



VERBATIM RECORD OF THE 30TH MEETING

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The meeting was called to order at 3.05 p.m.

AGENDA ITEMS 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48 and 49

The CHAIRMAN: This afternoon we shall begin the general debate on agenda items 35 to 49, but before we do so I should like to make a few announcements.

First, I would draw attention to the revised version of draft resolution A/C.1/33/L.12, which has been distributed under the symbol A/C.1/33/L.12/Rev.1, and to draft resolution A/C.1/33/L.15, submitted by the delegation of Pakistan and relating to Strengthening the security of non-nuclear-weapon States against the use or threat of use of nuclear weapons.

Secondly, as announced earlier, the time-limit for submitting draft resolutions on item 125, Review of the implementation of the recommendations and decisions adopted by the General Assembly at its tenth special session, will be tomorrow at 5 p.m.

Finally, and also as announced earlier, the time-limit for submitting draft resolutions on item 128, on the strengthening of the security of non-nuclear-weapon States, will be 15 November.

As I have said before, if those dates cause considerable difficulty for one or two delegations I am ready to consider requests for extensions. If this applies, for instance, to any delegations that are planning to submit draft resolutions on item 125 I should like them to express themselves now so that we may act accordingly.

It seems that all delegations are content that we should close the list tomorrow, as suggested, which is very satisfactory.

The only speaker so far on the items before us this afternoon is the representative of Mexico, on whom I now call.

Mr. GONZALEZ GALVEZ (Mexico) (interpretation from Spanish): In the statement made by the delegation of Mexico on 16 October this year, we took the liberty of making some comments on the implementation of the recommendations and decisions adopted by the General Assembly at its tenth special session, devoted to disarmament. We emphasize that in the Final Document a series of conclusions and guiding principles were emphatically proclaimed, inter alia, the principle that

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"the stockpiling of weapons ... far from helping to strengthen international security, in fact weakens it", and that the funds "spent yearly in the manufacture or improvement of weapons offer a bleak and dramatic contrast with the poverty and misery in which two thirds of the world population lives".

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In this context we cannot fail to mention the significant fact that in the Final Document from which I have quoted, we included paragraphs 81, 83, 84, 85, 86 and 87 in which, for the first time in a document negotiated with the participation of all States Members of the United Nations, a stand was taken on some of the most important aspects of the problem raised by the proliferation and constant improvement of conventional weapons. In the opinion of the delegation of Mexico this item should be viewed under three major headings; first in reference to the specific context of possible prohibitions or limitations of the so-called weapons of indiscriminate or extremely cruel effects, in regard to which a series of proposals were considered, including some Mexican ones, at the preparatory meeting of the Conference convened by the United Nations for that purpose next year.

The second heading would be in connexion with the regional efforts for self-limitation in the use and transfer of conventional weapons and the third, possible global measures to control and regulate the transfer of certain types of conventional weapons which could be dealt with by starting with a freeze in the transfer of those weapons on which proposals are submitted to the 1979 Conference. This decision obviously could be reviewed in the light of what may be decided at that important gathering.

I wish to begin these comments by making it perfectly clear that the importance we attach to this aspect of disarmament cannot be interpreted as an attempt to change the priorities set by the international community for negotiations on the subject, in which paramount importance is given to nuclear disarmament. This is simply recognition of the impact of the transfer and improvement of conventional weapons on the economies of the various countries and on the effect which this might have in increasing violence throughout the world in which we live. At this time, I should like to explain in detail the position of Mexico regarding this general item, in regard to which we have submitted, in various forums, concrete proposals, the negotiation of which has hardly begun.

Within the regional context to which we belong, without our claiming any paternity or originality, we are simply acting with a clear resolution to bring the matter to a happy conclusion with the co-operation of sister States in Latin America and in the Caribbean, with whom we share a common destiny. Other proposals are for world forums. We should emphasize - and this is the core of the

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position of Mexico - that all the proposals are indissolubly interlinked, because for us it is inconceivable to have regional or subregional self-limitation in the use of certain weapons or the transfer of others, except as a part of a global plan which means imposing obligations in particular on all military Powers so as to bring about a more peaceful and just world.

