

CONFERENCE OF THE COMMITTEE ON DISARMAMENT

CCD/PV.444
21 October 1969
ENGLISH

FINAL VERBATIM RECORD OF THE FOUR HUNDRED AND FORTY-FOURTH MEETING

held at the Palais des Nations, Geneva,
on Tuesday, 21 October 1969, at 10.30 a.m.

Chairman:

Mr. H. F. ESCHAUZIER

(Netherlands)

GE.69-23512

PRESENT AT THE TABLE

Argentina:

Mr. ORTIZ de ROZAS

Mr. A.F. DUMONT

Mr. O. SARACHO

Brazil:

Mr. S.A. FRAZAO

Mr. P. CABRAL de MELLO

Mr. D. NATARIO

Mr. L.F. PALMEIRA LAMPREIA

Bulgaria:

Mr. K. CHRISTOV

Mr. I. PEINIRDJIEV

Burma:

U CHIT MYAING

U KYAW MIN

Canada:

Mr. G. IGNATIEFF

Mr. R.W. CLARK

Czechoslovakia:

Mr. T. LAHODA

Mr. J. CINGROS

Ethiopia:

Mr. A. ZELLEKE

Hungary:

Mr. I. KOMIVES

Mr. I. SARKADI

Mr. S. HAJNAL

India:

Mr. M.A. HUSAIN

Mr. K.P. JAIN

Italy:

Mr. F.L. OTTIERI

Mr. R. BORSARELLI

Mr. U. PESTALOZZA

Japan:

Mr. Y. NAKAYAMA

Mr. T. SENGOKU

Mr. J. SAKAMOTO

<u>Mexico:</u>	Miss E. AGUIRRE Mr. J. MERCADO
<u>Mongolia:</u>	Mr. M. DUGERSUREN Mr. Z. ERENDOO
<u>Morocco:</u>	Mr. A. A. KHATTABI
<u>Netherlands:</u>	Mr. H.F. ESCHAUZIER Mr. E. BOS
<u>Nigeria:</u>	Mr. C.O. HOLLIST
<u>Pakistan:</u>	Mr. K. AHMED Mr. S.A.D. BUKHARI
<u>Poland:</u>	Mr. K. ZYBYLSKI Mr. H. STEPOSZ Mr. R. WLAZLO
<u>Romania:</u>	Mr. C. GEORGESCO Mr. F. ROSU Mr. C. MITRAN
<u>Sweden:</u>	Mr. A. EDELSTAM Mr. R. BOMAN
<u>Union of Soviet Socialist Republics:</u>	Mr. A.A. ROSHCHIN Mr. R.M. TIMERBAEV Mr. V.B. TOULINOV Mr. Y.C. NAZARKINE
<u>United Arab Republic:</u>	Mr. O. SIRRY Mr. Y. RIZK Mr. M. ISMAIL

United Kingdom:

Lord CHALFONT
Mr. I.F. PORTER
Mr. W.N. HILLIER_FRY
Mr. R.I.T. CROMARTIE

United States of America:

Mr. J.F. LEONARD
Mr. A.F. NEIDLE
Mr. W. GIVAN
Mr. R.L. McCORMACK

Yugoslavia:

Mr. M. BOZINOVIC
Mr. M. VUKOVIC

Special Representative of the
Secretary-General:

Mr. D. PROTITCH

Deputy Special Representative of the
Secretary-General:

Mr. W. EPSTEIN

1. The CHAIRMAN (Netherlands): I declare open the 444th plenary meeting of the Conference of the Committee on Disarmament.
2. Mr. KOMIVES (Hungary): Before beginning my statement concerning the draft treaty before us 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 (CCD/269), I should like to congratulate our Soviet co-Chairman, Ambassador Roshchin, upon the successful flight in space of the Soviet cosmonauts and upon their safe landing. This is another great achievement in the exploration of outer space which helps to accumulate valuable scientific experience to be used for the benefit of mankind.
3. May I also be permitted to join those representatives who have extended their congratulations to our co-Chairmen for the work they have accomplished with the submission of this joint draft treaty? My delegation feels that its optimism was justified when, exactly two months ago, at a time when there appeared to exist irreconcilable differences of opinion and no possibility of progress, it stated:

"At this juncture my delegation would like to express its hope that the Committee's further work will lead to the solution of this extremely important and urgent problem. We are expressing this hope because the discussions so far have clarified the problems involved and in this way have helped to pave the way for further and specific negotiations in order to reach an agreement on a treaty." (ENDC/PV.430, para. 62)
4. The arduous, hard and tiresome work of the two co-Chairmen -- in co-operation and consultation with the members of the Committee -- had led to an important achievement embodied in the joint 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. This achievement of the Soviet Union and the United States is the most important and indispensable factor in the Committee's successful conclusion of its work on this matter. My delegation is very grateful to the two co-Chairmen for having reached agreement on a joint draft which enables us to end this session of the Committee with a very important result awaited with keen interest by world public opinion.

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5. My delegation feels that the draft treaty, by preventing the nuclear arms race on the sea-bed and the ocean floor, is a very important step towards the exclusion of the sea-bed and the ocean floor from the arms race and, at the same time, is an important step towards general and complete disarmament. The joint draft is not so much of a disarmament as of a non-armament character. This, however, does not diminish its importance, since it opens up new and more favourable conditions for the exploration and the exploitation of the natural resources of the sea-bed and the ocean floor in the service of the interests of all mankind. Furthermore, it performs an important service in the interest of future generations.

6. My delegation considers that the draft treaty submitted by the co-Chairmen provides a good basis for further negotiations, for the shaping of a draft which can be supported by the whole Committee or by the overwhelming majority of its members. We hope that the spirit of co-operation which has resulted in the present form of the draft treaty will prevail also in the future and will contribute to the working out of such a draft treaty by the end of this month, which has been set as a deadline for the conclusion of the work of our Committee. Such a draft treaty would greatly facilitate the work of the First Committee of the United Nations General Assembly, which is eagerly awaiting the report of the Committee, and could at the same time shorten the time needed to open this treaty for signature.

7. I should like now to expound very briefly the observations and suggestions of the Hungarian delegation concerning certain parts of the draft treaty.

8. First I should like to deal with the scope of the prohibition. As is known, my delegation -- together with the majority of other delegations -- has supported the complete demilitarization of the sea-bed and the ocean floor. The Hungarian delegation continues to consider that desirable. In my statement of 21 August I emphasized:

"The fact that the Hungarian People's Republic is a land-locked country does not at all minimize my Government's interest in and concern over this problem. The use for military purposes of the sea-bed and the ocean floor might threaten both the countries having sea-shores and the land-locked countries alike. My country, therefore, wishes to be freed from the possible

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consequences of the use for military purposes of the sea-bed and the ocean floor just like any coastal State. On the other hand, in the framework of international co-operation my country would also like to share the benefits deriving from the exploration and the exploitation of the depths of the oceans." (ENDC/PV.430, para. 60)

9. In the present circumstances and conditions, however, that is not possible. Nevertheless, my delegation considers it very important that the idea and the aim of achieving the complete demilitarization of the sea-bed and the ocean floor should find its proper place in the draft treaty. That idea has been expressed by several other delegations which have preceded me in speaking here.

10. My delegation notes with satisfaction that the third paragraph of the preamble expresses the intention of the States parties to the treaty to make further efforts towards the final goal in this field, the total prohibition of the use of the sea-bed and the ocean floor for military purposes, by saying that the States parties to the treaty are -

"Convinced that this Treaty constitutes a step towards the exclusion of the sea-bed, the ocean floor and the subsoil thereof from the arms race, and determined to continue negotiations concerning further measures leading to this end". (CCD/269)

11. In order to strengthen that stipulation of the draft treaty my delegation would like to suggest for consideration that the preambular paragraph dealing with this question should be transferred to the operative part of the draft treaty. In the opinion of the Hungarian delegation that would strengthen to a large extent the whole of the treaty; and my delegation hopes that this proposal, which is put forward also by the Bulgarian, Czechoslovak and Swedish delegations, will be favourably considered.

12. The other question with which I should like to deal is that of verification. This question aroused keen interest before the presentation of the joint draft treaty, as well as following its presentation. My delegation understands this interest, because it too is of the opinion that any treaty on disarmament or non-armament measures can be a realistic one only if the contracting parties can mutually verify compliance with the treaty regulations.

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13. As far as the verification measures of the draft treaty are concerned, some delegations have considered the fact that the draft treaty does not provide for detailed procedures in the event that one or another State party to the treaty might have doubts concerning compliance with the treaty regulations by other parties and if the consultation and co-operation procedures did not lead to results, to be a shortcoming of the draft. Likewise, the fact that the draft treaty does not provide for a detailed procedure for the organization of the assistance that some countries might request for carrying out verification has been mentioned during the debate as another shortcoming of the draft treaty.

14. Taking into account the character of the provisions of the present draft, the first of those two problems touches upon the question of maintaining world peace and security. In this connexion, however, the United Nations Charter has appropriate stipulations. Article 34 of the Charter lays down the right of the Security Council to investigate any such dispute or situation that may lead to friction among nations "in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security." On the other hand, Article 35 of the Charter lays down the right of the Member States to bring "any dispute, or any situation of the nature referred to in Article 34, to the attention of the Security Council or of the General Assembly." In the event, therefore, that any of the States parties to the treaty might have strong doubts that one or another State party to the treaty was not fulfilling its obligations under the treaty, and if the State in question was not willing to consult and to co-operate in order to remove those doubts, each State party to the treaty would have the right to turn to the Security Council, in accordance with the provisions of the Charter of the United Nations.

