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Chairman: Mr. Andrés AGUILAR M. (Venezuela).

AGENDA ITEM 27

Question of general and complete disarmament: report of the Conference of the Committee on Disarmament (continued) (A/7958, A/7960 and Corr.1, A/7961, A/8059-DC/233, A/C.1/1001 and 1010, A/C.1/L.523, 528 and 532)

CONSIDERATION OF DRAFT RESOLUTIONS

1. The CHAIRMAN (*interpretation from Spanish*): In accordance with the decision adopted by the Committee we shall now consider the draft 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 draft treaty appears in annex A of the report of the Conference of the Committee on Disarmament [A/8059-DC/233].

2. The Committee has before it the thirty-seven-Power draft resolution contained in document A/C.1/L.523. Amendments to that draft resolution have been submitted by the delegation of Peru and circulated in document A/C.1/L.528.

3. I call on the representative of Peru to introduce the draft amendments of his delegation.

4. Mr. ARIAS SCHREIBER (Peru) (*interpretation from Spanish*): With great interest, my Government has read the report of the Conference of the Committee on Disarmament, dated 11 September 1970, referring to the draft 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, and examined carefully the draft treaty annexed to the report.

5. On this point, the Peruvian Government considers most commendable the work done by the delegations that participated in that Conference, and most praiseworthy the spirit that moved them to try to prevent the nuclear arms race from being spread to the sea-bed and ocean floor. In so doing they have contributed to the maintenance of world peace.

6. However, my Government believes that that draft treaty contains a reservation which does not meet the aspirations of mankind for a total prohibition of the manufacture and use of that type of weapons or at least that their installations and use in the sea as a whole should be barred so as to avoid any dangers of contamination or disturbance of its ecological balance. That reservation is the one under which the coastal State could set up nuclear weapons or other weapons of mass destruction within a twelve-mile zone opposite the coast.

7. The endeavour to legitimize that zone is contrary to both the world and the regional commitments that many States, including Peru, have assumed to prohibit the manufacture, possession, emplacement or use of such weapons, even within their jurisdictional waters.

8. In point of fact, in its resolution 808 A (IX), of 4 November 1954, the General Assembly of the United Nations unanimously approved as one of the three points of a co-ordinated disarmament programme "the total prohibition of the use and manufacture of nuclear weapons and weapons of mass destruction of every type". The partial nuclear test-ban Treaty,<sup>1</sup> signed in Moscow on 5 August 1963, prohibited such tests under water, including the territorial sea, in order to "eliminate the incentive to the production and testing of all kinds of weapons" and "put an end to the contamination of man's environment by radioactive substances". It is obvious that to leave free a zone where such weapons can be installed does not remove that incentive nor does it avert the danger of contaminating the sea.

9. Furthermore, consistent with a position of principle, the Latin American countries, in the Treaty of Tlatelolco signed in Mexico on 14 February 1967,<sup>2</sup> agreed to prohibit and prevent in their territories—and that includes the territorial waters—the receipt, storage, installation, deployment and any form of possession of any nuclear weapons, directly or indirectly, by the parties themselves, by anyone on their behalf or in any other way.

10. Obviously, the Peruvian Government is not challenging the right of coastal States to utilize submerged areas that are under their maritime jurisdiction for purposes that may include those of national defence and security, such as the setting up of apparatus or stations to detect suspicious manoeuvres or repel surprise attacks. But we do believe that some international agreement should be arrived at whereby

<sup>1</sup> Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water (United Nations, *Treaty Series*, vol. 480 (1963), No. 6964).

<sup>2</sup> Treaty for the Prohibition of Nuclear Weapons in Latin America (*ibid.*, vol. 634 (1968), No. 9068).

such utilization would be limited to conventional weapons, excluding any nuclear weapons or other weapons of mass destruction, which, if resorted to at all, should be confined to the coastal territories of the countries concerned and not be installed in the sea-bed. This should be done for two specific reasons: the first, because only in that way could we avoid the extension of nuclear weapons to the marine zones; and the second, because then we would eradicate the dangers that the presence of such weapons represent for the purity of the waters and for the existence of all species that live in them. Those dangers are unlimited because of the constant movement of both those species and the waters.

11. My Government therefore considers that the reservation contained in the draft treaty constitutes, if not a step backward, at least a lack of progress in the effort to stem the nuclear arms race. If we really seek the latter objective, what we must do is extend the prohibition to place or use such weapons to all the sea-bed and the ocean floor, without any unjustifiable discrimination in favour of the nuclear Powers, which would be damaging to the human species and which may cause dangerous consequences to other countries, both near and far, because of the very fluidity of the marine region.

12. Aside from this basic objection to the reservation contained in the draft treaty, the Peruvian Government considers it unnecessary to refer in the draft treaty to the twelve-mile outer limit of the zone mentioned in part II of the Convention on the Territorial Sea and the Contiguous Zone, signed at Geneva on 29 April 1958, as we believe that to be a delimitation relating to an area different from the sea-bed and the ocean floor, and to which a number of countries objected.

13. The inclusion of that reference would appear to confirm the suspicion that the concern of the original sponsors of that draft was to establish an international precedent supporting the twelve-mile limit, rather than to create an effective instrument for world disarmament, since it limits itself to prohibiting the installation of nuclear weapons where, in fact, today they do not exist, and to allowing them to be placed where they should not exist.

14. For the preceding reasons, on 10 November, in document A/C.1/L.528, my delegation submitted amendments to the draft treaty which, basically, called for the deletion of the references to the region of the sea-bed and ocean floor where nuclear weapons and weapons of mass destruction could be installed, with the consequential corrections to the text of that draft, as well as in draft resolution A/C.1/L.523.

15. With regard to the system of verification, we add the prerequisite of the agreement of the coastal State when the observation of the activities is carried out in a zone under its jurisdiction. That would safeguard the rights of the coastal State and avoid undue interference by any State in the territorial waters of another. And as in the present draft treaty that possibility is excluded, since investigations are only allowed beyond the twelve miles, the same exception could be established by stipulating the need for the agreement of the respective coastal State when inspections are being carried out in the subjacent sea-beds of their territorial waters. It is not, therefore, accurate to contend

that the prohibition against installing nuclear weapons from coast to coast would create insoluble problems for verification purposes, because of the refusal of certain States to allow the zones under their jurisdiction to be inspected, first of all because that refusal is already covered by the present draft treaty for those States that have set the twelve-mile limit, whereas it does not cover those States whose jurisdictional limits are wider, secondly, because the prerequisite of the agreement of the coastal State constitutes a safeguard that is both equivalent and sufficient to protect that State from undue interference, with the difference that it warns all States, and not only those which advocate the twelve-mile limit and thirdly because there are other ways of avoiding any attempt at abuse, one of which is to resort to an agency such as the International Atomic Energy Agency in the system of inspection, as provided in the Treaty of Tlatelolco.

16. My Government believes that the approval of the amendments we have proposed would be not only a forward but a definitive step in the exclusion of nuclear arms from the sea-bed and ocean floor in accordance with the desires and aspirations of all peoples, pursuant to the principles of the Charter of the United Nations and in keeping, too, with international instruments and resolutions that have been adopted in order to bar the use of weapons of this type, whose existence is a threat to world peace and to the very survival of mankind itself.

