

**COMPREHENSIVE STUDY  
OF THE QUESTION OF NUCLEAR-WEAPON-FREE  
ZONES IN ALL ITS ASPECTS**

**SPECIAL REPORT OF THE  
CONFERENCE OF THE COMMITTEE ON DISARMAMENT**



**UNITED NATIONS**

**NEW YORK, 1976**

# NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

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## SPECIAL REPORT OF THE CONFERENCE OF THE COMMITTEE ON DISARMAMENT

1. In resolution 3261 F (XXIX) of 9 December 1974, the General Assembly decided to undertake a comprehensive study of the question of nuclear-weapon-free zones in all its aspects and requested that the study be carried out by an ad hoc group of qualified governmental experts under the auspices of the Conference of the Committee on Disarmament. Pursuant to the resolution, the study is transmitted to the General Assembly as annex I to the present report.
2. The organization of the study, including the question of the composition of the group of experts and the group's programme and method of work, was raised at the opening meeting of the 1975 session of the Conference of the Committee on Disarmament by the delegations of the Union of Soviet Socialist Republics, the United States of America and Mexico (CCD/PV.655). The delegation of Romania referred to the same matter at the following meeting, during which the delegation of Burma requested formally, on behalf of the Group of Fifteen of the Conference of the Committee on Disarmament, the holding of an informal meeting to give due consideration to this matter (CCD/PV.656). In conformity with the request, the matter was discussed in four informal meetings of the Conference of the Committee between 14 and 21 March 1975. Taking as a basis the consensus reached in those informal meetings, the Conference of the Committee, at its 661st plenary meeting, on 25 March 1975, decided to invite 21 Governments to designate experts for the study, including 16 from States members of the Conference of the Committee on Disarmament (Bulgaria, Czechoslovakia, Egypt, India, Iran, Japan, Mexico, Nigeria, Pakistan, Poland, Romania, Sweden, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Zaire) and five from other States (Australia, Belgium, Ecuador, Finland and Ghana). The Committee also requested the Secretary-General of the United Nations to inform all other States Members of the United Nations that, upon prior notification, they would have the right of access to the meetings, of addressing the Group and of submitting written materials. It was decided that the Group would elect its own chairman. It was also decided that, whenever the Group was unable to reach consensus on substantive matters, each of the experts was entitled to incorporate his own opinion into the study.
3. The study was transmitted to the Conference of the Committee on Disarmament by a letter dated 18 August 1975 from the Chairman of the Ad Hoc Group, Mr. Keijo Korhonen of Finland, to the Co-Chairmen of the Conference of the Committee (see annex I below).
4. The delegations of Mexico (CCD/PV.682 and 683), Czechoslovakia (CCD/PV.683), Sweden (CCD/PV.683), the Union of Soviet Socialist Republics (CCD/PV.683 and 687), Romania (CCD/PV.685), Poland (CCD/PV.685), Canada (CCD/PV.685), Bulgaria (CCD/PV.685), the Federal Republic of Germany (CCD/PV.685), Mongolia (CCD/PV.685), Italy (CCD/PV.685), the United Kingdom of Great Britain and Northern Ireland (CCD/PV.686), Hungary (CCD/PV.687), the United States of America (CCD/PV.687) and India (CCD/PV.687) commented on the study in their plenary statements. The full texts of the comments are reproduced in annex II below.

5. A number of delegations stressed that, because there was only a short period between the tabling of the study in the Conference of the Committee on Disarmament and the conclusion of its 1975 session, there had been insufficient time for consideration of the document by their Governments in order to make substantive interventions in the Committee, and that they would make their comments in due course.

6. In addition, the delegation of Mexico submitted a working paper containing a draft definition of the concept of a "nuclear-weapon-free zone" and a draft definition of the principal obligations of nuclear-weapon States in respect of such zones, which is appended as annex III.

7. The present report, together with its annexes, is transmitted by the Co-Chairmen on behalf of the Conference of the Committee on Disarmament.

(Signed) A. A. ROSHCHIN  
Union of Soviet Socialist Republics

(Signed) Joseph MARTIN (Jr)  
United States of America

ANNEX I\*

Comprehensive study of the question of nuclear-  
weapon-free zones in all its aspects

/Original: English/

LETTER DATED 18 AUGUST 1975 FROM THE CHAIRMAN OF THE AD HOC GROUP  
OF QUALIFIED GOVERNMENTAL EXPERTS FOR THE STUDY OF THE QUESTION OF  
NUCLEAR-WEAPON-FREE ZONES IN ALL ITS ASPECTS TO THE CO-CHAIRMEN OF  
THE CONFERENCE OF THE COMMITTEE ON DISARMAMENT

I have the honour to transmit herewith a comprehensive study of the question of nuclear-weapon-free zones in all its aspects, carried out by an Ad Hoc Group of Qualified Governmental Experts under the auspices of the Conference of the Committee on Disarmament in pursuance of General Assembly resolution 3261 F (XXIX) of 9 December 1974 and the consensus reached by the Conference of the Committee on Disarmament at its 661st meeting, on 25 March 1975.

The Ad Hoc Group wishes to acknowledge with gratitude the assistance it has received from the United Nations Secretariat, the International Atomic Energy Agency and the Agency for the Prohibition of Nuclear Weapons in Latin America (OPANAL).

I have been requested by the Ad Hoc Group of Qualified Governmental Experts, as its Chairman, to transmit on its behalf the study which was unanimously adopted.

(Signed) Keijo KORHONEN  
Chairman

Ad Hoc Group of Qualified  
Governmental Experts for the  
Study of the Question of  
Nuclear-Weapon-Free Zones

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\* Previously issued under the symbol CCD/467.

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## CHAPTER I

### INTRODUCTION

#### A. Mandate as established by the General Assembly

1. The General Assembly, at its 2309th plenary meeting, on 9 December 1974, adopted resolution 3261 F (XXIX) under the item entitled "General and complete disarmament", which read as follows:

"The General Assembly,

"Conscious of the need to make every effort towards achieving a cessation of the nuclear arms race, nuclear disarmament and general and complete disarmament under strict and effective international control,

"Recognizing, in pursuance of these ends, the urgent need to prevent the proliferation of nuclear weapons in the world,

"Recalling the different efforts and achievements undertaken on a regional level with a view to the establishment of nuclear-weapon-free zones,

"Recalling, in particular, the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco), 1/

"Considering that further efforts concerning nuclear-weapon-free zones would be enhanced by a comprehensive study of the question in all its aspects,

"1. Decides to undertake a comprehensive study of the question of nuclear-weapon-free zones in all its aspects;

"2. Requests that the study be carried out by an ad hoc group of qualified governmental experts under the auspices of the Conference of the Committee on Disarmament;

"3. Calls upon interested Governments and international organizations concerned to extend such assistance as may be required from them for the carrying out of the study;

"4. Requests the Secretary-General to provide such services and to give such assistance for the study as may be required;

"5. Requests the Conference of the Committee on Disarmament to transmit the comprehensive study of the question of nuclear-weapon-free zones in all its aspects in a special report to the General Assembly at its thirtieth session;

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1/ United Nations, Treaty Series, vol. 634, No. 9068, p. 326.

"6. Decides to include in the provisional agenda of its thirtieth session an item entitled 'Comprehensive study of the question of nuclear-weapon-free zones in all its aspects'."

B. Organization and composition of the ad hoc group

2. In pursuance of this resolution, the Conference of the Committee on Disarmament, at its 661st meeting, on 25 March 1975, reached a consensus by which it:

(a) Decided to invite the Governments of the following States to designate experts: Australia, Belgium, Bulgaria, Czechoslovakia, Ecuador, Egypt, Finland, Ghana, India, Iran, Japan, Mexico, Nigeria, Pakistan, Poland, Romania, Sweden, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America and Zaire; 2/

(b) Requested the Secretary-General of the United Nations, in accordance with paragraph 4 of General Assembly resolution 3261 F (XXIX):

(i) To inform the Governments of those of the above-mentioned States not members of the Conference of the Committee on Disarmament that they were invited to make available their experts to participate in the work of the group;

(ii) To inform the States Members of the United Nations which would not have their experts in the group that, upon prior notification, they would have the rights of access to the meetings, of addressing the group and of submitting to it written material;

(c) Requested the group of experts to begin the implementation, in Geneva, of the task entrusted to it at an early date and, if possible, not later than 7 April 1975;

(d) Decided that the group should elect its own Chairman and that whenever the group was unable to reach consensus on substantive matters, each of the experts would be entitled to incorporate in the study his own opinion;

(e) Requested the group to submit to the Conference of the Committee on Disarmament the comprehensive study on the question of nuclear-weapon-free zones in all its aspects not later than 7 August 1975.

3. Governmental experts from the following countries participated in the discussions as observers: Canada, German Democratic Republic, Germany (Federal Republic of), Hungary, Italy, Mongolia, Netherlands, New Zealand, Turkey and Yugoslavia. 2/

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2/ The list of participants appears in appendix I below.

### C. Programme and method of work

4. The Ad Hoc Group held six meetings at Geneva from 7 to 10 April 1975 during which the experts elected Mr. Keijo Korhonen of Finland Chairman of the Ad Hoc Group and agreed on a general outline of the study. At its second session, the Ad Hoc Group held 25 formal meetings and 34 informal meetings from 23 June to 18 August 1975. In the course of this session, experts, as well as observers, stated their positions in statements and in working papers. Background material was presented by the Secretariat of the United Nations, the International Atomic Energy Agency (IAEA) and the Agency for the Prohibition of Nuclear Weapons in Latin America (OPANAL). 3/ A consultant to IAEA participated in some of the meetings of the Ad Hoc Group. The discussion in the course of formal and informal meetings served as the basis for the preparation of draft chapters. The Ad Hoc Group adopted its final study at its 25th meeting on 18 August 1975.

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3/ The list of documents submitted to the Ad Hoc Group appears in appendix II below.

## CHAPTER II

### HISTORICAL BACKGROUND OF MILITARY DENUCLEARIZATION BY AREAS

5. A detailed description of the international agreements and proposals and of the opinions expressed in regard to the question of nuclear-free-zones in all its aspects would have required a voluminous chapter. The present chapter intends only to serve as a brief summary to the most relevant aspects of the treaties, proposals and official reactions on the subject.

#### A. The Antarctic Treaty

6. The Antarctic Treaty <sup>4/</sup> was the first international agreement which, being a Treaty establishing a demilitarized zone, contained by implication provisions to ensure that nuclear weapons would not be introduced into an area. In 1959, governmental representatives of the 12 countries participating in the International Geophysical Year in Antarctica (Argentina, Australia, Belgium, Chile, France, Japan, New Zealand, Norway, South Africa, the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics and the United States of America) met in Washington, D.C., to conclude a treaty that would ensure the use of Antarctica exclusively for peaceful purposes and the continuity of co-operation in scientific research in this area. The Treaty was not intended to solve the problem of the different territorial claims, which covered approximately 80 per cent of the whole continent, but rather to ensure the access to all the regions of Antarctica to carry out scientific research and to prevent undesirable political rivalries by maintaining the status quo in regard to the territorial claims. <sup>5/</sup> The Treaty was signed on 1 December 1959 by the 12 participating States in the conference and it is now in force for 19 States.

7. Article 1 of the Treaty provides that Antarctica shall be used exclusively for peaceful purposes and prohibits, inter alia, any measure of a military nature, such as the establishment of military bases and fortifications, the carrying out of military manoeuvres and the testing of any type of weapons. The Treaty does not prevent the use of military personnel and equipment for scientific research and other peaceful purposes. The introduction and testing of nuclear weapons in Antarctica would fall within the scope of the prohibition contained in article 1.

8. Article 5 of the Treaty prohibits any nuclear explosions and the disposal of radio-active waste in Antarctica. The Treaty, however, does not rule out indefinitely the possibility of carrying out nuclear explosions for peaceful purposes in the continent. Article 5, paragraph 2, provides that the rules embodied in international agreements concerning the use of nuclear energy, including nuclear explosions and the disposal of radio-active waste material,

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<sup>4/</sup> United Nations, Treaty Series, vol. 402, No. 5778, p. 72.

<sup>5/</sup> Documents on Disarmament, 1945-1959, United States, Department of State, vol. II, 1957-1959 (Washington, D.C., U.S. Government Printing Office), pp. 1020-1023.

would be applied to Antarctica, provided that all the original Contracting Parties and those parties which demonstrate their interest in the continent are also parties to such agreement or agreements.

9. The Treaty created a system of control based on national means of verification, carried out through inspections by observers nationals of the Contracting Parties which designate them. Those observers are under the exclusive jurisdiction of the Contracting Parties of which they are nationals.

10. The Treaty provides the right of aerial observation at any time over any of the regions of Antarctica and the observers have full access at any moment to any area or installation and to all ships and aeroplanes at points of discharge and embarkation in the continent.

11. The Treaty's provisions apply to the area south of 60 degrees south latitude without prejudicing, or in any way affecting, the rights or the exercise of the rights of any State under international law with regard to the high seas within that area.

B. Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies

12. Early efforts to prevent the spread of the arms race to outer space were made in the Sub-Committee of the Disarmament Commission and in the General Assembly in the late 1950s. In November 1958, at the thirteenth session of the General Assembly, the Union of Soviet Socialist Republics introduced a draft resolution providing, in particular, for a ban on the use of cosmic space for military purposes and for an undertaking by States to launch rockets into cosmic space only under an agreed international programme. 6/ In 1960, five Western Powers submitted a plan to the Ten-Nation Disarmament Committee including a ban on the placing of weapons of mass destruction in outer space (TNDC/3). The programme for general and complete disarmament proposed by the United States in 1960 called for a ban on placing in orbit vehicles carrying weapons of mass destruction (TNDC/5). The draft treaty on general and complete disarmament (ENDC/2), 7/ introduced by the USSR in the Conference of the Eighteen-Nation Committee on Disarmament in 1962, also provided that the placing into orbit or stationing in outer space of any special devices capable of delivering weapons of mass destruction should be prohibited. The General Assembly, in resolution 1721 A (XVI) of 20 December 1961, commended to States for their guidance in the exploration and use of outer space the principles that international law, including the Charter of the United Nations, applies to outer space and celestial bodies and that outer space and celestial bodies are free for exploration and use by all States in conformity with

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6/ Official Records of the General Assembly, Thirteenth Session, Annexes, agenda item 60, document A/C.1/L.219.

7/ For document ENDC/2/Rev.1, see Official Records of the General Assembly, Seventeenth Session, Annexes, agenda item 90, document A/C.1/867; for document ENDC/2/Rev.1/Add.1, see Official Records of the Disarmament Commission, Supplement for January to December 1964, document DC/209, annex 1, sect. A.

international law and are not subject to national appropriation. These principles were subsequently expanded by General Assembly resolution 1962 (XVIII) of 13 December 1963.

13. In 1963, Mexico submitted to the Conference of the Eighteen-Nation Committee on Disarmament the outline of a draft treaty on the prohibition of the orbiting or stationing in outer space of nuclear weapons and other weapons of mass destruction, including the prohibition of tests in outer space of those weapons. 8/ That same year, the General Assembly adopted resolution 1884 (XVIII) of 17 October 1963 in which it called upon all States to refrain from placing in orbit around the earth any objects carrying nuclear weapons or any other kinds of weapons of mass destruction, installing such weapons on celestial bodies or stationing such weapons in outer space in any other manner.

14. The matter was subsequently considered in the Committee on the Peaceful Uses of Outer Space and by the General Assembly. After the Soviet Union and the United States had reached agreement on a text entitled "Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies", in 1966, the General Assembly commended the Treaty in resolution 2222 (XXI) of 19 December 1966. 9/ The Treaty was opened for signature on 27 January 1967 and entered into force on 10 October 1967. Up to June 1975, the Treaty was in force for 71 States, and another 35 had signed it.

15. The principal provisions of the Treaty, relevant to the concept of nuclear-weapon-free zones are:

(a) An undertaking by States parties not to place in orbit around the Earth any objects carrying nuclear weapons or any other kinds of weapons of mass destruction, install such weapons on celestial bodies, or station such weapons in outer space in any other manner (article IV);

(b) A prohibition of all military activity on the Moon and other celestial bodies, including the establishment of military bases, installations and fortifications, the testing of any type of weapons and the conduct of military manoeuvres, but excepting the use of military personnel in scientific research or for other peaceful purposes, as well as the use of equipment necessary for peaceful exploration (article IV); and

(c) A provision that all stations, installations, equipment and space vehicles on the Moon and other celestial bodies would be open to representatives of States parties "on a basis of reciprocity" (article XII).

#### C. Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco)

16. The Treaty for the Prohibition of Nuclear Weapons in Latin America

8/ Official Records of the Disarmament Commission, Supplement for January to December 1963, document DC/208, annex 1, sect. N (ENDC/98).

9/ For the complete text of the Treaty, see United Nations, Treaty Series, vol. 610, No. 8843.

(Treaty of Tlatelolco) 10/ is the only instrument concluded so far establishing a nuclear-weapon-free zone in a densely populated area. Opened for signature on 14 February 1967, after four years of negotiations, the Treaty is also the first agreement on arms limitation, disarmament and collateral disarmament measures to establish an effective system of control under a permanent supervisory organ (Agency for the Prohibition of Nuclear Weapons in Latin America (OPANAL)). The Treaty, which has two additional protocols, inter alia, defines the terms "territory" and "nuclear weapon"; establishes an international agency to ensure compliance with the Treaty, together with a control system which includes the application of IAEA safeguards to all nuclear activities of the contracting parties, reporting, inspection, observation of peaceful nuclear explosions and exchange of information; provides for the development of peaceful uses of nuclear energy (including nuclear explosions for peaceful purposes); defines the zone of application of the Treaty; envisages relations between OPANAL and other international organizations; and establishes measures in the event of violations of the Treaty.

17. The main obligations of the parties to the Treaty are defined in article 1. The contracting parties undertake to use exclusively for peaceful purposes the nuclear material and facilities under their jurisdiction and to prohibit and prevent in their respective territories:

(a) The testing, use, manufacture, production or acquisition by any means whatsoever of any nuclear weapons, by the parties themselves directly or indirectly, on behalf of anyone else, or in any other way;

(b) The receipt, storage, installation, deployment and any form of possession of any nuclear weapons, directly or indirectly, by the parties themselves, by anyone on their behalf, or in any other way.

Further, they undertake 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.

18. A nuclear weapon is defined in article 5 of the Treaty as "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. An instrument that may be used for the transport or propulsion of the device is not included in this definition, if it is separable from the device and not an indivisible part thereof".

19. The right of the contracting parties to use nuclear energy for peaceful purposes, in particular for their economic development and social progress, is reaffirmed in article 17 of the Treaty.

20. Article 18 provides the right of the contracting parties to carry out nuclear explosions for peaceful purposes, including explosions which involve devices similar to those used in nuclear weapons, or collaborate with third parties for the same purpose, provided that those explosions are carried out in accordance with the Treaty and in particular with articles 1 and 5. Specific measures for the control of nuclear explosions for peaceful purposes are provided in

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10/ United Nations, Treaty Series, vol. 634, No. 9068, p. 326.



paragraphs 2 and 3 of article 18, according to which the States parties undertake to notify OPANAL and IAEA, as far in advance as the circumstances require, the date of the intended explosion; the nature of the nuclear device and the source from which it would be obtained; the place and purpose of the planned explosion; the proposed procedures for observation by OPANAL and IAEA; the expected force of the device and the fullest possible information on any radio-active fall-out that may result from the explosion as well as other measures to be taken to avoid danger to the population, flora, fauna and territories of any other party or parties. In addition, the Secretary-General of OPANAL and the technical personnel designated by the Council of OPANAL and IAEA have an unrestricted access to any area in the vicinity of the site of the explosion, in order to ascertain whether the device and the procedures followed during the explosion are in conformity with the information supplied and the provisions of the Treaty.

21. The rules for the entry into force of the Treaty are set out in article 28. For the entering into force, paragraph 1 of article 28 requires adherence to the Treaty by all the States included in the zone, and to the protocols by all the States to which they are opened, as well as conclusion of safeguards agreements with IAEA. However, since these requirements might have considerably delayed the coming into being of the zone, paragraph 2 of article 28 permits the signatory States to waive them, wholly or in part. As of July 1975 the Treaty was in force for 20 States of the region (Barbados, Bolivia, Colombia, Costa Rica, the Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Trinidad and Tobago, Uruguay and Venezuela) which have waived all the requirements set out in paragraph 1 of article 28. Two States (Brazil and Chile) have ratified the Treaty but not waived those requirements; one State (Argentina) has signed the Treaty but not ratified it and three States in the region have not yet signed it (the Bahamas, Cuba and Guyana).

22. Additional Protocol I was the result of extensive negotiations among the Latin American States and between a Negotiating Committee of the Preparatory Commission of the Treaty and the Powers referred to in the Protocol (France, the Netherlands, the United Kingdom and the United States). It provides for the extension of the nuclear-weapon-free status to certain territories lying in the zone of application of the Treaty which, de jure or de facto, are under the jurisdiction of States outside the zone. The effect of Additional Protocol I is to confine the system of control in regard to those territories to the application of IAEA safeguards. It has been ratified by the Netherlands and the United Kingdom.

23. In 1965, the United States declared that neither the United States Virgin Islands nor Puerto Rico could be included in the nuclear-weapon-free zone because the Virgin Islands were part of the territory of the United States and Puerto Rico had a special relationship with the United States. The Canal Zone, the United States added, could be included, provided that the rights of transit through the Panama Canal were not affected, as well as the Guantanamo base, if Cuba joined the Treaty. 11/ In 1974, the representative of the United States declared at the twenty-ninth session of the General Assembly that the position of his Government with respect to Additional Protocol I remained unchanged (A/C.1/PV.2023, p. 12).

24. The General Conference and the Council of OPANAL have approached the question

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11/ COPREDAL/CN/1, 20 December 1965.

of the Panama Canal Zone, not with respect to Additional Protocol I but in the light of Additional Protocol II, in view of the fact that the Panamanian Government declared that the Treaty applies to the totality of the territory of Panama, including the so-called "Canal Zone". <sup>12/</sup> The United States has reiterated its view that the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco) will apply to the Canal Zone when jurisdiction over the Zone is returned to Panama under the new treaty now being negotiated. <sup>13/</sup>

25. France, for its part, has declared that in matters of defence the French Government had only one doctrine applying to all of its territory and that no distinction could be drawn between the various parts of the French territory. Since France is a nuclear-weapon State, no part of its territory could be given a nuclear-weapon-free status (A/C.1/PV.2018, pp. 32-41).

26. In resolutions 2286 (XXII) of 5 December 1967 and 3262 (XXIX) of 9 December 1974, the General Assembly appealed to the States concerned to sign and ratify Additional Protocol I of the Treaty of Tlatelolco and an item entitled "Implementation of General Assembly resolution 3262 (XXIX) concerning the signature and ratification of Additional Protocol I of the Treaty on the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco)" was included in the provisional agenda of the thirtieth session of the General Assembly.

27. During the drafting of the Treaty a clear commitment by the nuclear-weapon States to respect the nuclear-weapon-free status of the zone was considered an important condition for the effectiveness of the zone. The search for a formula to embody this commitment led to contacts between the preparatory commission of the Treaty and the nuclear-weapon States and to the adoption of Additional Protocol II.

28. Under this Protocol, nuclear-weapon States undertake to fully respect the "statute of denuclearization of Latin America for warlike purposes as defined, delimited and set forth in the Treaty" and "not to contribute in any way to the performance of acts involving a violation of the obligations of article 1 of the Treaty in the territories to which the Treaty applies". Furthermore, nuclear-weapon States undertake in the Protocol not to use or threaten to use nuclear weapons against the parties to the Treaty.

29. Four nuclear-weapon States have so far adhered to Additional Protocol II: China, France, the United Kingdom and the United States. Three of them have made interpretational declarations stating interpretations concerning different articles of the Treaty and of Additional Protocol II. In regard to the obligations assumed under the Protocol, the United Kingdom made an interpretative statement which, *inter alia*, said that it would feel free to reconsider its commitment in the event that a party to the Treaty committed an act of aggression with the support of a nuclear-weapon State. In a similar statement, the

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<sup>12/</sup> See document OPANAL/C.G/81, 20 August 1973; OPANAL/C/Res.7, 3 August 1973, and note of the Government of Panama to OPANAL of 7 June 1973.

<sup>13/</sup> Statement by Admiral T. H. Moorer in hearings before the Committee on Foreign Relations, U.S. Senate, 23 February 1971 (Documents on Disarmament, 1971, p. 19); and communications by United States officials to the Deputy Secretary-General of OPANAL, in Washington, D.C., 17 August 1973.

