



Sixteenth session
Agenda items 73 and 72

CONTINUATION OF SUSPENSION OF NUCLEAR AND THERMO-NUCLEAR TESTS
AND OBLIGATIONS OF STATES TO REFRAIN FROM THEIR RENEWAL

THE URGENT NEED FOR A TREATY TO BAN NUCLEAR WEAPONS TESTS
UNDER EFFECTIVE INTERNATIONAL CONTROL

Report of the First Committee

(Part IV)

Rapporteur: Mr. Ralph Enckell (Finland)

1. Parts I, II and III of the report of the First Committee (A/4942 and Add.1 and 2) dealing with items 73 and 72 of the agenda of the General Assembly recommended to the General Assembly the adoption of three draft resolutions. The present fourth part brings to a conclusion the report of the Committee's consideration of items 73 and 72 of the agenda.

2. The following documents were available to the Committee in connexion with its consideration of agenda items 73 and 72.

(a) Letters dated 3 June and 1 November 1961 (A/4772 and Add.1) from the Permanent Representatives of the United Kingdom and Great Britain and Northern Ireland and the United States of America transmitting a document entitled "Draft Treaty on the Discontinuance of Nuclear Weapon Tests" and certain addenda to the Treaty text which had been submitted jointly by the delegations of the United Kingdom of Great Britain and Northern Ireland and the United States of America on 18 April 1961 and on subsequent dates to the Conference on the Discontinuance of Nuclear Weapon Tests in Geneva.

(b) Note verbale dated 14 June 1961 (A/4778) from the Permanent Mission of the Union of Soviet Socialist Republics transmitting the text of a memorandum on the question of the discontinuance of atomic and hydrogen weapons tests which was handed on 4 June by the Chairman of the Council of Ministers of the USSR to the President of the United States.

(c) Letter dated 21 June 1961 (A/4787) from the Deputy Permanent Representative of the United States transmitting a document entitled "The United States aide-mémoire concerning the Geneva test ban negotiations" which was delivered by the Government of the United States to the Foreign Ministry of the USSR on 17 June 1961.

(d) Note verbale dated 7 July 1961 (A/4797 and Corr.1 (English only)) from the Permanent Mission of the USSR transmitting the text of a note dated 5 July on the question of discontinuance of nuclear weapons tests from the Soviet Government to the Government of the United States.

(e) Letter dated 25 July 1961 (A/4819) from the Acting Permanent Representative of the United States transmitting a document entitled "The United States note of 15 July concerning the Geneva test ban negotiations", which was delivered on 15 July 1961 by the Government of the United States to the Ministry of Foreign Affairs of the USSR.

(f) Letter dated 23 August 1961 (A/4853) from the Permanent Representative of the United States transmitting a statement by the United States Government on the Conference on the Discontinuance of Nuclear Weapon Tests in Geneva.

(g) Letter dated 14 September 1961 (A/4869) from the Permanent Representative of the USSR transmitting the texts of two statements, one by the Soviet Government dated 31 August 1961, and the other by the Chairman of the Council of Ministers of the USSR dated 9 September 1961.

(h) Letter dated 12 September 1961 (A/4871) from the Permanent Representative of Guatemala transmitting a statement by the Government of Guatemala regarding the decision of the USSR Government to resume nuclear testing in the atmosphere.

(i) Letter dated 26 September 1961 (A/4893) from the Minister for Foreign Affairs of the USSR transmitting a memorandum by the Government of the USSR on the question of nuclear weapons tests.

(j) Note verbale dated 23 October 1961 (A/C.1/849) from the Permanent Mission of Norway transmitting the text of a statement by the Norwegian Parliament regarding the question of nuclear tests.

(k) Letter dated 24 October 1961 (A/C.1/850) from the Permanent Representative of Sweden transmitting the text of a statement by the Prime Minister of Sweden before the Swedish Parliament regarding the current Soviet nuclear weapons test series.

(l) Cable dated 23 October 1961 (A/C.1/852) from the President of Haiti concerning the USSR Government's intention to detonate a 50-megaton nuclear device.

(m) Letter dated 27 October 1961 (A/C.1/853) and Corr.1 (Russian only) and Corr.2 (English only) from the Permanent Representative of the USSR transmitting the text of a statement by Tass dated 19 August 1961.

(n) Letter dated 2 November 1961 (A/C.1/855) from the Permanent Representatives of Iran, Pakistan, Turkey and the United Kingdom relating to the document mentioned in the previous sub-paragraph.

