry of Foreign Affairs of the Byelorussian Soviet Socialist Republic is therefore returning the note by the Chiang Kai-shekists, dated 23 April 1963, which was enclosed with the State Department's note." (Original Russian: translation by the Secretariat; circular of 3 October 1963, enclosure 2)

(e) In a note dated 23 July 1963 the following observation was made on behalf of the Ministry of Foreign Affairs of the Ukrainian Soviet Socialist Republic with reference to the note quoted in sub-paragraph (b) above:

"As is well known, the Ukrainian Soviet Socialist Republic has repeatedly pointed out that it does not recognize the legality either of the signature of the Chiang Kai-shekists affixed to the Agency's Statute or of the ratification of the Statute by them. Consequently the Ukrainian Soviet Socialist Republic cannot recognize the legality of the acceptance by the Chiang Kai-shekists of any amendments to the Statute, and the Ministry of Foreign Affairs of the Ukrainian Soviet Socialist Republic is therefore returning the note by the Chiang Kai-shekists, dated 23 April 1963, which was enclosed with the State Department's note." (Original Russian: translation by the Secretariat; circular of 3 October 1963, enclosure 3)

(f) In a note dated 29 April 1964 the Ambassador of China made the following observations with reference to the notes quoted in sub-paragraphs (c), (d) and (e) above:

"Pursuant to instructions from the Government of the Republic of China, the Chinese Ambassador wishes to repudiate the exceptions taken by the Governments of the Union of Soviet Socialist Republics, the Byelorussian Soviet Socialist Republic and the Ukrainian Soviet Socialist Republic with respect to the Chinese Government's acceptance of the amendment to the Statute approved on October 4, 1961. These exceptions are embodied in three notes of the Embassy of the U.S.S.R. to the Department of State, copies of which were attached to the Secretary's above-mentioned note of October 3, 1963.

"The Chinese Ambassador reiterates that the Government of the Republic of China, as stated in his note of April 23, 1963 to the Secretary of State, is the only legally constituted government of China and is recognized by a great majority of the nations in the world. It is the same lawful government which signed the Statute in 1956 and later ratified it. Therefore any doubt cast upon the legality of the acceptance of the amendment to the Statute by the Government of the Republic of China is baseless, and any exception taken or any reservation made by any nation as to its legality is null and void." (Circular of 30 July 1964, enclosure)

(g) In a note dated 14 August 1964 the Embassy of the Union of Soviet Socialist Republics made the following observations with reference to the note quoted in sub-paragraph (f) above:

"The Embassy also confirms its note No. 24 of 26 June 1963 to the Department of State and again declares that the Soviet Union does not recognize the legality either of the signature of the Chiang Kai-shekists affixed to the International Atomic Energy Agency's Statute or of the ratification of the Statute by them, nor does it recognize the legality of their acceptance of amendments to the Statute. The Embassy is therefore returning herewith the note by the Chiang Kai-shekists dated 29 April 1964, which was enclosed with the above-mentioned circular from the Secretary of State." (Original Russian: translation by the Secretariat; circular of 1 February 1965, enclosure 1)

(h) In a note dated 15 August 1964 the following observation was made on behalf of the Ministry of Foreign Affairs of the Byelorussian Soviet Socialist Republic with reference to the note quoted in sub-paragraph (f) above:

"The Embassy has also been instructed to confirm its note No. 28 of 23 July 1963 to the Department of State and again declare that the Byelorussian Soviet Socialist Republic does not recognize the legality either of the signature of the Chiang Kai-shekists affixed to the International Atomic Energy Agency's Statute or of the ratification of the Statute by them, nor does it recognize the legality of their acceptance of amendments to the Statute. The Ministry of Foreign Affairs of the Byelorussian Soviet Socialist Republic is therefore returning the note by the Chiang Kai-shekists dated 29 July 1964, which was enclosed with the above-mentioned circular from the Secretary of State." (Original Russian: translation by the Secretariat; circular of 1 February 1965, enclosure 1)

(i) In a note dated 15 August 1964 the following observation was made on behalf of the Ministry of Foreign Affairs of the Ukrainian Soviet Socialist Republic with reference to the note quoted in sub-paragraph (f) above:

