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*Chairman: Mr. Ismail FAHMY*  
(United Arab Republic).

*Organization of Work*

1. Mr. TOMOROWICZ (Poland): I should like to concentrate on the procedural aspects of the discussion. First of all I should like to say that the Polish delegation fully supports the proposal made by the Cambodian delegation [*1503rd meeting, para. 3*] and supported by numerous other delegations. In doing so I should like to deal briefly with the aspects of the problem which prompted us to support this proposal and which constitute in our view a strong argument in favour of discussing here and now and taking a decision on the question of sending an invitation to both the parties most directly concerned in the discussion on the Korean problem.
2. In our discussions so far we have had many delegations arguing that the decision as to when to discuss the problem of Korea has not yet been arrived at. I should like to stress that a decision has already been taken to include the problem of Korea on the agenda of our Committee. This item has been allocated to this Committee and it will have to be discussed. That decision having been taken, it is obvious that for the purpose of discussion we have to make it possible for the most interested parties, namely, the Democratic People's Republic of Korea and South Korea, to be present here. To delay the sending of invitations to the representatives of both these countries, to postpone it to a later date or to discuss this matter, as suggested by some delegations, at the time when we have a discussion on the substance of the problem would really mean acting in such a manner as to forfeit the undoubted right of the interested parties to participate in this debate or at least to intimidate one of the interested parties.
3. Appeals have been made for impartiality. But what sort of impartiality is demanded? Is it the impartiality that has already been to a certain extent denied to one of the parties? We have here representatives or persons from the southern part of Korea, but representatives of the Democratic People's Republic of Korea are denied the possibility of being present even at this early stage and discussing the matter with some other members of this Committee.

4. One other aspect to which I should like to draw attention is this: We are told here that the matter should be postponed until a later date, but that nearly all the delegations that argued for postponement to a later and unspecified date are among the co-sponsors of the draft resolution which has been circulated in document A/C.1/L.399. No less than six co-sponsors of that draft resolution have been arguing here for postponement of the question. But the draft resolution was submitted as far back as the 13th of this month; so here again I fail to understand the element of surprise that has been so much stressed by the co-sponsors of draft resolution A/C.1/L.399. On the other hand, the countries that have submitted document A/C.1/L.400, the amendments to the said draft resolution, are ready to discuss the matter as soon as possible—immediately, in fact—in order to make it fully possible for both sides in the Korean question to participate in the debate thereon.
5. We also have been told here that this is a matter of such great importance, so closely connected with the very substance of the problem, that it cannot be separated from the discussion of the problem itself. Indeed, we have also heard suggestions to the effect that we should start with discussion of the merits, with discussion of the very substance of the problem first of all, and then go into the problem of inviting the interested parties. But surely this would mean putting the cart before the horse; this would mean denying to the interested parties the possibility of participating in the early stage of the discussion.
6. The logical solution of this problem is to take the opportunity afforded by this interval in the debate on the first item of our agenda and, before taking up the second item, to arrive at a decision on sending invitations to both interested parties, that is, to the Democratic People's Republic of Korea and to South Korea, to participate in the debate on the question of Korea.
7. It is for those reasons that we once again give our support to the proposal made by the representative of Cambodia.
8. Mr. NABWERA (Kenya): Before turning to the procedural wrangle in which we find ourselves, I should like to join my colleague and brother of Ghana in expressing our surprise that the Ambassador of New Zealand could have found it possible to drag into this debate an analogy between a legally constituted Government in North Korea and an illegal one in Rhodesia. My delegation was at a loss as to what parallel could be drawn between these two diametrically opposed and differing sets of situations. I hope our friend and colleague from New Zealand will perhaps at some stage either enlighten us as to how this similarity has come about, or else be good enough to withdraw the analogy that he tried to make.

9. Having said that may I now, on behalf of my delegation, say something in connexion with the debate that has consumed the whole of this morning and is likely to take more of our time this afternoon.

10. I feel that we as a Committee have put you, Mr. Chairman, in a very difficult situation as our Chairman. I say this because when we first discussed this matter you gave us ample time to examine the order of items on our agenda. At that time, if I remember rightly, two items that presented no problems were mentioned: the item that we have already discussed, and the item of the denuclearization of Latin America. These two items were acceptable to every delegation, as far as I could understand. But it was because we had difficulty in choosing the next items that you, Mr. Chairman, were good enough to inform the Committee [*1496th meeting*] that, as we went along, you would be asking the Committee to discuss an item and, after disposing of it, to choose another item. It was the understanding of my delegation that this arrangement was acceptable to the entire Committee. I was surprised this morning to note that certain delegations tried to imply that the understanding was not acceptable to the Committee. I do not think that at the United Nations we put every decision to a vote. Sometimes we just agree by consensus, and where there is no dissent, where the Chairman sums up a situation, this is taken as an agreement and that agreement is supposed to be binding.

11. I therefore feel that the situation which has now developed can be resolved in one way and one way alone. I should like to urge those representatives who have felt that it is necessary to take up the question of an invitation to representatives of the two Korean States to let us proceed now, and as soon as we finish the item on the denuclearization of Latin America they could introduce the question of Korea. At that point my delegation would be perfectly prepared to support the proposal that we discuss the question of Korea.

12. I feel that unless we proceed in an orderly manner we are going to find ourselves bogged down, with one delegation or another introducing a completely new idea as we go along.

13. I do feel, in fairness to the Committee, that if there was any intention of raising the question of invitations to the representatives of Korea, that should have been done on Friday, when you reminded us, Mr. Chairman, of the decision that we had previously taken and summed up the consensus, which seemed to be acceptable to everybody. This matter should have been introduced at that point. That not having been done, I am afraid that the Kenya delegation cannot support the introduction of this matter until we have disposed of the item on the denuclearization of Latin America.

14. I believe that it is not impossible for all the friendly delegations which are involved in pushing this matter to let us proceed along the lines that you have suggested, Mr. Chairman. After all, we found it impossible to decide on the order of discussion of items, and you were good enough to suggest a line of action. Why should all delegations not accept your suggested course, since we cannot take a decision to proceed in any other way?

15. I should therefore like to appeal once again to these friendly delegations. I should like to assure them that I hold no brief for any Government but my own. Usually we speak our mind in these Committees, we speak our mind in the General Assembly, and we do not support a given point unless we feel that it is fair and logical. We feel, on this particular issue, that we should proceed along the line you have suggested, Mr. Chairman. When we finish with the Latin American item and come back to the Korean question, Kenya will be prepared to support the discussion of the Korean question. We shall take a position on the question of the invitation purely on its own merit and as we feel it should be dealt with.

16. Sir Leslie GLASS (United Kingdom): My delegation would like to support the sensible and practical suggestion made just before lunch by the representative of Ghana; namely, that we should now proceed to deal with item 91, the Treaty on denuclearization of Latin American States and, if the Committee so wishes, should decide also to take the whole subject of Korea as our next item.

17. It was the impression of my delegation on Friday evening [*1502nd meeting*] that the bulk of this Committee was in support of your suggestion, Mr. Chairman, that we should proceed this morning with item 91. As our New Zealand colleague pointed out [*1503rd meeting*], we were instead faced this morning with a well-prepared and synchronized barrage on another item: invitations to the Korean debate. Like the Colombian delegation [*ibid.*], my delegation is very ready to see proper time given for consideration of all aspects of the Korean problem at an early date. Our debate so far, however, has shown very clearly that the question of invitations to North and South Korea inevitably leads us into complicated matters of principle and the substance of the problem, and statistics of the past have shown how much time we are likely to occupy if we debate this matter now.

18. I was much interested in the remarks of the representative of the Soviet Union on the subject of the psychology of statistics and on the reason for the length of some of our debates. If I understood his proposition aright, it is that if only this Committee would agree at once, without argument, to all proposals supported by the Soviet Union, we would finish our business very much more quickly.

19. It is impossible to dispute that proposition. I would merely point out that it also works the other way and say that I regret that I see no chance of it being put into practice either way. I repeat that my delegation would be in favour of getting on with item 91, the important subject of the Latin American denuclearization Treaty, and taking an early decision on the timing of the Korean item. It does not seem to me very practical to ask outside parties to attend the Korean debate if we do not know when the debate is going to be.

20. Mr. PANYARACHUN (Thailand): This being my first intervention in the First Committee, Mr. Chairman, my delegation wishes to express its congratulations to you, to the Vice-Chairman and to the Rapporteur upon your unanimous election to these high and important offices.

21. This morning, when my delegation came to this meeting, we were not prepared to see an extraneous matter

injected into the hitherto orderly progress of the debate. My delegation therefore deeply regrets the untimely and unfortunate intervention this morning, which in our view had the effect of disrupting the orderly procedure of the First Committee.

22. Some arguments have been advanced to support the contention that we should discuss the Korean item first. Much to my regret, my delegation finds it impossible to support that contention.

