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SECRETARIAT

LETTER DATED ON 8 MARCH 1985 SENT BY MR. LANGHORNE A.  
MOTLEY, ASSISTANT SECRETARY FOR INTER-AMERICAN AFFAIRS,  
TO SENATOR MIGUEL HERNANDEZ AGOSTO, PRESIDENT OF THE  
SENATE OF PUERTO RICO, REGARDING THE OBLIGATIONS  
ASSUMED BY THE UNITED STATES OF AMERICA ON RATIFYING  
ADDITIONAL PROTOCOL I OF THE TREATY OF TLATELOLCO

Dear Senator Hernández:

I am writing this letter to address the concerns of the Senate of Puerto Rico, as expressed in Senate Resolution 60 of February 27, with regard to United States adherence to Protocol I of the Treaty of Tlatelolco as it applies to Puerto Rico. The Resolution was delivered by Senator Gilberto Rivera Ortiz, with whom we were pleased to meet and discuss the issue in Washington on March 8.

The Resolution asks "If in fact the United States has sustained, sustains, and will sustain its adherence to the Treaty of Tlatelolco, faithfully complying with the letter and the spirit of Additional Protocol Number 1 of the Treaty so that nuclear weapons will not be stored in Puerto Rico and the Virgin Islands."

The answer to that question is yes. As you are aware, in November 1981, the United States ratified Additional Protocol I of the Treaty. United States adherence to the Protocol makes the provisions of the Treaty applicable to Puerto Rico and the United States Virgin Islands. We are aware of our commitments under the Treaty and are in full compliance with those commitments.

The Resolution asks "If, in effect, any contingency plan regarding the storage of atomic devices that was being contemplated before the United States ratified the Additional Protocol Number I of the Treaty in 1981, was rendered ineffective due to its ratification."

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For obvious reasons, we have a longstanding policy of not commenting on contingency plans. I can only repeat that the United States strongly supports the Treaty and is in full compliance with its obligations.

The Resolutions asks "If the Government of the United States has any plan to abandon the Treaty."

The Honorable,

Miguel Hernández Agosto,

President,

Senate of Puerto Rico.

The answer is absolutely and categorically no.

Finally, the Resolution asks "If the reserve expressed by the United States Government upon ratifying Additional Protocol I implies that the Government of the United States can store, install or post nuclear weapons in Puerto Rico, its territorial waters or aerial space."

Protocol I incorporates the provisions of the Treaty which preclude reservations. The statements made by the United States at the time of ratification of Additional Protocol I were statements of understanding, not reservations. Those understandings do not deal with storage, installation, or posting of nuclear weapons, which are specifically prohibited by the Treaty, but rather with transit rights and privileges which are not affected by the Treaty. As the negotiating history of the Treaty makes clear, transport and transit rights continue to be governed by rules and principles of international law under which sovereign states retain the exclusive power and legal competence, unaffected by the Treaty, to grant or deny rights of transit or transport.

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