United States declared that it would consider that an armed attack by a contracting party, in which it was assisted by a nuclear-weapon State, would be incompatible with that party's obligations under article 1 of the Treaty. 14/

30. France, the United Kingdom and the United States also undertook additional obligations, not required by Additional Protocol II, by declaring that they would act in regard to territories under the statute of denuclearization by virtue of Additional Protocol I in the same manner as Additional Protocol II requires them to act with respect to the territories of the parties to the Treaty. 15/

31. In ratifying Additional Protocol II, China expressly declared that it would never send its means of transportation and delivery carrying nuclear weapons to cross the territory, territorial sea or air space of Latin American countries. 16/

32. The Soviet Union repeatedly declared that it took an understanding attitude towards the motives which had guided the sponsors of the draft treaty on the prohibition of nuclear weapons in Latin America. However, in defining its attitude to the Treaty of Tlatelolco, the Soviet Union has taken into account the existence in the Treaty of what it considers some substantial short-comings, namely:

(a) The Treaty allows for the possibility of conducting explosions of nuclear devices for peaceful purposes (article 18). Inasmuch as nuclear explosive devices for peaceful purposes are technically no different from military nuclear explosive devices, the possibility allowed for Parties to the Treaty of Tlatelolco to carry out nuclear explosions for peaceful purposes enables them to manufacture nuclear weapons. This is in contradiction with the system established by the Treaty on the Non-Proliferation of Nuclear Weapons (General Assembly resolution 2373 (XXII), annex);

(b) The Treaty does not contain any ban on the transit of nuclear weapons through the territory of the zone, thus leaving a loop-hole for the presence of nuclear weapons in the territory of the zone and for their use from that territory;

(c) It allows for the possibility of extending the application of the Treaty to areas of the high seas, contrary to the generally recognized norms of international law, including the principle of freedom of navigation on the high seas, which was laid down in the Geneva Convention of 1958 on the High Seas. 17/

33. On its part, Mexico has not accepted the objections of the Soviet Union and

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14/ For an up-to-date document containing all the declarations made upon signing and ratifying the Treaty of Tlatelolco and its two Protocols, see Report on the implementation of the Treaty of Tlatelolco and some comments and views of OPANAL with respect to article VII and other related provisions of the Non-Proliferation Treaty, Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Geneva, 1975, document NPT/CONF/9.

15/ Ibid., pp. 23-28.

16/ Ibid., pp. 22-23.

17/ For a detailed account of the position of the Soviet Union, see documents A/C.1/PV.1889 and CCD/PV.553.

has stressed the following arguments which coincide in essence with the views of the Secretary-General of OPANAL: 18/

(a) Article 18 of the Treaty of Tlatelolco, while allowing the possibility of carrying out nuclear explosions for peaceful purposes - the possibility of benefiting from peaceful nuclear explosions is also envisaged in article V of the Treaty on the Non-Proliferation of Nuclear Weapons - does not imply that States parties may develop or manufacture the corresponding devices by themselves or within the zone of application of the Treaty, since any potential explosion would be subject to the provisions of article 1: States may neither test, use, manufacture, produce or acquire by any means any nuclear weapon, nor engage, encourage, authorize or participate in any way in the testing, use, manufacture, production, possession or control of such weapons, which are defined in article 5 of the Treaty itself (see paras. 17 and 18 above). Therefore, the possibility of carrying out such explosions does not contradict in any manner whatsoever the Treaty on the Non-Proliferation of Nuclear Weapons; on the contrary, in subjecting such possibility to the strict control and limitations set forth in article 18, the Treaty of Tlatelolco goes beyond the Treaty on the Non-Proliferation of Nuclear Weapons in securing non-proliferation on these grounds;

(b) The fact that the Treaty of Tlatelolco does not expressly ban the transit of nuclear weapons through the zone does not imply that such transit is to be allowed. In this respect, the Preparatory Commission of the Treaty agreed that the term "transit" in this context refers to "maritime and air transit, not surface transit - which is to be considered excluded - and maritime transit, whenever allowed by a riparian State, must be subject to the provisions relevant to the 'right of innocent passage' set forth in the Geneva Convention on the Territorial Sea and the Contiguous Zone 19/ (1958)". The question is further covered through Additional Protocol II, since nuclear-weapon States, by undertaking to respect the statute of the Latin American nuclear-weapon-free zone and to refrain from contributing "in any way to the performance of acts involving a violation of the obligations of article 1 of the Treaty" - i.e., the prohibition and prevention of receipt, storage, installation or deployment of nuclear weapons within the zone - are expected to refrain from introducing such weapons in the zone; thus the need for nuclear-weapon States to adhere to Protocol II;

(c) The application of the Treaty will only be extended to areas outside the sovereignty of States included in the zone upon fulfilment of the requirements of article 28, paragraph 1 - i.e., full adherence to the Treaty of all States in the region; full adherence to Protocol I by all States to which it is opened; full adherence to Protocol II by all States to which it is opened, and conclusion of safeguards agreements with IAEA by all States parties to the Treaty and to Protocol I. The extension of the zone to certain areas of the high seas does not imply any contradiction to the established principles of international law, since it has been specifically accepted by States outside the zone - in fact, most of the main maritime Powers - and has in practice been admitted by the world community

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18/ For a detailed account of the position of Mexico, see documents A/C.1/PV.1889, CCD/PV.551 and CCD/PV.553; see also Gross Espiell, Hector, En Torno al Tratado de Tlatelolco y la Proscripcion de las Armas Nucleares en America Latina, OPANAL (Mexico, 1973).

19/ United Nations, Treaty Series, vol. 516, p. 205.

in various resolutions of the United Nations General Assembly (all approved without a single negative vote), notably resolution 2286 (XXII) of 5 December 1967, where the Assembly welcomed "with special satisfaction" the Treaty of Tlatelolco which it declared "constitutes an event of historic significance in the efforts to prevent the proliferation of nuclear weapons and to promote international peace and security". It should also be noted that, in the same resolution, the Assembly called upon "all States" to "give their full co-operation to ensure that the régime laid down in the Treaty enjoys the universal observance to which its lofty principles and noble aims entitle it".

34. The Soviet Union did not agree with the considerations presented by Mexico. The argumentation of the Soviet side to this effect is contained in statements of Soviet representatives in the United Nations and in the Conference of the Committee on Disarmament. 20/

35. In resolutions 2286 (XXII) of 5 December 1967, 2456 B (XXIII) of 20 December 1968, 2666 (XXV) of 7 December 1970, 2830 (XXVI) of 16 December 1971, 2935 (XXVII) of 29 November 1972, 3079 (XXVIII) of 6 December 1973 and 3258 (XXIX) of 9 December 1974, the General Assembly appealed to the nuclear-weapon States to sign and ratify Additional Protocol II of the Treaty of Tlatelolco and an item entitled "Implementation of General Assembly resolution 3258 (XXIX) concerning the signature and ratification of Additional Protocol II of the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco)" was included in the provisional agenda of the thirtieth session of the General Assembly.

D. 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

36. In 1967, the General Assembly examined "the question of the reservation exclusively for peaceful purposes of the sea-bed and the ocean floor, and the subsoil thereof, underlying the high seas beyond the limits of present national jurisdiction, and the use of their resources in the interest of mankind". In 1968, the debate in the General Assembly revealed widespread support for the principle of reserving the sea-bed and the ocean floor beyond the territorial waters exclusively for peaceful purposes. On 18 March 1969, the Soviet Union submitted to the Conference of the Eighteen-Nation Committee on Disarmament a draft treaty banning the use of the sea-bed and the ocean floor for military purposes, including the emplacement of nuclear weapons thereon. In 1970, the Committee transmitted to the General Assembly the text of a draft treaty prohibiting the emplacement of nuclear weapons and other weapons of mass destruction on the sea-bed and the ocean floor and in the subsoil thereof. In its resolution 2660 (XXV) of 7 December 1970, the General Assembly commended the Treaty, 21/ asked the depository Governments to open it for signature and ratification, and expressed the hope for the widest possible adherence to it. The Treaty entered into force on 18 May 1972. As of June 1975, 56 States had become parties to the Treaty, and another 38 States had signed it.

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20/ See foot-note 17 above.

21/ For the complete text of the Treaty, see General Assembly resolution 2660 (XXV), annex.

37. By article I, the parties of the Treaty undertake not to emplant or emplace on the sea-bed and the ocean floor and in the subsoil thereof, beyond the outer limit of a sea-bed zone, any nuclear weapons or any other types of weapons of mass destruction, as well as structures, launching installations or any other facilities specifically designed for storing, testing or using such weapons. Within such a sea-bed zone, these undertakings do not apply either to the coastal State or to the sea-bed beneath its territorial waters.

38. Article II of the Treaty stated that the outer limit of the sea-bed zone referred to in article I should be coterminous with the 12-mile outer limit of the zone referred to in the Convention on the Territorial Sea and the Contiguous Zone, signed at Geneva on 29 April 1958, and should be measured in accordance with the provisions of that Convention.

39. Verification procedures provided in article III involve observation of activities in the sea-bed zone, to be followed in the event of suspected violation by consultations between States having reasonable doubts about an activity and the State responsible for it. Should such consultations fail to resolve doubts, procedures are stipulated for notification to other parties for co-operation on further verification procedures, including inspection. If a serious question concerning compliance remains, a party may refer the matter to the Security Council. Article III also specifies procedures for identifying States responsible for suspected activities and provides that verification shall be conducted with due regard for rights recognized under international law.

40. By article V, the parties undertake to continue negotiations in good faith concerning further measures in the field of disarmament for the prevention of an arms race on the sea-bed, the ocean floor and in the subsoil thereof.

E. Proposals for the establishment of other  
nuclear-weapon-free zones

41. Early initiatives concerning the creation of nuclear-weapon-free zones were related to the search for formulas to prevent the proliferation of nuclear weapons. The earliest example of this approach is a proposal, advanced by the Soviet Union in the Sub-Committee of the Disarmament Commission in 1956, concerning a zone of limitation and inspection of armaments in Central Europe and, in particular, a ban on the stationing of atomic military formations and the location of atomic and hydrogen weapons of any kind in that zone. <sup>22/</sup> One year later, Poland proposed the creation of a nuclear-weapon-free zone in Central Europe and Romania took the initiative for the establishment of an area of peace in the Balkans, free of foreign military bases. The Polish initiative is described below in greater detail. On 23 September 1959 during the general debate at the fourteenth session of the General Assembly, Ireland proposed an area-by-area approach to prevent the proliferation of nuclear weapons, which related specifically to Central Europe. According to the Irish proposal, the non-nuclear-weapon States in a given area would undertake, first, not to manufacture or acquire nuclear weapons or other weapons of mass destruction, and secondly, to subject themselves to United Nations inspection to ensure that they were keeping to that agreement. In return, the

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<sup>22/</sup> Official Records of the Disarmament Commission, Supplement for January to December 1956, document DC/83, annex 5 (DC/SC.1/41).

nuclear-weapon States and all the other Members of the United Nations would undertake in advance, by specific engagements, to assist the members of the area, in case of attack, by means of a standing United Nations force (A/PV.805, paras. 47-80).

42. In the late 1950s and early 1960s, the Government of the People's Republic of China suggested the creation of a nuclear-weapon-free zone in the region of Asia and the Pacific. 23/

43. In 1961, at the sixteenth session of the General Assembly, Sweden suggested a general approach not related to any specific area. Sweden proposed that an inquiry be made by the Secretary-General as to the conditions under which countries not possessing nuclear weapons might be willing to enter into specific undertakings to refrain from manufacturing or otherwise acquiring such weapons and to refuse to receive in the future nuclear weapons on their territories on behalf of any other country. If the results of the inquiry were favourable, a conference should be convened in order to work out some arrangement which would meet with the approval of all countries. The Swedish proposal was approved by the General Assembly in resolution 1664 (XVI) of 4 December 1961 and the Secretary-General conducted the inquiry. Replies were received from 62 Member States. 24/

44. As to the conditions for adherence to the Treaty mentioned by the responding Governments, that of reciprocity was most frequent. Some singled out specific States or all States within specified areas whose reciprocal adherence was required; others demanded universal adherence, including, especially, non-members of the United Nations. Some countries also called for the implementation of measures affecting the nuclear-weapon States and others viewed the objective in the context of general and complete disarmament, believing that until it was achieved, national and collective security interests were likely to determine defence policy.

45. The USSR supported the idea of nuclear-weapon-free zones, which, it felt, would contribute towards building confidence between States. The Western nuclear-weapon States stressed three conditions for nuclear-weapon-free zones; they should be formed with the consent of all parties concerned; they should not alter the balance between the North Atlantic Treaty Organization (NATO) and the Warsaw Pact, 25/ or give a military advantage to either side, and there should be effective controls.

#### 1. Central Europe

46. On 2 October 1957, Poland declared at the twelfth session of the General Assembly that after consultations with other members of the Warsaw Pact, it was prepared to impose a ban on the production and stockpiling of nuclear and thermonuclear weapons on its territory, should the two German States express their consent to impose simultaneously a similar ban on their territories (A/PV.697, para. 136). On the same day, Czechoslovakia declared its readiness to

23/ Peking Review, No. 31, 2 August 1963.

24/ Official Records of the Disarmament Commission, Supplement for January 1961 to December 1962, document DC/201 and Add.1-3.

25/ Treaty of Friendship, Co-operation and Mutual Assistance, signed at Warsaw on 14 May 1955 (United Nations, Treaty Series, vol. 219, p. 3).

join in the Polish proposal (A/PV.698, para. 107). The German Democratic Republic expressed its support on 4 October 1957 for the Polish initiative 26/ as also did the USSR (A/C.1/PV.867) on 10 October 1957. The plan, further elaborated and published on 14 February 1958, provided that the States located in the zone would undertake the obligation not to manufacture, maintain or possess nuclear weapons of any type and not to permit the installation on their territories of such weapons. At the same time, they would undertake not to admit in their territories installations and equipment designed for servicing nuclear weapons, including missile-launching equipment.

47. In regard to France, the USSR, the United States and the United Kingdom, the plan provided the obligation:

(a) Not to maintain nuclear weapons in their armed forces stationed in territories of the States of the zone and neither to maintain nor install in those territories any installations for servicing nuclear weapons, including missile-launching equipment;

(b) Not to transfer those weapons or equipment to the States of the zone;

(c) Not to use nuclear weapons against the zone.

48. The plan provided an elaborate system of control which would include ground and aerial control, as well as posts of control which would ensure the effectiveness of inspection. The details and form of implementation of the system were left to be agreed upon in the course of the negotiations. The proposal also contained provisions for the creation of a supervisory body which was generally envisaged as open to the participation of representatives of NATO and of the Warsaw Pact, as well as representatives of States not belonging to any military grouping in Europe. Furthermore, in order to avoid complications which might have been involved in the conclusion of a formal treaty comprising the two German States, it was deemed that unilateral declarations by the Governments concerned, which would have the force of international undertakings, would have been sufficient.

49. In February 1958, the Soviet Government announced its full support for the proposal to create a nuclear-free zone in Central Europe, and appealed to the nuclear Powers to undertake to respect the status of this zone and to consider the territory of the States comprising it as not falling within the area in which nuclear weapons should be used. 27/ The Soviet Union proposal of July 1958 for an agreement on friendship and co-operation between European States contained a provision for the creation, in Central Europe, of a zone free from the production and emplacement of nuclear and rocket weapons. 28/ The importance of the creation of a nuclear-free zone in Central Europe, in accordance with the proposal submitted by the Polish People's Republic, was again emphasized in the Soviet

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26/ Telegram dated 4 October 1957 from the Minister of Foreign Affairs of the German Democratic Republic addressed to the President of the General Assembly (A/3804).

27/ Izvestia, 18 February 1958.

28/ Pravda, 21 July 1958.



Government's memorandum on measures in the field of nuclear disarmament submitted in 1958 to the thirteenth session of the General Assembly. 29/

50. In an effort to meet some of the objections, a new version of the plan was submitted on 4 November 1958, proposing its implementation in two stages: a freeze of nuclear armaments in the proposed zone; and a reduction of conventional forces effected simultaneously with the complete denuclearization of the zone carried out under appropriate control.

51. A third version of the plan was submitted by Poland to the Eighteen-Nation Committee on Disarmament at Geneva on 28 March 1962 (EMDC/C.1/1). It envisaged that, in addition to the countries originally to be included, the proposed zone would be open to any European State wishing to accede. Its purpose was "to eliminate nuclear weapons and to reduce armed forces and conventional armaments within a limited area in which those measures could help to reduce tension and substantially to limit the danger of conflict". The plan was to be implemented in two stages: freezing of nuclear weapons and rockets and prohibition of the establishment of new bases; and elimination of nuclear weapons and rockets and reduction of armed forces and conventional armaments.

## 2. The Balkans, the Adriatic and the Mediterranean

52. The establishment of nuclear-weapon-free zones in the Balkans, the Adriatic and the Mediterranean has been suggested on various occasions. On 10 September 1957, Romania proposed the establishment of an area of peace in the Balkans free of foreign military bases and the convening to that effect of a Balkan conference, at the Prime Minister level. This initiative was reiterated and further detailed on 7 June 1959.

53. In May 1959, the USSR suggested that the Balkan peninsula be made a region of peace, without any missiles or nuclear weapons. 30/ Romania supported the USSR suggestion and proposed that an agreement be reached on a Balkan treaty of security providing for the establishment of a nuclear-weapon-free zone in that region and for making it an area of peace, as envisaged in the Romanian proposal of 1957. Romania also suggested that the great Powers should guarantee to respect the Balkans as a nuclear-weapon-free zone and an area of peace.

54. On 25 June 1959, the USSR sent notes to the Governments of the Balkan States, France, the United States and the United Kingdom, formally proposing the establishment of a nuclear-weapon-free zone in the Balkans and the Adriatic, and declaring its readiness to become a guarantor of this zone together with the other great Powers. The Soviet proposal received the endorsement of socialist countries concerned. The United States, in replying to the Soviet note, said that the proposal did not deal with the basic question of continued production and stockpiling of nuclear weapons. 31/

29/ Official Records of the General Assembly, Thirteenth Session, Annexes, agenda items 64, 70 and 72, document A/3929.

30/ Izvestia, 29 May 1959.

31/ Documents on Disarmament, 1945-1959, United States, Department of State, vol. II, 1957-1959 (Washington, D.C., U.S. Government Printing Office), pp. 1434-1436.

55. On 27 May 1963, the USSR submitted to the Eighteen-Nation Committee on Disarmament the text of a note it had addressed to the United States, the United Kingdom and some Mediterranean countries suggesting that the whole Mediterranean area should be declared a zone free of nuclear missile weapons. 32/ The Soviet Union declared that it was prepared to assume an obligation not to deploy nuclear weapons or their means of delivery in the waters of this area provided that similar obligations were assumed by the other Powers. The note said that reliable guarantees were to be provided jointly by the Soviet Union and the Western Powers. The United States replied, on 24 June 1963, that the Soviet proposal was only aimed at altering the military balance in the area at the expense of the United States and its allies. 33/

56. In subsequent years, references to a Balkan nuclear-free zone have been made in the Eighteen-Nation Committee on Disarmament, the Conference of the Committee on Disarmament and the United Nations. At the Conference of Non-Nuclear-Weapon States in 1968, Bulgaria, Romania and Yugoslavia mentioned the need for a nuclear-weapon-free zone embracing the Balkans and the Mediterranean. In 1972, Romania proposed the preparation of a conference of the Balkan countries to discuss the question. Romania has expressed the view that an agreement on regional denuclearization should be part of a system of measures leading to nuclear disarmament; it should provide mutual obligations for all parties; it should offer security guarantees from the nuclear-weapon States; it should not limit the peaceful uses of nuclear energy and it should establish a system of equitable control (CCD/PV.652).

3. Africa: Declaration on the Denuclearization of Africa issued by the Assembly of Heads of State and Government of the Organization of African Unity

57. Since 1960, the year in which France conducted its first nuclear test explosions in the Sahara, the African countries have adopted or sponsored the adoption of a series of decisions aimed at making the continent of Africa a nuclear-weapon-free zone.

58. The first draft resolution sponsored by the African States concerning the establishment of a nuclear-weapon-free zone in the continent of Africa (A/C.1/L.264/Rev.1) 34/ was submitted to the General Assembly at its fifteenth session and it contained an invitation to all States to regard and respect the African continent as a nuclear-weapon-free zone and requested them to halt all nuclear-weapon or ballistic-missile tests in Africa and to eliminate and refrain from establishing installations intended for use in testing, storing or transporting such weapons. The sponsors did not put the draft to the vote that year. The General Assembly, at its sixteenth session, adopted resolution 1652 (XVI) of 24 November 1961 by which it called upon Member States not to carry out nuclear tests in Africa in any form, to refrain from using Africa for testing, storing or transporting nuclear weapons and to consider and respect the continent of Africa as a nuclear-weapon-free zone.

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32/ Official Records of the Disarmament Commission, Supplement for January to December 1963, document DC/208, annex 1, sect. M (ENDC/91 and Corr.1).

33/ Documents on Disarmament, 1963, United States, Department of State (Washington, D.C., U.S. Government Printing Office), pp. 242-243.

34/ Official Records of the General Assembly, Fifteenth Session, Annexes, agenda items 67, 68, 69 and 73, document A/4680, para. 17.

59. The African States took up the matter again in 1963, when the Summit Conference of Independent African States approved a resolution on general disarmament which contained provisions for concerted action towards the goal of making Africa a nuclear-weapon-free zone. <sup>35/</sup> The Assembly of Heads of State and Government of the Organization of African Unity discussed the item anew during their Summit Conference in 1964. On that occasion, the African leaders adopted the "Declaration on the Denuclearization of Africa" in which they solemnly declared their readiness to undertake through an international agreement to be concluded under United Nations auspices not to manufacture or control atomic weapons; appealed to all peace-loving nations to accept the same undertaking and to all the nuclear Powers to respect the Declaration and conform to it. <sup>36/</sup> The General Assembly endorsed the Declaration by its resolution 2033 (XX) of 7 December 1965 and called upon all States to refrain from testing, manufacturing, using or deploying nuclear weapons on the continent of Africa, as well as from transferring such weapons, scientific data or technical assistance, either directly or indirectly, in any form which might be used to assist in the manufacture or use of nuclear weapons in Africa.

60. At the twenty-ninth session of the General Assembly, Nigeria, on behalf of 24 African States, introduced a draft resolution which was adopted unanimously and became resolution 3261 E (XXIX) of 9 December 1974. By it the General Assembly reaffirmed its call upon all States to consider and respect the continent of Africa as a nuclear-weapon-free zone and to refrain from testing, manufacturing, deploying, transporting or storing nuclear weapons and not to use or threaten to use nuclear weapons on the African continent.

61. In the course of the debates in the General Assembly, several African States have expressed their views on some basic elements of a nuclear-weapon-free zone in Africa, such as the area of application, transport of nuclear weapons, verification measures and obligation to be assumed by African States and outside Powers. <sup>37/</sup> The African States, however, have yet to determine the appropriate procedure and form to define and incorporate the characteristics of such a zone.

62. The General Assembly, in resolutions 1652 (XVI), 2033 (XX) and 3261 E (XXIX), has invited all Member States and particularly nuclear-weapon States to assume certain responsibilities towards the African continent. China has supported the idea of creating a nuclear-weapon-free zone in Africa and has declared its readiness to assume commitments in regard to the zone (A/C.1/PV.2007, p.62; A/C.1/PV.2026 p. 27). The Soviet Union has supported the efforts of African States to establish a nuclear-weapon-free zone in Africa, in particular by supporting the resolutions on this question adopted by the General Assembly on the initiative of African States. The United States has considered that it was premature at that early stage of development of the zone to enumerate the specific

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<sup>35/</sup> For the complete text of the resolution see Official Records of the Disarmament Commission, Supplement for January to December 1963, document DC/208, annex 1, sect. G (ENDC/93/Rev.1).

<sup>36/</sup> For the complete text of the "Declaration on the Denuclearization of Africa", see Official Records of the General Assembly, Twentieth Session, Annexes, agenda item 105, document A/5975.

<sup>37/</sup> Ibid., Twentieth Session, First Committee, Plenary Meetings, 1388th to 1391st meetings; also A/C.1/PV.2005, 2010, 2013, 2016, 2025 and 2026.

responsibilities that should be assumed by outside States and that such undertakings should be the subject of further consultations between the States of the region and the outside States (A/C.1/PV.2026, pp. 37-38). The United Kingdom has reserved its right to examine the particular agreement to be reached among the African countries (*ibid.*, p. 31). France has declared that it was prepared to respect the intentions of the African States to have a status of denuclearization (*ibid.*, pp. 31-32).

#### 4. Northern Europe

63. The idea of establishing a nuclear-weapon-free zone in Northern Europe was linked to the inquiry conducted on the basis of General Assembly resolution 1664 (XVI) of 4 December 1961 (see paras. 43 to 45 above).