23. The argument has been put forward that the North Koreans would need time to arrive in New York in time for the discussions and that therefore the debate on the seating draft resolution should be immediately taken up. As one representative this morning kindly intimated to us, the jet age has already helped the North Koreans in that matter. Therefore that argument has been carefully disposed of.

24. The second argument which has been advanced, and which my delegation finds a little strange, is that the North Koreans would need time to prepare their brief. It is my recollection that the Korean item has been debated year in and year out and every time we have received documents prepared very carefully by the North Korean authorities. As far as this session is concerned, I believe that we even have a statement by the Foreign Minister of the North Korean régime [A/6696/Add.2] dating back to 21 August 1967, which, among other things, claims that the United Nations was a belligerent in the aggressive war against the Korean people. Furthermore, the North Koreans have emphatically stated that the United Nations has neither the competence nor the authority to concern itself in the Korean question. That was the first memorandum that they sent to the Secretariat. Only this morning we received another document from the North Korean authorities [A/C.1/949]. Therefore, my delegation finds it extremely difficult to believe that they would not be prepared, in the event they were invited, to come and contribute to our discussions here.

25. My delegation supports fully, Mr. Chairman, the approach that you indicated to us last Friday afternoon, that we should take up the question of the Treaty on denuclearization of Latin America, an item which is of great importance to our Latin American friends. The debate this morning and early this afternoon has indicated to us quite clearly that we have consumed too much time in this procedural manoeuvring. With due consideration to our Latin American colleagues, and taking into account the seriousness with which this item is going to be discussed, may I suggest that the First Committee proceed forthwith to discuss it.

26. My delegation, on the other hand, would have no objection—in fact, we would support it strongly—if the First Committee should decide to take up the Korean item in its entirety immediately after the Latin American item. We would support that strongly, and we express our hope that as a Committee we might come to a decision this afternoon.

27. Mr. CERNIK (Czechoslovakia) (*translated from Russian*): The Czechoslovak delegation welcomes the proposal introduced at this morning's meeting by the repre-

sentative of Cambodia regarding the invitation of representatives of both parts of Korea to participate in the discussion of Korean problem.

28. We take the view that that proposal should be adopted with the least loss of time. The question deals with a purely procedural matter which cannot have any effect upon the order in which we consider the other items on the agenda of our Committee. The proposal is clearly intended to create suitable conditions for the discussion of the question of Korea with all the seriousness it deserves. We are therefore fully in favour of the adoption of that proposal. However, we again see attempts being made by certain delegations to postpone the invitation of representatives of Korea until a later date, and to connect this question with the examination of the substance of the Korean question. Such arguments are unconvincing; they reveal a general desire to prevent all the parties concerned from participating in the discussion of the question of Korea.

29. In our opinion, it is perfectly proper, and indeed natural, that an invited State which, apart from everything else, has been prevented over a number of years from taking part in the discussion, should be given the necessary time for full preparation and active participation in the examination of a question which is of direct concern to it.

30. A situation has persisted over a number of years in our Organization in which discussion of the Korean question has been taking place without the presence and participation of one of the parties directly concerned, namely the representatives of the Government of the Democratic People's Republic of Korea. In contradiction to the Charter, discrimination has been practised which has seriously undermined the prestige of the United Nations. It was the United States that initiated that practice of discrimination and prevented the participation of the representatives of the Democratic People's Republic of Korea in the discussion of the Korean problem in our Organization.

31. It would seem that the United States wants to continue its procedural manoeuvres at the present session of the General Assembly and again prevent the representatives of the Democratic People's Republic of Korea from participating in the discussion of the Korean question.

32. At the present session we have heard a number of representatives say that they wanted our Organization to become more effective. If we want that to happen, we must create the necessary conditions for it.

33. In the case of the Korean question, those conditions must be created in good time, and we think that the proposal introduced by the representative of Cambodia at this morning's meeting is a timely move to that end.

34. The Czechoslovak delegation, while supporting the proposal made by the Chairman of our Committee in connexion with the determination of the order of priority of the agenda items before us, at the same time does not see in the existing rules of procedure any procedural barriers to the immediate discussion of the question of the invitation of the representatives of the Democratic People's Republic of Korea and South Korea.

35. The discussions at this morning's meeting and at the present meeting have shown that the majority of those who have spoken have supported the proposal introduced by the representative of Cambodia. The arguments adduced against that proposal were hardly convincing. That is why we feel that before proceeding to the next item on our agenda, as the Chairman of our Committee proposes, we might decide on the question on the invitation of representatives of both parts of Korea.
36. Mr. MAVOUNGOU (Congo (Brazzaville)) (*translated from French*): Mr. Chairman, in speaking for the first time, I have pleasure in extending to you, on behalf of the delegation of the Congo (Brazzaville), my sincere congratulations on your unanimous election to the Chairmanship of this important Committee. Your election pleases us in more than one respect: first of all, you represent a country, the United Arab Republic, for which our people feels great affection because of the bonds linking our two countries; further, the fact that this Committee is privileged to have so consummate a diplomatist as yourself at its head assures us of the success we have a right to expect from this Committee's work. I also extend my congratulations to the Vice-Chairman and the Rapporteur on their successful election.
37. I have asked to speak in order to support the proposal of the Cambodian representative that we consider forthwith the problem of inviting the two Korean parties to be present during the discussion of the Korean question. My delegation is of the opinion that the Cambodian proposal is the only choice open to us if we want to discuss that problem, the aftermath of the cold war, with the maximum impartiality.
38. Up until now our experience has been that discussion of the Korean question has always taken place at the last moment, with the result that even if the principle of inviting North Korean representatives was admitted, it would be physically impossible for them to arrive in time to speak. It will be recalled that every time we have discussed the Korean problem, we have always found this conference room invaded by South Koreans. My delegation feels it is quite inadmissible that this situation should continue, where in fact one party is physically present while the other party is purely and simply being kept away.
39. The Korean question has been discussed for nearly twenty years at the United Nations, yet no progress whatsoever has been made, so that the country is still divided into two parts.
40. Deviously subtle minds would have us believe that we are wasting time in a procedural discussion. Since everyone now recognizes the need to invite both parties, why should we not do so immediately? An attempt is being made to delay discussion of the item because the United States and its followers do not want the Korean question to be settled, and for a very obvious reason: they want to retain their bases in the southern part of the country and make that area into an Asian bridgehead.
41. No serious consideration of the question can take place without the parties directly concerned being present. For that reason, we urge that invitations be issued to both parties, unconditionally.
42. My delegation will therefore vote in favour of the Cambodian proposal.
43. Mr. GURINOVICH (Byelorussian Soviet Socialist Republic) (*translated from Russian*): Mr. Chairman, since I am speaking in this Committee for the first time, may I first of all congratulate you on your election to the post of Chairman. I would also congratulate our Rapporteur, and thank the Committee for the support and confidence it has shown our delegation in electing Mr. Tchernouchchenko, our permanent representative, to the office of Vice-Chairman of the First Committee.
44. With respect to the matter at hand, the position of the Byelorussian SSR on the question of an invitation to the representatives of the Democratic People's Republic of Korea and South Korea to participate in the General Assembly's discussion of the problems concerned with the creation of normal conditions in Korea, which would enable the Korean people to decide their own fate is a well-known one and has been stated on numerous occasions at previous sessions. We fully support the proposal of the Cambodian delegation to settle the question of invitations at the present stage of our work and we feel that the Committee would save time if it were effectively to consider and dispose of the question accordingly.
45. In the course of the discussion of that fully justified proposal by the representative of Cambodia, a number of representatives, whom we might place in the category of opponents of a positive solution to this question, said that they were somewhat surprised at the way that question was presented. It seems strange that they should be surprised, since nearly all those who were "surprised" are the authors of draft resolution A/C.1/L.399, in which they propose to discuss the question of the participation of the representatives of Korea in the consideration of the item, but they approach the problem one-sidedly by deciding to invite only a representative of South Korea who is acceptable to them. In this connexion they adduce quite a number of arguments against the solution of the question at the present time, and speak of certain information on the possibilities of modern aviation.
46. Leaving aviation and transport aside we do not know by what technical means the delegation of the United States transported the representatives of South Korea here, but as has already been pointed out in today's debates, these representatives are here, almost in this room, which makes the matter all the more unfair.
47. Some of the opponents of the proposal have indicated that we would be dealing with this matter when we come to the substantive examination of the Korean problem. For example, the delegation of Colombia even announced its readiness to help to solve this question. At first I had thought that perhaps the delegation of Colombia had changed its position, but I subsequently discovered Colombia in the list of co-sponsors of that very same draft resolution which is designed to hamper the solution of the question of the participation of both representatives from Korea in our examination of this item.
48. These representatives say that we shall be dealing with the question of Korea as the third item on our agenda. If

that is the intention of the Committee, then it is all the more important to decide on the question of invitations now, because, as I see it, if we agree with your proposal, Mr. Chairman, and examine the question of the denuclearization of Latin America, the study of that question would not take up so much time as to cause us to postpone even further the examination of the question of the participation of the representatives of the Democratic People's Republic of Korea.

