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Chairman: Mr. Agha SHAHI (Pakistan).

AGENDA ITEMS 29, 104, 30 AND 31

Question of general and complete disarmament: report of the Conference of the Committee on Disarmament (*continued*) (A/7639, A/7681 and A/7741-DC/232; A/C.1/989)

Question of chemical and bacteriological (biological) weapons (*continued*) (A/C.1/988, A/C.1/989, A/C.1/991):

- (a) Report of the Conference of the Committee on Disarmament (A/7741-DC/232);
- (b) Conclusion of a convention on the prohibition of the development, production and stockpiling of chemical and bacteriological (biological) weapons and on the destruction of such weapons (A/7655);
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Urgent need for suspension of nuclear and thermonuclear tests: report of the Conference of the Committee on Disarmament (*continued*) (A/7741-DC/232; A/C.1/L.485 and Add.1-3, A/C.1/L.486)

Conference of Non-Nuclear-Weapon States (*continued*):

- (a) Implementation of the results of the Conference: report of the Secretary-General (A/7677 and Corr.1 and Add.1 and 2);
- (b) Establishment, within the framework of the International Atomic Energy Agency, of an international service for nuclear explosions for peaceful purposes under appropriate international control: report of the Secretary-General (A/7678 and Add.1-3);
- (c) Contributions of nuclear technology to the economic and scientific advancement of the developing countries: report of the Secretary-General (A/7568 and A/7743)

GENERAL DEBATE (*continued*)

1. Mr. STEINER (United Republic of Tanzania): The question of general and complete disarmament is one of the crucial problems facing mankind. Much has been said on the problem and how to solve it, but efforts to really solve it have not been genuine and only half-hearted attempts are evident. This present General Assembly is facing a situation that has almost become the *status quo*. When one reads the report of the Conference of the Committee on Disarmament one is immediately struck by the absence of almost any meaningful reference to general and complete disarmament and that paramount topic has been demoted to an obscure part of the report. Resolution 1722 (XVI) entrusted the Committee with the specific task of undertaking, with the utmost urgency, negotiations leading to a treaty on general and complete disarmament under effective international control. With all respect to the Committee, my delegation cannot but feel that either the Committee has lost track of its assigned goal or that it did not fully comprehend the terms of reference laid down in that resolution. The terms of reference are very clear but what is happening in the Conference of the Committee on Disarmament makes one conclude that the Committee has, of its own volition, altered the priorities as laid down in the above-mentioned resolution. I wish to quote from the report of the Conference of the Committee on Disarmament. It says:

“The Committee is convinced of the continued need to give highest priority in its work to further effective measures relating to the cessation of the nuclear arms race at an early date and to nuclear disarmament, with due consideration to maintaining a balance among various measures to prevent armament, to limit armament and of disarmament.” [A/7741-DC/232, ¹ para. 37.]

2. It is, therefore, abundantly clear that in the Conference of the Committee on Disarmament the emphasis is now on

¹ Official Records of the Disarmament Commission, Supplement for 1969, document DC/232.

horizontal or collateral spread of armaments and not on the paramount issue of the problem of disarmament. This emphasis on horizontal or collateral spread of armaments and not on disarmament was one of the reasons—although in a somewhat slightly different context—that the United Republic of Tanzania last year opposed the non-proliferation Treaty. My delegation has always argued and still maintains that the security of mankind is endangered not so much by this collateral spread of armaments as by the existing stockpiles of nuclear arms and other arms of mass destruction. We are all aware that the possessors of such arms are not satisfied with their present calibre and destructive powers but are engaged in a desperate race to achieve superiority over the others with the result that mankind and its survival are at their mercy.

3. It is roughly estimated that the nations of the world are spending over \$200,000 million every year on military preparations or related activities, and what is most tragic is that most of the weapons manufactured under this senseless spending will never be used. Let us for a moment contemplate the effect that this astronomical amount of money would have had if it had been channelled towards the cause of economic development and social progress. I am aware that much has already been said on this issue, but I wish to add my voice and to express the hope that one day this cherished dream will come true.

4. My delegation noted with appreciation the announcement made in Moscow and Washington on 25 October 1969 that preliminary discussion between the representatives of the United States and the Union of Soviet Socialist Republics would start—in fact they have already started—in Helsinki on 17 November 1969. We hope that, for the furtherance of the cause of peace and security, such negotiations will produce early and fruitful results. Mankind has for too long been suspended by a thin thread over the potential holocaust of total destruction, and we never know when the thread will break.

