

CONFERENCE OF THE COMMITTEE ON DISARMAMENT

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ENGLISH

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

held at the Palais des Nations, Geneva
on Thursday, 4 September 1969, at 10.30 a.m.

Chairman:

Mr. G. IGNATIEFF

(Canada)

(Previous verbatim records in this series appeared under the symbols ENDC/PV.1-ENDC/PV.430)

PRESENT AT THE TABLE

Argentina:

Mr. C. ORTIZ de ROZAS
Mr. A.F. DUMONT
Mr. O. SARACHO

Brazil:

Mr. S.A. FRAZAO
Mr. P. CABRAL de MELLO
Mr. L.F. PALMEIRA LAMPREIA
Mr. M. DARCY de OLIVEIRA

Bulgaria:

Mr. K. CHRISTOV
Mr. M. KARASSIMEONOV
Mr. I. PEINIRDJIEV

Burma:

U KYAW MIN

Canada:

Mr. G. IGNATIEFF
Mr. R.W. CLARK
Mr. J.R. MORDEN

Czechoslovakia:

Mr. T. LAHODA
Mr. M. VEJVODA
Mr. J. CINGROS

Ethiopia:

Mr. A. ZELLEKE

Hungary:

Mr. I. KOMIVES
Mr. J. PETRAN
Mr. S. HAJNAL

India:

Mr. M.A. HUSAIN
Mr. N. KRISHNAN
Mr. K.P. JAIN

Italy:

Mr. F.L. OTTIERI
Mr. R. BORSARELLI
Mr. U. PESTALOZZA

Japan:

Mr. K. ASAKAI
Mr. Y. NAKAYAMA
Mr. T. SENGOKU
Mr. J. SAKAMOTO

Mexico:

Miss E. AGUIRRE

Mongolia:

Mr. M. DUGERSUREN
Mr. Z. ERENDUO

Morocco:

Mr. A.A. KHATTABI

Netherlands:

Mr. H.F. ESCHAUZIER
Mr. E. BOS

Nigeria:

Alhaji SULE KOLO
Mr. C.O. HOLLIST

Pakistan:

Mr. K. AHMED
Mr. S.A.D. BUKHARI

Poland:

Mr. A. CZARKOWSKI
Mr. H. STEPOSZ
Mr. R. WLAZLO

Romania:

Mr. N. ECOBESCO
Mr. O. IONESCO
Mr. A. SASU
Mr. C. MITRAN

Sweden:

Mr. A. EDELSTAM
Mr. R. BOMAN

Union of Soviet Socialist
Republics:

Mr. A.A. ROSHCIN
Mr. R.M. TIMBERBAEV
Mr. V.B. TOULINOV

United Arab Republic:

Mr. H. KHALLAF

Mr. O. SIRRY

Mr. Y. RIZK

Mr. M. ISMAIL

United Kingdom:

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 (Canada): I declare open the 434th plenary meeting of the Conference of the Committee on Disarmament.
2. Mr. ECOBESCO (Romania) (translation from French): In its previous statements the Romanian delegation has explained its position of principle concerning the demilitarization of the sea-bed and the ocean floor. Today we should like to deal once more with some of the aspects of this complex question.
3. International action to prevent the penetration of the military factor on the sea-bed and the ocean floor is closely linked with the much greater problem of the use of the sea-bed and the subsoil thereof solely for peaceful purposes. In fact, this is the essential objective which the United Nations has set itself and towards which the efforts of States, including those exerted within our Committee, must be constantly directed. This is clearly shown by the discussions in the United Nations and by General Assembly resolutions 2340 (XXII) and 2467 (XXIII), entitled: "Examination of the question of the reservation exclusively for peaceful purposes of the sea-bed and the ocean floor, and the subsoil thereof, underlying the high seas beyond the limits of present national jurisdiction, and the use of their resources in the interests of mankind".
4. Analysis of the provisions contained in the aforesaid resolutions makes it possible to ascertain the guiding lines of the regulations which the world community of nations is called upon to adopt in this regard.
5. First of all there is the requirement that the sea-bed and the ocean floor situated beyond the limits of national jurisdiction should serve exclusively the needs of peace and progress of all peoples. Thus the sea-bed should be safe from any act or use calculated to prejudice the interests of mankind as a whole. It is from this point of view and with such an aim in mind that it becomes necessary to set up an effective barrier against the extension of the arms race -- that plague of the present-day world -- to the soil and the sub-soil of the seas and oceans.
6. Secondly, the exploration and exploitation of the resources contained in the sea-bed and the ocean floor should be conducted:

"... in accordance with the purposes and principles of the Charter of the United Nations, in the interest of maintaining international peace and security and for the benefit of all mankind." (General Assembly resolution 2340 (XXII))

The stipulations which I have just cited are there to show with the greatest cogency that in the present conditions no field of international co-operation can evade the

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great principles of international law which are laid down in the Charter and therefore demand general respect -- namely, national independence and sovereignty, equal rights of peoples and States, non-interference in internal affairs, territorial integrity and mutual advantage.

7. Thirdly, and as a natural consequence of the principle of equal rights, the international system which should govern the sea-bed and the ocean floor, both where activities relating to peaceful use and bans of a military nature are concerned, must be established with due regard to the existing **legitimate** prerogatives of the various States. Such a system should be set up in such a manner -- to use the words of General Assembly resolution 2467 B (XXIII) -- as: "to avoid infringement of the other interests and established rights of nations with respect to the uses of the sea". It is more particularly necessary to ensure respect for the sovereign rights of States over the continental shelf and over the natural riches of the area within the limits of their national jurisdiction, as well as respect for the international standards in force which define the status of the high seas.

8. Fourthly, any practical regulation requires the co-operation of all the interested countries, their consensus. An agreement calculated to prevent or limit military activities on the soil and subsoil of the seas and oceans, as an important component of the over-all regulation of which I have just spoken, should be the result of painstaking negotiations both in the Committee on Disarmament and in the United Nations.