17. Since the presentation of these amendments, a number of other delegations have entered serious reservations regarding certain clauses of the draft treaty which they believe should be revised for other reasons than those that I have just given. Among them we must stress the reservations submitted with pure juridical logic by the representative of El Salvador, Ambassador Galindo Pohl, at the 1757th meeting on 11 November, when he explained first, that there could be no overlapping of the outside limit of the zone referred to in article I and the limit of the zone contiguous to the territorial sea, because the extensions of the territorial sea varied according to States, and because the distances also differed according to whether they were measured on the surface or on the sea-bed, because of the slope of the latter; secondly, that the twelve-mile limit on sea-bed was not exactly the limit of the territorial waters mentioned in article I of the draft, it being a known fact that not all States had a twelve-mile territorial sea, but that it varied between three and two hundred miles; thirdly, that there was a contradiction between article I, paragraphs 1 and 2, when it spoke of the zone where no one can install nuclear weapons and then added that that did not apply to the coastal State "in the same zone", since what it should say was that it did not apply in the excluded zone, that is, the second zone: from the twelve-mile limit to the coast; and fourthly, that there was another contradiction, and one no less grave, when in article III the term "beyond the zone" was used and not "in the zone", as it should say if it was to be consistent with the intention of the previous articles.

18. I do not believe that I need dwell on these and other comments that were made by other representatives. It is obvious that those doubts are far too serious and well-grounded to fall on deaf ears, because of an unjustifiable haste at the present moment. If, as the co-sponsors of the

draft treaty themselves have recognized on a number of occasions, no one intends to install nuclear weapons on the sea-bed, then, what is reasonable, I would say imperative, is openly to admit the need to revise this draft so that as it should it will meet the interests of all States, without exception, and can then become the effective instrument that we all desire for the benefit of mankind as a whole.

19. Before concluding, I want to say that the explanations given us at the 1762nd meeting by the representatives of the United States and of the Soviet Union regarding the draft treaty have contributed to reaffirm and strengthen the conviction of my delegation on the inappropriateness of making a hasty decision and allowing a document such as that proposed to us to be adopted permanently when we feel that it does not meet the general interests, when it has references, gaps and mistakes whose endorsement might create great difficulties and hinder many States from signing what should be a universal treaty.

20. In fact, we have only heard concrete replies to the questions that were made earlier by the representative of Mexico [*1748th meeting*], and even these were not completely answered. According to the explanations given, paragraph 2 of article I does not prejudice the limit or the rights of the coastal States in their territorial waters, when it applies the obligations of the treaty beyond the twelve-mile zone. But it should have been added that this is only valid for those States that have adopted the twelve-mile limit, whereas that paragraph is prejudicial for those States whose territorial waters go beyond the twelve-mile limit. That is clear from a reading of the article itself, regardless of the ingenious interpretations designed to circumvent its meaning.

21. Furthermore, the sponsors of the draft have not specifically replied to the objections of the representative of El Salvador, supported by other delegations. Their silence in the matter is understandable in the light of the validity of the arguments adduced against them and the recognition of imperfections is laudable when there are difficult compromises at stake. But here the case would appear to be different. No one has said that he disagreed with the exclusion of nuclear weapons from the entire marine environment. On the contrary, it has been clearly stated that that was the intention of the co-sponsors and that any commitment included in one of the articles to that effect would be scrupulously complied with. Nor has it been said that there is any idea of affecting the rights of the coastal States whose jurisdictional limit is beyond twelve miles. Therefore, if we all agree what are we waiting for? Let us prove it once and for all, by excluding all those exceptions that go against the clamour of all mankind to prohibit nuclear weapons, to preserve the marine environment and to eliminate any unnecessary references which may call for reservations on the part of other States. The clear answer to this question is the proof that we all await and trust we shall receive through the forthcoming vote.

22. In view of the importance of this question, both as a matter of principle and because of its implications for States' rights, I would ask that the vote on the amendment presented by Peru be taken by roll call.

23. Mr. GARCIA ROBLES (Mexico) (*interpretation from Spanish*): On 1 December 1969 the Mexican delegation

submitted to this Committee a working paper,<sup>3</sup> in which we made six specific suggestions calling for as many modifications to the draft 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 draft treaty appeared as annex A to the report of the Conference of the Committee on Disarmament for 1969.<sup>4</sup>

24. In the third revision of the draft I have just cited, which has now been circulated as annex A to the report of the Conference of the Committee on Disarmament for 1970 [*A/8059-DC/233*], we find, as we stated in Geneva, that the majority of our suggestions—which, incidentally, were to a large extent similar to those presented by other delegations—have in fact been taken into account and either totally or partially included, and we feel that by any yardstick the draft treaty has thereby been considerably improved.

25. This has emphasized the fact that those delegations which, like my own, last year wanted a postponement of a decision on this draft—a trend which my delegation had the privilege of leading formally in this Committee—were not far wrong. Last year, on behalf of my delegation, I stated that, between the two main alternatives open to the Committee, there seemed to be no hesitation to adopt the solution that, as I said last year, the General Assembly should

“refer the draft again to the Geneva Committee, adding the records of the debate of the First Committee and the working documents on the subject which may have been submitted to this Committee, with the recommendation that the Conference of the Committee on Disarmament endeavour to prepare a new draft acceptable to all members of the Conference of the Committee on Disarmament, and which would probably also be acceptable to all Members of the United Nations.” [*1707th meeting, para. 107.*]

26. The text that has now been submitted to us almost met the first of those two requirements, and I sincerely hope that as a result of our present discussions the second requirement can also be met.

27. As far as the Mexican delegation is concerned, we were particularly gratified to see that, from among the amendments made to the draft, two new articles were taken, articles V and IX. The first basically reflects what since last year has been known as the Swedish amendment, and the second is word for word the first paragraph of the additional article covering nuclear weapon-free zones which we proposed on 1 December 1969, and also the substantive changes made in the system of observation and verification dealt with in article III and the extension in article IV of the provisions designed to avoid an interpretation of the future treaty as favouring or damaging the position of any State party with respect to all matters not clearly and specifically regulated in the treaty.

28. However, despite that, we are not unaware—and I am sure the two main sponsors are in the same position—of the

<sup>3</sup> Document A/C.1/995.

<sup>4</sup> *Official Records of the Disarmament Commission, Supplement for 1969, document DC/232.*

fact that the wording of some of the articles of the draft treaty is far from being an illustration of the finest legal techniques applied to the drafting of treaties. Yet at the same time we are fully aware that such flaws seem inevitable when an effort is made to prepare draft multi-lateral contractual instruments. We know that the difficulties of obtaining a text that will equally satisfy all possible parties to the instrument increase in direct proportion to the number of such parties.

29. Therefore we should have been happy if a fourth and final revision of the draft had been prepared, containing a few changes to ensure on the one hand that paragraphs 2 and 3 of article I faithfully and clearly express what the representatives of the United States and the Soviet Union themselves stated in Geneva, in public and in private, as their intention of what the article should say and, secondly, that a prohibition be set forth on the military uses of that part of the continental shelf that lies beyond the twelve-mile limit established in the draft treaty.

30. Since circumstances have made it impossible to introduce additional modifications into the draft, we have, for the purpose of making very precise the meaning and scope of the paragraphs of article I that I mentioned before—and thus giving further proof of the true spirit of co-operation that moves us—decided to resort to the questions that we asked and that are reproduced *in extenso* in the verbatim record of the 1748th meeting of our Committee. The representatives of the United States and the Soviet Union at the 1762nd meeting of this Committee were good enough to answer those questions in terms that we regard as satisfactory. We are sure that the Rapporteur of the Committee, with the usual efficient collaboration of the Secretariat, will make quite sure that those questions and answers are included in the report to the General Assembly on this item, in accordance with the custom established for cases of this nature.

31. The position held by my country with regard to the continental shelf is defined in our legislation, and, as our Secretary for Foreign Affairs clearly indicated in the debate in the General Assembly [1850th plenary meeting], this means that, as far as Mexico is concerned, it would be impossible to agree to any possible emplacement of conventional weapons on our continental shelf, since that continental shelf, under the terms of our own Constitution, forms part of our national territory, which must be interpreted in accordance with the categorical provisions of article IV of the draft treaty.