Our concern becomes all the more acute when we realize that despite United Nations efforts, we continue to live in an era of violence among individuals as well as among nations. Physical force has not been eliminated as a means of settlement of disputes. According to the Stockholm International Peace Research Institute Yearbook for 1976, there were 150 wars between the end of the Second World War and 1975. In these armed conflicts which occurred on the territories of 69 countries, involving the armed forces of 81 countries, more human beings died than during the entire Second World War. These figures obviously do not take into account other conflicts, the classification of which as armed international conflicts or non-international is in dispute, as was recently seen in a tragic case on our continent. If we recall that between 1900 and 1941 there were only 24 wars, we may observe that comparatively speaking, the frequency of armed struggle has increased considerably.

The situation I have described is even more serious when we realize that in accordance with the statistics of those conflicts, the main victim has not been the combatant, but the civilian population. While in the First World War which caused 10 million deaths, less than one million were civilians, in the Second World War, with almost 50 million victims, 24 million were civilians and of those, half died as a result of indiscriminate air bombing of cities. In the Indo-China conflict, the data are even more appalling, since more than 80 per cent of the dead were civilians. If to this we add the absurd waste of financial resources entailed by the arms race, which meant that in 1976 arms expenditure amounted to \$400 billion, that is to say, a 20 per cent increase compared with what was spent 10 years before, that is to say again, more than the national income of the world in 1975 and five times the gross national product of all the developing countries, and representing a sum of \$1,500 for every man, woman and child on earth, we have no doubt in justifying our impatience and our desire to advance with specific tangible measures in this area.

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We start from the fact that much has been done on the subject, particularly once two important protocols were approved for the 1949 Convention as a result of the Conference on International Humanitarian Law which ended in 1977. That Conference brought up to date a wide range of international humanitarian law provisions. Mexico has refused, and will continue to refuse, to sign the protocols since the bringing up to date of the applicable law in the case of armed conflict will not be concluded until measures are adopted to limit and prohibit the use and transfer of certain types of weapons. We are bound to confess it was no easy matter to achieve progress in this specific sphere of weapons, because even at the Conference which approved the protocols, by the slight margin of two votes our attempt to set up a world machinery to periodically review future limitations in the use of certain weapons was defeated. This defeat was due to the intransigence of two important groups of countries which in this cause, as in many others recently, showed a united front. There was a real lack of understanding of the problem on the part of many developing countries to whom in a brotherly way I now cordially appeal to unite our efforts and in particular, to intensify our participation in the preparatory meetings of the conference to be held in Geneva next year. The representation of the developing countries was, in the past, to say the least, extremely limited. On the other hand, I must emphasize that within the context of that conference, it is regrettable that the positions taken by some delegations in regard to the question of taking decisions, prevented speedier progress on substantive matters to be considered in that forum.

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Post-war history gives us examples which explain but do not justify difficulties in codifying the law applicable in cases of armed conflict. Even in the edition of the International Law Yearbook of 1920-1921, in an article entitled "The League of Nations and the Laws of War", emphasis was placed on the assumption that the League of Nations would commit a serious error if it were to use its machinery to codify or develop the so-called laws of war, and that the relevance of international law in the settlement of problems in matters pertaining to peace was due in part to the concern of some authors and statesmen with the laws of war and the scant interest aroused by the so-called laws of peace.

To substantiate this approach it was recalled that recourse to war as an instrument of policy had been abolished, and that therefore there was no need to develop this aspect of international law, and also that time should not be wasted on codifying laws which would not be complied with in any case. Concerning this there were important doctrinaire discrepancies. Dr. Lauterpacht said there was a conspiracy of silence in official circles so as not to discuss let alone take any steps in connexion with the so-called laws of war. Nevertheless, the point of view that prevailed has meant that today there is considerable backwardness in the humanitarian law applicable to armed conflict which could have been remedied, at least in part, if the First World War had not prevented the holding of the third Hague Conference.