9. Those are the main considerations underlying the participation of the Romanian delegation in the discussions taking place in our Committee with a view to working out an international instrument on the demilitarization of territories under the sea. It is our conviction that it would be not only useful but also necessary that the considerations which we have briefly outlined here and which, as has been shown by the discussions which have taken place so far, accord with the concerns expressed by other delegations, should be reflected -- as far as their substance is concerned -- both in the preamble and in the operative part of the future treaty.

10. I turn now to the principal elements of the agreement which we are called upon to draw up, namely the nature of the ban, the area to be covered by it and the methods of verification.

11. With regard to the nature of the ban, the Romanian delegation considers, as it has already stated on other occasions, that the most effective solution would consist in

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the banning of all military activities on the sea-bed. We think that if for one reason or another it were not possible to achieve this objective in a first phase, it would be particularly important to insert in the treaty clauses intended to define with precision the final objective -- complete demilitarization -- and to guarantee progress towards its attainment. In practice, a solution to this problem could be found by applying, mutatis mutandis, the provisions contained in article VI of the Treaty on the Non-Proliferation of Nuclear Weapons (ENDC/226*).

12. As for the geographical scope of the ban, we support the view which is widely shared in the Committee that, on the one hand, the area should be as extensive as possible and that, on the other hand, due account should be taken, when fixing its limits, of the security interests of States as well as of their existing rights. Like most of the States participating in the work of the Committee, the Romanian delegation is in favour of the area to be covered by the treaty beginning at a distance of twelve nautical miles from the coast.

13. At the same time we wish to make it clear that the maritime band thus delimited should serve exclusively the purposes of this treaty. It cannot and should not impair in any way the acquired rights of the various States or be interpreted as establishing a precedent which could affect existing regulations or other rules of the law of the sea. In particular, we have in mind the sovereign rights of States over their continental shelf which are recognized in the Convention on the Continental Shelf, done at Geneva, on 29 April 1958^{1/}, to which Romania is a party. It is in this context that we wish to draw attention to the first three paragraphs of article 2 of that Convention, which read as follows:

"1. The coastal State exercises over the continental shelf sovereign rights for the purpose of exploring it and exploiting its natural resources.

2. The rights referred to in paragraph 1 of this article are exclusive in the sense that if the coastal State does not explore the continental shelf or exploit its natural resources, no one may undertake these activities, or make a claim to the continental shelf, without the express consent of the coastal State.

3. The rights of the coastal State over the continental shelf do not depend on occupation, effective or notional, or, on any express proclamation".

^{1/} United Nations Treaty Series, Vol. 499, pp. 311 et seq.

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14. In order to eliminate any source of misunderstanding, the Romanian delegation considers that it is absolutely essential to include an explicit provision in the operative part of the future treaty to the effect that none of its provisions should be interpreted as impairing the sovereign rights exercised by a coastal State, under the existing rules of international law, over the continental shelf.

15. Lastly, in regard to the question of verification, we should like to recall that in its statement on 31 July the Romanian delegation said that it was:

" ... in favour of the establishment of an effective international system of control which would be carried out through an appropriate body designed to serve exclusively the purpose of verifying fulfilment of the obligations assumed under the treaty." (ENDC/PV.424, para. 85)

On the same occasion the Romanian delegation declared:

"It goes without saying that all States expressing the desire to do so must have the opportunity of participating in such control machinery. It is also necessary for the system of control established by the treaty to take into account the interests of all States, large and small, without any discrimination whatsoever: in other words, the provisions concerning control must give expression to the actual equality of the States participating in the future agreement." (ibid.)

16. We are convinced that the verification system thus conceived would be both effective and impartial by offering all Parties the guarantee that the provisions of the treaty would be implemented in accordance with their spirit and their letter. At the same time it would create conditions for effective participation in the exercise of control by small and medium-sized countries which, in view of the technological gap separating them from the major Powers, do not have the necessary means to make sure by themselves that the agreement to which they are parties is respected.

17. In so far as the control provisions are concerned, we consider that particular attention will have to be given to their effects on the continental shelf. To put it more clearly, account will have to be taken of the need to harmonize the provisions concerning control with the rules governing the continental shelf system. Unlike the territories under the sea located beyond the limits of national jurisdiction, which are not as yet governed by crystallized rules of international law, the marine soil and subsoil within the limits of national jurisdiction come within the scope of clearly

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defined rules of international law. For example, access to those territories is already the subject of certain regulations, with which the agreement on demilitarization must not clash. In this connexion we think it useful to recall the provisions of paragraph 8, article 5 of the Convention on the Continental Shelf, according to which "the consent of the coastal State shall be obtained in respect of any research concerning the continental shelf and undertaken there."

18. The basic requirement concerning the consent of the coastal State is also repeated in resolution 2467 D (XXIII) of the United Nations General Assembly relating to the International Decade of Ocean Exploration. The first paragraph of the operative part dealing with scientific research and exploration within the framework of the programme which is the subject of that resolution provides that:

"... all such activities falling under the national jurisdiction of a State shall be subject to the previous consent of such State, in accordance with international law".

19. If the consent of the coastal State is stipulated as a fundamental condition in respect of research of a scientific nature, obviously it is all the more necessary when it is a question of activities to verify how the commitments assumed by States under the terms of the future treaty on demilitarization of the territories under the sea are carried out.

20. Those are the reasons for which the Romanian delegation, together with the delegations of Brazil, of your own country, Mr. Chairman, of Argentina and of other States, declares itself in favour of the idea of incorporating in the treaty a clause dealing with the consent of the coastal State, which should precede control operations on the continental shelf.

21. In conclusion, I should like to express the conviction of the Romanian delegation that, thanks to common efforts exerted in a spirit of close co-operation and taking into consideration the interests of all countries, it will be possible for us to record progress in drafting a treaty on the demilitarization of the territories under the sea.