49. It is quite clear that the whole question is purely procedural. Its procedural character has been recognized even by the authors of draft resolution A/C.1/L.399, including the delegation of the United States of America, which has put at the beginning of its draft resolution the words "The First Committee". In other words, this is a question which is being considered and decided on by the First Committee as a procedural proposal, and in no other way.

50. In the course of today's debate there were some other causes for surprise too. The representatives of Ghana and Kenya expressed surprise in connexion with the statement made by the representative of New Zealand. For our part, we do not feel any surprise on that account, because in one of the recent documents of the Security Council<sup>1</sup> we can see that the delegation of New Zealand is considering the problem we are now discussing through clouds of Rhodesian tobacco smoke, though the import of that tobacco has been prohibited under a Security Council resolution. If you look at the Security Council document I have just mentioned, you will see that during the second half of this year those clouds of tobacco smoke have become thicker, because, on the basis of information contained in that document, imports of tobacco from Southern Rhodesia during the first half year became considerably larger than they had been the year before the adoption of that Security Council resolution.

51. Therefore, in order not to take up too much of the Committee's time, I should like to confirm once again the consistent and unalterable view of our Republic that the question of an invitation to be sent to the two representatives of Korea to participate in the discussion of the Korean problem in our Committee should be solved as soon as possible. That is the purpose of the Cambodian proposal which invites us to consider the matter forthwith. We shall support that proposal and we hope that it will be adopted by the Committee and that, on this occasion, the majority of delegations will find the strength and courage to examine this question more objectively and provide for the participation of all parties concerned in the consideration of the Korean problem in our Committee.

52. The CHAIRMAN: Before calling on the next speaker on my list I would say that having followed the debate very closely, I believe members of the Committee share the views of the Chairman that we have spent a great deal of time on this particular issue which has been under discussion since this morning. Therefore, I feel that it may be necessary to say a few words in the hope that they may help in finding a solution to the present impasse.

<sup>1</sup> Official Records of the Security Council, Twenty-Second Year, Supplement for January, February and March, 1967, document S/7781/Add.1.

53. Last Friday the Committee, on the proposal by the Chair, agreed to suspend the discussion of item 32. That does not mean that the Committee disposed of that item. Moreover, the Committee was kept informed of my intention to propose item 91 as the second item: the Treaty for the Prohibition of Nuclear Weapons in Latin America.

54. Today, in pursuance of that position which I have taken, and to which there was no objection, I proposed [1503rd meeting] that the Committee should decide on the priority of the next item. I confirmed my intention by proposing that the next item should be item 91. Until now, no speaker has opposed the proposal of the Chair, so I take it that the Committee does not oppose the proposal I have made. That is the situation with regard to the order of priorities of the items so far.

55. The delegation of Cambodia made a motion [*ibid.*] to the effect that the Committee should resolve immediately the question of the invitation to be addressed to the Governments of the Democratic People's Republic of Korea and of the Republic of Korea. That delegation, in common with any other delegation, is entitled to put forward a motion of that kind at any time. Moreover, the Chair feels that, as the representative of Liberia rightly said, there is no contradiction between that motion and the proposal made by the Chair and accepted by the members of the Committee.

56. In my opinion, the Committee has already accepted that proposal, and it is final. But in response to various statements which have been made earlier in the discussion to the effect that there is a strong desire to discuss item 33, the Korean question, with its three sub-items, as early as possible, and to reassure those delegations, I should like to inform members that it is my intention to propose that the third item to be taken by the Committee should be item 33, entitled: the Korean question.

57. I take it that the logical procedure is that when that item is reached the early stages of the discussion should be devoted to the procedural aspect, namely, the invitation to the parties to the dispute.

58. In view of what I have said, I appeal to all delegations to help me in solving this particular problem. I appeal especially to the representative of Cambodia not to insist upon his motion, on the understanding which I have already outlined to the Committee. Before giving the floor to the next speaker on my list, I call on the representative of Cambodia.

59. Mr. HUOT SAMBATH (Cambodia) (*translated from French*): First of all, I should like to emphasize that this morning's and this afternoon's discussion has shown the importance of this matter of inviting both Korean Governments to take part in our discussions on the Korean question.

60. We have noted that the majority of delegations have supported the Cambodian proposal that the question should be considered and decided forthwith. Nevertheless, in response to the appeal of our Chairman and to the wishes of some Latin American countries, the Cambodian delegation will not press its proposal; however, it does urge that

the matter of extending an invitation to both the interested parties in Korea be dealt with immediately after the conclusion of the discussion on the denuclearization of Latin America, and separately from the substance of the Korean question.

61. The CHAIRMAN: I thank the representative of Cambodia for his co-operation, and I take it that the Committee agrees with the proposal of the Chair so far as it concerns the priorities relating to the next two items. If I hear no objection to this proposal, I shall take it that the Committee so decides.

*It was so decided.*

62. The CHAIRMAN: There are eight more speakers on my list. In view of the new developments in the situation, I wonder if they still wish to take the floor?

63. Mr. GAUCI (Malta): I am not quite sure how the statement that has just been made by the Chairman fits in with the procedure which I had contemplated suggesting to the Committee, but as I think this is a matter of general interest I should like to proceed with the statement that I had in mind.

64. It appears to my delegation that in our concentration in the recent debate on the order of specific items on the agenda, particularly in our discussion today, we seem to be overlooking the fact that there is a considerable measure of agreement on the relative order of all items on our agenda. My delegation feels that this matter is one that needs to be recalled and re-emphasized, as it might result in considerable progress for our Committee if it is kept in mind and acted upon. If I may be permitted to recapitulate, since the debate seems to have been reopened, I feel it might be possible to arrive at a generally acceptable order which would eliminate the necessity for further prolonged debate on procedural discussions and would thereby constitute a time-saving decision by the Committee with obvious benefits to all, taking into account the heavy agenda before the Committee and the considerable time that has already elapsed since this Committee was convened.

65. Bearing in mind, therefore, the order of priorities which the Chairman himself envisaged in order to facilitate matters for this Committee, I would recall that in the general debate on outer space which has now been concluded, there was general agreement that the item on the denuclearization of Latin America should be considered next. I take it that we have agreed upon that. There was also general agreement that consideration of the items on disarmament should be deferred while discussions continued in Geneva. That left only three other items; quite obviously they will all be discussed. The divergent views expressed related only to the priority to be given to item 33 on the Korean question and item 96 on the convention on the prohibition of the use of nuclear weapons. I do not believe there was any controversy over item 92, concerning the sea-bed. We have already explained that apart from the fact that this is a new item on which no fixed positions have been taken and one which, consequently, should not give rise to acrimonious debate, the early stages of debate on the item could be confined to general opening statements which, we anticipate, need not occupy the Committee for more than a couple of days. After that, the debate

could be postponed and other items could be taken up, while consultations are held between delegations in order to formulate a generally acceptable resolution.

66. This would facilitate matters for the Committee and permit discussion of the remaining items. We would be entirely in the hands of the Committee as to the time when the item on the sea-bed would again be taken up. This procedure would also allow time for delegations to seek instructions from their Governments on the general principles involved in the item of the sea-bed once the general statements had been heard. There would then be left only two other items.

67. Some have expressed the view that the Korean item should be given priority and that it might perhaps be useful to discuss the question of the convention on the prohibition of the use of nuclear weapons as an introduction to the items on disarmament. We have no particular views on the respective priorities for these two items. Therefore, in the interests of orderly progress, my delegation felt that, taking into account the views on priorities which have already been expressed and your recent statement on the matter, Mr. Chairman, it should have been possible to determine now, once and for all, the order of discussion of all items on the agenda. I need hardly repeat that this would be a great step forward and would avoid the Committee's losing considerable valuable time on procedural debate, time which could more appropriately be devoted to the substantive issues before us.

68. Accordingly, I was just about to propose that the Committee should consider the following order of priority for all remaining items—an order which had already been more or less generally agreed upon—first, the denuclearization of Latin America; after that, the item on the sea-bed; then the Korean question; then the convention on the prohibition of the use of nuclear weapons, and, finally, all disarmament items.

69. My delegation would have appealed to the Committee to take a decision on this matter now and would have renewed the appeal made by the representative of Kenya—addressed particularly to the major Powers—to endeavour to compromise in order that a satisfactory solution might be arrived at, which would immeasurably help the future deliberations of the Committee and allow time for orderly, substantive discussion on the important items before us.

70. Those were the observations which I was about to make before you made your own statement, Mr. Chairman.

71. The CHAIRMAN: Before we proceed I should like to make it clear that the Committee has already decided unanimously on the order of the next two items. Therefore, a discussion on priorities is out of order for the time being.

72. Mr. HASSAN (Somalia): Since a decision on the priorities has been taken, I have no intention of speaking on that point. However, I should like to refer to a remark made this morning by the representative of New Zealand which my delegation considered not only inappropriate but unfortunate.