64. In May 1963 the President of Finland suggested that the Nordic countries should establish a nuclear-weapon-free zone. He noted that despite the differences in their security policy, none of the Nordic countries had acquired nuclear weapons or accepted those belonging to another State on its territory. Accordingly, a Nordic nuclear-weapon-free zone would only confirm, through mutual undertakings, the existing *de facto* situation of absence of nuclear weapons without impairing the security of the Nordic countries or affecting the balance of power in the world. The President of Finland said that the Nordic countries, by declaring themselves a nuclear-weapon-free zone, would remove themselves "from the sphere of speculation caused by the development of nuclear strategy". 38/

65. Finland reiterated this idea at the twenty-sixth, twenty-seventh and twenty-eighth sessions of the United Nations General Assembly in 1971-1973 (A/C.1/PV.1830, 1882 and 1943) and at the Conference on Security and Co-operation in Europe in 1973. 39/ The Finnish representatives argued that although the Treaty on Non-Proliferation of Nuclear Weapons had, in fact, already established a "non-nuclear club", the idea of a Nordic nuclear-weapon-free zone would be worth discussing on a new basis, in connexion with negotiations on reduction of forces and armaments in Europe in general. They pointed out that the arms control in Europe should not be the concern of the existing military and political groupings alone and that all legitimate security interests of smaller and neutral States ought to be taken into account. Finnish representatives said that methods should be devised by which the nuclear-weapon States could give guarantees to those countries which have committed themselves not to accept nuclear weapons on their territories that their vital security interests would in no circumstances be hampered.

66. The Soviet Union, supporting the proposal of Finland for the establishment of a nuclear-weapon-free zone in Northern Europe, announced on 15 October 1974 that it was prepared to serve, together with the other nuclear-weapon States, as a guarantor of the status of such a nuclear-weapon-free zone. 40/

38/ Speech delivered by President Urho Kekkonen on 28 May 1963, Neutrality: The Finnish Position (speeches by Dr. Urho Kekkonen, London, Heinemann, 1970, pp. 143-145).

39/ Ulkopoliittisia lausuntoja ja asiakirjoja 1973 (in English), publications of the Ministry for Foreign Affairs (Helsinki, 1974), p. 169.

40/ Pravda, 16 October 1974.

## 5. Middle East

67. Prior to its consideration as a separate item during the twenty-ninth session of the General Assembly, the idea of establishing a nuclear-weapon-free zone in the region of the Middle East had been repeatedly expressed by Iran. On 15 July 1974, Iran formally requested its inclusion in the agenda of the General Assembly's twenty-ninth session by a memorandum in which the danger of nuclear-weapon proliferation posed by the greater access by States to nuclear technology was stressed. Egypt subsequently co-sponsored the request. Later, His Imperial Majesty the Shahanshah of Iran, in a message addressed to the Secretary-General, referred to the dangers of the rapid diffusion of nuclear technology within the political setting of the Middle East. 41/

68. In the debate in the General Assembly, Egypt suggested three basic principles which it considered pertinent to the discussion on a Middle East nuclear-weapon-free zone, namely:

(a) The States of the region should refrain from producing, acquiring, or possessing nuclear weapons;

(b) The nuclear States should refrain from introducing nuclear weapons into the area, or using nuclear weapons against any State of the region;

(c) An effective international safeguards system affecting both the nuclear States and the States of the region should be established (A/C.1/PV.2001, pp. 27-36).

69. In introducing a draft resolution on the item, Iran and Egypt referred to the complementary role of nuclear-weapon-free zones and the Treaty on the Non-Proliferation of Nuclear Weapons. Egypt regarded the accession to the Treaty by all the States of the region as a prerequisite for establishing an effective, concrete, nuclear-weapon-free zone (A/C.1/PV.2026, pp. 11 and 12).

70. Most States of the Middle East area supported the proposal to establish a Middle East nuclear-weapon-free zone. The General Assembly adopted the Iranian-Egyptian draft as resolution 3263 (XXIX) of 9 December 1974. All five nuclear-weapon States voted for the draft, although China, France and USSR did so with reservations on the paragraphs referring to certain treaties. The United States expressed its doubts about the approach taken in paragraph 2 of the resolution, which urged States in the region to undertake certain commitments in advance of actual negotiations and the conclusion of an agreement (A/C.1/PV.2028, p. 86). In explaining its abstention, Israel held that the best way to achieve progress in the establishment of such a zone was by means of direct consultations between the States of the region and ultimately convening a regional conference on the matter, rather than by means of a preliminary process of consultations between the Secretary-General and the States of the region (A/C.1/PV.2028, p. 62), as suggested by Iran and Egypt.

71. In resolution 3263 (XXIX) the General Assembly, in commending the idea of

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41/ Official Records of the General Assembly, Twenty-ninth Session, Annexes, agenda items 24, 27, 28, 29, 30, 31, 34, 35, 100, 101, 103 and 107, documents A/9693 and Add.1-3.

establishing a nuclear-weapon-free zone in the region of the Middle East, considered that it was indispensable that all parties concerned in the area proclaim solemnly and immediately their intention to refrain, on a reciprocal basis, from producing, testing, obtaining, acquiring or in any other way possessing nuclear weapons. In addition, the General Assembly called upon the parties concerned in the area to accede to the Treaty on the Non-Proliferation of Nuclear Weapons and requested the Secretary-General to ascertain the views of the parties concerned with respect to the implementation of the resolution, and to inform the Security Council and the General Assembly at its thirtieth session.

72. Accordingly, the Secretary-General invited Bahrain, Democratic Yemen, Egypt, Iran, Iraq, Israel, Jordan, Kuwait, Lebanon, Oman, Qatar, Saudi Arabia, the Syrian Arab Republic, the United Arab Emirates and Yemen to communicate to him their respective views. A report of the Secretary-General (S/11778) was issued on 28 July 1975 containing the views of some of the States concerned. However, not all the States included in this geographic region had responded to the Secretary-General's invitation by the time this report was prepared.

6. South Asia (resolutions 3265 A and B (XXIX) of the General Assembly of the United Nations)

73. The question of the establishment of a nuclear-weapon-free zone in South Asia was discussed at the twenty-ninth session of the General Assembly at the request of Pakistan. In the explanatory memorandum, Pakistan stressed the urgency and need for creating such a zone in South Asia. Since all the countries of South Asia had already proclaimed their opposition to the acquisition of nuclear weapons or to the introduction of such weapons into the region, this common denominator could form the basis of an agreement to establish a nuclear-weapon-free zone. 42/

74. During the debate in the General Assembly on this question, Pakistan (A/PV.2247; A/C.1/PV.2002, 2020, 2024 and 2025) stated that the generally recognized conditions for the establishment of a nuclear-weapon-free zone existed in South Asia. All the States of the region had already declared their opposition to the acquisition of nuclear weapons or to their introduction into the region. In particular India had reiterated, both before and after its nuclear explosion, that it would not develop or acquire nuclear weapons. The five States possessing nuclear weapons had in the debate indicated their support or acceptance of the concept of establishing nuclear-weapon-free zones. The declarations made by the South Asian States not to acquire nuclear weapons, coupled with the encouraging attitude on the part of nuclear-weapon Powers, had set the stage for initiating consultations for the establishment of a nuclear-weapon-free zone in South Asia.

75. Pakistan stated that the existence of "alliances" and "treaties of friendship" with nuclear-weapon Powers had not prevented the establishment or consideration of nuclear-weapon-free zones in other areas of the world. Nor could the proximity of nuclear-weapon Powers be an inhibiting factor for the creation of such zones. This latter factor should not militate against, but was yet another reason for, the creation of nuclear-weapon-free zones. It was through such collateral measures that smaller States could ensure their survival and security. Pakistan added that a meeting of the countries of the region could be convened by the Secretary-General

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42/ Ibid., document A/9706.

to begin the consultations under appropriate guidelines set down by the General Assembly in order to facilitate the process of negotiations and give it a sense of direction.

76. India emphasized that it had a positive approach to the concept of nuclear-weapon-free zones. India has supported the establishment of nuclear-weapon-free zones in different regions of the world, provided suitable conditions exist in a particular region and the zone is proposed to be established with the initiative of and agreement amongst the countries in that region. India has, therefore, consistently maintained that any proposal for the creation of a nuclear-weapon-free zone in a particular region has to be considered on its merits. As conditions for the establishment of such zones differ from continent to continent, it is not possible to devise a single formula or to lay down general principles which can cover all cases.

77. India stressed that on Pakistan's proposal for a nuclear-weapon-free zone in South Asia, no consultation regarding its implications, feasibility and acceptability had taken place before the item was inscribed on the agenda of the General Assembly. India was of the firm view that no such regional arrangements can be imposed from outside; they can only be developed and matured within the region concerned. Besides, South Asia could not be treated in isolation for the purposes of creation of a nuclear-weapon-free zone. South Asia is only a subregion and an integral part of the region of Asia and the Pacific and it is necessary to take into account the security environment of the region as a whole. A genuine nuclear-weapon-free zone in this region can only follow the total absence of nuclear weapons. The existence of nuclear weapons in the region of Asia and the Pacific and the presence of foreign military bases in the Indian Ocean complicate the security environment of the region and make the situation inappropriate for the establishment of a nuclear-weapon-free zone in the subregion of South Asia (A/PV.2247; A/C.1/PV.2016, 2020, 2024 and 2025).

78. India tabled a resolution which, inter alia, stated that "the initiative for the creation of a nuclear-weapon-free zone in an appropriate region of Asia should come from the States of the region concerned, taking into account its special features and geographic extent".

79. Several countries expressed views similar to those of India. Express support for the initiative of Pakistan was voiced by a number of Afro-Asian countries.

80. India and Pakistan submitted separate draft resolutions which closely reflected their positions. The General Assembly approved those drafts as resolutions 3265 A and B (XXIX). The Indian draft resolution, which had priority in voting, was adopted by 104 votes in favour, 1 (Dahomey) against, and 27 abstentions. The Pakistani draft resolution received 96 votes in favour, 2 (India and Bhutan) against, and 36 abstentions.

81. The General Assembly decided to include in the provisional agenda of its thirtieth session the item entitled "Declaration and establishment of a nuclear-free zone in South Asia".

## CHAPTER III

### CONCEPT OF NUCLEAR-WEAPON-FREE ZONES

#### A. Objectives

82. The dominant factor in the development of interest in the concept of nuclear-weapon-free zones has been the desire to secure the complete absence of nuclear weapons from various areas of the globe, where suitable conditions exist for the creation of such zones, to spare the nations concerned from the threat of nuclear attack or involvement in nuclear war, to make a positive contribution towards general and complete disarmament, particularly nuclear disarmament, and thereby to strengthen international peace and security. The concept of nuclear-weapon-free zones has stemmed from the realization that a number of States in various regions of the world have or could have the capacity to develop a nuclear-weapon capability within a relatively short period, and that it is possible that more States may decide to do so. Should this occur it could present new threats to the security of States in areas at present free from nuclear weapons; could precipitate a ruinously expensive and perilous nuclear arms race in those areas; and could add new dangers of nuclear war to an already dangerous world situation. There has, furthermore, been the development of feeling that the efforts to date for the prevention of nuclear-weapon proliferation have not proved to be fully successful. The rapid increase of the use of nuclear energy for peaceful purposes and its potentiality as a material basis for the proliferation of nuclear weapons adds a powerful additional factor in the movement towards closer examination of nuclear-weapon-free zones.

83. Viewed on a broader scale, the purpose of nuclear-weapon-free zones is to provide additional means for averting nuclear-weapon proliferation and halting the nuclear-arms race. Another important benefit could be the creation of a framework for regional co-operation in the peaceful uses of nuclear energy. It is thus argued that nuclear-weapon-free zones provide complementary machinery to other collateral measures of disarmament, non-proliferation of nuclear weapons and the development of peaceful uses of nuclear energy. Most experts felt that nuclear-weapon-free zones must not be regarded as alternatives to the principle of the universality of the Treaty on the Non-Proliferation of Nuclear Weapons (General Assembly resolution 2373 (XXII), annex), but should be entirely consistent with the objectives of the Treaty. While the practicality of the nuclear-weapon-free zone concept depends upon the possibility of agreement between the States concerned, it is argued that this concept could provide a potentially useful instrument in the quest for international peace and security.

#### 1. Security of States included in the zone

84. The premise upon which any nuclear-weapon-free zone must be based will be the conviction of States that their vital security interests would be enhanced and not jeopardized by participation. The perception of national security is, obviously, a matter of national policy, and these perceptions change, but it was argued by several experts that the presence of nuclear weapons in a region could



threaten the security of States in that region, not excluding the possessor of the weapons or the country in which they are deployed, and that there is, accordingly, a conjunction of national and regional interests in regions where these weapons do not exist in ensuring their total absence. The situation in areas where nuclear weapons are already present will be different and will raise particular issues for the security of States. These issues would have to form a major consideration in any proposal for the establishment of a nuclear-weapon-free zone. Several experts pointed out that there may be regions in which nuclear-weapon-free zones are impracticable or where their creation may not improve the security of the States of the area.

85. The differences between areas in their economic development, relations between States in the potential zone, geographical situation, and relationships with the nuclear-weapon States, make generalization hazardous, but the success of a nuclear-weapon-free zone would depend upon common agreement that the development and possession of nuclear weapons by any member would be perilous to the area as a whole. Most experts felt that the nuclear-weapon States should contribute to the effectiveness of a zone by undertaking to respect its status in all aspects, and in particular by committing themselves not to use, or threaten to use, nuclear weapons against any member of the zone. The view was also expressed that these negative assurances should be matched with positive ones, namely to take, at the request of the zone, appropriate action through the Security Council or otherwise in case any State in the zone is attacked or threatened with nuclear weapons. Other experts expressed the view that assurances by extra-zonal States could contribute to the effectiveness of a zone, but that their provision should be considered on a case-by-case basis to determine whether they would have a favourable impact on the security of the region.

86. Many experts considered that, in regions where the most acute tensions exist, the establishment of nuclear-weapon-free zones, though particularly difficult, would be particularly desirable. The exponents of this argument considered that the creation of an effective zone should, in itself, reduce such tensions and could lead to regional arms limitation measures and co-operation on wider issues. On the other hand, it was argued by some experts that the reduction of tension must precede the creation of a truly effective nuclear-free-zone.

87. The suggestion has also been made by some experts that examination should be made of the possibility of creating ad hoc nuclear-weapon-free zones similar to demilitarized zones foreseen in the humanitarian laws of war and primarily serving a humanitarian purpose. It was argued that such ad hoc zones could be established by unilateral declaration by a State or group of States to make up the zones in times of severe crisis. Other experts expressed doubts about the feasibility of this proposal and noted that such unilateral declarations could not impose obligations on other States.

## 2. World security

88. World security is interrelated with regional security. The establishment of a nuclear-weapon-free zone wherever suitable conditions exist could make a positive contribution to the achievement of the objectives of non-proliferation

of nuclear weapons and the cessation of the nuclear arms race and, accordingly, has a potential significance that could extend beyond the area covered by the zone. Thus, although the prime purpose of a nuclear-weapon-free zone is to enhance national and regional security, it should also be seen as part of the process of averting nuclear-weapon proliferation, of arresting the nuclear arms race, and of diminishing the danger of nuclear war. Thus, in this process the interests of all States are involved.

### 3. Non-proliferation of nuclear weapons

89. Most experts emphasized that the concept of nuclear-weapon-free zones is not to be seen as an alternative to the Treaty on the Non-Proliferation of Nuclear Weapons, but rather as a potentially powerful instrument to supplement that Treaty. Other experts, however, stated that membership in a nuclear-weapon-free zone is an independent measure and indeed a more effective alternative to adherence to the Treaty, since the renunciation of nuclear weapons in a zone would go beyond the scope of the Treaty, which - among other things - does not contemplate total absence of nuclear weapons. The point was also made by some other experts that nuclear-weapon-free zones may not be appropriate in all areas, and that States may consider that their security interests are best served by other security arrangements, and that in these circumstances adherence to the Treaty régime assumed particular importance. Thus, the increased dangers to world peace should make States more aware of the importance of preventing nuclear-weapon proliferation, if not by joining nuclear-weapon-free zones then by seeking other regional or international arrangements that would have the same effect.

#### B. Principles for the establishment of zones; relevance of regional consideration

90. Conditions in which nuclear-weapon-free zones might be viable and might enhance security are bound to differ considerably from region to region. The security considerations and perceptions of States which are potential members may vary and it is not possible or realistic, a priori, to set out precise guidelines for the creation of zones, since it is for Governments themselves to decide on their own security requirements and to determine their immediate and long-term national interests. None the less, wherever appropriate conditions for a nuclear-weapon-free zone exist, certain principles should be taken into account, as follows:

(a) Obligations relating to the establishment of nuclear-weapon-free zones may be assumed not only by groups of States, including entire continents or large geographical regions, but also by smaller groups of States and even individual countries;

(b) Nuclear-weapon-free zone arrangements must ensure that the zone would be, and would remain, effectively free of all nuclear weapons;

(c) The initiative for the creation of a nuclear-weapon-free zone should come from States within the region concerned, and participation must be voluntary;

(d) Whenever a zone is intended to embrace a region the participation of all militarily significant States, and preferably all States, in that region would enhance the effectiveness of the zone;

(e) The zone arrangements must contain an effective system of verification to ensure full compliance with the agreed obligations;

(f) The arrangements should promote the economic, scientific, and technological development of the members of the zone through international co-operation on all peaceful uses of nuclear energy;

(g) The treaty establishing the zone should be of unlimited duration;

(h) It was maintained that States members of a zone should not exercise control over nuclear weapons outside the zone, though some experts felt that part of a State could also be included in a nuclear-weapon-free zone and that, in this case, the nuclear-weapon-free status would be applied only to the part of its territory which is situated within the boundary of the zone;

(i) Most experts noted as an essential principle that any arrangements for the establishment of a zone must provide for appropriate guarantees by the nuclear-weapon States not to use or threaten to use nuclear weapons against members of the zone. Other experts believed, however, that while such undertakings could contribute to the effectiveness of a zone, they should not be considered a prerequisite for the establishment of a nuclear-weapon-free zone, but should instead be considered on a case-by-case basis;

(j) In the view of most experts, an essential principle in any nuclear-weapon-free zone treaty is the effective prohibition of the development, acquisition, or possession by parties to it of any nuclear explosive device. This prohibition should, however, not preclude access to the potential benefits of peaceful nuclear explosions through international procedures consistent with article V of the Treaty on the Non-Proliferation of Nuclear Weapons as well as with other international undertakings entered into by the States concerned, in particular the Treaty establishing the zone. A few experts argued to the contrary and expressed the view that development by parties of nuclear explosive devices intended for peaceful purposes would not be inconsistent with the nuclear-weapon-free zone concept and that, accordingly, treaties establishing such zones should not prohibit the development of such devices by the parties;

(k) Many experts noted an additional principle that wherever the functioning of a nuclear-weapon-free zone so requires, States which are not members of the zone should establish a similar nuclear-weapon-free status in territories within the zone which are under their jurisdiction. Other experts felt, however, that this principle could be applied only to those territories, which being under the jurisdiction of extrazonal States, are within the zonal boundaries recognized by those States;

(l) Some experts considered it a basic principle that the establishment of a nuclear-weapon-free zone should not interfere with existing security arrangements to the detriment of regional and international security. The view was also expressed that participation of States situated within an intended nuclear-weapon-free zone in military alliance would not be conducive to the

creation of the zone. Nevertheless, most experts maintained that if a State included in a nuclear-weapon-free zone is a member of a security alliance, its membership of that alliance cannot justify any exceptions to the obligations deriving from the nuclear-weapon-free zone treaty;

(m) Many experts regard also as a basic principle that the boundaries and the provisions of nuclear-weapon-free zones should be determined in accordance with international law, including the principle of freedom of navigation on the high seas and in straits used for international navigation and international air space. The view was also expressed that this basic principle applies as well to the right of innocent passage through the territorial sea. Some other experts, however, emphasized that the provision of a nuclear-weapon-free zonal treaty should prohibit the transit of nuclear weapons through the territory of the zone including the entry into ports situated there of vessels having nuclear weapons on board. Still some other experts pointed out that the matter should be referred to the individual nuclear-weapon-free zonal treaty;

(n) In the view of many experts another principle for the establishment of nuclear-weapon-free zones should be that States which are expected to enter into undertakings vis-à-vis a zone, in particular, the nuclear-weapon States, should be given the opportunity to participate in negotiations for the conclusion of agreements on the establishment of such zones. Other experts remarked, however, that it is for the prospective members of a zone to determine the opportunity and degree of participation of extrazonal States in the negotiations to establish such a zone.

### C. Security treaties and the establishment of zones

91. For those States that are parties to one or more security alliances and who are potential parties to a nuclear-weapon-free zone treaty, special questions will arise, especially if they belong to alliances which have nuclear-weapon States in their membership. In these cases there is often an obligation, whether explicit or implicit, for the nuclear-weapon States to come to the aid of their allies with all sufficient means if the latter are attacked. This aid need not, of course, involve nuclear weapons, but the possibility exists. Matters can be complicated in some cases by the issue of deployment, as mutual alliance treaties of this nature can - and sometimes do - involve agreement for the deployment of nuclear weapons in the territory of a non-nuclear-weapon ally, or for special facilities involving nuclear-weapon-delivery systems.

92. Several experts argued that a non-nuclear-weapon State allied to a nuclear-weapon State can, under certain conditions, also be a party to a nuclear-weapon-free zone treaty. It was also pointed out by these experts that such alliances should not be regarded as being in all cases competitive with nuclear-weapon-free zones, but could be complementary to the success of a zone. It is clear, however, that each situation would have to be examined separately and that the terms of membership of a security alliance and in a nuclear-weapon-free zone should be compatible. The view was also expressed that a treaty or alliance which does not envisage nuclear retaliation in support of an ally, nor include the stationing of nuclear weapons on the territory of that ally, need be no bar to the creation of a nuclear-weapon-free zone and, moreover, that the proximity of one or more nuclear-weapon States should not be an inhibiting

factor in the creation of a nuclear-weapon-free zone. Most experts expressed the view that if a State included in a nuclear-weapon-free zone is a member of a security alliance, its membership of that alliance cannot justify any exceptions to the obligations arising from the nuclear-weapon-free zone agreement.

93. The question of military bases is also highly complex. There are those who believe that the existence in a zone of military bases in which nuclear weapons are stored, or which nuclear-weapon-carrying vehicles visit, is incompatible with the nuclear-weapon-free zone concept. This is clearly a matter which must be resolved by the parties in the creation of a nuclear-weapon-free zone, but it is one on which differing views are held by the experts.

#### D. Extent and composition of zones

94. On this matter it seems both impracticable and unnecessary to attempt to establish precise requirements, but it would appear that certain characteristics would be of particular importance to a successful nuclear-weapon-free zone. So far as the size of such zones is concerned, all possibilities could be explored, ranging from whole continents to small zones. Many experts stated that although the creation of large zones would provide greater progress towards nuclear disarmament than small ones, the establishment of medium or small zones could play a significant part in enhancing regional security. On the question of composition, it was generally agreed that the participation of all militarily significant States, and preferably all States in a region, in a nuclear-weapon-free zone would enhance the effectiveness of the zone. The view was also expressed that there could be instances when a nuclear-weapon-free zone is initially established in a more limited area and later extended to other States that agree to join it.

95. It was also generally agreed that nuclear-weapon-free zones should have clearly defined and recognized boundaries, which would be determined in accordance with international law. Several experts pointed out that States cannot establish nuclear-weapon-free zones in areas outside their jurisdiction, particularly on the high seas, the straits used for international navigation and in international air space, in contradiction to international law. According to these experts those considerations are particularly applicable to the idea of additional safety areas put forward by some experts. Some experts emphasized that safety areas additional to the national territories of members of the zone would not contradict any principle of international law if established with the full consent of other States outside the zone.

#### E. Procedures for the establishment of zones

96. It has already been stressed that the initiatives to create nuclear-weapon-free zones should come from within the region, and it is self-evident that the nature of the negotiations for its establishment would reflect the particular circumstances of the zone and of the contracting parties. In some regions the existing regional consultative organizations might be appropriate bodies for initiating the negotiations, in others it might be necessary to establish ad hoc arrangements. In all cases States could request the assistance, advice,

and good offices of other bodies, notably the United Nations and IAEA, if they so desired. The view was expressed that once an initiative to establish a nuclear-weapon-free zone had been taken, consultations to that end should be held among the States concerned. The view was also expressed that prior consultations should be undertaken with the countries concerned regarding the implications, feasibility and acceptability of the proposed zone, in order that an initiative for the creation of a nuclear-weapon-free zone could elicit the necessary support, and that subsequent consultations could only take place among those States that might desire to join the proposed zone.

