

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

ENDC/PV.338
12 October 1967
ENGLISH

FINAL VERBATIM RECORD OF THE THREE HUNDRED AND THIRTY-EIGHTH MEETING

held at the Palais des Nations, Geneva,
on Thursday, 12 October 1967, at 10.30 a.m.

Chairman:

Mr. H. KHALJAF

(United Arab Republic)

PRESENT AT THE TABLE

Brazil: Mr. A. da COSTA GUIMARAES
Mr. S. de QUEIROZ DUARTE
Mr. J. NOGUEIRA FILHO

Bulgaria: Mr. K. CHRISTOV
Mr. B. KONSTANTINOV
Mr. T. DAMIANOV

Burma: U KYAW M'N

Canada: Mr. E.L.M. BURNS
Mr. A.G. CAMPBELL
Mr. J.R. MORDEN
Mr. A. BERNIER

Czechoslovakia: Mr. V. VAJNAR
Mr. J. STRUCKA

Ethiopia: Mr. B. ASSFAW

India: Mr. N. KRISHNAN
Mr. K.P. JAIN

Italy: Mr. R. CARACCILOLO
Mr. G.P. TOZZOLI
Mr. E. FRANCO
Mr. F. SORO

Mexico: Mr. J. CASTANEDA
Miss E. AGUIRRE

Nigeria: Mr. B.O. TONWE

Poland: Mr. A. CZARKOWSKI
Mr. E. STANIEWSKI

Romania: Mr. O. IONESCO
Mr. C. GEORGESCO
Mr. C. MITRAN

Sweden: Mr. A. EDELSTAM
Mr. R. BOMAN

Union of Soviet Socialist
Republics: Mr. A.A. ROSHCHIN
Mr. M.V. ANTYASOV
Mr. V.V. SHUSTOV

United Arab Republic: Mr. H. KHALLAF
Mr. A. OSMAN
Mr. O. SIRRY
Mr. M. SHAKER

United Kingdom: Sir Harold BEELEY
Mr. I.F. PORTER
Mr. R.I.T. CROMARTIE

United States of America: Mr. A.S. FISHER
Mr. S. DePALMA
Mr. G. BREAM
Mr. A.F. NEIDLE

Special Representative of the
Secretary-General: Mr. D. PROTITCH

Deputy Special Representative
of the Secretary-General: Mr. W. EPSTEIN

1. The CHAIRMAN (United Arab Republic): I declare open the 338th plenary meeting of the Conference of the Eighteen-Nation Committee on Disarmament.

2. Mr. BURNS (Canada): In my statement at the meeting of 5 October I indicated that the proposals in document ENDC/197 which had been put forward by your delegation, Mr. Chairman, on behalf of the United Arab Republic, were being studied and that I hoped to be able to comment on them very soon (ENDC/PV.336, para.29). The Canadian authorities have now completed consideration of those proposals, and I should like now to give our views upon them.

3. At the outset it would be well if I were to reiterate the position taken by my delegation when considering amendments to the draft treaties before us (ENDC/192,193). On 5 October, before commenting on the amendments proposed by the delegation of Mexico (ENDC/196), I said:

"Perhaps we might say at the beginning of our statement today that we think that the articles which the co-Chairmen have worked out with such difficulty over such a prolonged period of time, and which, we think, have taken into account the views expressed by all members of the Committee, should not be disturbed unless there are very good reasons for doing so." (ENDC/PV.336, para.2)

4. My delegation also considers that what the representative of the United Kingdom, Mr. Mulley, said at our meeting of 10 October on that point is very pertinent. I should like to quote the following from his statement:

"...there are two general points I should like to make about those articles," -- articles I and II -- "which form the core of the draft treaty. The first is that, as we all know, they are the results of long discussion on the part of the co-Chairmen. The second is that, to my mind and to the minds of most representatives who have spoken on them, they effectively provide for the closing of all loop-holes of practical significance for the proliferation of nuclear weapons. Most of us here have participated in long debates over several years on the provisions which these two vital articles should incorporate. We know that earlier drafts of these

(Mr. Burns, Canada)

articles were much longer and much more complicated, and we know that the path towards eventual agreement between the co-Chairmen on these articles lay in finding simplified language. To add to these articles now, to add further complications, would be to reverse the process. That seems to me a dangerous course. I hope that we can steer clear of it." (ENDC/PV.337, para.54)

5. In this context I should now like to speak about the United Arab Republic amendments to articles I and II. The United Arab Republic delegation has obviously studied with great care the draft texts now before us, and the amendments it has suggested are evidence of its diligence. We wonder, however, whether the adoption of those proposals, which seek to close some conceivable loop-holes, would really increase the force of articles I and II sufficiently to make it worth while to reopen the question of their formulation, which has been agreed upon with such difficulty.

