# CONFERENCE OF THE COMMITTEE ON DISARMAMENT

CCD/PV.551 21 March 1972

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ENGLISH

# FINAL RECORD OF THE FIVE HUNDRED AND FIFTY-FIRST MEETING

held at the Palais des Nations, Geneva, on Tuesday, 21 March 1972, at 10.30 a.m.

Chairman:

Mr. Lennart Eckerberg

(Sweden)

GE.72-4615

PRESENT AT THE TABLE

Argentina:	Mr.	M.	E. DELPEC	Η
Brazil:	Mr.	P.	NOGUEIRA	BATISTA
Bulgaria:	Mr.	K.	CHRISTOV	
	Mr.	0.	MITEV	
Burma:	υs	EIN	TUN	
<u>Canada</u> :	Mr.	G.	IGNATIEFF	
	Mr.	R.	W. CLARK	
	Mr.	R.	E. MOORE	
Czechoslovakia:	Mr.	т.	LAHODA	
	Mr.	J.	STRUČKA	
	Mr.	M.	SOUKUP	
Egypt:		DT		
			SAYED EL I	
			ABOUL NAS	R
	Mr.	М.	ISMAIL	
Ethiopia:	Mr.	M.	IMRU	
	Mr.	Т.	GEBRU	
Hungary:	Mr.	I.	KÖMIVES	
	Mr.	J.	PETRAN	
	Mr.	F.	GAJDA	
India;	Mr.	Ρ.	K. BANERJI	Œ
	Mr.	G.	SHANKAR	

## PRESENT AT THE TABLE

Mr. R. CARACCIOLO Mr. E. GIUFFRIDA Mr. R. BORSARELLI Mr. P. BRUNI Mr. M. NISIBORI Mr. H. OTSUKA Mr. Y. TANAKA Mr. H. MATSUMOTO Mr. A. GARCIA ROBLES Mr. M. MARIN Mrs. M. PRIETO Mr. O. KHOSBAYAR Mr. Z. ERENDO Mr. J. CHOINKHOR Mr. M.J. ROSENBERG POLAK Mr. A.J. ETTEMA Mr. J.D.O. SOKOYA Mr. A.A. OLUMIDE Mr. N.A. NAIK Mr. N. MIRZA Mr. W. NATORF Mr. S. TOPA Mr. A. GRADZIUK Mr. A. CZERKAWSKI

Italy:

Japan:

Mexico:

Mongolia:

Morocco:

Netherlands:

Nigeria:

Pakistan:

Poland:

#### PRESENT AT THE TABLE

Mr. C. ENE Mr. O. IONESCO Mr. C. GEORGESCO Mr. C. MITRAN Mr. L. ECKERBERG Mr. U. REINIUS Mr. A.A. ROSHCHIN Mr. Y.K. NAZARKINE Mr. V.M. BASKAKOV Mr. H.C. HAINWORTH Mr. D.F. DUNCAN Mr. R. HOULISTON Mr. J. MARTIN Mr. A.R. DAY Mr. W. GIVAN Mr. M.H.A. VAN HEUVEN Mr. M. MIHAJLOVIC Mr. ILKKA PASTINEN

Mr. V. EPSTEIN

### <u>Romania</u>:

Sweden:

Union of Soviet Socialist Republics:

United Kingdom:

United States of America:

Yugoslavia:

Special Representative of the Secretary-General:

<u>Alternate Representative of the</u> <u>Secretary-General</u>:

# Communiqué of the meeting

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The Conference of the Committee on Disarmament today held its 551st plenary meeting in the Palais des Nations, Geneva, under the Chairmanship of H.E. Ambassador Lennart Eckerberg, representative of Sweden.

Statements were made by the representatives of Mexico, the United States of America and Poland.

The delegation of the United States of America submitted a "Work program regarding negotiations on prohibition of chemical weapons" (CCD/360).

The next meeting of the Conference will be held on Thursday, 23 March 1972, at 10.30 a.m.

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The CHAIRMAN (Sweden): I would like to welcome back to our Conference Ambassador Lahoda of Czechoslovakia, who returns to us after an absence of two years.

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<u>Mr. GARCIA ROBLES</u> (Mexico)(translation from Spanish): During the past few days we have been told here that we must remember that we are living in a world of sovereign States which cannot compel one another to disarm.

That is, of course, a self-evident truth. In our view, however, it does not explain the very meagre results achieved by the United Nations, including this Committee, in its efforts to halt the armament race. We must look elsewhere for an explanation.

President Luis Echeverría of Mexico, speaking before the General Assembly on 5 October 1971, said:

"Disarmament, the absolute need to disarm -- beginning with nuclear weapons -springs from peace as paramount among the values of human coexistence. Mexico has decidedly contributed to the work for disarmament in all the forums in which it has participated, and most particularly in the General Assembly and within the Committee that specializes in this subject.

"Furthermore, in the belief that one must practise what one preaches, we put forth our most determined efforts to complete successfully the task of banning atomic weapons in Latin America. The Tlatelolco Treaty was the culmination of this work."

Those views may provide us with an indication of the reason for the discouraging situation with which we are faced in this third year of the Disarmament Decade which is also the tenth anniversary of the Conference of the Committee on Disarmament. It is not that the negotiators are sovereign States. It is essentially that words have not been matched by deeds and that the most solemn undertakings have often remained a dead letter. Only very rarely has anyone been willing to practise what he preaches, to use the words of the Mexican Chief of State.

Most of the items which have appeared or continue to appear on our agenda bear witness to this state of affairs. A case in point, for example, is the determination "to achieve the discontinuance of all test explosions of nuclear weapons for all time" emphatically proclaimed nearly ten years ago in the Preamble of the Moscow Treaty. Another example is the undertaking to adopt "effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament", expressly contracted under article VI of the Non-proliferation Treaty, which was opened for signature nearly four years ago.

Perhaps one of the most striking examples of this contrast between words and deeds is the attitude of some nuclear-weapon States towards Additional Protocol II of the Treaty for the Prohibition of Nuclear Weapons in Latin America, the Treaty of Tlatelolco, with which I shall deal in this statement.

For an audience of experts like the members of this Committee it is quite unnecessary to review the history of these international instruments or to embark on a searching analysis of their provisions.