32. We further believe that this is one of the *lacunae* that should be filled without delay, and that the commitment accepted by the parties to the treaty under article V thereof, namely to “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”, should first and foremost be directed at achieving the express prohibition of the emplacement of conventional weapons—nuclear weapons and other weapons of mass destruction are already so prohibited under article I—on those regions of the continental shelf of any State that lie beyond the twelve-mile limit by any State other than the coastal State to which that continental shelf belongs.

33. In summary, my delegation has come to the conclusion that, imperfect though it may be, the draft treaty that has been referred to us by the Geneva Committee is preferable to no treaty at all on this question, especially if we take into account the fact that article V, to which I have already alluded, when read with article VII which provides for the holding within five years of a conference for the purpose of reviewing the operation of the treaty, lays down a procedure that will make it possible gradually to perfect the instrument.

34. My delegation is therefore prepared to cast an affirmative vote on the Peruvian amendments in document A/C.1/L.528, and we trust that the first preambular paragraph of the draft treaty will also be modified thereby, so that it will be expressly recognized that “it is in the general interest of mankind to ensure that the sea-bed and the ocean floor are used exclusively for peaceful purposes”. This, incidentally, was already approved by the General Assembly last year in resolution 2602 F (XXIV) which refers to the item now under consideration and which not only was approved by the representatives of both the United States and the Soviet Union, but was based on a draft resolution sponsored by those two delegations.

35. As will be recalled, the first preambular paragraph of resolution 2602 F (XXIV) reads as follows:

“Recognizing the common interest of mankind in the reservation of the sea-bed and the ocean floor exclusively for peaceful purposes”.

If the Co-Chairmen of the Committee in Geneva find it difficult to accept the new wording proposed by the delegation of Peru but, on the other hand, are prepared to adopt a repetition of the text adopted last year, then perhaps the Peruvian delegation might not object to changing the amendment if by so doing unanimous support for that fundamental paragraph can be achieved.

36. Naturally, if the Mexican Government in due course comes to the conclusion that it would be in keeping with its own interests and those of the international community to sign and ratify the treaty under discussion, such signing and ratification would be accompanied by interpretational statements specifying, without room for doubt, the meaning and scope attached by Mexico to all those provisions of the treaty which, unfortunately, have not been drafted with the clarity and precision so desirable in these matters. Thus for example, my delegation feels, and will so recommend to our Government, that in such a case we shall have to declare the following: first, the continental shelf of Mexico forms part of the national territory under the terms of our Constitution, and therefore any emplacement of conventional weapons thereon by any other State is prohibited; secondly, in the light of the explicit statement formulated by the representatives of the United States and the Soviet Union, co-sponsors of the draft treaty, it must be understood that exclusion has been made of any possible interpretation of article I, paragraph 2, that could in any way affect the sovereignty of a coastal State over its territorial waters and the subsoil thereof within the zone mentioned in paragraph 2, and that therefore the provisions of that paragraph in no way affect any rights of the coastal State deriving from that sovereignty; thirdly, Mexico

interprets the statements of the two representatives I have mentioned concerning the significance and scope of article I, paragraph 3, regarding the nuclear weapon-free zones referred to in article IX as meaning that such provisions “fully cover” the proposal submitted by Mexico in the working paper submitted to the Conference of the Committee on Disarmament on 21 July 1970 [A/8059-DC/233, annex C, sect. 23] and that they are “fully applicable within any nuclear weapon-free zone” and especially in the denuclearized zone established by the Treaty for the prohibition of nuclear weapons in Latin America, or the Treaty of Tlatelolco.

37. I would not want to conclude without expressing my delegation's great appreciation of the long and patient consultations the Co-Chairmen of the Geneva Committee carried out on the successive revisions of the draft treaty, as also the willingness they demonstrated concerning many of the modifications suggested by a number of delegations, including my own, and which, as I said at the beginning, contributed to an appreciable improvement of the original text.

38. I should also like to stress the constant impartiality with which we have from the very outset undertaken the negotiations on the draft treaty to which I have referred, because, as I pointed out a year ago, at the 1707th meeting, since 20 September 1967, when Mexico became the first State Party to the Treaty of Tlatelolco, we have accepted much wider prohibitions than those included in this draft concerning the emplacement of nuclear weapons not only on the bed and subsoil of our territorial sea, whose breadth is set by Mexican legislation at twelve nautical miles, but also on our own territory, since, as is known, the régime set up in the Latin American instrument is one of total absence of nuclear weapons.

39. That has allowed my delegation to enjoy a privileged situation when examining with the greatest objectivity the scope and ramifications of this subject, bearing in mind only the higher interest of mankind.

40. Mr. KHATTABI (Morocco) (*interpretation from French*): I shall be extremely brief. I would merely say that my delegation, which played an active part in negotiations leading to the draft treaty prohibiting the emplacement of weapons of mass destruction on the sea-bed and ocean floor, is convinced that the draft treaty is a preventive measure dealing with the foreseeable future that does not forget to leave the door open for further substantial measures to preserve the sea-bed and ocean floor and ensure its use exclusively for peaceful purposes in the interests of mankind as a whole.

41. This draft treaty is, then, designed only to exclude the sea-bed and ocean floor from the competition in weapons of mass destruction without claiming to solve the numerous problems relating to the Law of the Sea. In this connexion my delegation wishes to affirm, as it did in Geneva in the negotiations on this text, that the draft treaty we are now examining can in no way affect the position of my country concerning existing and valid international Conventions nor its rights relating to offshore waters and the sea-bed and ocean floor, including the continental shelf. It is in that spirit that we interpret the meaning and scope of article IV, which entirely satisfies us.

42. Concerning article III of the draft treaty, I especially wish to remind the Committee that my delegation understands that the provisions of paragraphs 2, 3 and 4 of that article cannot prevent direct resort to the Security Council under the Charter to dispel possible doubts about respect for these provisions of the draft treaty.

43. I should also like to stress the importance, on the one hand, of the provisions of article III, paragraph 5, providing for verification by any State Party using its own means, or with the assistance of another State or through appropriate international procedures, and, on the other hand, article III, paragraph 6, according to which there shall be “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”.

44. I should like to add that disarmament is not in itself the problem; the main problem is convincing States that security does not lie in blind military power or deterrence, and that the old saying “*si vis pacem, para bellum*” is no longer true now that the existence of nuclear weapons is a permanent threat to mankind, and it is therefore important to prepare for peace in order to have peace. The draft treaty we are now examining truly falls within that framework and must therefore be adopted as is by all Members of the United Nations. That is why my delegation hopes that draft resolution A/C.1/L.523 will be adopted without change.

45. Mr. ROSCHIN (Union of Soviet Socialist Republics) (*translated from Russian*): As was very convincingly shown by many representatives during the general debate in our Committee, the draft treaty on the prohibition of the emplacement of weapons of mass destruction on the sea-bed is the result of lengthy and complex negotiations during which account was taken of many wishes and proposals, expressed orally or submitted in the form of working papers, both at the twenty-fourth session of the United Nations General Assembly and in the Committee on Disarmament.

46. I should like to remind representatives that during the twenty-fourth session of the General Assembly last year, working papers were submitted by the delegations of Mexico, Canada, Sweden, Argentina and Brazil. These working papers contained a number of concrete proposals concerning changes in the text of the sea-bed treaty.

47. The draft treaty that is now being considered by the First Committee as a result of the proposals and comments made by many delegations, expressed both in working papers and orally at meetings of the First Committee last year and at sessions of the Committee on Disarmament, has been revised three times.

