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VERBATIM RECORD OF THE 26th MEETING

Chairman: Mr. MASHHADI (Islamic Republic of Iran) (Vice-Chairman)

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In the absence of the Chairman, Mr. Maahhadi-Ghahvechi (Islamic Republic of Iran), Vice-Chairman, took the Chair.

The meeting was called to order at 10.35 a.m.

AGENDA ITEMS 49 TO 69 AND 151 (continued)

CONSIDERATION OF AND ACTION ON DRAFT RESOLUTIONS ON DISARMAMENT ITEMS

The CHAIRMAN: I call on the representative of Mexico, who will introduce draft resolution A/C.1/44/L. 5.

Mr. MARIN BOSCH (Mexico) (interpretation from Spanish): The establishment of nuclear-weapon-free zones in various parts of the world is an element of efforts to achieve a world completely free from these terrible weapons of mass destruction. In the last few decades such efforts have been conducted at the most diverse levels. For example, individuals have declared their own homes to be nuclear-weapon-free zones; townships, such as Garrett Park, Maryland, have declared themselves to be nuclear-weapon-free zones; and certain States or groups of States, have decided to prohibit the presence of such weapons on their territories.

The Antarctic not only was the first territory to be denuclearised by means of a multilateral treaty, but is the only one in which the permanent population - the penguins - enjoy a régime of complete demilitarization. Latin America was the second region denuclearized by means of a treaty. We now have a third in the South Pacific, the zone created by the Treaty of Rarotonga. At the present time, proposals concerning the denuclearization of other regions are under study.

The nuclear-weapon States, as well as those States which, de jure or de facto, bear international responsibility for certain territories within the sphere of application of one of those regional agreements, must make a commitment to the States of the denuclearized region. In the case of the Treaty of Tlatelolco, those undertakings are contained in Additional Protocols I and II.

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Additional Protocol II is open to the nuclear-weapon States - China, France, the Soviet Union, the United Kingdom and the United States. It is now 10 years since the last of those five States ratified this international instrument.

Additional Protocol I is open to the four States that, de jure or de facto, bear international responsibility for territories lying within the boundaries of the geographical zone established in the Treaty of Tlatelolco. Those States are France, the Netherlands, the United Kingdom and the United States. The first to ratify Additional Protocol I was the United Kingdom, 20 years ago; the second was the Netherlands, 18 years ago, and the third the United States, eight years ago. That means that all that is lacking now is ratification by France, whose Government signed the Protocol 1.0 year ago.

Twenty-two years after the Treaty establishing the first nuclear-weapon-free zone in a densely populated area was opened for signature, we are still unable to guarantee its full effectiveness. We are sure that France's ratification of Additional Protocol I will provide a major impetus towards the achievement of this objective.

It is therefore an honour for me to introduce draft resolution A/C.1/44/L.5, on agenda item 49, entitled "Implementation of General Assembly resolution 43/62 concerning the signature and ratification of Additional Protocol I of the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco)". The draft resolution is sponsored by the following States, all of them parties to the Treaty of Tlatelolco: the Bahamas, Barbados, Bolivia, Costa Rica, the Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Nicaragua, Panama, Paraguay, Suriname, Trinidad and Tobago, Uruguay, Venezuela, and Mexico.

The Preamble to the draft resolution refers to the 16 resolutions on the signature and ratification of Additional Protocol I of the Treaty that since

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1967 have been adopted by the General Assembly. It emphasizes that all that is now lacking is ratification by just one of the States to which Additional Protocol I is open. That is why in the operative section of the draft resolution the General Assembly

“once more urges France not to delay any further such ratification, which has been requested so many times . . .”

The CHAIRMAN: I now call on the representative of Egypt, who will introduce draft resolution A/C. 1/44/L. 9.

Mr. FAHMY (Egypt): I have asked to speak on the agenda item entitled "Establishment of a nuclear-weapon-free zone in the region of the Middle East" in order to introduce the draft resolution which my delegation is sponsoring on this subject.

Since 1980 the General Assembly has consistently adopted a resolution on this subject without a vote. During this period, the principles and parameters governing the establishment of such a zone have become more focused and further crystallized.

Last year, the General Assembly, in a resolution 43/65, took a further step towards the realisation of this objective, which was endorsed by all the members of this body. In that resolution the Assembly mandated the Secretary-General to undertake a study on effective and verifiable measures which would facilitate the establishment of a nuclear-weapon-free zone in the Middle East, thus initiating a process by which the United Nations would be moving from the stage of conceptualizing to that of facilitating the implementation of its goals.