I shall simply refer to a few outstanding developments:

The Treaty of Tlatelolco, a spontaneous creation willed by the Latin American States, was the first -- and is so far the only -- instrument leading to the establishment of a completely nuclear-weapon-free regime applying to densely-inhabited territories, not to cosmic space, ocean depths or barren wastes permanently covered with snow.

The Treaty of Tlatelolco is, moreover, the first multilateral treaty on nuclear disarmament to set up an international control system with its own permanent bodies, and to make full use of the system of safeguards devised by the International Atomic Energy Agency.

When the nuclear-weapon-free zone in Latin America is extended to all the territories covered by the Treaty, it will cover an area of slightly over 20 million square kilometres with, at the present population density, 280 million inhabitants. It already covers nearly seven million square kilometres with a population of some 120 million.

The Treaty was submitted in 1967 to the General Assembly, which in resolution 2286 (XXII) considered that it "constitutes an event of historic significance in the efforts to prevent the proliferation of nuclear weapons and to promote international peace and security".

When U Thant, as Secretary-General of the United Nations, attended the opening meeting of the General Conference of the Agency for the Prohibition of Nuclear Weapons in Latin America (OPANAL), he said:

"In a world that all too often seems dark and foreboding, the Treaty of Tlatelolco will shine as a beacon light. It is a practical demonstration to all mankind of what can be achieved if sufficient dedication and the requisite political will exists."

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#### (Mr. Garcia Robles, Mexico)

The basic purpose of Additional Protocol II of the Treaty is to ensure that the nuclear Powers respect the military denuclearization of the States Parties as defined in the Treaty and undertake not to use or threaten to use nuclear weapons against those States.

Far from constituting a burden, these obligations, as pointed out by the General Assembly in its resolution 2666 (XXV), "are entirely in conformity with the general obligations assumed under the Charter of the United Nations, which every Member of the Organization has solemnly undertaken to fulfil in good faith, as set forth in Article 2 of the Charter".

Moreover, as the General Assembly pointed out in its most recent resolution on the subject -- resolution 2830 (XXVI) of 16 December 1971, adopted by 101 votes to none --"for the maximum effectiveness of any treaty establishing a nuclear-weapon-free zone, the co-operation of the nuclear-weapon States is necessary", and "such co-operation should take the form of commitments likewise undertaken in a formal international instrument which is legally binding, such as a treaty, convention or protocol".

It is therefore only natural that the General Assembly, in four successive resolutions: 2286 (XXII) of 5 December 1967; 2456 B (XXIII) of 20 December 1968; 2666 (XXV) of 7 December 1970 and 2830 (XXVI) of 16 December 1971 --- which, incidentally, were all adopted without a single negative vote --- should have urged the nuclear Powers, in the words of the last of those four resolutions, "to sign and ratify without further delay Additional Protocol II of the Treaty".

Notwithstanding these repeated appeals by the most representative body of the international community, and although the exceptional significance of the Treaty of Tlatelolco for peace and disarmament has been universally recognized, so far only two of the five nuclear-weapon States -- the United Kingdom and the United States -- have signed and ratified Additional Protocol II.

The fact that a third Power -- the People's Republic of China -- has not yet done so may be explained to some degree by its absence for over twenty years from the United Nations and from disarmament negotiations. Moreover, a most promising sign of a positive stand by the Chinese Government is that one of its first statements on the subject, following the General Assembly's adoption of resolution 2758 (XXVI) of 25 October 1971 restoring its lawful rights in the United Nations, was couched in the

terms set forth in the joint communiqué on the establishment of diplomatic relations between Mexico -- depositary State for the Treaty of Tlatelolco -- and China (CCD/358), as follows:

"The Chinese Government supports the just position of Mexico and other Latin American States on the establishment of a nuclear-weapon-free zone in Latin America and holds that all nuclear-weapon States should undertake the obligation not to use nuclear weapons against the zone or States mentioned above".

On the other hand, it is incomprehensible that the other two nuclear-weapon States, France and the Soviet Union, which are both members of this Conference of the Committee on Disarmament, have not yet signed the Protocol, though over five years have elapsed since the Protocol and the Treaty were opened together for signature.

Of France this is all the more difficult to understand in view of the many cultural and historical bonds linking it with Latin America and, above all, of the eloquent statements of sympathy and support made by France's representatives as early as 1966, when the Treaty was still in preparation, and reiterated in 1967 when the Treaty was submitted to the United Nations General Assembly. Those statements appeared to imply that French accession to the Protocol depended only on the conclusion within'a short period of what was then described as the study of the political and legal consequences of the texts proposed for France's signature.

Unfortunately nothing has happened in the intervening period to confirm the expectations to which those promises had given rise. Consequently, on 29 November 1971 I expressed the following views, speaking on behalf of the Mexican delegation in the First Committee of the General Assembly; and I now venture to reiterate them to this Committee:

"I would be failing in truthfulness were I not to place on record the fact that it has been a matter of profound disappointment for the Latin American countries to observe that the sympathy and the good intentions that were so fully expressed in the two statements from which I have quoted have so far remained on paper. For those of us who are aware of the political and legal genius of France and the abundance of its talent, it is truly incomprehensible that after almost five years it has not yet been possible to complete the study of a Treaty which in substance does not differ from many other treaties and which, of course, has nothing mysterious or esoteric about it".

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#### (Mr. Garcia Robles, Mexico)

It is equally difficult to understand the negative attitude adopted thus far by the Soviet Union. Although in this case we cannot speak of cultural and historical links similar to those that exist with the French nation, yet we believe that the government of no other country in the world has spoken in favour of nuclear-free zones more emphatically or more often than the Soviet Government. Its most authoritative spokesmen, from Mr. Kosygin, Fresident of the Council of Ministers, and Mr. Gromyko, the Minister for Foreign Affairs, down to innumerable ambassadors -- of whom I will mention only two of those who have participated most in our work: Mr. Tsarapkin, who was one of the representatives of his country during the early years of what was known as the Eighteen-Nation Committee, and Mr. Roshchin, who has headed the Soviet delegation in the Committee with such distinction since 1966 -- all these spokesmen have expressed at meetings of all kinds, as testified by the relevant records and documents both of the Committee on Disarmament and of the United Nations General Assembly, the enthusiastic support proclaimed by the Soviet Government for the establishment of such zones.

From this large number of statements I should like to quote two that seem particularly relevant to the matter I am considering.