5. The draft treaty on the prohibition of the emplacement of nuclear weapons and other weapons of mass destruction on the sea-bed and ocean floor and the subsoil thereof, contained in annex A of document A/7741-DC/232 is in the process of being thoroughly studied by my Government. The revised text of that draft was circulated on 30 October 1969 and that was the first opportunity my delegation had of reviewing this document. As you may be aware, Mr. Chairman, Tanzania is not a member of the Conference of the Committee on Disarmament and we therefore do not share the advantages enjoyed by members of that Committee in areas such as those under discussion. Since my delegation cannot take part in any negotiations in Geneva, we have to wait for our turn when these matters are reported to the General Assembly. This draft treaty before us is another of the examples to which I have just now referred. If my information is correct, members of the Conference of the Committee on Disarmament had a lengthy opportunity to discuss the draft treaty and to have consultations with their home Governments and among themselves, and were then able to come out with concrete proposals. The co-authors of the treaty had an even longer opportunity, considering the time they took during the period of gestation when they were actually drafting the treaty. The point I want to stress is that in the case of

States like Tanzania, we have had 24 days—that is, including today—to enable us to achieve what the members of the Conference of the Committee on Disarmament achieved over a period of many months. In all fairness, it is imperative that States like mine should be given an equitable period in order to study the draft treaty thoroughly and understand its implications. My delegation appreciates the efforts of the co-authors of the draft treaty, namely, the United States and the Union of Soviet Socialist Republics, in providing us with this initial step in the prohibition of the emplacement of nuclear weapons and other arms of mass destruction in this new environment. But the draft treaty is only an initial step and it is clear even from a first reading that it leaves out much that is desired. My delegation therefore submits that this session of our Committee should limit itself to a preliminary discussion of the draft treaty, thereby enabling Governments to carry on further negotiations and consultations, and that any concluding work on the treaty should be left to future sessions of our Committee.

6. My delegation nevertheless wishes to make some preliminary and tentative comments on the substance of the draft treaty. We have noted with regret that the draft treaty does not incorporate a concrete commitment to reach an agreement on a more comprehensive prohibition of the use of the sea-bed for military purposes, in keeping with the expressed wishes of the General Assembly. We oppose the linking of the limits of the zone exempted from the treaty prohibition with the limits of the maximum contiguous zone as provided for in the 1958 Geneva Convention on the Territorial Sea and the Contiguous Zone.² It is beyond our understanding why the co-authors of the draft treaty felt it necessary to bring in this reference to that Convention, knowing full well that the Convention had been ratified by less than a third of the membership of the United Nations. This mention of the Geneva Convention on the Territorial Sea and the Contiguous Zone makes a number of questions immediately spring to mind. What will happen to this provision in the draft treaty—and let us assume that at that time it will no longer be a draft—if the 1958 Geneva Convention is no longer in existence or if the provision relating to the maximum contiguous zone is altered? Furthermore, the draft treaty completely ignores the rights enjoyed by coastal States on their continental shelves under customary international law and the Geneva Convention on the Continental Shelf,² and indeed implies an impairment of those rights, an implication which should be fully weighed by the coastal States.

7. We have noted that the right of verification has not been clarified by reference to any specific procedures to which signatories of the treaty might have recourse in order to resolve doubts or disputes. It does not extend to rights of close inspection of suspected installations, nor does the treaty adequately safeguard the rights of a coastal State with respect to the resources of its continental shelf. My delegation is of the opinion that under the verification article as it now stands, operations could actually be deployed that could threaten the security and sovereignty of coastal States and their interests and rights regarding the resources of the shelf. Tanzania would therefore support the proposal [A/7741-DC/232, annex C, sect. 29] made by

² Signed at Geneva on 29 April 1958.

Brazil at the Conference of the Committee on Disarmament that a provision be added to the draft treaty with a view to enabling a coastal State effectively to participate in control operations that take place on its continental shelf.

8. The draft treaty does not contain any mention of the cardinal principle to which so many of us adhere that the sea-bed and ocean floor and the subsoil thereof is the common heritage of mankind. That principle is fundamental and if this draft treaty is to meet with any substantial approval it is imperative that it should contain that principle. My delegation would appreciate it if the co-authors and all other interested parties would note this so that we may see that important principle mentioned in any revised text of this draft treaty.

9. In conclusion, I should like to turn briefly to the subject of the Conference of Non-Nuclear-Weapon States. My delegation participated actively in that Conference and my Government has eagerly awaited the implementation of the results of the Conference. One of the important decisions taken at the Conference was to call on the Secretary-General of the United Nations to appoint a group of experts to prepare a report on all possible contributions of nuclear technology to the economic and scientific advancement of developing countries. The need for the spread of nuclear power for peaceful purposes cannot be measured in terms of words. Today nuclear technology may represent the only hope for the breaking of the vicious circle of underdevelopment in which the vast majority of mankind is trapped. However, the benefits of atomic energy have so far been confined to a small number of developed countries while to the rest of the world atomic power only raises the spectre of death rather than the foundations of a new life.