"The Embassy has also been instructed to confirm its note No. 29 of 23 July 1963 to the Department of State and again declare that the Ukrainian Soviet Socialist Republic does not recognize the legality either of the signature of the Chiang Kai-shekists affixed to the International Atomic Energy Agency's Statute or of the ratification of the Statute by them, nor does it recognize the legality of their acceptance of amendments to the Statute. The Ministry of Foreign Affairs of the Ukrainian Soviet Socialist Republic is therefore returning the note by the Chiang Kai-shekists, dated 29 April 1964, which was enclosed with the above-mentioned circular from the Secretary of State." (Original Russian: translation by the Secretariat; circular of 1 February 1965, enclosure 1)

(j) In a note dated 8 December 1964 the Ministry of Foreign Affairs of Cuba made the following observations with reference to the note quoted in sub-paragraph (f) above:

"The Revolutionary Government of Cuba ..... wishes to state as follows: It neither accepts nor recognizes the action of the self-styled Ambassador of China in repudiating the exceptions taken by the governments of the Union of Soviet Socialist Republics, the Byelorussian Soviet Socialist Republic and the Ukrainian Soviet Socialist Republic with respect to the acceptance of the amendment to the Statute on behalf of China. In its view, the exceptions in question are well founded and in accordance with law, since there is only one Chinese people and government in the world, and this is in the People's Republic of China, which historically comprises the territory of China including the Island of Formosa or Taiwan, which can only be represented in its international relations by its lawful government in Peking. Moreover, the fact that this lawful government of the

People's Republic of China has not been recognized by the majority of the international community does not mean that the reality of its existence can be obscured by a decadent figment maintained in being by the armed force of the United States of America, which is seeking to stem the tide of history as it daily bursts through the delusions of unlawful governments in their endeavours to maintain themselves by force and usurp the legitimate rights of other States, in this case the People's Republic of China." (Original Spanish: translation by the Secretariat; circular of 1 February 1965, enclosure 4)

(k) In a note dated 9 December 1964 the Ministry of Foreign Affairs of Albania made the following observations with reference to the note quoted in sub-paragraph (f) above:

"The Government of the People's Republic of Albania protests energetically against the usurpation of the lawful rights of the Government of the People's Republic of China by the Chiang Kai-shek clique, which can in no wise act on behalf of China and the Chinese people.

"It is well known that there is only one China, the People's Republic of China, and that its Government alone is the representative of the Chinese people, which can act and assume obligations in its name.

"The Chiang Kai-shek clique, which was driven out by the Chinese people, represents no one and cannot on behalf of the Chinese people and China assume any obligation resulting from an international instrument such as the Statute of the International Atomic Energy Agency and the amendment to it dated 4 October 1961.

"The Government of the People's Republic of Albania accordingly regards the declaration by the so-called Republic of China as unlawful, unacceptable and null and void." (Original French: translation by the Secretariat; circular of 1 February 1965, enclosure 5)

(l) In a note dated 2 February 1965 the Department of State of the United States of America made the following observations with reference to the notes quoted in sub-paragraphs (f), (g), (h) and (i) above:

"With reference to the comments expressed in the aforesaid notes of the Soviet Embassy regarding the action of the Government of the Republic of China with respect to the Statute and the amendment thereto, the Department of State informs the Soviet Embassy that the Government of the United States of America concurs with the statement of the Chinese Ambassador in his note of April 29, 1964 that the Government of the Republic of China is the only legally constituted government of China and is the same lawful government which signed the Statute in 1956 and later ratified it." (Circular of 3 February 1965, enclosure)

(m) In a note dated 15 February 1965 the Embassy of the Union of Soviet Socialist Republics made the following observations with reference to the note quoted in sub-paragraph (l) above:

"The Embassy also reaffirms the terms of the above-mentioned Embassy notes No. 25 of 14 August 1964 and Nos. 26 and 27 of 15 August 1964 regarding the Soviet Union's refusal to recognize the legality either of the signature of the Chiang Kai-shekists affixed to the International Atomic Energy Agency's Statute or of the ratification of the Statute by them, or the legality of the acceptance by the Chiang Kai-shekists of amendments to the Statute." (Original Russian: translation by the Secretariat; circular of 28 June 1965, enclosure)

(n) In a note dated 1 July 1965 the Legation of Bulgaria made the following observations with reference to the note quoted in sub-paragraph (f) above:

"The Legation of the People's Republic of Bulgaria also declares that it considers illegal the signature and ratification by the Chiang Kai-Chek's clique of the Statute of the IAEA and their adopting the Amendment to it. The Chiang Kai-Chek's clique can not assume, on behalf of China, any responsibilities resulting from the Statute of the International Atomic Energy Agency." (Circular of 30 December 1965, enclosure 1)

