

**CONFERENCE OF THE EIGHTEEN-NATION COMMITTEE
ON DISARMAMENT**

ENDC/PV.342
26 October 1967
ENGLISH

FINAL VERBATIM RECORD OF THE THREE HUNDRED AND FORTY-SECOND MEETING

held at the Palais des Nations, Geneva,
on Thursday, 26 October 1967, at 10.30 a.m.

Chairman:

Mr. K. CHRISTOV

(Bulgaria)

PRESENT AT THE TABLE

Brazil:

Mr. A. da COSTA GUIMARAES

Mr. S. de QUEIROZ DUARTE

Mr. J. NOGUEIRA FILHO

Bulgaria:

Mr. K. CHRISTOV

Mr. B. KONSTANTINOV

Mr. T. DAMIANOV

Burma:

U KYAW MIN

Canada:

Mr. E.L.M. BURNS

Mr. A.G. CAMPBELL

Mr. J.R. MORDEN

Mr. A. BERNIER

Czechoslovakia:

Mr. V. VAJNAR

Mr. J. STRUCKA

Ethiopia:

Mr. A. ZELLEKE

Mr. B. ASSFAW

India:

Mr. V.C. TRIVEDI

Mr. N. KRISHNAN

Mr. K.P. JAIN

Italy:

Mr. R. CARACCILO

Mr. G.P. TOZZOLI

Mr. E. FRANCO

Mr. F. SORO

Mexico:

Mr. J. CASTANEDA

Miss E. AGUIRRE

Nigeria:

Alhaji SULE KOLO

Mr. B.O. TONWE

Poland:

Mr. A. CZARKOWSKI

Mr. E. STANIEWSKI

Romania:

Mr. N. ECOBESCO

Mr. O. IONESCO

Mr. C. GEORGESCO

Mr. A. COROIANU

Sweden:

Mr. A. EDELSTAM

Mr. R. BOMAN

Mr. J. PRAWITZ

Union of Soviet Socialist
Republics:

Mr. A.A. ROSHCHIN

Mr. M.V. ANTYASOV

Mr. V.V. SHUSTOV

United Arab Republic:

Mr. H. KHALLAF

Mr. A. OSMAN

Mr. O. SIRRY

Mr. M. SHAKER

United Kingdom:

Sir Harold BEELEY

Mr. I.F. PORTER

Mr. R.I.T. CROMARTIE

United States of America:

Mr. A.S. FISHER

Mr. S. DePALMA

Mr. G. BREAM

Mr. A.F. NEIDLE

Special Representative of the
Secretary-General:

Mr. D. PROTITCH

Deputy Special Representative
of the Secretary-General:

Mr. W. EPSTEIN

1. The CHAIRMAN (Bulgaria) (translation from French): I declare open the 342nd plenary meeting of the Conference of the Eighteen-Nation Committee on Disarmament.

2. Mr. ECOBESCO (Romania) (translation from French): The Romanian delegation formally presented on 19 October (ENDC/PV.340, para.23) the working paper (ENDC/199) containing amendments and additions to the draft treaty on the non-proliferation of nuclear weapons (ENDC/192, 193). It has thus already had an opportunity of setting forth the fundamental ideas of that paper and the reasons on which it is based. On that occasion we informed the Committee of our intention to give later on a more detailed presentation of the Romanian proposals. In our statement today we should like to deal with some of those proposals at greater length; the others will form the subject of future statements.

3. As I indicated on 19 October (ENDC/PV.340, para.24), the first category of the proposals put forward by Romania relates to the inclusion in the preamble to the treaty on the non-proliferation of nuclear weapons of the fundamental requirements laid down by the General Assembly of the United Nations (resolution 2028(XX), ENDC/161). Those requirements, which are reproduced word for word in our working paper, are the following:

- "(a) The treaty should be void of any loop-holes which might permit nuclear or non-nuclear Powers to proliferate, directly or indirectly, nuclear weapons in any form;
- (b) The treaty should embody an acceptable balance of mutual responsibilities and obligations of the nuclear and non-nuclear Powers;
- (c) The treaty should be a step towards the achievement of general and complete disarmament and, more particularly, nuclear disarmament;
- (d) There should be acceptable and workable provisions to ensure the effectiveness of the treaty;
- (e) Nothing in the treaty should adversely affect the right of any group of States to conclude regional treaties in order to ensure the total absence of nuclear weapons in their respective territories."

(Mr. Ecobesco, Romania)

In the view of the Romanian delegation the express mention of the resolutions of the General Assembly in the preamble to the treaty is not only useful but also necessary, indispensable.