97. It was argued by some experts that the involvement of States outside the zones in the establishment process and especially those expected to undertake commitments towards the proposed zone, in particular the nuclear-weapon States, would be essential. Others held the view that although such States need not necessarily be excluded from negotiations, their participation should not be regarded as a right. Several experts considered that such States should participate in negotiations or consultations with the zonal States at some stage, even if later in the negotiating process. Negotiations would have to be undertaken with IAEA on safeguard procedures at some point.

98. The formal instrument of the agreements would have to contain certain essential items, of which the most important would be the specific obligations of the parties, the machinery and procedures for ensuring effective compliance with those obligations, and the form and nature of any undertakings by outside States. Several experts pointed out that other matters, notably those relating to transit of nuclear weapons or nuclear-weapon-carrying vehicles, military bases, and verification procedures would vary, and that those matters would not necessarily be relevant to all nuclear-weapon-free zones. Some experts however held the view that such matters as transit and military bases should also be dealt with in the formal instrument.

## CHAPTER IV

### RESPONSIBILITIES OF STATES WITHIN THE ZONE AND OF OTHER STATES

99. The positive impact of a nuclear-weapon-free zone on strengthening regional and global security would depend upon a proper distribution of responsibilities among zonal and extrazonal States - in the latter case particularly the nuclear-weapon States. Most experts considered that the substantial provisions contributing to a nuclear-weapon-free zone should be founded on an agreed balance of responsibilities. The nature of the responsibilities and the balances which might be struck are discussed in this chapter.

#### A. Need for definition of fundamental terms

100. Most experts felt that it was essential that the fundamental concepts underlying the idea of a nuclear-weapon-free zone be clearly defined in the instrument establishing the zone. But the view was also expressed that it might be difficult and even unnecessary to attempt to define various well-known terms which might also be used in a nuclear-weapon-free-zone treaty, and that several existing treaties on arms limitation, disarmament and collateral disarmament measures do not incorporate definitions of those terms in their texts. Some experts pointed out, however, that precisely this lack of definition may have been a partial cause of the lack of effectiveness of some of those agreements.

101. All members of such a zone must be in full agreement about the meaning of the term "nuclear weapon". Failure to agree on this point would be virtually certain to lead to serious and fundamental misunderstandings, and might well jeopardize the effectiveness of the zone.

102. Since, in controlling the spread of nuclear explosive technology, no distinction can be made between nuclear explosive devices usable for military and for peaceful purposes, most experts believe that the term "nuclear weapon" in any nuclear-weapon-free-zone arrangement should apply to any nuclear-explosive device, whatever its detailed characteristics or intended use. These experts therefore interpret the term "nuclear weapon", whenever used in this study, as referring to nuclear weapons or any other nuclear explosive devices.

103. This view is disputed by these experts who see a clear distinction between a nuclear weapon and a nuclear explosive device developed exclusively for peaceful purposes. They see no incompatibility between the development of an indigenous peaceful nuclear-explosion capability and membership of a nuclear-weapon-free zone.

104. It would seem essential to define what, for the purpose of the zone treaty, is meant by "territory" of the contracting parties. Some experts specified that the term "territory" should include the territorial sea, air space and other space over which the State exercises sovereignty in accordance with its own legislation, while others emphasized that any definition of "territory" must be in conformity with international law.

105. It could also be necessary to define clearly what is meant by the "zone" covered by a treaty. Most experts conceive a nuclear-weapon-free zone as a geographic area in which total absence of nuclear weapons is ensured through internationally valid covenants and whose existence as such has been recognized by the General Assembly of the United Nations. The argument was advanced by some experts that the zone could also include international waters, if the security of States included in it is thus enhanced. However, other experts disagreed and emphasized that in establishing a nuclear-weapon-free zone the States involved must not infringe international law, including the principle of freedom of navigation on the high seas and in straits used for international navigation and in international air space. These experts considered that disarmament efforts applicable to areas outside the sovereignty of States would require international arrangements quite different from the regional arrangements of a nuclear-weapon-free zone. They also pointed out that "recognition" by the General Assembly, either by adoption of a resolution or by some other action, could not be a necessary condition for the establishment of a nuclear-weapon-free zone.

106. Some experts felt that extrazonal States should agree to the establishment of safety areas, adjacent to the zone, in which it would be necessary to remove nuclear weapons geographically close to the zone that may be assigned to targets within the zone, or that have limited delivery ranges making them generally suitable for attacking such targets. The purpose of such undertakings, according to these experts, would be to assure the States in the zone that their objectives will not be frustrated by the presence of these nuclear weapons in areas immediately adjoining the territory. Some other experts, however, pointed out that extrazonal States are not under obligation to agree to the establishment of safety areas referred to above, and that they might have serious difficulty, from the standpoint of their own security commitments and for other reasons, in undertaking to regard areas outside recognized nuclear-weapon-free zones as "safety areas".

107. It would also be desirable to define the terms "transit" and "transport" of nuclear weapons in the context of a nuclear-weapon-free zone. Some experts suggested that "transit" means the passage through the zone of nuclear weapons, as defined in the zone Treaty, by a State which is not a party to the Treaty, including the entry into ports situated there of vessels having nuclear weapons on board, and that "transport" means the carriage of nuclear weapons in vehicles of any State belonging to the zone, even outside the zone itself.

#### B. Development and production of nuclear weapons

108. As to the specific obligations to be assumed by the States of the zone, most experts agreed that the most important obligation designed to ensure that there are no nuclear weapons in the zone is that the States of the zone should undertake not to develop, test or produce by any means whatsoever any nuclear explosive devices, either directly or indirectly, on behalf of themselves or anyone else, or in any other way. When territories in the zone which are under the jurisdiction of extrazonal States are brought within the scope of application of the nuclear-weapon-free zone, then undertakings of the same effect should become operative in those territories. It was generally recognized that for the maximum effectiveness of the zone, nuclear-weapon States should undertake not to assist zonal States in the development or production of nuclear weapons. It was also emphasized by many experts that the role of extrazonal non-nuclear-weapon States with advanced nuclear



technology is as important in this regard as that of the nuclear-weapon States. Another view was expressed that this prohibition should not apply to nuclear explosive devices developed exclusively for peaceful purposes.

#### C. Acquisition and possession of nuclear weapons

109. A second obligation which the States in the zone must assume explicitly is the commitment not to acquire, possess, or receive nuclear weapons in any manner, directly or indirectly, by themselves or by anyone on their behalf, or in any other way, inside or outside the zone. This undertaking should be, in the opinion of many experts, matched by an undertaking by the nuclear-weapon States to fully respect the status of the zone. Some experts, however, while agreeing that this would make the zone more effective, emphasized that such undertakings would in practice require agreement between zone parties and the nuclear-weapon States.

#### D. Installation and stockpiling of nuclear weapons in the zone

110. States members of a nuclear-weapon-free zone should undertake to prohibit and prevent, within territories under their jurisdiction, the installation and deployment, storage and stockpiling of nuclear weapons that are under the control of States outside the zone. This would require the agreement of extrazonal States in those cases where there are military bases or establishments which are not normally under the jurisdiction of a zonal State or where extrazonal States have jurisdiction over territories within the zone. Some experts stressed that this provision should be applied only to territories of extrazonal States within the zonal boundaries recognized by them.

#### E. Transport of nuclear weapons

111. It can be inferred that the zonal States, by renouncing any form of possession of nuclear weapons, either directly or indirectly, by themselves or by anyone on their behalf, would be precluded from transporting such weapons in vehicles under their jurisdiction or control, since transport, however brief or temporary, could be interpreted to imply possession. However, in the treaty establishing the zone, clear provisions in this respect would be important for the effectiveness of the zone.

#### F. Transit of nuclear weapons through the zone

112. Some experts argued that prohibition of transit in the treaty establishing the zone would be an essential element of a nuclear-weapon-free zone and it should bind both zonal and extrazonal States, in order to prevent the possibility of introducing nuclear weapons into the zone while in transit. The same experts maintained in addition that the prohibition of transit should include the entry into ports situated there of vessels having nuclear weapons on board. Other experts expressed the view that the provisions governing a zone should not affect the existing rights of States to grant or to deny the transit of foreign military aircraft or warships with nuclear weapons through their air space or territorial waters, in accordance with international law. Still other experts maintained that although the question of transit is indeed important, its definition should not be

a condition sine qua non for the establishment of the zone. Some experts further stressed that such provisions should not affect the freedom of navigation through straits used for international navigation. Some experts noted in addition that the provisions of a nuclear-weapon-free zone should not affect the right of innocent passage through the territorial sea. The view was also expressed that while nuclear-weapon States could voluntarily undertake the commitment not to transit with nuclear weapons any high seas, straits used for international navigation or international air space that might be included in a zone, such restrictions could not be imposed on those States without their consent and that, aside from this legal consideration, the application of nuclear-weapon-free zone prohibitions to high seas, straits used for international navigation or international air space could raise serious political and security problems and might therefore be found objectionable.

#### G. Use or threat of use of nuclear weapons against the zone

113. One of the principal objectives of the establishment of a nuclear-weapon-free zone is to increase the security of its prospective member States. It is a sovereign right of each State to assess its own security needs and to adopt the measures required to strengthen its security; the paramount security interest of States involved in the establishment of a nuclear-weapon-free zone would clearly be to spare themselves from being attacked with, or threatened by, nuclear weapons.

114. The contribution made to regional and world security by a nuclear-weapon-free zone depends greatly upon diminishing the risks of an armed conflict between the States of the area, and also between zonal and extrazonal States. Some experts believed that security assurances to the zonal States by nuclear-weapon States would constitute a major link between regional nuclear-weapon-free zones and world security and others considered that such assurances could be strengthened in certain cases by accepting the establishment of a safety area adjacent to the zone.

115. The co-operation of nuclear-weapon States with the States belonging to the zone may be attained by consultations and negotiations at an appropriate stage of the process of establishing that zone. Some experts maintained that clear and formal assurances by nuclear-weapon States not to use or threaten to use such weapons against any member of the zone is an essential factor for the effectiveness of the zone. Other experts felt that while such an undertaking could enhance the effectiveness of a zone, this question should not be regarded as a prerequisite but considered at the time a particular nuclear-weapon-free zone agreement is being negotiated. The view was also expressed that one of the considerations to be taken into account is whether, in specific cases, the provision of non-use assurances could be seen as undercutting existing positive assurances.

116. While, as had already been noted, there need be no incompatibility per se between participation of a non-nuclear-weapon State in a nuclear-weapon-free-zone and its participation in a security alliance or in any other security arrangements involving nuclear-weapon States, such a security relationship might condition the willingness of other nuclear-weapon States to provide security assurances to the non-nuclear-weapon State in question. It seems essential that any security assurances should be embodied in a binding agreement.

## H. Undertakings vis-à-vis the zone

117. The undertakings to be entered into in connexion with the establishment of a nuclear-weapon-free zone should be of unlimited duration and may concern three groups of States: those within the zone, nuclear-weapon States, and other States. So far as the States within the zone are concerned, the specific obligations entered into by them should be laid down expressly in a formal treaty establishing the zone. The obligations entered into by the nuclear-weapon States should also be embodied in a formal legally binding instrument. The attitude of other States vis-à-vis the zone could be specifically established in some cases or recommended in a general way, for example, by means of resolutions of an appropriate body of the United Nations or of a regional organ.

### 1. By States within the zone

118. The obligations incumbent on the States parties to a zone treaty must ensure specifically that they will not develop, test, produce, possess or acquire nuclear weapons in the territory under their jurisdiction and that they will not permit anybody to store, install, or deploy such weapons in their territories. In addition, they should agree not to give, seek, or receive any assistance in the development or production of nuclear weapons. The view was also expressed that the States within a zone could renounce all military uses of nuclear energy. Any other State which has expressed its consent to be bound by the treaty, but is not yet a party to it, should refrain from any activities that may run counter to or defeat the objectives of the zone. Some experts expressed the view that the commitments of States bound by the treaty establishing the zone should include the prohibition of transit of nuclear weapons through the zone, while other experts stated that zone arrangements should not affect existing rights of zonal States to grant or deny transit privileges.

### 2. By nuclear-weapon States

119. Most experts felt that the nuclear-weapon States should pledge themselves to respect the nuclear-weapon-free status of the zone and not to use, or threaten to use nuclear weapons against any State included in a nuclear-weapon-free zone. That could imply undertakings:

(a) Not to install, deploy or stockpile nuclear weapons in the zone and, if they have done so in the past, to withdraw them from the zone immediately;

(b) To guarantee that, if they have military bases in the zone, they contain no nuclear weapons and possibly should allow the bases or establishments to be inspected;

(c) Not to provide the States of the zone any assistance in the development, production, or acquisition of nuclear weapons;

(d) To co-operate in the establishment of a safety area adjacent to the zone, if special circumstances exist.

120. Other experts, on the other hand, while agreeing that the co-operation of the nuclear-weapon States could enhance the effectiveness of a zone, emphasized

that such co-operation would have to be on the basis of negotiation and agreement, that nuclear-weapon States would have to consider nuclear-weapon-free zone proposals on a case-by-case basis, and that the concept of safety areas raised serious issues of a political, legal and security character and assistance in the establishment of safety areas cannot be considered as an obligation of nuclear-weapon States.

121. Some experts felt that a nuclear-weapon State could reserve its right to reconsider its obligations concerning respect for the nuclear-weapon-free zone status if States in respect of which it has assumed such obligations commit aggression or become accomplices of aggression. Other experts pointed out that a nuclear-weapon State could reserve its right to reconsider its obligations to a nuclear-weapon-free zone party in the event of any act of aggression or armed attack by that party with the support or assistance of a nuclear-weapon State. Still other experts stressed, however, that a nuclear-weapon-free zone would lose a substantial part of its value if nuclear-weapon States, committed not to use or threaten to use nuclear weapons against the zone, reserved their right to reconsider this commitment.

### 3. By other States

122. The undertakings by other extrazonal States - i.e., other than nuclear-weapon States - with respect to the zone may be either specific or general. Their purpose would be to commit such States not to carry out any activity endangering the efficient functioning of the zone and, in particular, not to provide the States of the zone with any assistance which might lead to the development or production of nuclear weapons. This would have particular importance in the cases of States with highly developed nuclear technology. These undertakings might not require adherence to the treaty establishing the zone.

#### I. Control measures

123. The viability of the nuclear-weapon-free zone will largely depend on an effective system of verification and control that ensures the nuclear-weapon-free status of the zone. The States participating in the zone must adopt measures which would promote confidence among themselves and in countries outside the region by ensuring that no activity of the States members of the zone would result in the circumvention of their obligations. Many experts considered that provisions should also be made to link these arrangements with the system of collective security of the United Nations.

124. It was argued by most experts that the effective operation of a nuclear-weapon-free zone should include the application of appropriate IAEA safeguards to the complete nuclear fuel cycle in each country within the zone. Such safeguards would give all the States members of the zone and other States additional confidence that any diversion of fissile material will be detected in good time and thus deterred. In addition, the zone treaty should provide effective machinery to prevent clandestine activities in violation of its provisions, to verify that no State within the zone acquires nuclear weapons by any means whatsoever, that nuclear weapons are not deployed or stockpiled in the zone, and that other relevant obligations are being complied with.

J. Relationship between different nuclear-weapon-free zones

125. As more nuclear-weapon-free zones are established in addition to those already existing, e.g. in the Antarctic and Latin America, to the extent that ad hoc agencies or existing regional bodies are made responsible for the control and supervision of those zones, it is clearly desirable that arrangements should be made for the exchange of information and experience, technical co-operation, and collaboration in control and supervision. It would be difficult to establish in advance precise forms of co-operation or even to decide whether this co-operation should be on a regular and formal or informal basis, or whether use should be made primarily of existing regional organizations or the United Nations. But the importance of such co-operation must be noted.

## CHAPTER V

### VERIFICATION AND CONTROL

#### A. Objectives and scope

126. The question of verification and control of compliance by States parties with the obligations of their agreements in the field of arms limitation, disarmament and collateral disarmament measures has always been in the focus of negotiations. The past solutions to that problem have differed from treaty to treaty, depending upon the nature and the scope of obligations contained therein.

127. An effective verification system would create confidence among the States members of the zone and in their relation to extrazonal States. It would also offer assurances that there was no diversion by zonal States of nuclear material to nuclear weapons and would thereby facilitate co-operation in the peaceful use of nuclear energy among the zonal States and between them and States outside the zone.

128. In order to ensure that a nuclear-weapon-free zone will function effectively, it is necessary to devise a system of verification and control to ensure that all the States involved are complying strictly with their obligations. The precise nature of the verification and control system would vary from region to region and would depend upon the type of obligations which are to be undertaken by parties to a treaty establishing the nuclear-weapon-free zone. Generally, the treaty would have to include provisions for verifying the compliance with obligations and the consideration or settlement of issues of non-compliance that may arise. Most experts felt, in this connexion, that the measures of verification and control should be extended to all nuclear activities in zonal States so as to prevent any diversion from peaceful purposes. Prescribed systems may include both routine and ad hoc procedures and should ensure a sufficient probability of detecting violations. Such systems should be based on the principal of complete equality of States.

129. An effective verification and control system might generally include fact-finding machinery, a procedure for consultations between individual States and a forum for multilateral consultations, recommendations and other actions. If other treaties on arms limitation, disarmament and collateral disarmament measures are in force for zonal States, the harmonization and co-operation between their respective control systems could be beneficial. The co-operation between control systems of various nuclear-weapon-free zones might also be of value.

130. As to the fact-finding part of a control system, States would always have the right to use their national means of verification in accordance with international law. Additional investigation measures requiring the co-operation of parties should be prescribed in the treaty in order to ensure the effectiveness of the zone.

131. The task of verifying a nuclear-weapon-free-zone agreement would fall into two main categories. One is to ensure that zonal States do not develop or

produce nuclear weapons. The other is to ensure that the zone is effectively free of nuclear weapons coming from outside sources and that such weapons are withdrawn if they are present in the zone. The first aspect could be covered by applying IAEA safeguards to all nuclear materials in zonal States. Such safeguards would provide both for necessary verification on a routine basis that such materials are not diverted to nuclear weapons and also for a reporting procedure on disclosures of events of possible non-compliance. Some experts noted that the IAEA safeguards can be applied not only to the use of particular nuclear materials, but can be extended to all peaceful nuclear activities of States included in a zone in order to prevent any diversion for military purposes, as contemplated in a number of safeguards agreements concluded between States parties to the Treaty of Tlatelolco and IAEA. Present IAEA safeguards would only verify nuclear activities that are declared to the Agency as prescribed in safeguards agreements. Therefore, a task of the zone's verification and control system should be to ensure that all nuclear activities in the zone have in fact been declared to IAEA.

132. In regard to the second aspect of verification, as there are limits to what tasks can be undertaken by IAEA, it could be necessary, depending on the provisions of the zone treaty in each case, to provide additional machinery to verify that the zone is effectively free of nuclear weapons coming from outside sources, and if such weapons are present in the area, that they are withdrawn. Some experts felt that such additional verification could imply permitting inspectors to visit military installations, naval vessels and military aircraft within the zone and that it could also provide, if prescribed in the zone treaty, that nuclear weapons are not transported outside the zone by ships and airplanes belonging to zonal States. Some experts pointed out that adequate verification in any area of the high seas, if such areas are incorporated in nuclear-weapon-free zones and in military bases of nuclear-weapon States, if such bases are situated in nuclear-weapon-free zones, would raise specific problems which should be fully taken into account in the establishment of such zones. With reference to the idea that a nuclear-weapon-free zone could include high seas, straits used for international navigation, and international airspace, several experts noted that this idea not only raises serious, and perhaps insuperable, security, political and legal problems, but that it would be extremely difficult to verify the nuclear-weapon-free-zone status of such areas.

133. Existing regional or international organizations might be able to undertake such verification responsibilities described above. However, in many regions it might be preferable to establish standing regional bodies or special organs for the implementation of verification procedures other than those of IAEA. One of the functions of such agencies could be to monitor and co-ordinate the work of appropriate national authorities responsible for the necessary verification procedures in each country party to a nuclear-weapon-free-zone agreement. Such regional bodies or organs could carry out periodic and ad hoc inspections.

134. Some experts expressed the view that in establishing procedures for verification the zone arrangements could provide for a process of reciprocal investigation and inspection among members of the zone, either directly or through a standing regional body and that a detailed consultation procedure would provide an important means for dealing with questions of suspected non-compliance.

135. It might be desirable to provide for a multilateral body of States parties to a nuclear-weapon-free zone with the task of considering reports made by a

standing control agency regarding the implementation of the provisions of the treaty and of making recommendations in respect of such implementation, on possible investigations and inspections, and on suspected violations. One important responsibility of such a multilateral body would be to consider issues of non-compliance when consultations between individual States parties to a zone treaty have failed to settle the issue. The existence of such a body should not exclude, however, the possibility that any outstanding issue arising during the course of a consultation process are referred to the United Nations Security Council or General Assembly, or to other appropriate and competent international organs.

#### B. Safeguards on peaceful uses of nuclear energy

136. As already indicated, the IAEA safeguards system could play an important role in the verification of the implementation of nuclear-weapon-free-zone provisions. The exact mandate of IAEA would essentially be determined by two factors. One is the precise provisions of the agreements establishing zones and the tasks given to IAEA therein. The other is the statute of IAEA prescribing what duties the Agency can assume. The latter (article III.5) permits the Agency "to apply safeguards, at the request of the parties, to any bilateral or multilateral arrangement, or at the request of a State, to any of that State's activities in the field of atomic energy".

137. It would thus be possible to solve one part of the verification problems of nuclear-weapon-free zones, that of assuring that the nuclear materials in zonal States would not be used for the manufacture of nuclear weapons by applying IAEA safeguards to all such materials.

138. An obligation of the States included in a zone to submit all their nuclear activities to IAEA safeguards would have to be expressly laid down in the constituent instrument of the zone. The necessary agreements with IAEA may be concluded in one of three ways: (a) by leaving each State to negotiate directly with IAEA; (b) by negotiating a collective agreement with IAEA at the same time as the constituent treaty; or (c) by individual but simultaneous negotiations between IAEA and the parties. It could be more efficient to conclude a collective agreement with IAEA, provided that this comes into force for each State upon accession to the treaty constituting the zone; in this way States would comply at the outset with a condition essential to the satisfactory operation of their zone. In cases where collective negotiations are not possible, provisions should be made for the simultaneous entry into force of the zone treaty and all safeguards agreements related thereto.

139. A desirable element in a verification system would be a provision that States in a zone should apply adequate standards of physical protection to fissionable material in the zone in order to prevent unauthorized groups, by theft or otherwise, from diverting such material and making their own nuclear weapons.

#### C. Inspections

140. When IAEA safeguards are applied, inspections will take place as an integral part of the procedure in accordance with the safeguards agreements in force.



141. A standing control agency of a nuclear-weapon-free zone could be empowered with the task of carrying out both routine and ad hoc inspection within the boundaries of the zone as an element of its procedure to ensure the fulfilment of any obligation not verified by IAEA. Such inspections could be undertaken by the control agency on its own initiative, at the request of individual States parties to the zone treaty or by a multilateral body instituted by the same treaty. Some experts noted that this kind of procedure is provided for in the Treaty of Tlatelolco (article 16).

#### D. Role of the International Atomic Energy Agency, regional organizations and national organs

142. Proper execution of verification procedures makes close co-operation between the various competent organs of the international, regional and national levels essential. Some experts suggested that such co-operation might also include seeking relevant information from outside sources, possibly on a routine basis.

143. The role of IAEA would be to assume, in accordance with its statute, the responsibility for all safeguards envisaged in the zone treaty and subsequent agreements between IAEA, regional zone authorities and zonal States. The application of IAEA safeguards to the nuclear activities of a country could require the co-operation of a national or regional authority for accounting and control of all nuclear material subject to safeguards. Moreover, a regional body or special organ responsible for verification of a zonal agreement could be given authority to investigate suspected cases of non-compliance. The precise mandate and procedure of work of such regional bodies or special organs would have to be defined in the treaty constituting the zone.

144. A nuclear-weapon-free zone treaty could include provisions, as do several other collateral disarmament measures, recognizing the right of parties to the treaty to bring any dispute or situation which might lead to international friction or give rise to a dispute to the attention of the Security Council or the General Assembly of the United Nations. If an infringement or violation of a nuclear-weapon-free zone treaty involved a threat to the peace, breach of the peace or act of aggression, the United Nations Security Council would have the power to take such action as necessary to restore international peace and security.

145. Both IAEA and regional control agencies could be entrusted by States to assist in the co-ordination of the activities of national authorities dealing with verification and control.

146. In certain regions States parties to a zonal treaty may wish to assign all verification responsibilities of a nuclear-weapon-free zone to a special organ within the IAEA structure. However, such a provision would go beyond the task at present undertaken by IAEA and might require an amendment of the Agency's statute.

