

Date of most recent action: October 6, 2010

Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Seabed and the Ocean Floor and in the Subsoil Thereof

Done: Washington, London and Moscow February 11, 1971

Opened for signature: In accordance with Article X, paragraph 1, the Treaty was open for signature to all States and any State which did not sign the Treaty before its entry into force may accede to it at any time

Entry into force: May 18, 1972

In accordance with Article X, paragraph 2, the Treaty shall be subject to ratification by signatory States and instruments of ratification and instruments of accession shall be deposited with the designated Depositary Governments [Russian Federation, United Kingdom, United States]. In accordance with Article X, paragraph 3, the Treaty entered into force after the deposit of instruments of ratification by 22 Governments, including the Governments designated as Depositary Governments of the Treaty. In accordance with Article X, paragraph 4, for States whose instruments of ratification or accession are deposited subsequent to the entry into force of the Treaty, it shall enter into force on the date of deposit of their instruments of ratification or accession.

Notes: This status list reflects actions at Washington only.

Legend: (no mark) = ratification; **A** = acceptance; **AA** = approval; **a** = accession; **d** = succession; **w** = withdrawal or equivalent action

Participant	Signature	Consent to be bound		Other Action	Notes
Afghanistan	February 11, 1971	May 21, 1971			
Algeria		January 27, 1992	a		
Antigua and Barbuda		November 16, 1988	d		¹
Argentina	September 3, 1971	March 21, 1983			²
Australia	February 11, 1971	January 23, 1973			
Austria	February 11, 1971	August 10, 1972			
The Bahamas		June 7, 1989	a		
Belgium	February 11, 1971	November 20, 1972			
Benin	March 18, 1971	July 7, 1986			
Bolivia	February 11, 1971				
Bosnia and Herzegovina		August 15, 1994	d		³

Botswana	February 11, 1971	November 10, 1972			
Brazil	September 3, 1971	May 10, 1988			4
Bulgaria	February 11, 1971	May 7, 1971			
Burma	February 11, 1971				
Burundi	February 11, 1971				
Cambodia	February 11, 1971				
Canada	February 11, 1971	May 17, 1972			5
Central African Republic	February 11, 1971	July 9, 1981			
China		February 28, 1991	a		6
Colombia	February 11, 1971				
Congo		October 23, 1978	a		
Costa Rica	February 11, 1971				
Côte d'Ivoire		January 14, 1972	a		
Cyprus	February 11, 1971	December 30, 1971			
Czech Republic		January 1, 1993	d		7
Denmark	February 11, 1971	June 15, 1971			
Dominican Republic	February 11, 1971	February 11, 1972			
Equatorial Guinea	June 4, 1971				
Ethiopia	February 11, 1971	July 14, 1977			
Finland	February 11, 1971	June 8, 1971			
The Gambia	October 29, 1971				
Germany	June 8, 1971	November 18, 1975			8
Ghana	February 11, 1971	August 9, 1972			
Greece	February 12, 1971	May 28, 1985			
Guatemala	February 11, 1971	April 1, 1996			
Guinea	February 11, 1971				
Honduras	February 11, 1971				
Hungary	February 11, 1971	August 13, 1971			
Iceland	February 11, 1971	May 30, 1972			
India		July 20, 1973	a		9
Iran	February 11, 1971	August 26, 1971			
Ireland	February 11, 1971	August 19, 1971			
Italy	February 11, 1971	September 3, 1974			10
Jamaica	October 11, 1971	July 30, 1986			
Japan	February 11, 1971	June 21, 1971			
Jordan	February 11, 1971	August 17, 1971			
Korea (ROK)	February 11, 1971	June 25, 1987			11
Laos	February 11, 1971	November 3, 1971			
Latvia		August 3, 1992	a		
Lebanon	February 11, 1971				
Lesotho	September 8, 1971	April 3, 1973			

Liberia	February 11, 1971			
Liechtenstein		May 30, 1991	a	
Luxembourg	February 11, 1971	November 11, 1982		
Madagascar	September 14, 1971			
Malaysia	May 20, 1971	June 21, 1972		
Mali	February 11, 1971			
Malta	February 11, 1971	May 4, 1971		
Mauritius	February 11, 1971	April 23, 1971		
Mexico		March 23, 1984	a	12
Morocco	February 11, 1971	August 5, 1971		
Nepal	February 11, 1971	August 9, 1971		
Netherlands	February 11, 1971	January 14, 1976		13
New Zealand	February 11, 1971	February 24, 1972		
Nicaragua	February 11, 1971	February 7, 1973		
Niger	February 11, 1971	August 9, 1971		
Norway	February 11, 1971	June 29, 1971		
Panama	February 11, 1971	March 20, 1974		
Paraguay	February 23, 1971			
Poland	February 11, 1971	November 15, 1971		
Portugal		June 24, 1975	a	
Romania	February 11, 1971	July 10, 1972		14
Russian Federation	February 11, 1971	May 18, 1972		15
Rwanda	February 11, 1971	May 20, 1975		
Saudi Arabia	January 7, 1972	June 23, 1972		
Senegal	March 17, 1971			
Seychelles		April 8, 1985	a	
Sierra Leone	February 24, 1971			
Singapore	May 5, 1971	September 10, 1976		
Slovak Republic		January 1, 1993	d	16
Slovenia		August 20, 1992	d	17
South Africa	February 11, 1971	November 14, 1973		
Spain		July 15, 1987	a	
Swaziland	February 11, 1971	August 9, 1971		
Sweden	February 11, 1971	April 28, 1972		
Switzerland	February 11, 1971	May 4, 1976		
Tanzania	February 11, 1971			
Togo	April 2, 1971	June 28, 1971		
Tunisia	February 11, 1971	October 29, 1971		
Turkey	February 25, 1971	October 19, 1972		
United Kingdom	February 11, 1971	May 18, 1972		18
United States	February 11, 1971	May 18, 1972		
Uruguay	February 11, 1971			

Vietnam					19
Zambia		November 1, 1972	a		

¹ Date of receipt of notification of succession to the Treaty by Antigua and Barbuda.

