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PROVISIONAL VERBATIM RECORD OF THE TWO THOUSAND AND NINETY-SEVENTH MEETING

Held at Headquarters, New York,  
on Tuesday, 25 November 1975, at 10.30 a.m.

Chairman: Mr. GHORRA (Lebanon)  
Rapporteur: Mr. ARTEAGA ACOSTA (Venezuela)

- Economic and social consequences of the armaments race and its extremely harmful effects on world peace and security /31/ (continued)
  - Implementation of General Assembly resolution 3254 (XXIX): report of the Secretary-General /34/ (continued)
  - Napalm and other incendiary weapons and all aspects of their possible use: reports of the Secretary-General /35/ (continued)
  - Chemical and bacteriological (biological) weapons: report of the Conference of the Committee on Disarmament /36/ (continued)
  - Urgent need for cessation of nuclear and thermonuclear tests and conclusion of a treaty designed to achieve a comprehensive test ban: report of the Conference of the Committee on Disarmament /37/ (continued)
- /...

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AS THIS RECORD WAS DISTRIBUTED ON 26 NOVEMBER 1975, THE TIME-LIMIT FOR CORRECTIONS WILL BE 2 DECEMBER 1975.

The co-operation of delegations in strictly observing this time-limit would be greatly appreciated.

- Implementation of General Assembly resolution 3258 (XXIX) concerning the signature and ratification of Additional Protocol II of the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco) /38/ (continued)
- Implementation of the Declaration of the Indian Ocean as a Zone of Peace: report of the Ad Hoc Committee on the Indian Ocean /39/ (continued)
- World Disarmament Conference: report of the Ad Hoc Committee on the World Disarmament Conference /40/ (continued)
- General and complete disarmament /41/ (continued):
  - (a) Report of the Conference of the Committee on Disarmament
  - (b) Report of the International Atomic Energy Agency
- Mid-term review of the Disarmament Decade: report of the Secretary-General /42/ (continued)
- Implementation of the Declaration on the Denuclearization of Africa /43/ (continued)
- Comprehensive study of the question of nuclear-weapon-free zones in all its aspects: report of the Conference of the Committee on Disarmament /44/ (continued)
- Implementation of General Assembly resolution 3262 (XXIX) concerning the signature and ratification of Additional Protocol I of the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco): report of the Secretary-General /45/ (continued)
- Establishment of a nuclear-weapon-free zone in the region of the Middle East: report of the Secretary-General /46/ (continued)
- Prohibition of action to influence the environment and climate for military and other hostile purposes, which are incompatible with the maintenance of international security, human well-being and health: report of the Conference of the Committee on Disarmament /47/ (continued)
- Declaration and establishment of a nuclear-free zone in South Asia: report of the Secretary-General /48/ (continued)
- Establishment of a nuclear-weapon-free zone in the South Pacific /120/ (continued)
- Conclusion of a treaty on the complete and general prohibition of nuclear weapon tests /122/ (continued)
- Prohibition of the development and manufacture of new types of weapons of mass destruction and new systems of such weapons /126/ (continued)

The meeting was called to order at 11 a.m.

AGENDA ITEMS 31, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 120, 122 and 126 (continued)

The CHAIRMAN: Today the Committee will continue its consideration of the draft resolutions relating to the question of disarmament. I call on the representative of Mexico to introduce the draft resolution in document A/C.1/L.724 and Corr.1.

Mr. GARCIA ROBLES (Mexico) (interpretation from Spanish): Pursuant to the decision taken by the General Assembly in its resolution 3261 F (XXIX) of 9 December 1974, the Assembly has received a special report by the Conference of the Committee on Disarmament (CCD) transmitting the comprehensive study, carried out by an ad hoc group of qualified governmental experts, of the question of nuclear-weapon-free zones in all its aspects, as well as the comments made by members of the CCD on the study. That special report is contained in document A/10027/Add.1.

Several conclusions can be drawn from a careful examination of that study and the comments on it. Among those conclusions we must emphasize the need for the General Assembly to adopt an internationally recognized definition of the concept of "nuclear-weapon-free zone" and of the principal obligations of nuclear-weapon States in respect of such zones and the States making them up.

That would be one of the most effective procedures to enhance -- as the General Assembly stated in the resolution to which I have already referred -- the efforts recently undertaken and the results already achieved with regard to the establishment of nuclear-weapon-free zones.