73. The representative of New Zealand put on an equal footing this morning the illegal régime of Ian Smith and the

régime of the North Korean Government. Although the North Korean Government is not a member of this Organization, it is recognized by several States which are represented in this hall, whereas the illegal régime in Salisbury has been condemned by the United Nations—indeed by the international community.

74. Mr. CRAW (New Zealand): I should like to reply briefly to the several remarks which have been made about the so-called comparison which I drew between the North Korean régime and the illegal Smith régime. I think that the verbatim record will show that I drew no comparison at all between the Smith régime in Rhodesia and either the North Korean or, for that matter, the South Korean Government. I drew no comparison between the Smith régime and any of the authorities invited or proposed to be invited from time to time concerning this question or any other question.

75. I pointed out—and the very understandable reaction of the three African representatives has fully confirmed what I pointed out—that an invitation to participate in our deliberations raises issues of substance and principle. Our discussion so far has fully borne this out.

76. With regard to the point raised by the representative of the Byelorussian SSR, who has no doubt seen me smoking, I can assure him that these are not the fumes of Rhodesian tobacco. The figures which he has given—and I have not had time fully to check them—were earlier figures, a hangover from the days when tobacco had been bought from Rhodesia, before the unilateral declaration of independence. That tobacco had been paid for. Had we not taken it, the Smith régime would have sold it to someone else presumably and got double payment. I can assure the representative of the Byelorussian SSR and this Committee that, to the best of my knowledge, no Rhodesian tobacco is today coming into New Zealand.

## AGENDA ITEM 91

### Treaty for the Prohibition of Nuclear Weapons in Latin America (A/6663, A/6676 and Add.1-4, A/C.1/946)

#### GENERAL DEBATE

77. Mr. GARCÍA ROBLES (Mexico) (*translated from Spanish*): First of all Mr. Chairman, before we begin the general debate, I should like to congratulate you, and the whole Committee, on the decision that has just been taken. The idea of taking up as the second item of our debate the question of the Treaty for the Prohibition of Nuclear Weapons in Latin America was put forward in your original proposal when the Committee began its work [*1495th meeting, para. 50*].

78. Since there did not seem to be unanimity on the proposal—although my own delegation would have had no difficulty in accepting that proposal in its entirety—the representative of Chile suggested [*ibid., para. 86*] that the Committee should agree to fix the order of the first two items, namely, outer space and the Latin American Treaty. The reasons were self-evident: what was and still is involved is the question of two items which contain nothing that could give rise to controversy, in other words, two items which would create the best possible atmosphere for beginning our work.

79. At the later meetings last week we heard the representatives of the space Powers congratulate each other in the warmest terms—and here let me add the congratulations of the Mexican delegation to both the Soviet Union and the United States delegations on the achievements to which they referred, namely, the landing on Venus of the Soviet “Venus 4” and the flight close to that planet by the United States device “Mariner 5”. This, plus the fact that the Committee, to the great satisfaction of all of us, I am sure, has witnessed the creation of this climate—which as was said at the time is most propitious for the evolution of the coming decade under the sign of Venus and the imminent realization of the hopes of mankind for lasting peace on the face of the earth—seems to me to confirm that the Committee, and especially you, Mr. Chairman, who have just found the solution to this protracted procedural debate, were quite right in confirming that the second item on our agenda should be the Latin American Treaty.

80. I hope that the atmosphere that prevailed when we discussed the question of outer space will prevail throughout our deliberations on the topic of military denuclearization of Latin America; and as far as my delegation is concerned I can assure you that we will do everything in our power to make it so.

81. In opening the debate in the First Committee on item 91 of the Assembly’s agenda: “Treaty for the Prohibition of Nuclear Weapons in Latin America” I feel I should emphasize above all the purpose pursued by the twenty-one Latin American States which requested the inclusion of this item. It was simply that set forth in the explanatory memorandum on the subject [*A/6676 and Add.1-4*] in terms taken from resolution 22 (IV) adopted by the Preparatory Commission for the Denuclearization of Latin America on 13 February 1967:

“... in order that the representatives of the signatory States may explain, in the forum of the world Organization, the significance and scope of the provisions of the Treaty.”

82. This item is therefore *sui generis* in the sense that it is purely informative in nature. It could not be otherwise, since the prerogative of drawing up treaties is entirely a matter of State sovereignty, subject to no limitation other than that laid down in Article 103 of the Charter, namely that they must not conflict with the obligations undertaken in virtue of the Charter, which is obviously not the case here.

83. In the debates of the United Nations it is fairly common for a speaker to try to reassure his listeners by saying that his speech will be brief. I shall take the liberty of departing from this practice since, on the contrary, I feel it my duty in fairness to the members of the Committee to say at once that my statement will be fairly lengthy. The only excuse I can offer is that in my opinion the importance and the newness of this item make it necessary, and also that I do not believe—although I regret that this is the case—that the Assembly is often called upon to examine items such as the one we are about to consider.

84. Before turning to the substance of the Treaty for the Prohibition of Nuclear Weapons in Latin America—already known as the “Treaty of Tlatelolco”, the name of the

historic district of Mexico City where it was approved and opened for signature—it might be well to give a brief outline of its origins, restricted in order to avoid duplication, to the main stages in the work done by the Latin American States since 27 November 1963, when the General Assembly adopted resolution 1911 (XVIII): “Denuclearization of Latin America”. The background of that resolution can easily be found in the full statement I made in this Committee at the 1333rd meeting on 11 November of that year.

85. Immediately after the eighteenth session of the Assembly the Mexican Foreign Ministry began active consultations with the Ministries of the other Latin American Republics to determine what procedures might be most effective for achieving the objects recommended in resolution 1911 (XVIII).

86. The outcome of these consultations was to be the preliminary meeting on the denuclearization of Latin America, which was held in Mexico from 23 to 27 November 1964. Two basic resolutions were adopted at that meeting: the first defined the term “denuclearization”, specifying that it must be understood as meaning merely “the absence of nuclear weapons” and not the prohibition of the peaceful use of the atom, which on the contrary was to be encouraged, particularly in the interests of the developing countries. The second resolution set up the Preparatory Commission for the Denuclearization of Latin America, with instructions to draft a treaty on the subject. The final act of the meeting was reproduced and circulated as a United Nations document.<sup>2</sup>

87. Four months later, the first session of the Preparatory Commission took place, with observers from another continent, namely from the Netherlands and Yugoslavia, attending for the first time. At that session the Commission adopted its rules of procedure, based on those of the United Nations General Assembly, and set up a Co-ordinating Committee and three working groups, designated by the first three letters of the alphabet and given well-defined and urgent tasks. The relevant final act was reproduced and circulated as a United Nations document.<sup>3</sup>

88. The three working groups laboured diligently in the interval between the first and second sessions, and when the second session began on 23 August 1965, the Commission had before it weighty reports from those groups. One report, that of Working Group B, included a preliminary draft of articles on verification, inspection and control, for the preparation of which it had used a very detailed compilation of all the available background material furnished by the Secretary-General of the United Nations, and it had had the technical advice of the Chief of the United Nations Disarmament Affairs Division, Mr. William Epstein, who fortunately continued to attend all of the meetings of the Commission from then on.

89. Before considering and transmitting this preliminary draft to Governments and approving a general declaration of principles which subsequently, with slight changes, was to become the preamble of the Treaty, the Commission at

its second session set up a Negotiating Committee, whose primary task was to obtain the undertaking of the nuclear Powers to respect the legal status of the military denuclearization of Latin America to be embodied in that international instrument. The final act of the session was reproduced and circulated as a United Nations document.<sup>4</sup>

90. The interval between the second and third sessions was the longest between any of the meetings of the Preparatory Commission. But the seven and a half months that elapsed without any meeting were by no means wasted. For a good part of the time, either the Negotiating Committee or the Co-ordinating Committee was working assiduously. The Negotiating Committee submitted a detailed report to the Commission on the outcome of its negotiations with the representatives of the nuclear Powers during the twentieth session of the General Assembly. The fruits of the second session were a meaty working paper in the form of a preliminary draft treaty, which furnished the Commission for the first time with a text enabling it to appreciate the whole series of questions on which it would have to take a decision to round off the drafting of a treaty on denuclearization.