3. At the 1188th meeting on 7 November, El Salvador moved, under rule 118 of the rules of procedure, that the Committee close the general debate on items 73 and 72 and proceed to discuss the two draft resolutions remaining before it (A/C.1/L.291/Rev.1 and Rev.1/Add.1 and A/C.1/L.292 and Add.1).

4. The El Salvador motion was adopted by 49 votes to none, with 35 abstentions.

5. Discussion on these two draft resolutions took place at the 1189th to 1194th meetings held between 8 and 14 November.

6. Under the first, sponsored by Congo (Leopoldville), Ethiopia, Ghana, Guinea, Liberia, Mali, Morocco, Nigeria, Sierra Leone, Somalia, Sudan, Togo, Tunisia and the United Arab Republic (A/C.1/L.291/Rev.1 and Rev.1/Add.1, 2 and 3), the General Assembly would call upon Member States: (a) to refrain "from carrying out or continuing to carry out in Africa nuclear tests in any form; (b) to refrain from using the territory, territorial waters or air space of Africa in testing, storing or transporting nuclear weapons; and (c) to consider and respect the continent of Africa as a de-nuclearized neutral zone". On 10 November, Libya submitted an amendment (A/C.1/L.296) to the foregoing draft resolution, proposing the deletion of the word "neutral" in sub-paragraph (c) of the operative paragraph. At the 1194th meeting on 14 November, Ghana accepted, on behalf of the sponsors, the Libyan amendment.

7. Under the second draft resolution, sponsored by Ceylon, Ethiopia, Ghana, Guinea, Indonesia, Liberia, Libya, Nigeria, Somalia, Sudan, Togo and Tunisia (A/C.1/L.292 and Add.1, 2 and 3), the General Assembly in the form of a Declaration would: (1) declare: "(a) that the use of nuclear and thermo-nuclear weapons is contrary to the spirit, letter and aims of the United Nations, and, as such, a direct violation of the United Nations Charter; (b) that the use of nuclear and thermo-nuclear weapons would exceed even the scope of war and cause indiscriminate suffering and destruction to mankind and its civilization and, as such, is contrary to the rules of international law and to the laws of humanity; (c) that the use of nuclear and thermo-nuclear weapons is a war directed not against an enemy or enemies alone but also against mankind in general, since the peoples of the world not involved in such war will be subjected to all the evils generated by the use of such weapons; (d) that any State using nuclear and thermo-nuclear weapons is to be considered to violate the Charter of the United Nations, to act contrary to the laws of humanity and to commit a crime against mankind and its civilization"; (2) request the Secretary-General to consult the Governments of Member States to ascertain their views on the possibility of convening a special conference "for signing a convention on the prohibition of the use of nuclear and thermo-nuclear weapons for war purposes" and to report on the results of such consultation to the General Assembly at its seventeenth session.

8. On 9 November, Italy submitted amendments (A/C.1/L.295) to the twelve-Power draft resolution (A/C.1/L.292, and Add.1, 2 and 3) proposing the following:

(1) In the last preambular paragraph, insert the words "contrary to the United Nations Charter" after the words "such as nuclear and thermo-nuclear weapons" so that the paragraph would read "Believing that the use of weapons of mass destruction, such as nuclear and thermo-nuclear weapons, contrary to the United Nations Charter, is a direct negation of the high ideals and objectives which the United Nations has been established to achieve through the protection of succeeding generations from the scourge of war and through the preservation and promotion of their cultures,";

(2) In operative paragraph 1 (a), insert the words "threat or use of armed force, including" after the words "that the"; and the words "in any manner contrary to the United Nations Charter" after the words "thermo-nuclear weapons";

(3) In operative paragraph 1 (b), insert the word "accordingly" after the word "that"; and the words "contrary to the United Nations Charter" after the words "thermo-nuclear weapons";

(4) In operative paragraph 1 (c), insert the word "accordingly" after the word "that"; and the words "contrary to the United Nations Charter" after the words "thermo-nuclear weapons";

(5) In operative paragraph 1 (d) insert the words "contrary to the United Nations Charter" after the words "thermo-nuclear weapons"; and delete the words "to violate the Charter of the United Nations";

(6) In operative paragraph 2, substitute the words "to consider the means of prohibiting" for the words "for signing a convention on the prohibition of"; and insert the words "contrary to the United Nations Charter" after the words "for war purposes".

9. At its 1194th meeting on 14 November, the Committee proceeded to the vote on the draft resolutions and the related amendments.