10. My delegation does not agree with all that is contained in the report of the group of experts [A/7568], but it may well constitute a very useful first step towards the establishment of a comprehensive strategy for the development of many States on the basis of full utilization of the immense potential of nuclear technology. But reports are of no worth if practical steps are not taken to implement what the reports formulate. It is my delegation's feeling that now is the time for practical solutions to the problems of under-development.

11. Mr. RANARISON (Madagascar) (*translated from French*): Before proceeding to the item on the agenda, my delegation would like to tell the United States and Soviet delegations how appreciative it is of the fact that the negotiations provided for in resolution 2456 D (XXIII), designed to slow down the strategic arms race, were actually able to get under way last week in Helsinki. There is no doubt that those talks are of vital importance, and the Madagascar Government can not fail to take an interest in them. They are indeed proof that even what seem to be the most insurmountable difficulties can be overcome by the will to explore, in good faith, all possibilities of finding a true peace.

12. In your statement at the 1691st meeting, Mr. Chairman, you quite rightly stressed the importance of our present discussions, and expressed the hope that they would proceed at a very high level and at the same time

deal with the question in depth. My delegation shares those views and will do its best to follow closely the lines you indicated.

13. At the outset of this statement I should like to recall very briefly the words spoken by the Foreign Minister of the Republic of Madagascar at the 1774th meeting of the General Assembly:

“Where disarmament is concerned, Madagascar is firmly in favour of general disarmament, for a mere reduction in armaments would be no solution. To this end, we must completely exclude the risk of total destruction, the rapid expansion of facilities for arms production. We must also ensure that each measure of disarmament is accompanied by a measure of effective control, application of the two measures being absolutely simultaneous.” [1774th plenary meeting, para. 89.]

14. I would add that there is a proposal, which we support, concerning the means of delivery of nuclear weapons. We realize that it has become very difficult to eliminate or reconvert fissile matter for military use, entirely, as well as all existing nuclear or thermonuclear bombs. We therefore think that a priority measure in this category of disarmament should be applied to what can still be effectively subjected to control, namely the main vehicles used for the delivery of the weapon. Respect for the destruction of and bans on means of delivery should be ensured through appropriate control and according to a carefully worked out time-table, so that any destruction of those delivery systems might be accompanied by other previously defined disarmament and control measures.

15. As for the suspension of nuclear and thermonuclear tests, my delegation was interested in a Swedish statement which mentioned the results arrived at by scientists of various nations who had met unofficially in Stockholm [see ENDC/PV.399]. It was recognized on that occasion that it had become possible to distinguish between subterranean nuclear explosions of high and medium intensity and earthquakes.

16. In the past, we have noted proposals relating to the creation of a detection club and the establishment of a system of verification by challenge or consent. We have also noted a proposal of the United Arab Republic that tests whose intensity exceeds a certain threshold detectable by present means should be banned and that a moratorium should be established on tests below that threshold.

17. It seems to us that a provisional solution could take the form of the implementation of this last proposal, with the gradual reduction of the threshold as technical progress is made in detection methods. Such a solution deserves to be considered, and perhaps we should not wait until improvements in nuclear technology force those who can do so to undertake multiple-intensity nuclear tests.

18. At this point I should like to say a few words about the drafting of a convention banning the use of nuclear weapons. The Malagasy Government is not unresponsive to the argument that the conclusion of such a convention would help to ease international tension and facilitate disarmament negotiations. But there is something which we

should not forget: namely, that the present peace of the world hangs on a balance which, whether we like it or not, depends upon what might be called the credibility of nuclear deterrence. In our view, the convention might be of some interest at a certain point in the process of nuclear disarmament, and we do not think it would be advisable to begin with provisions which, by their very nature, could not be backed by effective guarantees.

19. At its twenty-third session the General Assembly, on the recommendation of this Committee, adopted a series of resolutions relating to the Conference of Non-Nuclear States. We shall confine ourselves to dealing with the following three points in this connexion: the convening of a meeting of the Disarmament Commission at the beginning of 1970; the establishment of an international service on nuclear explosions for peaceful purposes; and contributions of nuclear technology to the economic and scientific development of developing countries.

20. My delegation believes that, if the Disarmament Commission is to be convened, a very precise agenda for its session should be worked out without delay. My delegation would therefore welcome any proposal for making that Conference genuinely effective and, in particular, for the establishment of a committee to act as a clearing-house for all information and proposals by Member States.