The first is the statement made by none other than President Kosygin himself in his message to the Committee on Disarmament on 1 February 1966. In this statement, with reference to the draft Treaty on the Non-Proliferation of Nuclear Weapons submitted by his Government to the General Assembly four months earlier, he made this unequivocal assertion, to be found on page 3 of document ENDC/167:

"In order to facilitate agreement on the conclusion of a treaty, the Soviet Government declares its willingness to include in the draft treaty a clause on the prohibition of the use of nuclear weapons against non-nuclear States parties to the treaty which have no nuclear weapons in their territory.

"The Soviet Government fully supports the proposal of the Polish People's Republic to establish a denuclearized zone in Central Europe and to freeze nuclear armaments in that area, as well as proposals to establish denuclearized zones in other parts of the world. It is prepared to assume an obligation to respect the status of any denuclearized zones which may be established provided that other nuclear Powers assume similar obligations."

It is relevant to emphasize the following two points in the above statement: I. First, the Soviet Government, by its highest representative, stated that it "fully" supported proposals to establish denuclearized zones in any part of the world. This unlimited support should undoubtedly cover the Latin American proposal, since when the statement was made, in February 1966, that proposal had already been public for three years, and over two years had passed since the beginning of the preparatory work that was to culminate in the Treaty of Tlatelolco in February 1967.

2. Secondly, the highest Soviet authority stated that his Government was disposed to undertake not to use nuclear weapons "against non-nuclear States ... which have no nuclear weapons in their territory", a requirement which, as we all know, was met to the full by all the States Parties to the Treaty of Tlatelolco. The Soviet Union was also prepared to undertake to "respect the status of any denuclearized zones which may be established" without any other condition than that "other"-- and here it should be emphasized that the statement speaks of "other" and not "the other", still less of "all the other"-- nuclear Powers should undertake to follow the same course. These two undertakings freely given by the Head of the Soviet Government as far back as 1966 are, as I have indicated earlier, essentially the same as those that Additional Protocol II requires of the nuclear Powers that sign and ratify it.

The second Soviet statement that I wish to refer to, because I find it also particularly relevant, is that appearing in a note to the Chairman of the Preparatory Commission for the Denuclearization of Latin America (COPREDAL) on 20 January 1967 -that is, less than a month before 12 February, when the Treaty of Tlatelolco and its two Additional Protocols were adopted unanimously and opened for signature.

In that note (document COPREDAL/60) Ambassador S. Basarov, speaking on behalf of the Soviet Government, reiterated that his Government "is in favour of establishing denuclearized zones in the various areas of the world, considering that this will lead to an effective limitation of the displacement and use of nuclear weapons", and that "The establishment of denuclearized zones is likewise of great importance in eliminating the threat of a nuclear war and in limiting the arms race"; and then stated:

"The Government of the Soviet Union believes that, in the interest of strengthening peace and preventing the proliferation of nuclear weapons, the responsibility for creating denuclearized zones can be assumed not only by groups of States which cover entire continents or vast geographical areas, but also by limited groups of States and even by individual countries. For its part, the Soviet Government is prepared to contract the obligation of respecting the status of all the denuclearized zones which are established in the future, if other nuclear Powers undertake a like obligation."

It is regrettable that the position of unreserved support for nuclear-free zones so clearly and unequivocally expressed by Mr. Kosygin, President of the Council of Ministers, in 1966 and still reflected with some fidelity in the note from Ambassador Basarov early in 1967 should be transformed from the end of 1967, when the Treaty of Tlatelolco was submitted to the United Nations General Assembly, into an ambiguous position that attempts to reconcile the irreconcilable: namely an enthusiastic theoretical support for all nuclear-free zones, and a completely negative attitude concerning the only such zone that it has proved possible to establish thus far, which covers a vast and densely-populated area -- to be precise, an area of about seven million square kilometres with a population of some 120 million, as I have already stated.

To justify this strange position, arguments have been advanced whose validity evaporates before even the briefest objective analysis. These arguments were originally put forward in the First Committee of the General Assembly on 27 October 1967, during debate on the draft resolution that was to become resolution 2286 (XXII). Three days later, on 30 October, the Mexican representative on the Committee made a full statement of the relevant facts that, in our view, was more than sufficient to dissipate any misgivings that any provision of the Treaty might have aroused. The receptive attitude that appeared to be adopted by the Soviet representative on the Committee, Mr. Mendelevich, who stated publicly that his Government would make a careful study of the Mexican statement, induced us to believe that within a reasonable period the Soviet Union would develop a favourable attitude to the Treaty of Tlatelolco.

Unfortunately it has not, since the attitude of that nuclear Power has continued to be negative, and also last year saw the resurgence of the same arguments as were put forward in 1967. We believed that they had been abandoned permanently, first in a document circulated in New York at the request of the Permanent Representative, Mr. Malik -- which led my delegation to request the circulation to this Committee of working paper CCD/342 of 19 August 1971 -- and later more precisely, in the statement made by the Soviet Union representative to the First Committee at its 1848th meeting on 10 December 1971.

I should therefore like briefly to review those arguments, both for the benefit of those distinguished members of the Committee who are interested in the question of nuclear-weapon-free zones, and in the hope that my modest remarks will engage the personal attention of that highly-qualified specialist on disarmament questions Mr. Roshchin. His opinion may well -- at least so we venture to hope -- induce his Government to return to the sound path described some five years ago as the "Kosygin Formula".

At the meeting of the First Committee to which I have just referred, the Soviet Union representative gave the following three reasons for his country's refusal to comply with the repeated calls of the General Assembly for the signature and ratification of Additional Protocol II to the Treaty of Tlatelolco: the provisions of the Treaty relating to nuclear explosions for peaceful purposes; the absence of provisions prohibiting the transport of nuclear weapons; and the provisions of article 4, which defines the area of application of the Treaty.

With regard to the first reason, the Soviet Union representative stated that "article 18 of the Treaty provides that the States parties to the Treaty have the right to carry out nuclear explosions for peaceful purposes. That means that those States can possess devices comparable to nuclear weapons."