The fourteen-Power draft resolution (A/C.1/L.291/Rev.1 and Add.1, 2 and 3)
was voted upon as follows:

Operative sub-paragraph (a) was adopted by a roll-call vote of 61 to 2, with 35 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Austria, Brazil, Bulgaria, Burma, Eyelorussian Soviet Socialist Republic, Cambodia, Canada, Ceylon, Congo (Leopoldville), Cuba, Cyprus, Czechoslovakia, Denmark, Ethiopia, Federation of Malaya, Finland, Ghana, Guinea, Haiti, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Japan, Jordan, Laos, Lebanon, Liberia, Libya, Mali, Mongolia, Morocco, Nepal, New Zealand, Nigeria, Norway, Pakistan, Philippines, Poland, Romania, Saudi Arabia, Senegal, Sierra Leone, Somalia, Sudan, Sweden, Syria, Thailand, Togo, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Venezuela, Yemen, Yugoslavia.

Against: France, United States of America.

Abstaining: Argentina, Australia, Belgium, Bolivia, Central African Republic, Chad, Chile, China, Colombia, Congo (Brazzaville), Costa Rica, Dominican Republic, El Salvador, Gabon, Greece, Guatemala, Honduras, Israel, Italy, Ivory Coast, Luxembourg, Mauritania, Mexico, Netherlands, Nicaragua, Niger, Panama, Peru, Portugal, South Africa, Spain, Turkey, United Kingdom of Great Britain and Northern Ireland, Upper Volta, Uruguay.

Operative sub-paragraph (b) was adopted by a roll-call vote of 56 to 2, with 40 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Austria, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Ceylon, Congo (Leopoldville), Cuba, Cyprus, Czechoslovakia, Denmark, Ethiopia, Federation of Malaya, Finland, Ghana, Guinea, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Jordan, Laos, Lebanon, Liberia, Libya, Mali, Mongolia, Morocco, Nepal, Nigeria, Norway, Pakistan, Philippines, Poland, Romania, Saudi Arabia, Senegal, Sierra Leone, Somalia, Sudan, Sweden, Syria, Thailand, Togo, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Yemen, Yugoslavia.

Against: France, United States of America.

Abstaining: Argentina, Australia, Belgium, Bolivia, Canada, Central African Republic, Chad, Chile, China, Colombia, Congo (Brazzaville), Costa Rica, Dominican Republic, El Salvador, Gabon, Greece, Guatemala, Haiti, Honduras, Israel, Italy, Ivory Coast, Japan, Luxembourg, Mauritania, Mexico, Netherlands, New Zealand, Nicaragua, Niger, Panama, Peru, Portugal, South Africa, Spain, Turkey, United Kingdom of Great Britain and Northern Ireland, Upper Volta, Uruguay, Venezuela.

Operative sub-paragraph (c) was adopted by a roll-call vote of 58 to none, with 41 abstentions. The voting was as follows:

In favour: Afganistan, Albania, Austria, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Ceylon, Congo (Leopoldville), Cuba, Cyprus, Czechoslovakia, Denmark, Ethiopia, Federation of Malaya, Finland, Ghana, Guinea, Haiti, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Jordan, Laos, Lebanon, Liberia, Libya, Mali, Mongolia, Morocco, Nepal, Nigeria, Norway, Pakistan, Philippines, Poland, Romania, Saudi Arabia, Senegal, Sierra Leone, Somalia, Sudan, Sweden, Syria, Thailand, Togo, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Yemen, Yugoslavia.

Against: None.

Abstaining: Argentina, Australia, Belgium, Bolivia, Cameroun, Canada, Central African Republic, Chad, Chile, China, Colombia, Congo (Brazzaville), Costa Rica, Dominican Republic, El Salvador, France, Gabon, Greece, Guatemala, Honduras, Italy, Ivory Coast, Japan, Luxembourg, Mauritania, Mexico, Netherlands, New Zealand, Nicaragua, Niger, Panama, Peru, Portugal, South Africa, Spain, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Upper Volta, Uruguay, Venezuela.

The draft resolution as a whole, including the Libyan amendment (A/C.1/L.296 accepted by the sponsors), was adopted by a roll-call vote of 57 to none, with 42 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Austria, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Ceylon, Congo (Leopoldville), Cuba, Cyprus, Czechoslovakia, Denmark, Ethiopia, Federation of Malaya, Finland, Ghana, Guinea, Haiti, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Jordan, Laos, Lebanon, Liberia, Libya, Mali, Mongolia, Morocco, Nepal, Nigeria, Norway, Pakistan, Philippines, Poland, Romania, Saudi Arabia, Senegal, Sierra Leone, Somalia, Sudan, Sweden, Syria, Thailand, Togo, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Yemen, Yugoslavia.