Throughout this year we have been in contact with the Department for Disarmament Affairs, as have other parties, in order to assist the Secretary-General in his endeavours. As a formal contribution, Egypt also submitted its views as to what effective and verifiable measures would facilitate this objective. These views are contained in document A/44/430. I should however like to stress that we believe it to be of paramount importance that States of the region which have not done so should adhere, as a matter of urgency, to the Treaty on the Non-Proliferation of Nuclear Weapons. States of the region that have not yet done so, should also unilaterally submit all their nuclear facilities to the

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safeguard system of the International Atomic Energy Agency (IAEA), and conclude full-scope safeguard agreements with the Agency.

Pending the taking of such steps, the States of the region should issue solemn declarations to the effect that they support the establishment of a nuclear-weapon-free zone in the Middle East and that they will not manufacture or otherwise acquire nuclear weapons or nuclear explosive devices. The nuclear-weapon States, on the other hand, should issue declarations confirming their commitment to paragraph 5 of resolution 43/65, to the effect that they will not take any measures inconsistent with, or detrimental to, the establishment of the zone. The declarations by the States of the region, as well as those issued by the nuclear-weapon States, should be submitted to the Security Council which would, in an appropriate manner, take note of them.

Furthermore, it would also be useful for States in the region to provide the Secretary-General with a compilation of their significant nuclear facilities and materials, indicating whether they were covered by IAEA safeguards. On the other hand, States outside the region should provide the Secretary-General with a list of significant nuclear facilities, materials or components that they have exported to the Middle East.

Egypt has also followed with keen interest the studies undertaken and decisions adopted by IAEA in connection with the application of safeguards to the Middle East region. It is worth noting that this year the General Conference of IAEA requested the Director-General of the Agency to contact the States of the region with a view to ensuring the application of IAEA safeguards to all nuclear facilities in the Middle East. We commend the study undertaken in this regard and the request made by the General Conference, and believe that they constitute useful contributions to the efforts of the Secretary-General in his study of effective and

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verifiable **measures** that would facilitate the establishment of a nuclear-weapon-free zone in the Middle East.

As **is** clear from resolution **43/65**, the study **requested** of the Secretary-General **is** to be submitted to the General Assembly at its forty-fifth session. In anticipation of this study, we have decided to submit to the General Assembly at **this** session a draft resolution on the subject which essentially reiterates the elements of **last year's** resolution. Draft resolution A/C.1/44/L.9, which I have the pleasure of introducing today, reiterates the **basic** principles embodied in the preamble and **operative** parts of last year's resolution, as adopted, except for minor updating and editorial changes which were **warranted**.

In the operative part we **have** replaced the paragraph of last year's **resolution Calling** for a study by another taking note of the Secretary-General's progress report pursuant to last year's resolution.

My delegation should like to take **this** opportunity to urge interested parties to submit their views on the subject to the Secretary-General in order to facilitate his work and enhance the **content** of the study we are to receive next year. The only new element this year **is** in the operative paragraph in which we take note of the request made by the General Conference of **IAEA** for consultations **between** the Director-General of the Agency and the States of the Middle East with a **view** to the application of safeguards to their nuclear facilities. This is the **only** new element in the draft and it is one on which we **have** consulted with the **parties** concerned **before** submitting the draft. My delegation therefore hopes that this draft resolution will be adopted without a vote, as **has been** the practice since 1980.

The CHAIRMAN: I call on the representative of Mexico, who will introduce draft resolution A/C.1/44/L.25.

Mr. MARIN BOSCH (Mexico) (interpretation from Spanish): The comprehensive ban on all nuclear tests has been, and continues to be, the key item in the debates on **nuclear** disarmament in the First Committee. For **more than** thirty years the General Assembly **has been** examining as an item of high priority the urgent need for **the** cessation of all nuclear-weapon tests. The Assembly has adopted **more** than 70 resolutions on this item and in 8 of them it has strongly condemned such tests. More than thirty years after the inclusion of the item in its agenda, the title **seems** somewhat ironic.