15. As far as the other problem relating to verification is concerned, it is undoubtedly closely related to the first. The draft treaty now under consideration also deals with it in such a manner. In support of that, may I refer to the provisions of paragraphs 2 and 3 of article III of the draft treaty? Paragraph 2 of article III lays down the right of a State party to the treaty to carry out verification by "using its own means or with the assistance of any other State Party". (CCD/269, p. 2)

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16. On the basis of paragraph 3 of the same article, the States parties to the treaty undertake "to consult and to co-operate with a view to removing doubts concerning the fulfilment of the obligations assumed under this Treaty." (*ibid.*) In our opinion the provisions of article III are fully sufficient. For that reason my delegation does not consider it necessary to set up special international machinery, and thinks that article III of the draft treaty, dealing with the question of verification, is appropriate in its present form.

17. I should like to say a few words also about the problem of the review conference. The draft treaty now under consideration does not provide for holding such conferences, neither does the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (General Assembly resolution 2222 (XXI), Annex), nor the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water (ENDC/100/Rev.1). We have, however, other examples, too. The Treaty on the Non-Proliferation of Nuclear Weapons (ENDC/226*) makes provision for holding review conferences.

18. My delegation does not think it is absolutely necessary for the 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 to follow the example of the non-proliferation Treaty. We find, however, that the arguments put forward by a number of delegations in favour of holding such conferences are also worthy of attention. For these reasons my delegation would not object to the co-Chairmen of the Committee, the co-authors of the draft treaty, reconsidering the problem of the review conferences. The review conferences undoubtedly would give an appropriate opportunity to consider the experience gained in the implementation of the treaty.

19. The question of the modification procedure was also raised during the discussion. We have various examples in this respect, too. A qualified majority of the signatories -- that is, a majority vote including the concurrent votes of the nuclear Powers -- is needed for the entry into force of any modifications according to the provisions of the partial test-ban Treaty and the non-proliferation Treaty. On the other hand, the Treaty on the peaceful uses of outer space requires a simple majority. My delegation does not attach unduly great importance to this question. Nevertheless it deems it necessary to state that the provision concerning the modification of the

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treaty must be in line with the character of the treaty itself and must strengthen the treaty. This, of course, cannot mean rigidity, since future experience may lead to adjustments in the treaty.

20. In conclusion, let me express the hope that my statement will contribute to the solution of this problem, which would serve not only the interests of the big Powers but at the same time those of international peace and security.

21. I cannot end my statement without welcoming to our midst Mr. Kazimierz Zybylski and Lord Chalfont. I am convinced that the experience and competence of those two distinguished colleagues will contribute to the successful discharge of the task entrusted to this Committee.

22. Mr. ZYBYLSKI (Poland) (translation from French): Availing myself of the opportunity afforded by my first intervention, I particularly wish to express the warm congratulations of my delegation to the members of the Soviet delegation on the magnificent exploit of the seven Soviet cosmonauts who, on board the three space-ships Soyuz 6, 7 and 8, thanks to their courage, have made possible an outstanding advance towards the peaceful conquest of space for the good of all mankind.

23. I also wish to thank those delegations to our Committee which have given me a cordial reception and welcomed my return here.

24. I should like, too, to associate myself with the words of welcome to Lord Chalfont, the leader of the United Kingdom delegation, and to wish him every success in the work of our Committee.

25. I have just learnt with regret that the Special Representative of the United Nations Secretary-General to our Committee, our sincere friend Dr. Protitch, will soon be leaving us for health reasons. We wish him a speedy recovery and look forward to his return to our activities, to which he has for so many years given all his talent and devotion, the value of which we appreciate.

26. After six months of laborious negotiations in this Committee which have been devoted to various disarmament measures, as provided in our agenda, we now have before us a draft treaty prohibiting the emplacement of nuclear weapons and other weapons of mass destruction on the sea-bed and the ocean floor and in the subsoil thereof (CCD/269). First of all, I should like to associate myself with previous speakers who have congratulated our co-Chairmen -- the representative of the Soviet Union, Mr. Roshchin, and the representative of the United States, Mr. Leonard -- on the result

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they have achieved in submitting this joint draft to us. I should also like to express the gratitude of the Polish delegation to the co-Chairmen for their sincere and arduous efforts which made it possible to achieve this important result. The discussion which has taken place since the presentation of this draft shows clearly that the members of the Committee are likewise imbued with a spirit of constructive co-operation in order to succeed in elaborating a text acceptable to all the States concerned.

27. Our preliminary views on the question of preventing an arms race on the sea-bed were submitted on two occasions during our earlier debates, and there is no need to recall that we are firmly in favour of the prohibition of all military activity on the sea-bed and the ocean floor. However, we feel that it would not be reasonable to refuse to give our support to the draft treaty we are considering solely because it does not go as far as one would have wished. To refuse to give our support to the draft submitted by our co-Chairmen would be tantamount to a contradiction of a basic element of the foreign policy of the Polish Government which aims at formulating partial nuclear disarmament measures whenever farther-reaching proposals encounter insurmountable difficulties.

28. Thus in 1957 we were the originators of a plan aimed at establishing a denuclearized zone in central Europe. Later, when that proposal was deemed unacceptable by the Western Powers, we put forward a draft providing for the freezing of nuclear weapons in that same area (ENDC/C.1/1). That is why, in studying document CCD/269, we are glad to note that the proposed denuclearized zone will touch our borders. This leads me to make a few comments on various clauses of the draft treaty now under consideration.

29. First of all, the scope of the military activities prohibited by paragraph 1 of article I is limited to nuclear weapons and all other types of weapons of mass destruction, but includes an important provision which should reduce the terror inspired by that category of weapons. However, that provision should not be taken to mean that we have achieved an aim which definitely bars the way to an arms race in that important environment. In this connexion we welcome the third preambular paragraph, which states that the States Parties to the treaty are -

"Convinced that this Treaty constitutes a step towards the exclusion of the sea-bed, the ocean floor and the subsoil thereof from the arms race, and determined to continue negotiations concerning further measures leading to this end," (CCD/269)

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30. The Polish delegation, desirous of pursuing its efforts in order to extend the scope of the prohibition after this treaty has come into force, would like to support the proposal of the delegations of Bulgaria, Sweden, Czechoslovakia and Hungary, submitted at our last meeting and this morning, which is aimed at inserting in the operative part of the treaty the paragraph that I have just quoted.

31. Turning now to the geographical area covered by the treaty, I should like to mention that my delegation is in agreement with the contents of paragraph 1 of article I, excluding from the prohibition stipulated in this treaty the sea-bed and the subsoil thereof within a zone of twelve nautical miles from the coast of the coastal State, in conformity with the provisions of the 1958 Geneva Convention on the Territorial Sea and the Contiguous Zone^{1/}. If there are still some doubts among the States which are not parties to the 1958 Geneva Convention, the draft treaty dispels those doubts by referring, in its article II, to existing international law.

32. However, despite those clarifications, paragraph 1 of article I of the draft treaty is sufficiently ambiguous to lead to a possible interpretation by which any State could emplant or emplace nuclear weapons on the sea-bed in a zone between three and twelve miles from the coast of any other State which had fixed the limit of its territorial sea at three miles. In fact, paragraph 1 of article I of the treaty does not state sufficiently clearly that only the coastal State, in the exercise of its sovereign right, may undertake measures intended to reinforce its security. In order to avoid any ambiguous interpretation of this question, we believe that it would be useful to make clear in the text of the treaty the rights of the coastal State in this field. It seems to us that we are fully in agreement with the representatives of the Netherlands (CCD/PV.442, para.20) and of Italy (CCD/PV.441, para.47), who reached similar conclusions on this subject in their interventions on 14 October and 9 October respectively.

33. In the view of the Polish delegation, the prohibitions and verifications stipulated by the treaty apply to the high seas and to the part of the continental shelf situated beyond the twelve-mile zone. If the continental shelf situated beyond the twelve-mile zone were not to be subject to the verification procedures provided for in article III of the draft treaty, the control system would be deprived of any practical meaning,

^{1/} United Nations Treaty Series, vol. 516, pp.205 et seq.

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because it is precisely in that zone that the emplacement of nuclear weapons and other weapons of mass destruction would in fact be most likely and technically easiest. Thus it seems to me useful to recall that under the 1958 Geneva Convention on the Continental Shelf^{2/} only the coastal State exercises sovereign rights over the continental shelf for the purpose of the exploitation of its natural resources; and article 3 of that Convention leaves no room for doubt by expressly stating that the rights of the coastal State over the continental shelf do not affect the legal status of the superjacent waters as high seas, or that of the airspace above those waters. In addition, article 5 of the Convention clearly states that the exploration of the continental shelf and the exploitation of its natural resources by the coastal State must not result in any unjustifiable interference with navigation.

34. In his intervention on 16 October the representative of the United States painted a realistic and convincing picture of the application of article III of the draft treaty, and showed us very clearly indeed that the provisions of the Geneva Convention on the Continental Shelf would be in no way endangered (CCD/PV.443, paras.60 et seq.). Our primary consideration in this regard is that the system of verification and control stipulated should be compatible with the character and scope of the obligations to be assumed under the treaty and should also correspond to the geographical area of application of this agreement, while taking into account the norms of international law. In this regard it is easy -- as pointed out by the representative of Mexico at an earlier meeting -- to give way to the temptation to exercise excessive and complex control which, in the last analysis, would be extremely costly and which, in our view, is not necessary. Being realists, we agree with the argument that the draft treaty, by its very nature, in the first place commits the nuclear Powers, and consequently it is they who will assume the heaviest obligations. The system of verification based on co-operation and mutual assistance among States parties to the treaty seems to us the most reasonable solution in the present circumstances.

^{2/} United Nations Treaty Series, vol. 499, pp.311 et seq.

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35. Analysing this problem from the point of view of present-day international relations, it would be prudent to foresee that some disputes might arise in this field and it would be right to envisage recourse to the Security Council to settle them. It is true that every State has that right, but there are also many treaties which reaffirm certain principles of the United Nations Charter. A reference to that effect in article III of the treaty, as has been suggested by the representatives of the Netherlands, Bulgaria and Czechoslovakia, seems to us fully justified, particularly since the Security Council has the means to resolve such disputes and is also empowered to take decisions concerning the methods of financing such operations.