#### E. Creation of ad hoc agencies

147. Ad hoc agencies might be the most useful means of organizing the execution of over-all verification and control of nuclear-weapon-free zones. This is argued

for two reasons: (a) existing regional organizations may not be suited to such functions, because their aims are either too general or, on the contrary, too specialized, and (b) the composition of such organizations may not correspond to that of a nuclear-weapon-free zone, because they include either a greater number of States, some outside the zone, or a smaller number of States, some countries within the zone not being members. In such cases verification and control in a zone might more effectively be exercised by an ad hoc agency especially tailored to the composition and purposes of the zone and designed primarily for such verification and control.

## CHAPTER VI

### NUCLEAR-WEAPON-FREE ZONES AND INTERNATIONAL LAW

#### A. Relationship with international law

148. Arrangements for the exclusion of nuclear weapons from various areas of the globe are fully consistent with the provisions of the Charter of the United Nations, and particularly with its Article 1, under which States undertake "... to take effective collective measures for the prevention and removal of threats to the peace ... to develop friendly relations among nations ... and to take other appropriate measures to strengthen universal peace".

149. The creation of nuclear-weapon-free zones is also consistent with the provisions of Article 52 of the Charter, which envisages the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action.

150. Some experts noted that the establishment of such zones is furthermore in conformity with the principles governing demilitarized zones.

151. The creation of a nuclear-weapon-free zone should be effected in accordance with international law, with the principles of the Charter of the United Nations and specifically with the following fundamental principles guiding the mutual relations of States: sovereign equality and respect for the rights inherent in sovereignty; refraining from the threat or use of force against the territorial integrity or political independence of any State; inviolability of frontiers; territorial integrity of States; peaceful settlement of disputes; non-intervention in internal affairs; equal rights and self-determination of peoples; right of self-defence; co-operation among States; and fulfilment in good faith of obligations under international law.

152. In full compliance with these principles, it is unanimously recognized that the creation of a nuclear-weapon-free zone should be part of a system of measures aimed at the prevention of nuclear weapons proliferation and the achievement of general and complete disarmament, including nuclear disarmament. The establishment of a nuclear-weapon-free zone is not to be regarded as an end in itself, but as a means towards the wider objectives of general and complete disarmament and of international peace and security. The view was also expressed that the treaties establishing such zones may provide for the inclusion of other States that agree to join the zone and also for the adoption of further measures of disarmament.

153. Many experts from non-nuclear-weapon States emphasized that States members of a nuclear-weapon-free zone should receive adequate and effective security assurances from the nuclear-weapon States not to use or threaten to use nuclear weapons against members of the zone and maintained that States members of the zone had a right to expect such assurances on the basis both from the general principle

that States should refrain in their international relations from threat or use of force, and the nature of obligations which the non-nuclear-weapon States would be undertaking in creating the nuclear-weapon-free zone. These experts stressed that from the purely legal standpoint the existence of nuclear-weapon-free zones does not depend on recognition or guarantees from outside States; a State or group of States need only decide to prohibit nuclear weapons in the territory or territories under their sovereignty and, in law, the zone comes into existence. Nevertheless, there is no doubt that the mere existence de jure of a nuclear-weapon-free zone is not sufficient unless the zone works de facto. Hence the advisability of appropriate recognition and guarantees.

154. Many other experts, while believing that assurances could not be considered a right under international law, recognized that certain types of assurances could contribute to the effectiveness of a zone. In their view, the question of commitments by extrazonal States could only be resolved through mutual agreements and should be considered at the time a particular nuclear-weapon-free-zone arrangement is being negotiated, taking into account regional factors, including existing security arrangements. The same experts considered that circumstances would vary so considerably that it was impracticable to attempt to establish general principles on the question of legal obligations of nuclear-weapon States.

155. Most experts noted that a nuclear-weapon-free zone treaty cannot impair the inherent right, under Article 51 of the Charter, of individual or collective self-defence if an armed attack occurs against a Member of the United Nations until the Security Council has taken measures necessary to maintain international peace and security.

156. Disputes arising in relation to the functioning and interpretation of a nuclear-weapon-free zone treaty should be settled by peaceful means and the treaty should contain adequate provisions in this respect. The settlement of disputes as well as their prevention would be greatly facilitated by the existence in the treaty of provisions for effective safeguards and control.

157. Many experts emphasized that in defining the territory of a nuclear-weapon-free zone, members of the zone must respect international law, including those principles relating to the high seas, to straits used for international navigation and to international air space. The view was also expressed that these principles also include the right of innocent passage through the territorial sea. While agreeing on the importance of the above principles, other experts maintained that they should be considered in the light of the requirements necessary to the effectiveness of the zone, in particular the question of innocent passage through territorial waters. In this respect, these experts stressed that such passage by vessels carrying nuclear weapons could in fact be incompatible with the basic aim of ensuring total absence of such weapons in the zone. Some experts emphasized in particular that a zone treaty should prohibit the entry into ports situated in the zone of vessels having nuclear weapons on board.

158. Some experts suggested that consideration should be given in a zone treaty to legal questions raised by including within the zone areas outside the sovereignty of States members of the zone, or of creating what have been previously described as safety areas. They maintained that it was essential that safety areas be established adjacent to national territories in order to make a zone more effective, and argued that the establishment of such safety areas did not represent a

unilateral imposition by zonal States of the nuclear-weapon-free status on such areas in violation of international law, since extrazonal States would concur in undertaking to respect such areas as nuclear-weapon free. Other experts, however, considered that such proposals for safety areas, apart from the security and political problems involved, raised legal issues that are not relevant to the issues involved in creating nuclear-weapon-free zones.

#### B. Relationship with existing treaties

159. It is understood that treaties establishing nuclear-weapon-free zones should be consistent with other treaty obligations of the zonal States. If such consistency is to be achieved, two types of instruments will have to be taken into account: (a) those of general application or interest, and (b) those of particular application of interest. In the first category, apart from the Charter of the United Nations, close attention will have to be paid to the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water, <sup>43/</sup> 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 (General Assembly resolution 2660 (XXV), annex), the Treaty on the Non-Proliferation of Nuclear Weapons (General Assembly resolution 2373 (XXII) annex) and, from another point of view, the statute of IAEA. In the second category, it is desirable that consistency should be achieved with the instruments applicable in particular regions. It will also be necessary to keep closely in mind the commitments which zonal States may have made under any security alliances - multilateral or bilateral - and under such conventions or agreements as they may have concluded among themselves or with third States on such matters as nuclear co-operation. It is clear that once a State has decided it wishes to participate in a nuclear-weapon-free zone no commitments taken under other agreements can justify any exceptions to the obligations that are undertaken in a nuclear-weapon-free zone treaty.

160. Most experts noted that the Treaty on the Non-Proliferation of Nuclear Weapons reaffirms, in its article VII, the right of any group of States to conclude regional treaties in order to ensure the total absence of nuclear weapons in their respective territories. The view was also expressed that proposals for nuclear-weapon-free zones should prescribe standards of compliance no less stringent than in the Treaty on Non-Proliferation, and that the legal obligations for States members of such zones should be fully compatible with those under that Treaty. Other experts felt, however, that the standards of compliance and the legal obligations for States members of a nuclear-weapon-free zone should be established during the negotiations among those States.

161. It was suggested by some experts that States creating nuclear-weapon-free zones should be parties to the Treaty on the Non-Proliferation of Nuclear Weapons. Other experts noted that, while adherence to the Treaty is desirable, it cannot be considered a prerequisite for membership in a nuclear-weapon-free zone and noted, as a precedent, that several States non-parties to that Treaty are, however, parties to the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco). <sup>44/</sup>

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<sup>43/</sup> United Nations, Treaty Series, vol. 480, No. 6964.

<sup>44/</sup> United Nations, Treaty Series, vol. 634, No. 9068.

### C. Relationship with the United Nations

162. The United Nations can play a positive role in the establishment of nuclear-weapon-free zones. Some experts maintained that a nuclear-weapon-free zone bears a double relationship with the United Nations. In the first place the world Organization should promote such zones - not impose them, but encourage them - and in the second place the United Nations can be a guarantor of those zones in the light of Chapter VII of the Charter. Other experts held that, although the United Nations could provide a forum for those who wish to promote the establishment of nuclear-weapon-free zones in particular regions and could also make available machinery and services to facilitate their efforts, the United Nations, as an international entity, could not be said to have a specific responsibility under the Charter to encourage the creation of nuclear-weapon-free zones.

163. In view of the United Nations function with respect to settlement of international disputes, a nuclear-weapon-free zone could benefit from existing United Nations machinery, including the institutions mentioned in Chapters VI and VII of the Charter related to the pacific settlement of disputes and actions with respect to threats to peace, breaches of peace and acts of aggression. Some experts consider that a stronger link between the system of safeguards and control in the zone and the system of collective security under the United Nations Charter should be created.

164. The United Nations can help in various stages of the establishment and functioning of nuclear-weapon-free zones. The United Nations can also use its authority in supporting the concept, can provide assistance including, if desired and considered necessary, the machinery to enable the States concerned to make progress in their direct consultations. Some experts felt that the United Nations could also exert influence regarding the undertaking by nuclear-weapon States of obligations vis-à-vis such zones. Some other experts pointed out that this role of the United Nations would be justified only in those cases where such zones are in fact completely free of nuclear weapons and are established in full compliance with international law.

165. In view of the over-all responsibilities of the United Nations in regard to arms limitation, disarmament and collateral disarmament measures, it would be appropriate for the parties to a nuclear-weapon-free zone treaty to convey to the United Nations through the Secretary-General, or in any other way, periodic information about the implementation of the purposes and provisions of the treaty.

## CHAPTER VII

### PEACEFUL USES OF NUCLEAR ENERGY

#### A. Availability to States included in the zones of nuclear science and technology for peaceful purposes

166. States parties to a nuclear-weapon-free zone treaty have the inalienable right to use nuclear energy for peaceful purposes and would retain that right to use nuclear energy for peaceful purposes in a manner consistent with the aims and provisions of the zone treaty. It was also pointed out that States parties to a nuclear-weapon-free zone treaty would also have to use that right in a manner consistent with the aims and provisions of any other agreements to which they are party. Other experts made it clear that it must be borne in mind that the compatibility between a zone treaty and a security alliance would have to be established in each case and that, at any rate, membership of an alliance cannot justify any exceptions to the obligations deriving from the nuclear-weapon-free zone treaty.

167. The International Atomic Energy Agency should have an essential role in promoting and safeguarding peaceful uses of nuclear energy in nuclear-weapon-free zones. The creation of a nuclear-weapon-free zone and the application of an effective safeguards system in the zone could facilitate regional and international co-operation in the peaceful uses of nuclear energy. The obligation of zonal States would be to accept safeguards to ensure that such activities were not diverted to purposes not permitted by the zone treaty. Many experts referred to article IV of the Treaty on the Non-Proliferation of Nuclear Weapons as a model for provisions on peaceful nuclear activities in nuclear-weapon-free zone treaties. Other experts pointed out that the supervision and control of peaceful nuclear activities in a nuclear-weapon-free zone could be extended to certain aspects that go beyond IAEA's existing safeguards systems and even beyond its statute and, furthermore, to States which are not parties to the above Treaty. Thus, they maintained, other possibilities can be explored in order to devise a control system which could effectively prevent or detect in time any diversion of such activities to warlike purposes, whether through existing regional organs or by establishing an ad hoc body for this purpose.

#### B. Role of nuclear-weapon States

168. Many experts felt that States members of a nuclear-weapon-free zone should have the fullest possible access on a non-discriminatory basis to the benefits of the peaceful uses of nuclear energy, including potential benefits of peaceful nuclear explosions and that nuclear-weapon States and other States with highly developed nuclear technology should consider facilitating such access.

### C. Role of international organizations and arrangements

169. It is clear that once a nuclear-weapon-free zone has been created, an element of regional co-operation has been established in the area of the zone that could be expanded to cover other possible fields of co-operation, including the peaceful uses of nuclear energy. The implementation and co-ordination of such extended co-operation might possibly be carried out by the regional bodies or ad hoc agencies necessary for verification and control.

170. It would also be desirable to conclude an agreement on peaceful nuclear co-operation between IAEA and a competent authority representing the zone.

171. In the field of co-operation among zonal States, many experts recognized that the establishment of regional fuel cycle centres could satisfy, partly or wholly, the needs of zonal States in developing their nuclear power programmes, while at the same time facilitating physical protection of nuclear materials and application of IAEA safeguards, and thus contributing to the purposes of the zone treaty including non-proliferation of nuclear weapons. These experts suggested that the creation of such centres might either make it unnecessary for States to develop enrichment and reprocessing facilities of their own or enable them to contribute the facilities they already have to the regional centre. Such centres could ensure that member States did not take delivery of enriched uranium or plutonium in excess of their requirements. Member States might also agree that enriched uranium or plutonium produced on their behalf and not required for early use should be held in the custody of the centre.

172. The concept of a regional nuclear fuel cycle centre has not been strictly defined, but reference has been made both to jointly operated industrial facilities and to multilateral organizations having combined administrative and operative functions. Some experts pointed to three possibilities: (a) the centre could leave member States to contract with third countries for their enrichment and reprocessing requirements subject to its approval that supply was justified on the basis of requirements; (b) the centre could accept responsibility for arranging supply, relying on the aggregation of demand to give it a special position in the market; (c) the centre could build and operate its own plants or contract with others to do so. Alternative (c) would represent a logical development when justified by demand since it would allow member States to reap the economic benefit of operation of their own regional fuel cycle without being directly involved at the national level.

173. Pending further study of the complex issues involved, it would be premature to offer firm conclusions at this stage about the relationship between such centres and nuclear-weapon-free zones. The whole question of regional nuclear fuel cycle centres raises a number of complex issues of sovereignty and jurisdiction, as well as of ownership, management and control, which go beyond the scope of this study. Thus, it is not possible to make precise suggestions on the functioning and characteristics of such centres at this stage.

### D. Peaceful nuclear explosions

174. The benefits of peaceful uses of nuclear energy, including potential benefits from peaceful nuclear explosions, should be available to States members of nuclear-weapon-free zones.



175. Most experts, however, held the view that nuclear explosive devices intended for peaceful purposes could also be used as weapons, and that indigenous development and production of such devices by zonal States would, therefore, violate one of the principal purposes of the zones. Accordingly, these experts emphasized that States parties to a zone treaty must not themselves produce or acquire, directly or indirectly, any nuclear explosive devices for peaceful purposes, although they could receive peaceful nuclear explosion services from nuclear-weapon States with the assistance of IAEA in a manner consistent with the procedure envisaged by article V of the Treaty on the Non-Proliferation of Nuclear Weapons, and by the corresponding provisions of the treaty establishing the zone. Some experts pointed out that any peaceful nuclear explosion services by extrazonal States should also be covered in the treaty establishing that zone, and that States providing such services would also have to abide by the corresponding provisions of that treaty.

176. Other experts held the different view, however, that since it is the inalienable right of all States to use nuclear energy for peaceful purposes, the right should be available to all parties to a nuclear-weapon-free zone treaty to any exploitation of such benefits, including peaceful nuclear explosions, by their own means.

177. The view was also expressed that pending a consensus on the question of peaceful nuclear explosions as a result of the studies now being carried out, it may be best to require a moratorium on peaceful nuclear explosions.

178. Many experts suggested that the services of IAEA and its Ad Hoc Advisory Group on Nuclear Explosions for Peaceful Purposes could be of great value in considering peaceful nuclear explosion projects, and that the IAEA guidelines for international observation of peaceful nuclear explosion operations, as adapted to the legal framework of a nuclear-weapon-free zone, should be followed in all such projects.

179. The view was also expressed that a nuclear-weapon-free zone treaty should prescribe that any party to it intending to benefit from peaceful nuclear explosion services should, wherever appropriate, notify the relevant organ of the zone responsible for supervision and control, and provide information on and permit observation of the explosion to the authorized personnel of that organ.

## CHAPTER VIII

### CONCLUSIONS

180. In endeavouring to fulfil the task entrusted to it by the General Assembly, the Group of Experts has attempted to elaborate the concept of nuclear-weapon-free zones, identify the principal issues involved in such zones and analyse their implications both for zonal and extrazonal States. The study does not attempt to establish any precise rules, as it is the considered view of the experts that circumstances in different regions vary so widely that a pragmatic and flexible approach would need to be adopted in each case. Nevertheless, the experts have indicated certain guidelines that could be taken into account where such zones could be created. These guidelines, as well as issues on which the attitudes of Governments are divergent, have been identified for further examination by Governments and by the General Assembly at its thirtieth session.

## Appendix I

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## Appendix II

### LIST OF DOCUMENTS BEFORE THE AD HOC GROUP

<u>Title</u>	<u>Submitted by</u>	<u>Date</u>	<u>Symbol</u>
Working paper on chapter II, Historical background of military denuclearization by areas	Secretariat	13/6/75	WP/1
Bibliography on nuclear-weapon- free zones	Secretariat	13/6/75	WP/2
Bibliography on nuclear-weapon- free zones: some additional titles	Finland	26/6/75	WP/2/Add.1
Index to meetings of the Conference of the Eighteen-Nation Committee on Disarmament and of the Conference of the Committee on Disarmament in which references were made to nuclear-weapon- free zones	Secretariat	13/6/75	WP/3
Index to the seventeenth to twenty-ninth sessions of the General Assembly in which references were made to the question of nuclear-weapon- free zones	Secretariat	13/6/75	WP/4
Memorandum on nuclear-weapon- free zones	Sweden	24/6/75	WP/5
Consideration on some substantive matters concerning the comprehensive study of the question of nuclear-weapon- free zones	Romania	24/6/75	WP/6
Working paper: III. Concept of nuclear-weapon-free zones	Mexico	25/6/75	WP/7
Working paper	USSR	25/6/75	WP/8
Commentary on chapter III. Concept of nuclear-weapon- free zones	UK	25/6/75	WP/9



<u>Title</u>	<u>Submitted by</u>	<u>Date</u>	<u>Symbol</u>
Preliminary draft on some of the points of the general outline	Iran	26/6/75	WP/10
Comments on the outline of the study	Finland	26/6/75	WP/11
Memorandum: preliminary comments on some aspects of nuclear-weapon-free zones	Australia	27/6/75	WP/12
Working paper: chapter III. Concept of nuclear-weapon-free zones	Belgium	30/6/75	WP/13
Working paper: IV. Responsibility of States within the zone and of other States	Mexico	30/6/75	WP/14
Working paper: Nuclear-weapon-free zones and international law	Finland	30/6/75	WP/15
Working paper: Some considerations concerning the study of the question of nuclear-weapon-free zones	Bulgaria	30/6/75	WP/16
Some comments and suggestions on the general outline of the study	Japan	30/6/75	WP/17
Working paper	Pakistan	2/7/75	WP/18
Working paper: V. Verification and control	Mexico	3/7/75	WP/19
Working paper: Verification and control	IAEA	8/7/75	WP/20 and Corr.1
Working paper: VI. Nuclear-weapon-free zones and international law	Mexico	7/7/75	WP/21
Comments on chapter VII	Australia	7/7/75	WP/22
Working paper: VI. Peaceful uses of nuclear energy	Mexico	9/7/75	WP/23

<u>Title</u>	<u>Submitted by</u>	<u>Date</u>	<u>Symbol</u>
Working paper	Federal Republic of Germany	10/7/75	WP/24
Working paper	OPANAL	18/7/75	WP/25

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Summary records for meetings 1-25.

## ANNEX II

### Comments of members of the Conference of the Committee on Disarmament on the study

/Original: English/French/Russian/Spanish/

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1. Mexico (CCD/PV.682)

1. Last night the arduous meetings - close to 60, counting formal and informal meetings - of the Ad Hoc Group of Qualified Governmental Experts for the Study of the Question of Nuclear-Weapon-Free Zones came to a successful conclusion; it started its task last April and the seats of the Soviet Union and the United States were occupied by no less than the heads of their respective delegations to the Conference of the Committee on Disarmament, the former accompanied by three and the latter by five officials whom it would probably be appropriate to call "assistant experts".

2. Our Committee is today officially receiving the study (see annex I above) that is the outcome of the deliberations of the Ad Hoc Group, deliberations in which, as you are aware, my country had the privilege of making a constructive contribution through a Mexican governmental expert - and it will shortly have to consider the form and content of the "special report" by which the experts' study is to be transmitted to the General Assembly of the United Nations, as requested in resolution 3261 F (XXIX) of 9 December 1974.

3. It is not my intention to go deeply into this matter, since as I stated at our last meeting my delegation is prepared to agree to whatever procedure in this regard commands general support. My present statement has a very different purpose which I shall now try to describe.

4. The preamble to the General Assembly resolution I mentioned a moment ago, which led to the creation of the Ad Hoc Group and the fulfilment of its arduous task, begins by referring to "the need to make every effort" towards achieving a cessation of the nuclear arms race and nuclear disarmament and concludes by stating that "further efforts concerning nuclear-weapon-free zones would be enhanced by a comprehensive study of the question in all its aspects".

5. It follows from this that the Assembly took the initiative of calling for the study which has just been completed not for academic reasons, but for purposes imbued with legal and political pragmatism which are very much in keeping with its own functions and responsibilities, such as assisting progress towards nuclear disarmament and strengthening what the resolution terms "the different efforts and achievements undertaken on a regional level with a view to the establishment of nuclear-weapon-free zones", recalling one of them "in particular", namely, the Treaty for the Prohibition of Nuclear Weapons in Latin America, or Treaty of Tlatelolco.

6. The Ad Hoc Group, on the other hand, has, as requested, made a "comprehensive" study of the question of nuclear-weapon-free zones "in all its aspects". In addition, the experts in the Group, however governmental they may have been, have acted as such and, moreover, have observed the consensus rule with the added condition that, whenever consensus was impossible, all the opinions expressed should be incorporated.

7. The Assembly, however, in keeping with its own aforementioned resolution, will have to proceed in a totally different fashion. It will doubtless be guided by the

directives of the Charter of the United Nations to help "save succeeding generations from the scourge of war" and "to promote the establishment and maintenance of international peace and security with the least diversion for armaments of the world's human and economic resources".

8. While the Assembly's rules of procedure - it is well to bear in mind - in no sense preclude any efforts thought advisable to secure a consensus, they do not, provided circumstances so require, reject the settlement of doubts and differences of opinion by that most democratic of procedures: the vote.

9. The Ad Hoc Group has performed its duty of producing, in keeping with its express terms of reference, a virtually exhaustive compilation of every imaginable view that might be expressed on a very wide range of aspects - of greatly varying importance - of the question of nuclear-weapon-free zones.

10. The General Assembly, after considering the study we are to transmit to it, will, in its turn, have a duty to perform at its approaching thirtieth session. We believe that to that end it will have to employ the full weight of its moral and, in many cases, even its legal authority, as the most representative organ of the international community, in settling and clarifying once and for all certain fundamental questions relating to the topic under discussion.

11. Since a number of the members of the Conference of the Committee on Disarmament here present will doubtless be taking part in the work of the First Committee when it comes to consider the experts' study and since I am one of those optimists who believe that the representatives of the more than 100 Members of the United Nations who are not members of the Conference of the Committee still read its records, even though 1975 is now its fourth completely unproductive year, I feel that it is appropriate today to identify two of the questions which, in our opinion, ought to be given priority attention by the Assembly, and to put forward some relevant considerations.

A. Internationally valid definition of the concept of a nuclear-weapon-free zone

12. First and foremost, among the decisions which we hope the General Assembly will ultimately incorporate in the resolution it adopts in connexion with its consideration of the experts' report should be one which gives an authorized international definition - invocable against both Montagues and Capulets - of the meaning and scope of the concept of "nuclear-weapon-free zone".

13. The urgent need for such a definition by the Assembly is all too apparent, in view of the content of the experts' study and more particularly of chapter III, which deals specifically with this aspect of the subject. In it, at every turn, the reader meets with more or less disguised attempts by some Governments to discourage or restrict the establishment of nuclear-weapon-free zones. It talks of an essential requirement - "where suitable conditions exist for the creation of such zones" - and a little later the word "appropriate" is used; we are told that "several experts pointed out there may be regions in which nuclear-weapon-free zones are impracticable or where their creation may not improve the security of the States of the area"; the chapter adds that "it was argued by some experts that the reduction of tension must precede the creation of a truly effective nuclear-weapon-free zone"; and we are allowed to share the fruits of the meditations of other members of the Ad Hoc Group who argued that "nuclear-weapon-free zones may not be appropriate in all areas".

14. Truly, we cannot conceal our astonishment at these scruples reflected in the study transmitted to us. We fail to understand why our world which, in 1944, was one gigantic nuclear-weapon-free zone down to the last square metre of its enormous surface, must now, in the very middle of the so-called "disarmament decade", be divided not only into the territory of States having nuclear weapons and that of States without those terrible instruments of mass destruction, but also within the territory occupied by the latter, into areas which have and those which do not have "suitable" conditions in order for the establishment of nuclear-weapon-free zones to be "appropriate".