21. As for the creation of an international service for nuclear explosions, the Government of Madagascar has already made its views known. I should simply like to recall that the International Atomic Energy Agency was set up to promote the peaceful uses of nuclear energy and that it should therefore be the best qualified agency for assuming the responsibilities which resolution 2456 C (XXIII) would entrust to the new international service. Constitutionally and financially, the International Atomic Energy Agency seems perfectly competent to carry out such a task and, moreover, it has a great deal of experience in the peaceful applications of nuclear energy. If hitherto it has not always been in a position to meet in an entirely satisfactory manner the growing number of requests for technical assistance, this must be attributed to a lack of funds rather than to any organizational deficiency.

22. As a developing country, Madagascar is bound to be interested in how nuclear technology can help the economic and scientific development of developing countries. The uses of nuclear energy, ionizing radiation and radioactive isotopes in such varied fields as industry, agriculture, cattle-raising, science and health are now well known. It is true that nuclear technology is only in its infancy. It is also true that the needs of the developing countries in the fields I have mentioned are still enormous.

23. One of the purposes of the Treaty on the Non-Proliferation of Nuclear Weapons is to create conditions favourable to the use of nuclear energy for peaceful purposes, so that we too can enter the nuclear age. In Madagascar we cannot boast of having the necessary infrastructure to make good use of a transfer of nuclear technology. However, we feel that the technical assistance of the International Atomic Energy Agency could be useful in assisting the radio-isotope laboratory we have at present.

24. I have previously mentioned the financial difficulties of the International Atomic Energy Agency, and we hope that increased resources may be made available to that Agency, particularly in the way of multilateral technical assistance in the nuclear field. We endorse the conclusions of the group of experts appointed under resolution 2456 A (XXIII) [A/7568].

25. I now come to the question of chemical and bacteriological weapons. On this subject I should like to recall that at the twenty-second session of the General Assembly my delegation associated itself with the draft resolution submitted by Hungary,³ reaffirming the validity of the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gasses and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925.

26. We think that the approach to problems relating to disarmament in the field of chemical and bacteriological weapons should be based on the same principles as the approach to problems relating to general and complete disarmament. Thus, in our view, this kind of disarmament should comply with three technical imperatives, namely, it must be progressive, simultaneous and controlled.

27. Control, whatever the good faith of the parties to a possible convention, should not be left to the discretion of each State but should be the subject of an international arrangement. Similarly, it could be recognized that simultaneous and progressive disarmament might be achieved through consultations among States on the application of the provisions of the convention. However, it seems to us essential that that clause should be made explicit. We consider too, that the greatest possible number of States should become parties to the convention; otherwise it would lack practical scope and might even be a danger.

28. My delegation is ready to examine any proposal on this subject, in the hope that we may be able to find common elements acceptable to all.

29. In conclusion, I should like to make some preliminary comments on behalf of my delegation concerning the conclusion of a 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. On this subject an initiative has been taken by the two Co-Chairmen of the Conference of the Committee on Disarmament. In principle we welcome that initiative, because it constitutes a step towards the complete demilitarization of the sea-bed.

30. At this stage I do not wish to go into the draft treaty [A/7741-DC/232, annex A⁴] in detail, but I should like to indicate the position of my delegation on the major points of the draft. In our view, such a draft should not be limited. It should as far as possible be applicable to all weapons of mass destruction and in particular to bacteriological and chemical weapons.

³ See *Official Records of the General Assembly, Twenty-second Session, Annexes*, items 29, 30 and 31 of the agenda, document A/7017, para. 4 a.

⁴ *Disarmament Commission, Official Records, Supplement for 1969*, document DC/232.

31. Secondly, the draft should not in any way impede the exercise of the sovereign rights of coastal States, whether or not they are parties to the treaty.

32. Thirdly, we consider that a more solemn undertaking to continue the negotiations should be given by the contracting States.

33. Finally, we believe that in the case of a withdrawal because of “extraordinary events” an appropriate procedure should be laid down so that the assessment of those events is not left solely to the initiative of the State concerned.

34. We shall have other comments to make on the subject of verification and differences on control or inspection, and we shall make these comments in due course.

35. If my delegation has wished to make its modest contribution to this debate, this was not because we wished to question all that has already been accomplished in the way of progress in the field of disarmament. We have tried to make clearer, according to the viewpoints we have set out on several occasions in this Committee, what we as a small, under-developed country can expect from disarmament. Of course we expect peace, but, above all, we expect the creation of a climate of greater confidence, we expect that the interest of those that do not have the means of arming themselves will be taken into account, and we expect that the great Powers will face up to the multifarious problems of disarmament, for it must be said that, if this is not done soon, what we have been able to do together in the realm of co-operation, understanding and development will undoubtedly be jeopardized.