36. In the debates that have taken place in our Committee since 7 October, the date on which our co-Chairmen presented for our analysis a joint draft treaty on the prohibition of the emplacement of nuclear weapons or other weapons of mass destruction on the sea-bed and the ocean floor and in the subsoil thereof, a number of suggestions have been put forward. Some of those suggestions will no doubt be useful for improving and strengthening the draft which serves as our starting-point. The Polish delegation is happy to note that the various opinions expressed during these debates do not relate to the fundamental principles upon which the draft treaty is based. That is why we are convinced that, given the wisdom and the spirit of co-operation manifested by our co-Chairmen, they will take into consideration the views expressed during this discussion and will submit to us a revised text which can be transmitted to and finally approved by the present session of the General Assembly of the United Nations.

37. Mr. HUSAIN (India): First of all I would like to express the pleasure of the Indian delegation at the return to this Committee of the Right Honourable The Lord Chalfont, Minister of State for Foreign and Commonwealth Affairs, as the leader of the United Kingdom delegation, and to offer him our good wishes for the renewal of his association with the work of this Committee to which he has contributed so much in the past.

38. I would also like to join those who have spoken before me in expressing our profound admiration for the performance of yet another remarkable technological feat in space exploration with the recent Soyuz launchings. Through Ambassador Roschin we offer our congratulations to the Soviet Government.

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39. Although considerable delay has taken place in the conclusion of the present session of our Committee -- the General Assembly has already been in session for over a month -- it is a matter of some satisfaction that the Soviet Union and the United States between them have eventually found common ground and have presented in document CCD/269 a joint draft of a treaty on the prohibition of the emplacement of nuclear and other weapons of mass destruction on the sea-bed and the ocean floor and in the subsoil thereof. While my delegation does not wish to diminish in any way the importance of a treaty concerning the question of the sea-bed, it cannot help observing that the draft treaty before us is yet another partial and limited non-armament measure. In keeping with the main task of this Committee, to conclude a treaty on general and complete disarmament under effective international control, priority in our negotiations should have been given to measures aimed at halting the nuclear arms race and the achievement of nuclear disarmament.

40. Let it also be recalled that a detailed consideration of a sea-bed treaty commenced in this Committee on 18 March with the presentation by the Soviet delegation of the draft of a treaty on "Prohibition of the use for military purposes of the sea-bed" (ENDC/240); but what we are now discussing, in the joint draft treaty presented by the Soviet Union and the United States, is the more limited objective of the prohibition only of the emplacement of nuclear and other weapons of mass destruction on the sea-bed. I mention these facts so that we maintain a sense of proportion and balance and a degree of modesty in presenting the result of our labours to the General Assembly and to the world at large.

41. Although, as I have said earlier, the joint draft contained in document CCD/269 has been worked out between the co-Chairmen themselves, I was glad to hear Mr. Leonard say on 7 October, while presenting the joint draft, that it was "a recommendation for discussion and negotiation in this Committee" (CCD/PV.440, para.22). It is in that spirit that the Indian delegation is offering its comments today.

42. On the fundamental question of the nature of the prohibition to be incorporated in the treaty, my delegation had expressed the view at our meeting on 14 August that -

"... the treaty should not limit its prohibition to weapons of mass destruction only but should, in principle, extend to all weapons, and to military bases and fortifications and to other installations and structures of a military nature" (ENDC/PV.428, para. 13) -

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which could pose a threat to the security of a coastal State. It was necessary to safeguard the essential security interests of all coastal States, particularly those with long coastlines difficult to defend. We therefore find the nature of the prohibition envisaged in article I of the joint draft to be greatly limited; but this appears to have been well recognized in the preamble to the treaty, wherein it is said that this treaty constitutes but a step towards the exclusion of the sea-bed from the arms race, and that parties to the treaty are "determined to continue negotiations concerning further measures leading to this end". The need for continuing negotiations for a more comprehensive prohibition is obvious; and my delegation would therefore like to see a precise commitment to this end embodied in the operative part of the treaty.

43. As regards the area to be covered by the prohibition contained in the treaty, my delegation at our meeting on 14 August (ENDC/PV.428, paras.15-20) gave detailed reasons why a twelve-mile limit would be most appropriate and also likely to be more generally acceptable than any other limitation of distance smaller or larger than twelve miles. My delegation is gratified that this has been adopted in the joint draft. It is also gratifying to note that the measurement of the outer limit of the special zone that would be available to each coastal State for freedom of action would be measured from the same baselines as are used in defining the limits of the territorial sea of coastal States, in conformity with the 1958 Geneva Convention on the Territorial Sea and the Contiguous Zone^{3/} and in accordance with international law.

44. The third related question is that of verification. Article III of the joint draft treaty does recognize that each State party to the treaty would have the right to verify and that this right could be exercised using its own means or with the assistance of any other States parties. Several delegations, including the delegation of India, had stressed in our earlier discussions in the Committee the need for such a provision. We are therefore glad that this provision has been made.

45. It is, however, the procedure of verification as provided for in article III which appears inadequate. In favour of the present formulation of article III of the joint draft the view has been expressed that "the requirement for verification is dependent on the nature of the prohibition", and that since the prohibition is limited to nuclear

^{3/} United Nations Treaty Series, vol. 516, pp.205 et seq.

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and other weapons of mass destruction the extent of verification "set forth in article III would be appropriate for this treaty" (CCD/PV.440, para.32). My delegation is unable to accept this view. The continuing rapid development in recent years of undersea technology has created an entirely new situation. In 1958 the world community was discussing the exploitation of the continental shelf for peaceful economic purposes; ten years later, in 1968, we were faced with the problem of the use for military purposes not only of the continental shelf but also of the sea-bed and the ocean floor and the subsoil thereof. It is this new situation which has raised serious apprehensions among coastal States about their security.

46. While it is true that we are at present engaged only in trying to prohibit nuclear weapons from the sea-bed, this does not mean that this treaty is the affair or concern only of nuclear-weapon Powers among themselves. It is also, as I have said before, a question of the security interests of the coastal States which are not nuclear-weapon Powers and which do not have advanced undersea technology either; and such States constitute the vast majority of the States in the world. It is probable that in the years to come non-nuclear-weapon Powers other than those which at present have advanced undersea technology will also develop such technology. So the problem is of a wider scope and importance than has been recognized in the restricted and limited provision for verification in article III.

47. My delegation has serious doubts whether the "right to verify" provided for in paragraph 1 of article III could be meaningfully implemented by the procedure of consultation and co-operation mentioned in paragraph 3 of article III of the draft before us. We notice that the provision made in article 2 of the Soviet draft that all installations and structures on the sea-bed "shall be open" for verification has been dropped, and so also has the provision made in article III of the United States draft (ENDC/249) for the freedom "to observe activities of other States on the seabed".

48. While those omissions are serious and unfortunate, we are even more perturbed when article III is interpreted, as mentioned by Mr. Leonard in his statement made at our meeting on 7 October, as meaning that --

"... the provision does not imply the right of access to sea-bed installations or any obligation to disclose activities on the sea-bed that are not contrary to the purposes of the treaty". (CCD/PV.440, para.32)

(Mr. Husain, India)

That would greatly restrict the "right to verify", leaving total discretion to the nuclear-weapon Powers to do what they liked without any regard to the apprehensions of coastal States. Article III does not specify what the "right to verify" entails for nuclear-weapon Powers and for non-nuclear-weapon coastal States to ensure to the satisfaction of all concerned the observance of the prohibition contained in the treaty. How can the right to verify be exercised if a nuclear-weapon Power is entitled not to disclose its activities on the sea-bed nor to permit access to its sea-bed installations? How does one know what is emplaced unless the proximity of approach and observation of a kind which would be adequate to ascertain whether or not nuclear or other weapons of mass destruction had been emplaced are assured? To leave the matter to the total discretion of a suspected nuclear-weapon State is not good enough.

49. It is said that paragraph 3 of article III contains an undertaking "to consult and to co-operate"; but the extent and the nature of that consultation and co-operation are not specified and in the circumstances the right to verify might be further restricted in practice. What would happen if this procedure did not produce results to the satisfaction of the coastal State concerned in so far as verification was concerned? The question of procedure for resolving disputes over verification, to which our attention has been drawn by the delegation of Brazil (CCD/PV.433, paras.2-7), would also need further careful examination. Also, the principle of some kind of international verification on the sea-bed is essentially sound and should be reflected in the treaty.

50. In this context the delegation of India has studied very carefully the working paper contained in document CCD/270 submitted by the delegation of Canada concerning procedures which should govern the right to verify. The Indian delegation fully supports the approach to the question of verification and the principles contained in the Canadian working paper. The various issues raised therein deserve the most serious consideration of the co-authors of the joint draft treaty and of all members of the Committee.

51. In regard to article IV, my delegation would like to join the several other delegations which have already expressed the view that for any amendments to the treaty the right of veto given to nuclear-weapon Powers is neither necessary nor appropriate.

(Mr. Husain, India)

The Indian delegation is in principle opposed to creating in the field of disarmament categories of privileged and underprivileged groups of countries. It is also not clear why the provision in the United States draft for a review conference has been dropped. In view of rapidly-developing undersea technology, it would seem highly desirable to provide for a review of the operation of the treaty after an appropriate lapse of time.

52. Before I conclude my remarks I should like to say that we should endeavour, within the short time available to us, to reach agreement over the draft before us, to the extent possible among us here in the Committee, and thereafter adjourn for further discussions in the General Assembly, where there will shortly begin a debate on the peaceful uses of the sea-bed. The Indian delegation will adopt its final position on the draft treaty in the light of the views which will be expressed in the General Assembly.