91. This working document, produced on the basis of three texts: the preliminary draft articles on verification, inspection and control, prepared the previous year by Working Group B; the preliminary draft treaty submitted by the Mexican Government; and the observations sent in by the Chilean Government, together with the draft treaty submitted jointly by the delegations of Brazil and Colombia shortly after the beginning of the session, was subsequently to serve as a basis for the unanimous adoption of the “Proposals for the Preparation of the Treaty on the Denuclearization of Latin America”. I ventured to say of these at the time that as the immediate precursor of the future treaty, they would have a place of honour even greater than that of the Dumbarton Oaks proposals in relation to the San Francisco Charter. The final act of the third session of the Preparatory Commission was reproduced and circulated as a United Nations document.<sup>5</sup>

92. At the fourth session, the number of observers from the States of four different continents exceeded that of the members of the Commission. They had increased to twenty-two, observers being present from Austria, Belgium, Canada, Denmark, the Federal Republic of Germany, Finland, France, Ghana, India, Israel, Italy, Japan, Norway, the Netherlands, Poland, the United Arab Republic, the People’s Republic of China, Romania, Sweden, the United Kingdom, the United States of America, and Yugoslavia. The session was divided into two parts, the first being devoted entirely to consideration of the proposal for postponement submitted by various delegations. At the single meeting which made up this first part, held on 30 August 1966, the Commission received the second report of the Negotiating Committee concerning the results of the informal efforts entrusted to it to make contact with the Government of the People’s Republic of China. I read out the main points of that report in my statement in this Committee at its 1447th meeting on 9 November of last year. The second part of the session, held from 31 January to 14 February, culminated in the approval and opening for

<sup>2</sup> A/5824 (mimeographed).

<sup>3</sup> A/5912 (mimeographed).

<sup>4</sup> A/5985 (mimeographed).

<sup>5</sup> A/6328 (mimeographed).

signature of the Treaty on the Prohibition of Nuclear Weapons in Latin America.

93. At the end of 1966, the Commission's Co-ordinating Committee, taking as its starting-point the results of informal conversations held outside the twenty-first session of the United Nations General Assembly, worked out in New York a series of concrete suggestions which were embodied in its report of 28 December 1966 and were designed to solve the problems left pending at the third session, the principal one being the entry into force of the future treaty, the subject-matter of article 23 of the Proposals referred to above.

94. The Committee likewise emphasized in its report, with a clear, realistic outlook, that the second part of the fourth session scheduled to begin on 31 January 1967 appeared to offer the final opportunity for Latin America to be the first to set an example to the world by concluding a treaty such as that which had been in preparation for three years; and it recommended that the Commission, in order not to lose this final opportunity, should sit until it could complete the Treaty on the Denuclearization of Latin America and open it for signature.

95. The Preparatory Commission took the recommendations of its Co-ordinating Committee very seriously. At the meeting at which it began the second part of its fourth session, it decided to waive the general debate and to set up two working groups. Thanks to the intensive and uninterrupted work of these groups, it was found possible to complete the text of the treaty, and this was unanimously adopted on 12 February and opened for signature two days later at the closing meeting. The final act of this fourth and last session of the Preparatory Commission was reproduced and circulated as a United Nations Document under the symbol A/6663.

96. I now turn to the Treaty itself, the authentic text of which, in the official languages of the United Nations, has been reproduced as First Committee document A/C.1/946.

97. I should like to point out, first of all, that the fourteen signatures to the instrument, those of the States which signed the Treaty on 14 February 1967, have since been increased by the addition of six others. This means that only one of the Member States on the Preparatory Commission still has to sign the Treaty, and incidentally, the representative of that State announced a few days ago in the General Assembly that his Government intended to sign very shortly.

98. As of the present date the States signatories of the Treaty of Tlatelolco are, in alphabetical order: Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Trinidad and Tobago, Uruguay and Venezuela.

99. As can be seen from the document I mentioned just now, the Treaty consists of thirty-one articles, a "transitional article" and two additional protocols. A study of these provisions, particularly if made in the light of the results of the work of the Preparatory Commission as set forth in the final acts of its four sessions, will allow us to

appreciate fully the many complexities and difficulties the Commission had to overcome in putting the Treaty into shape. At the same time, it will throw light on a number of peculiarities of the Treaty, some of them genuinely novel features that may come to represent a valuable contribution to the branch of international law known as the law of treaties. Among these special formulas incorporated in the Treaty of Tlatelolco, the following three examples may be worth mentioning by way of illustration.

100. The zone of application of the Treaty, as defined in article 4, comprises, until such time as the requirements laid down in article 28, paragraph 1 are met, the sum total of the territories in respect of which the Treaty is in force. But once these requirements are met, it will have a precise geographical delimitation including a wide expanse of the high seas on both the eastern and the western coast of Latin America; however, this will not of course mean that the States parties to the Treaty claim sovereignty over this sea area.

101. The States signatories of the Treaty, by the mere fact they are signatories, acquire certain rights under articles 6 and 29 by virtue of which they can request the convocation of a meeting of all the States signatories of the Treaty "to consider in common questions which may affect the very essence of this instrument, including possible amendments to it". In the latter case, i.e. in the case of possible changes in the Treaty, an immediate meeting of the signatories is mandatory, even though no State requests it. The meeting of the signatories, however, is only consultative in nature, the adoption of decisions being a matter for the General Conference in which only the Contracting Parties will participate, these being defined under article 2 as "those for whom the Treaty is in force".

102. The entry into force of the Treaty was probably the question that provoked the most prolonged discussion in the Preparatory Commission, and its solution involved overcoming major obstacles. When it was first taken up in the Commission in April 1966, two distinct schools of thought emerged.

103. According to the first—and its sponsors included Mexico from the very outset—the Treaty would enter into force, in accordance with the rule generally applicable in such cases, in respect of the States which had ratified it, on the date on which their instruments of ratification were deposited. With regard to the Latin American agency set up under the Treaty, its entry into operation would come about as soon as eleven instruments of ratification had been deposited, that number being a majority of the twenty-one members of the Preparatory Commission.

104. The States belonging to the second school of thought, on the other hand, held that even when the Treaty had been signed and ratified by all the States members of the Preparatory Commission, it would only enter into force when four conditions had been fulfilled—essentially those which appear in article 28, paragraph 1, of the Treaty of Tlatelolco. These may be summarized as follows: signature and ratification of the Treaty and of Additional Protocols I and II by all the States to which the three instruments in question were open for signature, and the conclusion of agreements with the International Atomic Energy Agency

on the application of its Safeguards System by all the States signatories of the Treaty and of Additional Protocol I.

105. Since it proved impossible to find a solution to the problem raised by these two schools of thought at the third session, the Preparatory Commission incorporated into the Proposals approved by it on 3 May 1966 two parallel texts setting forth the provisions that would appear in the Treaty if the first alternative were accepted and those that would appear if the second were preferred.

106. To solve the problem, the Co-ordinating Committee suggested in its report of 28 December 1966 that a conciliatory formula be adopted that might receive the support of all States members of the Commission without detracting in any way from the different positions on the substance of the question as crystallized in the two alternative texts included in the proposal.

107. It was this formula that with certain modifications was finally adopted and incorporated in article 28 of the Treaty. It provided that the Treaty would enter into force for all signatory States only when the four requirements set forth in paragraph 1 of article 28 had been complied with. Nevertheless, as is stated in paragraph 2 of the article:

“All signatory States shall have the imprescriptible right to waive, wholly or in part, the requirements laid down in the preceding paragraph. They may do so by means of a declaration which shall be annexed to their respective instrument of ratification and which may be formulated at the time of deposit of the instrument or subsequently. For those States which exercise this right, this Treaty shall enter into force upon deposit of the declaration, or as soon as those requirements have been met which have not been expressly waived.”

108. Paragraph 3 of article 28 provides further that:

“As soon as this Treaty has entered into force in accordance with the provisions of paragraph 2 for eleven States, the Depositary Government (i.e. Mexico) shall convene a preliminary meeting of those States in order that the Agency may be set up and commence its work.”

109. Thus an eclectic system has been adopted which, while respecting the views of all signatory States, makes it impossible for any one of them to attempt to veto the entry into force of the Treaty for those States which wish to submit voluntarily to the status of denuclearization as defined and set forth in the Treaty.

110. By 20 September last the Government of Mexico had already deposited its instrument of ratification together with a declaration waiving the requirements provided for in article 28, paragraph 2. The full text of that declaration annexed to the instrument is as follows:

“The Government of Mexico, in ratifying the Treaty for the Prohibition of Nuclear Weapons in Latin America, expressly declares, for the purposes of article 28, paragraph 2 of the Treaty, that it waives all the requirements laid down in paragraph 1 of that article, so that the Treaty may enter into force in respect of Mexico as soon as its instrument of ratification has been deposited.”

111. In addition to the three questions to which I have just referred—the zone of application, the meeting of

signatories, and the entry into force of the Treaty—the treatment of which has certain special features, I think it might be useful to examine, if only briefly, six other questions. In view of their importance, I should like to make a few general observations on the following: purposes and principles, obligations of the Contracting Parties, organization, system of control, definition of nuclear weapons, and test explosions for peaceful purposes.

112. The purposes of the Treaty and the principles on which it is based are set out succinctly, as in the United Nations Charter, in the preamble. One or two of the paragraphs, which I propose to read out, will suffice to throw light on those purposes and principles.