22. Mr. CHRISTOV (Bulgaria) (translation from French): I should like to speak today on the question of chemical and bacteriological (biological) weapons. To begin with, may I be permitted to refer once again to the report of the Secretary-General (A/7575), and in particular to the forword, in which U Thant recalls that a year

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earlier he had stated -- and I quote his words -- "that the international community was not sufficiently conscious of the dangers inherent in this new type of weapon of mass murder" and that "due attention had not been focused on this very serious problem." (ibid., p.viii)

23. Certain indications might lead one to think that progress has been made since then and, now that international opinion is better informed, that awareness of the danger has increased. We should like that to be so. That would undoubtedly represent a positive fact, in so far as it might help to increase the pressure aimed at eliminating C and B weapons from arsenals. But it must not be forgotten that even if that were true it would be because the danger itself has become more threatening and has taken on much more alarming aspects.

24. Indeed, the newspaper's announce almost daily that teams of scientists and researchers are working feverishly to find new and more deadly chemical substances and more effective biological agents, that stocks of gases and poisons have been accumulated in densely populated areas of western Europe and that plans have been drawn up by NATO for what is modestly called "non-conventional war".

25. In certain countries the question of the stocking of chemical and bacteriological weapons has caused questions to be asked in parliament and serious concern at governmental level. And what is rather significant is the fact that those responsible for such preparations no longer take the trouble to deny revelations of that kind. On the other hand, we are often given the explanation that considerations of high strategy are involved in the elaboration of those plans for non-conventional war and that the use of chemical and biological weapons is, after all, merely a normal consequence of the progress made by the science of mass destruction by increasingly humanitarian means, such as gases, poisons and plague.

26. International opinion has, of course, reacted strongly to those trends. I am thinking in particular of resolutions 2162 B (XXI) (ENDC/185) and 2454 A (XXIII) (ENDC/237) of the United Nations General Assembly. But we also know that several countries -- and among them the most powerful -- have so far not responded to the pressing appeals to implement those resolutions, which invite all States to accede to the Geneva Protocol (A/7575, p. 117) and to observe strictly its principles, which condemn all actions contrary to the objectives of the Protocol.

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27. It is to this fact that, in our view, the words of the Secretary-General apply when he **states**:

"Once again, I would like to add my voice to those of others in urging the early and complete implementation of this resolution." -- that is resolution 2162 B (XXI) -- "However, in my opinion, much more is needed ...". (ibid., p. viii).

28. Undoubtedly we are now at the crucial moment when, indeed, "much more" must be done. I believe I can say that at present our task is facilitated because we do not have to search for what is to be done: we have to agree on how to do it. Unlike other disarmament problems for which solutions must be found, in the case of C and B weapons there exists a decision which has the force of irrefutable international law, namely, the Geneva Protocol of 1925. And if, as a result of evolution of the problem, it is necessary to do more, the path we must take is marked out. The Secretary-General has summed up in a masterly and apt manner both the task and the means of fulfilling it, in the three points forming the conclusion of the foreword to his report. We consider that the urgent measures which he recommends belong to one and the same category: they concern a single problem and should be considered as a whole, as forming part of an integrated programme. The discussions which have taken place in the Committee have shown that there are certain divergences of view regarding the measures recommended by the Secretary-General. If quasi-unanimity exists regarding the need to renew the appeal to all States to accede to the Geneva Protocol -- and it could not be otherwise in view of the resolutions of the United Nations General Assembly -- certain delegations have expressed reservations with regard to point 2 and have submitted suggestions concerning the proposals contained in point 3.

29. I have ventured to make these observations because, in the opinion of my delegation, any initiative aimed at solving any problem relating to C and B weapons must be made on the basis of that programme, founded upon those three points, and must be capable of integrating them and of being integrated with them adequately.

30. Having said that, I now propose to make a few more specific remarks. The Bulgarian delegation is among those which have definitely adopted a position in favour of an overall examination of the problem of C and B weapons and against the proposal

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to deal only with B weapons. It should be noted incidentally that more than fifteen delegations, unless I am mistaken, have expressed the same view, and that represents a big majority.

31. I do not wish to revert to the arguments (ENDC/PV.422, para. 15) which my delegation, besides many others, advanced in support of its point of view when we made our comments on the draft convention (ENDC/255) submitted by the United Kingdom. Nevertheless, I should like to recall the comments made by the representative of the United Arab Republic on 26 August. Speaking of the apprehensions felt by the majority of delegations concerning the effect on the Geneva Protocol of the instrument proposed by the United Kingdom delegation, Ambassador Khallaf said:

"The mere existence of two international instruments dealing in a more or less different way with the same subject could create unnecessary confusion and difficulties ..." (CCD/PV.431, para. 30)

"... suffice it to say, inter alia, that separating those two types of weapons is not compatible with what was decided by the General Assembly in its resolutions referred to." (ibid., para. 31)

"Moreover such a separation would, it is feared, weaken the Geneva Protocol. It might expose us to all the difficulties which such a differentiation would entail when we had to decide what exactly constitutes a B weapon and what is considered to be a C weapon." (ibid., para. 32)

32. Several other delegations have made similar comments. If I might be permitted to sum up the substance, I would say that, in my opinion, the apprehensions and reservations to which the United Kingdom draft gives rise are legitimate and justified in the highest degree, because, above all, the prohibition of B weapons as well as of C weapons exists. As the representative of Sweden, Mrs. Myrdal, said on 26 August:

"The need and purpose are not to legislate; the law is there. What is needed is to affirm and consolidate the existing law about non-use ..." (ibid. para 74). The proposal to lay down a new juridical prohibition concerning B weapons, in spite of the already existing prohibition, would undoubtedly weaken the existing law and create a new situation in law and in fact.

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33. To seek to elaborate a new convention on B weapons to the exclusion of C weapons would, in our opinion, involve quite obvious risks: it would imply, in the first place, that the prohibition proclaimed by the Geneva Protocol does not concern B weapons, which, whatever may be said, would deal the Protocol a serious blow, and prevent, or at least delay, the accession to the Protocol of those States which have not yet acceded to it.