36. Mr. DE CHEVIGNY (France) (*translated from French*): Ten years ago, on 20 November 1959, the General Assembly of the United Nations unanimously adopted resolution 1378 (XIV) which expressed the hope that “measures leading towards the goal of general and complete disarmament under effective international control will be worked out in the shortest possible time”.

37. We are grateful to the Secretary-General, whose interest in questions of disarmament we must appreciate, for having reminded us of that resolution in the introduction to his annual report.⁵ We can understand why he did not ask us to celebrate its anniversary. A decade has, indeed, gone by. Every year this Committee has met to consider disarmament. The Geneva Committee has held more than 400 meetings. Can we honestly congratulate ourselves on having made any substantial progress along the road mapped out in 1959? One figure will serve as an answer: as the Secretary-General indicates, expenditures of armaments have increased from \$120,000 million in 1962 to \$200,000 million this year.

38. The French delegation certainly does not wish to raise a discordant voice at present when conversations, the special importance of which we welcome and which we view with sympathy, have just begun at Helsinki; nor does it wish to ignore or underestimate the importance of certain

partial measures. But inasmuch as the first item in our debates is always entitled “Question of general and complete disarmament”, we think we should bear in mind the meaning of that expression, how it differs from the formulas sometimes submitted for our consideration and, in a word, what the characteristics and conditions of such disarmament are.

39. No doubt too, if we remind ourselves about the disarmament doctrine, which as far as we are concerned remains unchanged, the reasons for our attitude in the course of this debate will be better understood.

40. Partial or simply bilateral disarmament initiatives clearly do not have that general and complete quality that should, according to the wishes of our Organization, distinguish a genuine measure of disarmament.

41. To avoid the dissemination of nuclear weapons is, of course, a useful objective. The French Government has always considered that the nuclear States should in no way, either directly or indirectly, encourage any dissemination that would be contrary to the interests of the world at large, and France, as is well known, will behave in this respect exactly as do those States that decide to adhere to the Treaty on the Non-Proliferation of Nuclear Weapons. But to preclude States that have no nuclear weapons from the possibility of acquiring them and to prevent dissemination without eliminating existing stockpiles are not real disarmament measures.

42. Limiting the growth of armaments among Powers already over-armed in order to preserve strategic balance and for financial reasons is a political gesture that should favour a relaxation of tensions. Like many others, having welcomed the announcement of the opening of the talks, we would be happy to see the conclusion of an agreement that could decrease tension in the world. But any such endeavour which for the time being must necessarily be of a purely bilateral nature, in no way lowers the already excessive capacity for killing that exists in the arsenals of the world. It is essential to slow down the armaments race, but that does not constitute disarmament.

43. The prevention of the militarization of new areas opened up to man’s activities is a desirable goal, and this should be accomplished in the area known as the sea-bed and ocean floor as it has been in the Antarctic and outer space. We have accordingly expressed our support of the principle that those areas should not be militarized, at the same time recalling, in the specialized committee set up by the United Nations, that the study of that principle should not be separated from the other aspects of the problem of the sea-bed and ocean floor. But quite obviously, there will be no real disarmament as long as States keep their means for offence intact.

44. In brief, disarmament does not mean taking partial measures which is actually the surest way of confirming the nuclear monopoly of a few States and, in the end, of making the security of the world depend on a delicate balance which at any moment can be upset.

45. The fact that everyone is aware of the precariousness of such a situation is borne out by the misgivings expressed

⁵ See *Official Records of the General Assembly, Twenty-fourth Session, Supplement No. 1A*.

last year at the Conference of Non-Nuclear States and by the debates with which the First Committee started its work this session.

46. The true problem is, in fact, to meet the world's need for security. And since the efforts now under way, whatever may be their usefulness, do not succeed in calming our apprehensions, we should once again endeavour to define the characteristics and the conditions for a disarmament that would meet that demand.

47. The worst threat is the nuclear one. Hence in our opinion we must in the first place have measures of disarmament for this category of weapons through the exercise of the necessary restraints, first of all on the vehicles for the nuclear weapon—means of delivery and missiles—but we must endeavour also to bring about the prohibitions of the manufacture of such weapons and the destruction of stocks. The negotiations, if they are to be successful, must be held first of all between the States which have atomic weapons and may therefore assume the necessary commitments among themselves. For its part France, which, in a nuclear world, equipped itself with atomic weapons only for purely defensive purposes, asserts once again that it holds itself ready to join in any initiative that would do away with the atomic threat. My country would be the first to rejoice if, as the result of an agreement on real disarmament, it could consider giving up its own nuclear resources.