At the outbreak of hostilities in the Second World War, for example, there were no applicable regulations to take into account such notable advances as the use of aeroplanes and tanks. Later, the number of deaths in the Second World War would lead Governments to reconsider the need to develop laws applicable in this matter. However, as has been said, mankind has no memory, and when the International Law Commission met in April and June of 1949 to set up its working agenda, it decided the following:

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"The International Law Commission considered that if the laws of war had to be selected for codification, it was not with the urgency that some believed, fundamentally because this might create an impression contrary to international opinion. The majority of the Commission was against giving priority to this subject. It was considered that if the Commission were at the beginning of its work to begin with this study, public opinion might interpret this attitude as a demonstration of a lack of confidence in the suitability of the means available to the United Nations to maintain international peace."

The implicit approach in this decision of the International Law Commission, fortunately, has been revised in the practice of this Organization. Authors from several countries criticized the position of the International Law Commission. To mention only the most important: Kuns, in an article entitled "The Chaotic State of the Laws of War", published in the American Journal of International Law in 1951; Lauterpacht, in an article published in the British International Yearbook in 1952, and in the Yearbook of the Institute of International Law of 1954; Jessup, in an article published in 1957, and the great Brazilian jurist Accioli, in an article published not so many years ago.

Perhaps one of the sentences that most clearly summarizes the situation is the one used by Pictet in his work, The Twentieth Conference of the International Red Cross - Results in the Legal Field, which was published in 1966. Pictet tells us:

"Even though the cities destroyed during the Second World War have been rebuilt, States have done nothing to restore the so-called Hague rules which disappeared under the same ruins. The techniques of offensive war have advanced with giant strides; the only forms applicable to the conduct of hostilities date back to 1907. This situation is absurd."

We cannot conceal the fact, in accord with this quotation, that both the League of Nations and the United Nations have refused to take important steps in dealing with this problem until the convening of the conference, the results of the preparatory committee for which we are now considering.

(Mr. Gonzalez Galvez, Mexico)

No doubt attempts were made in the past which gave tangible shape to measures to limit the transfer, if not the use, of conventional weapons, and I am referring here exclusively to some of the most recent ones. It will be seen that even "the most recent" means more than a century ago. At the Berlin Conference, for example, which was held in 1884, efforts were made to ensure the neutralization of a major part of Central Africa, and at the Brussels Conference of 1890, a system of control was established for the importing of arms to Africa south of the Sahara. Nevertheless, none of those multilateral initiatives fulfilled the indispensable requirement inherent in the subject, namely, that only the countries directly concerned can decide on the conditions of self-limitation and that these in no case can be imposed by other countries from outside. Which reminds us of the deplorable case of the measures adopted by the countries which export nuclear technology in a kind of consortium, better known as the "London Club", whose measures have only provoked the justified rebellion of the receiving countries and have caused a delay of several years, if not decades, in unifying criteria for the export and import of nuclear technology and materials, considerably complicating the monitoring of nuclear proliferation.

Taking into account these ideas and concerns, Mexico has set itself as a regional and international goal precisely the lessening of the possibility of armed conflicts by lowering the level of weapons to the extent compatible with the needs of internal security of each State, being convinced that, as experience has shown, to arm oneself has never been an effective deterrent to attack and that the only effective measure to prevent that kind of warlike action consists in strengthening the confidence of countries in general and of possible contenders in particular by establishing multilateral machinery such as the United Nations, the Organization in which we are today.

The problem is how to achieve the objective I have mentioned, particularly taking into account that I, for example, represent a country which cannot be described as a nuclear Power and whose influence is based solely on its deterrent power because of our support for strict compliance with international rules. Mexico has always upheld the pre-eminence of the principles of the San Francisco Charter, which have been developed and interpreted in various United Nations resolutions such as resolution 2625 (XXV), to mention but one example.