34. Secondly, it seems to us that there is nothing to justify giving priority to B weapons and thus diverting the attention of world public opinion from the problems posed by C and B weapons as a whole, moreover at the very time when it is necessary to mobilize every force, every conscience and every will in order to succeed in eliminating the danger.

35. Basing ourselves on this conviction, we have given particular attention to the revised draft (ENDC/255/Rev.1) submitted to us by the delegation of the United Kingdom, and I must say straight away that in spite of the effort which has been made and which we fully appreciate, the amendments made to the initial draft do not change anything in regard to the substance of the problem. Certainly we have noted in the amended text, as well as in the statement of the representative of the United Kingdom, a certain number of new elements, particularly those relating to the nature of the Geneva Protocol as the principal juridical instrument at present in force. And we agree with Ambassador Porter when he says: "In our view nothing should be done here or in the General Assembly which could weaken it." (CCD/PV.431, para. 52) On the other hand, we are unable to understand the passage in the same statement which reads:

"Many delegations have debated the broad procedural question of how to proceed with our work on chemical and biological warfare -- whether, for instance, there should be one convention or two interrelated conventions."

(ibid., para. 53)

36. I must say that it is impossible for us to think that the opposition which has been manifested in the Committee to the United Kingdom draft can be reduced to a simple question of procedure -- if, indeed, that is the meaning of the passage to which I have referred. As for my delegation, I must say with all due respect that, in

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fact, what is concerned is not a question of procedure but a cardinal problem, a fundamental problem, because, as I said in my statement at our meeting on 24 July, we are sincerely convinced that the fact of dissociating bacteriological weapons from chemical weapons would by itself -- to speak only of that at present -- be detrimental to the Geneva Protocol and hinder the application of its principles and the pursuit of its objectives (ENDC/PV.422, para. 24).

37. On 26 August the Committee had before it two other documents concerning problems raised by the need to avert the danger represented by chemical and biological weapons, namely, document ENDC/266, submitted by yourself, Mr. Chairman, in your capacity as a leader of the delegation of Canada, and document ENDC/265 submitted on behalf of twelve Power members of the Committee by the delegation of Sweden.

38. Those documents are being studied by my Government and for the time being I shall confine myself to making a few preliminary remarks.

39. A first remark which we feel we can make with satisfaction concerns the obvious care taken in preparing both the Canadian draft resolution (ENDC/266) and the working paper on a proposed declaration by the General Assembly submitted by the twelve Powers (ENDC/265), to place and integrate them within the framework of the Secretary-General's three recommendations, made at the end of the report A/7575.

40. As I tried to explain at the beginning of my statement, we subscribe to those recommendations which we consider to be as a whole a complete programme of articulated measures -- a programme which, once carried out, will provide an adequate solution to the problems posed by B and C weapons. Thus the observations which I propose to make on the subject of the two documents in question will be made on that basis or, in other words, with due regard to the link which, in our opinion, should exist between the recommendations of the Secretary-General and any initiative to be undertaken to promote the measures which he urgently calls for.

41. Those measures, as everyone knows, include accession to the Geneva Protocol, the affirmation that the prohibition contained in the Protocol applies to all chemical and bacteriological (biological) agents, and measures designed to put an end to the

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production and stockpiling of all chemical and bacteriological (biological) agents and to eliminate those agents from arsenals.

42. Considered from this angle, document ENDC/266 submitted by the delegation of Canada is, in the opinion of my delegation, of definite interest. Nevertheless, and subject to further examination, I should like to make two comments.

43. The first relates to the fifth paragraph of the preamble. Certainly we fully share the sense of horror generated by the idea that bacteriological (biological) weapons could be deliberately used about which the report of the experts speaks in paragraph 371. But is there any need to say that the idea of the use of chemical methods of warfare also generates the same sense of horror?

44. We are convinced that C and B weapons must always be regarded, on account of the horror which they arouse and in every respect, as weapons belonging to one and the same category, as is done for instance, in document ENDC/265 submitted by the twelve delegations, the first preambular paragraph of which declares that: "chemical and biological methods of warfare have always been viewed with horror and been justly condemned by the international community."

45. My second remark concerns paragraph 7 of the operative part of document ENDC/266, according to which the General Assembly:

"Commends the draft Convention on the Prohibition of Biological Methods of Warfare submitted by the United Kingdom and urges the Eighteen-Nation Committee on Disarmament to complete work on this draft Convention at an early date."

46. A few moments ago I stressed the fact that most of the representatives who have commented on the United Kingdom draft voiced the fear that dissociation of B and C weapons would not fail to create confusion and difficulties and, above all, to prejudice the Geneva Protocol.

47. The great majority of delegations, including my own, have declared themselves in favour of a simultaneous examination with a view to finding a global solution to the problem of B and C weapons because they are convinced, especially after studying the report and the conclusions of the Secretary-General, that the problem of C and B weapons is a single and indivisible problem.

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48. To conclude my observations on this point, I must say that paragraph 7 of document ENDC/266 gives rise to very serious reservations on the part of my delegation. We very much doubt that, as it stands, it can serve the highly praiseworthy purposes which the delegation of Canada had in view in submitting this document intended, in the words of the introduction:

"To facilitate consideration at the XXIV United Nations General Assembly of that part of the Report of the ENDC on chemical and bacteriological (biological) warfare."

49. I shall now say a few words on document ENDC/265. First of all I must point out that at present we are studying it, as well as the remarkable statement with which Mrs. Myrdal introduced it, with the greatest attention.

50. In her statement of 26 August the representative of Sweden stated that the working document submitted was in keeping with the recommendations of the Secretary-General and more particularly with the second of those recommendations (CCD/PV.431, para.70 et seq.).

51. As will be remembered, the Secretary-General urges the Members of the United Nations:

"To make a clear affirmation that the prohibition contained in the Geneva Protocol applies to the use in war of all chemical, bacteriological and biological agents (including tear gas and other harassing agents), which now exist or which may be developed in the future;" (A/7575, p.xii)

52. Like the first recommendation, this second recommendation is based on the Geneva Protocol, an unchallengeable instrument of international law, which contains clear and unequivocal provisions concerning prohibition of the use of all chemical and bacteriological weapons, a valid instrument, if ever there was one, the force and importance of which continues to be reaffirmed unanimously by the international community and by the adoption of the resolutions already quoted.