The statement I have just quoted is totally groundless. Since no less than five of the twenty statements made by the Mexican delegation with regard to the Treaty of Tlatelolco listed in working paper CCD/359 circulated last week -- those reproduced in the records of the 287th, 295th, 297th, 374th and 487th meetings -- contained a detailed analysis of this subject, I shall confine myself to pointing out that as soon as the Treaty of Tlatelolco was submitted to this Committee, on 21 February 1967, barely a

week after it was opened for signature, the Mexican delegation explained the scope of its provisions on this matter. In doing so it stressed that in article 1 of the Treaty the Latin American States had contracted obligations which were defined in such a way that they did not appear to contain any loophole, since they expressly bound the States Parties, among other things, "to refrain from engaging in, encouraging or authorizing, directly or indirectly, or in any way participating in the testing, use, manufacture, production, possession or control of any nuclear weapon". It was also emphasized that article 5 of the Treaty contained a precise definition, corresponding closely to the latest technological developments and containing no subjective elements, which stated that a nuclear weapon was "any device which is capable of releasing nuclear energy in an uncontrolled manner and which has a group of characteristics that are appropriate for use for warlike purposes". Moreover, it was stated that "concerning the 'explosions for peaceful purposes' referred to in article 18 of the Treaty, it should be pointed out that the Contracting Parties may only carry out such explosions 'provided that they do so in accordance with the provisions' of that article and 'the other articles of the Treaty, particularly articles 1 and 5'" (ENDC/PV.287, paras.62-64).

A month later, on 21 March, my delegation reverted to the subject and expanded its original statement: subsequently, on 6 March 1968, after referring to the two earlier statements, it said the following:

"In other words, the Government of Mexico considers that in order that one of the States Parties to the Treaty of Tlatelolco may carry out a nuclear explosion for peaceful purposes, it will have to show previously that such explosion will not require a 'nuclear weapon', that is to \_ y, in accordance with the objective definition of article 5 of the Treaty, 'any device which is capable of releasing nuclear energy in an uncontrolled manner and which has a group of characteristics that are appropriate for use for warlike purposes'. In view of the objective character of that definition, the experts in this field will very easily be able to say whether such a thing is possible at present or not...

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"Because of all that, the Mexican delegation is convinced that there is no conflict, nor can there be any, between the Treaty for the Prohibition of Nuclear Weapons in Latin America and the draft treaty on the non-proliferation of nuclear weapons which we are now discussing, provided that both instruments are correctly Far from conflicting, they can and must complement each other usefully interpreted. and harmoniously for the good of Latin America, the western hemisphere and humanity. By the same token, there is no conflict between article 18 of the Treaty of Tlatelolco and article II of the draft treaty on non-proliferation. In this respect, and since we have once again given our interpretation of the former of those articles, my delegation deems it appropriate to state in regard to the latter of them that we understand the words 'nuclear explosive devices' as synonymous with 'nuclear explosive devices that could be used as nuclear weapons'. Moreover, in our opinion that interpretation corresponds exactly to that given to those words by the representative of the United States ... at the meeting held on 14 September 1967 ... " (ENDC/PV.374, paras. 9-11).

It would seem relevant to add in this connexion that the Mexican Government, in signing the Non-Proliferation Treaty on 26 July 1968 -- expressly stated -- as announced by my delegation in this Committee on 13 August of the same year (<u>ENDC/PV.389</u>, para. <u>37</u>) -- that it understood --

"1. That, in virtue of what is stipulated in article VII of the treaty, none of its provisions are to be interpreted as affecting in any way the rights and obligations of Mexico as a State party to the Treaty for the Prohibition of Nuclear Weapons in Latin America (the Treaty of Tlatelolco), which was opened for signature on 14 February 1967 and concerning which the General Assembly of the United Nations adopted resolution 2286 (XXII) of 5 December 1967;

"2. That at present any nuclear explosive can be used as a nuclear weapon and there is no indication that in the immediate future nuclear explosives could be produced that would not be potentially nuclear weapons. However, if technical progress succeeds in altering this situation it will be necessary to amend the relevant provisions of the Treaty in accordance with the procedure laid down therein." Second strategy and the second strategy a

# (Mr. Garcia Robles, Mexico)

This statement was transmitted to the Soviet Union Government as a depositary of the Treaty, and to the other two depositaries, the Governments of the United States and the United Kingdom; and none of them raised any objection to it.

The only conclusion that can be drawn from everything which I have recapitulated is that the scope of article 18 of the Treaty of Tlatelolco, if correctly interpreted, is identical in substance with that of article II of the Treaty on the Non-Proliferation of Nuclear Weapons.

That was pointed out, moreover, both by the United Kingdom and the United States in the interpretative statements which they made in signing and ratifying Additional Protocol II to the Treaty of Tlatelolco. Those statements were circulated by the depositary Government, namely the Mexican Government, to all States Parties and secured the tacit consent of them all - as any similar interpretative statement that the Soviet Union Government might make would surely do.

The second matter raised at the meeting of the First Committee of which I have been speaking was dealt with very concisely by the Soviet Union representative, who said only:

of nuclear weapons or nuclear devices through the territory of States parties to it. This again is an obvious flaw and an important gap in the Treaty."

I shall try to illuminate this point just as concisely by merely observing that the Final Act of the fourth session of the Preparatory Commission -- reproduced in document ENDC/186 of 21 February 1967 -- gave the following reason for the absence of the term "transport" from the prohibitions laid down in the Treaty:

"The Commission deemed it unnecessary to include the term 'transport' in article 1, concerning 'Obligations', for the following reasons:

"1. If the carrier is one of the Contracting Parties, transport is covered by the prohibitions expressly laid down in the remaining provisions of article 1 and there is no need to mention it expressly, since the article prohibits 'any form of possession of any nuclear weapon, directly or indirectly, by the Parties themselves, by anyone on their behalf or in any other way'.

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"2. If the carrier is a State not a Party to the Treaty, transport is identical with 'transit' which, in the absence of any provision in the Treaty, must be understood to be governed by the principles and rules of international law; according to those principles and rules it is for the territorial State, in the free exercise of its sovereignty, to grant or deny permission for such transit in each individual case, upon application by the State interested in effecting the transit, unless some other arrangement has been reached in a Treaty between such States."

It is doubtless arguable that the Treaty would have been more perfect if the transport of nuclear weapons had been totally prohibited. It must not be forgotten, however, that perfection in matters such as this is virtually unattainable. If the failure of the Treaty to contain that additional prohibition had to be described as "an obvious flaw and an important gap", we wonder what description would be applicable, by an equally strict criterion, to the fact that the Non-Proliferation Treaty -- of which the Soviet Union is one of the principal co-sponsors -- left the door just as far open to the vertical proliferation of nuclear weapons and the perpetuation and additional establishment of nuclear bases and installations in all parts of the world.