² At the time of signature of the Treaty by Argentina, the Chargé d’Affaires *ad interim* of the Embassy of the Argentine Republic addressed a note to the Secretary of State, dated September 2, 1971, an English translation of which reads as follows:

“Mr. Secretary:

“I have the honor to address Your Excellency on the occasion of signing the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Seabed and the Ocean Floor and in the Subsoil Thereof, in order to inform you that I have received specific instructions from my Government to make the following declaration of interpretation:

“On signing the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Seabed and the Ocean Floor and in the Subsoil Thereof, the Government of the Argentine Republic expressly states that it adheres strictly to the statements with respect to the meaning and scope of the treaty made by the representatives of the Union of Soviet Socialist Republics, the United States of America, and Argentina at the 492d Plenary Session of the Conference of the Committee on Disarmament, at which time the definitive version of the treaty was presented.

“With respect to article IV, the Representative of the Union of Soviet Socialist Republics stated:

‘As we have said before, we attach great importance to this article of the draft treaty, which concerns the problem of the relationship between the obligations assumed under the present treaty and the positions of States with respect to other existing international conventions. We have repeatedly stressed that the provisions of the sea-bed treaty are designed solely to accomplish the purpose that the treaty is designed to serve – namely, to prevent the extension of the race in nuclear and other weapons of mass destruction to the sea-bed. The treaty is not intended to solve numerous questions of international law, including the law of the sea, to confirm or annul obligations assumed by States under other international agreements, or to prejudice possible future solutions in that sphere. In our view article IV of the draft treaty fully serves that end.’

“The Representative of the United States of America stated:

‘A number of changes have been made in article III in order to take into account the views of certain delegations concerning means of avoiding any implication of prejudice to differing positions on law-of-the-sea issues. In that connection I want to emphasize again a point which has been fundamental to these negotiations: all the provisions of this treaty, including those relating to verification through observation as well as other verification activities, are designed to ensure that the treaty will accomplish its arms-limitation purposes; the provisions of the treaty are not intended to affect any of the various outstanding problems regarding the law of the sea. While the United States has taken this position from the very beginning and has felt that previous drafts were responsive to this need, we have continued to work with other delegations to find formulations which all could accept as being entirely neutral on these issues. We believe that article III as now drafted, together with the article IV disclaimer, which remains unchanged, should remove any remaining doubt as to the possibility that the treaty might affect law-of-the-sea issues.’

“The Representative of the Argentine Republic stated:

‘One of the constant anxieties which have guided our action has been to avoid, by all the means available to us, the risk that the draft might, by virtue of its sphere of application, affect the position of various States on questions relating to international maritime law and most particularly to the territorial sea and the continental shelf. We have stated, and emphatically repeated, that a document of this nature could not and should not, either directly or indirectly, attempt to solve or even interfere in the complex problems pertaining to the law of the sea (CCD/PV.445, paras. 48 *et seq.*; CCD/PV.454, paras. 10, 11; CCD/PV.475/Add.1, para. 16). For that reason we have taken due note of the statements made by the co-sponsors of the draft that this is not the aim of the treaty and that its provisions are in no way designed to, nor do they seek to, undermine, strengthen, or affect the positions of States, or to prejudice or influence future decisions on those questions, or to confirm or annul existing or future obligations assumed under international instruments.

‘On the basis of those assertions, to which we attach the value of a formal commitment or undertaking, and by virtue of the provisions of article IV – the so-called disclaimer clause – by whose letter and spirit we abide strictly, we wish expressly to record the view that we interpret the references to freedoms of the high seas as in no way implying a pronouncement or judgment on the different positions relating to questions connected with international maritime law. In the same context, we understand that the reference to the rights of exploration and exploitation by coastal States over their continental shelves is included solely because those could be the rights most frequently affected by verification procedures. In other words, we preclude henceforward any possibility of strengthening, through this document, certain positions concerning continental shelves to the detriment of others based on different criteria.’

“These statements constitute the true interpretation of the treaty, and it is with that understanding that the Government of the Argentine Republic signs the instrument.”

“I respectfully request Your Excellency to transmit the text of this declaration of interpretation to the other signatories of the treaty.

Accept, Mr. Secretary, the assurances of my highest and most distinguished consideration.”

The Argentine instrument of ratification of the Treaty includes a declaration, an English translation of which reads as follows:

“One of the constant anxieties which have guided our action has been to avoid, by all the means available to us, the risk that the draft might, by virtue of its sphere of application, affect the position of various States on questions relating to international maritime law and most particularly to the territorial sea and the continental shelf. We have stated, and emphatically repeated, that a document of this nature could not and should not, either directly or indirectly, attempt to solve or even interfere in the complex problems pertaining to the law of the sea (CCD/PV.445, paras. 48 *et seq.*; CCD/PV.454, paras. 10, 11; CCD/PV.475/Add.1, para. 16). For that reason we have taken due note of the statements made by the co-sponsors of the draft that this is not the aim of the treaty and that its provisions are in no way designed to, nor do they seek to, undermine, strengthen, or affect the positions of States, or to prejudice or influence future decisions on those questions, or to confirm or annul existing or future obligations assumed under international instruments.