113. In the second paragraph, the Governments of the States which sign the Treaty “in the name of their peoples and faithfully interpreting their desires and aspirations” declare themselves as:

“Desiring to contribute, so far as lies in their power, towards ending the armaments race, especially in the field of nuclear weapons, and towards strengthening a world at peace, based on the sovereign equality of States, mutual respect and good neighbourliness.”

114. The preamble concludes by summing up the conviction of the Latin American States:

“That the military denuclearization of Latin America—being understood to mean the undertaking entered into internationally in this Treaty to keep their territories forever free from nuclear weapons—will constitute a measure which will spare their peoples from the squandering of their limited resources on nuclear armaments and will protect them against possible nuclear attacks on their territories, and will also constitute a significant contribution towards preventing the proliferation of nuclear weapons and a powerful factor for general and complete disarmament.”

115. As regards obligations, the Latin American States have formulated a definition of principles which is without any doubt one of the most complete ever drafted in world or regional terms and one which certainly does not appear to have any loophole.

116. Under article 1 of the Treaty the Contracting Parties undertake:

“to use exclusively for peaceful purposes the nuclear material and facilities which are 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, and (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.”

117. Under article 2, the Contracting Parties 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.”

118. As regards organization, articles 7 to 11 of the Treaty provide that to ensure compliance with the obligations entered into under the Treaty, an independent Latin American organization shall be established, to be known as the Agency for the Prohibition of Nuclear Weapons in Latin America, with headquarters at Mexico City. Its principal organs will be a General Conference, the supreme organ of the Agency, which will hold regular sessions every two years and may also hold special sessions whenever the Treaty so provides or circumstances so require; a Council consisting of five members elected by the General Conference; and a secretariat headed by a General Secretary who will be strictly an international civil servant, like the rest of the staff.

119. The provisions on supervision and control (articles 12 to 16 and article 18, paragraphs 2 and 3) constitute, as the United Nations Secretary-General pointed out, the first example of the inclusion in an international instrument covering matters relating to disarmament of an effective system of control with permanent supervisory organs. This includes the full application of the Safeguards System of the International Atomic Energy Agency, but its scope is much broader.

120. In the first place, it is intended not only to verify that the devices, services and facilities for the peaceful uses of nuclear energy are not used in the testing or manufacture of nuclear weapons, but also to prevent any of the activities prohibited under article 1 of the Treaty from taking place in the territory of the Contracting Powers with nuclear materials or weapons introduced from outside, and to ensure that any explosions carried out for peaceful purposes are compatible with article 18 of the Treaty.

121. Secondly, the Treaty allocates important control functions to the three principal organs of the Agency set up under the Treaty: the General Conference, the Council, and the secretariat. Provision is also made for the parties to submit periodic and special reports; for special inspection missions to be undertaken where necessary; and for reports on their findings to be made to the United Nations Security Council and General Assembly.

122. The definition of nuclear weapons as finally approved by the Preparatory Commission and included in article 5 of the Treaty of Tlatelolco has among its outstanding merits that of being objective, precise and in keeping with the most recent advances of technology. It defines a nuclear weapon for the purposes 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”; but a proviso is added that “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”.

123. The text as originally submitted to the Preparatory Commission on this point was the one included in the preliminary draft articles on supervision, inspection and control formulated by Working Group B and placed before the Commission at its second session. It was felt that its highly technical nature made it necessary that this text should be studied by the competent bodies of member

States, and to this end, the preliminary draft was presented in its entirety as an annex to resolution 9 (II) adopted on 31 August 1965.<sup>6</sup>

124. The definition of nuclear weapons produced by Working Group B had been drafted on the basis of that contained in the Protocol on the Control of Armaments to the Western European Union Treaty signed at Paris on 22 October 1954,<sup>7</sup> whereby the Federal Republic of Germany undertook not to manufacture atomic weapons or biological or chemical weapons on its territory. This definition included not only nuclear weapons properly so called but also any vehicle or system for the launching of such weapons.

125. The studies carried out by the Co-ordinating Committee in March 1966 at the request of the Preparatory Commission led the Committee to the conviction that a distinction should be drawn between instruments for the transport or propulsion of nuclear weapons which were separable from the device and those which were an indivisible part thereof, since otherwise the absurd situation would arise where most commercial aircraft would be prohibited, since they are capable of being used as vehicles for the launching of certain nuclear weapons. The Committee therefore worked out a much more succinct definition than the previous one, embodying this distinction; the final text, included in article 3 of the working document submitted to the Preparatory Commission, reads as follows:

“For the purposes of this Treaty a nuclear weapon is any device using nuclear energy or radioactive isotopes primarily destined to be used either as a weapon, prototype of a weapon or a device for the testing of weapons or for the production of such devices. Any 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.”

126. The Preparatory Commission examined this text at its third session, approved it and included it as article 3 in the Proposals for the preparation of the Treaty annexed to its resolution 14 (III) of 3 May 1966, after altering the first sentence to read as follows:

“For the purposes of this Treaty, a nuclear weapon is defined as any device which is capable of releasing nuclear energy in an uncontrolled manner and is intended to be used for military purposes.”

127. Finally, during the second part of its fourth session, the Preparatory Commission, after lengthy discussions in one of its working groups with the valuable co-operation of eminent experts in the field, particularly from the delegations of Argentina, Brazil, Colombia, Chile, Mexico and Venezuela, decided in favour of a text which would be as objective as possible and would not include the phrase “and is intended to be used for military purposes”, thus eliminating the subjective element of intent that had

<sup>6</sup> A/5985 (mimeographed).

<sup>7</sup> Protocol No. III to the Treaty between Belgium, France, Luxembourg, the Netherlands and the United Kingdom of Great Britain and Northern Ireland for collaboration in economic, social and cultural matters and for collective self-defence, signed at Brussels on 17 March 1948 (United Nations *Treaty Series*, vol. 211, 1955, No. 304).

appeared in the previous draft. The definition of nuclear weapons was thus finally approved with the wording that appears in article 5 of the Treaty of Tlatelolco, which I quoted in my opening remarks on this question.

128. The sixth and last of the questions which, as I said earlier, seem to me deserving of special attention is that of nuclear explosions for peaceful purposes, as dealt with in article 18 of the Treaty.

129. Ever since the Latin American republics began their joint discussions at the Preliminary Meeting on the Denuclearization of Latin America in November of 1964, one of their fundamental concerns—as is demonstrated by the fact that the first resolution adopted at that Meeting was devoted to it—was to make it clear that for the purposes they had in mind, denuclearization should be understood to mean the “absence of nuclear weapons” and not, of course, to imply the rejection of the peaceful uses of the atom. On the contrary, that same resolution stressed “the advisability of promoting international co-operation for the peaceful use of nuclear energy, especially for the benefit of the developing countries”.

130. Subsequently, at the second and third sessions of the Preparatory Commission, similar texts were adopted which with slight modifications were to become one of the paragraphs of the preamble to the Treaty of Tlatelolco, which reads as follows:

“... the foregoing reasons, together with the traditional peace-loving outlook of Latin America, give rise to an inescapable necessity that nuclear energy should be used in that region exclusively for peaceful purposes, and that the Latin American countries should use their right to the greatest and most equitable possible access to this new source of energy in order to expedite the economic and social development of their peoples.”

131. The Treaty itself contains an article (article 17) designed to establish, with no limitations other than those that may flow from the obligations assumed under the Treaty, the right to use nuclear energy for peaceful purposes, and provides in this connexion that

“Nothing in the provisions of this Treaty shall prejudice the rights of the Contracting Parties, in conformity with this Treaty, to use nuclear energy for peaceful purposes, in particular for their economic development and social progress.”

132. It was precisely to avoid any misunderstanding concerning the scope of the Treaty and to indicate quite clearly that what was wanted was not civil denuclearization but only military denuclearization, that the Preparatory Commission resolved, at its final session, to change the name it had originally intended to give the Treaty—“Treaty on the Denuclearization of Latin America”—and to call it “Treaty for the Prohibition of Nuclear Weapons in Latin America”.

133. The desire to promote and encourage to the utmost the peaceful uses of nuclear energy could not, however, have blinded the joint authors of the Treaty to the fact that the primary object of the Treaty was that set forth in clear, precise and unequivocal terms in article 1, paragraph 2 of

the instrument, under which the Contracting Parties pledge themselves, *inter alia*,

“... 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.”

134. Hence in drafting the provisions of the Treaty which were ultimately to be included in article 18 and which deal with that aspect of the peaceful uses of the atom, namely nuclear explosions for peaceful purposes (these may still seem at the present time to be impracticable, but they could assume incalculable importance in the future), special care was exercised to prevent any attempt to test or manufacture nuclear weapons on the pretext of carrying out peaceful explosions, since this would have completely negated the fundamental purpose, the very *raison d'être* of the Treaty. An effort was therefore made to establish a system that would reconcile the possibility of such explosions, insofar as the two things proved compatible, with the absolute, categorical and unconditional prohibition of nuclear weapons.