On the third matter mentioned by the Soviet Union representative in the First Committee of the General Assembly, the record of the meeting reads as follows:

"Finally, article 4 defines the zone of application of the Treaty in such a way that in certain circumstances that zone covers enormous areas of the Atlantic and Pacific Oceans hundreds of kilometres beyond the territorial waters of States parties to the Treaty. That is not in accordance with the accepted norms of international law and is not acceptable to the Soviet Union."

We do not feel it difficult to refute this statement. In fact we know of no norm of international law, whether accepted or not, which prevents States from prohibiting by agreement the installation or emplacement of nuclear weapons -- and this is what the Treaty does, since, as stated above, it contains no provisions relating to transport -- through the conclusion of a multilateral legal instrument signed and ratified in the free exercise of their sovereignties.

For it must be remembered that the zone defined by reference to geographical co-ordinates in article 4(2) of the Treaty of Tlatelolco will not come within the application of the Treaty until "the requirements of article 28, paragraph 1" are fulfilled. These include, in addition to the signature and ratification of the Treaty by all States situated within that zone, the "signature and ratification of ... Additional Protocol II" by "all powers possessing nuclear weapons". Consequently there is no question of imposing unilateral decisions, since by signing and ratifying Additional Protocol II those Powers -- the only ones which might be interested in and capable of installing or placing nuclear weapons in that maritime zone -- would be freely accepting the obligation not to do so. It seems to us that this obligation would be a very modest recompense for the decision taken by the States Parties to the Treaty of Tlatelolco to prohibit nuclear weapons for all time in their territories -- taking these to be not only their terrestrial territories but also their territorial sea and air space. It would be a very modest step towards implementation of the principle of "an acceptable balance of mutual responsibilities and obligations of the nuclear and nonnuclear Powers" urged by the United Nations in its historic General Assembly resolution 2028 (XX).

In addition, were it agreed that the provisions of article 4 of the Treaty of Tlatelolco are not in accordance "with the accepted norms of international law" because they establish a militarily-denuclearized maritime zone extending some hundreds of kilometres beyond the territorial waters of the States Parties, it would be necessary to condemn beyond recall the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and in the Subsoil Thereof -- of which, as of the Non-proliferation Treaty, the Soviet Union was one of the two main co-sponsors -- since article I of that Treaty extends its prohibitions to thousands, not hundreds, of kilometres of the sea-bed beyond a coastal maritime zone twelve miles wide.

I venture to hope that this statement may facilitate a response to the appeals launched for the fourth time by the United Nations General Assembly to the nuclear Powers urging those which have not yet done so to sign and ratify Additional Protocol II to the Treaty for the Prohibition of Nuclear Weapons in Latin America.

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#### (Mr. Garcia Robles, Mexico)

We are convinced that if the People's Republic of China, France and the Soviet Union acted in accordance with that resolution, which faithfully reflects world opinion on the matter, there would be an all-round gain: for disarmament, because the Treaty of Tlatelolco would be strengthened and its effectiveness enhanced, as the General Assembly itself has expressly indicated; for the States Parties to the Treaty, because that would give them tangible proof of the nuclear Powers' co-operation, to which they are legitimately entitled; and for those Powers themselves, because we feel certain that none of them will wish to incur the censure of international opinion at the World Disarmament Conference. This is to be open to all States and is almost certain to take place in 1973 or 1974, and its programme will presumably include, within the general topic of nuclear-weapon-free zones, a more specific subject permitting discussion of the nuclear Powers' attitude to the Treaty of Tlatelolco, the only treaty that it has so far been possible to conclude to eradicate these terrible instruments of mass destruction from a densely-inhabited area nearly as large as a continent.

<u>Mr. MARTIN</u> (United States of America): The Work Programme regarding negotiations on prohibition of chemical weapons tabled by the United States delegation today addresses one of the most urgent questions before the Committee. The task of seeking effective measures for the prohibition of the development, production, and stockpiling of chemical weapons is one in which the international community has expressed a strong interest. This was particularly evident during negotiation of the Biological Weapons Convention, and resulted in the unambiguous commitment regarding chemical weapons negotiations contained in Article IX of the Convention. Committee members who have made statements at the present session of the Committee, including the United States delegation, have reaffirmed their commitment and have urged the Committee to pursue the objective of effective measures vigorously and with the utmost seriousness.

In its statement on 29 February 1972 our delegation expressed the belief that the difficult and complex problems of dealing effectively with chemical weapons are not necessarily insoluble. We believe, however, that solutions to these problems are possible only through careful, systematic and thorough analysis of the issues involved. We firmly believe that this represents the most constructive approach to achieving chemical weapons prohibitions.

On 29 February our delegation posed a number of questions concerning the various elements involved in placing restraints on the development, production, and stockpiling of chemical weapons. We noted that one of the central issues is the inter-relationship between the scope of attainable prohibitions and the potential of various approaches to verification. We also set forth a number of elements of this problem that we believed the Committee could productively consider at this session.

The Work Programme that the United States delegation is tabling today sets forth in detail some of the questions that could arise in our work on chemical weapons prohibitions -- particularly questions regarding scope and verification. It does not attempt to treat all of the many factors which we or others may feel are important or to offer final judgements on any of the questions that are discussed. Our delegation hopes that the material presented will stimulate further discussion and assist the Committee towards reaching consensus regarding those considerations that are important to successful negotiations.

Before summarizing our Work Programme, I would like to say that we do not claim that all of its ideas are original. Quite the contrary. Many of you will recognize concepts which were first put forward in the Committee by your delegation. Our aim was to compile and organize the relevant concepts into a comprehensive framework.

The section of the Working Paper dealing with "scope" sets forth major categories of types of agents and precursors. It describes a number of factors which appear relevant to their consideration in the context of arms limitation. It points out that there are some agents such as organophosphorus nerve agents that have no large-scale uses except in chemical warfare; and that, on the other hand, some agents such as phosgene, chlorine and hydrogen cyanide are also commonly used for civilian purposes. Intermediates of modern agents may or may not have civilian applications.