“On the basis of those assertions, to which we attach the value of a formal commitment or undertaking, and by virtue of the provisions of article IV – the so-called disclaimer clause – by whose letter and spirit we abide strictly, we wish expressly to record the view that we interpret the references to freedoms of the high seas as in no way implying a pronouncement or judgment on the different positions relating to questions connected with international maritime law. In the same context, we understand that the reference to the rights of exploration and exploitation by coastal States over their continental shelves is included solely because those could be the rights most frequently affected by verification procedures. In other words, we preclude henceforward any possibility of strengthening, through this document, certain positions concerning continental shelves to the detriment of others based on different criteria (CCD/PV.492, paras. 51 and 52).

“This declaration constitutes the true interpretation of the treaty, and it is with that understanding that the Government of the Argentine Republic ratifies the Instrument.”

³ Date of receipt of notification of succession to the Treaty by Bosnia and Herzegovina. The former Socialist Federal Republic of Yugoslavia signed the Treaty on March 2, 1971 and deposited an instrument of ratification on October 25, 1973.

The Ambassador of the former Socialist Federal Republic of Yugoslavia to Washington addressed a note, dated February 25, 1974, to the Secretary of State, which reads as follows:

“The Ambassador of the Socialist Federal Republic of Yugoslavia presents his compliments to the Honorable the Secretary of State and with reference to the deposition of the instruments of ratification of the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Seabed and the Ocean Floor and [in] the Subsoil Thereof by the Government of Yugoslavia of October 25, 1973, has the honor to transmit the following statement of the Government of Yugoslavia, accompanying the deposition:

‘In depositing this instrument of ratification, the Government of the Socialist Federal Republic of Yugoslavia wishes to declare the following:

‘In [the] view of the Government of the Socialist Federal Republic of Yugoslavia, Article 3, Paragraph I, should be interpreted to the effect that a state exercising the right under this article shall be obliged to notify in advance the coastal state, in so far as its observations are to be carried out within the stretch of the sea extending above the continental shelf of the said state.’

“The above statement of the Government of the Socialist Federal Republic of Yugoslavia was accepted by the Federal Assembly at the time of the ratification of the above Treaty. It would be greatly appreciated, if in accordance with the pertinent provisions of the above Treaty, this statement is forwarded to the Governments of the States signatory and acceding at Washington to the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Seabed and the Ocean Floor and in the Subsoil Thereof.

“The Ambassador of the Socialist Federal Republic of Yugoslavia avails himself of this opportunity to renew to the Honorable the Secretary of State the assurances of his highest consideration.”

The views of the Government of the United States of America with regard to the Yugoslav statement are contained in the Secretary of State’s circular note, dated January 16, 1975, which reads as follows:

“The Secretary of State presents his compliments to Their Excellencies and Messieurs the Chiefs of Mission of the Governments of the States signatory and acceding at Washington to the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Seabed and the Ocean Floor and in the Subsoil Thereof, which was done at Washington, London, and Moscow on February 11, 1971, and has the honor to refer to his circular note of January 15, 1975, enclosing a copy of a note of the Ambassador of the Socialist Federal Republic of Yugoslavia dated February 25, 1974, transmitting a statement of the Government of Yugoslavia with respect to its interpretation of Article III, paragraph 1, of the Treaty.

“The Secretary of State would like to present the views of the United States concerning the note of the Ambassador of the Socialist Federal Republic of Yugoslavia.

“Insofar as the note is intended to be interpretative of the Convention, the United States cannot accept it as a valid interpretation. In addition, the United States does not consider that it can have any effect on the existing law of the sea.

“Insofar as the note is intended to be a reservation to the Convention, the United States places on record its formal objection to it on the grounds that it is incompatible with the object and purpose of the Convention. The United States also draws attention to the fact that the note was submitted too late to be legally effective as a reservation.

“The Secretary of State would be grateful if each Chief of Mission would forward this information to his Government.”

⁴ Brazil issued a statement and understanding upon signature of the Treaty, the Department of State translation of which reads as follows:

“Nothing in this Treaty shall be interpreted as prejudicing in any way the sovereign rights of Brazil in the area of the sea, the seabed, and the subsoil thereof adjacent to its coasts. It is the understanding of the Brazilian Government that the word ‘observation’ as it is used in Article III (1) of the Treaty refers only to observation that is incidental to the normal course of navigation in accordance with international law.”

The instrument of ratification of the Treaty by Brazil was accompanied by a statement and understanding which read as follows:

“The Brazilian Government wishes to state that nothing in the present Treaty shall be interpreted as in any way prejudicing the sovereign rights of Brazil in the area of the sea, the seabed and its subsoil adjacent to the Brazilian coast, in accordance with the United Nations Convention on the Law of the Sea. It is the understanding of the Brazilian Government that the word ‘observation’ in Article III, Paragraph 1 of the Treaty refers only to observation that is incidental in the normal course of navigation, in accordance with international law.”

The views of the Government of the United States of America with regard to the Brazilian statement and understanding are contained in the Department of State’s note of March 16, 1989, which reads as follows:

“The Department of State refers to the Note of the Brazilian Embassy of May 10, 1988 enclosing a statement and understanding on the occasion of the deposit on May 10, 1988, of [an] instrument of

ratification of Brazil of the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Seabed and the Ocean Floor and in the Subsoil Thereof, done at Washington, London, and Moscow on February 11, 1971.

“The Government of the United States of America draws the attention of the Government of Brazil to the provisions of Article III of the Seabed Treaty that address verification and inspection rights of States Parties. The United States expects all States Parties to exercise their rights and fulfill their obligations in accordance with the Seabed Treaty.

“Article III provides that all States Parties may ‘verify through observation the activities of other States Parties to the Treaty’ beyond the 12-mile seabed zone, so long as such observation does not interfere with the activities of other States Parties and is conducted with due regard for rights recognized under international law. It is the view of the Government of the United States of America that, under customary international law and Article III of the Treaty, these observations may be undertaken whether or not they are incidental to a so-called ‘normal course of navigation,’ and that such activity is not subject to unilateral coastal state restriction.”