3. Application of the amendment to Berlin (West).

(a) In a note dated 26 March 1964 the Ambassador of the Federal Republic of Germany referred to the instrument of acceptance that had been deposited by his Government on 22 August 1963, and declared:

" .... that the Amendment to the Statute of the International Atomic Energy Agency approved on October 4, 1961, has the same application with respect to Berlin as the Statute itself." (Circular of 30 July 1964)

(b) In a note dated 14 August 1964 the Embassy of the Union of Soviet Socialist Republics made the following observations with reference to the note quoted in sub-paragraph (a) above:

"With regard to the declaration by the Ambassador of the Federal Republic of Germany dated 26 March 1964 and referred to in the above-mentioned note, the Embassy confirms its note of 11 August 1958 and points out that the declaration by the Government of the Federal Republic of Germany extending to West Berlin the application of the amendment to the Statute of the International Atomic Energy Agency can have no legal force since it is contrary to the legal position of West Berlin, which is a separate political entity. West Berlin never was and is not now a part of the Federal Republic of Germany and the competence of the West German authorities does not extend to it, as has been officially recognized by the United States Government on more than one occasion.

"The fact that the Government of the Federal Republic of Germany is nevertheless seeking to extend the application of international agreements concluded by it to West Berlin is further evidence of the revanchiste character of the present foreign policy of the Federal Republic authorities, a policy which runs counter to the cause of reducing international tension and improving international relations." (Original Russian: translation by the Secretariat; circular of 1 February 1965, enclosure 1)

(c) In a note dated 15 August 1964 the following observation was made on behalf of the Ministry of Foreign Affairs of the Byelorussian Soviet Socialist Republic with reference to the note quoted in sub-paragraph (a) above:

"With regard to the declaration by the Ambassador of the Federal Republic of Germany dated 26 March 1964 and referred to in the above-mentioned note, the Ministry of Foreign Affairs of the Byelorussian Soviet Socialist Republic reaffirms the views expressed in the Embassy's note of 27 January 1959 and points out that the declaration by the Government of the Federal Republic of Germany extending to West Berlin the application of the amendment to the Statute of the International Atomic Energy Agency can have no legal force since it is contrary to the legal position of West Berlin, which is a separate political entity. West Berlin never was and is not now a part of the Federal Republic of Germany and the competence of the West German authorities does not extend to it, as has been officially recognized by the United States Government on more than one occasion.

"The fact that the Government of the Federal Republic of Germany is nevertheless seeking to extend the application of international agreements concluded by it to West Berlin is further evidence of the revanchiste character of the present foreign policy of the Federal Republic authorities, a policy which runs counter to the cause of reducing international tension and improving international relations." (Original Russian: translation by the Secretariat; circular of 1 February 1965, enclosure 1)

(d) In a note dated 15 August 1964 the following observation was made on behalf of the Ministry of Foreign Affairs of the Ukrainian Soviet Socialist Republic with reference to the note quoted in sub-paragraph (a) above:

"With regard to the declaration by the Ambassador of the Federal Republic of Germany dated 26 March 1964 and referred to in the above-mentioned note, the Ministry of Foreign Affairs of the Ukrainian Soviet Socialist Republic reaffirms the views expressed in the Embassy's note of 21 January 1959 and points out that the declaration by the Government of the Federal Republic of Germany extending to West Berlin the application of the amendment to the Statute of the International Atomic Energy Agency can have no legal force since it is contrary to the legal position of West Berlin, which is a separate political entity. West Berlin never was and is not now a part of the Federal Republic of Germany and the competence of the West German authorities does not extend to it, as has been officially recognized by the United States Government on more than one occasion.

"The fact that the Government of the Federal Republic of Germany is nevertheless seeking to extend the application of international agreements concluded by it to West Berlin is further evidence of the revanchiste character of the present foreign policy of the Federal Republic authorities, a policy which runs counter to the cause of reducing international tension and improving international relations." (Original Russian: translation by the Secretariat; circular of 1 February 1965, enclosure 1)

(e) In a note dated 9 October 1964 the Ambassador of Poland made the following observations with reference to the note quoted in sub-paragraph (a) above:

"The Polish authorities cannot take cognizance of the declaration of the authorities of the Federal German Republic concerning the application of the Amendment to the Statute of the International Atomic Energy Agency to West Berlin since it is not in conformity with the international status of West Berlin as West Berlin is not the integral part of the Federal German Republic." (Circular of 1 February 1965, enclosure 2)