53. It is for these reasons that we never cease reiterating our conviction that the accession of all States to the Geneva Protocol would be the best and surest way to get the prohibition of the use of chemical and bacteriological weapons universally accepted and recognized.

54. The sponsors of document ENDC/265 propose that, in order to attain the same objective, we should take a somewhat different path. While recognizing the important

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role played by the Geneva Protocol, the sponsors take into consideration the fact that several other successive international instruments have prohibited or sought to prevent the use of chemical and bacteriological weapons, which leads them to recognize in the fifth paragraph of the preamble to their draft that:

"... a customary rule of international law prohibits the use in international armed conflicts of all biological and chemical methods of warfare, regardless of any technical developments."

In commenting on this provision, Mrs. Myrdal said, among other things, that:

"The logical conclusion, and one that has much support in international law doctrine, is that the cumulated effect of the circumstances invoked is to create a customary rule of international law, valid erga omnes."

(CCD/PV.431, para.81)

55. It is on the basis of this customary rule of international law that the sponsors ask the General Assembly to condemn and to declare as contrary to international law the use in international armed conflicts of chemical and bacteriological weapons. And it is precisely in this connexion that we ask ourselves whether such an approach to the problem is in keeping also with the aim of preserving the place and the role which the Geneva Protocol has had, which it still has and which we wish to see preserved for it. I hasten to add that in posing this question I do not wish to take up a definite, or still less, a negative position in regard to document ENDC/265, and I ask the sponsors of the draft to be good enough to understand our preoccupations, as we understand theirs, particularly since I believe that in the present instance these preoccupations are common to all of us.

56. We appreciate all the efforts, and particularly those of the Swedish delegation, aimed at strengthening and consolidating the prohibition of the use of chemical and bacteriological weapons. We share the conviction of the co-authors that a solemn declaration by the General Assembly would have great significance. It is certain that such a declaration by the United Nations condemning and declaring as contrary to international law the use of any chemical or bacteriological weapon would have a positive effect. Nevertheless the main objective, which has absolute priority, must remain that of securing the accession of all States to the Geneva Protocol, since universal accession to that international instrument would be the best guarantee

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against the use of chemical and bacteriological weapons and would open the way to other measures, such as those advocated in the third recommendation of the Secretary-General. For this reason we associate ourselves with all those who have supported the proposal made by Ambassador Dugersuren, the representative of the Mongolian People's Republic, that we ask the General Assembly to launch, on the occasion of the forty-fifth anniversary of the Geneva Protocol, an urgent appeal to all governments to accede to it (ENDC/PV.424, para.105).

57. In a few weeks' time the General Assembly will set about the examination of the problem of chemical and bacteriological weapons. In view of the importance and topicality which this problem has acquired as a result of the preparations being made in certain Western countries and of the high feeling these preparations have aroused throughout the world, we have no doubt that the General Assembly will give this matter the greatest attention. We are sure that other ideas, other suggestions and new drafts will then be discussed and will increase the chances of achieving rapid results.

58. Mr. AHMED (Pakistan): On 19 August the representative of Pakistan expressed the views of the Pakistan delegation on a number of issues before the Committee (ENDC/PV.429). In my intervention today I propose to present our preliminary views on the issue of chemical and bacteriological (biological) methods of warfare, a subject which has received a good deal of attention in the Committee.

59. I wish at the outset to record our appreciation of the excellent report of the Secretary-General (A/7575) and the work carried out by the group of consultant experts and its Chairman, Mr. Epstein. It is an exhaustive, though fearful, account of the biological and chemical agents of warfare, the effects of their possible use and the economic and security implications of their development, acquisition and possible use.

60. The report brings into sharp focus the fact that C and B weapons, like nuclear weapons, are weapons of mass destruction and pose an equally great, if not greater, danger to mankind. The danger arises primarily from the fact that almost all countries can develop, produce and acquire those weapons. They do not require the enormous financial and scientific resources that are needed for nuclear weapons. They can be produced cheaply, quickly and secretly in small laboratories or factories. As a matter of fact, for the production of chemical weapons no great secrecy is required

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as chemical plants in a country can easily, at short notice, manufacture and supply such weapons. No new means of delivery have to be evolved for C and B weapons for they can be delivered by existing means such as artillery, aircraft and missiles.

61. The report paints a terrifying picture of the effects of the possible use of such weapons on living things. Indeed the effects of the use of such agents in a conflict cannot be fully foreseen. It is not difficult, however, to imagine that once such weapons were used the effects would be far-reaching and devastating. Their use would not only upset the balance of nature in the immediate area of their use but, in the case of biological weapons, would cause havoc possibly throughout the world. The report also clearly brings out the fact that any protection and defence against these weapons would involve enormous cost and at best would be of limited effectiveness.

62. My delegation fully endorses the three recommendations made by the Secretary-General in his foreword to the report. Accession by all States to the Geneva Protocol of 1925 (ibid., p.117) would offer an effective guarantee against the use of C and B weapons. Further, we have no doubt in our mind that the Protocol prohibits the use in war of all chemical and bacteriological (biological) weapons, including tear gas and other harassing agents, which now exist or may be evolved in the future. We are, therefore, in agreement with the second recommendation of the Secretary-General that a clear affirmation to this effect should be made.

63. While the Geneva Protocol of 1925 prohibits the use of C and B weapons, there are no agreements in existence prohibiting their development, production and stockpiling. The need for such an agreement is obvious and is universally recognized. We therefore support the third recommendation of the Secretary-General.