The views of the Federal Republic of Germany with regard to the Brazilian statement and understanding are contained in a note from the Embassy of the Federal Republic of Germany to the Department of State, dated May 18, 1989, which reads as follows:

“The Embassy of the Federal Republic of Germany presents its compliments to the Department of State and, referring to the note of the Department of State of May 27, 1988, communicating the deposit on May 1[0], 1988, of [an] instrument of ratification of Brazil to the treaty on the prohibition of the emplacement of nuclear weapons and other weapons of mass destruction on the seabed and the ocean floor and in the subsoil thereof of 1971, has the honor, addressing the statement of the Government of Brazil on this occasion, to state the following:

“The right of each state party under article III para. 1 of the aforementioned treaty to verify through observation the activities of other states parties is limited only insofar as it shall not interfere with such activities or activities of other state parties and as it shall be conducted with due regard to recognized rights under international law. The understanding of the Government of Brazil of the term ‘observation’ does not represent, in the view of the Government of the Federal Republic of Germany, an adequate interpretation of that term.

“The Embassy would be grateful if the text of this note could be communicated to the Government[s] of State parties to the treaty.”

⁵ In depositing its instrument of ratification of the Treaty, the Government of Canada made certain statements which are contained in the Canadian Embassy’s note No. 134 of May 17, 1972, which reads as follows:

“The Embassy of Canada presents its compliments to the Department of State and has the honor to refer to the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and other Weapons of Mass Destruction on the Seabed and on the Ocean Floor and on the Subsoil thereof. The Instrument of Ratification of the Treaty by the Government of Canada is attached for deposit today May 17, 1972.

“In depositing this Instrument of Ratification, the Government of Canada declares as follows:

- (i) In the view of the Canadian Government, the provisions of Article I, paragraph 1, cannot be interpreted as indicating that any state has a right to implant or emplace any weapons not prohibited under Article I, paragraph 1, on the seabed and ocean floor, and in the subsoil thereof, beyond the limits of national jurisdiction, or as constituting any limitation on the principle that this area of the seabed and ocean floor and the subsoil thereof shall be reserved for exclusively peaceful purposes.
- (ii) In the view of the Canadian Government, the provisions of Articles I, II and III cannot be interpreted as indicating that any state but the coastal state has any right to implant or emplace any weapon not prohibited under Article I, paragraph 1, on the continental shelf, or the subsoil thereof, appertaining to that coastal state, beyond the outer limit of the seabed zone referred to in Article I and defined in Article II.
- (iii) In the view of the Canadian Government, the provisions of Article III cannot be interpreted as indicating any restrictions or limitation upon the rights of the coastal state, consistent with its exclusive sovereign rights with respect to the continental shelf, to verify inspect or effect the removal of any weapon, structure, installation, facility or device implanted or emplaced on the continental shelf, or the subsoil

thereof, appertaining to that coastal state, beyond the outer limit of the seabed zone referred to in Article I and defined in Article II.

“The Embassy of Canada avails itself of this opportunity to renew to the Department of State the assurances of its highest consideration.”

The views of the Government of the United States of America with regard to the Canadian statements are contained in the Department of State’s note to the Canadian Embassy, dated October 31, 1972, which reads as follows:

“The Department of State acknowledges the receipt of Note No. 134 of May 17, 1972 from the Embassy of Canada to which was attached the instrument of ratification of the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Seabed and the Ocean Floor and in the Subsoil Thereof, deposited by the Government of Canada on that date.

“It is the understanding of the Government of the United States that the declaration of the Government of Canada contained in the aforementioned Note is based on the premise that the Treaty does not affect the rights of States under existing international law with respect to activities not prohibited by the Treaty. The Government of the United States concurs in this premise and takes the view that any and all rights existing under international law prior to the conclusion of the Treaty and not falling within its prohibitions remain unaffected. Note is taken of the fifth preambular paragraph of the Treaty, which reads as follows:

‘Convinced that this Treaty will further the purposes and principles of the Charter of the United Nations, in a manner consistent with the principles of international law and without infringing the freedoms of the high seas, . . .’”

⁶ The Republic of China signed the Treaty on February 11, 1971 and deposited an instrument of ratification of the Treaty on February 22, 1972. Effective January 1, 1979, the United States recognized the People’s Republic of China as the sole legal government of China. The authorities on Taiwan state that they will continue to abide by the provisions of the Treaty and the United States regards them as bound by its obligations.

On February 28, 1991, the People’s Republic of China deposited an instrument of accession to the Treaty. The text of the instrument of accession contains statements, an English translation of which reads as follows:

“The Chinese Government reaffirms that nothing in this Treaty shall be interpreted as prejudicing in any way the sovereign rights and the other rights of the People’s Republic of China over its territorial sea, as well as the sea area, the seabed and subsoil thereof adjacent to its territorial sea.

“The signature and ratification of this Treaty by the Taiwan authorities by illegally using the name of China on 11 February 1971 and 22 February 1972 respectively are null and void.”

⁷ Effective date of succession to the Treaty by the Czech Republic is January 1, 1993; the former Czechoslovakia signed and ratified the Treaty on February 11, 1971 and January 11, 1972, respectively. On December 31, 1992, at midnight, Czechoslovakia ceased to exist and was succeeded by two separate and independent states, the Czech Republic and the Slovak Republic.

⁸ At the time of signature of the Treaty by Germany, the Chargé d’Affaires *ad interim* of the Embassy of the Federal Republic of Germany in Washington transmitted to the Secretary of State a note of the Government of the Federal Republic of Germany, dated June 8, 1971, which reads as follows:

“The Government of the Federal Republic of Germany presents its compliments to the Government of the United States of America and, on the occasion of and in formal connexion with its signing today of the Treaty of 11 February 1971 on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Seabed and the Ocean Floor and in the Subsoil thereof, has the honor to declare that

-- signature of this Treaty does not imply recognition of the GDR under international law;

-- therefore, no relations under international law with the GDR shall arise out of this Treaty for the Federal Republic of Germany.”