With respect to the first of the two definitions to which I have referred -- that is, the concept of "nuclear-weapon-free zone" -- I would say the following. The urgency of reaching such a definition is obvious when one reads chapter III of the study carried out by the experts, the chapter dealing specifically with this aspect of the subject.

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Throughout the chapter the reader is aware of the attempts -- more or less disguised -- by some Governments to discourage or restrict the establishment of nuclear-weapon-free zones. Thus, reference is made to the indispensable requirement that "suitable conditions exist for the creation of such zones" (A/10027/Add.1, annex I, p. 38), conditions which are subsequently described as "feasible". We are told that:

"Several experts pointed out that there may be regions in which nuclear-weapon-zones are impracticable or where their creation may not improve the security of the States of the area". (Ibid., p. 39)

It is stated that

"it was argued by some experts that the reduction of tension must precede the creation of a truly effective nuclear-weapon-free zone".

(Ibid., p. 40)

We are informed of the belief of other members of the ad hoc group that "nuclear-weapon-free zones may not be appropriate in all areas".

(Ibid.)

We really cannot hide our astonishment at these reservations reflected in the study that has been transmitted to us. We fail to understand why our world, which in 1944 was throughout its immense surface a gigantic nuclear-weapon-free zone, must be today -- in the middle of what has been called the Disarmament Decade -- divided between the territories of nuclear-weapon States and the territories of States that do not possess these terrible instruments of mass destruction, nor why in the regions occupied by the latter States we should differentiate between those which meet and those which do not meet the "suitable" or "feasible" conditions making it "appropriate" to establish nuclear-weapon-free zones there.

And we must also ask: Who is to judge that "suitability" or "feasibility" or "appropriateness"?

Clearly, there are States for where the clock has been stopped all these years. When I read the statements in chapter III which I have just quoted, I am reminded of what I said in this very conference room, during

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the 1333rd meeting of the First Committee of the General Assembly, on 11 November 1963, when I introduced to the Committee the Latin American draft resolution that became resolution 1911 (XVIII), entitled "Denuclearization of Latin America".

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Referring to the numerous statements which had alluded to the Latin American initiative, I said:

"I must confess that I was somewhat surprised that in some of those statements, after recognizing the fact that the establishment of a denuclearized zone was something primarily within the competence of the countries composing the zone, some ... representatives, referring to this matter, thereupon went on to enumerate a more or less long list of conditions, many of them impossible of fulfilment, which they believe to be indispensable for such a denuclearized zone to be established.

"Now, since the application of this procedure on a general and indiscriminate basis would in practice nullify the will expressed by States composing the zone directly concerned, and therefore would be in direct contradiction with the recognition of the fact that that will must be considered as the decisive element and since, on the other hand, such an attitude would seem to set aside the fact that the United Nations, in Chapter I of its Charter, expressly grants the 'sovereign equality of all its Members', I am inclined to believe that the intention of the speakers to whom I have alluded ... was primarily one of enumerating the conditions which they consider indispensable for an eventual or possible denuclearization of the geographical zones in which their own countries are situated."

(1333rd meeting, pp. 47 and 48)

That is what I said in this Committee in 1963.

That view, which I expressed more than a decade ago, continues to be fully applicable to the restrictive assessments which abound in the study of the Ad Hoc Group. Furthermore, if the contents of the report are examined carefully, the origin of the many contradictory statements can easily be determined, despite the cryptic style in which they are drafted.

Clearly, some of these statements reflect the position of some States -- very few, fortunately, among the impressive total membership of the United Nations -- which seem not to have grasped the philosophy of the

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San Francisco Charter. One might even say that they are trying to continue to live in the pre-war world. This explains the tendency towards hegemony, the systems of alliances and military blocs, spheres of influence and the many nuclear bases; in short, it explains that "balance of power" of modern times which is quite properly called "the balance of terror".

The other group of statements in the report are those made by the legions of young developing States which are usually referred to by the generic term of "the third world". They are the States whose peoples believe in and want to believe in the postulates, the principles and purposes of the Charter of the United Nations, which stand for and advocate as the supreme rule of conduct the sovereign equality of States and mutual respect, self-determination and non-intervention.

Between these two concepts which confront each other on every page, and at times even in every paragraph of the study prepared by the experts, the United Nations cannot be neutral; that would be a betrayal of its constitutive Charter.