15. Who, we also wonder, will be called upon to judge such "suitability" or "appropriateness"?

16. It is patently obvious that, for some States, time has stood still over the years. In reading the assertions I have quoted from chapter III, I was reminded of what I ventured to state at the 1333rd meeting of the First Committee of the General Assembly, on 11 November 1963, when I submitted to the Committee the Latin American draft resolution that later became resolution 1911 (XVIII) of 27 November 1963, entitled "Denuclearization of Latin America". Referring to the many statements of representatives who had mentioned the Latin American initiative, I said on that occasion:

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

"Now, since the application of this procedure on a general and indiscriminate basis would in practice nullify the will expressed by States composing the zone directly concerned, and therefore would be in direct contradiction with the recognition of the fact that that will must be considered as the decisive element; and since, on the other hand, such an attitude would seem to set aside the fact that the United Nations, in chapter I of its Charter, expressly grants 'the sovereign equality of all its Members', I am inclined to believe that the intention of the speakers to whom I have alluded was primarily one of enumerating the conditions which they consider indispensable for an eventual or possible denuclearization of the geographical zones in which their own countries are situated" (A/C.1/PV.1333, pp. 47-48).

17. That inference, drawn more than ten years ago, is totally applicable to the restrictive assessments that abound in the Ad Hoc Group's study. In any case, when its contents are studied carefully, the paternity of its contradictory pronouncements is easy to determine, despite the sibylline style in which they are drafted.

18. One part of them obviously reflects the position of some States - very few, fortunately, amongst the impressive total of the membership of the United Nations - which do not seem to have quite understood the philosophy of the San Francisco Charter and which could be said to be trying to cling to the pre-war world. Hence

the hegemonic tendencies, the systems of alliances and military blocs, of spheres of influence and of numerous nuclear bases; hence, in short, today's "balance of power", which has rightly been called "the balance of terror".

19. The other part of those pronouncements belongs to the legions of the young and progressively developing States which are customarily grouped under the generic title of "the third world", States whose peoples believe and want to believe in the postulates and in the principles and the purposes of the Charter of the world Organization, States which adopt as their banner and their supreme standard of conduct the sovereign equality of States and mutual respect, self-determination and non-intervention.

20. Between those two theses which confront each other on every page and, it could be said, sometimes even in every paragraph of the experts' study, the United Nations cannot be neutral. If it were, it would be betraying the Charter which created it.

21. Accordingly, in our view the General Assembly must proclaim without further delay a definition of the concept of a nuclear-weapon-free zone, which we consider should be couched in the following or similar terms:

"A 'nuclear-weapon-free zone' shall be deemed to be any zone, recognized as such by the United Nations General Assembly, which any group of States, in the free exercise of their sovereignty, has established by virtue of a treaty or agreement whereby:

"(a) The status of total absence of nuclear weapons to which the zone shall be subject is defined, and

"(b) An international system of verification and control is established to guarantee compliance with the obligations deriving from that status."

22. The foregoing definition offers obvious and multiple advantages and reduces to a minimum those aspects which might give rise to controversy. Of the five basic elements it contains, four are among the relatively few which managed to obtain consensus in the Ad Hoc Group since they were agreed to by all its members: first, that the initiative for the creation of a zone should come from one or more States whose territories are to form part of the zone; secondly, that the instrument establishing the zone must be a treaty or agreement freely arrived at; thirdly, that the status of the zone defined in that instrument must be one of "total absence of nuclear weapons"; and, fourthly, that the relevant instrument must also include an international system of verification and control to ensure compliance with the obligations deriving from that status.

23. The fifth and last of the basic elements of the definition my delegation is suggesting - namely recognition of the zone as a "nuclear-weapon-free zone" by the General Assembly - was one of the very many elements upon which it was not possible to obtain unanimity of the experts. However, since the application of such a criterion was acceptable to the majority and only a few expressed doubts in that respect, we venture to hope that the General Assembly can reach such an eminently desirable consensus.

24. We are convinced that recognition by the United Nations, by virtue of a declaration of its fully representative organ, the General Assembly, to the effect that a zone fulfils all the requirements needed to be regarded as a "nuclear-weapon-free zone", will constitute the best safeguard for the legitimate interests of the peoples and States of the third world.

25. The capricious or self-serving objections that might be forthcoming in certain cases from members of the big military blocs, and particularly from any nuclear super-Power that sponsors them, will certainly fall to the ground before the authoritative declaration of an organ which can be considered as the spokesman of the conscience of humanity.

26. Moreover, it will very soon be internationally recognized - we are sure of this - that the status of nuclear-weapon-free zone gives the countries and territories forming the zone not only duties and obligations, but also privileges and rights. First and foremost among these is being the beneficiaries of an undertaking on the part of the nuclear-weapon States not to use or threaten to use nuclear weapons against them, a subject which I will deal with later.

27. Besides these primordial reasons which are more than enough to make this recognition by the General Assembly necessary, there is another very weighty reason for such recognition: the fact that "circumstances in different regions vary so widely that a pragmatic and flexible approach would need to be adopted in each case", as the Ad Hoc Group recognizes in the very brief conclusion which appears at the end of its study. If that be so, it seems to us that, apart from the uniform indispensability of the two requirements - régime of total absence of nuclear weapons and system of verification and control - already included in the definition we have suggested, it will in fact be necessary to have an organ of unquestionable international authority, like the General Assembly, to tell us "in every case" if the "pragmatic and flexible approach" which the experts speak of has been judiciously applied and if the result of its application has been the creation of a "nuclear-weapon-free zone". Such a task is far too delicate to be left to the arbitrary judgement of the nuclear Powers.

28. It will be for the General Assembly to decide the specific form which it deems appropriate for its declaration recognizing the "nuclear-weapon-free zone" character of a particular zone established by a treaty or agreement transmitted to it. As an example, I shall recall the case of the Latin American zone, in respect of which, perhaps because it was the first that was to come into force in a densely populated region, the General Assembly proclaimed its recognition in such terms of enthusiasm and conviction as would be difficult to equal, when, as we know, it declared in its resolution 2286 (XXII) of 5 December 1967:

"The General Assembly

"...

"Welcomes with special satisfaction the Treaty for the Prohibition of Nuclear Weapons in Latin America, which constitutes an event of historic significance in the efforts to prevent the proliferation of nuclear weapons and to promote international peace and security and which at the same time establishes the right of Latin American countries to use nuclear energy for demonstrated peaceful purposes in order to accelerate the economic and social development of their peoples."



29. The definition of the concept of "nuclear-weapon-free zone", which we have been describing, covers any zone that is established by way of an international instrument entered into between two or more States - which will undoubtedly be the case for 99 per cent of those to be created. As regards the remaining 1 per cent, that is to say zones which might comprise the territory of one State only, it will be for the General Assembly to agree, as the occasion arises, on the procedure it considers advisable to apply for their international recognition as nuclear-weapon-free zones.

B. Principal obligations of nuclear-weapon States vis-à-vis nuclear-weapon-free zones and the States forming them

30. A second question which we think it would also be extremely desirable for the General Assembly to take up at its forthcoming session is the definition of the principal obligations of nuclear-weapon States vis-à-vis nuclear-weapon-free zones recognized as such by the General Assembly and vis-à-vis the States forming such zones.

31. In that connexion, a very valuable precedent is provided by Additional Protocol II of the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco), which, as can be gathered from the contents of chapter IV of the experts' study, was especially useful to the Ad Hoc Group. The same is surely true of various resolutions of the General Assembly that have dealt with this aspect, such as resolution 2935 (XXVII) of 29 November 1972, whose provisions must have had a positive influence in helping the Group reach consensus that the obligations assumed by the nuclear-weapon States "should be embodied in a formal legally binding instrument".

32. The unvarying and consistent action of the General Assembly, starting in 1967 with resolution 2286 (XXII) and continuing with six other resolutions - 2456 B (XXIII) of 20 December 1968, 2666 (XXV) of 7 December 1970, 2830 (XXVI) of 16 December 1971, 2935 (XXVII) of 29 November 1972, 3079 (XXVIII) of 6 December 1973 and 3258 (XXIX) of 9 December 1974 - all of them adopted without a single negative vote and the large majority of them by more than 100 votes in favour, shows incontrovertibly how the General Assembly interprets its functions in this matter, on which, it would seem, the experts were unable to reach complete agreement, as may be deduced from what is stated in chapter VI of their study. In fact, in each and every one of those resolutions the General Assembly exhorted the nuclear-weapon States more or less instantly, going so far as to use the adverbial phrase "without further delay", to sign and ratify Additional Protocol II of the Treaty of Tlatelolco.

33. The General Assembly did not take the trouble to specify the basis of the powers which it used in adopting all the resolutions I have cited. It is unquestionably true, however, that a solid legal basis for these can very easily be found in the Charter of the United Nations itself, whether it be "carrying out its duties under this responsibility" - to use the language of Article 24 referring to the "primary responsibility" of the Security Council - the Assembly's responsibility being its "residual responsibility" for the maintenance of international peace and security; or the powers expressly conferred upon it by Article 11 in connexion with disarmament and the regulation of armaments; or its wide powers under Article 10 to make recommendations on "any questions or any matters within the scope" of the Charter.

34. In the light of what I have just reviewed, it seems to us that the definition on the subject to be adopted by the Assembly might be worded as follows:

"1. In every case of a nuclear-weapon-free zone that has been recognized as such by the General Assembly, nuclear-weapon States shall have the following obligations:

"(a) To respect in all its particulars the status of total absence of nuclear weapons defined in the treaty or agreement which serves as the constitutive instrument of the zone;

"(b) Not to contribute in any way to the commission - in territories forming part of the zone - of acts resulting in a violation of the said treaty or agreement; and

"(c) Not to use, or threaten to use, nuclear weapons against the States forming part of the zone.

"2. The aforesaid obligations shall, in every case, be embodied in a solemn international instrument having full legally binding force, such as a treaty, agreement or protocol, which shall be signed and ratified by all nuclear-weapon States."

35. With respect to the sources of the obligations of the nuclear-weapon States - obligations which would obviously not be created by the Assembly but only defined by it - it seems to me that the opinions expressed by various experts and recorded in the study of the Ad Hoc Group identify two that can be regarded as the main sources:

(a) The commitment entered into by virtue of the Charter of the United Nations, one of the basic principles of which, in Chapter I, is to refrain "from the threat or use of force", a commitment which must obviously and above all else embrace the commitment to refrain from using or threatening to use nuclear weapons, since these represent the most destructive form of force that has been discovered by man's ingenuity; and

(b) The fact that in the case of every nuclear-weapon-free zone - the establishment of which obviously constitutes a valuable contribution to the promotion of nuclear disarmament and the strengthening of peace - there should be "an acceptable balance of mutual responsibilities and obligations of the nuclear and non-nuclear Powers", as the General Assembly stated in its resolution 2028 (XX) of 19 November 1965, in connexion with the negotiations which led to the Non-Proliferation Treaty. If, to make it possible for such zones to exist, the non-nuclear-weapon States assume a whole series of specific obligations, then it is fully justified that the nuclear-weapon States should, in their turn, agree to enter into a few very general and far from onerous commitments such as those included in the draft definition I read out a few moments ago.

36. To end this statement, which is already becoming too long, I should like to draw a few general conclusions which I shall endeavour to make very short, though without attempting to compete in brevity with the conclusion that appears at the end of the paper (see annex I, para. 180, above) prepared by the Ad Hoc Group of Qualified Governmental Experts for the Study of the Question of Nuclear-Weapon-Free Zones in All its Aspects.

37. I shall begin by saying that, in our view, the study constitutes an eloquent reminder of the wise maxim that one should never lose sight of the wood by paying too much attention to the trees. We believe that this fulsome compilation of anonymous, often divergent opinions concerning a series of abstract hypotheses should not cause us to lose sight of the Assembly's basic objective in deciding that the study should be made, which is clearly indicated in the relevant resolution, for example, to enhance new efforts and past achievements undertaken with a view to the establishment of nuclear-weapon-free zones.

38. If the study is examined - as I have attempted to do, albeit very superficially - in the light of this laudable purpose, the conclusion is inescapable that the result of the experts' laborious efforts constitutes certain proof of the imperative need for the General Assembly to intervene directly in this matter in order to decide and define, once and for all, certain basic questions relating to the question under consideration. If the experts' exercise in dialectic had produced no other result than this - and, of course, it has produced some others that are not to be disdained - it would alone be sufficient to entitle them to our gratitude.

39. Of these basic questions, the two which in our view deserve priority attention from the General Assembly at its thirtieth session are, on the one hand, the formulation and adoption of an internationally valid definition of the concept of "nuclear-weapon-free zone" and, on the other, a declaration spelling out the principal obligations of the nuclear-weapon States towards nuclear-weapon-free zones and the States forming such zones.

40. In this way, the Assembly would be making an effective contribution to the establishment, in the matter under consideration, of some basic norms of that international law so frequently invoked in the study of the Ad Hoc Group by some of its members who seem to forget that, since the matter is not only new but very new, inasmuch as the hecatombs of Hiroshima and Nagasaki occurred a bare 30 years ago, such norms of that law as might be applicable to it are either as yet non-existent or still in an embryonic stage. What is more, those norms will have to be developed with the genuine participation of all States and not, as in the nineteenth century, of an insignificant number of States. Hence the intervention of the United Nations in this case would be doubly valuable.

41. It should also be borne in mind that nuclear weapons and everything relating to them require exceptional treatment in terms of the law of nations in view of the fact that, as the Treaty of Tlatelolco puts it so well, such weapons "whose terrible effects are suffered indiscriminately and inexorably by military forces and civil population alike, constitute, through the persistence of the radio-activity they release, an attack on the integrity of the human species". For this reason, the most natural and appropriate procedures in such a case would be similar to those applied in the case of an epidemic, namely, an endeavour gradually to widen the zones of the world in which nuclear weapons are outlawed until the territories of the States that persist in possessing them become, as it were, contaminated islets under quarantine.

42. That should, in our view, be the international law applicable for solving, in the last analysis, the problems that have flourished in such an extraordinary and prolific manner in the experts' study.

43. We are firmly convinced that the General Assembly will be able, by the decisions it adopts in this regard at its thirtieth session, to make a decisive and invaluable contribution to the genuine encouragement and promotion of efforts towards the establishment of nuclear-weapon-free zones.

## 2. Czechoslovakia (CCD/PV.683)

44. My Government supported from the beginning the idea of nuclear-weapon-free zones as a contribution to the strengthening and further development of the régime of non-proliferation of nuclear weapons and to the enhancement of regional and global security, and my delegation took part in the Ad Hoc Group of Governmental Experts.

45. The field which was to be explored by the Ad Hoc Group is very complex and closely interconnected with many other questions of international relations. The study reflects not only different objective conditions in various regions, but also the different subjective approaches of individual countries participating in the Ad Hoc Group - in accordance with the conclusion of the 661st meeting of the Conference of the Committee on Disarmament dealing with the setting up of the group of governmental experts: "whenever the group is unable to reach consensus on substantive matters, each of the experts will be entitled to incorporate in the study his own opinion" (CCD/PV.661, p. 28). So the study shows a broad spectrum of approaches and opinions.

46. My delegation shares the view expressed in chapter III, devoted to the question of principles, which is in my opinion the crux of the study, that though it was not possible or realistic, a priori, to set out precise guidelines for the creation of nuclear-weapon-free zones, certain principles should none the less be taken into account.

47. Among the generally agreed principles, the most important, in the view of my delegation are these:

(a) Nuclear-weapon-free zone arrangements must ensure that the zone would be, and would remain, effectively free of all nuclear weapons;

(b) The initiative for the creation of a nuclear-weapon-free zone should come from States within the region concerned, and participation must be voluntary;

(c) The zone arrangements must contain an effective system of verification to ensure full compliance with the agreed obligations;

(d) The treaty establishing the zone should be of unlimited duration.

48. Among other proposals of principles, my delegation is stressing especially these:

(a) Nuclear-weapon-free zones can constitute an important contribution to the enhancement of regional and world security, a contribution to the strengthening and consolidation of the régime of non-proliferation of nuclear weapons and a supplement and development of the Treaty on the Non-Proliferation of Nuclear Weapons;

(b) The establishment of a nuclear-weapon-free zone should not interfere with the existing security arrangements to the detriment of regional and international security;

(c) The boundaries of nuclear-weapon-free zones should be determined in accordance with international law, including the principle of freedom of navigation on the high seas and in straits used for international navigation and international air space.

49. We think also that States which are expected to enter into undertakings vis-à-vis a zone, in particular the nuclear-weapon States, should be given the opportunity to participate in negotiations for the conclusion of agreements on the establishment of such a zone.

50. My delegation believes firmly that the study on the question of nuclear-weapon-free zones constitutes a very significant fulfilment of the request made in the General Assembly's resolution and a useful contribution to the possible realization of nuclear-weapon-free zones as part of the régime of non-proliferation of nuclear weapons and the new system of international relations.

### 3. Sweden (CCD/PV.683)

51. I would like to review in a preliminary way the recent efforts by the Ad Hoc Group of Governmental Experts, under the auspices of the Conference of the Committee on Disarmament, to prepare a study about the principles of nuclear-weapon-free zones.

52. The Swedish expert started his participation in the work with the notion that the Group would approach the subject in a descriptive manner. We assumed that the report would refer to all or most aspects of the question of nuclear-weapon-free zones. It is apparent in the report of the Group, however, that the subject turned out to be even more political than we had expected. This being so, I am glad to note on the other hand that the experts were able to reach consensus on many issues, some of them quite important.

53. This is in itself a significant result in view of the fact that various regions of the world, where nuclear-weapon-free zones could be envisaged, are indeed politically and geographically different and that, therefore, possible characteristics of potential zones must differ considerably. It is obvious to everybody that establishing a nuclear-weapon-free zone in Latin America and in central Europe would involve entirely different parameters.

54. In view of our initial approach, we appreciate that the Group has referred in the report both to consensus views and to issues on which there still is disagreement. This working method has given to the readers of the report many points of view which deserve attention on their own merits and which could be of great interest to future work in this field. I fully recommend that the Conference of the Committee on Disarmament transmit the report to the General Assembly as it is, together with the comments that will be made by delegations of the Conference of the Committee before we adjourn.

55. As to the further procedure, I do not think it would be meaningful to come back to the general problem of nuclear-weapon-free zones here in the Conference of the Committee next year. The Group went as far as is realistically possible along that path. Further steps in promoting nuclear-weapon-free zones should in our view be taken regionally and with reference to concrete zone proposals.

56. I also want to make a few remarks in relation to specific issues reflected in the report. In some areas of the world, the primary objective of establishing a nuclear-weapon-free zone might be to prevent the proliferation of nuclear weapons and thus to reinforce the Treaty on the Non-Proliferation of Nuclear Weapons. In other areas with little or no internal tension, the objective would be to create a barrier against nuclear war. In many areas, of course, both objectives would apply.

57. In most cases, therefore, a commitment by the nuclear-weapon States not to use or threaten to use nuclear weapons against the zone would be an element of major importance. I therefore deplore that the Group was unable to reach consensus on this as a basic principle. Apparently, the nuclear-weapon States wish to reserve a right for themselves to consider such commitments on a case-by-case basis. I regret this attitude and hope still for its reconsideration, particularly as there are reasons to believe that any case-by-case consideration should lead to the granting of such commitments.

58. The report also reflects the view that commitments to respect the nuclear-weapon-free status of a zone, including commitments not to use or threaten to use nuclear weapons against that zone, could be withdrawn if a member of the zone commits aggression or becomes an accomplice of aggression. Who would make that assessment and what would be the value of a commitment not to use nuclear weapons, if it is withdrawn in case of war? What, obviously, is most badly needed is a barrier against escalation to a nuclear war when a conventional military conflict has broken out or is imminent.

59. Going through the report to find something that would be of interest as a basis for discussion of possible nuclear-weapon-free zones in Europe, I find that many delicate and difficult problems have either been disagreed upon or left out. I can refer to the creation of safety areas in parts of the high seas and in land areas adjacent to such zones, to procedures for withdrawal of tactical nuclear weapons from such areas and to the verification of the implementation of provisions on transit of military vehicles, vessels and aircraft through the zone and in regard to possible military bases within the zone. The option that in certain circumstances only part of a country would be included in a zone could also have been more fully explored. I hasten to add, however, that I do not say all this in order to criticize the Group or its report. My comments are made in awareness of the fact that the Group did not have at its disposal the time necessary to cope with these difficult issues. As far as we understand, they have in part been touched upon for several years at the Strategic Arms Limitation Talks (SALT) talks and the Vienna talks on force reduction in Europe. Therefore, I must conclude that in regard to the particular problem of the creation of nuclear-weapon zones in Europe, the report of the Ad Hoc Group cannot serve as a fully adequate basis for a political exploration of the issues involved.

60. My final remark in this connexion is that it would be only natural if nuclear disarmament in Europe were to be achieved in conjunction with the general force reductions in central Europe which should be a logical consequence of the successful conclusion in Helsinki of the Conference on Security and Co-operation in Europe.

#### 4. Union of Soviet Socialist Republics (CCD/PV.683)

61. The Group of Government Experts has submitted to the Conference of the Committee on Disarmament a comprehensive study of the problem of the establishment of nuclear-weapon-free zones. The Committee will have to transmit the study of this problem to the United Nations General Assembly. Since the study does not indicate the views of individual States on this problem, the Soviet delegation considers it necessary to explain the position of the Soviet Union on the problem under discussion.

62. The Soviet Union attaches great importance to the problem of the establishment of nuclear-weapon-free zones and has set itself the task of promoting the establishment of such zones in various parts of the world. The establishment of these zones would promote the non-proliferation of nuclear weapons in various regions, the strengthening of the security of States in these regions and, at the same time, international security as a whole. Agreements on nuclear-weapon-free zones would serve as important supplements to the Treaty on the Non-Proliferation of Nuclear Weapons, and thus to the consolidation of the régime of the non-proliferation of such weapons. On the basis of this principle, the Soviet Union supported the proposal, at the twenty-ninth session of the United Nations General Assembly, that a comprehensive study should be made of this question and that a special report on the subject should be submitted to the General Assembly. The Soviet delegation assumes that the purpose of such a study is to consider the positions of States concerning the establishment of nuclear-weapon-free zones with a view to promoting their establishment.

63. In the consideration of problems relating to the establishment of nuclear-weapon-free zones, an important part is played by the requirements to be included in the agreements providing for the establishment of the zones. The Soviet Union considers that any agreement on the establishment of a nuclear-weapon-free zone should genuinely ensure that the territory of the States parties to such an agreement is turned into a zone entirely free of nuclear weapons and should preclude any kind of loop-hole for violating the nuclear-weapon-free status of such zones. This type of agreement must ensure the full and unconditional prohibition of nuclear weapons in the territory of nuclear-weapon-free zones. Moreover, such agreements must provide for the following undertakings by the States members of the zone: not to produce or acquire nuclear weapons or other nuclear explosive devices and not to try to acquire direct or indirect control over such weapons and devices; not to allow the emplacement and storage of nuclear weapons or other nuclear explosive devices in the territory of the zone; and not to allow the transport of nuclear weapons and nuclear explosive devices and their transit through the territory of the nuclear-weapon-free zone, including entry of vessels carrying nuclear weapons into the ports of the zone.

64. Bearing in mind that nuclear explosive devices for peaceful purposes cannot be technically differentiated from military nuclear explosive devices, the above prohibitions should also extend to nuclear devices for peaceful purposes.

65. Since the Soviet Union attaches great importance to the development of the peaceful uses of nuclear energy and to the utilization of the benefits that can be derived from peaceful nuclear explosions, it is in favour of enabling States members of nuclear-weapon-free zones to obtain services from nuclear Powers, both on a bilateral basis and through the International Atomic Energy Agency (IAEA), in the matter of carrying out nuclear explosions. Such explosions must be

conducted under appropriate international supervision and in accordance with the procedures evolved by IAEA. The Soviet Union, for its part, is prepared to examine on a practical basis proposals for rendering services to States members of nuclear-weapon-free zones in the carrying out of peaceful nuclear explosions.

66. An important factor in concluding agreements on the establishment of nuclear-weapon-free zones is the problem of the boundaries of those zones. The boundaries of nuclear-weapon-free zones must be determined in accordance with generally recognized rules of international law, including the principle of freedom of navigation on the high seas and in straits used for international navigation. An agreement on a nuclear-weapon-free zone cannot extend the nuclear-weapon-free status of a zone to the territory of States not situated in the zone or to the high seas, since that would constitute a violation of generally recognized rules of international law, including the principle of freedom of navigation on the high seas.