The Work Programme reviews various ways which have been suggested for defining substances that might be controlled. These include a specification of toxicity levels, the listing of substances by name and specific structural formula, a general structural formula criterion and a definition based on purpose. It discusses combinations of methods that might be considered, having various possible prohibitions in mind, and the question of ways in which definitions could be kept current.

The Work Programme describes various classes of activities pertaining to chemical weapons, together with relevant arms-limitation considerations. Production of agents is noted as being a key element in acquiring and maintaining a chemical warfare capability. We point out that in considering possible approaches to prohibiting production of chemical weapons, the question of munitions might assume varying importance depending on the nature of the agents being utilized. In the case of dual-purpose agents, the activity which it might seem most relevant to restrict would be production of munitions rather than of agents. In the case of known nerve agents, which do not have large-scale peaceful uses, it is noted that controls affecting production of agents would appear to be of particular importance.

The Work Programme observes that possession of stocks of chemical weapons is essential to the maintenance of an immediate chemical capability. It points out that, while there is evidence which suggests the existence of quantities of chemical arms in present-day arsenals, storage of chemical weapons is not a readily identifiable activity. The Work Programme observes that among considerations which seem pertinent in relation to stockpiling is uncertainty over the size and composition of chemical weapon stocks in existence. It is also observed that a capability to retaliate promptly in kind to a chemical attack is one deterrent against initiation of chemical warfare.

The section on verification sets forth a number of considerations on the relationship between scope of prohibitions and verification. It is noted that various possible combinations of chemical weapons prohibitions would be likely, in order to be effective, to require various measures of verification. Comprehensive prohibitions would, by definition, most completely limit chemical warfare capabilities. On the other hand, there may be some factors which would warrant the Committee's consideration of the relative merits of a phased approach.

The verification section reviews various specific verification elements. The possibility of assuring through the use of seals and monitoring devices that chemical weapons activity does not take place at "moth-balled" facilities is one approach that is suggested for consideration.

Given the complexity, and prospects for growth and change in the chemical industry throughout the world, the work programme suggests that consideration might be given to the role that exchange of information on chemical products and facilities might play in verifying chemical weapons limitations.

The usefulness of declarations by countries regarding activities and facilities relevant to an agreement might be examined as one way to emphasize a party's continuing commitment to an agreement and to increase the effectiveness of various means of verification.

The Work Programme examines the prospects for using remote sensing devices, in view of the present level of sensor technology. Since an on-the-scene inspection by technically-qualified personnel may be the most efficient and direct way of resolving a serious question concerning implementation of an agreement, it is suggested in the Work Programme that the possibilities for on-the-scene verification should be considered. Monitoring of imports and shipments of certain chemicals is set forth as another possible verification element which might be examined.

The section of the paper which deals with international organizational considerations discusses questions bearing on possible consultative arrangements, relationship to the United Nations Security Council, and provisions for periodic review.

Other questions discussed in the Work Programme concern: relationship of further prohibitions to the Geneva Protocol; facilitation of international co-operation in the field of peaceful applications of chemistry; prohibitions of assistance to third parties with respect to prescribed activities; entry into force; duration and withdrawal; and amendments.

The United States delegation hopes that this paper will facilitate the Committee's work on these questions. We look forward to learning more about how Committee members regard these questions and others which may be relevant to our common task.

Much needs to be done. We can only benefit from the exchange of ideas and questions, from the intensive study of all the issues relating to possible prohibitions of chemical weapons. We hope that our paper will contribute to this essential work.

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In concluding I should like to observe that when we are dealing with chemical weapons we are dealing with weapons which could be available to a very large number of nations. Chemical weapons restraints, therefore, will have direct and substantial importance for all such nations. Since many countries in the world have the ability to develop, produce and stockpile chemical weapons, these countries must be assured that chemical weapons restraints that might be adopted would accord with their basic security interests. For this reason, in particular, it is essential that consideration of the problem in this Committee have the broadest possible participation. Progress will heavily depend upon the contributions of all members. We hope that our working paper will provide a realistic and practical framework within which such contributions can be made.

<u>Mr. NATORF</u> (Poland): As was pointed out at the last United Nations General Assembly session, the situation in the field of armaments cannot but cause ever-growing concern of all nations. Some of the speakers who preceded me made already reference to certain very disturbing facts which demonstrate the menacing challenge of galloping technology geared to armaments which, if not reversed, could by far outdistance efforts aimed at curbing and reducing the arms race.

The data collected by a panel of experts nominated by the Secretary-General are too eloquent. Over \$200 billion are being spent yearly on armaments; and we face the prospect of this expenditure being raised to \$300 billion a year in the next decade if the present trend in armaments is not arrested and reversed. Probably a guarter of the world's scientists and engineers engaged in research and development are in fact employed on military work, while military research and development absorb probably more than one-third of total research and development expenditure in the world.

The increasing awareness of the close interdependence between security and disarmament was again duly reflected at the General Assembly debates in the fourteen resolutions adopted on various problems of disarmament, and particularly in the unanimous support for the idea of a world disarmament conference.

Our disarmament efforts and our capabilities in easing or solving different aspects of the arms race are a reflection of and are related to the political situation throughout the world. Existing military conflicts, as was stressed so many times, hamper or reduce these capabilities, while progress in decreasing international tension opens up new possibilities in disarmament negotiations, the results of which depend so much on the securing of political premises based on the non-use of force, mutual respect and the creation of a climate of mutual confidence. Europe assumes a particular role in this respect. Last year we made an assessment of some positive developments on the European political scene. We hope that the process towards the normalization of relations in Europe will not be hindered. As never before, the continent of Europe has the historical opportunity of moving from the role of a breeding-ground of wars and a giant battlefield into that of a blue-print for peace and security far beyond the limits of Europe.

The declaration on peace, security and co-operation issued by the Prague Conference of the Political Consultative Committee of States Parties to the Warsaw Treaty, held in January this year, constitutes another substantial step towards the achievement of these aims and the convening of the European Conference on Security and Co-operation. It is also a further evidence of the determination of these States to pursue all efforts aimed at resolving the crucial problems of disarmament both on a regional and on a global basis.