On 5 August 1963, in **Moscow**, the Soviet **Union**, the United Kingdom and the United States signed the Treaty Banning **Nuclear** Weapon Tests in the Atmosphere, in Outer Space and under Water. Three days later, on 8 August, it was opened for **signature** in **Moscow**, London and Washington and it entered into force on 10 October 1963. Today 117 States are parties **to the Treaty**.

On 15 October 1963 the First Committee **began its** consideration of the item on the cessation of **nuclear** testing. The first speaker was Mrs. Pandit, the representative of India, **the country that** had introduced the item in the General Assembly in 1954. After congratulating the three original parties to the Treaty, she stated:

"Though the Treaty was negotiated by **the** major nuclear Powers, the Eighteen-Nation Committee on Disarmament **made a valuable contribution** to the preparatory **work on the treaty**." (A/C.1/PV.1310, p.3)

After listing **the** various suggestions of the different countries and groups of **countries** in the Committee, Mrs. Pandit added:

"It is one of the great **values** of the Eighteen-Nation Committee that preparatory work can **be** completed **there**, so that whenever the political climate is favourable **an agreement can be** finalized at short notice." (ibid.)

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On 27 November 1963 the General Assembly adopted resolution 1910 (XVIII) by 104 votes **to** one, with three abstentions. The first preambular paragraph of that resolution is particularly important, because in it the Assembly stated **that it was**

"fully aware of its responsibility with regard to the question of nuclear weapon testing and of the views of world public opinion **on** this matter."

(resolution 1910 (XVIII))

After noting with approval the partial test-ban Treaty the Assembly called upon all States to **become** parties to that Treaty and to abide by its spirit and provisions. Emphasizing the fact that in the preamble to the Treaty the parties stated that they were

"seeking to achieve the discontinuance of all test explosions of nuclear weapons for all time and [were] determined to continue negotiations to this end," (ibid.)

the Assembly requested the Conference of the Eighteen-Nation Committee on Disarmament

"to continue with a sense of urgency its negotiations to achieve the objectives set forth in the preamble of the **Treaty**" and to report to the Assembly

"at the earliest possible date and, in any event, not later than at the nineteenth session". (ibid.)

In other words the Assembly hoped that the "permanent cessation of all nuclear tests" would be achieved in 1964.

Twenty-six years later we still do not have a **comprehensive** test ban treaty. Twenty-six years later the Conference on Disarmament - the **successor** to the Eighteen-Nation Committee - has not even managed to agree on a mandate to begin the negotiation of such a treaty. For many years we have been told that **the problem** has been the verification of a ban on underground nuclear **tests**, but no one dares

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any longer invoke that argument. The problem now, as perhaps it has always been, is the lack of political will, and there the solution becomes delicate,

More than a quarter of a century after the entry into force of the partial test-ban Treaty the international community has, quite understandably, become impatient with the persistent refusal of the original parties to that Treaty to fulfil the obligation which they undertook in the preamble to the Treaty to seek

"to achieve the discontinuance of all test explosions of nuclear weapons for all time, determined to continue negotiations to this end, and desiring to put an end to the contamination of man's environment by radioactive substances."

(ENDC/100/Rev.1)

Recently, the impatience of the international community has resulted in the initiative of 41 States parties to the 1963 Treaty to request, in accordance with article II of that Treaty, the convening of a conference to consider an amendment to convert the Treaty into a treaty on the complete prohibition of all nuclear tests.

Thus the draft resolution (A/C.1/44/L.25) I now have the honour to introduce in the First Committee on behalf of the 36 States sponsoring it, along with Togo and Thailand, which have since lent their sponsorship. The draft consists of seven preambular paragraphs and three operative paragraphs.

In the preamble the General Assembly reiterates its conviction that

"a comprehensive nuclear-test-ban treaty is the highest priority step towards nuclear disarmament"

and that, pending the conclusion of such a treaty,

"the nuclear-weapon States should suspend all nuclear test explosions through an agreed moratorium or unilateral moratoria".

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Also in the preamble, the draft resolution recalls the obligations undertaken by the parties to the 1963 Treaty and refers to the Treaty's article II and to general Assembly resolutions 42/26 B and 43/63 B on the question adopted in 1987 and 1988 respectively. Reference is also made to the important support given to the initiative by the Belgrade non-aligned summit Conference in September this year.

Finally, the preamble takes note that more than the required one-third of the parties have requested the convening of an amendment conference.