67. As to the membership of nuclear-weapon-free zones, we should like to reaffirm the Soviet Union's opinion that obligations for the establishment of nuclear-weapon-free zones can be assumed not only by groups of States comprising whole continents or large geographical regions, but also by smaller groups of States or even by individual countries.

68. An important problem relating to the establishment of nuclear-weapon-free zones is that of determining the range of obligations which the nuclear States must assume with regard to those zones. These must include:

(a) The obligation to refrain from directly or indirectly transferring nuclear weapons or other nuclear explosive devices and control over such weapons or explosive devices to States members of the zone;

(b) The obligation not to help, encourage or incite any State member of the zone to produce or acquire nuclear weapons or other nuclear explosive devices by any means whatsoever or to obtain control over such weapons or explosive devices;

(c) The obligation not to emplace or stock nuclear weapons in the territories of nuclear-weapon-free zones and the obligation to refrain from sending nuclear weapons in transit through the territories of these zones and from allowing vessels carrying nuclear weapons to enter the ports of the zones.

69. In the context of the fulfilment by States of the obligations relating to the establishment of nuclear-weapon-free zones, the nuclear Powers would declare that they will refrain from using or threatening to use nuclear weapons against the States members of nuclear-weapon-free zones.

70. The Soviet Union, for its part, will be prepared to assume the obligation to respect the status of nuclear-weapon-free zones provided they are genuinely free of nuclear weapons, and the other nuclear States will assume similar obligations. At the same time, the Soviet Union reserves the right to review its obligations concerning respect for the nuclear-weapon-free status of the zones if a State in respect of which it has assumed such obligations engaged in aggression or becomes a participant in aggression.

71. In view of the fact that under agreements on the establishment of nuclear-weapon-free zones States possessing nuclear weapons must assume specific and



important obligations in relation to those zones, nuclear States must be enabled to participate in negotiations for the conclusion of any agreement on the establishment of a nuclear-weapon-free zone. Without such participation, the nuclear States cannot be expected to show willingness to assume obligations in connexion with the establishment of any particular nuclear-weapon-free zone.

72. The establishment of nuclear-weapon-free zones is an important means of limiting armaments and entails important obligations on the part of States which are members of the zone and of States which do not form part of the zone. The obligations assumed by all States parties to an agreement on a nuclear-weapon-free zone must be strictly observed. All parties to the agreement must be absolutely confident that all other States parties to the agreement are fulfilling the obligations they have assumed under the agreement and that the nuclear-weapon-free zone is indeed what it is described to be. It is therefore essential to establish effective control for verifying the observance by States of the obligations assumed by them under the agreements on such zones. The forms and methods of control should be considered and studied in all their aspects. The extensive and positive experience in such matters acquired by IAEA, which is responsible for control of the observance of basic obligations under the Treaty on the Non-Proliferation of Nuclear Weapons, should be used in solving problems of control over the implementation of agreements on nuclear-weapon-free zones. Control over the observance by States of their obligations under agreements on nuclear-weapon-free zones might be entrusted directly to IAEA in individual cases.

73. It is common knowledge that the solution of the problem of establishing a nuclear-weapon-free zone gives rise to a series of other problems. One of them is the question which arises when States intending to form or join a nuclear-weapon-free zone participate in military alliances. In this connexion, the Soviet Union considers it necessary to declare that the fact that a given State belongs to a military alliance cannot justify exemption from any of the obligations laid down for States joining a nuclear-weapon-free zone.

74. The establishment of nuclear-weapon-free zones in various parts of the world makes it necessary to solve in each individual case any problems which may be peculiar to the particular zone that it is proposed to establish. In this connexion, we should like to point out that the Soviet Union's position with regard to proposals for the establishment of nuclear-weapon-free zones in any part of the world will be determined, in each individual case, by the specific content of these proposals (geographical boundaries of the zone, its status etc.) and by the attitude to these proposals adopted by other States, particularly the prospective participants.

75. As to the Treaty on the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco), the Soviet delegation notes that the Treaty has some important short-comings, such as the admissibility of conducting peaceful nuclear explosions, contrary to the procedure established by the Treaty on the Non-Proliferation of Nuclear Weapons, failure to prohibit the transit of nuclear weapons through the territory of the zone and the extension of the scope of the Treaty to the area of the high seas, contrary to the generally recognized rules of international law.

76. These are the considerations which express the Soviet Union's position on the question of the establishment of nuclear-weapon-free zones. The Soviet delegation

wishes to express its satisfaction at the fact that these considerations have been reflected in the study on the problem conducted by the Group of Governmental Experts, the report on which has been submitted to the Conference of the Committee on Disarmament and is now being considered.

#### 5. Mexico (CCD/PV.683)

77. First, Mr. Chairman, in accordance with my delegation's practice of always keeping the Conference of the Committee on Disarmament fully informed of any new developments with regard to the Treaty on the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco), which, as you know, covers an area of continuous growth comprising more than 8 million square kilometres and more than 150 million inhabitants, I should like to inform the Conference of the Committee that during the last two months the number of States parties to the Treaty has risen from 18 to 20 with the receipt by the depositary Government - the Government of Mexico - of the declaration of waiver referred to in article 28, paragraph 2, of the Treaty, from Grenada on 20 June and from Trinidad and Tobago on 27 June.

78. Having said that, Mr. Chairman, I should like to add a few words regarding the statement just made by the distinguished representative of the USSR. I shall be able to keep within the time-limit set by you at the start of this meeting because there is absolutely nothing new in what Ambassador Roshchin has said today: it can all be found in previous statements by the Soviet delegation, particularly its statement of Tuesday, 25 March 1972, which is contained in document CCD/PV.553. For that reason, I shall confine myself to recommending those who are interested in this subject to examine the in extenso statements which I made at the 551st meeting, on 21 March 1972, and at the 553rd meeting which I have just mentioned. I should merely like to read out three paragraphs from the second of those statements, since I believe that everything I said at that time is fully applicable to the in extenso statement just made by the representative of the USSR.

79. On that occasion, I stated (CCD/PV.553, p. 47) that the analysis of the theory put forward in the Soviet document that had just been referred to - or, as it now is, the analysis of the theory put forward in the statement made by the distinguished representative of the USSR - would inevitably lead to the conclusion that, if its validity were accepted, one would automatically accept the theory which seems to constitute the implicit premise of the Soviet position, the two essential elements of which could, as I said earlier in the First Committee of the General Assembly on 29 November 1971, be stated as follows:

"First, it is not the United Nations but the Soviet Union which has exclusive authority to decide whether or not a nuclear-free zone exists in any part of the world, even though the zone had been established by a multilateral treaty which contains the most complete international system of inspection and control and which, as in the case of the Treaty of Tlatelolco, has received the repeated praise of the General Assembly and of the Secretary-General of the United Nations, as well as the praise of the vast majority of the members of the international community.

"Secondly, in such cases in which the Soviet Union would agree that the territory of one or several countries constitutes militarily

denuclearized zones, the State or States concerned could only aspire to receive from the Soviet Union, and even this after certain conditions and reservations, a unilateral promise conceived in the terms which it deems suitable, and in no case a commitment contracted in one of the treaties which is recognized under law as a solemn international instrument, such as Additional Protocol II of the Treaty of Tlatelolco."

80. This is what I said on that occasion in 1972, and in the light of that statement and what I have just heard from the distinguished representative of the USSR, it is readily understandable why, in the course of my most recent statement in the Committee, on 19 August 1975, my delegation proposed that, with the aim of strengthening the efforts of the new groups of States interested in establishing nuclear-weapon-free zones, the Assembly should proclaim forthwith a definition of the concept of nuclear-weapon-free zones to be phrased in the terms which we suggested and which we have submitted today in a working paper.

81. I then went on to say something which I should like to repeat now, since I believe it to be highly relevant to what has once more been stated by Ambassador Roshchin:

"We are convinced that recognition by the United Nations, by virtue of a declaration of its fully representative organ, the General Assembly, to the effect that a zone fulfils all the requirements needed to be regarded as a 'nuclear-weapon-free zone', will constitute the best safeguard for the legitimate interests of the peoples and States of the third world.

"The capricious or self-serving objections that might be forthcoming in certain cases from members of the big military blocs, and particularly from any nuclear super-Power that sponsors them, will certainly fall to the ground before the authoritative declaration of an organ which can be considered as the spokesman of the conscience of humanity" (CCD/PV.682, p. 11).

#### 6. Romania (CCD/PV.685)

82. I should like to comment on the study on the question of nuclear-weapon-free zones prepared by the Group of Governmental Experts, pursuant to General Assembly resolution 3261 F (XXIX), which is now before the Committee. They will be of a general nature. My Government's official observations on the study will, no doubt, be presented to the General Assembly at its next session.

83. In thanking all the experts who contributed to its preparation and the representative of the Secretary-General for his valuable support, and without expressing a value judgement at this time on the content of the study, the Romanian delegation wishes to express its conviction that the document will stimulate the interest of States in the idea of establishing nuclear-weapon-free zones and will be constructively used in encouraging the efforts being made to that end in various parts of the world.

84. Obviously, the idea of nuclear-weapon-free zones is constantly gaining ground as a component part of the new trend which is developing in international life and which reflects the will of States to live in a climate of confidence and mutual understanding, good-neighbourliness and peaceful co-operation. Promoted mainly by

small and medium-sized non-nuclear countries, the nuclear-weapon-free zone concept also offers a vast field for co-operation between all States, nuclear and non-nuclear, in which both categories may make an effective contribution to the strengthening of international security. In the region in which it is situated, Romania has worked, over the years, both in its bilateral relations and in multilateral forums, for the transformation of the Balkans into a zone of peace and co-operation ultimately free from nuclear weapons and we are pleased that other States are also pursuing that objective.

85. In view of all this and of the constructive contribution that the creation of nuclear-weapon-free zones could make to the strengthening of international security, my delegation shares the opinion of the representative of Mexico, Ambassador García Robles, concerning the authoritative role of the United Nations General Assembly in the matter of zones.

86. It is in that spirit that we consider that the next session of the General Assembly will have to act to clarify certain points which have been left open by the experts, particularly as regards the balance of rights and duties of States participating in the establishment of a nuclear-weapon-free zone. It is in that same context that the General Assembly has the duty, in specific situations, to encourage the efforts of States belonging to a given geographical region which display an interest in the establishment of a nuclear-weapon-free zone and to lend them its full support to that end.

#### 7. Poland (CCD/PV.685)

87. As we confidently anticipated in our previous intervention, even a cursory examination of the study on the nuclear-weapon-free zones indicates that the experts have acquitted themselves well of their task, given the limited time available to them. Consequently, our appreciation of their contribution to the work of the Conference of the Committee on Disarmament is - we believe - well deserved.

88. Representing, as they did, not only different geographical areas and various schools of thought predicated on different social and political systems, but also often entirely different systems, of what I venture to call the "philosophy of disarmament" - the experts could not and, indeed, were not able to reach agreement in every case and on each issue they dealt with. This, I submit, does not in the least detract from the intrinsic value of the study. Both the consensus views and the opinions which differed considerably combine into a reference work that may prove particularly valuable to those States which either have already submitted concrete proposals or are actively exploring the possibilities of creating nuclear-weapon-free zones in specific geographical areas. We believe that the study will have served its purpose if it alerts those States to what lies ahead, to the difficulties and problems that can be anticipated to crop up, and to the ways they should best be dealt with - through negotiation - in order to secure pragmatic solutions. In this context, "pragmatic solutions" should be read as acceptable both to the members of the zone and to the nuclear-weapon States which are to respect the nuclear-weapon-free status of the zone and to undertake a commitment not to use or threaten to use nuclear weapons against such a zone. At the same time, we are gratified to note that the experts did succeed in reaching consensus on a number of important and basic principles, among them those

mentioned in the recent statements by the representatives of the Union of Soviet Socialist Republics and Czechoslovakia, Ambassador Roshchin and Ambassador Soják.

89. Needless to say, the question of assuming specific and binding commitments stemming from the creation of nuclear-weapon-free zones requires careful consideration. In keeping with the principle of State sovereignty and in accordance with international law and customs pertaining to treaties - the requisite and appropriate negotiating process precedes the assumption by States of obligations binding under international law. Quite apart from those obligations which derive from already existing sources of international law, such as the Charter of the United Nations, the freely expressed will of States is a necessary condition for any new specific obligations to be assumed by States.

90. It would, therefore, seem a hardly practical proposition to expect that propitious conditions could be created for an effective nuclear-weapon-free zone by seeking to elaborate certain principles or securing commitments while, at the same time, failing to envisage and prepare for a negotiating process for all interested parties. The Polish delegation subscribes therefore to the views of those experts who laid emphasis on the need for a procedure of mutual consultations in the creation of a nuclear-weapon-free zone.

91. In the opinion of my delegation, section A of chapter III (see annex I above) is a particularly significant part of the experts' study. It deals with the objectives of nuclear-weapon-free zones, putting them squarely within the context of regional security, effective non-proliferation, and, hence, world security in general, which, incidentally, is the way my Government has always viewed the purpose of nuclear-weapon-free zones. As is well known, Poland has to its credit some pioneer exploration of the concept and mechanism of the atom-free zones and, naturally enough, has much sympathy for efforts to put such concepts into effect in various areas of the world. Thus, my Government's firm support for the idea of nuclear-weapon-free zones comes, I am sure, as no surprise to my colleagues in this Committee. At the same time, I wish to put on record Poland's conviction that the requirement concerning the absence of nuclear weapons from the territory of a nuclear-weapon-free zone should cover its territory in toto, including all seaports and airports as well as territorial waters of States parties to a nuclear-weapon-free zone.

92. On the other hand, we are opposed to any attempt to use the concept of denuclearization as a pretext for limiting the freedom of navigation on the high seas including the right of free passage through international straits.

93. The Polish delegation has been aware all along that no nuclear-weapon-free zone can be wholly based on a set of preconceived and all-embracing rules. We have no difficulty, therefore, in associating ourselves with the experts' conclusion in chapter VIII of the study (see annex I above) that when it comes to establishing nuclear-weapon-free zones "... circumstances in different regions vary so widely that a pragmatic and flexible approach would need to be adopted in each case".

94. That, in our view, amounts to the inescapable statement that the creation of such a zone is a complex venture whose success in each case will depend upon the extent to which the realities of international relationships are taken account of.

## 8. Canada (CCD/PV.685)

95. The report will have to be studied carefully by Governments before we can make definitive comments on it. Because, regrettably, the time available at the current session was insufficient for this purpose, so far as my delegation is concerned, we will reserve our substantive observations for the debate at the thirtieth session of the General Assembly. At this point, I would only say that it brings out all the unresolved issues and differing opinions of Governments which have made so difficult the efforts thus far to bring the concept of nuclear-weapon-free zones to full realization. It also makes it abundantly clear that the negotiation of nuclear-free-zones is first and foremost a matter to be pursued in the councils of the prospect members.

## 9. Bulgaria (CCD/PV.685)

96. My country participated actively in the elaboration of the comprehensive study (see annex I above) of the question of nuclear-weapon-free zones, which is now before us. This is due to our strong interest in this idea, which we consider important for the promotion of both regional security and co-operation and the wider objectives of world security, peace and disarmament. We also share the general recognition of the significant contribution which such zones could make in the efforts against nuclear-weapon proliferation - an objective which has recently acquired particular significance. It is because of this that the Bulgarian Government has on many occasions supported proposals for the establishment of nuclear-weapon-free zones in various regions of the world, including the Balkans.

97. It is not my intention now to make a detailed exposé of our views regarding the various aspects of this question. Those views are set forth in a working paper (WP/16) submitted to the Ad Hoc Group of Experts and were also elaborated upon in the course of the deliberations at the meetings of the Group. But I believe that it would be important for my delegation to make at this stage a few brief comments with the aim of identifying itself with some of the positions on basic points of disagreement among the experts, as reflected in the study.

98. As is known, the Ad Hoc Group formulated as one of the principles to be taken into account in the establishment of a nuclear-weapon-free zone, that its arrangements should ensure that "the zone would be, and would remain, effectively free of all nuclear weapons" (annex I, para. 90). To achieve this, the States parties to a zone treaty should assume the obligations not to develop, test, produce, acquire, possess or receive nuclear weapons and to prohibit the installation and deployment, storage and stockpiling of such weapons on their territories. But we consider that, in addition, the zone treaty should also prohibit the transportation and the transit of such weapons through the zone, including the entry of vessels carrying nuclear weapons into the ports of zonal States.

99. We fully subscribe to the view that an essential principle in any nuclear-weapon-free zone treaty is the effective prohibition of the development, acquisition or possession by parties to it of all nuclear devices, be they for weapon or non-weapon purposes. This prohibition should, however, not preclude access to the potential benefits of peaceful nuclear explosions through international procedures consistent with article V of the Treaty on the Non-Proliferation of Nuclear Weapons.

100. In our opinion it is essential also that the provisions of a nuclear-weapon-free zone treaty should be formulated in full accordance with generally recognized principles and norms of international law, including those related to the high seas, to straits used for international navigation and to international air space. States cannot establish such a zone in areas outside their jurisdiction in contradiction to international law. These considerations are particularly applicable to the idea of additional safety areas put forward by some experts.

101. We believe that the effectiveness of a nuclear-weapon-free zone could be enhanced by appropriate guarantees by the nuclear-weapon States not to use or threaten to use nuclear weapons against members of the zone. The granting of such guarantees, however, should be considered and resolved by mutual agreement at the time a particular nuclear-weapon-free zone arrangement is being negotiated, taking into account regional factors, including existing security arrangements.

102. It is further our view that, if a member of a zone is at the same time a member of a security alliance, the commitments within the two systems have to be compatible and, at any rate, membership in a security alliance cannot justify any exception to the obligations deriving from a nuclear-weapon-free zone treaty.

103. Finally, it seems to us indisputable that all States which are expected to enter into undertakings vis-à-vis a zone, including the nuclear-weapon States, should be entitled to participate in the negotiations for the conclusion of the agreements establishing such zones.

104. We consider that the Ad Hoc Group of Experts has successfully implemented its tasks as defined by the General Assembly in its resolution 3261 F (XXIX) of 9 December 1974. The assignment was extremely complex and difficult and it took considerable efforts on the part of the experts in order to meet the requirements. In view of the fact that the Ad Hoc Group had to work on the basis of consensus, it was inevitable that the study, apart from reflecting the areas of general agreement, had to take also into account the cases of disagreement or divergency of views among them.

105. Can this be considered a weakness of the study? Not in our opinion. When assessing this document we take into consideration that it was prepared by experts, expressing the views of their Governments, and that its prospective readers are again primarily governmental officials involved in the consideration of matters related to the establishment of nuclear-weapon-free zones. It is important for such people to have a comprehensive, clear and realistic picture of the situation, without which it is difficult to see how the idea of the creation of such zones could be genuinely promoted in practice. It is for this reason that what to some representatives may look like a short-coming, to us constitutes an advantage of the study. Accordingly, we hope that the General Assembly at its forthcoming session will assess the results of the experts' work positively and will use the study as a basis of the resolutions which it may adopt with the aim of facilitating the practical implementation of the nuclear-weapon-free zone idea.

#### 10. Federal Republic of Germany (CCD/PV.685)

106. The idea of nuclear-weapon-free zones having been revitalized recently through a series of proposals relating to certain areas, the Government of the Federal Republic of Germany has welcomed and supported from the very beginning the Finnish

initiative, which by a resolution of the General Assembly finally led to the establishment of the Ad Hoc Group of Governmental Experts. The Federal Government did so because it clearly realized that in all areas where the conditions for the creation of nuclear-weapon-free zones exist, their establishment could mean an essential contribution towards the strengthening of the existing non-proliferation system. In view of the international discussion - unfortunately not always carried on with fully balanced arguments - on questions of security of individual States in the nuclear age, my Government's expectation that the aforementioned study would contribute towards a more objective climate in that discussion has been met to a large extent. In the drafting of the study, room was given to a plenitude of opinions.

107. Given the variety of areas under consideration for the creation of nuclear-weapon-free zones as regards geographical, political, social and economic aspects, the preponderant concentration on one certain concept surely would not have been favourable to the idea of nuclear-weapon-free zones, and thus would have counteracted the declared objective of the resolution forming the basis for the work of the Expert Group.

108. By presenting, as the only Government not being a member of the Expert Group, its principal view on the question of nuclear-weapon-free zones in a working paper of its own (WP/24), the Federal Government manifested its interest in this study. My delegation considers the ideas expressed in our working paper as largely confirmed by the study (see annex I above) as it is now before us. We appraise the study as useful. I should like, therefore, to take this opportunity to thank the Expert Group and especially its Chairman, Mr. Korhonen, for the thorough and often difficult work they accomplished during the past months. I should like to include in these thanks expressly the Secretariat, which not only was charged with the difficult task of preparing the draft chapters on the basis of the respective deliberations, but which also saw to a smooth organization of the meetings of the Group.

109. Since the study deals with a variety of aspects that have to be taken into consideration for the establishment of nuclear-weapon-free zones, and since the necessity of respecting the differing conditions in individual regions has been clearly pinpointed, my Government considers the study a valuable decision-making aid for those Governments that are examining the idea of acceding to such zones. The fact that I shall now briefly and in a preliminary way comment on some aspects of the question of the creation of nuclear-weapon-free zones, aspects that are important to my Government, should not be taken as a criticism of the study itself or of certain views expressed in the study, but rather as serving as a clarification of our point of view.

110. The Government of the Federal Republic of Germany regards nuclear-weapon-free zones as a potentially valuable contribution to the non-proliferation régime whose cornerstone continues to be the Treaty on the Non-Proliferation of Nuclear Weapons. Accordingly, nuclear-weapon-free zones should be considered in the first place in the light of how far their creation would supplement and thus strengthen the Treaty. The Federal Government is of the opinion that, under this aspect, the accession to a nuclear-weapon-free zone by States which, for whatsoever reason have not yet deemed themselves to be in a position to become a party to the Treaty will have to be appraised as positive.



111. We therefore cannot regard nuclear-weapon-free zones as an alternative to the Treaty on the Non-Proliferation of Nuclear Weapons. It follows, inter alia, that also in the case of all or individual members of a zone not being at the same time a party to the Treaty, the treaty establishing a nuclear-weapon-free zone should give the question of peaceful nuclear explosions the same treatment and contain as strict provisions on safeguards for the peaceful application of nuclear energy as the Non-Proliferation Treaty itself. On the other hand, nuclear-weapon-free zones can give a valuable impetus to the qualitative and quantitative co-operation of zonal States in the field of peaceful use of nuclear energy. In this context, possibly high importance attaches in our view to the suggestion to review the idea of regional fuel-cycle centres under the particular aspect of nuclear-weapon-free zones. The Federal Government welcomes the fact that this line of thought has been clearly elaborated in the study.

112. The fact that the Expert Group has been able to achieve agreement on a considerable number of basic principles, which have to be taken into account for the creation of nuclear-weapon-free zones, constitutes in our view an especially satisfactory aspect of the study.

113. Those passages of the study that deal with the relationship between non-nuclear-weapon States not forming part of the zone and the zone itself, are, however, in our view, in need of a more concrete elaboration. The obvious necessity for the attitude of non-nuclear-weapon States -- especially those having a highly developed nuclear technology -- vis-à-vis other States or groups of States to be determined by the Non-Proliferation Treaty has not been taken sufficiently into account. It is, therefore, hard to imagine what additional obligations -- above all those restricted to a certain area -- going beyond the obligations of the Non-Proliferation Treaty, and their interpretation in the Final Declaration of the recent Review Conference, States coming under this consideration should be ready to assume.

114. It is in this broader context that, in our opinion, the idea of security zones to be created adjacent to a given nuclear-weapon-free zone has also to be considered. This not only pertains to the problem of areas whose use has been determined by international treaties or generally recognized rules of international law -- such as the high seas -- but also to areas belonging to the uncontested territory of States neighbouring the nuclear-weapon-free zone in question. The argument that the creation of such security zones will only be possible with the participation of the Governments of the countries concerned does not suffice in itself to highlight the complexity of the problems involved, because it is an obvious argument. In this context, too, recognized rules of international law and existing multilateral treaties, particularly treaties on military alliances, must be taken into consideration. The relevant paragraph in the study only vaguely hints at such an interpretation.

115. I do not think I need emphasize that the manner in which a Government can best take care of its security in peaceful agreement with other Governments is up to the Government concerned to decide, and that accession to a nuclear-weapon-free zone is only one of several options in this regard.

116. As is well known, several States, among them the Federal Republic of Germany, have decided that their security will best be guaranteed within the framework of a military alliance with nuclear-weapon States. We do not want to imply a priori that simultaneous membership of a military alliance and of a nuclear-weapon-free

zone is impossible in theory. But, in our view, such a simultaneous membership would give rise to considerable and practically insurmountable difficulties. One has to bear in mind above all that the creation of nuclear-weapon-free zones is meant to contribute to peace and stability not only in the region concerned but also beyond it: it follows that the existing regional as well as world-wide security balance must be enhanced and not jeopardized by the creation of nuclear-weapon-free zones. In connexion with nuclear-weapon-free zones, it was stated in the Conference of the Committee on Disarmament a few days ago that

"the international peace and security of States largely depend upon the stability of the mechanism of balance between the existing politico-military alliances: and no international agreement in the general area of arms control and disarmament can disregard that fact if it is to be a really effective agreement."