64. Any such new agreement should be confined to the prohibition of the development, production and stockpiling of those weapons because, as stated by the Swedish delegation at our meeting on 5 August:

"... any new agreement repeating the prohibition against use contained in the Geneva Protocol might risk, or might be taken by some to risk, undermining the ban contained in that Protocol." (ENDC/PV.425, para.28)

65. In the opinion of my delegation any new agreement in this respect should therefore proceed from the point that the use of such weapons is already prohibited and that only the additional measures of prohibiting their development, production and stockpiling

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remain to be undertaken. Perhaps what is needed is the formulation of a second Geneva protocol of, say, 1970 for that purpose. The Geneva Protocol of 1925 and the suggested second Geneva protocol would then effectively protect the human race as well as animal and plant life from the scourge of C and B war.

66. My delegation expresses its sincere appreciation of the initiative taken by the United Kingdom delegation in presenting a draft convention and accompanying draft Security Council resolution on the prohibition of biological methods of warfare (ENDC/255/Rev.1). In this intervention I do not propose to discuss all the issues which the separation of C weapons from B weapons raises. However, my delegation wishes to reaffirm its view that C and B weapons should continue to be dealt with together, with the objective of prohibiting their development, production and stockpiling. They have been dealt with together in the Geneva Protocol and in subsequent international negotiations on the subject. Both are weapons of mass destruction. Moreover, as the Secretary-General's report states:

"All biological processes depend upon chemical or physico-chemical reactions, and what may be regarded today as a biological agent could, tomorrow, as knowledge advances, be treated as chemical." (A/7575, para.19)

67. Lastly, a time-table suggesting the conclusion of an agreement prohibiting the development, production and stockpiling of biological weapons prior to the conclusion of such an agreement on chemical weapons could have extremely unfortunate consequences by accelerating an arms race in this field.

68. Pending the conclusion of an agreement prohibiting the development, production and stockpiling of C and B weapons, there is an urgent necessity for ensuring against any possible use of those weapons in warfare. That necessity will remain until the Geneva Protocol is acceded to universally. We fully share the view expressed by Mrs. Myrdal at our meeting on 26 August that:

"What is needed is to affirm and consolidate the existing law about non-use and to do that through collective action in the United Nations General Assembly, a step which we are convinced would serve the political purpose of facilitating universal adherence to the Geneva Protocol." (CCD/PV.431, para.74)

69. My delegation has therefore co-sponsored the working paper on a proposed declaration (ENDC/265) which was introduced in the Committee by Mrs. Myrdal on 26 August.

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The purpose and intent of the draft declaration needs no elaboration as it was fully explained with characteristic clarity by the representative of Sweden. My delegation earnestly hopes that the Committee will recommend its adoption by the General Assembly.

70. Mr. BOZINOVIC (Yugoslavia): Since the work of our Committee is to last somewhat longer than was expected, my delegation would like at this stage in our deliberations to present some preliminary views on chemical and bacteriological weapons and on the sea-bed.

71. I will deal first with chemical and bacteriological weapons. There is a series of international instruments which present a straightforward expression of a universal desire to put an end to those weapons. The Geneva Protocol of 1925 (A/7575, p.117) is a basic document which has been followed by several other international instruments, including, among others, United Nations General Assembly resolutions 2162 B (XXI) (ENDC/185) and 2454 A (XXIII) (ENDC/237). Yugoslavia is a signatory of that Protocol and voted in favour of the resolutions just mentioned. Those documents represent for us, as for a number of other countries, a point of departure in our deliberations on C and B weapons.

72. During the current discussions in the Committee on Disarmament the question has emerged whether or not the Geneva Protocol encompasses the prohibition of the use in war of all chemical and bacteriological means of warfare. Our understanding of the scope of the Geneva Protocol is that its prohibition covers all chemical and bacteriological weapons. Many representatives have elaborated on that aspect of the issue at somewhat greater length. I will not, therefore, cover the same ground and repeat the related arguments. While regretting, however, the absence of a common view on that point, I should like to emphasize particularly in this connexion the fact that the report of the Secretary-General of the United Nations on chemical and bacteriological (biological) weapons and the effects of their possible use (A/7575), as the latest and a very authoritative document, to which I shall refer again, clearly confirms the thesis that the prohibition in the Geneva Protocol applies to the use in war of all chemical and bacteriological agents, spelling out that it also includes tear gas and other harassing agents which are now in existence or which may be developed in the future.

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73. The report of the Secretary-General represents for us, as it does for many other countries, a document of particular importance in our efforts to achieve tangible results in the field of chemical and bacteriological weapons. My delegation highly appreciates the contribution of the group of experts which has prepared the report, and especially the contribution of the Secretary-General, who has rendered us great service by formulating recommendations for further action and for undertaking concrete measures which would be -- to quote his words from the report "... in the interests of enhancing the security of the peoples of the world." (ibid., p.xii) The Yugoslav delegation fully supports the three recommendations made by the Secretary-General in the forward to the report.

74. In accordance with the basic position of my country relating to the prohibition of the use of chemical and bacteriological weapons, the Yugoslav delegation has joined the Swedish initiative as one of the twelve sponsors of the working paper (ENDC/265) on a proposed declaration by the United Nations General Assembly regarding prohibition of the use of chemical and biological methods of warfare. The essence and significance of that proposal were presented in this Committee in an impressive manner by the representative of Sweden, Mrs. Myrdal, at our meeting on 26 August (CCD/PV.431, paras.71 et seq.) and it would be difficult for me to expand further on that. I should merely like to express the hope of my delegation that the document will meet with the general or very wide support of delegations both here and in the General Assembly of the United Nations.

75. In connexion with the first recommendation of the United Nations Secretary-General in the report -- "to renew the appeal to all States to accede to the Geneva Protocol of 1925" (A/7575, p.xii) -- my delegation fully supports the proposal of the representative of the Mongolian People's Republic, Ambassador Dugersuren, at our meeting on 31 July, which has already been widely supported in the Committee, to invite countries which have not done so to accede to the Geneva Protocol of 1925 in the course of 1970, that is, on the occasion of the forty-fifth anniversary of that Protocol (ENDC/PV.424, para.105).