53. Finally, may I say how sorry I am personally, as is my delegation, to hear of the imminent departure of Dr. Protitch, for reasons of health? He has given long and distinguished service to this Committee and to the cause of disarmament, for which we owe a debt of deep gratitude to him. His balanced and wise counsel and advice will be greatly missed, I am sure, by all of us. I and my delegation wish him good health and all the best for the future.

54. The CHAIRMAN (Netherlands): The next speaker on my list is the representative of the United Kingdom, Lord Chalfont, Minister of State for Foreign and Commonwealth Affairs. It is a particular pleasure for me to be able on this occasion to welcome him most warmly on his return to this Committee, which has grown in size and changed its name during his absence but which remains as dedicated as ever to the purpose of promoting peace by measures of arms control and disarmament.

55. Lord CHALFONT (United Kingdom): May I first thank you, Sir, and those other colleagues who have welcomed me back to the Committee on Disarmament here in Geneva? I have already told the Committee how very glad I am to be back.

56. May I next echo the regret that has been expressed by other members of the Committee at the departure for New York tomorrow of my old friend Dr. Protitch, who I know goes with sadness, because of ill health? I, too, hope he will soon be fully recovered, and I shall look forward to the very great privilege of working with him again at the next session of the Committee.

(Lord Chalfont, United Kingdom)

57. Next, before I begin my remarks on the substance of the draft treaty before us, I should like to join those of my colleagues who have congratulated the Soviet Union on its latest space experiment, which I think represents a new phase in its project for the building of earth-orbiting space stations. This is the first time, as we know, that three space stations have been in orbit together, and the announcements that we have heard have indicated that a wide variety of tests and experiments were carried out, including the co-ordinated manoeuvring of those three vehicles in space and the testing of methods of welding materials in vacuum and in conditions of weightlessness. I have no doubt that the results of this mission will be studied with a view to improving the scientific understanding of the earth's environment. One can also envisage -- to come back to the actual problem with which we are confronted -- that one day internationally-manned orbiting space stations might play a part in the verification of disarmament measures.

58. But that is, I fear, for the future. If I may glance back into the past for a moment, today is the anniversary -- the 164th anniversary, I think -- of the death of Admiral Nelson, our great naval hero who died in the moment of his victory at Trafalgar. I think perhaps it is not too contrived, therefore, to say that it is especially appropriate that I should now come down from outer space to the sea and talk for a while about the draft treaty on the sea-bed (CCD/269) which was submitted to us two weeks ago by the co-Chairmen. I am sure that the Committee is right to concentrate its attention at this stage in what has been a long and useful session on the co-Chairmen's draft, which now gives us hope of reaching agreement on a concrete measure of arms control which we can present to the current session of the United Nations General Assembly.

59. The sea and the sea-bed are, of course, of the greatest importance to my country. We live in an island and our whole history is bound up with the sea. I am sure that my Japanese colleagues, at least, will appreciate this and will share my feelings. For islanders, of course, the sea is an integral part of our lives. What happens on it and under it is at the very heart of our safety and our survival. For this reason, therefore, we are particularly anxious that there should be an effective agreement on a sea-bed arms-control treaty; and perhaps I might also suggest that as a maritime people our opinions should carry a certain weight.

(Lord Chalfont, United Kingdom)

60. First, I should like to congratulate the co-Chairmen on tabling a draft treaty. We all know this has not been an easy task. Their initial positions were far apart, but both sides have made important concessions and it is a tribute to the patience, skill and determination of the co-Chairmen that they have been able to bridge the gap and reach agreement on the text we have before us today.

61. Our aim is to prevent the arms race from spreading to this new environment, to keep it for peaceful purposes and to exploit it only for the benefit of mankind. Therefore, I am sure that the co-Chairmen have been right to concentrate on what all of us round this table would agree to be the key issue: that is, the prohibition of the emplacement on the sea-bed of nuclear weapons. Nuclear weapons not only have a destructive power of a different order of magnitude from that of any other weapons available today; they are weapons of a different kind. In my view, of all the dangers to the survival of civilization the most obvious lies in the nuclear arms race; and I see this treaty as the natural complement to the Treaty of 1967 which prohibited the stationing of nuclear weapons in space (General Assembly resolution 2222 (XXI), Annex).

62. I need hardly say that my Government has studied with great care the draft submitted to us by the co-Chairmen. It seems to us to be a practical draft which could, given good will on all sides, lead to an agreement in the near future on an effective measure of arms control on the sea-bed. I have either read or in some cases listened to the comments that have already been made on this draft treaty by my colleagues round this table. Obviously I found them of very great interest; and now in my turn I should like to make some comments on behalf of my Government. Perhaps here I may say how much I hope that we shall all play a part in the elaboration of a revised draft so that it may be acceptable to as many members as possible of this Committee. Grateful as we are to the co-Chairmen for their long, hard work, we must never forget that this is a Conference of many nations and not of only two super-Powers.

63. I should now like to comment on some specific points in the co-Chairmen's draft, and I will start with the definition in article I of the weapons which are to be banned. My Government is in complete agreement with the principles expressed, but I should be most grateful for clarification of one or two points.

(Lord Chalfont, United Kingdom)

64. First of all, there is the phrase "other types of weapons of mass destruction". It is an expression which seems to me undesirably imprecise, especially in this context. If, in fact, the object of that phrase is to ban the emplacement of chemical and biological weapons as well as nuclear weapons on the sea-bed, would it not be better to say so? Given the present drafting, some people might think that, for example, a mine anchored on the sea-bed and capable of sinking a ship and drowning a thousand people is a weapon of mass destruction. Nobody who was in south-east England during the V-bomb attacks in the last war would, at that time at any rate, have had any hesitation, I think, in describing them as weapons of mass destruction.

65. This brings me to the whole question of the emplacement of conventional weapons on the sea-bed. Personally I have great sympathy with those who would like the treaty to ban the emplacement on the sea-bed of at any rate some conventional weapons -- those, for example, which by virtue of their design or their location could threaten the territory of another State. Let me make it clear that I am not suggesting at this stage that the treaty should be amended in that sense. The co-Chairmen have decided that the primary objective of the treaty is to ban nuclear weapons, and I think they are right. Indeed, I note from the remarks made by the United States co-Chairman on 7 October (CCD/PV.440, para. 24) that there is an implication that the launching installations and other facilities for missiles with conventional warheads might be very similar to, and perhaps even identical with, those required for nuclear weapons. If that is so, I take it that any installation with a dual capability -- anything that was capable of firing both a nuclear and a conventional warhead -- would be banned by the treaty.

66. There is another matter on which I should like to ask a specific question. There has been considerable speculation in the Press and elsewhere about whether this treaty as it is at present drafted would prohibit the emplacement on the sea-bed and ocean floor of what some people have called "creepy-crawlies": that is to say, vehicles which carry nuclear weapons or other weapons of mass destruction and which crawl along the ocean floor. I should like to ask the co-Chairmen, therefore, whether the treaty as at present drafted does, in fact, cover these "creepy-crawlies", this type of vehicle that can navigate only when it is in contact with the sea-bed.

(Lord Chalfont, United Kingdom)

67. Still on article I, I should like to turn now to the question of the area of the sea-bed which is to be subject to prohibition. Our view is that the present language of the draft can be interpreted in a way that leaves a serious loophole, one which would be contrary to the intention and spirit of the treaty. The reason I say this is that many countries, including my own, claim a territorial sea of less than twelve miles, which is the maximum extent from the coastline of the contiguous zone, as everybody here knows, provided in the Geneva Convention of 1958^{4/} and specified now in article I of the draft treaty text as the area outside which the prohibition is to apply. Outside this twelve-mile coastal zone parties to the treaty would undertake not to emplace these prohibited weapons. Within its territorial sea the coastal State, of course, exercises complete sovereignty.

68. For my country, however, and for many others there is a strip of sea-bed between the outer limits of the territorial sea and the outer limits of the contiguous zone which, in the case of countries like my own with a territorial sea of three miles, obviously would be nine miles wide. As the draft treaty reads at present -- at least in the English text -- it is not absolutely clear to me that the prohibition would apply to this strip; and some other country might easily claim that it had a perfect right to emplant the prohibited weapons there. I know that that was not in the minds of those who prepared the present draft; but I think it very desirable that in a treaty of this importance we should find some way of eliminating any possible differences of interpretation, especially of the kind that could have the most serious consequences.

69. I think that this difficulty could be very simply overcome by a minor change in the language of article I, merely by putting the subject of the article into the singular rather than the plural. By this quite simple means we can ensure that the reference is to the maximum contiguous zone of the coastal State party to the treaty and not to the maximum contiguous zone as a world-wide concept -- that is to say, the sum of all the separate national contiguous zones. If that were done, then article I would read as follows:

"Each State Party to this Treaty undertakes not to emplant or emplace on the sea-bed and the ocean floor and in the subsoil thereof beyond its maximum contiguous zone ..."

^{4/} United Nations Treaty Series, vol. 516, pp. 205 et seq.

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and so on, in the language of the existing draft of the co-Chairmen. That seems to me the simplest way of solving the problem; but if the authors of the treaty think there is a better way of doing it, I do not want to insist on this or any other particular wording.

70. I should now like to turn to article III of the draft treaty, which concerns the vital subject of verification. The draft text as submitted to us by the co-Chairmen meets the requirements of my Government and we are prepared to accept it. We think that it is a realistic approach to what is a very complicated and difficult field. Verification -- as everyone who has had experience of this Committee is aware -- has never been a constant factor in disarmament negotiations. If we always insisted upon 100 per cent certainty of verification in every arms-control measure, we should never get anywhere. On the other hand, we must be satisfied that the verification arrangements are adequate for our security; and, if I may remind the Committee once again how very much the security of my own country is bound up with the sea, I am sure it will be appreciated that we are particularly concerned that the verification provided by this treaty should be adequate. We are unlikely to accept anything that would not be enough to ensure our own security.