Against: None.

Abstaining: Argentina, Australia, Belgium, Bolivia, Cameroun, Canada, Central African Republic, Chad, Chile, China, Colombia, Congo (Brazzaville), Costa Rica, Dominican Republic, El Salvador, France, Gabon, Greece, Guatemala, Honduras, Israel, Italy, Ivory Coast, Japan, Luxembourg, Mauritania, Mexico, Netherlands, New Zealand, Nicaragua, Niger, Panama, Peru, Portugal, South Africa, Spain, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Upper Volta, Uruguay, Venezuela.

The twelve-Power draft resolution (A/C.1/L.292 and Add.1, 2 and 3) was voted upon as follows:

The Italian amendments (A/C.1/L.295) were put to the vote in the following manner.

In accordance with the request of the representative of Japan, the first half of paragraph 6 of the Italian amendments, which would substitute the words "to consider the means of prohibiting" for the words "for signing a convention on the prohibition of" in operative paragraph 2 of the twelve-Power draft resolution, was voted upon separately. It was rejected by a roll-call vote of 50 to 25, with 25 abstentions. The voting was as follows:

In favour: Argentina, Australia, Belgium, Canada, China, Denmark, Federation of Malaya, France, Greece, Haiti, Iceland, Italy, Japan, Luxembourg, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, South Africa, Spain, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: Afghanistan, Albania, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Cameroun, Central African Republic, Ceylon, Chad, Colombia, Congo (Brazzaville), Congo (Leopoldville), Cuba, Cyprus, Czechoslovakia, Ethiopia, Gabon, Ghana, Guinea, Hungary, India, Indonesia, Iraq, Ivory Coast, Laos, Liberia, Libya, Mali, Mauritania, Mongolia, Morocco, Nepal, Niger, Nigeria, Poland, Romania, Saudi Arabia, Senegal, Sierra Leone, Somalia, Sudan, Togo, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Upper Volta, Yemen, Yugoslavia.

Abstaining: Austria, Bolivia, Brazil, Chile, Costa Rica, Dominican Republic, El Salvador, Finland, Guatemala, Honduras, Iran, Ireland, Israel, Jordan, Lebanon, Mexico, Pakistan, Peru, Philippines, Portugal, Sweden, Syria, Thailand, Uruguay, Venezuela.

The remaining parts of the Italian amendments were rejected by a roll-call vote of 50 to 28, with 22 abstentions. The voting was as follows:

In favour: Argentina, Australia, Belgium, Canada, China, Costa Rica, Denmark, Dominican Republic, El Salvador, France, Greece, Haiti, Honduras, Iceland, Israel, Italy, Luxembourg, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, South Africa, Spain, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: Afghanistan, Albania, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Cameroun, Central African Republic, Ceylon, Chad, Colombia, Congo (Brazzaville), Congo (Leopoldville), Cuba, Cyprus, Czechoslovakia, Ethiopia, Gabon, Ghana, Guinea, Hungary, India, Indonesia, Iraq, Ivory Coast, Laos, Liberia, Libya, Mali, Mauritania, Mongolia, Morocco, Nepal, Niger, Nigeria, Poland, Romania, Saudi Arabia, Senegal, Sierra Leone, Sudan, Syria, Togo, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Upper Volta, Yemen, Yugoslavia.

Abstaining: Austria, Bolivia, Brazil, Chile, Federation of Malaya, Finland, Guatemala, Iran, Ireland, Japan, Jordan, Lebanon, Mexico, Pakistan, Peru, Philippines, Portugal, Somalia, Sweden, Thailand, Uruguay, Venezuela.

The draft resolution was adopted by a roll-call vote of 60 to 16, with 25 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Cameroun, Central African Republic, Ceylon, Chad, Congo (Brazzaville), Congo (Leopoldville), Cuba, Cyprus, Czechoslovakia, Dahomey, Ethiopia, Federation of Malaya, Gabon, Ghana, Guinea, Hungary, India, Indonesia, Iran, Iraq, Ivory Coast, Japan, Jordan, Laos, Lebanon, Liberia, Libya, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, Niger, Nigeria, Pakistan, Philippines, Poland, Romania, Saudi Arabia, Senegal, Sierra Leone, Somalia, Sudan, Syria, Thailand, Togo, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Upper Volta, Yemen, Yugoslavia.