48. If there is to be general and complete disarmament, nuclear disarmament measures should be accompanied by a reduction in conventional weapons effected in such a fashion that no imbalance of forces could result from passing through the successive stages. Such an undertaking should obviously also cover biological and chemical weapons, the use of which is already prohibited under the Geneva Protocol⁶ and for which we should study measures for the prohibition of their manufacture and then for the destruction of the stockpiles.

49. In our opinion, these are the basic aims of a real disarmament policy. Committing ourselves to carrying out those aims would have little meaning if at the very outset of any negotiations there was not a common will to accept strict control over the application of the decisions reached. I think it advisable to stress the need for such control, which, as we know, was provided in the resolution adopted unanimously in 1959. In our opinion it remains the essential prerequisite for real disarmament. In view of this attitude of ours, it will be realized that we had certain reservations about the term used in the draft treaty on the sea-bed and ocean floor [ibid.] which refers not to international control but to verification by unilateral observation, and also about the fact that no reference whatever is made to the actual concept of control in a draft convention on chemical and bacteriological weapons.

50. Such are the aims and conditions of a true disarmament policy. If States commit themselves to this task with the will to succeed, they, and the nuclear Powers first of all,

will be obliged to agree among themselves and to consult together, and that means they will have to search stubbornly for a real and lasting relaxation of tension. We repeat in this connexion that we welcome with interest any initiative that would contribute to such a relaxation of tension and would clear the way for such a *détente*.

51. On the other hand, we can only deplore the fact that the work and studies on collateral and partial measures, no matter how justified, may in the end divert us from what should remain our common objective.

52. Our position each year in this Committee is intended to recall that the great task of disarmament, to which the French Government is ready to devote all its efforts, is always before us and that it is essentially on this subject that each of us should assume his responsibilities.

53. Mr. GALINDO POHL (El Salvador) (*translated from Spanish*): Although the vast issue of disarmament covers a wide range of very important subjects, I shall restrict my comments to the only draft treaty now before the First Committee [ibid.]; having already been drawn up in concrete terms, although still at the negotiating stage, this represents a potential achievement of United Nations efforts to promote the fulfilment of the objectives of the Charter.

54. The agreement of the Co-Chairmen of the Conference of the Committee on Disarmament to eliminate from the sea-bed and the ocean floor the race involving nuclear and other weapons of mass destruction marks another important step in the difficult struggle to maintain peace, preserve the natural environment and ensure the survival of the human race.

55. For some 25 years now, the spectre of nuclear catastrophe has loomed over mankind; less perceptible, however, is the danger that the catastrophe of pollution and poisoning of the life-sustaining environment may assume truly uncontrollable proportions.

56. While it is true that stockpiles of nuclear weapons remain intact and research continues on new techniques to ensure that not a single living creature remains on the face of the earth on the unhappy day when a nuclear conflict breaks out, the establishment of nuclear-free zones in the Antarctic, Latin America and outer space must be regarded as a good sign of better times to come.

57. Now we are also trying to preserve the sea-bed and the ocean floor, not only in the zone which the States Members of the United Nations have agreed is the common heritage of mankind, but also in that portion of the continental shelf over which coastal States exercise sovereignty as an extension of their rights on *terra firma*.

58. On 7 October 1969, the Soviet Union and the United States jointly submitted to the Conference of the Committee on Disarmament a 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 [ibid., annex C, sect. 34]. That draft, in its revised form, appears as an annex to the report submitted by the Conference to this Committee [ibid.,

⁶ Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed on 17 June 1925.

annex A). It proposes, no less, that a portion of the continental shelf over which States exercise sovereignty, as well as the entire sea-bed and ocean floor beyond the limits of national jurisdiction, should be free from nuclear weapons and other weapons of mass destruction. This therefore represents a commendable effort to reach an agreement which would free from weapons of mass destruction a portion of the maritime domain of coastal States and the entire sea-bed and ocean floor, which has been internationally recognized as the common heritage of mankind.

59. The draft treaty defines its purpose in its own terms and, in so doing, refers to concepts in the Convention on the Territorial Sea and the Contiguous Zone signed at Geneva on 29 April 1958.

60. It is of the utmost importance that States should give up any idea of placing weapons of mass destruction not only on the sea-bed and the ocean floor beyond the limits of national jurisdiction, but also on that part of the sea-bed which is internationally recognized to be under their sovereignty.