48. To the maximum extent, it takes into account the positions of essentially all those States which introduced proposals concerning changes in the draft treaty on the sea-bed. The document now before the First Committee can thus quite properly be regarded as a multilateral document which has been carefully worked out and agreed upon by many delegations as a compromise draft and which, as has been recognized by an overwhelming majority

of the delegations which took part in the discussion on disarmament here, can be adopted by the General Assembly and must then be opened for signature without delay.

49. The amendments proposed by the delegation of Peru call for drastic changes in the basic provisions of the draft treaty relating to such highly important matters as the scope of the treaty and the exercise of control over its application. The Peruvian delegation is proposing to delete or alter basic articles and paragraphs of the draft treaty. The adoption of these amendments and proposals would do violence to both the structure and the actual content of the draft treaty as a whole.

50. Thus, after three revisions of the draft treaty, we are being asked to begin our long work all over again. It is not difficult to foresee the complications and delays that would arise in dealing with the problem before us if the Peruvian proposals were adopted.

51. In view of all these facts and because we wish to see the treaty concluded as soon as possible, as it would be the first concrete step towards the complete demilitarization of the sea-bed and ocean floor, the Soviet delegation cannot agree to the proposal put forward by the delegation of Peru. It will oppose these amendments and vote against them.

52. In connexion with the statement of the representative of Mexico, Ambassador García Robles, we wish to express our satisfaction at the fact that the Mexican delegation has come out in favour of approving the treaty, after taking into account the answers given by our delegation and by the delegation of the United States [1762nd meeting] to the questions put by the delegation of Mexico to the sponsors of the draft treaty in Ambassador García Robles's statement of 2 November [1748th meeting].

53. Mr. CHILIE (Romania): Before the voting on the draft resolution contained in document A/C.1/L.523, sponsored by thirty-seven States, including Romania, my delegation would like to make a few explanatory remarks with regard to the draft 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, which is annexed to this year's report of the Conference of the Disarmament Committee.

54. To begin with its position of principle in the disarmament field: Romania has from the very beginning supported the conclusion of an international agreement on the demilitarization of the sea-bed and the ocean floor. Although an agreement with such a purpose places itself in the category of preventive measures, it has an undeniable value, in so far as it contributes to the hampering of military contamination of the vast submarine territories and, at the same time, to the creation of favourable conditions for further real steps towards genuine disarmament.

55. As we have already stated in the general debate on the question of disarmament [1761st meeting], the Romanian delegation appreciates as a positive development the fact that, following the laborious discussions and negotiations that have taken place both in the United Nations and in the

Conference of the Committee on Disarmament, and to which an important number of States have made significant contributions, the Geneva Conference was able to present to the General Assembly at this session the draft treaty on the prohibition of the emplacement of nuclear weapons and other weapons of mass destruction in the submarine territories.

56. As far as we are concerned, my country has at the various stages of the negotiations expressed its position on the principles and objectives of this agreement and has made concrete proposals as to the contents thereof, which proposals are reflected to a considerable extent in the draft treaty under consideration.

57. As we have stated previously, Romania has conceived and envisaged the agreement in a legal framework, fully determined by the requirements of the international principles and norms governing that field, among which, in our view, the following are the most essential.

58. First, it is necessary for the treaty to constitute a reliable barrier against the penetration of the arms race—in our case, of weapons of mass destruction—to the sea-bed and ocean floor, and in this way to facilitate the adoption of international agreements for true disarmament.

59. Secondly, it is necessary for the scope of the treaty to be integrated with the efforts made at present in the United Nations to preserve and use the sea-bed and ocean floor exclusively for peaceful purposes, by exploring and exploiting the resources thereof to meet the needs of nations for peace, progress and well-being.

60. Thirdly, the agreement in question, as in fact any regulation in this field, both for the prohibition of military activities and for the use of the sea-bed and ocean floor for peaceful purposes, cannot work unless it is based on the objectives, principles and norms of the United Nations Charter and on the provisions of various resolutions adopted by the General Assembly in this field.

61. Fourthly, the status of areas excepted from the sphere of the arms race on the sea-bed and the ocean floor may be instituted and implemented only on the basis of the strict observance of the sovereign rights and legitimate interests of various States as to the territorial sea and continental shelf, as well as the principle of the freedom of the high seas.

62. Fifthly, and lastly, in order to be durable and to respond totally to the aims pursued, international regulation in this field, which is of interest to all members of the international community, requires the co-operation and the agreement of all interested States, in accordance with the principle of universality; on the other hand, this implies the necessity of taking into consideration the positions, rights and legitimate interests of all States, large and small, on an equal footing.

63. The Romanian delegation considers that the draft treaty submitted to us, in its substance, provides an answer to the requirements just exposed.

64. Thus, we consider it appropriate to underline that the preamble of the treaty embodies a number of principles defining its orientation and goals.



65. We have in mind the assertion, in the preamble, of the common interest of mankind in exploring and exploiting the sea-bed and ocean floor and the subsoil thereof for peaceful purposes. At the same time the preamble emphasizes the importance of that agreement for the prevention of a nuclear arms race on the sea-bed and for the promotion of peace and friendly relations among States. That part of the treaty also stresses the idea that this partial measure constitutes a first step towards the exclusion of the sea-bed from the arms race; it emphasizes the place of the treaty in the context of disarmament as a collateral measure destined to facilitate progress towards the goal of general and complete disarmament, and, finally, it stresses that the treaty has to be based on the purposes and principles of the United Nations Charter and must not infringe upon the principle of the freedom of the high seas.

66. We should like, in what follows, to underline some ideas concerning the basic provisions of the operative part of the draft treaty. Regarding the purpose of the treaty, as stated in its first article, we should like to recall that our country, along with many other States, has pronounced itself in favour of the solution of prohibiting all military activities on the sea-bed and ocean floor, through a treaty for the complete demilitarization of those areas. That is why we attach particular importance to the fulfilment of the provisions of article V of the treaty, in conformity with which the parties "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".

67. In our view, this stipulation calls for the maintenance of the question of the demilitarization of the sea-bed and ocean floor on the agenda of negotiations, with a view to achieving its integral solution. The Romanian delegation therefore strongly favours the proposal, which already enjoys wide support, that the problem of the demilitarization of the sea-bed and the ocean floor, included in the provisional agenda of the Conference of the Committee on Disarmament<sup>5</sup> be maintained on the agenda of the Conference.

68. In the structure of the treaty, particular importance is attached to the problem of verifying the implementation of the obligations assumed by the parties, as stated in article III. It is widely known that this article has required prolonged negotiations, during which many proposals and suggestions have been put forward. The formula of control which resulted and is now included in the treaty offers, in our opinion, the possibility of adequate verification of the compliance of States parties with the obligations assumed under this instrument. In our opinion, particular significance may be attached to the provision in article III, paragraph 5, which states that, along with other means of verification of the fulfilment of the obligations contained in article III, States parties may resort to "appropriate international procedures within the framework of the United Nations and in accordance with its Charter". The foundation of the control machinery, as well as of all other obligations assumed under this treaty on the basis of the generally recognized principles of the Charter, undoubtedly

represents a guarantee that the provisions of the treaty will be observed in their spirit and letter, in accordance with the legitimate interests of all States parties.