Against: Australia, Belgium, China, France, Greece, Guatemala, Ireland, Italy, Luxembourg, Netherlands, New Zealand, Nicaragua, South Africa, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Austria, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Denmark, Dominican Republic, El Salvador, Finland, Haiti, Honduras, Iceland, Israel, Norway, Panama, Paraguay, Peru, Portugal, Spain, Sweden, Uruguay, Venezuela.

Recommendation of the First Committee

10. The First Committee, therefore, recommends to the General Assembly the adoption of the following draft resolutions:

DRAFT RESOLUTION I

The General Assembly,

Recalling its resolution 1378 (XIV) of 20 November 1959 on general and complete disarmament, resolution 1379 (XIV) of 20 November 1959 on the question of French nuclear tests in the Sahara, resolution 1576 (XV) of 20 December 1960 on the prevention of the wider dissemination of nuclear weapons, and resolutions 1577 (XV) and 1578 (XV) of 20 December 1960 on the suspension of nuclear and thermo-nuclear tests,

Recalling further its resolution 1629 (XVI) of 27 October 1961 which declared that "both concern for the future of mankind and the fundamental principles of international law impose a responsibility on all States concerning actions which might have harmful biological consequences for the existing and future generations of peoples of other States, by increasing the levels of radio-active fall-out;"

Concerned about the present rate of nuclear armament and the possible spread of nuclear weapons, as well as the resumption of nuclear tests in the emancipating continent of Africa,

Recognizing the need to prevent Africa from becoming involved in any competition associated with the ideological struggles between the Powers engaged in the arms race and, particularly, with nuclear weapons,

Recognizing further that the task of economic and social development in the African States requires the uninterrupted attention of these States in order to allow them to fulfil their goals and to contribute fully to the maintenance of international peace and security,

Calls upon Member States:

- (a) To refrain from carrying out or continuing to carry out in Africa nuclear tests in any form;
- (b) To refrain from using the territory, territorial waters or air space of Africa in testing, storing or transporting nuclear weapons;
- (c) To consider and respect the continent of Africa as a de-nuclearized zone.

DRAFT RESOLUTION II

DECLARATION

The General Assembly,

Mindful of its responsibility under the Charter of the United Nations in the maintenance of international peace and security, as well as in the consideration of principles governing disarmament,

Gravely concerned that while negotiations on disarmament have not, so far, achieved satisfactory results, the armaments race, particularly in the nuclear and thermo-nuclear fields, has reached a dangerous stage requiring all possible precautionary measures to protect humanity and its civilization from the hazard of nuclear and thermo-nuclear catastrophe,

/...

Recalling that the use of weapons of mass destruction, causing unnecessary human suffering was, in the past, prohibited as being contrary to the laws of humanity and to the principles of international law, by international declarations and binding agreement, such as the Declaration of St. Petersburg of 1868, the Declaration of the Brussels Conference of 1874, the Conventions of The Hague Peace Conferences of 1899 and 1907, and the Geneva Protocol of 1925, to which the majority of nations are still parties,

Considering that the use of nuclear and thermo-nuclear weapons would bring about indiscriminate suffering and destruction to mankind and its civilization to an even greater extent than the use of those weapons declared by the aforementioned international declarations and agreements to be contrary to the laws of humanity and a crime under international law,

Believing that the use of weapons of mass destruction, such as nuclear and thermo-nuclear weapons, is a direct negation of the high ideals and objectives which the United Nations has been established to achieve through the protection of succeeding generations from the scourge of war and through the preservation and promotion of their cultures,

1. Declares:

(a) That the use of nuclear and thermo-nuclear weapons is contrary to the spirit, letter and aims of the United Nations and, as such, a direct violation of the United Nations Charter;

(b) That the use of nuclear and thermo-nuclear weapons would exceed even the scope of war and cause indiscriminate suffering and destruction to mankind and its civilization and, as such, is contrary to the rules of international law and to the laws of humanity;

(c) That the use of nuclear and thermo-nuclear weapons is a war directed not against an enemy or enemies alone but also against mankind in general, since the peoples of the world not involved in such war will be subjected to all the evils generated by the use of such weapons;

(d) That any State using nuclear and thermo-nuclear weapons is to be considered to violate the Charter of the United Nations, to act contrary to the laws of humanity and to commit a crime against mankind and its civilization;

2. Requests the Secretary-General to consult the Governments of Member States to ascertain their views on the possibility of convening a special conference for signing a convention on the prohibition of the use of nuclear and thermo-nuclear weapons for war purposes and to report on the results of such consultation to the seventeenth session of the General Assembly.