4. In this connexion we note that the draft treaty presented by the United States and by the Soviet Union refers to resolutions of the General Assembly "calling for the conclusion of an agreement on the prevention of wider dissemination of nuclear weapons". (ENDC/192, 193, p.1) However, we cannot ignore the fact that that reference is partial, incomplete. We know that the General Assembly of the United Nations has, by its resolutions and more particularly by resolution 2028(XX), included in its recommendations precise criteria on which an appropriate treaty should be based.

5. These are two aspects of a single movement. One contains the General Assembly's appeal for the conclusion of a treaty on the non-proliferation of nuclear weapons. The other establishes the exact framework of such an agreement and indicates its organic components. The Romanian delegation interprets those two aspects as constituting a relationship of close interdependence and reciprocal effect. In order to reflect completely the spirit of the terms of reference given to our Committee in respect of the problem of non-proliferation, the provisions of the preamble to the treaty must bring out those two aspects.

6. To refer only to the requirement expressed by the General Assembly without mentioning the co-ordinates which relate to the manner of bringing about those desiderata -- and which were likewise specified by the General Assembly -- would give only a truncated picture of the will which was expressed after full debate in the United Nations. The insertion in the preamble to the treaty of the guiding principles laid down by resolution 2028(XX), as the Romanian delegation proposes, would be calculated to give precise expression to the concept of non-proliferation as defined by the United Nations.

7. The importance of resolution 2028(XX) has been stressed many times during our debates. That is entirely justified if it is remembered that that resolution, though not the first on non-proliferation, is nevertheless the first to postulate the principles of the non-proliferation treaty. That is precisely the new element of quality which it introduces into the problem of non-proliferation; and that is precisely the fundamental factor which can in no way be disregarded when the treaty on the non-dissemination of nuclear weapons is being negotiated.

(Mr. Ecobesco, Romania)

8. Why and how did that compact set of principles come to be drafted? Are those principles a result of chance or the product of a speculative imagination? No, they are not.

9. We all recall very well that the idea of laying down the essential features of the non-proliferation treaty arose from a deeply-felt need: to make this treaty a real instrument of peace and security, stability and international co-operation. Moreover, it was clearly necessary to provide the negotiating body -- the Eighteen-Nation Committee -- with the few indispensable rules which should guide its negotiations at all times.

10. In view of the recognized importance of those principles, the Romanian delegation proposes that they be included in the preamble to the draft treaty. Since they form a uniform whole and also constitute the minimal requirements indispensable for the achievement of an equitable treaty, they must all be included in the preamble.

11. It may be held that those principles need not be stated in the text of the treaty, but that it would be sufficient for the treaty to reflect them. First of all, an objective analysis of the provisions of the present draft shows that they are still far from corresponding to those principles. Secondly, even supposing that the treaty does reflect these, their omission from the document of which they are intended to be the pillars cannot be justified.

12. It is our profound conviction that if we start out from the acceptance of those principles by everyone, if the adherence of us all to those principles is steadfast, they must be confirmed twice in the treaty. First, the provisions of the operative part must apply them completely; secondly, they must appear in the introduction to the treaty.

13. Another distinct category of proposals deriving from Romania's working paper aims at placing the non-proliferation problem in the framework of a series of commitments calculated to ensure the implementation of nuclear disarmament.

14. What are the considerations on which our proposals are based? In previous statements I have had the opportunity of amply explaining the position of the Romanian Government in regard to this question. We shall reaffirm it once more today.

(Mr. Ecobesco, Romania)

15. In the first place, we think that when we approach this urgent problem of the present time -- the problem of peace or war -- which is the foremost concern of all peoples, we must begin with the essential realities of the contemporary world. It is a sad fact that mankind is today living under the permanent threat of nuclear war. Mankind can only be delivered from this danger by cessation of the use and manufacture of nuclear weapons and by the complete liquidation of all existing stockpiles. The primary task of the Eighteen-Nation Committee, justifying its very existence, is to draw up a general disarmament treaty within which disarmament must have absolute priority. The common feature of all partial and transitional measures, including those relating to non-proliferation -- the decisive criterion by which their usefulness and effectiveness should be assessed -- is the way in which these measures contribute to the effective reduction and ultimately to the elimination of the danger of nuclear destruction.

16. The Romanian delegation will not fail to recall -- whenever the need is felt -- that truth which we cannot and have no right to forget. The reason why we persist, in common with other delegations, in this attitude of ours is that, as the debates of the Conference have shown, there is still a tendency to substitute for the central objective -- nuclear disarmament -- a concept which distorts the real sense of our terms of reference. I am referring to the concept of controlling the arms race and armaments.