(f) In a note dated 19 November 1964 the Ambassador of the Czechoslovak Socialist Republic made the following observations with reference to the note quoted in sub-paragraph (a) above:

"The Ambassador of the Czechoslovak Socialist Republic .... with reference to His Excellency's Note of 30th July, 1964, concerning a statement of the Ambassador of the German Federal Republic on the amendment of the Statute of the International Atomic Energy Agency, adopted on 4th October, 1961 in Vienna, has the honor to advise that the Government of the Czechoslovak Socialist Republic stated its position with regard to similar statements in its Note of 14th August, 1959. The attempts of the Government of the German Federal Republic to usurp the right of speaking on behalf of Berlin lack any legal foundation and are in contravention of the existing status of Berlin." (Circular of 1 February 1965, enclosure 3)

(g) In a note dated 8 December 1964 the Ministry of Foreign Affairs of Cuba made the following observations with reference to the note quoted in sub-paragraph (a) above:

"The Revolutionary Government of Cuba, having analysed the documents accompanying the above-mentioned note, wishes to state as follows: It does not accept or recognize the declaration by the Ambassador of the Federal Republic of Germany extending to Berlin the application of the amendment to the Statute of the International Atomic Energy Agency, approved on 4 October 1961, since the Federal Republic has no competence to make pronouncements in respect of territories which are not under its national jurisdiction but are under the jurisdiction of another State, inasmuch as it is necessary to reaffirm that Berlin belongs to the German Democratic Republic and not to whosoever unlawfully seeks to represent it, the said declaration being therefore devoid of any value since it cannot be accepted that a State should seek to usurp the lawful right to represent Berlin, as has been done in countless treaties by the Federal Republic of Germany." (Original Spanish: translation by the Secretariat; circular of 1 February 1965, enclosure 4)

(h) In a note dated 9 December 1964 the Ministry of Foreign Affairs of Albania made the following observations with reference to the note quoted in sub-paragraph (a) above:

"The Government of the People's Republic of Albania wishes to point out that the declaration by the Embassy of the Federal Republic of Germany purporting to extend to so-called 'Land Berlin' the application of the amendment to the Statute of the International Atomic Energy Agency is unlawful and unacceptable.

"West Berlin is part of the territory of the German Democratic Republic and never was and is not now part of the Federal Republic of Germany.

"The Government of the Federal Republic of Germany accordingly has no right to extend its competence to this territory or to impose on West Berlin obligations resulting from an international instrument such as the Statute of the International Atomic Energy Agency.

"The Government of the People's Republic of Albania protests energetically against the action of the Government of the Federal Republic of Germany in usurping, in violation of the status of West Berlin, a right which belongs only to the Government of the German Democratic Republic." (Original French: translation by the Secretariat; circular of 1 February 1965, enclosure 5)

(i) In a note dated 2 February 1965 the Department of State of the United States of America made the following observations with reference to the notes quoted in sub-paragraphs (b), (c) and (d) above:

"The relations of Berlin with authorities abroad are, and remain, reserved to the Allied Kommandatura as the supreme authority in Berlin. In paragraph III(c) of the Declaration on Berlin of May 5, 1955, however, which accords with instruments that previously entered into force, such as the Declaration referred to in the Allied Kommandatura's letter of May 21, 1952, the Allied Kommandatura has authorized the Berlin authorities to assure the representation abroad of the interests of Berlin and its inhabitants under suitable arrangements.

"The arrangements made in accordance with the foregoing permit the Federal Republic of Germany to extend to Berlin the international agreements which the Federal Republic concludes provided that certain conditions are observed. Under these conditions the final decision in every case on the extension

of the international agreement to Berlin is left to the Allied Kommandatura. In addition, internal Berlin action is required to make any such international agreement applicable as domestic law in Berlin.

"It is clear that this procedure, which accords with the special status of the city, safeguards entirely the rights and responsibilities of the Allied Kommandatura and, through it, those of the Allied Powers, who remain in any event competent to decide on the extension to Berlin of the international agreements concluded by the Federal Republic of Germany.