61. Article II, paragraph 2, of the draft treaty states that nothing in the treaty shall be interpreted as supporting or prejudicing the position of any State Party with respect to rights or claims which such State Party may assert, or with respect to recognition or non-recognition of rights or claims related to the sea-bed and the ocean floor. This provision is fundamental to the structure of the draft treaty, since it would not be appropriate to take advantage of an arms agreement in order to refer, even in passing, to other problems of the law of the sea. Furthermore, no technical requirement could justify extending the scope of the agreement being negotiated to the point where it would affect national rights, claims and positions with regard to other questions of maritime law, particularly when such questions have not been defined or regulated by contemporary international law.

62. Accordingly, we cannot see the necessity of defining the area to be covered by an agreement on partial demilitarization in terms of the "contiguous zone" concept which appears in the 1958 Convention on the Territorial Sea and the Contiguous Zone, which entered into force on 10 September 1964 and has been ratified by 37 States.

63. The United Nations has 126 Members. If the Convention had been accepted unanimously, reference might be made to it in order to establish a certain connexion between the text of the treaties and even, if you will, for the sake of brevity. But since, to be effective, this draft must be accepted and ratified by all States, it would not, in the view of my delegation, be technically advisable to invite States which are not parties to the Geneva Convention to accept the concepts established therein in order to define their new obligations. That would be tantamount to giving indirect approval to certain parts of that Convention.

64. In keeping with its aim of achieving universality, article VII of the draft treaty under consideration uses the term "all States" rather than other restrictive wording which has been used in some multilateral treaties. This, again, is a clear indication that the agreement we are

seeking must be truly universal and its contents acceptable to all and that, the entire international community without exception is expected to accede to it.

65. The praiseworthy aims of the draft treaty can be fully achieved if, without any reference to the Geneva Convention, it is simply stated that the maritime zone free of weapons of mass destruction shall be measured from a point 12 miles from the coast. Otherwise, through articles I and II of the draft treaty, those States which have not ratified the Geneva Convention would be made to accept some of its concepts.

66. A treaty such as the one before us should be accepted by the entire international community; its text should therefore carefully avoid any pitfalls that might restrict the accession of States which have not ratified the Geneva Convention. Defining the zone which is to be free of weapons of mass destruction by reference to that Convention is not consistent with the statement made in article II, paragraph 2, of the same draft. The obstacles which this reference creates cannot be eliminated by the existence of that paragraph, which concerns the interpretation of the draft treaty.

67. Furthermore, if it were agreed that the maritime zone which is to be free of weapons of mass destruction should be measured in accordance with the Convention on the Territorial Sea and the Contiguous Zone, the issue would be one not of interpretation but of recognition, by States ratifying the draft treaty, of some of the narrow and outdated concepts of the 1958 Geneva Convention.

68. At the twelfth meeting of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction, held on 14 November 1969, the United States representative, Ambassador Phillips, made a statement in which he expressed some very interesting ideas on the internal structure and purposes of the draft treaty. He said, among other things, that the co-sponsors of the treaty and the participants in the Geneva negotiations had focused their efforts on ensuring that the draft treaty would not lend itself to abuse for the purpose of supporting or prejudicing any particular position with regard to those complex questions of the law of the sea, and that the draft was designed to be neutral on such matters.⁷

69. This statement summarizes the views of the Co-Chairmen of the Conference of the Committee on Disarmament with regard to a matter which is of capital importance to the international community and essential for the elucidation of the major questions of the law of the sea. The objectives of the draft can be fully attained if it establishes the starting-point for measuring the zone to be free from weapons of mass destruction directly, without mentioning other issues. This point might be 12 miles, as it would be if the draft treaty is ready in conjunction with the Geneva Convention. Certain basic criteria would of course have to be adopted for measuring those 12 miles, but they should not be determined by reference to the 1958 treaty, to which only 37 States Members of the United Nations are parties; rather, the zone should be determined by the

⁷ See document A/AC.138/SR.12.

adoption, on their own merits, of some of the provisions of the Convention. This would make it possible to establish uniform criteria for measuring the 12-mile zone.

70. In other words, the contents of articles 3 and 4 of the Geneva Convention could be adopted, not by reference to the Convention itself, but by virtue of using the contents of those articles as a criterion for measuring the 12-mile zone. The draft treaty would then be truly neutral with regard to the other problems of the law of the sea and this would probably preclude numerous reservations based solely on an objection to confusing the problem with which we are concerned—preventing the emplacement of weapons of mass destruction—with other problems of the law of the sea which are under consideration and will in due time be dealt with at specialized conferences.