At the time of deposit of the instrument of ratification of the Treaty by Germany, the Ambassador of the Federal Republic of Germany to Washington addressed a note to the Secretary of State, dated November 18, 1975, which reads as follows:

“My dear Mr. Secretary,

“In connection with the deposit today of the instrument of ratification to the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and in the Subsoil Thereof, I have the honor to state on behalf of the Federal Republic of Germany that with effect from the day on which the Treaty enters into force for the Federal Republic of Germany it will also apply to Berlin (West) without affecting the rights and responsibilities of the Allied Authorities and the competences falling upon them with respect to disarmament and demilitarization.

“Accept, Mr. Secretary, the expression of my highest consideration.”

⁹ In depositing the instrument of accession to the Treaty by India, the Ambassador of India to Washington made a statement which reads as follows:

“On the occasion of its accession to the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Seabed and Ocean Floor and in the Subsoil Thereof, the Government of India would like to make the following statement of its position.

“2. In accordance with its basic position – which is shared by a vast majority of States – that the exploration and exploitation of the seabed should be reserved for peaceful purposes and that serious efforts should be made to prevent an arms race on the seabed, the Government of India has supported the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Seabed and Ocean Floor and in the Subsoil thereof. The disclaimer clause contained in Article IV of the Seabed Treaty ensures that the position of any State Party on questions related to the law of the sea is not affected in any way. It is important that nothing should be done through a seabed treaty in the field of disarmament which would prejudice or prejudge questions in regard to the law of the sea, nor should such a treaty affect adversely in any way the rights of coastal States on their continental shelves. As a coastal State, India has, and always has had, full and exclusive sovereign rights over the continental shelf adjoining its territory and beyond its territorial waters and the subsoil thereof. It is the considered view of India that other countries cannot use its continental shelf for military purposes. There cannot, therefore, be any restriction on, or limitation of, the sovereign right of India as a coastal State to verify, inspect, remove or destroy any weapon, device, structure, installation or facility, which might be emplaced or placed on or beneath its continental shelf by any other country, or to take such other steps as may be considered necessary to safeguard its security.

“3. The accession by the Government of India to the Seabed Treaty is based on this position.

“July 20, 1973.”

The views of the Government of the United States of America with regard to the Indian statement are contained in the Department of State’s note to the Indian Embassy in Washington, dated October 4, 1973, which reads as follows:

“The Acting Secretary of State presents his compliments to His Excellency the Ambassador of India and has the honor to refer to the statement made by the Ambassador on July 20, 1973, on the occasion of the deposit of the Government of India’s instrument of accession to the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Seabed and Ocean Floor and in the Subsoil Thereof, done at Washington, London, and Moscow on February 11, 1971.

“It is the understanding of the Government of the United States of America that the position of the Government of India expressed in the Ambassador’s statement is based on the premise that the Treaty does not affect the rights of States under existing international law with respect to activities not prohibited by the Treaty. The Government of the United States concurs in this premise and takes the view that any and all rights existing under international law prior to the conclusion of the Treaty and not falling within its prohibitions remain unaffected. Note is taken of the fifth preambular paragraph of the Treaty, which reads as follows:

‘Convinced that this Treaty will further the purposes and principles of the Charter of the United Nations, in a manner consistent with the principles of international law and without infringing the freedoms of the high seas, . . .’

“In addition, the Government of the United States wishes to state its view that under existing international law the rights of coastal States over their continental shelves are exclusive only for purposes of exploration and exploitation of natural resources, and are otherwise limited by the 1958 Convention on the Continental Shelf and other principles of international law.

“In performance of the depositary duties of the Government of the United States of America under the Seabeds Treaty, the Department of State has transmitted the text of the Ambassador’s statement of July 20, 1973 to the States signatory and acceding to the Treaty at Washington. Accordingly, similar circulation is being given to the present note.”

By a note from the Embassy of India in Washington, dated January 30, 1974, the Government of India reiterated its position as stated at the time of accession. The text of the note reads as follows:

“The Embassy of India presents its compliments to the Department of State and has the honour to refer to the note dated 4 October 1973 from the Acting Secretary of State, regarding the statement made by the Representative of the Government of India on 20 July 1973 on the occasion of the deposit of the Government of India’s Instrument of Accession to the ‘Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Seabed and the Ocean Floor and in the Sub-soil Thereof’ done at Washington, London and Moscow on 11 February 1971.

“The position of the Government of India regarding the nature of rights enjoyed by a coastal State on and in relation to its continental shelf has already been explained in its statement of 20 July 1973. In the view of the Government of India, the position expressed in that statement conforms to international law. It is, therefore, the belief of the Government of India that no other State can use the continental shelf of a coastal State for military purposes or in any other manner as might affect the security or sovereign rights of the coastal State on its continental shelf and its resources.

“It is requested that this note may please be circulated by the United States as a Depositary State to all the States signatory and acceding to the Treaty.

“The Embassy of India avails itself of this opportunity to renew to the Department of State the assurances of its highest consideration.”

The Department of State’s note, dated June 7, 1974, re-states the views of the Government of the United States of America and reads as follows:

“The Department of State refers to note No. WAS/POL/161/7/73 of January 30, 1974 from the Embassy of India with reference to the statement made by the Ambassador of India on the occasion of the deposit on July 20, 1973 of the instrument of accession by the Government of India to the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Seabed and the Ocean Floor and in the Subsoil Thereof, which was done at Washington, London and Moscow on February 11, 1971.

