

第 98/2015 號行政長官公告

Aviso do Chefe do Executivo n.º 98/2015

中華人民共和國於一九九九年十二月十三日以照會通知聯合國秘書長，一九七一年二月十一日訂於倫敦、莫斯科和華盛頓的《禁止在海洋底床及其下層土壤放置核武器及其他大規模毀滅武器條約》（下稱“條約”）自一九九九年十二月二十日起適用於澳門特別行政區；

中華人民共和國政府在交存條約的加入書時作出如下聲明：

“一、中國政府重申，本條約的任何規定都不得解釋為以任何方式損害中華人民共和國對其領海及鄰接其領海的海域、海床及其底土的主權和其他權利。

二、臺灣當局以中國名義分別於一九七一年二月十一日和一九七二年二月二十二日對該條約的簽署和批准是非法的、無效的。”

基於此，行政長官根據第3/1999號法律《法規的公佈與格式》第六條第一款的規定，命令公佈上指條約的中文及英文正式文本。

二零一五年七月九日發佈。

行政長官 崔世安

Considerando que a República Popular da China, por nota datada de 13 de Dezembro de 1999, notificou o Secretário-Geral das Nações Unidas sobre a aplicação na Região Administrativa Especial de Macau, a partir de 20 de Dezembro de 1999, do Tratado Proibindo a Instalação de Armas Nucleares e de Outras Armas de Destruição Maciça no Fundo dos Mares e dos Oceanos, assim como no seu Subsolo, concluído em Londres, Moscovo e Washington, em 11 de Fevereiro de 1971, adiante designado por Tratado;

Considerando igualmente que o Governo da República Popular da China, no momento do depósito do seu instrumento de adesão ao Tratado, formulou a declaração seguinte:

«1. O Governo Chinês reafirma que nada no presente Tratado deve ser interpretado como prejudicando de qualquer forma os direitos soberanos e os demais direitos da República Popular da China sobre o seu mar territorial, bem como sobre a zona marítima, o fundo do mar e o seu subsolo adjacentes ao seu mar territorial.

2. A assinatura e a ratificação do presente Tratado pelas autoridades de Taiwan, usando ilegalmente o nome da China em 11 de Fevereiro de 1971 e em 22 de Fevereiro de 1972, respectivamente, são nulas e sem efeito.»

O Chefe do Executivo manda publicar, nos termos do n.º 1 do artigo 6.º da Lei n.º 3/1999 (Publicação e formulário dos diplomas), o referido Tratado nos seus textos autênticos em línguas chinesa e inglesa.

Promulgado em 9 de Julho de 2015.

O Chefe do Executivo, *Chui Sai On*.

禁止在海洋底床及其下層土壤放置核武器 及其他大規模毀滅武器條約

本條約締約國，

確認為和平用途而探測與使用海洋底床，其所獲進展，人類共蒙其利，

認為防止海洋底床核武器競賽，有利於維持世界和平，足以緩和國際緊張局勢，並加強國與國間友好關係，

深信本條約乃禁絕海洋底床及其下層土壤軍備競賽之一步驟，

深信本條約乃締結嚴格有效國際管制下普遍徹底裁軍條約之一步驟，決心繼續談判，以達此目的，

深信本條約將能以符合國際法原則、同時不妨害公海自由之方式，促進聯合國憲章之宗旨與原則，

爰議定條款如下：

第壹條

一、本條約締約國擔允決不於第貳條規定之海床區外緣界限之外海洋底床及其下層土壤，安設或放置任何核武器或任何他種大規模毀滅武器，以及專為貯藏、試驗或使用此種武器用途之建築物、發射裝置或任何其他便利。

二、本條第一項規定之擔允，在同項所稱海床區內亦同樣適用，唯在此種海床區內，對沿海國或其領水下海床，不適用之。

三、本條約締約國擔允決不協助、鼓勵或勸促任何國家從事本條第一項所指之活動，亦決不以任何其他方式，參與此種行動。

第貳條

在本條約適用範圍內，第壹條所稱海床區之外緣界限，與一九五八年四月二十九日在日內瓦簽訂之領海及鄰接區公約第二編所指該區十二浬外緣界限同，並應依照該公約第一編第二節之規定及國際法測算之。