71. In our view, as I have said, the article III which the co-Chairmen have presented does provide for adequate verification in the context of what we are seeking to ban. We heard only last week from the United States co-Chairman a graphic description of the difficulties of sea-bed verification and the dangers of operating in this hostile environment (CCD/PV.443, paras. 64 et seq.) -- possibly even more hostile to man than is the surface of the moon. Even if we were to accept the hypothesis that the government of a State party to the treaty might try to implant nuclear weapons on the sea-bed in the prohibited area -- and I personally regard this as a most improbable hypothesis -- is it conceivable that such a government would be so rash as to put those weapons on the sea-bed without proper protection? Would not weapons of that sort be provided with extensive command and control arrangements? Would they not be continuously and strongly guarded? Would they not need frequent maintenance and examination? Would any State be careless enough to leave such weapons lying around for other people to find? Surely, if a State did decide for one reason or another to put such weapons on the sea-bed, it would take the very greatest care to ensure their security.

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72. All that means that the installation would be a considerable operation; it would be an undertaking which would involve a great deal of conspicuous activity on the surface of the sea; there would be the coming and going of a great number of ships; there would be the transport of drilling rigs and submersible platforms and other apparatus of that kind. My own firm view is that activities like that could not possibly pass undetected and that the normal means of observation available to us today are entirely adequate to ensure that that kind of operation is not undertaken. In this connexion, I should like to say that we particularly welcome the explicit provision in paragraph 2 of this article for parties to the treaty to have assistance from another party. We think that this should give some reassurance to those countries which do not at present have the necessary technology to carry out verification themselves.

73. As I have said, it seems to us extremely unlikely that any State would undertake operations of this kind; but it is always possible of course that certain commercial activities, quite innocent activities, connected with the sea-bed could lead to the suspicion that something wrong was going on. We believe that in such a case consultation between the countries concerned should be sufficient to clear up the misunderstanding. Of course, consultation in some cases might involve access and inspection of the facility concerned.

74. We should naturally expect that a party accused of violating the treaty and of using a commercial facility to cloak a prohibited activity would be only too willing to prove its innocence by granting access to the facility concerned, either to the State accusing it or to a third party. If, however, the accused party were really guilty, then not only would that be a breach of an international agreement, it would almost certainly provoke a major international crisis raising all the wide issues of international security and bringing into play, amongst other things, the existing machinery of the Security Council of the United Nations.

75. I hope I have said enough to indicate, therefore, that my Government believes that at the present time and in the context of what we are trying to ban in article I, article III of the draft is a sound and realistic approach to the problem of verification. However, having said that, let me go on to say that I also appreciate that a treaty is in a certain

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very real sense the highest common factor of the interests and views of the parties to the treaty; and we know that certain misgivings, which my Government does not necessarily share, have been expressed by a number of representatives. Of the many comments that have been made, I have in mind particularly the working paper circulated on 8 October by the representative of Canada (CCD/270), for whose ideas and approach to this problem I -- and I know the rest of my colleagues -- have the very greatest respect. In these circumstances, it does seem to us that we should ask the co-Chairmen to consider adding certain provisions to article III, provisions designed to meet the fears that have been expressed by members of this Committee. Let me say I claim no credit for these proposals; they are in a sense a synthesis of the views expressed by other representatives. But I should like to make three specific proposals.

76. In the first place, I propose that we resurrect the provision for a review conference which was included in an earlier draft of the treaty. We believe that a review conference would go far to allay the fears of those who think that, even if the present means of verification can be considered satisfactory today, advances in technology -- and these advances were mentioned by the Indian representative this morning -- in the coming years might make it possible to carry out the kind of operations about which I have been talking for implanting banned weapons on the sea-bed without being detected, although we do not think it can be done at the moment. A review conference could consider whether this had in fact happened, and could also judge the success of the treaty in general and decide whether any new measures were necessary. In particular, by then we might have made progress in establishing a régime for the exploration and peaceful exploitation of the sea-bed, and we might need to review this treaty in the light of those developments.

77. My second recommendation is that article III should make a direct reference to the existing rights of nations to have recourse to the Security Council. It is clear that some representatives do not feel that the present provisions for consultation are enough. As I have explained, we ourselves do not share these views; but, on the other hand, I can see no possible objection to the inclusion in article III of a reference to the right of a State to have recourse to the Security Council.

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78. My last recommendation on this concerns the rights of States on the continental shelf. Once again, my Government does not share the fears we have heard expressed by some representatives, that the sort of verification which we have been talking about threatens the existing rights of States on their continental shelves. But since there are such fears -- because they have been expressed --, could we not try to remove them by a simple reference in the article to the existing rights of States on their continental shelves?

79. My final remarks concern article IV and the so-called "nuclear-weapon-State veto". I think that the proposal for such a veto arose from the view that, in a treaty whose most important objective was to prohibit the emplanting of nuclear weapons, it was not unreasonable that the only States capable of violating the treaty -- that is to say, the nuclear-weapon States -- should have the right of veto on any amendments to it. There is obviously some justification for this view. On the other hand, there is no doubt that a large number of States regard such a veto as discriminating; and I believe that, particularly in the context of verification, they may well be right. I would like to emphasize that certainly the United Kingdom, as a nuclear-weapon State, does not for its part wish to claim this privilege, and does not believe that it is justified. I should therefore like to propose to the co-Chairmen that it be deleted from the draft.

80. That concludes my comments on the draft treaty. I would like to emphasize once again, having made certain comments on it, that we think that the draft is a practical and workmanlike document, and the proposals I have made, many of which, as I have said, have already been suggested by other representatives, are only intended to reinforce the treaty. I hope that the co-Chairmen will feel able to amend the draft treaty on the lines I have suggested and that they will be able to give us very soon a revised draft acceptable to most of the members of this Committee. We shall then be able to go to New York early next month and present to the General Assembly a report containing at least one positive and important achievement to show for this year's work in the Disarmament Committee. A result of this kind would go a long way towards justifying the

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trust which has been placed in this Committee by the United Nations and the peoples of the world. To achieve it in the very short time left to us will call for flexibility and a readiness to compromise on the part of all delegations and the co-Chairmen. My delegation will help in any way it can, and I am confident that others will do the same.

81. Mr. FRAZAO (Brazil): Before beginning my intervention I wish to welcome on behalf of my delegation the return amongst us of Lord Chalfont, from whose experience I am sure we shall benefit in our common endeavours in this Committee.

82. Let me also express my deep regret at the announcement that our good friend Dr. Protitch will be leaving Geneva very soon. I personally am very sad at the news, since for more than fifteen years I have had the privilege of knowing and admiring Dr. Protitch and his high qualities as an international officer. I shall look forward to meeting him again at our next session.

83. At the very outset of my intervention today I wish to restate, in the clearest possible manner, that the Brazilian Government fully supports the principles and objectives of a treaty on the non-armament of the sea-bed. I am sure that this clear-cut endorsement, which stems from our fundamental approach to the disarmament negotiations, has been sufficiently reflected in the constructive contributions we have endeavoured to make to the debates, especially when the differences of opinion between the super-Powers on several crucial points seemed difficult to bridge. However, all our willingness -- or even eagerness -- to join in any possible agreement which may have some positive bearing on the over-all dynamics of disarmament cannot and must not overrun certain very well defined limits beyond which we -- by our own decision -- would be jeopardizing and endangering the supreme interests of national security and sovereignty.

84. With the same constructive approach, I deem it not only desirable but also extremely necessary to scrutinize carefully and deeply all the implications of the joint draft treaty (CCD/269) submitted for our consideration by the delegations of the Soviet Union and the United States. We have devoted perhaps two-thirds of the present session to this question. From a broader perspective it can hardly be said that a

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treaty banning mass-destruction weapons from the sea-bed and ocean floor brings the world any closer to general and complete disarmament, or that it constitutes a most relevant measure relating to the cessation of the nuclear arms race, or even that its enforcement will have any measurable repercussions on the possible deployment of strategic weapons in the next decade.

85. Today the questions of nuclear armament are the subject of much public debate and of an impressive literature. Anyone familiar with those debates and writings is aware that the deployment of nuclear weapons on the sea-bed and ocean floor has never been a matter of considerable priority and should not be counted as an actual threat to the existing strategic equilibrium between the two super-Powers. I would not say that the catch-phrase "evading the arms issue" -- coined in the American Press -- is totally accurate; but no one can deny that it describes, certainly in a pessimistic way, the concern of many: namely that the discussion on the denuclearization of the sea-bed moves the focus away from the more substantive and grave question of nuclear disarmament.

86. Technological advances have pointed to the possible use of the sea-bed and ocean floor for waging nuclear warfare. This is a possibility which, though it has not yet taken shape, has been borne in mind by the Conference of the Committee on Disarmament and has led it to devote several months to studying the means of preventing such a development. However, we should not lose sight of the more tangible objective which is our basic priority and the daily concern of mankind: namely to arrive at nuclear disarmament where there is nuclear armament, not where it could theoretically be deployed. Are the negotiations in the Conference of the Committee on Disarmament shifting to hypothetical scenarios instead of covering actual situations? Is this an admission of the impossibility of working on political and military realities?

87. There are precedents for this kind of preventive measure, and I would not like to be quoted as the sceptical representative who attaches no value whatsoever to, for example, the outer-space Treaty (General Assembly resolution 2222 (XXI), Annex)

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or the Antarctic Treaty^{5/}. These international agreements have an indisputable value. My only concern is that we should not lose a sense of proportion and should not attribute significance beyond certain specific boundaries set by political realism and serious analysis.

88. Many have wondered whether the proposed treaty on sea-bed denuclearization would not fit into the pattern of purely bilateral negotiation between the United States of America and the Soviet Union. That would explain why so little attention has seemingly been given to the rights and interests of the smaller States.

89. We cannot be expected to accept generously a draft that has not paid sufficient attention to those concerns. At best the mechanism it proposes is a matter of relatively smaller significance for the purposes of disarmament. On the other hand, a more detailed analysis of its provisions has led us, and many others for that matter, to believe that a number of dubious and hazardous situations could derive from its implementation. Therefore, apart from having achieved very little progress towards disarmament, we would be exposed to new risks and, perhaps, to serious negative consequences.