In assessing the factors conducive to better prospects in the field of disarmament we should also mention the results achieved so far in the Strategic Arms Limitation Talks between the USSR and the United States. The agreements reached in September last year on measures to reduce the risk of accidental nuclear war and to improve direct communications between these two States are important elements of the overall efforts aimed at checking and restricting the danger of nuclear weapons being used. As instruments providing for mutual security guarantees, these agreements create better premises for more concrete steps in the limitation of nuclear strategic armaments. Further progress achieved in these talks would have a beneficial influence on other forums of negotiation, and indeed on the international situation in general.

Last year our Committee achieved tangible results in working out a Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction. By a virtually unanimous approval of this Convention the General Assembly has not only approved the work done by the Committee, but has also set forth our further obligations deriving from the negotiations on bacteriological and chemical weapons. For the first time in the history of disarmament negotiations a consensus was reached on a legal document providing for true disarmament measures through the elimination from the arsenals of States of a particularly horrible weapon of mass destruction. Following its adoption by the General Assembly, the Convention on Bacteriological (Biological) Weapons should without undue delay be opened for signature and ratified.

It has been generally recognized that the agreement on the prohibition of bacteriological weapons is only a partial step in the comprehensive prohibition of both chemical and bacteriological weapons. The principle of close link between those two types of weapons has been again reaffirmed in the United Nations General Assembly debates as well as in the Convention on bacteriological weapons itself. Subsequently resolution 2827 (XXVI) of the General Assembly "Requests the Conference of the Committee on Disarmament to continue, as a high priority item, negotiations with a view to reaching early agreement on effective measures for the prohibition of the development, production and stockpiling of chemical weapons and for their elimination from the arsenals of all States". The preamble and Article IX of the Convention on Bacteriological Veapons reiterates the urgency of eliminating chemical weapons and pursuing to this aim negotiations. The mandate of the Committee has thus been precisely defined. While proceeding to serious and concrete negotiations we should endeavour to ensure the most appropriate conditions for the fulfilment of our obligations and in particular that all States refrain from any activities which could hamper or delay the achievement of an agreement on the elimination of all chemical methods of warfare.

Since the prohibition of chemical weapons is, in our strong conviction, the first immediate and feasible task of the Committee, I should like at this stage of our discussions to submit some preliminary views of our delegation on this subject.

In his statement made at the opening meeting of our Committee, Mr. Martin put forth a number of questions. The first and second suggest the possibility that the prohibition of chemical agents could be limited to some types only. The same ideas were developed in a detailed way in today's statement by the United States representative and the Work Programme submitted by the United States delegation in document CCD/360. Also from previous working documents submitted by some other delegations we could assume that the prohibition would concern agents of the highest degree of toxicity, i.e. organophosphorus compounds.

The degree of effectiveness of chemical weapons depends, apart from certain atmospheric factors, primarily on the defensive capabilities against these weapons and on the degree of preparedness of the other party in using the necessary defensive equipment. Thus in a contemporary war when the conflicting parties are well trained and possess efficient defensive equipment, the use of compounds of the highest degree of toxicity becomes the most probable.

We must however also take into account wars between parties not adequately or at all prepared to defend themselves against chemical weapons, or wars when one party has over the other advantage in equipment or training. In such wars there is no need to use agents of the highest degree of toxicity. Those which were used during the first world war would be sufficient to cause irremediable damage. In such circumstances chemical weapons would really become weapons of mass destruction independently of their degree of toxicity.

For these reasons the Polish delegation maintains that a prohibition should comprise all types of chemical weapons. If the Geneva Protocol of 1925 is unequivocal as far as the scope of prohibition is concerned, that is due to the fact that its

provisions were formulated in general terms. The inclusion in an agreement on the prohibition of chemical weapons of technical notions such as threshold of toxicity, chemical formula or of provisions of a restrictive nature would be contrary to a comprehensive approach and inconvenient in so far as it would not take into consideration further development and progress which cannot be evaluated or foreseen at the time when the agreement is being worked out.

Much time was devoted during the last two years of this Committee's debates to the problem of verification of the observance of an agreement on the prohibition of chemical weapons. In maintaining the position that the most appropriate solution consists in providing for a proper balance between national and international procedures, the socialist States assume rightly that an on-site control system, to be duly effective, must be so largely expanded that both for political and technical reasons it would be unfeasible and unacceptable to a great number of States.

The discussions in this Committee on the question of verification confirm -- in our conviction -- the correctness of our approach. The effectiveness of methods of verification suggested so far in this Committee or by qualified experts has been questioned even by those favouring detailed verification procedures. For instance, the idea of verification of statistics proposed by SIPRI and in the Japanese working paper (CCD/344) has been qualified by the United States representative as a measure which could only be of ancillary use and alone could not provide an answer to the verification problem (CCD/311). The working paper submitted by the United Kingdom (CCD/308) describes the difficulties and limited effectiveness of observation methods by satellites, atmospheric sensors and effluent sensors. It has therefore been claimed by some that, since the methods of verification by external means cannot be fully reliable, the verification requirements could only be met by verification on the spot.

As we all know, one of the specific features of the chemical industry is its elasticity in modifying the profile of the production. A plant producing insecticides like Malathion or Parathion can easily produce G and V agents. On the other hand, it is easy to conceal from external control the production of poisonous agents in large chemical plants. An on-site verification would therefore require access to practically all plants. Is such a control acceptable and feasible from Could not such a control the political, economical and technical points of view? organ be transformed into a body collecting secret military and industrial material? The problem of verification is also complicated by the fact that several chemical agents which may have a military use are in fact applied for civilian purposes. For all these reasons and on the basis of the negotiations of the last two years we can only conclude that, if we want to avoid endless discussions on technicalities --which would not bring us closer to the solution of the verification problem --- we should be guided by the approach which prevailed with regard to the verification of the prohibition of bacteriological weapons. This approach indicates that there exists a possibility for an optimum solution of the system of guarantees of the observance of the prohibition of chemical weapons. These are some of our preliminary remarks on the scope and verification of the prohibition of chemical weapons.

Nuclear disarmament, and particularly the achievement of a comprehensive test-ban treaty, remains one of the major preoccupations of the Committee. Our delegation maintains that one of the fundamental prerequisites for achieving substantial results in the efforts aimed at curbing and reversing the arms race in the nuclear field is universal adherence to the existing agreements, particularly by all nuclear-weapon States. We should therefore strive for full adherence to the Moscow Test-Ban Treaty of 1963.