The second definition which we consider it most desirable for the General Assembly to proclaim is the principal obligations of nuclear-weapon States in respect of the nuclear-weapon-free zones and in respect of the States in those zones. These obligations would obviously not be created by the Assembly but only defined by it, since the obligations derive from various sources, among which it is appropriate to single out the following two which could be considered to be the principal ones.

First, the commitment undertaken by virtue of the Charter of the United Nations, in Chapter I of which we have as one of the fundamental principles to refrain from "the threat or use of force", a commitment which obviously and in the first place must include the obligation to refrain from the use or threat to use nuclear weapons, since these represent the most destructive form of the use of force which the genius of man has discovered.

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Seccondly, the fact that in the case of any nuclear-free zone -- the creation of which obviously means a valuable contribution towards nuclear disarmament and the strengthening of peace -- there must exist "an acceptable balance of mutual responsibilities ... of the nuclear and non-nuclear Powers" as was affirmed by the General Assembly in the context of the negotiations which led to the non-proliferation Treaty in resolution 2028 (XX) of 19 November 1965. If the non-nuclear-weapon States, to make possible the existence of the zones, accept a number of specific obligations, then it is only to be expected that nuclear-weapon States, in turn, accept certain commitments in favour of the non-nuclear-weapon States.

On the basis of considerations such as the ones I have menticned, the delegations of Argentina, Morocco, Nigeria, Peru, Zaire and my own, have sponsored the draft resolution which appears in document A/C.1/L.724, which I now have the honour formally to introduce to the Committee on behalf of the sponsors.



(Mr. Garcia Robles, Mexico)

By way of introduction, I should like to add only a few remarks to the comments I have already made, which in general represent a further explanation of what is stated in the preamble of the draft resolution, to make clear the content of the two definitions proposed.

With reference to the first, it is fitting to indicate that of the five fundamental elements four are among the relatively few items on which a consensus was achieved in the Ad Hoc Group, all of whose members agreed that: first, the initiative for the establishment of a nuclear-weapon-free zone must come from one or several of the States which are to make up that zone; secondly, the constitutive element should be a treaty or convention freely entered into, since participation in the zone cannot be imposed on any State; thirdly, the statute of the zone to be defined by the instrument must be one of total absence of nuclear weapons; and, fourthly, that the instrument should also include an international system of verification and control to ensure full compliance with the agreed obligations.

As regards the fifth and last basic element of the definition -- namely, recognition of the zone as a "nuclear-weapon-free zone" by the General Assembly -- while it was one of many on which unanimous agreement was not reached by the experts, it is worth while to point out that most of the experts did agree on the application of a criterion to this effect and, further, there are unquestionably sufficient valid reasons to justify that recognition, among which are the following: the fact that "circumstances in different regions vary so widely that a pragmatic and flexible approach would need to be adopted in each case", as was recognized by the Ad Hoc Group in the very brief conclusion which appears at the end of the study (A/10027/Add.1, p. 69)

Consequently, as a complement of two of the universal requirements -- a régime of total absence of nuclear weapons and an effective system of verification and control -- which include the definition we have mentioned, provision will have to be made for a statement by an internationally recognized body, such as the General Assembly, to tell us, also in each case, whether the "pragmatic and flexible approach" mentioned by

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the experts has been judiciously applied and whether the result of their application has been the creation of a "nuclear-weapon-free zone".

This is a most delicate task and cannot be left to the arbitrary judgement of the nuclear Powers. We are therefore convinced that recognition by the United Nations, through a statement by its fully representative organ, namely, the General Assembly, to the effect that a zone meets all the requirements to be considered a "nuclear-weapon-free zone", will constitute the best defence of the legitimate interests of the peoples and States of the third world. In fact, with the authorized statement of the organ which is considered to be the spokesman of the conscience of mankind, capricious or self-seeking objections which may come in certain cases from members of the large military blocs, and particularly from some of the nuclear super-Powers which sponsor them, will be refuted.

With regard to the text under reference, it remains only for me to explain that the definition contained in it is the one that will be applied as a general rule, which of necessity means that the General Assembly can proceed to recognize a nuclear-weapon-free zone without strictly adhering to the procedures specified in the definition should the General Assembly consider that special circumstances make it advisable to make an exception to the general rule.