71. Article III of the draft treaty also presents problems because of the broad—not to say completely uncontrolled—manner in which it establishes the so-called right of verification. According to that article, a State could, of its own volition, inspect the portion of the continental shelf which is under the sovereignty of other States beyond the 12-mile zone. The establishment of such a right, to be exercised unconditionally, may become a source of friction and would expose the continental shelf to continuous inspection without the knowledge of the inspected State. The Canadian delegation has submitted a working paper which deals at length with this right of verification. The paper may be too long to be incorporated into the text of the treaty, but its basic ideas are very important and should be retained.

72. In the view of my delegation, the so-called right of verification should be subject to at least three basic conditions: first, notice must be given to the State whose continental shelf will be investigated; second, representatives of that State must be allowed to be present throughout the investigation; third, the State whose platform has been investigated must be provided with a complete and unrestricted report on the results, opinions and conclusions arising from the exercise of the right of verification.

73. The establishment of an international organization to handle the right of verification would make the treaty very cumbersome. Consideration might be given, however, to the possibility of providing States interested in exercising that right with international assistance, to be channelled through all the established services, and with the assistance of friendly countries. It must be understood that agreements such as the one before us must be negotiated and observed in good faith. Otherwise all precautions and safeguards will be useless, no matter how many refinements are introduced.

74. My delegation welcomes the draft treaty as a very important step towards ensuring that the sea-bed and the ocean floor are reserved for peaceful purposes. We feel, however, that it must be studied and discussed very carefully, in order to ensure from the outset that it will be truly acceptable to the international community as a whole. Furthermore, since the draft refers only to weapons of mass destruction, we feel that new negotiations and new agreements must follow in order to guarantee the truly and fully

peaceful use of the sea-bed and the ocean floor, for the benefit of all mankind.

Organization of work

75. The CHAIRMAN: The Committee will recall that at the 1694th meeting, held on 19 November, it was decided by the Committee that the voting on the draft resolutions and amendments to those draft resolutions concerning the sea-bed items would take place on Wednesday, 26 November. In this connexion I have requests from two delegations to be given the floor. I call first on the representative of Kuwait.

76. Mr. KHANACHET (Kuwait) (*translated from French*): As you have just said, Mr. Chairman, at a meeting of the Committee last week you agreed to the request made to you by a number of delegations which needed some extra time to continue their consultations on the draft resolutions and amendments concerning the sea-bed and the ocean floor. You agreed that the voting on these draft resolutions and amendments should be postponed until Wednesday, i.e. the day after tomorrow. Since then those delegations have been holding intensive consultations. They have had very wide-ranging discussions and these have given rise to some constructive and useful new ideas which, unfortunately, require a little more time if we are to be able to consider them thoroughly. Having held consultations with some representatives, particularly those who have already proposed amendments or intend to do so, I have come to the conclusion that it would be difficult, if not impossible, for us to finish by the date you had in mind—namely, Wednesday, the day after tomorrow.

77. In the circumstances I would venture to ask you, Mr. Chairman, to be good enough to consider—with the agreement of the Committee, of course—the possibility of postponing the vote to a later date. As we have a long weekend, because of the Thanksgiving holiday, I would propose that the voting on the draft resolutions and amendments should be postponed until next Tuesday. If you and the Committee would agree to that, we could make a thorough study of all the aspects of the question with a view to reaching an agreement which would make it possible for us to conclude this in the quickest possible time—without, of course, prejudicing in any way the progress of the work of the Committee.

78. Mr. GAUCI (Malta): I should like to support the suggestion just made by the representative of Kuwait. The consultations that we are holding have reached a very crucial stage. We have already reached agreement with the delegations which proposed the first set of amendments to our draft resolution and we are now hoping that we may even reach a common front with those which proposed the second set of amendments. We should be very happy if the vote could be postponed to either Monday or Tuesday of next week, 1 or 2 December, according to the wishes of the Committee.

79. The CHAIRMAN: If I hear no objection, I shall take it that the Committee has no objection to postponing the vote on the sea-bed item from Wednesday, 26 November, to Tuesday, 2 December.

It was so decided.

Statement by the Chairman

80. The CHAIRMAN: Once again it is my pleasant task to convey some good news to the Committee. I have just been informed that Commander Charles Conrad Jr., Richard F. Gordon Jr. and Alan L. Bean have just splashed down safely in the Pacific Ocean. Their safe return to earth completes the remarkably successful space venture of Apollo 12. I am sure that our heartfelt felicitations and thanks are first of all offered for the safe return of the gallant astronauts.

81. I am also certain that I express the unanimous feelings of all members of the First Committee in extending our most sincere congratulations to the Government of the United States and all the Government agencies concerned. I should like to request the representative of the United States to convey to his Government and to the astronauts and their families our sense of admiration for this epic exploit.

The meeting rose at 4.35 p.m.