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We believe that strength resides in the justice of the causes which inspire us. Thus have we acted and shall continue to act. With this philosophy, the President of my country, José López Portillo, during the last meeting of the World Food Council, held in Mexico this year before the tenth special session of the General Assembly concluded its work, pointed out that we must use the resources released by disarmament for more just causes, for example, to try to solve the problem of feeding the world population. And a few days later, during his historic visit to the Soviet Union, the President of Mexico indicated that the Treaty of Tlatelolco implies continuation of its effect of controlling conventional weapons in the area.

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This concerns the global initiative by Mexico which Mr. Roel, the Foreign Minister of my country, specifically set forth on 25 June 1978 during the informal talks among the Foreign Ministers of the Organization of American States, proposing that, outside the institutional framework of the Organization of American States, a negotiating body be established to consider restrictions or prohibitions on the transfer of conventional weapons, including approval of limitations or prohibitions on the use of certain conventional weapons with excessively cruel or indiscriminate effects.

We have mentioned that we could establish three headings, two of which, we believe, are basic. The first one is vigorous promotion of the prohibitions on the use of weapons which produce indiscriminate or excessively cruel effects, because we consider that this is a limited field of action which by its very nature will give rise to less controversy, or rather will limit the conflict to those warring countries which do not wish to close out any of their options in the event of war.

In this respect, during the preparatory conference for the United Nations conference on conventional weapons, Mexico submitted a preliminary scheme for a general treaty on convention weapons, which consists of an over-all agreement and a series of protocols or optional clauses on specific weapons such as napalm and other incendiary weapons, fragmentation bombs, small-calibre projectiles, which are particularly harmful, booby traps and others. This, in our opinion, together with the proposal submitted by our country, constitutes a good foundation for negotiations in good faith on this important and complex problem.

At the same time, at the regional level, also on the basis of the recommendations of the special session of the General Assembly, 20 countries of Latin America and the Caribbean undertook a historic effort, inspired by the Ayacucho Declaration, which is the document that has served as the guideline and prompter in this initiative, as well as in our desire to share a common destiny in peace. Those countries met in Mexico City in August last in order to identify a certain number of basic issues in respect of which this important dialogue must continue. It was decided to recommend to the respective Governments, among other measures, the establishment of a flexible consultative machinery open to the participation of all countries of the Latin American and Caribbean region, in which, among other activities, a study would be

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carried out and recommendations made on a possible limitation of the transfer of certain conventional weapons to Latin America and the Caribbean, as well as among countries of the area, and a study and recommendations concerning the establishment of limitations or prohibitions on the use of certain conventional weapons considered to be excessively harmful or having indiscriminate effects.

The proposal that Mexico submitted at the August meeting, which is annexed to the document prepared at that historic regional meeting in Mexico, was amended, or enriched, as some representatives pointed out, by contributions made by the participating delegations. In that proposal we would specifically point to a series of measures the study of which is recommended, such as the establishment of a public registry like the one that existed at the time of the League of Nations and the preparation of an inventory as a means to control or, should it be necessary, place a limit on the transfer of certain weapons, the establishment of certain economic parameters which would make it possible to determine criteria for an equitable reduction of the arms expenditures of each country; the creation of a permanent regional body to supervise the implementation of such measures - which, to be effective, must be periodically reviewed in the light of technological developments - and the approval of limitations or prohibitions on the regional use of conventional weapons that could be regarded as being excessively harmful or as having indiscriminate effects.

These constitute the bases with which a regional effort has been initiated, open to all States in our region. Within this process it was considered that the possibility would exist of convening eventually a conference among countries which export and receive conventional weapons. With adequate preparation, after the applicable principles are singled out, this could be another step in the general process we are all embarked on. From this time on we wish to make it perfectly clear that we shall accept no imposition in regard to setting restrictions on weapon imports regarding which we have not participated on a footing of equality; nor shall we continue along this course unless global obligations also exist alongside these. In the words of Mr. Roel, the Foreign Minister of Mexico, we are trying not to disarm the disarmed but to move forward along the path towards a peaceful world with justice.