69. In our view, the system of control should work in such a manner as to provide actual and equitable possibilities for all States to take an effective part in the verification of the obligations assumed. It is necessary that the implementation of the system of control should create appropriate conditions for effective participation in the verification of the provisions of the treaty by small and medium-sized countries which, due to the technological gap separating them from the big Powers, do not have the means required for verifying independently the way in which the agreement they are party to is respected. In connexion with the provisions of article III, we should like to emphasize the importance we attach to the stipulations concerning the observance of the sovereign rights of coastal States in their territorial sea and their continental shelf. In this respect, we understand, as other States have already pointed out, that the disposition incorporated in article III, paragraph 6, together with the clause contained in article IV, clearly states that all the obligations assumed under this treaty, and particularly the system of control established, cannot and should not affect in any way whatever the unimpeded exercise by coastal States of their sovereign rights over their territorial seas and continental shelf. In this respect we should like to remind representatives that the position of my country has been clearly exposed in the statements made within the framework of the Geneva Conference.

70. In our delegation's view, a clause that has rightly found its place in the treaty is that which envisages the convening, five years after the entry into force of this agreement, of a conference of the States parties, in order to review the way in which its principles and provisions are being implemented, taking into account the developments expected as a result of technological progress.

71. In fact, the rapid progression nowadays of events and phenomena, due to the massive impact of modern science and technology, makes it all the more necessary that this dynamic factor be given due consideration in working out any agreements, including those in the field of disarmament.

72. We should like to conclude by emphasizing as positive facts the businesslike and co-operative atmosphere which helped the negotiation and the perfecting of the draft treaty concerning the sea-bed territories and the constructive efforts deployed to find solutions that would enjoy the widest possible acceptance; in our view, this bears witness to the fact that whenever the indispensable factor of political will is present and the positions and legitimate interests of all States are taken into consideration, there really is a possibility of reaching agreements of general interest and of obtaining practical results in the disarmament negotiations.

73. The Romanian delegation deems that the adoption of the draft treaty at this session will be a useful and positive action, a grand step forward on the path of the complete demilitarization of the sea-bed and ocean floor, furthermore paving the way for solving other disarmament questions still awaiting appropriate solutions.

<sup>5</sup> *Ibid.*, Supplement for 1967 and 1968, document DC/231, para. 17.

74. In conclusion, I want to say that, being a sponsor, our delegation will support draft resolution A/C.1/L.523.

75. The CHAIRMAN (*interpretation from Spanish*): I have no further speakers on my list. However, before proceeding to the vote or calling on those representatives who wish to explain their vote before the voting begins, may I ask the representative of Peru for his reaction to the appeal just made by the representative of Mexico concerning the first of his amendments.

76. Mr. ARIAS SCHREIBER (Peru) (*interpretation from Spanish*): My delegation would not object to the Committee's voting separately on the amendment to the draft resolution and then on the amendment to the draft treaty.

77. The CHAIRMAN (*interpretation from Spanish*): May I now ask the representative of Mexico whether he was making a formal proposal to replace the first of the amendments submitted by the delegation of Peru by the text that he cited in his statement.

78. Mr. GARCIA ROBLES (Mexico) (*interpretation from Spanish*): In this case, as in all cases dealing with this subject, my intention has been to try to achieve unanimity or else the widest possible acceptance. I said, therefore, that if the present text of the Peruvian amendment were put to the vote my delegation would support it. I also said that if that text were not acceptable to the Co-Chairmen of the Geneva Conference of the Committee on Disarmament that is, to the representatives of the United States and the Soviet Union—and, on the other hand, if they felt they could accept the text that we had approved last year, and which, in our opinion is essentially the same, and if, in addition, the representative of Peru could agree to a change in his first amendment so that, instead of reading as it now does, it were to read:

*“Recognizing the common interest of mankind in the reservation of the sea-bed and the ocean floor exclusively for peaceful purposes”*,

then it might be better if the text to be put to the vote were the latter. From what I have just said it is obvious that I am basing myself on two possibilities.

79. Therefore, in order to clarify this question, the representatives of both the United States and the Soviet Union, as well as the representative of Peru, would, if they saw fit, have to express their views on the matter. As far as the Mexican delegation is concerned, I repeat, we shall vote in favour of either one or the other of the two texts.

80. Mr. LEONARD (United States of America): I must first express my appreciation to the representative of Mexico for his discussion on the draft sea-bed treaty and the position of Mexico with respect to that treaty. We are very pleased to note that Mexico finds it possible to support the treaty with the explanations and clarifications which have been provided by the drafters of the treaty and with the clarifications which will be made by the Mexican Government in the course of its adherence to the treaty.

81. I should also like to express gratitude for the very helpful suggestion which Ambassador García Robles has

just made with respect to the Peruvian amendments [A/C.1/L.528] to the draft resolution contained in document A/C.1/L.523. Mr. García Robles is correct in saying that the language proposed by the representative of Peru would create difficulties for the United States delegation. On the other hand, the language of General Assembly resolution 2602 F (XXIV), which, as Mr. García Robles pointed out, is very similar in intent, does not contain the problems which we see in the current suggestion of the Peruvian delegation. Therefore, we would find it possible to support a change in draft resolution A/C.1/L.523 to make the appropriate preambular paragraph correspond to the text which Mr. García Robles has just read to us.

82. Mr. ROSCHIN (Union of Soviet Socialist Republics) (*translated from Russian*): So as to enable us to find the most favourable possible solution to the problem now before us, we, too, are prepared to support the proposal just made by the representative of Mexico concerning the preamble of the resolution, inasmuch as the proposed preamble reproduces the text which we adopted last year.

83. Since we voted in favour of that text last year, we see no reason to object to its adoption this year. It is our understanding, however, that the new preamble to the resolution will not involve any changes in the text of the draft treaty on the sea-bed itself. In the light of that interpretation of the Mexican representative's proposal, the Soviet delegation is prepared to vote for the proposed change in the preamble of the draft resolution recommending approval of the draft treaty on the sea-bed.

84. The CHAIRMAN (*interpretation from Spanish*): May I ask the representative of Peru whether he would agree to change the text of his first amendment?

85. Mr. ARIAS SCHREIBER (Peru) (*interpretation from Spanish*): My delegation can agree to the paragraph adopted at the last session of the General Assembly because basically it coincides with the essence of the Peruvian amendment. But I do want it to be known that the acceptance by Peru of that paragraph in draft resolution A/C.1/L.523 does not presuppose our acceptance of the rest of the draft and much less, of the draft treaty, on which I still ask for a roll-call vote. Since not all States participated in the debates of the Conference of the Committee on Disarmament, I doubt whether, as the Soviet representative said, this draft can obtain overwhelming support.

86. The CHAIRMAN (*interpretation from Spanish*): I thank the Peruvian representative for his co-operation. If I understand the position at the moment correctly, the Peruvian representative agrees that we should vote separately on his first amendment, namely, that we vote first on the first of the amendments and then on the rest.

87. The representative of Peru has also agreed that we replace the text of his first amendment by the text that appears in the first preambular paragraph of General Assembly resolution 2602 F (XXIV). I will ask the Secretary of the Committee to be good enough to read the text of that preambular paragraph.

88. Mr. CHACKO (Secretary of the Committee): The first preambular paragraph of that resolution reads:



*“Recognizing the common interest of mankind in the reservation of the sea-bed and the ocean floor exclusively for peaceful purposes”.*

89. The CHAIRMAN (*interpretation from Spanish*): I think that everyone is clear regarding the contents of the first Peruvian amendment. I would repeat that when we vote on this amendment we will vote on it separately as it has been read out by the Secretary of the Committee. We will then go on to the rest of the amendments.

90. However, before proceeding to the vote, I shall call on those representatives who wish to explain their vote before the vote.

91. Mr. GALINDO POHL (El Salvador) (*interpretation from Spanish*): Now that the moment has arrived to vote on draft resolution A/C.1/L.523, sponsored by thirty-seven States, I should like to explain the reasons for the El Salvadorian vote. Knowing that this morning my delegation will be swelling the ranks of the minority.