“The views of the Government of the United States of America on this matter remain as previously stated in the Acting Secretary of State’s note to the Ambassador of India dated October 4, 1973.

“In the performance of the depositary duties of the Government of the United States of America under the Treaty, the Department of State is circulating the Embassy’s note of January 30, 1974, as well as the Department’s present note to the Embassy of India.”

¹⁰ On the occasion of Italy’s signature of the Treaty, the Embassy of Italy in Washington addressed a note to the Department of State, dated February 11, 1971, containing a statement, an unofficial English translation of which, provided by the Embassy of Italy, reads as follows:

“The Italian Government naturally hopes that, as provided for by Art. V of the Treaty, negotiations in good faith may be continued in relation to further measures in the field of disarmament for the prevention of an armaments race on the seabed and ocean floor and in the subsoil thereof. The Italian Government believes that in the event of agreements on such further measures, the problem of delimitation of the area within which these should be applied, should be in each single instance examined and solved according to the nature of the measures to be adopted.”

In depositing the instrument of ratification by Italy on September 3, 1974, the Embassy of Italy in Washington, in a note of the same date, declared that it wished to confirm the statement made by the Government of Italy at the time of its signature of the Treaty.

¹¹ The Embassy of the Republic of Korea in Washington informed the Department of State, in a note dated February 11, 1971, of the following position of the Government of the Republic of Korea in signing the Treaty: “The signing by the Government of the Republic of Korea of the present Treaty does not in any way mean or imply the recognition of any territory or regime which has not been recognized by the Government of the Republic of Korea as a State or Government.”

¹² The instrument of accession to the Treaty by Mexico was accompanied by a declaration, an English translation of which reads as follows:

“In depositing its instrument of accession to the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Seabed and the Ocean Floor and in the Subsoil Thereof, the Government of Mexico makes the following declaration:

“1. In the view of the Mexican Government, no provision of the Treaty, including Article 1 thereof, can be interpreted as meaning that a State has the right to emplace nuclear weapons or other weapons of mass destruction, or arms or military equipment of any type, on the continental shelf of Mexico.

“2. Consequently, the Government of Mexico reserves the right to verify, inspect, remove, or destroy any military weapon, structure, installation, device, or equipment placed on its continental shelf, including nuclear weapons or other weapons of mass destruction.

“3. The well-known position of the Government of Mexico in all international disarmament negotiations has been that disarmament must be general and complete everywhere possible. In this respect, although the Government of Mexico would have preferred a treaty that more clearly prohibits the emplacement of nuclear weapons or other weapons of mass destruction anywhere in the world, it is acceding to this Treaty limiting such prohibition to the seabed, the ocean floor and in the subsoil thereof, for it considers it to be a step toward achieving the universal prohibition mentioned above through the establishment of worldwide denuclearized zones.

“4. Having signed and ratified the 1982 Convention on the Law of the Sea, the Government of Mexico considers that the provisions it contains pertaining to the stipulations of the Treaty are fully applicable to it.”

The views of the Government of the United States of America with regard to the declaration by Mexico are contained in the Secretary of State’s note to the Ambassador of Mexico to Washington, dated February 26, 1985, which reads as follows:

“Excellency:

“I have the honor to refer to your note of March 23, 1984, and the accompanying statement on the occasion of the deposit on March 23, 1984, of the Government of Mexico’s instrument of accession to the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Seabed and the Ocean Floor and in the Subsoil Thereof (Seabed Treaty), done at Washington, London, and Moscow on February 11, 1971.

“It is the understanding of the Government of the United States of America that the Seabed Treaty addresses only nuclear weapons and any other types of weapons of mass destruction, and instrumentalities for launching, storing, testing, or using such weapons. With respect to such weapons, the United States agrees that no State Party may place such weapons on the continental shelf of Mexico.

“With respect to emplacement of ‘arms or military equipment of any type’ referred to in the aforesaid declaration of the Government of Mexico, it is the understanding of the United States that the Treaty does not deal with arms or military equipment other than the types specified therein. Furthermore, it is the position of the United States that general principles of international law do not support the view expressed in that portion of the aforesaid declaration. The only rights the coastal State may exercise with respect to the continental shelf, whether located within the exclusive economic zone or beyond, are those accepted in international law and reflected in the 1982 Convention on the Law of the Sea. These carefully limited rights pertain to economic activities, marine scientific research, natural resource management, marine pollution control, and similar matters rather than to matters of the type specified by the Government of Mexico in its declaration. Unrelated high seas freedoms remain vested in the international community and are not subject to coastal State control.

“The Government of the United States of America draws the attention of the Government of Mexico to the provisions of Article III of the [S]eabed Treaty that address verification and inspection rights. The United

States assumes that Mexico would exercise those rights in a manner consistent with [the] Seabed Treaty. Article III provides that all States Parties may ‘verify through observations the activities of other States Parties to the Treaty’ beyond the 12-mile seabed zone. That Article also provides that inspection of a questionable seabed activity shall be conducted only after consultation with the State Party responsible for the activity, when known. If the State Party responsible for the activity is unknown, inspection ‘may be undertaken by the inquiring State Party which shall invite the participation of the Parties in the region of the activities, including any coastal State, and of any other party desiring to cooperate.’

“With respect to the removal or destruction of items located on the seabed, it is the position of the Government of the United States of America that the Seabed Treaty does not address removal or destruction of nuclear weapons or other weapons of mass destruction or related equipment found on the seabed.

“In performance of the depositary duties of the Government of the United States of America under the Seabed Treaty, the text of the Mexican statement was transmitted to States signatory and acceding to the Treaty at Washington, under cover of circular note dated August 7, 1984. Similar circulation is being given to the present note.