We fully agree with that opinion. It leads us, however, to the interpretation that, for all practical purposes, the idea of nuclear-weapon-free zones appears hardly realizable in certain regions for the time being.

117. In accordance with its mandate, the Ad Hoc Group of Governmental Experts has concentrated on the problem of nuclear-weapon-free zones. We should not lose sight of the fact, however, that the establishment of a nuclear-weapon-free zone in any region should be regarded in the over-all context of the complex problem of disarmament and arms control. That is why we regret to a certain extent that the idea expressed in the working paper of the United Kingdom, namely that 'the establishment of a nuclear-free zone could provide a basis of co-operation for further measures of regional arms control directed at controlling an arms race in conventional weapons' (WP/9) ceased to play a role in the further process of discussion in the Group and in its report.

#### 11. Mongolia (CCD/PV.685)

118. It is not my intention -- and indeed it is beyond the power of my delegation -- to make at this stage any extensive remarks on this very comprehensive, elaborate and intricate document. I presume I can do nothing better than revert to the recent pronouncement on the subject made by my delegation in the United Nations, this Committee and other international forums. They will reveal, first and foremost, our positive attitude towards the concept of nuclear-weapon-free zones.

119. Seen from the political point of view, nuclear-weapon-free-zone arrangements stem from the will of the States concerned to enhance their own security, to strengthen confidence building and thereby to contribute towards stability and peace the world over. For that end, it is the primordial aim of such arrangements to prevent the spread of nuclear weapons and to contribute towards nuclear disarmament, and to general and complete disarmament as an ultimate goal. Having this in mind, my delegation holds the view that the objectives of nuclear-weapon-free zones should be essentially based on the objectives of the Treaty on the Non-Proliferation of Nuclear Weapons. In fact, most of the governmental experts have agreed that nuclear-weapon-free-zone arrangements should be entirely consistent with the objectives of the Treaty. In other words, such zones constitute an integral part of the non-proliferation régime.

120. This brings me to the question of the peaceful uses of nuclear energy, including the status of peaceful nuclear explosions vis-à-vis nuclear-weapon-free zones, which could not command a unanimous approach from the experts. My delegation shares the opinion that the inalienable right of the States parties to nuclear-weapon-free zones to use nuclear energy for peaceful purposes should be exercised in full conformity with the aims and provisions of the zone treaty and of other international instruments, especially the Non-Proliferation Treaty. In that context my delegation endorses the view of most of the Ad Hoc Group of Experts, who have emphasized that States parties to a zone treaty must not themselves produce or acquire, directly or indirectly, any nuclear explosive devices for peaceful purposes and that they could receive peaceful-nuclear-explosion services from nuclear-weapon States with the assistance of IAEA in a manner consistent with the procedure envisaged by article V of the Non-Proliferation Treaty and by corresponding provisions in the treaty establishing the zone.

121. There is also the question of transit of nuclear weapons through such nuclear-weapon-free zones, which has been a subject of divergent views. My delegation considers that such transit should be effectively excluded. This is important, inter alia, for the simple reason that the notion of transit is an ambiguous one and it may be easily stretched, to say the least. It may be a matter of a few hours or several days or even weeks and months. This is why my delegation, for one, thinks that any kind of acquiescence on the question of transit of nuclear weapons may put in jeopardy the vital security interests of the States which have established a nuclear-weapon-free zone, having in view primarily this very end.

122. On the question of verification and control, my delegation would think it wise to base ourselves again on the consistency of the objectives of nuclear-weapon-free zones with those of the Treaty on the Non-Proliferation of Nuclear Weapons. In other words, the Treaty control arrangements should serve as the basis for the verification system of such zones. At the same time, my delegation thinks that there are some factors which would facilitate the solution of their verification and control arrangements.

123. First of all, one can assume that the very fact of establishing a nuclear-weapon-free zone indicates that there exists a large degree of mutual confidence between the members of the zone.

124. Further, I would venture to submit that zonal membership in itself carries a recognition of the right to mutual surveillance over each other's compliance with the obligations undertaken.

125. Participation of given States in nuclear-weapon-free zones gives one the reason to assume that those States are either parties to other treaties on arms limitation and disarmament measures or accept the principles and objectives of such treaties.

126. I submit that the above-mentioned factors, inter alia, may be beneficial for determining the verification and control arrangements of nuclear-weapon-free zones.

127. Turning to the question of the obligations of extrazonal States, especially nuclear-weapon States, I should like to repeat that respect for the nuclear-free status of given zones by such States would greatly enhance the effectiveness of the zones.

128. I would further submit that recognition of nuclear-weapon-free-zone status inevitably involves the question of consultation and negotiations between the zonal and the nuclear-weapon States, because I think that while the end is sought the means cannot be denied. While saying this I must add that the claim on the part of nuclear-weapon States for participation in the negotiations should be in the genuine interest of strengthening peace and security in the given region and enhancing over-all international stability.

129. It flows from this premise that non-recognition by a nuclear-weapon State or States of the nuclear-weapon-free status of a given zone cannot automatically prevent sovereign States from establishing such a zone and, equally, obligations by nuclear-weapon States not to use or threaten to use nuclear weapons against members of nuclear-weapon-free zones cannot be regarded as an indispensable prerequisite for the establishment of such zones. Given the complexity of the world situation, a case-by-case approach in this matter would be more realistic and wise.

130. At this early stage I shall not dwell upon such controversial issues as the so-called safety area. In that connexion, I should like only to endorse the view that the creation of a nuclear-weapon-free zone should be effected in full accordance with international law.

## 12. Italy (CCD/PV.685)

131. Fears of the further dissemination of nuclear weapons have given fresh impetus to the investigation and study of collateral instruments of disarmament and arms reduction, particularly in the form of nuclear-weapon-free zones, the most important and prominent manifestation of which has been, in Latin America, the Treaty of Tlatelolco and its machinery. In this connexion, in pursuance of its mandate under United Nations General Assembly resolution 3261 F (XXIX), the Conference of the Committee on Disarmament at its last session appointed an Ad Hoc Group of Governmental Experts which worked hard throughout the summer on a comprehensive examination of the question of nuclear-weapon-free zones, completing its work on 18 August last with the preparation of a report which will shortly be transmitted to the United Nations General Assembly at its thirtieth session, as requested. The Italian delegation's position on the question of nuclear-weapon-free zones was expressed with the necessary clarity in the proceedings of the Ad Hoc Group and before that in other appropriate forums. In our view, in those regions which offer the appropriate geographical, political and strategic conditions for making a system of denuclearization realistically applicable and viable, such a system could prove an appreciable collateral contribution to our programme of general and complete disarmament under strict international control, which remains our fundamental goal and the basic frame of reference for every endeavour in this field.

132. By necessary conditions, we mean above all that the initiative in creating a denuclearized zone should be taken by the States of the area concerned, on the basis of entirely voluntary participation on their part, and that this participation should extend to all States of military significance in the zone. The absence of this latter condition would deprive a nuclear-weapon-free zone of substance and impact, both as regards effective regional security and as regards any positive contribution to general programmes of disarmament and arms reduction. Non-participation by countries of military significance in the area could give rise to situations of uncertainty, with the risk of results entirely the opposite of

those intended to be secured by the creation of nuclear-weapon-free zones in the proper sense. Equally essential is the precise demarcation of the territory covered by such zones, subject to full respect for the rights of third States under international law, particularly as regards freedom of navigation on the high seas and in straits open to world shipping, the right of innocent passage through the territorial sea and, finally as regards the use of international space. The uncertainty, ambiguity and possibility of disputes that would result from the inconsistent application of those fundamental rules would diminish the status and international recognition of nuclear-weapon-free zones. Another major consideration to be given due weight in connexion with the creation of such zones is that they should not prejudice existing security arrangements. This is for two kinds of reason. One of the fundamental objectives of the zones in question, besides that of preventing the dissemination of nuclear weapons, is to increase the security of the areas which they cover. Participation in denuclearized zones must in fact be the outcome of absolutely voluntary decisions by the States concerned, and the only possible starting-point for this is the sovereign and independent assessment which each State is entitled to make of its own security requirements in a given international context. If a State or group of States belonging to a geographical region, in the exercise of its or their right of individual and collective self-defence defined in the United Nations Charter, has or have decided, and continue to decide, that its or their independence, territorial integrity and political sovereignty are satisfactorily guaranteed by collective security arrangements, these must be taken into account in considering the establishment of denuclearized zones. These are legal reasons; there are also practical ones. The more nuclear-weapon-free zones take their place, in objective and realistic terms, within an appropriate framework which allows them room for positive and constructive action, the better they will be able to fulfil their task.

133. The question of security guarantees from nuclear States to the member countries of such zones is obviously of great importance. That of controls is also a major matter. In every case, regard must be had to the wide diversity of situations in the different areas that may receive consideration. At all events, the principle of freedom of choice for the States concerned as well as the need for genuine pursuit of the fundamental objectives of nuclear-weapon-free zones, in terms of their denuclearization status and their security régime, must be respected in every case. The study carried out by the Ad Hoc Group under the auspices of the Conference of the Committee on Disarmament is essentially for information and guidance. The Italian Government reserves the right to formulate its view on the matter after giving the study due scrutiny.

134. However, pending my Government's thorough consideration of the study which the Ad Hoc Group has taken such pains in preparing, I feel I should take this opportunity of drawing attention to one or two points which I believe to be important.

135. We endorse the principle vigorously asserted by Ambassador García Robles, our distinguished colleague from Mexico, that a State or States of a given geographical area have sovereign freedom to decide whether a denuclearized zone should be established. Although this principle is well founded and correct, it is none the less true that in practice the process of establishing denuclearized zones is not confined to a sphere which concerns the States of a given area only; it also involves third States, particularly in respect of that part of the process which relates to the effectiveness, safety and territorial limits of these zones. It

concerns the nuclear Powers first and foremost, in respect of security guarantees, but it concerns third States as well, especially in connexion with the recognition of the territorial and maritime limits of the nuclear-weapon-free zone.

136. Also of importance, I repeat, is the requirement that in the establishment of such zones account should be taken of the existence of suitable conditions for their practical operation. The aim in this connexion must of course be to ensure to the denuclearized zones a basis on which they can perform their functions effectively; it must not be to open the door to improper interference. Emphasis has been laid here on the need for the establishment of denuclearized zones to be independent of the play of power politics, which unfortunately looms so large in the international life of our times. It is for this very reason that a number of basic principles and conditions, such as those I have mentioned, must be laid down to curb as far as possible the effects of power politics and permit the zones in question to discharge their role effectively as a safeguard for the genuine security of their member countries and to the benefit of the international community as a whole.

137. I should like to say a few words on the subject of so-called "military alliances". The present configuration of power politics, the particular expression or countenance, that is to say, which they have assumed in our time, and consequently the legitimate attempts of States to protect their independence, sovereignty and integrity in the face of those politics, in no way correspond to the situations which prevailed in that connexion in the past. Hence the need to measure the present situation objectively and to avoid resorting to anachronistic concepts and to evaluations which might appear purely instrumental and ideological. The mention of the need to take account of existing security arrangements stems directly from the principle that the decision to participate in a nuclear-weapon-free zone lies within the sovereignty of the States which should be called upon to be its members. The logical corollary of this principle is that it is for them to determine within the framework of existing international law and of the United Nations Charter the processes by which their security will best be guaranteed and, accordingly, to call for those processes to be respected when the establishment of a nuclear-weapon-free zone is being considered. This does not mean that such situations are sacrosanct and cannot be superseded once the role of the United Nations in guaranteeing true collective security is firmly set up and a more just, more balanced and genuinely peaceful international community is in being. I therefore strongly hope that our future investigation of the problem of nuclear-weapon-free zones will take place in a climate of broad mutual understanding, characterized by realism, but also by an awareness of the future and not in an atmosphere of abstract and uncompromising ideological conflict.

13. United Kingdom of Great Britain and  
Northern Ireland (CCD/PV.686)

138. At first sight it may be a cause for disappointment that many issues of basic importance could not be the subject of a consensus by experts. But this subject bears directly on the vital security interests of a large number of States of widely different political strengths and defence pre-occupations. It was therefore to be expected that the study would reflect many differences of approach. Nor is it likely that these differences will rapidly be resolved by further debate at the United Nations General Assembly or elsewhere. As the study itself points out, 'the circumstances in different regions vary so widely that a pragmatic and

flexible approach would need to be adopted in each case" (see annex I, para 80, above). We should not therefore expect that a single set of precise guidelines, for universal application, could ever be established to the satisfaction of all. In any case each State considering whether to join or to endorse a proposed nuclear-weapon-free zone will have to take its own security position into account, on the basis of its national sovereignty.

139. Against this background it would clearly be unprofitable to reopen the debate on issues of detail where United Kingdom views have already been made known, either in the working paper submitted by the United Kingdom experts or in the course of subsequent discussion. Nevertheless it would be unfortunate if any misunderstandings were to arise in connexion with Additional Protocols I and II of the Treaty of Tlatelolco. As my Government has often indicated, we regard the Treaty of Tlatelolco as a valuable inspiration towards the creation of other nuclear-weapon-free zones. But it has become clear that many States, nuclear and non-nuclear, consider that the precedents of Tlatelolco should not automatically be followed in adopting future guidelines.

140. One important area of controversy in the study is the question of peaceful nuclear explosive devices. In the opinion of my Government, this is adequately dealt with in the Treaty of Tlatelolco. On ratifying Protocols I and II, my Government declared it to be its understanding that article 18 of the Treaty, when read in conjunction with articles 1 and 5 thereof, would not permit the contracting parties to the Treaty to carry out explosions of nuclear devices for peaceful purposes unless and until advances in technology had made possible the development of devices for such explosions which were not capable of being used for weapons purposes.

141. Another issue, highlighted in paragraph 33 (b) of chapter II (see annex I above), is the question of transit. It is the United Kingdom view that the Treaty of Tlatelolco establishes an acceptable precedent on this question by omitting any reference to the transit of a zone by ships or aircraft of a nuclear-weapon State which might be carrying nuclear weapons. As indicated in the United Kingdom working paper (WP/9), our view is as follows:

"There is no reason why the provisions governing a nuclear-free zone need to affect the existing rights of States in accordance with general international law to grant or deny the transit of foreign military aircraft or warships through their airspace or territorial waters" (WP/9, para. 17).

142. I must also make our position clear on one other point: the question of the extension of nuclear-free zones to cover areas of the high seas. As the distinguished Mexican expert reminded the group, article 4 of the Treaty of Tlatelolco provides for an extension of the zone into areas of the high seas. But in connexion with the Mexican views recorded in paragraph 33 (c) of chapter II (see annex I above), I must emphasize that the adherence of the United Kingdom to Protocols I and II is not inconsistent with the United Kingdom's position that nuclear-weapon-free zones should not interfere with generally established principles of freedom of navigation.

143. On balance, we consider that the task with which the expert group was charged by the General Assembly has been fulfilled, and we are content with the way in which the Conference of the Committee on Disarmament has carried out its

supervisory role. We look forward to future consideration of detailed proposals for the establishment of nuclear-free zones. We will be sympathetic to any proposals which conform with the guidelines set out again in our working paper, as follows:

"1. The decision to form such a nuclear-free zone should be taken freely and voluntarily by the States in the region.

"2. The zone should not diminish the security of any of its participants.

"3. All militarily significant States and preferably all States within the region should be included.

"4. There should be arrangements for impartial international verification adequate for the particular circumstances of the region" (WP/9, para. 6).

144. Much of the substance of these guidelines is reflected in the principles set out in chapter III of the study (see annex I, para. 90, above). However, some of the agreed principles, as finally drafted, are susceptible to possible misinterpretation. In the Ad Hoc Group, for example, we agreed that:

"Obligations relating to the establishment of nuclear-weapon-free zones may be assumed not only by groups of States, including entire continents or large geographical regions, but also by smaller groups of States and even individual countries" (annex I, para. 90 (a)).

I must say, however, that the United Kingdom believes that a nuclear-weapon-free zone consisting of a single State is unlikely to satisfy the guidelines which I outlined a few months ago. It is our view that individual countries can best assume such obligations by acceding to the Non-Proliferation Treaty.

145. My Government has taken practical steps to support the establishment of nuclear-free zones through its accession to Protocols I and II of the Treaty of Tlatelolco, and our general support for the concept of nuclear-free zones is not in doubt. We do consider, however, that the establishment of nuclear-weapon-free zones can only extend, and not replace, the provisions of the Non-Proliferation Treaty. The fundamental importance of the Treaty, in our view, remains unaffected by the considerations discussed in the study before us.

146. I have set out these views in order that there should be no misunderstanding of the United Kingdom position. But I must also express our admiration of the way in which the experts have undertaken this exhaustive and complex study. This has certainly been a worth-while examination of the concept of nuclear-weapon-free zones.

#### 14. Hungary (CCD/PV.687)

147. Considering the content of the study, we believe that it covers a wide range of extremely complex problems. In a remarkable part of the questions consensus could be reached but in connexion with a number of important problems carefully



balanced and contrasting views had to be included. After a preliminary analysis of the non-consensus parts of the study we have the impression that divergencies on major issues may not be really as numerous as it would appear on the basis of conflicting statements. Some experts were thinking not only in general terms but they, quite understandably, had in mind particular problems of their respective States and regions and they tended to the generalization of their specific experiences and views.

148. It was obvious from the very beginning of the work of the Ad Hoc Group that different views would occur. Therefore it is laudable that the Group was able to establish a considerable number of generally acceptable principles.

149. The establishment of a nuclear-weapon-free zone, in our opinion, requires that its creation and provisions should integrate into the complex system of international relations. In this context three main aspects can be identified.

150. First, the establishment of a nuclear-weapon-free zone and the provisions of the zone treaty should be in accordance with the generally recognized norms of international law.

151. Secondly, as one of the specific measures of disarmament, the zone has to be an integral part of the system of existing arms control and disarmament agreements and treaties.

152. Thirdly, it cannot be in conflict with existing security arrangements and with the interests of parties to these arrangements.

153. In connexion with the first aspect, we could see in the relevant part of the study an attempt for the selective application of the generally recognized norms of international law. Some are considered essential for the establishment and functioning of nuclear-weapon-free zones, others are disputed by a number of experts. We can agree only with a consequent approach, i.e., the full respect and observance of all of the international legal norms.

154. Another element of the legal aspects involved is the scope of authority of the General Assembly in connexion with the establishment of nuclear-weapon-free zones. My delegation is of the opinion that it is not advisable to attribute more and new authority to the General Assembly which would be in contradiction with the United Nations Charter and would exceed the recommending role of the General Assembly. Concrete regulations and provisions of a zone treaty should be negotiated and finalized among the interested States of a given zone.

155. As to the second aspect, the treaty establishing a zone has to be in conformity with the existing multilateral disarmament and arms control agreements and treaties. In this connexion we stress the necessity of full harmony with the Non-Proliferation Treaty. Priorities concerning the aims and significance of the nuclear-weapon-free zones may differ from region to region or from State to State, but the nuclear-weapon-free zones, in our opinion, should supplement the non-proliferation régime.

156. As far as the third point is concerned, the significance of the compatibility of the zone with existing security arrangements is self-evident. Assuming that the basic objective of the zone is to strengthen the security of its member

States, as well as regional and global security, its establishment must not affect adversely the security of other States.

157. I do believe that the study on the table provides an appropriate basis for all States for consideration of the subject of the nuclear-weapon-free zone at the next session of the General Assembly and offers useful guidance for countries interested in the creation of such zones.

15. Union of Soviet Socialist Republics (CCD/PV.687)

158. In connexion with the submission to the Committee by the Group of Governmental Experts on Nuclear-Weapon-Free Zones of the study on that problem, the USSR delegation would like to express its gratitude to all the members of the Group. We should like to mention in this connexion the great contribution to the Group's work made by Mr. Korhonen, Chairman of the Group and expert from Finland, to whose untiring efforts the successful performance of its work by the Group of Experts was largely due. The USSR delegation would like to express to him our gratitude for his work as Chairman of the Group of Governmental Experts and as expert from Finland.

16. United States of America (CCD/PV.687)

159. Also prominent among the results of this year's work is the study of nuclear-weapon-free zones (see annex I above) prepared by the Ad Hoc Group of Experts under the auspices of the Conference of the Committee on Disarmament. I would like to express my delegation's appreciation to the experts who participated in the study and to commend the Chairman, Mr. Korhonen of Finland, for his effective leadership in successfully completing the task. We also owe a debt of gratitude to the Secretariat for the invaluable support and assistance it provided to the experts. The result of the hard work by all concerned is a truly comprehensive study of the question of nuclear-weapon-free zones in all its aspects.

160. Several delegations have commented on the approach adopted in the study of including differing views wherever consensus was not reached. This procedure was adopted by consensus in the Conference of the Committee on Disarmament and included in its mandate to the experts. We believe this procedure was not only proper but essential in order to ensure a thorough exploration of the many complex issues involved. It is important to recall that a substantial number of the issues that the experts explored in detail either had never surfaced before or had been addressed only in a general way. Their consideration in the study is an important achievement. We are pleased that the experts achieved consensus on a number of important points in each section of the study. We do not feel that the fact that consensus was not reached on other issues should detract from the value of the study. On the contrary, the presentation by the experts of their divergent views on many difficult questions contributes to a better understanding of the nuclear-weapon-free zone concept, of its feasibility, and of its potential value as a means of promoting non-proliferation objectives and strengthening regional and international security. We believe that the study will be useful to the States which are, or may be, considering the establishment of a nuclear-weapon-free zone in their region and to other interested States throughout the world.

17. India (CCD/PV.687)

161. My delegation is one of those which have not yet had the time to formulate views on the study (see annex I above) prepared by the qualified governmental experts on nuclear-weapon-free zones. However, I would like at this stage to join other speakers who have paid well-deserved tributes to the experts and, in particular, to the Chairman of the Ad Hoc Group, Mr. Korhonen of Finland. I believe that the Group has done the best it could do, given the short time available to it and given the substantial divergence of views. I should also like to offer our thanks to the Acting Special Representative of the Secretary-General, Mr. R. Björnerstedt, and the members of the Secretariat, without whose valuable assistance the study could not have been presented to us last week.

### ANNEX III

Working paper from Mexico containing a draft definition of the concept of a "nuclear-weapon-free zone" and a draft definition of the principal obligations of nuclear-weapon States in respect of such zones

/Original: Spanish/

1. Having examined the study of the question of nuclear-weapon-free zones in all its aspects (see annex I above) carried out by the Ad Hoc Group of Qualified Governmental Experts, the delegation of Mexico has reached a number of conclusions which were expounded in the statement which it made at the 682nd meeting of the Conference of the Committee on Disarmament held on 19 August 1975 (CCD/PV.682).

2. One of the most important of these conclusions is that, if, as the General Assembly of the United Nations indicated in resolution 3261 F (XXIX) of 9 December 1974, "further efforts concerning nuclear-weapon-free zones" are to be enhanced, it is essential that the General Assembly should adopt at its thirtieth session two internationally valid definitions: first, of the concept of a "nuclear-weapon-free zone", and secondly, of the principal obligations of nuclear-weapon States in respect of nuclear-weapon-free zones. The text of the definitions proposed by the delegation of Mexico is as follows:

A. Definition of the concept of a "nuclear-weapon-free zone"

"A nuclear-weapon-free zone shall be considered to be any zone, recognized as such by the General Assembly of the United Nations, established by any group of States in the free exercise of their sovereignty, under a treaty or convention which:

"(a) Defines the status of complete absence of nuclear weapons to which the zone shall be subject;

"(b) Establishes an international system of verification and control to guarantee compliance with the obligations deriving from this status."

B. Definition of the principal obligations of nuclear-weapon States in respect of nuclear-weapon-free zones

"1. In respect of all nuclear-weapon-free zones which have been recognized as such by the General Assembly, nuclear-weapon States shall have the following obligations:

"(a) To respect in all its parts the status of complete absence of nuclear weapons as defined in the treaty or convention which forms the constituent instrument of the zone;

"(b) To refrain from contributing in any way to the performance in the territories that form part of the zone of acts which involve a violation of the aforesaid treaty or convention;

"(c) To refrain from using nuclear weapons or threatening to use such weapons against the States which comprise the zone.

"2. The preceding obligations shall in each case be embodied in a solemn international instrument of a fully binding legal nature, such as a treaty, convention or protocol, which shall be signed and ratified by all nuclear-weapon States."