17. Secondly, we are disturbed when we note that, whereas the long debates in our Committee and other international bodies have not yielded the hoped-for results, the spiral of the arms race has not ceased to grow and has reached unimaginable proportions. What is the result of all this? The stocks of nuclear weapons, which had long ago reached the point of over-saturation, have continued to swell the pile that could feed a fire which, once lighted, would devour vast areas of the earth. The means of delivery of nuclear weapons have been multiplied and perfected. Underground nuclear weapon tests have gone on unimpeded. There has been further development of the process of miniaturization of atomic weapons, which consists in condensing the maximum power of destruction in ever smaller warheads which are easier to transport. Nuclear weapons and the means of their delivery are being

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placed on the territories of other States, at numerous bases, which increasingly endangers the security of the surrounding countries. Appropriations for armaments today exceed the gigantic figure of \$150,000 million. What is more, even while our negotiations are being intensified the nuclear arms race has recorded new dimensions the consequences of which cannot yet be fully assessed.

18. Those are some of the tangible realities which form the political, military and strategic environment in which we must act. Those are some of the factors which we cannot overlook when we negotiate the treaty on the non-proliferation of nuclear weapons.

19. Thirdly, we are firmly convinced that, if the non-proliferation treaty were isolated from the chain of nuclear disarmament measures to which it is linked quite naturally, there would be effects contrary to those expected by the international community. Instead of leading to the end of the division of the world into nuclear and non-nuclear States; such a treaty would only confirm this division, and would do so by virtue of an international instrument. Instead of constituting an instrument for promoting the equality of States, a treaty so conceived would merely give legal validity to inequality. Instead of achieving the declared purpose -- that of preventing the proliferation of nuclear weapons for all -- such a treaty would legalize proliferation solely for some States, namely the present nuclear Powers. If conceived in such a way, the non-proliferation treaty will not serve the cause of disarmament and will not lead to the strengthening of peace and international security.

20. Such opinions have been expressed in our Committee by other delegations also. In this connexion I shall venture to quote those which were put forward by the Burmese representative, U Maung Maung. The head of the Burmese delegation said in his statement of 10 October:

"I think I can say with assurance that a non-proliferation treaty which curbs only the spread of nuclear weapons to additional countries, standing by itself and set quite apart from the over-all problem of nuclear disarmament, will have no intrinsic disarmament value." (ENDC/PV.337, para.11)

(Mr. Ecobesco, Romania)

To save the non-proliferation treaty from such a fundamental flaw, it must be conceived as an integral part of a system of measures designed to lead to cessation of the manufacture of nuclear weapons, discontinuance of underground tests for military purposes, and the reduction and ultimate elimination of existing stockpiles and the means of their delivery.

21. The working paper submitted by the Romanian delegation contains a number of provisions aimed precisely at that objective.

22. The first relates, as we all know, to the insertion in the preamble of a new paragraph intended to bring into relief the undoubted fact that the danger of nuclear war can be eliminated only by cessation of the manufacture of nuclear weapons, prohibition of their use, and destruction of all their existing stockpiles and the means of their delivery. The inclusion of this provision in the text of the treaty would emphasize clearly that the final objective -- nuclear disarmament -- is not abandoned but that, on the contrary, all efforts are directed towards its achievement.

23. Another proposal is intended both to fill an important gap in the twelfth paragraph of the preamble to the draft treaty before us, namely the absence of any reference to the prohibition of the use of nuclear weapons, and to provide a necessary corrective by specifying that the implementation of various nuclear disarmament measures cannot and must not be conditional upon the conclusion of a treaty on general and complete disarmament, as the present wording of that paragraph implies. The establishment of such a treaty represents the supreme desideratum, but it would be a serious error to block -- pending the conclusion of such a treaty -- any other agreement or any other measure relating to nuclear disarmament.

24. Lastly, the article which we propose for inclusion in the operative part of the treaty is intended to guarantee that the non-proliferation treaty will not remain an end in itself but will be accompanied by real disarmament measures.

25. Accordingly the first paragraph of the article we have proposed is designed to lay a legal obligation on the nuclear-weapon Powers to adopt --

"... specific measures to bring about as soon as possible the cessation of the manufacture of nuclear weapons and the reduction and destruction of nuclear weapons and the means of their delivery".

(ENDC/199, article III-A 1, p. 2)

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26. The effects deriving from that clause would be manifold. First, it would lead to the elimination of an obvious political and juridical lack of balance which exists in the draft treaty before us and to which the Romanian delegation has already drawn attention.