92. In my statement of 11 November last [1757th meeting] I gave the comments of my delegation with regard to the draft 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 text of this treaty appears in the report of the Conference of the Committee on Disarmament of this year.

93. The draft resolution on which we are about to vote commends the draft treaty and asks that this draft treaty be opened for signature here. So far as my delegation is concerned, the draft treaty alluded to deserves the commendation of all members with regard to the ends it seeks. Although there are very few States which possess the technical and economic capacity to emplace nuclear weapons on the sea-bed, the rest of the international community has a great interest in this instrument, namely, that we all live on this terrestrial vessel which becomes daily more inter-dependent. Therefore, any measure which will avoid a resort to nuclear confrontation and will meet the laudable and reasonable aims of men of all languages, of all cultures, of all ideologies and of all degrees of economic development must also be of interest to them.

94. When an essentially universal instrument is presented for the consideration of all States, it is a rule of prudence, although perhaps not of policy, to limit its clauses and articles to the purposes sought, without also bringing in other texts that refer to interests shared by everyone and thereby implying the solution of other problems.

95. The draft treaty, without needing them for its aims, brings in alien questions which are not in keeping with the context, which are controversial in the international field, and which should be discussed and possibly solved at the third conference on the law of the sea which the United Nations is planning.

96. My Government, therefore, fully and roundly supports the aims and goals of the draft treaty but we cannot agree that through its articles other matters of maritime law should be implicated.

97. In the foreseeable future, El Salvador will still not possess the means to manufacture nuclear weapons and therefore, from the practical standpoint, our presence or absence from the instrument of which we are speaking will not add to nor detract from the implementation of the draft treaty. And yet, El Salvador, by its signature and ratification, would have wanted to express its support for important measures which strengthen international security and which limit the region where nuclear weapons can be placed—nuclear weapons which like so many omens of cataclysm hang constantly, threateningly, over the destiny of man.

98. Rapidly progressing technology may simplify the process of the manufacture of nuclear weapons, but we trust and hope that even then, small countries will still not be senseless enough to hope to own them. Yet, even with such a remote possibility, the Treaty on the Non-Proliferation of Nuclear Weapons [resolution 2373 (XXII), annex], discussed and approved in this First Committee of the United Nations General Assembly, would have already set up insurmountable legal barriers which would strengthen the voice of reason.

99. Therefore, the only point on which this draft treaty might have real application in the case of my country, would be in regard to the emplacement of nuclear weapons on our continental shelf—not through direct action on our part but by leasing, licensing or granting concessions to other countries possessing such nuclear weapons. Even that possibility is barred by the Treaty of Tlatelolco,<sup>6</sup> to which El Salvador is proud to be a party.

100. In the foreseeable future, therefore, my country can link its international conduct to the requirements of the treaty under discussion without having to sign it, ratify it or bind ourselves to it through adherence.

101. On 11 November, my delegation made known the views of El Salvador regarding this draft treaty. We defined obstacles which are not merely semantic or of words, which are not Byzantine arguments nor subtle exercises in legal techniques. We brought up matters of concept, of legal fact and legal consequences flowing from the draft treaty. Yet no specific answer was given to those questions. Furthermore, some delegations have expressed agreement with many of the arguments that we adduced. As a reply, a political argument was given regarding these difficulties, namely, that the draft treaty is the result of extremely arduous and laborious discussions in the Conference of the Committee on Disarmament, and particularly between the two Co-Chairmen of the Conference. That is one of the realities of everyday political life that we cannot deny. Yet, those commitments, so laboriously, arduously and laudably devised, must be limited by minimum conditions set forth in the instruments in which they are contained. This is not to make the latter academic or works of legal art, but in order to meet certain exigencies of internal coherence and clarity in the obligations to be contracted. For, as I said earlier, no one can fully and scrupulously comply with obligations that from the outset rest upon misconceptions.

<sup>6</sup> Treaty for the Prohibition of Nuclear Weapons in Latin America (United Nations, *Treaty Series*, vol. 634 (1968), No. 9068).

102. Some of the arguments adduced by my delegation, as I said at that time, reflected national policy on the matter, but others referred to the internal structure of the draft treaty. Those arguments were answered only with the political argument that I have just mentioned and therefore still stand.

103. I do not wish to repeat the contents of my statement of 11 November, which took me forty-five minutes to deliver, that entire statement should be considered as included in this explanation of vote.

104. In view of the reasons adduced at that time, some of which flow from our national policy and some from the structure of the treaty—and in this case making our national policy parenthetical—my delegation cannot support the draft resolution recommending that the treaty be opened for signature by the international community. But my delegation is ready to support the Peruvian amendments [A/C.1/L.528] because they do tend towards a more balanced text. They do help us better to seek the common denominator that may bring together all members of the international community.

105. By the same token, my delegation is ready to support the Peruvian amendment to the effect that the sea as a whole, without any differentiations between territorial waters, or contiguous zones of five, twelve or twenty miles, should be denuclearized because of the risks of pollution that the emplacement of nuclear weapons in areas near the coasts might engender, since it is known that maritime currents could carry such contaminating elements to distant places.

106. Now that the United Nations is preparing the long-awaited Conference on the Human Environment and that so much is being said about preserving the ecological environment of man, the least that could be done to help that trend would be to advocate the total denuclearization of the sea-bed, national or international.

107. For those reasons my delegation will vote in favour of the Peruvian amendments with the change just suggested by the representative of Mexico and agreed to by both the delegation of Peru and the Co-Chairmen of the Conference of the Committee on Disarmament. However, my delegation will vote against the draft resolution recommending the treaty, since we do not wish to contribute by our vote to what might be termed “the treaty of errors” that will be a parallel in international treaties to that very well-known piece of literature entitled “The Comedy of Errors”.

108. Naturally, my delegation wishes once again to reiterate and reaffirm its full support for the objectives of the draft treaty. We are only sorry that these debates in the United Nations have been held at so late a stage as not to have allowed the Co-Chairmen to give greater study to comments made by other members of the international community.

109. I hope that what is now occurring with the draft treaty will serve as a lesson so that in the future other important international instruments can be examined, debated and ultimately approved through channels giving greater chances and greater satisfaction to all the members of the international community.

110. I believe that that merely shows how necessary it is to convene the Disarmament Commission in which all States Members of the United Nations participate because it is now a well-known and understood fact that the problems of disarmament are of vital interest to all the members of the international community and that each and every one wants, at the appropriate place and time, to express his own ideas and contribute to that most praiseworthy and superb task which the nuclear-weapon States are performing and which, we trust, will ultimately and gradually, but inevitably, lead to the total elimination of nuclear weapons, not only from the sea but also from the face of the earth.

111. Mr. LEHTIHET (Algeria) (*interpretation from French*): I should like briefly to explain the vote of the Algerian delegation on the draft resolution contained in document A/C.1/L.523, recommending approval of the draft treaty prohibiting the emplacement of nuclear and other weapons of mass destruction on the sea-bed and the ocean floor and in the subsoil thereof.

112. During the previous session [1703rd meeting] my delegation stressed, when speaking of the original draft, that the need for the exploitation and the exploration of the sea-bed and the ocean floor and the subsoil thereof in the interest of mankind should, from the outset, place the draft treaty within the framework of the complete demilitarization of the sea-bed. To be effective and in keeping with the needs of the small countries the peaceful nature of that undertaking should have been reaffirmed and the very notion of peaceful use should not have been contradicted by the very nature of the treaty, which is restrictive and narrow in concept and in scope.