6. After careful study the Canadian delegation has come to the conclusion that, despite your persuasive argumentation, Mr. Chairman, as representative of the United Arab Republic, the addition of the words "in any form whatsoever" would not add significantly to the force of the article in question. It appears to us that the prohibitions on transfers already embodied in that article are entirely adequate. The term "transfer" as used in the article is, in our view, all-embracing, covering the many forms which a transfer may take.

7. Much the same comment applies to the second proposed amendment to article I: the amendment which adds a new paragraph giving the details of the responsibility of the nuclear-weapon States to prevent various persons or bodies under their jurisdictions from engaging in activities prohibited by the article. The Canadian delegation thinks that the existing language of the article implicitly covers any practical problems that might arise concerning the activities mentioned in the amendment; and there seems to us to be no pressing need to spell them out in detail.

8. Turning to the amendment proposed for article II, I should like to congratulate the delegation of the United Arab Republic on its perspicacity in detecting that theoretical loop-hole in the present language. However, would that loop-hole weaken the existing article so much as to justify the reopening of what has been called the core of the treaty? Is it a loop-hole big enough for some miscreant proliferator to wriggle through? After careful consideration and reference to our authorities in Ottawa, we have concluded that it would not be.

(Mr. Burns, Canada)

9. In essence, we find it difficult to envisage a situation in which a non-nuclear-weapon State, having signed a treaty with articles I and II as in the current drafts and thereby taking the public position that nuclear weapons should be restricted to the present five nuclear Powers, would find it to its interest to encourage another non-nuclear-weapon State which had not signed the treaty to develop a military nuclear capability. By doing so it would be acting counter to the whole intent and purpose of the non-proliferation treaty. In the view of the Canadian delegation, a State doing such a thing would clearly violate a treaty containing the article as at present formulated. A State which had signed the treaty and which attempted clandestinely to evade its prohibitions in the manner suggested by the amendment of the United Arab Republic would indeed be subject to international censure and, one hopes, effective corrective measures by the permanent members of the Security Council.

10. Thus, while admitting that a loop-hole may exist, it seems to the Canadian delegation to be more a theoretical than a real danger; and therefore, as far as we are concerned, there is no compelling need to reopen article II.

11. We now come to the United Arab Republic amendment numbered as article IV-A. The Canadian Government has always regarded and still regards the question of security assurances for non-nuclear signatories of the treaty as extremely important. Before signing the treaty each country must consider what effect the treaty will have on its national security. Nevertheless we remain of the opinion that to include in the treaty itself an article on security assurances satisfactory to all non-nuclear States would be extremely difficult and might well have the effect of unacceptably prolonging and complicating the successful negotiation of the treaty. In our view the best approaches to the problem remain as outlined in my statement on 12 September:

"There would seem to be two general ways in which to achieve that objective. The first would be by means of unilateral declarations to be made by nuclear Powers at the time the treaty is opened for signature. Separate declarations using similar language might record the intention of nuclear Powers to assist non-nuclear States which sign the non-proliferation treaty and

(Mr. Burns, Canada)

which are subsequently subjected to nuclear attack or threatened with it. They might also incorporate an undertaking that nuclear weapons will not be used against non-nuclear States signatory to the treaty which are not allied with a nuclear Power.