From the lengthy discussions held up to now and the various documents, as well as from the views of highly-qualified experts, it is more than obvious that the present scientific and technical level of seismology gives adequate guarantees to distinguish between nuclear events and natural events by national means of detection.

May I be permitted to refer here to the very pertinent words of the Secretary-General, Mr. Kurt Waldheim, expressed in his statement at the opening meeting of the Committee? While touching upon the problem of stopping nuclear-weapon tests, he said: "I believe that all the technical and scientific aspects of the problem have been so fully explored that only a political decision is now necessary in order to achieve final agreement ... While I recognize that difference of views still remain concerning the effectiveness of seismic methods of detection and identification of underground nuclear tests, experts of the highest standing believe that it is possible to identify all such explosions down to the level of a few kilotons. Even if a few such tests could be conducted clandestinely, it is most unlikely that a series of such tests could escape detection". (CCD/PV.545) The same conclusions were drawn in the SIPRI research report on the Test Ban published last year, which excludes the possibility of undetected series of nuclear tests.

At a time when all the necessary prerequisites already exist for a political decision on the banning of underground nuclear weapon tests through national means of detection, we are unfortunately still faced with the same outdated demands and insistence on technical aspects of verification.

While we can understand the concern of some delegations which spare no efforts in submitting different suggestions concerning intermediate, unilateral or partial measures, we are much afraid, however, that such an approach, instead of bringing us closer to a solution, may further delay the achievement of an agreement. Partial, intermediate or unilateral measures with regard to underground nuclear tests limited in scope and to some parties only would in our conviction only adjourn further progress towards a comprehensive test-ban treaty and could not be a substitute for an intermational treaty with universally-binding legal force.

Much to our regret, too little attention has been devoted to a question which may significantly improve the possibilities of more radical changes in the field of nuclear disarmament. We have in mind the long-standing problem -- referred to by Mr. Roshchin in his statement at the opening meeting -- of the prohibition of the use of nuclear weapons. An agreement on this question adhered to by all nuclearweapon States, or, to be more precise, the conclusion to this effect of an international convention, as proposed by the delegation of the Soviet Union in 1967, would not only be a logical follow-up of the agreements of a pre-emptive nature which have been already concluded, but also a very substantial step facilitating other disarmament measures, since it should render meaningless the possession of nuclear weapons. The prohibition of the use of nuclear weapons does not raise any technical problem of verification.

Our delegation has consistently maintained that, while seeking for new approaches or solutions, we should not lose sight of the necessity to ensure that the existing agreements ought to be fully implemented and complemented in accordance with the obligations stipulated therein. Accordingly, appropriate attention should be accorded to further negotiations, pursuant to Article V of the Treaty on the Prohibition of the Employment of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor, so as to ensure the full demilitarization of this environment. We should not avoid the consideration of this problem, which, because of the real possibilities of further expansion of military technology, may later become much more complex and difficult to solve. We view this problem not only from the point of view of security but also of ensuring the most favourable conditions for the peaceful exploration and use of this environment. Poland is particularly interested in and looks for the possibilities for co-operation with the Baltic States in the peaceful use of the Baltic Sea and the protection of its resources.

It is of the utmost importance and urgency to secure full implementation and adherence to the Non-Proliferation Treaty of all States. It is regrettable that a to manage a la sete

## (Mr. Natorf, Poland)

some States with most advanced nuclear technology have so far failed to ratify this Treaty, which is the most far-reaching measure in the field of curbing nuclear arms. We hope that the States concerned, and particularly the Euratom States, will soon conclude with the International Atomic Energy Agency the necessary safeguards agreements. I should like to take this opportunity to inform the Committee that on the eighth of this month Poland signed with the IAEA an agreement on the application of safeguards. As we said in the past, as far as the European continent is concerned the attitude towards implementation of the NPT is for us an essential touchstone of the sincerity of approach of European States to the question of security and disarmament.

While considering the items which have assumed a certain priority in the work of the Committee, we could also explore the possibilities of achieving better understanding, and move towards the solution of some problems which were already the subject of past debates, like dismantling of foreign bases, prevention of the possibility of an outbreak of war by accident or surprise, reduction of military budgets and other confidence-building measures.

We are all well aware of the complexity, both political and technical, of the problem of general and complete disarmament under effective international control. However limited, the agreements which have been concluded constitute valuable achievements in the gradual implementation of the objective of general and complete disarmament. In our opinion the convening of a world disarmament conference and the preparatory work with the active participation of all States would open up new possibilities for more substantial moves. We are of the view that the Committee also can play a valuable role as a qualified organ which could prepare relevant materials for consideration by the world conference. These materials could be based upon the different documents and working papers which have already been under consideration by this Committee during the last decade.

Without overlooking the existence of shortcomings, the fact that disarmament negotiations have not yet met the general expectations of the world and that acute problems are still unresolved, we should, however, not belittle the significance of what has already been achieved in the not very long history of the existence of this Committee. Never before in disarmament negotiations could an international organ be credited with the conclusion of such a number of agreements. In our view -- based on the judgement of political realities -- the Committee has proved a most appropriate, effective negotiating body, reflecting through its composition in a balanced manner the various political trends. As such it is in a position to submit solutions acceptable to the large forum of the United Nations. The results of its activities as well as the prospects of disarmament in general would, as we have always maintained, be much enhanced by the active participation in disarmament endeavours in our forum and elsewhere of the remaining nuclear Powers, China and France, and of other States with advanced military potentials like the German Democratic Republic and the Federal Republic of Germany. During the course of our debate views were expressed on the advisability of considering structural and procedural measures dealing with the functioning of the Committee. In our opinion some of these suggestions may in the appropriate time and conditions be the subject of exchange of views and consideration. We should, however, at the same time be careful not to divert our attention from the main subjects which by virtue of our previous decisions and the General Assembly resolutions are listed on the agenda of our Committee.

Such are the few remarks that the Poli h delegation wishes to submit at the present stage of our debates. We express the hope that the current session of the Committee will be a further contribution to our disarmament efforts.

Before concluding, Mr. Chairman, permit me to join the previous speakers who have welcomed and expressed their good wishes to all our colleagues taking part for the first time in the work of our Committee.

<u>Mr. LAHODA</u> (Czechoslovakia): Mr. Chairman, my intervention will be very brief. I should like to express my gratitude for the kind words you have addressed to me this morning.

The meeting rose at 12.30 p.m.