135. To this end, article 18, paragraph 1 provides that the Contracting Parties may carry out explosions of nuclear devices for peaceful purposes, subject to one condition, namely that they can prove that such explosions are feasible without contravening “the provisions of this article and the other articles of the Treaty, particularly articles 1 and 5”. In the final analysis, this means that the explosions in question may only be carried out directly by the Parties to the Treaty if they do not require the use of a nuclear device as defined in article 5 of the Treaty.

136. Article 18 further defines (paragraphs 2 and 3) the obligations relating to advance information, observation, verification and control in respect of any possible explosion of the kind under discussion.

137. Lastly, paragraph 4 of the article specifies that the Contracting Parties “may accept the collaboration of third parties” for the purposes set forth in paragraph 1 of the article, provided they comply with the measures set forth in paragraphs 2 and 3.

138. To sum up, the provisions of the Treaty of Tlatelolco on nuclear explosions for peaceful purposes, interpreted in the light of the provisions of articles 1 and 5, with which they are expressly linked in the text of article 18 itself, do not permit of any interpretation that could give grounds for fearing either that they would leave a loophole for evading the absolute prohibition of nuclear weapons in Latin America, or that they could become an obstacle to the carrying out of such explosions. The only exception in this latter case is—and it could not be otherwise, unless it were done directly by the Contracting Parties—that they do not allow for the explosion of a nuclear bomb or weapon as defined in article 5 of the Treaty.

139. As I pointed out at the beginning of this part of my statement, the Treaty contains two Additional Protocols, and I shall now make a brief reference to these.

140. Additional Protocol I, open for signature by States within or outside the Continent having *de jure* or *de facto*

international responsibility for territories which lie within the zone of application of the Treaty, does not give those States the right to participate in the General Conference or the Council of the Latin American Organization; neither does it impose on them any of the obligations relating to the system of control established in article 14 (semi-annual reports), article 15 (special reports), and article 16 (special inspections). Nor does the prohibition of reservations included in the Treaty appear in the Protocol. Thus the Protocol maintains the necessary balance between rights and obligations; the former are less extensive, but the latter are likewise more restricted. The States to which this Protocol is open for signature are France, the Netherlands, the United Kingdom and the United States.

141. Additional Protocol II, which sets forth certain self-evident truths in the preamble, asserting that the Treaty of Tlatelolco "represents an important step towards ensuring the non-proliferation of nuclear weapons" and that non-proliferation of such weapons "is not an end in itself but, rather, a means of achieving general and complete disarmament at a later stage", is open to signature by the nuclear Powers, that is to say France, the People's Republic of China, the Soviet Union, the United Kingdom and the United States. Basically, it imposes on these Powers only two obligations—those set forth in articles 2 and 3 of Additional Protocol II and worded as follows:

"Article 2. . . . 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 in accordance with article 4 thereof" and "Article 3. . . . not to use or threaten to use nuclear weapons against the Contracting Parties of the Treaty. . . ."

142. With regard to the second of these obligations, it should be recalled that the General Assembly last year adopted almost unanimously resolution 2153A (XXI), paragraph 3 of which expressly calls upon all nuclear-weapon Powers "to refrain from the use, or the threat of use, of nuclear weapons against States which may conclude treaties. . . ." such as that existing today under the title of treaty for the Prohibition of Nuclear Weapons in Latin America.

143. With regard to the first obligation, this corresponds essentially to the undertaking which the three nuclear Powers participating in the work of the Eighteen-Nation Committee on Disarmament have been offering to enter into on their own initiative, at world level, and which constitutes the very first article of the identical drafts submitted to that Committee on 24 August last<sup>8</sup> by the two so-called nuclear super-Powers, the United States and the Soviet Union. The only additional obligation in Additional Protocol II of the Treaty of Tlatelolco as compared with the provisions of the drafts in question—and indeed it may be considered to be implicit in the spirit of the drafts—is that the nuclear Powers undertake to respect the privileged position of complete absence of nuclear weapons prevailing in Latin America and therefore undertake to refrain from trying to upset it through the introduction of such weapons into Latin American territory, keeping them under their own dominion.

<sup>8</sup> ENDC/192 and 193.

144. With respect to the fourth nuclear Power, which is a Member of the United Nations but has not begun to take part in the work of the Eighteen-Nation Committee on Disarmament, it is appropriate to mention that its position on this specific point is also positive. The French Government's Observer accredited to the Preparatory Commission for the Denuclearization of Latin America, in a note of 26 July 1966 to the Chairman of the Commission, said that France was favourably inclined towards any attempt to limit the dissemination of nuclear weapons which emanated from the will of the countries concerned, and went on:

"It is in this context that the French Government would be able to state its intention of not taking any action with regard to the Latin American States that would encourage in their territories the development of nuclear activities of a military nature."

145. In this connexion, mention should also be made of the favourable reception given to the Treaty of Tlatelolco in the highest international forums. The Secretary-General of the United Nations himself, in the introduction to his last Annual Report on the Work of the Organization, repeats the praise he had for the Treaty at the time when it was adopted, expressing himself as follows:

"The Treaty for the Prohibition of Nuclear Weapons in Latin America, which was signed in February at Mexico City, marks an important milestone on the road to disarmament. It provides for the creation, for the first time in history, of a nuclear-free zone in an inhabited part of the earth. It is the first treaty in the field of disarmament which establishes an effective system of control under a permanent supervisory organ. . . . This treaty, which was conceived and negotiated throughout by the States of Latin America themselves, is of importance not only to Latin America; it may provide an example and stimulant for progress in other disarmament measures of world-wide as well as of regional significance." [A/6701/Add.1, para. 9]

146. The Treaty of Tlatelolco has been the subject of similar comments by many of the representatives who participated in the general debate in the Assembly. As I am sure all of you, if you were not present, have read the relevant records of the deliberations, I do not propose to read out those extracts. But I shall refer to the comments made by the representatives of the States members of the Eighteen-Nation Committee on Disarmament, to which as Chief of the Mexican delegation I had the honour to present the contents of the Treaty at Geneva on 21 February of this year, a week after the instrument had been opened for signature. As an example of those comments I should like to quote here one or two paragraphs taken from the many statements on the Treaty made in the Committee, beginning with those of the representatives of the nuclear Powers.

147. The representative of the United States stated as follows:

"The United States considers the conclusion of the first international instrument establishing a nuclear-free zone to be of unique importance. It is an excellent example of an arms control measure brought about through a regional initiative. The countries responsible deserve great

praise for their initiative and their persistence in seeing it through to a successful conclusion.”<sup>9</sup>

148. The United Kingdom representative:

“Meanwhile my delegation is delighted to note progress in another field of arms control. We join, I am sure with everyone else in this Committee, in offering our warmest congratulations to the countries of Latin America on their most important feat, the agreement presented to the Committee today to establish a nuclear-free zone in Latin America, an agreement which, as we have heard, has recently been achieved in Mexico City . . .

. . .

“The United Kingdom has supported and, I hope, encouraged the efforts of the Latin-American countries throughout the negotiations. We very much hope that we shall be able to associate ourselves with the Treaty now that it has been concluded, both as a nuclear Power and in respect of our dependent territories in the area.”<sup>10</sup>

149. The Soviet Union representative:

“In the course of the general debate one other important question has been touched on, or rather a group of questions, the solution of which would help to strengthen security and to relax international tension: I refer to the problem of establishing denuclearized zones in various parts of the world. This problem has long been ripe for solution. The vital significance and importance of proposals for the establishment of denuclearized zones are confirmed by the example of a number of Latin-American countries, whose efforts for the prohibition of nuclear weapons in Latin America have resulted in the elaboration and signing of an appropriate Treaty. The members of the Eighteen-Nation Committee are no doubt studying with great interest this important document, namely the Treaty for the Prohibition of Nuclear Weapons in Latin America.

. . .