"A second method of achieving the same general objective might be to proceed by way of a United Nations resolution incorporating in its substantive paragraphs assurances similar to those I have just mentioned. Such a resolution might also take account of the special responsibility placed on the Security Council under the United Nations Charter for maintaining peace and resisting aggression. Since these undertakings would weigh most heavily on the nuclear Powers, we would urge the sponsors of the draft treaties, in consultation with other members of our Committee, to address themselves seriously to this question." (ENDC/PV.329, paras. 24, 25)

12. In closing I should like to add that, while I have this morning put forth views contesting the need for the amendments which your delegation, Mr. Chairman, has proposed to the treaty now before us, the Canadian delegation thinks it is useful that those points in the draft have been brought up for discussion; and we appreciate the constructive spirit in which you have presented them. The Canadian delegation feels that any specific suggestions intended to improve the draft and offered in such a spirit deserve at least an expression of views from other delegations, even if those suggestions cannot always be supported.

13. Mr. FISHER (United States of America): We have reached the stage in our discussions at which each delegation has expressed its views on the draft non-proliferation treaty (ENDC/192, 193) on at least one occasion. I have asked to speak today, therefore, in order to provide the members of this Committee with some views on certain of the amendments which have been proposed to the non-proliferation treaty. In the last several weeks the co-Chairmen have met many times to discuss all the suggestions which have been made. I should like today to talk about the proposals made by the representative of Mexico (ENDC/196) and possible alternative formulations to meet the points he has raised. We very much appreciate the constructive aim of the suggestions he has made, as well as the many helpful and serious comments offered by other delegations.

(Mr. Fisher, United States)

14. I regret that it is not possible for me at this time to give a definitive response regarding the Mexican proposals. As I am sure the representative of Mexico and other representatives here will understand and appreciate, those suggestions raise a number of important and complex problems. Moreover, not only do we have before us the texts proposed by Mexico, but we must also take into account the comments of other delegations regarding those suggestions.

15. The first proposal submitted by the Mexican delegation consists of a rearrangement of article IV on the protection of peaceful uses of nuclear energy. This question has been the subject of intense interest, particularly among the non-aligned. The representative of Mexico has proposed amendments to the present language in an effort to bring it closer to what several members of the Committee would like to see in the treaty. He has suggested the recasting of part of the article in stronger and more positive terms.

16. The United States delegation shares the objectives sought to be advanced by the Mexican suggestion. It is indisputable that all countries in a position to do so should co-operate in contributing to the further development of the applications of nuclear energy for peaceful purposes, especially in the territories of non-nuclear-weapon States parties to the treaty. However, it has been pointed out by some delegations that the precise terms of the Mexican formulation may in some respects create too sweeping and too general an obligation. Accordingly consideration is being given to other possible formulations; and it is hoped that in the reasonably near future a positive recommendation on that subject can be made to this Committee.

17. The second Mexican suggestion calls for an operative article in the non-proliferation treaty concerning the sharing of potential benefits from peaceful applications of nuclear explosive devices. Here it has been the intention of the United States that benefits from peaceful nuclear explosions should be available through appropriate international procedures to non-nuclear-weapon States parties to the treaty on a non-discriminatory basis, and that the charge for these nuclear explosive devices should be as low as possible. In fact, if the draft treaty were to be adopted even in its present form, we should consider ourselves committed to carrying out the declaration of intention now contained in the preamble. In view of that, consideration is being given to alternative formulations whereby such a commitment might possibly be stated in even more definite terms. However, since

(Mr. Fisher, United States)

our discussions have not been concluded on this subject, the United States is not able now to say what sort of recommendation we hope will be made shortly to the Committee.

18. Our Mexican colleague has suggested also that the following preambular paragraph be transferred to an operative article of the treaty:

"... nothing in this Treaty affects the right of any group of States to conclude regional treaties in order to assure the total absence of nuclear weapons in their respective territories" (ENDC/192, 193, p. 2).

The United States delegation has stated its view that, on balance, such a paragraph belongs in the preamble to the treaty; but we must agree that our colleague has put forth some very strong arguments for a contrary view, and we are looking with sympathy at the Mexican suggestion on that point.

19. Finally, the delegation of Mexico has suggested for our consideration a draft article in which nuclear-weapon States parties to the treaty would undertake to pursue negotiations regarding cessation of the nuclear arms race and disarmament. The United States delegation fully appreciates the great importance which so many delegations have attached to ensuring that the non-proliferation treaty will lead to progress in disarmament. There is no difference between the two co-Chairmen on that point. We are determined that that view will be fully taken into account. It is one that we share ourselves.