"It follows that the objections raised by the Soviet Government to the declaration of the Government of the Federal Republic of Germany regarding application to West Berlin of the amendment to the Statute of the International Atomic Energy Agency are unfounded." (Circular of 3 February 1965, enclosure)

(j) In a note dated 15 February 1965 the Embassy of the Union of Soviet Socialist Republics made the following observations with reference to the note quoted in sub-paragraph (i) above:

"With regard to the above-mentioned note from the Department of State the Embassy deems it necessary to point out that it rejects the assertion contained in the note to the effect that the objections raised by the Soviet Government to the declaration of the Government of the Federal Republic of Germany regarding application to West Berlin of the amendment to the Statute of the International Atomic Energy Agency are unfounded. The Embassy reaffirms the relevant terms of its notes No. 25 of 14 August 1964 and Nos. 26 and 27 of 15 August 1964 to the effect that the declaration by the Government of the Federal Republic of Germany extending to West Berlin the application of the amendment to the Statute of the International Atomic Energy Agency can have no legal force since it is contrary to the legal position of West Berlin, which is a separate political entity." (Original Russian: translation by the Secretariat; circular of 28 June 1965, enclosure)

(k) In a note dated 1 July 1965 the Legation of Bulgaria made the following observations with reference to the note quoted in sub-paragraph (a) above:

"The Legation of the People's Republic of Bulgaria declares that the statements of the Ambassador of the Federal Republic of Germany in Washington, set forth in his notes dated July 10, 1958 [*] and March 26, 1964, concerning the application to West Berlin of the Statute of the International Atomic Energy Agency and the Amendment to it approved on October 4, 1961, have no legal foundation and are in contravention of the existing status of West Berlin which has never been a part of the Federal Republic of Germany. West Berlin is a separate political entity and, consequently, the Government of the Federal Republic of Germany has no right whatever to extend its competence to it." (Circular of 30 December 1965, enclosure 1)

(l) In a note dated 28 June 1965 the Ambassador of the Federal Republic of Germany made the following observation with reference to the note quoted in sub-paragraph (i) above:

"The Government of the Federal Republic of Germany has noted with satisfaction and appreciation the position taken by the Government of the United States of America, as explained in the note of the Secretary of State to the

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[*] See Part I, Supplementary Information, paragraph 8(a).

Embassy of the Union of Soviet Socialist Republics of February 2, and as circulated in the note dated February 3, 1965."

In the same note the following additional observation was made with reference to the note quoted in sub-paragraph (i) above, as well as with respect to those quoted in sub-paragraphs (b)-(h):

"Berlin is a part of Germany. The relations of Berlin with authorities abroad are, nevertheless, at present reserved to the Allied Kommantura which exercises supreme authority in the city. In paragraph III(c) of the Declaration on Berlin of May 5, 1955, however, which accords with instruments that previously entered into force, such as the Declaration referred to in the Allied Kommandatura's letter of May 21, 1952, the Allied Kommandantura has authorized the Berlin authorities to assure the representation abroad of the interests of Berlin and its inhabitants under suitable arrangements. Such arrangements have been made with the Government of the Federal Republic of Germany which is the only German Government freely and legitimately constituted.

"The arrangements made in accordance with the foregoing permit the Federal Republic of Germany to extend to Berlin the international agreements which the Federal Republic concludes provided that certain conditions are observed. Under these conditions the final decision in every case on the extension of the international agreement to Berlin is left to the Allied Kommandantura. In addition, internal Berlin action is required to make any such international agreement applicable as domestic law in Berlin.

"It is clear that this procedure, which accords with the special status of the city, safeguards entirely the rights and responsibilities of the Allied Kommandantura and, through it, those of the Allied Powers, who remain in any event competent to decide on the extension to Berlin of the international agreements concluded by the Federal Republic of Germany.

"It follows from the preceding explanation that the objections raised by the said Governments are unfounded.

"In addition the German Ambassador upon instruction of his government wishes to draw attention to the notes of the Republic of Cuba of December 8, 1964, and of the People's Republic of Albania of December 9, 1964, in which it is, moreover, incorrectly asserted that Berlin lies in the territory of the Soviet zone of occupation, styled 'German Democratic Republic' by the Governments of the Republic of Cuba and of the People's Republic of Albania.

"The Government of the Federal Republic of Germany would like to point out that this assertion is in contradiction to generally known facts. In the Protocol between the United States of America, the United Kingdom and the Union of Soviet Socialist Republics of September 12, 1944, of the Zones of Occupation in Germany and the Administration of 'Greater Berlin', as amended on the accession of the French Republic on July 26, 1945, the Four Powers mentioned agreed explicitly that Germany would be divided into four zones and a special Berlin area, which would be under joint occupation by the four Powers. Hence, Berlin never was and is not now a part of the Soviet zone of occupation so that the assertion of the Governments of the Republic of Cuba and of the People's Republic of Albania that Berlin lies in the territory of the Soviet zone of occupation is without foundation." (Circular of 30 December 1965, enclosure 2)