113. The present wording of the draft treaty ignores the important question of submarines capable of launching nuclear missiles and of installations outside territorial waters which directly threaten the security and independence of small countries. We also consider that the draft treaty does not reaffirm, as it should, the permanent sovereignty of countries, especially of the developing countries, over their natural resources within the zones of their national sovereignty as well as within their proximity. However, we do not wish to underestimate the importance of the draft treaty and the improvements made to the original text, especially the procedures for verification.

114. My delegation must note that articles II and IV of the draft treaty must be considered as open to the extent that they do not prejudice the present rights and situations of various States. We wish to express that view in a field in which Algeria has recently begun to show interest. The vote cast on the draft treaty by the delegation of Algeria must not be construed as in any way prejudicing Algeria's conception of the rights on its offshore waters, which it will express later at an opportune time.

115. It is in that spirit that we shall vote in favour of the draft resolution; however, we reserve at this stage the position of the Algerian Government regarding the signing of the treaty.

116. Mr. RABETAFIKA (Madagascar) (*interpretation from French*): My delegation will vote in favour of draft resolution A/C.1/L.523 because, in the matter of principles,

we can only agree to a kind of neutralization of the sea-bed, and ocean floor and the subsoil thereof, as far as the emplacement of nuclear weapons and other weapons of mass destruction are concerned. We must stress that the draft treaty cannot be considered as an end in itself, but rather as one of the elements fostering agreement on general and complete disarmament.

117. We are happy to see that the present text is a sincere effort at synthesizing the various viewpoints expressed here or in the Conference of the Committee on Disarmament and it is an important improvement when compared to the text submitted last year. However, my Government continues to be concerned about article VIII relating to disengagement; reservations in this respect are of the same kind as those concerning similar provisions of the Treaty on the Non-Proliferation of Nuclear Weapons [*resolution 2373 (XXII), annex*].

118. There is an even more serious gap concerning the settlement of disputes relating to control and inspection. We thought that appropriate machinery comprising common inspection by the Security Council and the International Atomic Energy Agency could have been envisaged.

119. The affirmative vote of our delegation on the draft resolution in no way prejudices the final position that my Government will adopt towards signing or ratifying the treaty, which we shall continue to study and analyse in the light of the few observations I have made in this Committee.

120. On the other hand, my delegation will not be able to vote in favour of document A/C.1/L.528, which contains amendments to the treaty. We consider that it is necessary to keep articles II, III and IV in their present wording. We think, indeed, that in the matter of emplacing nuclear weapons and other weapons of mass destruction, the prohibitions contained in the treaty must apply outside of the contiguous zone, as determined by the Geneva Convention on the Territorial Sea and the Contiguous Zone, of 29 April 1958, no matter what the territorial sea is and until it is defined on the international level. In the absence of such a provision, all the other rights of States subsist on the territorial seas, as unilaterally defined, with the exception of the right of control provided for in the present treaty.

121. Verification beyond the twelve-mile limit could violate only the sovereignty of States which unilaterally decided to extend their territorial waters outside the twelve-mile limit. If no limit is provided for in the present treaty to the sovereignty of States beyond the twelve-mile limit, the scope of the treaty is seriously undermined.

122. Mr. ARAUJO CASTRO (Brazil): I wish to present the views of the delegation of Brazil on the draft resolution before us in document A/C.1/L.523 and on the draft treaty annexed to it 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. As will be recalled by the members of the Committee, last year the General Assembly had a lengthy and detailed discussion on the draft treaty. During that discussion several useful suggestions were made with a view to

improving the text of the draft treaty. The delegation of Brazil, for one, submitted to this Committee during the twenty-fourth session of the General Assembly a working paper containing several suggestions on how the draft could be amended.<sup>7</sup> During 1970 in the Conference of the Committee on Disarmament we continued to try our best to reach agreement on a draft that could be accepted by all the countries concerned and that could be considered as a positive initiative in the field of collateral measures of non-armament.

123. As the representative of Brazil indicated in the Conference of the Committee on Disarmament on 3 September 1970 [*see CCD/PV.494*], we believe that the present version of the draft treaty meets the essential points of our position. I wish to put on record, as we did in the Conference of the Committee on Disarmament, the understanding of the Government of Brazil to the effect that the word "observation" as it appears in article III, paragraph 1, of the draft treaty refers only to the observation that is incidental to the normal course of navigation in accordance with international law. We likewise want to state our understanding that the provisions of this treaty shall not affect any of the outstanding problems regarding the law of the sea.

124. In this context I believe it worthwhile to mention that it is the understanding of the Brazilian delegation that the first preambular paragraph of the draft treaty, which was previously reproduced as the third preambular paragraph of draft resolution A/C.1/L.523, should in no way be construed as detracting from or altering the decision taken by the twenty-fourth session of the General Assembly regarding a moratorium on the exploitation of the sea-bed and ocean floor. I refer to resolution 2574 D (XXIV).

125. That understanding of the Brazilian delegation seems confirmed by the acceptance of the revised language for the third preambular paragraph of the draft resolution.

126. Having said that, I wish to state that my delegation will vote in favour of the draft resolution, which requests only that the draft 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 be opened for signature. As regards the question of signature itself, the decision will be taken by the Brazilian Government in due course, after appropriate consideration by the authorities concerned.

127. Mr. SEATON (United Republic of Tanzania): The United Republic of Tanzania will record a positive vote on the draft 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, as a gesture of co-operation and solidarity with the other States that have spoken in support of the draft treaty. My delegation appreciates the hard work and effort put in by the members of the Conference of the Committee on Disarmament in negotiating the many provisions contained in the draft treaty, which is now before this Committee.

128. Our appreciation was reflected in the statement made to this Committee by Mr. Salim on Wednesday, 11 Novem-

<sup>7</sup> Document A/C.1/993/Rev.1 and Corr.1.

ber 1970 [1757th meeting]. He stated that the draft treaty contained several positive elements, which our delegation felt were steps in the right direction. But our statement also contained a number of very firm and fundamental reservations regarding some of the provisions contained in the treaty. I do not intend to repeat those reservations, but I should be grateful if they could be included in the official records of the proceedings of this Committee.

129. It will also be noted that my delegation will vote in favour of the Peruvian amendments contained in document A/C.1/L.528, which reflect the views of several other members of this Committee. My Government has instructed me to state formally that the United Republic of Tanzania stands by the reservations mentioned in our statement of 11 November 1970 and in the Peruvian amendments, and that the positive vote that will be recorded by my delegation today does not in any way commit or prejudice the position of my Government as regards its signing the treaty or its eventual accession to it.

130. Mr. LEGNANI (Uruguay) (*interpretation from Spanish*): My delegation shares the view expressed by the delegation of Mexico. Regardless of how well-founded the criticisms voiced in this Committee may be regarding the draft treaty annexed to draft resolution A/C.1/L.523, my delegation considers that it would be better for that treaty to be approved and to be brought into force than to defer its approval in order to try to perfect it, leaving us in the meantime without rules regulating this matter of the disarmament of the sea-bed, which is so important for the future of mankind.

131. My delegation also understands that the perfecting of these rules and regulations can be carried out in accordance with article V of the treaty in which the parties undertake “to continue negotiations in good faith concerning further measures in the field of disarmament”. In the course of the negotiations consideration doubtless will also have to be given the views that underlie the amendments submitted by the delegation of Peru as well as the critical comments made by the delegation of El Salvador.

132. Furthermore, my delegation’s vote in favour does not in any way imply limitations or restrictions or in any way prejudice the possibility of my Government’s signing the treaty, other than that on the signing or ratification of that treaty my Government may take into account the clarifications and interpretations that have been made during the debate in this Committee.