第參條

一、為促進本條約各項目標之實現，並確保本條約各項規定之遵守起見，本條約締約國有權以觀察方法查核本條約其他締約國在第壹條所稱之區以外海洋底床及其下層土壤所作之活動，但所作觀察不得妨礙此種活動。

二、如在觀察之後，對於是否已盡依本條約所負義務仍有合理之疑慮時，懷疑之締約國及對產生疑慮之活動負責之締約國，應互相諮商以消釋疑慮。如疑慮未能消釋，則懷疑之締約國應通知其他締約國；關係締約國對於協議之進一步查核程序應行合作，包括對合理假定屬於第壹條所稱一類之物體、建築物、裝置或其他便利之適當檢查。活動所在區域之締約國、包括任何沿海國及任何申請參加之其他締約國、應有權參加此種諮商與合作。進一步查核程序完成後，發動此種程序之締約國應編製適當之報告書，分發其他締約國。

三、觀察物體、建築物、裝置或其他便利之後，如不能斷定對於產生合理疑慮之活動應負責任之國家，懷疑之締約國應通知活動所在區域之締約國及任何其他締約國，並提出適當之詢問。如在詢問之後查明某一締約國應對此種活動負責，該締約國應依本條第二項之規定，與其他締約國諮商並合作。如詢問不能查明應對此種活動負責之國家，則查詢之締約國得進行進一步之查核程序，包括檢查在內，該國並應邀請活動所在區域之締約國、包括任何沿海國、以及希望合作之任何其他締約國參加。

四、遇依本條第二項及第三項之諮商與合作未能消釋對於此種活動之疑慮，對是否已盡依本條約所負義務仍有重大疑問時，本條約締約國得依聯合國憲章之規定，將此事提出安全理事會，由其依照憲章採取行動。

五、依本條規定之查核，得由任何締約國自力、或取得任何其他締約國全力或局部協助、或經聯合國範疇內符合憲章之適當國際程序進行之。

六、依本條約規定之查核活動，不得妨礙其他締約國之活動，並應適當顧及國際法所承認之權利，包括公海自由及沿海國探測開發其大陸礁層之權利在內。

第肆條

本條約不得解釋為支持或妨害任何締約國對於下列各項所採取之立場：現行國際公約、包括一九五八年領海及鄰接區公約；該締約國關於其海岸以外水域包括領海及鄰接區等等、或關於海洋底床包括大陸礁層可能主張之權利或要求；承認或不承認任何其他國家在此方面主張之權利或要求。

第伍條

本條約締約國擔允就防止海洋底床及其下層土壤軍備競賽之裁軍方面其他措施，各秉誠意，繼續談判。

第陸條

本條約任何締約國得對本條約提出修正。修正對於接受修正之每一締約國應於多數締約國接受時發生效力，嗣後對於其餘每一締約國應於其接受之日起發生效力。

第柒條

本條約發生效力滿五年後，應於瑞士日內瓦舉行締約國會議檢討本條約施行情況，以確保前文之宗旨及本條約之規定已在實施中。此項檢討應計及任何有關之技術發展。檢討會議應依出席締約國之多數意見決定應否再召開一次檢討會議以及於何時召開。

第捌條

本條約每一締約國於行使其國家主權時，倘斷定與本條約主題有關之非常事件已危及其本國最高利益，有權退出本條約。該國應將此項退出於三個月前通知本條約所有其他締約國及聯合國安全理事會。此項通知應載列陳述，說明該國認為已危及其最高利益之非常事件。