90. We are grateful to Mr. Leonard for his attempt to clarify the doubts which have been voiced in the Committee as to the real significance of the draft treaty for small and medium-sized nations. We thank him for saying that he does not intend to "dismiss the concern that lies behind all of those suggestions" (CCD/PV.443, para. 83), although his statement may create a different impression. Mr. Leonard said:

"We hope that members of this Committee will ask themselves frankly whether we really need to establish procedures for 'co-participation' ... to satisfy those concerns of coastal States that seem to lie behind the idea." (*ibid.*, para. 81).

As for myself, I hope that members of this Committee will be able to see and understand those concerns. Those few countries which would suffer a limitation, however marginal, in their ability to deploy weapons of mass destruction as a result of this treaty have a particular way of looking at the treaty. On the other hand, for the overwhelming majority of possible signatories the treaty would not be a source of military restraint, since they do not have the means to violate its main prohibition. Their view therefore is a rather different one: for them what is at stake is the extent to which their interests and rights are clearly protected, as they are entitled to expect.

^{5/} United Nations Treaty Series, vol. 402, pp.71 et seq.

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91. It is our considered opinion — and we have dwelt at length on this point in our working paper (CCD/264). -- that for the sake of signing a treaty that should, could and would be a new instrument for calming the fears inspired by the possibilities of extending nuclear warfare to the bottom of the seas, we cannot produce a text that could be open to any kind of interpretation when the moment came to confront the rights established in this new treaty with those claimed nowadays by countries that have coastlines, and to implement those rights; nor can we produce a text, hastily negotiated, which tends to cloud in vagueness the difficulties that cannot be precisely solved. I do not think that vagueness, imprecision and inappropriate wording that avoids the definition of new legal situations could be considered synonymous with creativeness, imagination and flexibility; neither do I believe that any so-called realistic appreciation should lead to the conclusion of inequitable treaties.

92. I should like now to offer some specific comments on the articles of the co-Chairmen's draft treaty.

93. Regarding article I, as I had the opportunity to say in my statement of 29 July, the Brazilian delegation "cannot but agree that on practical grounds a first ban on weapons of mass destruction can be considered a very promising beginning." On the same occasion I also stated that "a decision ... on a limited ban should be complemented in the treaty by an undertaking to examine seriously the possibilities of broadening the scope of the prohibition." (ENDC/PV.423, para. 67) We started with that opinion, and we would favour the inclusion of a provision for the examination of possible additions to the ban at present accepted at a specific review conference to be held, for example, in five years' time.

94. As I said in an informal meeting last spring, I would appreciate more detailed clarification on the inclusion in the ban of movable containers or vehicles. As the American Press has reminded us, references have been made to the eventual deployment of nuclear weapons in barges that would crawl along the ocean floor. The first draft presented by the United States made specific reference to fixed installations (ENDC/249, article I). Mr. Leonard in his speech of 7 October

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interpreted article I of the joint draft as not referring to any vehicles which can navigate in the water above the sea-bed (CCD/PV.440, para. 25). Is that interpretation a comprehensive one? We think that that point should be clarified, in order to close possible loopholes that could endanger the credibility of the present treaty draft.

95. Although we find acceptable the substance of the provisions which set the limits of the zone in which the provisions of the treaty would not apply, it is not clear to us why the twelve-mile limit cannot be spelt out and reference has to be made to the 1958 Geneva Convention on the Territorial Sea and the Contiguous Zone.^{6/} We would prefer a more straightforward formulation, in any case, and one that would not create difficulties for many countries which have not yet signed or ratified the Geneva Convention.

96. The contents of article II create no difficulty for the Brazilian delegation.

97. I shall now try to explain as clearly and fully as possible the reasons that have led the Brazilian Government to believe that article III of the treaty as proposed is inadequate and ineffective. Later I shall also attempt to indicate solutions that in our view could substantially improve that article.

98. To the best of our judgement, the whole article III of the joint draft is an extremely vague provision that could be subject to several and sometimes conflicting interpretations. We have been told in public and in private that the whole mechanism of control would rest, basically, on observation. Mr. Leonard implied this rather clearly when he said:

"This provision would ensure that parties would be able to check compliance with the treaty, taking into account both the rights and the obligations which they have under international law, including the freedom of the high seas. At the same time legitimate activities on the sea-bed would not be subject to interference. For example, the provision does not imply the right of access to sea-bed installations or any obligation to disclose activities on the sea-bed that are not contrary to the purposes of the treaty." (ibid., para. 32)

6/ United Nations Treaty Series, vol. 516, pp. 205 et seq.

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99. Mr. Roshchin failed to introduce in the pertinent parts of his address in the same session any reference or example that would indicate that the Soviet delegation shares those concepts. Of course, it may be said that in the absence of a challenge from the other co-sponsor the interpretation presented by one of them reflects their joint views. That specific difficulty illustrates one of the major drawbacks of article III: too much is left implied, too many interpretations are to be arrived at by complex and ambiguous processes, too many areas are obscure so far as operational procedures go. That is why I would certainly find Mr. Ignatieff absolutely correct in asserting the necessity to have -

"... a check-list of verification procedures directly related to the implementation of the right to verify contained in the co-Chairman's draft treaty." (CCD/PV.441, para. 26)

100. But let me proceed with the analysis of article III. In this respect I said on 29 July that -

"... the control provisions ultimately arrived at should not interfere with, hinder or in any way disrupt the carrying out of peaceful research and exploration of marine resources." (ENDC/PV.423, para. 75)

I am glad to see that this point has been accepted in the co-Chairmen's draft. But even taking for granted that the operational rule would simply be observation, as is implied, one is still left with certain doubts. I feel that it is necessary to do something that the authors of the joint draft have failed to do. It seems to me indispensable that the concept of the coastal State should be brought into the picture. Concurrently I shall have to tackle the juridical questions related to the rights of the coastal State over its adjacent continental shelf.

101. Since 1945 Brazil and a substantial number of States from the Western Hemisphere, including the United States, Mexico, Chile, Argentina and Peru, have declared their continental shelves a part of their national territory. We claim exclusive and sovereign rights over our continental shelf. On the other hand, from the point of view of international law there used to be a significantly different rule on this matter. Up to 1958 the coastal State might have been considered as having rights only over the continental shelf located within the limits of its territorial sea. Accordingly, anyone would have been free to explore and exploit the sea-bed beyond the outer limits of territorial seas provided that such activity did not unduly hamper other activities on the high seas.

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102. It will be clearly recognized that the 1958 Geneva Convention on the Continental Shelf^{7/} changed that situation to a substantial degree. I presume that it is not necessary to recall the contents of article 2 of that Convention where the exclusive rights of the coastal State are enunciated. The Fourth Committee of the United Nations Conference on the Law of the Sea adopted this article by 34 votes to 14 with 17 abstentions on 28 March 1958 after a complete debate on the questions raised. I believe that that provision has now become firmly established in international law, and I assume that its contents are generally accepted by members of the Conference of the Committee on Disarmament. From that general rule the coastal State derives the exclusive right to explore or exploit the resources of the continental shelf. On the other hand, article 5, para. 8 states in all clarity that -

"The consent of the coastal State shall be obtained in respect of any research concerning the continental shelf and undertaken there. Nevertheless, the coastal State shall not normally withhold its consent if the request is submitted by a qualified institution with a view to purely scientific research into the physical or biological characteristics of the continental shelf; subject to the proviso that the coastal State shall have the right, if it so desires, ... to be represented in the research, and that in any event the results shall be published."

(loc. cit., p.316)

103. In the light of those provisions of positive international law, it is crystal-clear to me that the coastal State has very firmly established rights and prerogatives with respect to what goes on on its continental shelf. We have already said that we do not intend to create any new rights through a disarmament treaty and that we deem the Committee on Disarmament to be an inadequate forum for the discussion of new provisions of the law of the sea. However, it is the considered view of the Government of Brazil that the established rights of the coastal State cannot be put in doubt or in any way jeopardized through an international agreement for collateral disarmament such as the one we are now examining here. Brazil is not prepared to see its existing rights modified or hampered through the creation of a new right to verify.

^{7/} United Nations Treaty Series, vol. 499, pp. 311 et seq.

(Mr. Frazão, Brazil)

104. We remain unconvinced that article III does not amount to a practical alteration and expansion of the present juridical framework regulating the continental shelf, and that article III of the co-Chairmen's draft does not create a contradiction between existing rights and the new right it sets forth. Indeed, we detect in article III a potential clash of juridical concepts. We still do not possess enough military strength to be unconcerned by this kind of ambiguity; nor can we depend on our own might to enforce acceptance of our interpretations whenever our national interests are jeopardized by new international-law provisions covering arms we do not possess. We must, as we have done consistently, ascertain that no threats to our rights, interests and security could result from any treaty to which we intend to become a party.

105. That is why it seems indisputable that on the continental shelf, and therefore in the superjacent waters, verification procedures must be subject to rather specific provisions. It is necessary to differentiate such procedures from operations that are carried out on the ocean floor beyond the continental shelf of any coastal State. We submit that such questions have no relation to the freedom of the high seas. We exclude from our analysis of the whole question simple observation in the course of navigation or over-flight, as the Canadian working paper (CCD/270) has done.

106. Our main concern stems from the possibility of carrying out activities authorized by the present treaty without ensuring compliance with the obligations established in article I of the treaty itself. We could not accept provisions that would constitute a basis for rejecting a claim to sovereignty over the sea-bed and ocean floor, or that would affect the exclusive rights of the coastal State to explore or exploit the continental shelf adjacent to its coast.

107. I cannot agree with Mr. Leonard when he asserts that our suggestions are "simply not needed to protect the rights of the coastal States on the continental shelf."