With regard to the second definition, the three obligations specified therein as the principal ones for the nuclear-weapon States are the same as those which were incorporated in 1967 in the first three articles of Additional Protocol II of the Treaty for the Prohibition of Nuclear Weapons in Latin America, which is known as the Treaty of Tlatelolco, and which also appears in resolution 2666 (XXV) of 7 December 1970. As everybody knows the Protocol already has the signatures and ratifications of four of the five nuclear Powers to which it was originally open. The unalterable and constant practice of the Assembly which was started in its resolution 2286 (XXII) and continued in six other resolutions, the latest of them resolution 3258 (XXIX), all of which were adopted without a single negative vote and the majority of them with more than 100 votes in favour, has been unreserved support for acceptance of these obligations by the nuclear-weapon States.

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What is provided for in paragraph 2 of the definition to the effect that the obligations of nuclear States must be embodied in each case

"... in a solemn international instrument having full legally binding force, such as a treaty, a convention or a protocol, which shall be signed and ratified by all nuclear-weapon States" also reflects the concept which the General Assembly has maintained year after year since 1968 when it adopted resolution 2456 B (XXIII).

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Finally, I should like to make clear that the provision in section III of the draft resolution in document A/C.1/L.724 is intended to dispel any doubt, as regards both the non-retroactive character of the two definitions which we hope the General Assembly will approve, and the fact that these definitions cannot be interpreted as a limitation of the power vested in the General Assembly. That is why we declare that:

"The above definitions in no way impair the resolutions which the General Assembly has adopted or may adopt with regard to specific cases of nuclear-weapon-free zones nor the rights emanating for the Member States from such resolutions." (A/C.1/L.724)

I would like in conclusion to reply in advance to any delaying tactics that some delegation might resort to, on the grounds that the subject in question requires additional study by Governments, by pointing out that the sponsors of the draft resolution in document A/C.1/L.724 are firmly convinced, as stated in the seventh preambular paragraph, that without prejudice to the results that may be obtained through any further examination of this matter, from the analysis of the contents of the special report of the Conference of the Committee on Disarmament it is already possible at this time to draw certain incontrovertible conclusions: these include, in the first place, the need for the General Assembly to adopt without delay the two definitions we have proposed.

We are likewise convinced that in so doing the General Assembly will promote and facilitate the banning from ever broader areas of those terrible instruments of mass destruction, nuclear weapons which represent, as we must never for a moment forget, the most terrible threat to the survival of mankind since the beginning of history.

The CHAIRMAN: I thank the representative of Mexico for his introduction of the draft resolution in document A/C.1/L.724. I now call on the representative of Sweden, Mrs. Thorsson, to introduce the draft resolution in document A/C.1/L.728.

Mrs. THORSSON (Sweden): In my statement here on 19 November, I addressed myself to matters relating inter alia to item 35, "Napalm and other incendiary weapons and all aspects of their possible use". In briefly doing so again today, I have the honour of introducing the draft resolution in document A/C.1/L.728, which is sponsored by the delegations of Austria, Egypt, Ethiopia, India, Ireland, Mexico, the Netherlands, New Zealand, Nigeria, Norway, Tunisia, Venezuela and Yugoslavia, besides my own delegation.

As is well known, this item involves matters relating to the prohibition or restrictions of use not only of napalm and other incendiaries, but also of various specific conventional weapons, for humanitarian reasons. The fourth preambular paragraph of the draft specifically recalls this fact. It is quite obvious that the present name of the item does not adequately cover what we actually are discussing. The wish of the sponsors to remedy this by having a more appropriate title is reflected in the final operative paragraph. There, it is proposed that as of the next session of the General Assembly the item be entitled: "Incendiary and other specific conventional weapons which may be the subject of prohibitions or restrictions of use for humanitarian reasons". By thus renaming the item as from the next session of the Assembly, the full scope would be covered. At the same time a link to the past title is retained through the reference to "incendiary weapons" being one of the categories of conventional weapons concerned. Some might have preferred to keep the word "napalm" as such a link. However, it is in the expectation that it will help to bring increased support for the draft resolution that the sponsors have settled instead for the word "incendiary".

As in previous years, the draft resolution basically limits itself to procedural aspects. Thus, in operative paragraph 2 the General Assembly would invite the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts to continue its consideration of the use of specific conventional weapons. The Conference would also be invited to continue its search for agreement on rules prohibiting or restricting the use of such weapons, for humanitarian reasons. In this context I wish to recall that the Conference will be attended by plenipotentiary representatives of States. Obviously they will be free to bring forward any

consideration which they deem relevant to the effort. Although the Conference basically is in the humanitarian domain, they would also, of course, be able to raise any relevant security considerations.