“Accept, Excellency, the renewed assurances of my highest consideration.”

The views of the Government of the Federal Republic of Germany with regard to the declaration by Mexico are contained in a note from the Embassy of the Federal Republic of Germany in Washington to the Department of State, dated October 15, 1985, which reads as follows:

“The Embassy of the Federal Republic of Germany presents its compliments to the Government of the United States and, with reference to the declaration contained in the instrument of accession deposited by the Government of Mexico on 23 March 1984 to the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and in the Subsoil thereof, done at Washington, London and Moscow on 11 February 1971, has the honor to communicate the following:

“In the view of the Government of the Federal Republic of Germany, the aforementioned declaration relates above all to matters that are not dealt with in the Treaty to which it refers. The declaration is not acceptable to the Government of the Federal Republic of Germany to the extent that it lays claim to rights to which a coastal State is not entitled under general international law.”

The views of the Government of Australia with regard to the declaration by Mexico are contained in a note from the Australian Embassy in Washington to the Department of State, dated June 12, 1987, which reads as follows:

“The Australian Embassy presents its compliments to the United States Department of State and, with reference to the declaration contained in the instrument of accession deposited by the Government of Mexico on 23 March 1984 to the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-bed and the Ocean Floor and in the Subsoil thereof, done at Washington, London and Moscow on 11 February 1971, has the honour to communicate to it as a depositary of the Treaty the following:-

“The Australian Government takes the view that the declaration made by Mexico is incompatible with international law to the extent that it lays claim to rights over the continental shelf which a coastal state is not entitled to exercise under the Treaty itself or under international law as reflected in the 1982 Convention on the Law of the Sea.

“The Australian Embassy avails itself of this opportunity to express to the United States Department of State the assurances of its highest consideration.”

¹³ The Netherlands instrument of ratification of the Treaty states that the Treaty is approved for “le Royaume en Europe et les Antilles Néerlandaises”.

The Royal Netherlands Embassy in Washington transmitted to the Department of State a diplomatic note, dated January 9, 1986, which reads as follows:

“The Royal Netherlands Embassy presents its compliments to the Department of State and has the honor to request the Department’s attention for the following with respect to the Department’s capacity of

depository of [the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and other Weapons of Mass Destruction on the Seabed and the Ocean Floor and in the Subsoil Thereof].

“Effective January 1, 1986 the island of Aruba – formerly part of the Netherlands Antilles – obtained internal autonomy as a country within the Kingdom of The Netherlands. Consequently the Kingdom of The Netherlands as of January 1, 1986 consists of three countries, to wit: the Netherlands proper, the Netherlands Antilles and Aruba.

“Since the abovementioned event concerns only a change in internal constitutional relations within the Kingdom of The Netherlands, and as the Kingdom as such, under international law, will remain the subject with which treaties are concluded, the aforementioned change will have no consequences in international law with regard to treaties concluded by the Kingdom, the application of which (treaties) were extended to the Netherlands Antilles, including Aruba.

“These treaties, thus, will remain applicable for Aruba in its new status as autonomous country within the Kingdom of The Netherlands effective January 1, 1986.

“Consequently the [Treaty] to which the Kingdom of the Netherlands is a Party, and which [has] been extended to the Netherlands Antilles will as of January 1, 1986 apply to all three countries of the Kingdom of The Netherlands.

“The Embassy would appreciate if the other Parties concerned would be notified of the above.

“The Royal Netherlands Embassy avails itself of this opportunity to renew to the Department of State the assurance of its highest consideration.”

The Royal Netherlands Embassy in Washington transmitted to the Department of State a diplomatic note, dated October 6, 2010, which reads in pertinent part as follows:

“The Kingdom of the Netherlands currently consists of three parts: the Netherlands, the Netherlands Antilles and Aruba. The Netherlands Antilles consists of the islands of Curaçao, Sint Maarten, Bonaire, Sint Eustatius and Saba.

“With effect from 10 October 2010, the Netherlands Antilles will cease to exist as a part of the Kingdom of the Netherlands. From that date onwards, the Kingdom will consist of four parts: the Netherlands, Aruba, Curaçao and Sint Maarten. Curaçao and Sint Maarten will enjoy internal self-government within the Kingdom, as Aruba and, up to 10 October 2010, the Netherlands Antilles do.

“These changes constitute a modification of the internal constitutional relations within the Kingdom of the Netherlands. The Kingdom of the Netherlands will accordingly remain the subject of international law with which agreements are concluded. The modification of the structure of the Kingdom will therefore not affect the validity of the international agreements ratified by the Kingdom for the Netherlands Antilles; these agreements will continue to apply to Curaçao and Sint Maarten.

“The other islands that have until now formed part of the Netherlands Antilles – Bonaire, Sint Eustatius and Saba – will become part of the Netherlands, thus constituting ‘the Caribbean part of the Netherlands’. The agreements that now apply to the Netherlands Antilles will also continue to apply to these islands; however, the Government of the Netherlands will now be responsible for implementing these agreements.”

¹⁴ The instrument of ratification of the treaty by Romania was accompanied by a note from the Chargé d’Affaires *ad interim* of the Embassy of the Socialist Republic of Romania in Washington to the Secretary of State, dated July 10, 1972, which reads as follows:

“Dear Mr. Secretary,

“Presenting the Instrument of Ratification by the Socialist Republic of Romania of the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Seabed and the Ocean Floor and in the Subsoil Thereof, opened for signature in Washington, London and Moscow on February the 11th, 1971 by instruction of the Romanian Government, I have the honor to inform you of the following:

‘The Government of the Socialist Republic of Romania considers null and void the ratification – in Washington – by the so called Chiang-Kai-Shek authorities of the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Seabed and Ocean Floor and in the Subsoil Thereof, opened for signature in Washington, London and Moscow on February the 11th, 1971, in so far as the only Government having the right to assume obligations on behalf of China and to represent her on international relations is the Government of the People’s Republic of China.’