第玖條

本條約之規定絕不影響本條約締約國依建立非核武器區國際文書所承擔之義務。

第拾條

一、本條約聽由所有國家簽署。凡在本條約依本條第三項發生效力前未簽署之任何國家得隨時加入本條約。

二、本條約須經簽署國批准。批准書及加入書應送交美利堅合眾國、大不列顛及北愛爾蘭聯合王國及蘇維埃社會主義共和國聯邦政府存放，為此指定各該國政府為保管國政府。

三、本條約應於二十二國政府，包括指定為本條約保管國政府之各國政府，交存批准書後發生效力。

四、對於本條約發生效力後交存批准書或加入書之國家，本條約應於其交存批准書或加入書之日起發生效力。

五、保管國政府應將每一簽署之日期、每一批准書或加入書存放之日期、本條約發生效力之日期及收到之其他通知迅即知照所有簽署及加入本條約之國家。

六、本條約應由保管國政府遵照聯合國憲章第一百零二條規定辦理登記。

第拾壹條

本條約應存放保管國政府檔庫，其英文、俄文、法文、西班牙文及中文各本同一作準。保管國政府應將本條約正式副本分送各簽署國及加入國政府。

為此，下列代表，各秉正式授予之權，謹簽字於本條約，以昭信守。

本條約共繕三份，於公曆一千九百七十一年二月十一日訂於華盛頓、倫敦及莫斯科。

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

The States Parties to this Treaty,

Recognizing the common interest of mankind in the progress of the exploration and use of the sea-bed and the ocean floor for peaceful purposes,

Considering that the prevention of a nuclear arms race on the sea-bed and the ocean floor serves the interests of maintaining world peace, reduces international tensions and strengthens friendly relations among States,

Convinced that this Treaty constitutes a step towards the exclusion of the sea-bed, the ocean floor and the subsoil thereof from the arms race,

Convinced that this Treaty constitutes a step towards a treaty on general and complete disarmament under strict and effective international control, and determined to continue negotiations to this end,

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,

Have agreed as follows:

Article I. 1. The States Parties to this Treaty undertake not to emplant or emplace on the sea-bed and the ocean floor and in the subsoil thereof beyond the outer limit of a sea-bed zone, as defined in article II, any nuclear weapons or any other types of weapons of mass destruction as well as structures, launching installations or any other facilities specifically designed for storing, testing or using such weapons.

2. The undertakings of paragraph 1 of this article shall also apply to the sea-bed zone referred to in the same paragraph, except that within such sea-bed zone, they shall not apply either to the coastal State or to the sea-bed beneath its territorial waters.

3. The States Parties to this Treaty undertake not to assist, encourage or induce any State to carry out activities referred to in paragraph 1 of this article and not to participate in any other way in such actions.

Article II. For the purpose of this Treaty, the outer limit of the sea-bed zone referred to in article I shall be coterminous with the twelve-mile outer limit of the zone referred to in part II of the Convention on the Territorial Sea and the Contiguous Zone, signed at Geneva on April 29, 1958, and shall be measured in accordance with the provisions of part I, section II, of that Convention and in accordance with international law.

Article III. 1. In order to promote the objectives of and insure compliance with the provisions of this Treaty, each State Party to the Treaty shall have the right to verify through observation the activities of other States Parties to the Treaty on the sea-bed and the ocean floor and in the subsoil thereof beyond the zone referred to in article I, provided that observation does not interfere with such activities.

2. If after such observation reasonable doubts remain concerning the fulfilment of the obligations assumed under the Treaty, the State Party having such doubts and the State Party that is responsible for the activities giving rise to the doubts shall consult with a view to removing the doubts. If the doubts persist, the State Party having such doubts shall notify the other States Parties, and the Parties concerned shall cooperate on such further procedures for verification as may be agreed, including appropriate inspection of objects, structures, installations or other facilities that reasonably may be expected to be of a kind described in article I. The Parties in the region of the activities, including any coastal State, and any other Party so requesting, shall be entitled to participate in such consultation and cooperation. After completion of the further procedures for verification, an appropriate report shall be circulated to other Parties by the Party that initiated such procedures.

3. If the State responsible for the activities giving rise to the reasonable doubts is not identifiable by observation of the object, structure, installation or other facility, the State Party having such doubts shall notify and make appropriate inquiries of States Parties in the region of the activities and of any other State Party. If it is ascertained

through these inquiries that a particular State Party is responsible for the activities, that State Party shall consult and cooperate with other Parties as provided in paragraph 2 of this article. If the identity of the State responsible for the activities cannot be ascertained through these inquiries, then further verification procedures, including 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.

4. If consultation and cooperation pursuant to paragraphs 2 and 3 of this article have not removed the doubts concerning the activities and there remains a serious question concerning fulfillment of the obligations assumed under this Treaty, a State Party may, in accordance with the provisions of the Charter of the United Nations, refer the matter to the Security Council, which may take action in accordance with the Charter.

5. Verification pursuant to this article may be undertaken by any State Party using its own means, or with the full or partial assistance of any other State Party, or through appropriate international procedures within the framework of the United Nations and in accordance with its Charter.