76. Such a request is in full accordance with suggestions that Yugoslavia has made in connexion with the twenty-fifth anniversary of the United Nations. With regard to the renewing of that appeal and to the third recommendation of the Secretary-General in his report, my delegation is grateful for the efforts made by the Canadian delegation in

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presenting a draft resolution for the General Assembly, contained in document ENDC/266 of 26 August 1969. My delegation is now studying that draft with the greatest attention.

77. I should now like to dwell upon the third recommendation of the Secretary-General (A/7575, p.xii), the aim of which is to secure the prohibition of development, production and stockpiling of all kinds of chemical and bacteriological weapons for war purposes, as well as to secure their elimination from existing arsenals. In connexion with this question I should like to express the appreciation of my delegation for the special efforts made by the United Kingdom delegation in submitting (ENDC/PV.418) the draft Convention for the prohibition of biological methods of warfare and the related draft Security Council resolution (ENDC/255) and (CCD/PV.431), at our meeting of 26 August the revised draft of that document (ENDC/255/Rev.1), thereby contributing to focusing our attention sharply on several problems relating to the prohibition of chemical and bacteriological weapons which require adequate solutions.

78. The main question which has arisen in the course of our deliberations in the Committee has been whether we should proceed with separate or joint treatment and solution of the problems of chemical and bacteriological weapons. We have endeavoured to study with the greatest care all arguments and reasons brought forward by the United Kingdom delegation in favour of the separate solution of the problem of the prohibition of bacteriological weapons, and I can say that many of those arguments carry weight, particularly if taken separately. However, if we try to look at the matter more from the point of view of the very aim that we wish to achieve, as well as from the point of view of the advantages and disadvantages of one or the other approach, and take into account at the same time the appropriateness of the moment for achieving that aim, we believe -- and this view has been expressed by many delegations already -- that chemical and bacteriological weapons should not be separated in this case.

79. We find as very strong arguments in favour of that thesis the fact that these weapons have been treated jointly and their use prohibited jointly in the Geneva Protocol of 1925; then the fact that they are treated jointly in the two resolutions of the United Nations General Assembly, resolutions 2162 B (XXI) and 2454 A (XXIII), and also in the report of the Secretary-General. Furthermore, those weapons are jointly treated in the proposals on general and complete disarmament submitted by the Soviet Union (ENDC/2/Rev.1 and Corr.1) and the United States (ENDC/30 and Add.1-3), and so on.

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80. The United Nations Secretary-General says in his report:

"All biological processes depend upon chemical or physico-chemical reactions, and what may be regarded today as a biological agent could, tomorrow, as knowledge advances, be treated as chemical." (A/7575, para.19).

In another part of the same report the Secretary-General says:

"All weapons of war are destructive of human life, but chemical and bacteriological (biological) weapons stand in a class of their own as armaments which exercise their effects solely on living matter."

(ibid., para.371)

By this, naturally, one does not mean to say that there is no difference between chemical and bacteriological weapons. However, it seems pretty evident that the adoption of a convention which would refer solely to bacteriological weapons could create difficulties even when one was trying to delimit what would fall under the prohibition and what would not. A partial solution would also have its weak point, since the unresolved part of the problem -- that of chemical weapons, the horrors of which peoples have already experienced -- could have the same destiny as underground nuclear tests. The firm obligation to find a subsequent solution might not possess sufficient strength and might therefore remain unfulfilled.

81. My delegation attaches great importance to the solution of the problems involved in the third recommendation of the United Nations Secretary-General. We are aware of the fact that it comprises also delicate problems of control over the prohibition of production and stockpiling of chemical and bacteriological weapons. As far as one can see from the debate in this Committee, it appears that several aspects of that problem need further elaboration, study and suggestions. Complicated problems are involved, although we hope that they will not prove to be insoluble. My delegation intends to follow with the greatest attention further developments in this field and to study all suggestions and views which might emerge, and we shall endeavour for our part to contribute towards the solution of those problems.

82. Before passing to the other subject I should like to stress particularly that the Yugoslav delegation is of the view that relatively favourable conditions prevail at present for the achievement of some progress in the field of chemical and bacteriological weapons in order to strengthen the existing prohibition of the use of those weapons and to supplement it by indispensable measures for the prohibition of their

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development, production and stockpiling, as well as for achieving their effective elimination from existing arsenals. The successful achievement of that objective would at the same time mean an important step forward in the field of partial disarmament measures, and since it would in itself have a substantive value it is normal to expect that it would create better conditions for further progress in the field of disarmament and for the improvement of existing international relations.

83. Passing now to the second problem, the prevention of an arms race on the sea-bed, and before dealing with some specific questions and possible elements of an agreement concerning the sea-bed, I should like to express our gratitude to the delegations of the Soviet Union and the United States for their respective draft treaties on the sea-bed, the ocean floor and subsoil thereof (ENDC/240 and ENDC/249), as well as to many other delegations which have contributed to clarifying various aspects of this problem. Their statements have helped us considerably in our understanding and in forming our views and positions in connexion with the problems of the sea-bed.

84. I should also like to point to the existence of the two resolutions of the United Nations General Assembly on the peaceful uses of the sea-bed, resolutions 2340 (XXII) and 2467 (XXIII), since they represent the expression of the strivings and aims of the countries of the world concerning that environment. In connexion with this issue one should, I believe, be aware also of the efforts at present being exerted in the United Nations Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction with the aim of elaborating a declaration of principles or a convention on the peaceful uses of the sea-bed, which might have a bearing upon some questions related to the implementation of a sea-bed treaty.

85. Starting from the fact that the sea-bed, the ocean floor and the subsoil thereof represent the common heritage of mankind and that it should be in the interest of all peoples and States that the environment be used exclusively for peaceful purposes and be kept free for exploration and exploitation in the interest of all countries, Yugoslavia has taken a general position in favour of its demilitarization. In the Political Committee at the twenty-third session of the United Nations General Assembly the Yugoslav representative stated: "We must not allow the arms race to spread to that part of the surface of the globe." (A/C.1/PV.1593, provisional, p.56) And further:

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"Yugoslavia is in favour, in principle, of the complete prohibition of militarization of the sea-bed beyond the limits of national jurisdiction, and especially in favour of the total prohibition on stationing nuclear weapons and other weapons of mass destruction on the sea-bed and ocean floor."