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In conclusion, I wish to read out to this Committee the text of the bulletin issued by the Foreign Ministry of my country on 21 October last, which has a direct bearing on the items we are now considering in this statement:

"The President of the Republic, Dr. Jose Lopez Portillo, instructed the Foreign Ministry to invite the Governments of the United States of America and the Soviet Union to use Mexico City as the site for the next meeting of the bilateral talks which those two Governments hold periodically on the various aspects of the transfer of conventional weapons.

"This invitation was extended in recognition of the importance of these talks as part of the efforts being made by the international community in regard to the need to adopt measures, negotiated in the appropriate forums, with the participation of the countries concerned, on the transfer and use of certain conventional weapons, in respect of which Mexico has recently submitted various proposals for the purpose of preventing the irrational waste of financial resources on weapons."

We were particularly happy to take note of the acceptance by both Governments of that invitation and the fact that bilateral consultations will begin in Mexico on 5 December next.

Miss LOPEZ (Venezuela) (interpretation from Spanish): Mr. Chairman, I should like to ask whether you would consider this the right time to introduce a draft resolution, in which case my delegation would be prepared to do so.

The CHAIRMAN: I am very grateful for the question of the representative of Venezuela because I was suggesting that if any delegation was ready to introduce a draft resolution this would be a good time to do so. I am very glad to call on the representative of Venezuela to introduce a draft resolution.

Miss LOPEZ (Venezuela) (interpretation from Spanish): It is my honour to introduce, on behalf of the delegations of Argentina, Denmark, Ecuador, Mexico, Nigeria, Romania, Sierra Leone and Sweden and my own delegation, a draft resolution entitled "Dissemination of information on the arms race and disarmament" in document A/C.1/33/L.10, dated 1 November 1978. Since then the delegations of Colombia, Qatar, Senegal and Uruguay also have become sponsors.

The sponsors of this draft resolution have wished to indicate by it their interest in some of the recommendations contained in the Final Document of the tenth special session, devoted to disarmament, which, as we understand it, must be included in a resolution indicating the specific measures to be taken that will make it possible to increase the dissemination of information on the arms race and on disarmament.

We consider education, information and in general all those means that are available to peoples and Governments as essential for a better understanding of the arms race and its irreparable consequences, and that is why we have attached such vital importance to the role to be played by Member States, the specialized agencies and the International Atomic Energy Agency (IAEA), non-governmental organizations and research institutes that are interested in the subject.

Thus we believe that a well-informed public opinion can be a valuable ally in the campaign against the arms race. We have recorded the important role of persuasion and moderation that a properly informed public opinion can perform in solving certain problems that affect contemporary society. Its views cannot be ignored by Governments.

(Miss Lopez, Venezuela)

This draft resolution does not require major explanations. It simply deals with the setting in motion of the machinery needed to carry out a systematic information campaign at every level, with regard not only to the arms race but also to the efforts made to contain it. It deals with the machinery necessary to educate young people, to inform and involve a non-specialized public, to guide leaders in all public and private sectors - all this with the purpose of building a new pacifist and pro-disarmament awareness.

We hope that this draft resolution will be a complement to other proposals that have already been made in this field and will win broad support from the members of this Committee, all joined in a common endeavour to save succeeding generations from the grave dangers of the arms race.

The CHAIRMAN: I take the liberty of drawing the attention of members of the Committee to the fact that considerably fewer than half the draft resolutions already circulated in this Committee have been formally introduced, and that it obviously would help our work if they were introduced as soon as possible. Not only would time be saved, but also delegations would be given a proper understanding of what the sponsors of the draft resolutions are seeking to achieve.

I should like to announce the following additional sponsors of draft resolutions: A/C.1/33/L.1, Djibouti; A/C.1/33/L.2, Madagascar; A/C.1/33/L.4, Haiti; A/C.1/33/L.5, Mali; A/C.1/33/L.7, Mali; A/C.1/33/L.9, Afghanistan and Jordan; A/C.1/33/L.10, Jordan and Mali; A/C.1/33/L.11, Jordan and Madagascar; A/C.1/33/L.12, Haiti and Jordan; A/C.1/33/L.13, Haiti; and A/C.1/33/L.14, Haiti, Jordan and the Netherlands.

The meeting rose at 3.45 p.m.