I would also wish to reiterate what I already said in my statement last week; that is, that the results of the Conference should be based on broad agreement in order to be realistic. This point is explicitly covered in the first and fifth preambular paragraphs of the draft resolution.

The sixth preambular paragraph recalls the important fact that the next session of the Diplomatic Conference will be preceded by a second conference of government experts. The object of this effort by experts is to focus on such specific conventional weapons as have been or might become the subject of proposed bans or restrictions of use, and in this context to study the possibility, the contents and form of such proposals, bans or restrictions.

(Mrs. Thorsson, Sweden)

The ICRC has issued invitations to States for their participation in the experts' conference which is to be held in Lugano, Switzerland, from 28 January to 26 February 1976. We sincerely hope that this important work may be carried out with the participation of experts from as many countries as possible. As appears from operative paragraph 3, the Secretary-General will be requested to report on the work not only of the Diplomatic Conference but also of the experts' conference.

Finally, my delegation understands that some of the difficulties that have marked our efforts in this question during previous years may have been overcome or at least significantly reduced at this session of the General Assembly. This is of course a development which is warmly welcomed by us. Against this background, it is our hope that the draft resolution I have just introduced can be adopted by consensus.

The CHAIRMAN: I thank the representative of Sweden for her introduction of the draft resolution in document A/C.1/L.728. At yesterday's meeting we reached a tentative agreement concerning some of the draft resolutions that will be acted upon at the end of this week. We shall probably have a meeting on Friday morning or Friday afternoon to deal with those drafts.

In addition, I should like to consult the Committee as to whether we could take action also on the draft resolution introduced by Sweden (A/C.1/L.728) this week. If there is no objection, we shall include that draft with the others for action this week.

It was so decided.

The CHAIRMAN: Regarding the draft resolution introduced by Mexico (A/C.1/L.724), I should like to ask the Committee whether it will be ready to act upon that draft this week or whether we should leave it for consideration the following week. I seek the Committee's guidance.

Mr. MARTIN (United States of America): I am afraid that my good friend the representative of Mexico has given us a very difficult problem in his draft resolution, though his presentation might lead one to think there would be no problem. I would think this draft is going to require much discussion and a great deal of thought, and I would suggest that next week would be a more appropriate time to vote on this draft resolution.

The CHAIRMAN: That was my impression, but I wanted an indication from the Committee to help me organize our work. The draft resolution in document A/C.1/L.724 will accordingly be left for consideration and action next week.

The report in document A/10029, regarding the implementation of the Declaration of the Indian Ocean as a Zone of Peace, includes the report of the Ad Hoc Committee on the Indian Ocean, which contains a recommendation on a draft resolution. I think the Committee will be in a position to act on that draft resolution, and to discuss it, this week. I shall invite the Chairman of the Ad Hoc Committee formally to introduce that draft resolution this week, and, if there is no objection from the Committee, we hope the Committee can act on that draft resolution this week. If I hear no objection, it will be so decided.

It was so decided.

Mr. DAYRELL de LIMA (Brazil): Mr. Chairman, for clarification could you refresh our memory as to the draft resolutions we are to vote upon on Friday?

The CHAIRMAN: The Committee will be voting upon the drafts in documents A/C.1/L.722, L.723, L.725 and L.728. Consultations are still under way regarding the draft resolutions in documents A/C.1/L.719 and L.727, and it is our hope that the Committee will be in a position to act on them this week. To this may be added the draft resolution regarding the Indian Ocean to which I have just referred.

As we have no speakers for this afternoon's meeting, it will be cancelled.

Three delegations are listed to speak at tomorrow morning's meeting, and none for tomorrow afternoon's meeting. If the representatives listed to speak at tomorrow morning's meeting will agree, we could hear them at the afternoon meeting. I hear no objection, so we shall hear those three representatives and any other representatives who wish to introduce new draft resolutions at tomorrow afternoon's meeting. Thus we shall have one substantial meeting tomorrow afternoon instead of having a short morning meeting and a short afternoon meeting.

Before we adjourn I should like to inform the Committee that Belgium has become a co-sponsor of the draft resolution in document A/C.1/L.725.

The meeting rose at 11.55 a.m.