20. However, as all members of the Committee are aware, the path to agreement on arms-control measures has not been an easy one. We all know that long and arduous negotiations preceded the limited test-ban Treaty (ENDC/100/Rev.1). Our negotiations regarding non-proliferation have been lengthy and difficult. Without doubt, negotiations on other measures also, no matter how much good will and perseverance is brought to bear, will be arduous and complex. It is for those reasons that we must be careful regarding the manner of stating any undertakings concerning subsequent disarmament negotiations. Clearly the purpose of the Mexican proposal is to facilitate, not to complicate, subsequent negotiations. With those considerations in mind, the Mexican suggestion and possible alternative formulations to deal with the question are being studied.

(Mr. Fisher, United States)

21. It is my hope that it will be possible in the very near future for the two co-Chairmen to recommend for the consideration of this Committee a number of positive suggestions for satisfying the basic concerns reflected in the Mexican amendments. In the meantime I can assure all members of the Committee that we are mindful of the need to proceed as rapidly as possible, in view of the relative shortness of the time remaining to us, so that the members of this Committee may in turn have adequate opportunity to consider our recommendations.

22. Mr. CARACCIOLO (Italy) (translation from French): I do not intend to make a general statement; but I should merely like to say a few words on a specific point relating to the preliminary comments already put forward by the Italian delegation.

23. The Italian Minister for Foreign Affairs, listing in his statement to the Committee on 1 August the conditions for an ideal non-proliferation treaty, recalled among other things the necessity "of directing the nuclear countries towards practical and concrete measures of nuclear disarmament" (ENDC/PV. 318, para. 11). This point of view has been clearly expounded by the Italian delegation since the beginning of our negotiations, because we share the opinion maintained here by several speakers that the non-proliferation treaty should not be limited to establishing the principle of a link with other measures to halt the armaments race, but that it should also enable specific steps to be taken on the road leading to general and complete disarmament under international control.

24. It is true that these ideas are expressed in a general way in the ninth and eleventh paragraphs of the preamble of the text now submitted for our consideration (ENDC/192, 193). In this connexion I feel bound to point out, in passing, that the wording in the eleventh paragraph could well be strengthened so as to state more clearly the nature of the intentions which it is wished to affirm. But it is equally true that these intentions have no logical sequel in the operative part of the treaty.

25. That is why I wish today to stress the constructive character of the suggestion made by the representative of the United Kingdom in his statement at the meeting of 10 October, a suggestion which seems to me to be all the more useful and interesting since it comes from a nuclear Power that is a member of this Committee. The amendment suggested by Mr. Mulley, Minister of State for Foreign Affairs, to article V of the treaty would make the text read as follows:

(Mr. Caracciolo, Italy)

"Five years after the entry into force of this Treaty, a conference of Parties to the Treaty shall be held in Geneva, Switzerland, in order to review the operation of the Treaty with a view to assuring that the purposes of the preamble and provisions of the Treaty are being realized."

(ENDC/PV.337, para. 52)

26. It seems to me that the amendment suggested by the United Kingdom delegation gives to the review machinery the value of an effective instrument for carrying out and strengthening all the provisions of the treaty taken as a whole. That is why the Italian delegation wishes to give that amendment its full support. Moreover, that suggestion is one of those which it would be wise to adopt, in order to make the non-proliferation treaty acceptable to the largest possible number of countries. With that end in view I intend to follow up, as soon as possible, the preliminary comments contained in my statement of 29 August (ENDC/PV.326), to which I refer today, in order to set forth the whole of the Italian position in regard to the treaty and its various provisions.

The Conference decided to issue the following communiqué:

"The Conference of the Eighteen-Nation Committee on Disarmament today held its 338th plenary meeting in the Palais des Nations, Geneva, under the chairmanship of H.E. Ambassador Hussein Khallaf, representative of the United Arab Republic.

"Statements were made by the representatives of Canada, the United States and Italy.

"The next meeting of the Conference will be held on Tuesday, 17 October 1967, at 10.30 a.m."

The meeting rose at 11.5 a.m.