“The position of principle of the Soviet Union is to support the establishment of denuclearized zones in various parts of the world. The Soviet Government has, as you know, repeatedly expressed its readiness to undertake to respect the status of denuclearized zones, provided that the other nuclear Powers will enter into similar undertakings.”<sup>11</sup>

150. The representative of Canada:

“In conclusion, I should like to make some brief remarks on the signing in Mexico City earlier this month of a Treaty to denuclearize Latin America and the Caribbean. This is a development which we in Canada have warmly welcomed. We extend our congratulations to our Latin American and Caribbean friends—and I would mention the contribution of our Mexican colleague, Ambassador García Robles, in particular—noting that theirs is a unique achievement which establishes an important precedent. The signing of this Treaty is eloquent testimony to the tireless efforts of our neighbours, who have taken steps toward excluding nuclear

weapons from their area and toward ensuring that nuclear energy is used exclusively for peaceful purposes. Let us hope that this achievement will lend impetus to our efforts here to reach agreement on a universal non-proliferation treaty.”<sup>12</sup>

151. The representative of Poland:

“A similar amount of clairvoyance was shown by the countries which a few days ago concluded the Treaty for the Prohibition of Nuclear Weapons in Latin America. It is a matter of deep satisfaction to us that the idea of setting up zones free from weapons of mass destruction, advanced some nine years ago by the Polish Foreign Minister, has been brought to fruition at least in one part of our troubled globe.”<sup>13</sup>

152. The representative of Italy:

“. . . the countries of Latin America have brought their important work rapidly to a successful conclusion: they have drafted a Treaty for the denuclearization of their continent. This is the embodiment of an idea which reflects great credit on its sponsors and those who have put it into effect. It is also an extremely useful and inspiring example to us.”<sup>14</sup>

153. The representative of Nigeria:

“In this respect the countries of Latin America have shown a shining example of what can be achieved where there is political will and foresight.”<sup>15</sup>

154. The representative of Burma:

“. . . the beginning of the year saw the formalization of another important nuclear disarmament and non-proliferation measure. This achievement should spur us on in our present labours. I refer of course to the Treaty for the Prohibition of Nuclear Weapons in Latin America, signed in Mexico City on 14 January of this year, which will bring into existence an extensive nuclear-free zone—the first formalized nuclear-free zone in the world. As representative of a country which favours the establishment under appropriate arrangements of denuclearized zones in the world, I should like to welcome this inspired and inspiring initiative of the Latin American republics and to extend sincere congratulations to them.”<sup>16</sup>

155. This digest of the favourable opinions expressed on the Treaty of Tlatelolco illustrates why, in the General Assembly on 11 October [1587th plenary meeting] I expressed confidence that before we conclude our discussion of item 91, beginning today, or at any rate before the end of the current session of the Assembly, the nuclear Powers which are Members of the United Nations will have seen their way to affix their signatures to Additional Protocol II addressed to them, and will thus comply with the exhortation made to them by the Assembly itself in resolution 1911 (XVIII), adopted without a single vote against it on 27 November 1963, to give their full co-operation for effective compliance with the peaceful

<sup>9</sup> ENDC/PV.291, para. 21.

<sup>10</sup> ENDC/PV.287, paras. 85 and 87.

<sup>11</sup> ENDC/PV.293, paras. 68 and 72.

<sup>12</sup> ENDC/PV.289, para. 48.

<sup>13</sup> *Ibid.* para. 56.

<sup>14</sup> ENDC/PV.289, para. 5.

<sup>15</sup> ENDC/PV.292, para. 7.

<sup>16</sup> ENDC/PV.295, para. 48.

purposes of an instrument which at that time was only a dream, but which eight months ago became a reality.

156. In speaking at the meeting on 14 February 1967 solemnizing the completion of the work of the Preparatory Commission for the Denuclearization of Latin America and the opening of the Treaty of Tlatelolco for signature, the Permanent Representative of Ecuador to the United Nations, Mr. Leopoldo Benites Vinueza, who in well-deserved recognition of his outstanding and constructive work was designated by his colleagues to speak on behalf of all of them, emphasized that the prohibition of nuclear weapons in Latin America would be associated in history with the name of Mexico, the country to which it fell to provide hospitality to the Commission throughout, and with the names of two of its Presidents: the current President, Gustavo Díaz Ordaz, under whose administration the four sessions of the Commission were held, with his constant and wholehearted support; and the previous President, Adolfo López Mateos, whose initiative was largely responsible for the formulation of the Joint Declaration of the five Latin American Presidents on 29 April 1963.<sup>17</sup>

157. My country fully appreciates the honour implied in the fact that the Latin American States chose Mexico as the headquarters of the future Agency for the prohibition of nuclear weapons in Latin America and designated the Mexican Government as the depositary Government for the Treaty of Tlatelolco. We will always think of it as an unfading glory to have been able to co-operate from the outset and without reservation in this noble collective gesture of Latin America, the achievement of which is tangible proof that, as I said four years ago, Latin America has fully come of age and can assess correctly what are the genuine ideals of its peoples.

158. I have tried today, in my twofold capacity as representative of Mexico and former Chairman of the Preparatory Commission, to discharge the honourable task of presenting to the Committee item 91 of the Assembly agenda: "Treaty for the Prohibition of Nuclear Weapons in Latin America", included at the request of the twenty-one States which unanimously adopted the Treaty. It only remains for me now to express the hope that the General Assembly will, with the same unanimity, see fit to adopt a new resolution related to resolution 1911 (XVIII), thus decisively contributing to enable the Treaty of Tlatelolco, through the co-operation of all States, and particularly the nuclear Powers, to become fully effective, and to ensure that the juridical status of military denuclearization of Latin America will be universally observed in practice without question. It unquestionably deserves to be so in virtue of the lofty principles that inspire it and the noble purposes it serves.

159. The CHAIRMAN: I thank the representative of Mexico for his detailed, well-documented and enlightened statement. I consider it fitting to congratulate the member States of Latin America for the success they have achieved in agreeing on and signing the Treaty for the Prohibition of Nuclear Weapons in Latin America. I have no doubt that such an historic and important achievement, conducive to bolstering peace in Latin America, will be an impetus in the

right direction and that it will have far-reaching effects on other related aspects of disarmament, in particular on the very desirable goal of the complete prohibition of nuclear weapons.

160. Mr. AIKEN (Ireland): First, Mr. Chairman, I should like to offer my sincere congratulations on your unanimous and very well-deserved election. I wish also to congratulate the representatives of the Byelorussian SSR and of Sweden on their election to the posts of Vice-Chairman and Rapporteur respectively.

161. On behalf of the Irish delegation, I should like to join with the Chairman in congratulating the Latin American countries on the conclusion of this Treaty for the Prohibition of Nuclear Weapons in Latin America. Like the Chairman, I wish especially to thank Mr. Robles for his very careful and informative exposition of the Treaty and his very interesting explanation of the manner in which it was negotiated.

162. Ever since the question of the establishment of a denuclearized zone in the region was first raised by Latin American countries in the General Assembly in 1962, my delegation has looked forward hopefully to this happy outcome. It is very gratifying indeed that in a little more than three years the Preparatory Commission has produced a draft treaty to prohibit nuclear weapons from the sub-continent for all time.

163. This Treaty has already been signed by all but one Latin American country, and that country—as Mr. Robles has just told us—will soon sign it. The Treaty is a milestone of great significance in the long campaign to prevent the further spread of nuclear weapons so that the nations of the world might avoid committing nuclear suicide. It is a vitally important addition to the Antarctic Treaty of 1959,<sup>18</sup> the Nuclear Test-Ban Treaty of 1963<sup>19</sup> and the Outer Space Treaty of 1967. [*General Assembly resolution 2222 (XXI), annex*]

164. The best thanks of all peoples whose resources are being wasted in the production or development of nuclear weapons are due to the Latin American States. On behalf of my country, which has close and historical ties of kinship and friendship with those States, I congratulate them most heartily on their wisdom and diplomatic skill. May the remarkable achievement of their negotiations redound to the prestige, prosperity and happiness of their peoples.

165. There are certain principles and features involved in this Treaty which are of prime historical importance. It is a vitally important headline in the effort to prevent the spread of nuclear weapons and to halt the arms race throughout the world. In contrast to the Antarctic and Outer Space Treaties, it is designed to create a nuclear-free zone for an area of 20 million square kilometres inhabited by 250 million people. It gives life to the principles of the Charter of the United Nations by establishing a regional agreement for the restriction of armaments, a step which will help to promote effective collective measures to

<sup>18</sup> Antarctic Treaty signed in Washington D.C., 1 December 1959.

<sup>17</sup> *General Assembly Official Records, Eighteenth Session, Annexes*, agenda item 74 (A/5415/Rev.1, annex).

<sup>19</sup> Treaty banning nuclear weapon tests in the atmosphere, in outer space and under water, signed in Moscow on 5 August 1963 (United Nations, *Treaty Series*, vol. 480 (1963), No. 694).

maintain peace and security in the area. It is the first treaty which has established an agreed system of verification and control under a permanent supervisory organ, including the full application of the safeguards of the International Atomic Energy Agency. That is one of the most significant features of the Treaty and guarantees its effectiveness.

166. Another valuable feature of the Treaty is that while it provides for the total prohibition of nuclear weapons it also provides a basis for the extended use of atomic energy in economic development. It is thus obvious that the Treaty provides an important and very welcome psychological stimulant for the conclusion of a world-wide non-dissemination treaty.

167. The Treaty is, therefore, not only a concrete measure for the benefit of the people of Latin America, but an

indication of how adequate control measures can be applied and how the peaceful uses of atomic energy in non-nuclear weapon States can be made compatible with the prohibition of nuclear weapons.

168. In conclusion, may I say that the Latin American States, by the conclusion of this Treaty, have given proof of their determination to prevent their resources and skills from being wasted on a nuclear weapons race and to use them instead for the economic and social progress of their region. The speedy ratification of the Treaty will, I believe, give a fillip to the economic and social development of Latin America and will inspire and encourage other States to follow their wise and noble example.

*The meeting rose at 5.55 p.m.*