(ibid.)

86. We still maintain this basic position, and this brings me to the question of the scope of the prohibition. It would logically flow from what I have just said that we would like the treaty to prohibit the emplacement on the sea-bed, ocean floor and the subsoil thereof of all weapons of mass destruction as well as conventional weapons, including installations, military bases, fortifications or other structures which could serve as a basis for the extension of the arms race to this environment.

87. We believe that through a comprehensive treaty one would best secure fulfilment of the resolutions of the United Nations General Assembly on the reservation exclusively for peaceful purposes of this environment. However, we also feel that there is need to consider the possibility of exemption from prohibition of technical means or equipment used for communications, control of submarine navigation and navigation in general as well as for other peaceful purposes, but some of which also serve as a means of passive defence. We believe that those means would not hamper peaceful activities of States, and so should not be prohibited.

88. There is also the other approach, more limited in scope, by which the emplacement of only nuclear weapons and other weapons of mass destruction would be prohibited. The achievement of such a limited treaty would appear to be easier. However, we believe that no matter how much we appreciate a step forward in this regard we must try to evaluate all the aspects relevant to this step. That is why I would also like to point out some of the weaknesses of this approach so that we can have constantly before us all relevant elements. There is first of all a weakness of a general nature in such a treaty, that it would be too modest in scope. Such a step appears too limited in relation to the real needs of the present-day world. There is a feeling that even if we were fully successful in implementing such a treaty its positive effects might be lost, it might be easily neutralized by the unlimited nature and speed of the arms race.

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89. Apart from this, we would like to draw attention to the danger that such a limited prohibition could stimulate the arms race in those weapons which would not be prohibited.

90. Then, here again, the experience with the limited nuclear test ban Treaty of 1963 (ENDC/100/Rev.1) represents a serious warning. The obligation to reach a comprehensive test ban has not been fulfilled although six years have already elapsed. So far we have failed to be convinced by the arguments presented that it would not be possible to reach a comprehensive treaty on the sea-bed now. The idea of a limited agreement even in this case must certainly make us wonder how we are to progress when we come to the real disarmament measures on the seas themselves, on the continents, in the air and beyond -- where a real arms race is raging without any limitations.

91. A treaty in this field must clearly make sure that the emplacement on the sea-bed of all nuclear weapons and other weapons of mass destruction should be prohibited first. However, unless the prohibition of conventional weapons were also ensured as a next step, and very soon, the value of a limited treaty would be further diminished, the more so since, as already pointed out, such a treaty falls into the category not of real disarmament measures but only of so-called collateral or non-armament measures.

92. As to the band which would be exempt from the prohibition we believe that a zone of twelve nautical miles might correspond to the needs of a greater majority of coastal States, and would interfere least with the existing international rules. However, we, like many other delegations, believe that the acceptance of this band should not prejudice the existing international norms, rules and rights of States with regard to the territorial sea and continental shelf.

93. So far, it appears that the zone of twelve miles should be measured from the base line, as foreseen in the Convention on the Territorial Sea and the Contiguous Zone of 1958^{2/}. But that, too, seems to need further clarification.

94. Now I should like to turn briefly to the problem of control. We believe that control of the implementation of the treaty obligations should be based on the concept of free access to and inspection, including the necessary consultations, of all installations and equipment on the sea-bed and ocean floor outside the exempted zone.

^{2/} United Nations Treaty Series, Vol. 516, pp. 205 et seq.

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95. It appears that for the time being only a very small number of States are capable of exercising or might be interested to exercise control on all geographic points of the seas and oceans. Most of the countries apparently do not have at their disposal the necessary means for such control. For many countries interest in participation in control would perhaps be limited to the continental shelf and seas in their vicinity. That is why we believe there is good reason to consider leaving open in the treaty the possibility also for countries to exercise their rights in relation to control through an eventual international control organization. We are of course aware that it would not be rational to create immediately an international organization for that purpose. What we have in mind is a provision which would open the possibility for the future.

96. Apart from these aspects of the control issue there are others, some of which I would like to mention.

97. The control which would be exercised in the zone of the continental shelf would normally be of particular interest to the coastal States. The question of the manner and the degree of participation of such States in control in this case should in our view be the subject of our further study and more detailed examination. The working paper submitted (ENDC/PV.433) in this regard by the representative of Brazil, Ambassador Frazão, on 21 August (ENDC/264) is a valuable contribution in this respect and deserves our full attention. My Government is studying it with great care.

98. The role of small and medium-sized countries in the exercise of control has also been mentioned. One means of their active contribution to the control might be covered by a provision requesting all States parties to the treaty to inform other signatories of activities and events noticed on the high seas which might deserve attention in connexion with this treaty. Such information, containing necessary data, could help the implementation of control under the treaty.

99. Apart from this, we believe that one should also consider the possibility of introducing an obligation that all countries which have carried out control of a certain object in relation to a sea-bed treaty should make public the result of such a step. In this way perhaps the implementation of the treaty would be made easier.

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100. While making these few observations, my delegation would like to stress again its readiness to strive actively for the best possible solution of this problem without losing sight of the fact that we have before us many other tasks also in the field of real disarmament measures where we still do not see any progress although we are all fully aware that such progress would be in the interest of all the peoples of the world.

The Conference decided to issue the following communiqué:

"The Conference of the Committee on Disarmament today held its 434th plenary meeting in the Palais des Nations, Geneva, under the chairmanship of H.E. Ambassador George Ignatieff, representative of Canada.

"Statements were made by the representatives of Romania, Bulgaria, Pakistan and Yugoslavia.

"The next meeting of the Conference will be held on Tuesday, 9 September 1969, at 10.30 a.m."

The meeting rose at 12.05 p.m.