“I am kindly requesting you, Mr. Secretary, to forward to all parties concerned the above mentioned statements as official documents.

“I avail myself of this opportunity to renew to you, Mr. Secretary, the assurances of my highest consideration.”

¹⁵ The Treaty was signed and ratified by the former Union of Soviet Socialist Republics. By a note dated January 13, 1992, the Russian Federation informed the United States Government that it “continues to perform the rights and fulfil the obligations following from the international agreements signed by the Union of Soviet Socialist Republics.”

¹⁶ Effective date of succession to the Treaty by the Slovak Republic is January 1, 1993; the former Czechoslovakia signed and ratified the Treaty on February 11, 1971 and January 11, 1972, respectively. On December 31, 1992, at midnight, Czechoslovakia ceased to exist and was succeeded by two separate and independent states, the Czech Republic and the Slovak Republic.

¹⁷ Date of receipt of notification of succession to the Treaty by Slovenia. The former Socialist Federal Republic of Yugoslavia signed the Treaty on March 2, 1971 and deposited an instrument of ratification on October 25, 1973.

The Ambassador of the former Socialist Federal Republic of Yugoslavia to Washington addressed a note, dated February 25, 1974, to the Secretary of State, which reads as follows:

“The Ambassador of the Socialist Federal Republic of Yugoslavia presents his compliments to the Honorable the Secretary of State and with reference to the deposition of the instruments of ratification of the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Seabed and the Ocean Floor and [in] the Subsoil Thereof by the Government of Yugoslavia of October 25, 1973, has the honor to transmit the following statement of the Government of Yugoslavia, accompanying the deposition:

‘In depositing this instrument of ratification, the Government of the Socialist Federal Republic of Yugoslavia wishes to declare the following:

‘In [the] view of the Government of the Socialist Federal Republic of Yugoslavia, Article 3, Paragraph I, should be interpreted to the effect that a state exercising the right under this article shall be obliged to notify in advance the coastal state, in so far as its observations are to be carried out within the stretch of the sea extending above the continental shelf of the said state.’

“The above statement of the Government of the Socialist Federal Republic of Yugoslavia was accepted by the Federal Assembly at the time of the ratification of the above Treaty. It would be greatly appreciated, if in accordance with the pertinent provisions of the above Treaty, this statement is forwarded to the Governments of the States signatory and acceding at Washington to the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Seabed and the Ocean Floor and in the Subsoil Thereof.

“The Ambassador of the Socialist Federal Republic of Yugoslavia avails himself of this opportunity to renew to the Honorable the Secretary of State the assurances of his highest consideration.”

The views of the Government of the United States of America with regard to the Yugoslav statement are contained in the Secretary of State’s circular note, dated January 16, 1975, which reads as follows:

“The Secretary of State presents his compliments to Their Excellencies and Messieurs the Chiefs of Mission of the Governments of the States signatory and acceding at Washington to the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Seabed and the Ocean Floor and in the Subsoil Thereof, which was done at Washington, London, and Moscow on February 11, 1971, and has the honor to refer to his circular note of January 15, 1975, enclosing a copy of a note of the Ambassador of the Socialist Federal Republic of Yugoslavia dated February 25, 1974, transmitting a statement of the Government of Yugoslavia with respect to its interpretation of Article III, paragraph 1, of the Treaty.

“The Secretary of State would like to present the views of the United States concerning the note of the Ambassador of the Socialist Federal Republic of Yugoslavia.

“Insofar as the note is intended to be interpretative of the Convention, the United States cannot accept it as a valid interpretation. In addition, the United States does not consider that it can have any effect on the existing law of the sea.

“Insofar as the note is intended to be a reservation to the Convention, the United States places on record its formal objection to it on the grounds that it is incompatible with the object and purpose of the Convention. The United States also draws attention to the fact that the note was submitted too late to be legally effective as a reservation.

“The Secretary of State would be grateful if each Chief of Mission would forward this information to his Government.”

¹⁸ The instrument of ratification of the Treaty by the United Kingdom states that the Treaty is ratified “in respect of the United Kingdom of Great Britain and Northern Ireland, the Associated States (Antigua, Dominica, Grenada, St. Christopher-Nevis-Anguilla, St. Lucia and St. Vincent) and Territories under the territorial Sovereignty of the United Kingdom, as well as the State of Brunei and the British Solomon Islands Protectorate . . .”

The British Ambassador to Washington addressed a note, dated June 11, 1997, to the Secretary of State which reads as follows:

“Secretary of State

“I am instructed by Her Britannic Majesty’s Principal Secretary of State for Foreign and Commonwealth Affairs to refer to the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Seabed and the Ocean Floor and in the Subsoil Thereof, done at London/Moscow/Washington on 11 February 1971[1] (hereinafter referred to as the “Treaty”) which applies to Hong Kong at present.

“I am also instructed to state that, in accordance with the Joint Declaration of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People’s Republic of China on the Question of Hong Kong signed on 19 December 1984, the Government of the United Kingdom will restore Hong Kong to the People’s Republic of China with effect from 1 July 1997. The Government of the United Kingdom will continue to have international responsibility for Hong Kong until that date. Therefore, from that date the Government of the United Kingdom will cease to be responsible for the international rights and obligations arising from the application of the Treaty to Hong Kong.

“I should be grateful if the contents of this Note could be placed formally on record and brought to the attention of the other Parties to the Treaty.

“I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.”

¹⁹ The former Republic of Vietnam signed the Treaty on February 11, 1971. The Socialist Republic of Vietnam deposited an instrument of accession to the Treaty at Moscow on June 20, 1980.