133. Mr. ARIAS SCHREIBER (Peru) (*interpretation from Spanish*): If all the representatives who asked to be allowed to explain their votes have done so, as I understand is the case, I should like to ask that subparagraphs 2 (a), (b) and (c) of my delegation’s amendments to the draft treaty be voted upon without separate roll-call votes, but that, on the other hand, a roll-call vote be taken on the amendments to articles I, II, III and IV.

134. My request is based on the fact that there is, I gather, a certain consensus regarding the preamble, since it has already been clarified with regard to subparagraph (a) that Peru has agreed to the inclusion of the text adopted by the General Assembly at the preceding session in its resolution

2602 F (XXIV), but that the operative part, calling for the exclusion of a reserved zone where States may emplace nuclear weapons, is more controversial and requires a roll-call vote.

135. The CHAIRMAN (*interpretation from Spanish*): In order to make this matter perfectly clear to all members of the Committee, I will try to define my understanding of the voting procedure we are now about to start.

136. According to the rules of procedure, we shall first vote on the amendments contained in document A/C.1/L.528. As we can all see from the document that I have just mentioned, there are six paragraphs in this series of amendments.

137. With regard to the first of these, I wish to draw attention to the fact that the Peruvian delegation, the sponsor of these amendments, has agreed to replace the wording of its first amendment by the following:

“Recognizing the common interest of mankind in the reservation of the sea-bed and the ocean floor exclusively for peaceful purposes”

that is, the first preambular paragraph of resolution 2602 F (XXIV).

138. Then, as the representative of Peru requested, we should vote separately on subparagraphs 2 (a), (b) and (c) of the amendments. I should like to ask the representative of Peru for some clarification on this point. The Peruvian delegation agreed to the suggestion of the representative of Mexico, which was also agreed to by the representatives of the United States and the Soviet Union, to amend the first paragraph of the amendments. I would ask the representative of Peru whether, because of the change to which he agreed, he would accept the same wording for paragraph 2 (a).

139. The representative of Peru has nodded and thus agreed that, because of his agreement to the change of wording for paragraph 1, paragraph 2 (a) will be amended accordingly.

140. Mr. ROSCHIN (Union of Soviet Socialist Republics) (*translated from Russian*): When we agreed to a change in the third preambular paragraph, we stated that we did so only on condition that this would not alter the preamble of the treaty as such. We therefore in no sense look upon our agreement to change the preamble of the draft resolution as agreement to change the preamble of the treaty. We shall certainly vote against changing the preamble of the treaty under any circumstances.

141. Mr. LEONARD (United States of America): The position of my delegation is exactly the same as that stated by the delegation of the Soviet Union. We agreed to a change in the preambular paragraph of the draft resolution contained in document A/C.1/L.523. We have not agreed, and we do not intend to imply any agreement, to a change in the preamble of the draft treaty itself and we shall have to oppose the suggestion that the preamble should be changed—the suggestion contained in the document presented by the delegation of Peru.

142. The CHAIRMAN (*interpretation from Spanish*): This, of course, does not impair the Peruvian delegation's right to change the wording of its own text if it so desires.

143. I now continue my explanation of how we shall proceed to the vote. When the separate votes have been taken on subparagraphs 2 (a), (b) and (c), we shall hold a roll-call vote on paragraphs 3, 4, 5 and 6 jointly.

144. Mr. AKE (Ivory Coast) (*interpretation from French*): Mr. Chairman, since you have announced a series of roll-call votes, I wonder whether it might not be better to defer the voting until this afternoon.

145. The CHAIRMAN (*interpretation from Spanish*): I am, of course, at the disposal of the Committee but I should very much prefer that we take the votes this morning, if there is no general opposition to such a procedure. I thank the representative of the Ivory Coast for co-operating with us.

146. We shall now proceed with the vote. We begin with paragraph 1 of the amendments submitted by Peru in document A/C.1/L.528, as orally revised. If there is no objection, I shall take it that paragraph 1 is adopted unanimously.

*Paragraph 1, as amended, was adopted unanimously.*

147. We shall now proceed to vote on paragraph 2.

*Paragraph 2 (a) was rejected by 42 votes to 18, with 35 abstentions.*

*Paragraph 2 (b) was rejected by 45 votes to 14, with 37 abstentions.*

*Paragraph 2 (c) was rejected by 47 votes to 6, with 37 abstentions.*

148. The Committee will now vote jointly on paragraphs 3, 4, 5 and 6 of the Peruvian amendments. A roll-call vote has been requested.

*The vote was taken by roll-call.*

*Lebanon, having been drawn by lot by the Chairman, was called upon to vote first.*

*In favour:* Peru, Senegal, United Republic of Tanzania, Ecuador, El Salvador, Guyana.

*Against:* Lesotho, Liberia, Luxembourg, Madagascar, Malaysia, Malta, Mongolia, Morocco, Nepal, Netherlands, New Zealand, Nigeria, Norway, Pakistan, Poland, Romania, Singapore, South Africa, Sudan, Sweden, Syria, Togo, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America, Yugoslavia, Australia, Austria, Belgium, Bulgaria, Burma, Byelorussian Soviet Socialist Republic,

Canada, Czechoslovakia, Denmark, Dominican Republic, Ethiopia, Fiji, Finland, Greece, Haiti, Hungary, Iceland, India, Iraq, Ireland, Israel, Italy, Japan, Jordan.

*Abstaining:* Lebanon, Libya, Malawi, Mexico, Panama, Paraguay, People's Republic of the Congo, Philippines, Portugal, Sierra Leone, Spain, Thailand, Uganda, Uruguay, Venezuela, Zambia, Afghanistan, Algeria, Argentina, Brazil, Burundi, Cambodia, Cameroon, Chad, Chile, China, Colombia, Costa Rica, Cuba, Cyprus, France, Ghana, Guatemala, Indonesia, Iran, Ivory Coast, Jamaica, Kenya, Kuwait.

*Paragraphs 3, 4, 5 and 6 were rejected by 54 votes to 6, with 39 abstentions.*

149. The CHAIRMAN (*interpretation from Spanish*): We shall now proceed to a roll-call vote on draft resolution A/C.1/L.523.

150. Mr. GARCIA ROBLES (Mexico) (*interpretation from Spanish*): My delegation understands that we are now to vote on the draft as amended.

151. The CHAIRMAN (*interpretation from Spanish*): Yes, as amended by the adoption of the Peruvian proposal.

*The vote was taken by roll-call.*

*Austria, having been drawn by lot by the Chairman, was called upon to vote first.*

*In favour:* Austria, Belgium, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cambodia, Cameroon, Canada, Chad, Chile, China, Colombia, Costa Rica, Cuba, Cyprus, Czechoslovakia, Denmark, Dominican Republic, Ethiopia, Fiji, Finland, Ghana, Greece, Guatemala, Guyana, Haiti, Hungary, Iceland, India, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Lebanon, Lesotho, Liberia, Libya, Luxembourg, Madagascar, Malawi, Malaysia, Malta, Mexico, Mongolia, Morocco, Nepal, Netherlands, New Zealand, Nigeria, Norway, Pakistan, Panama, Paraguay, People's Republic of the Congo, Philippines, Poland, Portugal, Romania, Sierra Leone, Singapore, South Africa, Spain, Sudan, Sweden, Syria, Togo, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Yugoslavia, Zambia, Afghanistan, Algeria, Argentina, Australia.

*Against:* El Salvador, Peru.

*Abstaining:* Ecuador, France, Indonesia, Kuwait, Saudi Arabia, Thailand.

*The draft resolution, as amended, was adopted by 91 votes to 2, with 6 abstentions.*

*The meeting rose at 1.30 p.m.*