(CCD/PV.443, para. 82) According to his explanation, the verification system included in article III of the draft treaty "depends directly on international law and the exercise of the freedom of the high seas." (*ibid.*, para. 78) But as a matter of fact and in juridical terms a new right -- that is, the right to verify, a new legal capability provided by this paragraph -- is created thereby. That right is spelt out.

(Mr. Frazão, Brazil)

108. Conversely, it is argued that it is unnecessary to limit the implementation or exercise of the new right of verification by spelling out the existing rights of coastal States on the continental shelf. The Brazilian delegation cannot agree with the contention that for the sake of brevity the treaty should be kept free from a reiteration of rights in what detail might be useful, appropriate and necessary. It is also argued that there is no intention of creating new rights through a new treaty, a contention which is a fallacy in itself because the treaty, by the mere fact of being a treaty, creates new juridical situations and obligations. It creates rights for the subjects of the obligations. I think the mistake could be corrected if we were to use better legal terminology. The rights created by the new international contract should not interfere with the existing norms of international law -- that is to say, the norms and practices and what constitutes a rule in international law according to generally-accepted doctrine.

109. If that is what those who refuse to reaffirm specifically the rights of the coastal States according to international law have in mind because the procedures for verification do not affect the existing international law, for our part we can conclude, by reductio ad absurdum, that paragraph 1 of article III is simply unnecessary. If there is nothing new, if no right is created by this treaty, and if States will remain free to do what they were able to do previously, why then have paragraph 1 of article III? There are, after all, precedents for such an omission. The Moscow partial test-ban Treaty (ENDC/100/Rev.1) contains no verification clause. One is tempted to think that paragraph 1 of article III is inserted in the treaty to dispel the impression that has been voiced often here and in the world Press that the draft treaty provides no verification machinery or means of enforcement.

110. Certainly that is not what we are proposing. We want a reasonable and clear verification system; but we do not want any encroachments upon our rights as coastal States, nor do we want any vague or imprecise language open to dubious interpretation. To say that our concern is unnecessary and superfluous might prove in the future to be a very great mistake. At present it is simply a failure to understand that concern.

111. I come now to the assessment of other arguments put forward against the idea of notification of the coastal State and of co-participation or association. Those ideas have been condemned as undesirable because serious infringements of existing rights

(Mr. Frazão, Brazil)

could result. The freedom of the seas is invoked again and again as one of many reasons for the dismissal of the participation of coastal States in the process of verification as inopportune. It is not our intention to have any quarrel in this context with the concept of the freedom of the seas or with the norms, customs and practices known generally as the law of the seas. Within another framework, we have already had an opportunity to discuss the pro domo interpretation given to the Mare Liberum of Grotius by traditional maritime Powers. In its original form it was a revolutionary idea, a liberalizing one, and quite adequate for the military, naval and commercial expansion of the emerging nations of the seventeenth century. Let us hope that now, at the end of the twentieth century, it will also serve the military, commercial and economic interests of developing countries as well.

112. Let us return to a situation envisaged by Mr. Leonard. Let us suppose that a ship or ships "X" sailing over the continental shelf of one State are suspected by that State to be carrying on an activity that violates a provision of the treaty we are now examining. Would that coastal State be authorized to attempt to exercise some form of control over ship "X" sailing on the superjacent waters? If the coastal State intended to send warships, aeroplanes or any other craft to shadow and to observe ship "X", it would be perfectly entitled to do so in accordance with the same principle of the freedom of the seas, provided that it did not interfere with the navigation of that ship. The situation where a ship navigating on the high seas over the continental shelf is suspected of carrying out research which is not allowed by existing international law is not new to us Brazilians. If we extrapolate from the framework of the Geneva Convention on the Continental Shelf we can easily find the same situation within the framework of the treaty we are negotiating.

113. And what if the observing craft came to the conclusion, preliminary as it might be, that ship or ships "X" might be involved in the installation of weapons of mass destruction, thereby violating the treaty, or in the exploitation of the resources of the continental shelf, thereby violating the 1958 Geneva Convention? Purely in the light of article III of the co-Chairmen's draft, what would or could or should happen? No one can deny that that type of situation can materialize, creating tensions, conflict and even worse. That could only be avoided by suppressing tension in the world or by abstaining from making full use of the freedom of the high seas.

(Mr. Frazão, Brazil)

114. Is it not a built-in characteristic of any agreement on disarmament that its verification clauses are exposed to distortion by mistrust or even unfairness? Should we, on account of that, stop short of concluding any disarmament agreement? The answer clearly is no. What we must do is to seek to achieve verification clauses that give the least possible ground for misinterpretation and mistrust. Ambiguity, especially selective ambiguity, is a very undesirable practice to adopt. We believe that nothing in our proposals would cause any substantial harm to the freedom of the high seas or to the security of any nation. We are convinced that no rights would be created except the right to know whether there is a suspicion and why there is suspicion that a weapon of mass destruction has possibly been installed on one's continental shelf. As a matter of fact, we do not propose that there should be any obligation to disclose in considerable detail all the activities in waters superjacent to continental shelves. As I have said, the modalities of participation can be left to the direct understanding of interested parties.

115. Therefore we think that to notify the coastal State and to enquire whether it wishes to be associated or not would be a sensible procedure that could do much to avoid dubious situations which would be bound to generate tension. For all those reasons, I say that new procedures are desirable from the point of view of the coastal State and of the over-all effectiveness of the treaty itself.

116. In short, we think that article III of the joint draft could be modified along three main lines:

1. To clarify its meaning and draw specific operational lines that would provide for simple observation as the primary and only automatic element of control;
2. To state that verification procedures shall not be carried out on the continental shelf of any State party or in its superjacent waters without due regard to the exclusive rights of the coastal State;
3. To devise a system under which the coastal State is duly notified of forthcoming verification procedures on its continental shelf or its superjacent waters. This system should also permit the flexible participation of the coastal State in the verification procedures, if it so desires. The specific modalities of such association could be left out of the treaty and could be the subject of an understanding among interested parties whenever the situation occurs.

(Mr. Frazão, Brazil)

117. The Brazilian delegation is in a position to present a specific amendment which would incorporate all these proposed modifications to article III of document CCD/269. This initiative could take two forms. First, we would be prepared to join Canada and other eventual co-sponsors in submitting an amendment based on working paper CCD/270 with the modifications I have just indicated. If this solution did not prove feasible, the Brazilian delegation would introduce an amendment to article III of the co-Chairmen's draft based on the three points I have just outlined.

118. Let me now continue with the examination of the remaining articles of the draft treaty.

119. Article IV incorporates again a procedure that we would prefer not to see consecrated: namely the existence of an actual power of veto on amendments to the treaty by States parties possessing nuclear weapons. Our views on this matter are fully in line with those expressed by the Japanese delegation at our meeting on 14 October (CCD/PV.442, para. 11). We also support the proposal made by Mr. Nakayama to include, alternatively, the same provision as was incorporated in the Outer-Space Treaty, which avoids giving a disrupting power to minorities of one or two countries when the adoption of amendments is considered.

120. As far as article VI is concerned, I would reiterate the point we have previously stressed in connexion with the requirements for entry into force of the treaty. Although the number of ratifications necessary for the treaty to come into effect has been raised from only five to twenty-two, we still consider that an instrument of such wide and universal scope requires the initial acceptance of a larger number of countries, including some of those with special maritime qualifications.

121. I have reached the end of this long statement. As several delegations have already done, I wish to express the satisfaction we derive from the fact that the co-Chairmen have finally been able to table a draft treaty banning weapons of mass destruction from the sea-bed and ocean floor. Even if this is not an area where our primary efforts should be concentrated, it is still relevant to be able to preserve the vast environment of the sea bottom from the reach of the arms race.

(Mr. Frazão, Brazil)

122. We hope that the co-Chairmen, having reached agreement after very difficult and prolonged negotiations, will now be able to concentrate on provisions which, though perhaps of marginal interest for themselves, are of fundamental importance to nations that do not qualify as super-Powers. In particular, we remain confident that it will be possible to give satisfaction to States with substantial interests at stake in the form of extensive coastlines and whose participation in the effective implementation of the treaty can be considered desirable, if not indispensable.

123. Mr. ZELLEKE (Ethiopia): If one characterizes the work of the Committee this year it will be found to be marked by a strong urge and determination to arrive at an agreement and to face the twenty-fourth General Assembly with some concrete result in the form of a draft treaty. When this and other important measures were equally seriously investigated for the same purpose, it was from the beginning apparent that the prevention of an armaments race on the sea-bed and the ocean floor was a promising measure, which finally led to the presentation by the co-Chairmen of the joint 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 in the subsoil thereof (CCD/269).

124. The Ethiopian delegation is happy to welcome the joint draft and joins other delegations in congratulating the co-Chairmen, who have as usual worked hard to arrive at this common stand. The joint draft treaty, being a result of a compromise between the two separate draft treaties (ENDC/240, 249) on which our general views have already been expressed, naturally raises new situations which call for further comment.

125. It will be recalled that my delegation, like several others, was in favour of complete demilitarization of the sea-bed and ocean floor in preference to limiting the scope of prohibition to the emplacing or emplanting of nuclear weapons and other weapons of mass destruction, which now forms the basis of the present joint draft treaty. I need not go back at this juncture to the arguments for and against this question, as they have already been given in our previous statement (ENDC/PV.430, paras. 86 et seq.). I wish simply to add that the same reasoning that led us to take a stand on this question remains for us convincing. We are, nevertheless, fully cognizant that the present proposal, limited though it is, does constitute a step forward in our endeavours to contain the nuclear armaments race.