In its Eirat operative paragraph the draft resolution

"Recommends that a preparatory committee be established, open to all parties to the Treaty and that such a preparatory committee meet from 22 to 26 January 1990 to make arrangements for the amendment conference to be convened for an initial two-to-three-week session in May/June 1990".

In the second operative paragraph the draft resolution

"Requests the Secretary-General to render the necessary assistance and provide such services, including summary records, as may be required for the amendment conference and its preparation".

Finally, the draft resolution provides for the inclusion of the item in the provisional agenda of the General Assembly's next session.

The sponsors hope that the other members of this Committee will give their resolute support to draft resolution A/C.1/44/L.25, since it deals with a question which concerns all of us and which we must all strive to resolve. It is our intention to enter into consultations in the coming days with the other States parties to the Treaty - including, of course, its depositary Governments. In this connection we should like to take advantage of the good offices of the Chairman of this Committee and to request him to convene at an early date a meeting of all the

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parties, in order to facilitate our work and to ensure the best possible results. Our main purpose is to strengthen the 1963 Treaty through concrete actions demonstrating our willingness to achieve full compliance with all the provisions of that important multilateral instrument.

We are aware that the task of amending the Treaty will not be an easy one; that is why we consider that the conference that will examine amendment proposals should have sufficient time to ensure its success.

We do not seek confrontation with anyone. We have resorted to a mechanism - or, if you will, a working procedure - provided for in the Treaty itself, one which, in our opinion, should offer all States parties a good opportunity to express their points of view and to consider this question carefully. That is why we have proposed a flexible calendar for the conference. It is not a matter of having an isolated meeting in which States parties would have to make a take-it-or-leave-it decision regarding a given text; it is rather a process of collective reflection on an item of high priority for all. That is why the draft resolution refers in its first operative paragraph to an initial session of the conference in May/June 1990. In other words, we are not wedded to the idea that the conference should begin and end in 1990. In the light of the preparatory work, which we suggest should take place in January of next year, and of decisions regarding the organization of the conference, one could prolong or reduce the initial session. That is why the draft refers to an initial two-to-three-week session.

Allow me here to make some comments on certain matters of a practical nature. First, there is the question of where the conference should be held. The sponsors consider that United Nations Headquarters is the appropriate venue for the conference and its preparatory work. With regard to the latter, we believe that one week should suffice to agree upon, among other things, the rules of procedure

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of the conference, the composition of its bureau and of the committees it would deem it necessary to establish, the composition of the conference secretariat, the list of documents the Secretariat would be requested to prepare, the assessment of the costs of the conference and its preparatory committee and other organizational matters, including the possible participation of States not yet parties to the Treaty and of non-governmental organizations in due course.

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To sum up, the conference should be divided into and held in several stages. Given the history of the efforts to conclude a comprehensive nuclear-test ban, it would not be very realistic to expect the conference to achieve its goal in a single session. Its success should be measured in terms of its ability to clarify positions, identify obstacles and offer solutions to existing problems. It would thus be advisable to envisage it as part of a broader multilateral effort by the parties to the partial test-ban Treaty to reach an agreement on a comprehensive test-ban treaty.

Mr. KENYON (United Kingdom) : In connection with the statement we have just heard from the representative of Mexico introducing draft resolution A/C. 1/44/L. 24, I should like to make the following statement on behalf of the delegation of the United States, the Soviet Union and the United Kingdom. The Governments of the United States, the Union of Soviet Socialist Republics and the United Kingdom are the three depositories for the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water. Having received requests from more than one third of the parties to the Treaty for a conference to consider an amendment to the Treaty proposed by the Government of Mexico, Indonesia, Peru, Sri Lanka, Venezuela and Yugoslavia, the three depository Governments, in accordance with article II of the Treaty, have arranged to convene the said conference in Geneva at 10 a.m. on Tuesday, 8 January 1991, for a period of up to two weeks. Formal notification will be made to all parties to the Treaty through diplomatic channels.

#### PROGRAMME OF WORK

The CHAIRMAN: We have heard the last speaker for this morning. I have been informed that there are no speakers inscribed for this afternoon or tomorrow. Taking that into account, and bearing in mind that time could usefully be set aside for the necessary consultations on the draft resolutions that have been submitted,

(The Chairman)

I would suggest that this afternoon and tomorrow he devoted to consultations. If there is no objection, I shall take it that the Committee agrees to this procedure.

It was so decided.

The meeting rose at 11.05 a.m.