6. Verification activities pursuant to this Treaty shall not interfere with activities of other States Parties and shall be conducted with due regard for rights recognized under international law, including the freedoms of the high seas and the rights of coastal States with respect to the exploration and exploitation of their continental shelves.

Article IV. Nothing in this Treaty shall be interpreted as supporting or prejudicing the position of any State Party with respect to existing international conventions, including the 1958 Convention on the Territorial Sea and the Contiguous Zone, or with respect to rights or claims which such State Party may assert, or with respect to recognition or non-recognition of rights or claims asserted by any other State, related to waters off its coasts, including, *inter alia*, territorial seas and contiguous zones, or to the sea-bed and the ocean floor, including continental shelves.

Article V. The Parties to this Treaty undertake to continue negotiations in good faith concerning further measures in the field of disarmament for the prevention of an arms race on the sea-bed, the ocean floor and the subsoil thereof.

Article VI. Any State Party may propose amendments to this Treaty. Amendments shall enter into force for each State Party accepting the amendments upon their acceptance by a majority of the States Parties to the Treaty and, thereafter, for each remaining State Party on the date of acceptance by it.

Article VII. Five years after the entry into force of this Treaty, a conference of Parties to the Treaty shall be held at Geneva, Switzerland, in order to review the operation of this Treaty with a view to assuring that the purposes of the preamble and the provisions of the Treaty are being realized. Such review shall take into account any relevant technological developments. The review conference shall determine, in accordance with the views of a majority of those Parties attending, whether and when an additional review conference shall be convened.

Article VIII. Each State Party to this Treaty shall in exercising its national sovereignty have the right to withdraw from this Treaty if it decides that extraordinary events related to the subject matter of this Treaty have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other States Parties to the Treaty and to the United Nations Security Council three months in advance. Such notice shall include a statement of the extraordinary events it considers to have jeopardized its supreme interests.

Article IX. The provisions of this Treaty shall in no way affect the obligations assumed by States Parties to the Treaty under international instruments establishing zones free from nuclear weapons.

Article X. 1. This Treaty shall be open for signature to all States. Any State which does not sign the Treaty before its entry into force in accordance with paragraph 3 of this article may accede to it at any time.

2. This Treaty shall be subject to ratification by signatory States. Instruments of ratification and of accession shall be deposited with the Governments of the United States of America, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics, which are hereby designated the Depository Governments.

3. This Treaty shall enter into force after the deposit of instruments of ratification by twenty-two Governments, including the Governments designated as Depository Governments of this Treaty.

4. For States whose instruments of ratification or accession are deposited after the entry into force of this Treaty, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The Depository Governments shall promptly inform the Governments of all signatory and acceding States of the date of each signature, of the date of deposit of each instrument of ratification or of accession, of the date of the entry into force of this Treaty, and of the receipt of other notices.

6. This Treaty shall be registered by the Depository Governments pursuant to Article 102 of the Charter of the United Nations.

Article XI. This Treaty, the English, Russian, French, Spanish and Chinese texts of which are equally authentic, shall be deposited in the archives of the Depository Governments. Duly certified copies of this Treaty shall be transmitted by the Depository Governments to the Governments of the States signatory and acceding thereto.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto, have signed this Treaty.

DONE in triplicate, at the cities of Washington, London and Moscow, this eleventh day of February, one thousand nine hundred seventy-one.

第 99/2015 號行政長官公告

按照中央人民政府的命令，行政長官根據第3/1999號法律《法規的公佈與格式》第六條第一款的規定，命令公佈聯合國安全理事會於二零一五年三月二十七日通過的關於利比亞局勢的第2214 (2015) 號決議的中文及英文正式文本。

二零一五年七月九日發佈。

行政長官 崔世安

Aviso do Chefe do Executivo n.º 99/2015

O Chefe do Executivo manda publicar, nos termos do n.º 1 do artigo 6.º da Lei n.º 3/1999 (Publicação e formulário dos diplomas), por ordem do Governo Popular Central, a Resolução n.º 2214 (2015), adoptada pelo Conselho de Segurança das Nações Unidas em 27 de Março de 2015, relativa à situação na Líbia, nos seus textos autênticos em línguas chinesa e inglesa.

Promulgado em 9 de Julho de 2015.

O Chefe do Executivo, *Chui Sai On*.