(Mr. Zelleke, Ethiopia)

126. In this respect my delegation attaches great importance to the determination to continue negotiations to rid the sea-bed and ocean floor completely of the armaments race, as enunciated in the third paragraph of the preamble to the draft treaty. So long as this Committee makes a step-by-step approach to disarmament, a pledge to continue negotiations should be not only a statement of principle but a solemn obligation on all parties to continue to negotiate ceaselessly on further measures of disarmament leading towards general and complete disarmament. It is therefore right and proper that the determination to continue negotiations expressed in the preamble should have a counterpart in the operative part of the draft treaty. In this connexion my delegation wishes to give its full support to the Swedish working paper (CCD/271) as a possible additional article to be incorporated in the joint draft treaty.

127. With regard to the areas of prohibition, while we welcome the twelve-mile maritime zone as we understand it to be from part II of the 1958 Geneva Convention on the Territorial Sea and the Contiguous Zone^{8/}, we feel that the regulation of this important question by reference only to another international instrument requires some improvement. Important as it is, the Geneva Convention of 1958 has been signed by a limited number of States and ratified by even fewer. My country, as a non-participant in the conference which led to the adoption of the Convention, is at present studying it carefully. In the circumstances we would have thought -- and this only to avoid further complications of definition -- that the wording of part II of the 1958 Geneva Convention on the Territorial Sea and the Contiguous Zone as it stands, or a similar wording, could be adopted for the purpose of the present draft treaty instead of simply referring to it. Failing that procedure, my delegation would like to suggest for the consideration of the co-Chairmen the inclusion at the end of paragraph 2 of article II of the words "including the positions of States in regard to the 1958 Geneva Convention", or some similar wording.

128. Since the present draft treaty deals with the prohibition of the emplacement of nuclear weapons and other weapons of mass destruction on the sea-bed, it has been rightly described by some delegations as involving mainly the nuclear-weapon countries. When it comes to the verification clause, however, the rights and obligations of non-nuclear States parties to the treaty become fully involved. It seems to my delegation

^{8/} United Nations Treaty Series, vol. 516, pp. 205 et seq.

(Mr. Zelleke, Ethiopia)

that the best way to deal with the verification procedure would be to proceed from a given set of rules or criteria with which the provisions of the verification clause must fully comply. For that purpose we welcome the detailed working paper of the Canadian delegation (CCD/270), which has been described by Mr. Ignatieff as follows:

"It is not an amendment at this stage, but rather a check-list of verification procedures directly related to the implementation of the right to verify contained in the co-Chairmen's draft treaty." (CCD/PV.441, para. 26)

129. Seen against that background paper, the verification clause as it appears in article III of the joint draft calls for some improvement. The present article III of the joint draft, while establishing the right of States parties to the treaty to verify activities of other States on the sea-bed, limits itself to the rights of States under existing international law to observation of activities on the sea-bed. In particular it falls short of guaranteeing access to the structures connected with any suspicious activities on the sea-bed. In that connexion we listened carefully to the explanations provided by the United States at our meeting on 16 October (CCD/PV.443, paras. 72-85).

130. From that explanation we are led to understand that States parties to the treaty would have a limited access to survey and to approach sufficiently close to take photographs of any suspicious structures on the sea-bed. So long as such a photographic survey could be trusted to lead to a reassuring result, one could have no objections. Given the extreme hostility of the sea environment and the technical difficulties of taking meaningful photographs that could satisfactorily dispel reasonable suspicion, we should like to enquire what other procedure -- that is, other than direct access to the structures -- the co-Chairmen could visualize.

131. It is gratifying that the co-Chairmen have taken cognizance of the fact that the right of States parties to the treaty to verify by their own means alone would constitute for a large majority of States only a theoretical possibility, without any practical significance. Accordingly it is recognized that States parties could, in exercising their right to verify, seek assistance from any other States parties to the treaty. In addition to that recognition of the right to seek assistance on a bilateral basis, we feel that States parties to the treaty should be in a position to apply for verification assistance within the United Nations system, in accordance with the Charter of the Organization, either directly through the Secretary-General as proposed in the Canadian working paper (CCD/270, para. 5) or through one of its principal organs.

(Mr. Zelleke, Ethiopia)

132. The present article on verification depends largely upon the good will of States parties to the treaty to consult and co-operate in order to remove any reasonable suspicion of activities on the sea-bed. No one denies that co-operation and consultation are necessary ingredients of any verification procedure. What the article fails to envisage is what further steps could be taken to dispel the legitimate concern of a State party over an activity on the sea-bed if, and when, co-operation failed to give full satisfaction. For that purpose, final recourse to the Security Council as suggested, again, in the Canadian working paper (*ibid.*, para. 4) would in our opinion constitute a definite improvement on the present paragraph 3 of article III.

133. Finally, when it comes to verification the special status of the continental shelf, recognized under a different body of international law, poses a certain problem, especially to those States with long coastlines. My delegation has listened carefully to the points of view explained by the delegations of Brazil, Canada and Italy. We also listened to the views of the United States delegation at our meeting on 16 October (CCD/PV.443, paras. 77-85). As we see it, the problem seems to be to protect the special right of coastal States to the continental shelf, on the one hand, and to avoid the infringement of the freedom of the high seas, also an accepted norm of international law, on the other hand.

134. It has been said that the present draft treaty, since it deals with nuclear weapons, involves mainly the nuclear-weapon States. For the large majority of States, therefore, it would be logical to assume that any activity they might undertake on their continental shelf would be in the nature of peaceful or unprohibited activity. Constant and unexpected surveillance of that peaceful or unprohibited activity could -- it is possible to visualize -- lead to unnecessary inconvenience to the coastal States. It is possible to discern from the present arrangement of verification through co-operation and consultation a prior knowledge on the part of the coastal States of any surveillance of their activities on the continental shelf.

135. It is nevertheless essential to envisage a special procedure, not only to reaffirm the special rights of coastal States to their continental shelf but also to ascertain as clearly as possible that verification procedures would not create undue inconvenience to peaceful activities on the continental shelf, on which most activities on the sea-bed are likely to be concentrated in the foreseeable future. An arrangement such as that for prior consultation and, whenever possible or necessary, association or collaboration of the coastal States for verification purposes would seem to us to be an explicit affirmation of what is implied in the present article.

(Mr. Zelleke, Ethiopia)

136. In conclusion, I should like to state that the present draft treaty submitted by the co-Chairmen is a working basis and as such calls for certain improvement in order to arrive at what is termed a "broadly-agreed text" (CCD/PV.440, para. 22). Naturally we do not expect it to become perfect, as we know that it is a treaty designed to deal with an environment little known to modern technology. There is no doubt, however, that as time goes on man will definitely be able to unveil the secrets of the sea-bed and ocean floor. Then, and only then, will it be possible to improve the treaty further. That is why my delegation attaches significant importance to an additional review clause along the lines suggested in the first United States draft treaty (ENDC/249, art. V).

137. Mr. LEONARD (United States of America): I should like to answer one of the questions which was raised this morning by both the United Kingdom representative and the representative of Brazil as to whether the treaty would cover vehicles, carrying or designed to carry weapons of mass destruction, that can navigate only when in contact with the sea-bed. In our view such vehicles would be covered by the treaty.

138. I should also like to join those speakers who expressed regret at the departure of Dr. Protitch. My delegation shares this regret that he will be leaving us. We have greatly appreciated our contacts with him during this session, and we look forward to seeing him in New York and back here on the resumption of the work of this Committee.

139. Mr. ROSHCHIN (Union of Soviet Socialist Republics) (translation from Russian): In connexion with statements made today on the substance of the draft treaty submitted by the Soviet Union and the United States, I should like to say that we shall study all the considerations that have been advanced, and we look forward to expressing our views on everything that has been stated by representatives in the Committee.

140. At present I should like to thank the representatives of Hungary, Poland, India and the United Kingdom for their congratulations on the carrying out and successful completion of the important research flights of the Soviet Union's space-ships Soyuz 6, 7 and 8.

141. At our previous meeting I already had the pleasure of congratulating the representative of Poland, Mr. Zybylski, on his being with us again at the Conference table and making his very useful contribution to our discussion. I should also like to join in the welcome extended to Lord Chalfont, who is also among us today at the Conference table; his very useful participation has been appreciated by all of us in the very interesting statement which he has made here today.

(Mr. Roshchin, USSR)

142. Permit me also on behalf of my delegation to join those delegations who have expressed regret that the Special Representative of the Secretary-General, Dr. Protitch, is leaving us for a while -- we hope not for long. We fully share the opinion expressed by the delegations that his participation in the work of our Committee has always been extremely useful; it has ensured the orderly functioning, procedure and servicing of our Committee. In this regard we express our gratitude to Dr. Protitch and also our sincere hope that he will recover as quickly as possible and resume his participation in the work of our Committee at our next session. We wish you, Dr. Protitch, all the best and hope to see you at the next session of our Committee.

143. The CHAIRMAN (Netherlands): I should like to make a few remarks as representative of the Netherlands.

144. I too should like to congratulate Mr. Roshchin on the safe landing of the seven cosmonauts, and I hope -- I think here I am expressing the feeling of the whole Committee -- that the experience gained as a result of their important mission will prove to be a substantial contribution to the advancement of science and technology in the pursuit of peaceful exploration of outer space.

145. On my own behalf and on behalf of those members of the Committee who have not had an opportunity to speak today, I should like to express my feeling of regret that Dr. Protitch is with us today for the last time. I hope that in the coming weeks, after the strenuous activities of the past few months, he will be able to enjoy fully the rest and relaxation he deserves and that we shall have the good fortune to see him very soon in excellent health.

The Conference decided to issue the following communiqué:

"The Conference of the Committee on Disarmament today held its 444th plenary meeting in the Palais des Nations, Geneva, under the chairmanship of H.E. Ambassador Henri F. Eschauzier, representative of the Netherlands.

"Statements were made by the representatives of Hungary, Poland, India, the United Kingdom, Brazil, Ethiopia, the United States of America, the Union of Soviet Socialist Republics and the Chairman.

"The next meeting of the Conference will be held on Thursday, 23 October 1969, at 10.30 a.m."

The meeting rose at 1 p.m.