27. Secondly, it would eloquently illustrate equality of treatment between nuclear and non-nuclear countries -- a direct consequence of the principle of the sovereign equality of States. The firm obligation of the non-nuclear countries not to manufacture or acquire nuclear weapons in any way at all would correspond to the clear obligation of the nuclear Powers to undertake practical disarmament measures. The nuclear-weapon States would be bound to take practical disarmament measures by virtue of a precise juridical commitment and not on the basis of mere declarations of intent which, whatever may be said of them, have neither the value nor the significance of a legal commitment. Moreover, since the nuclear Powers affirm their intent to put an end to the armaments race and to proceed to the destruction of nuclear weapons, it is difficult to understand why that intent is not expressed in the unequivocal terms of a formal commitment assumed under the treaty.

28. Permit me to look at the situation for a moment the other way round. Let us suppose that the non-nuclear countries have to renounce the manufacture and acquisition of atomic weapons by a declaration of intent. Would the nuclear Powers regard such a declaration as sufficient? There is every reason to believe that they would not be satisfied with such a solution of the problem. They would wish the commitment undertaken by the non-nuclear countries to take the form of a real obligation, and they would be right. In that case, why does the same consequence not follow, and why is the same yardstick not applied also to the duties incumbent upon the nuclear Powers?

29. Lastly, the insertion in the treaty of the clause which we have proposed is consistent with the aim of establishing an acceptable balance of mutual responsibilities and obligations of the nuclear-weapon-States and of the non-nuclear-weapon States. By accepting the commitment not to manufacture or acquire nuclear weapons, the non-nuclear countries give proof of a true spirit of international co-operation, an understanding of existing realities, and a high sense of their responsibility for the destiny of peace and general security. The same proof must be

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given to the international community by the nuclear-weapon Powers. They must do so by assuming, through the non-proliferation treaty, a commitment to cease the manufacture of nuclear weapons and to liquidate existing stockpiles and means of delivery.

30. Supposing that the nuclear Powers did not honour the commitment they had assumed and did not undertake nuclear disarmament measures, what would happen? Article III-A 2 of our working paper on disarmament answers that question. It reads as follows:

"If five years after the entry into force of this Treaty such measures have not been adopted, the Parties shall consider the situation created and decide on the measures to be taken."

That provision is intended to be a permanent reminder to the nuclear Powers that they have assumed, in regard to the non-nuclear States and to the entire international community, a commitment which they cannot evade, a commitment which they are bound to respect. Five years after the entry into force of the treaty -- a period long enough for the nuclear Powers to show in practice their devotion to the cause of disarmament and peace -- the parties to the treaty, in considering the situation created, will be able to draw the appropriate conclusions and to take the required measures.

31. The proposals of the Romanian delegation, which we have just explained in detail to the Committee, fully satisfy not only the political, legal and moral requirements of a non-proliferation treaty which would serve the interests of all, but also the characteristic requirements of juridical technique, which we must also bear in mind. In this context I should like to quote the words of an eminent specialist on this subject:

"Some universal requirements of the nature of things indicate to us, as conditions for the effectiveness of the rules of law and consequently as qualities or desiderata of a good juridical technique:

(1) completeness of determination, which means that the rules latent in the principles suggested by science must be precisely applicable to all the postulates of life, even to the unforeseen circumstances which life may bring about; (2) perfect adaptability, through which the rules are moulded exactly to things and facts, so as to reflect all

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shades of these; (3) certainty of effect, which means that the occurrence of the event must set the machinery in motion and make it operate against all resistance".

That quotation is from "Science et technique en droit privé positif", by Mr. F. Geny, volume III, p. 36, Paris, 1921.

32. We are convinced that the need to ensure completeness of determination and perfect adaptability is met by the proposals of the Romanian delegation, which are aimed at writing into the very language of the non-proliferation treaty the obligation on the nuclear Powers to carry out effective disarmament measures. To ensure the fulfilment of this obligation is the need met by our proposal for an examination, five years after the entry into force of the treaty, to ascertain whether the nuclear Powers have undertaken the measures deriving from the commitment they have assumed.

The Conference decided to issue the following communiqué:

"The Conference of the Eighteen-Nation Committee on Disarmament today held its 342nd plenary meeting in the Palais des Nations, Geneva, under the chairmanship of H.E. Ambassador K. Christov, representative of Bulgaria.

"A statement was made by the representative of Romania.

"The next meeting of the Conference will be held on Tuesday, 31 October 1967, at 10.30 a.m."

The meeting rose at 11.10 a.m.