



CONTENTS

	<i>Page</i>
Agenda item 96:	
Conclusion of a convention on the prohibition of the use of nuclear weapons (<i>continued</i>)	
General debate (<i>continued</i>)	1
Organization of work	9

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

AGENDA ITEM 96

Conclusion of a convention on the prohibition of the use of nuclear weapons (*continued*) (A/6834)

GENERAL DEBATE (*continued*)

1. Mr. KLUSAK (Czechoslovakia) (*translated from Russian*): Our Committee has under consideration one of the most important questions in the field of partial measures that should permit us to limit considerably the dangers of nuclear war and to create an atmosphere propitious for further progress towards the complete elimination of nuclear weapons within the framework of general and complete disarmament.

2. The demand that the problem of the prohibition of the use of nuclear weapons should be solved, which is what socialist and non-aligned States have been wanting for a long time, is perfectly natural. If it is hard to imagine the death-dealing force of the nuclear weapons already produced and stockpiled, it is scarcely possible to imagine the full scope of the catastrophic effects of the use of nuclear arsenals on the destiny of mankind and of the entire planet in the future.

3. The facts given in the report of the Secretary-General on the effects of the possible use of nuclear weapons [*document A/6858*] which have been referred to in detail by a number of speakers, reveal to us with patent, scientific clarity the appalling picture of the overwhelmingly destructive effect of nuclear weapons. We should all ponder these facts and figures now that we have a chance of taking an important decision which, to a certain extent, might favour the progressive elimination of the nuclear threat.

4. The adoption by the sixteenth session of the General Assembly of a Declaration on the Prohibition of the Use of Nuclear and Thermonuclear Weapons [*resolution 1653 (XVI)*] proved that our Organization fully understood its mission in the struggle against the nuclear danger.

5. First of all, this Declaration is predicated on the fact that the use of nuclear weapons would go beyond the framework of military objectives and give rise to untold suffering and destruction of mankind and civilization, and that it is therefore contrary to international and humanitarian laws. In other words, nuclear weapons are weapons of mass destruction and it is therefore entirely logical and essential to outlaw their use by means of an instrument of international law.

6. There is no doubt that the Declaration is a most important document. It reflects the humanitarian, moral and legal requirements of the overwhelming majority of mankind and provides an enduring basis for a final prohibition of the use of nuclear weapons. The main ideas of the Declaration, namely that the use of nuclear weapons would mean war not only against the enemy, but against all of mankind, and that that would be a most flagrant violation of the United Nations Charter, only goes to prove once again that the United Nations is the organization which must do all in its power to prevent that evil and to oppose the distorted concept of the so-called balance of nuclear threat by putting forward the idea of peace based on confidence among States.

7. The Declaration not only definitely states that any State using nuclear weapons would be acting against the laws of humanity and committing a crime against mankind and civilization, but, at the same time, determines the direction of future actions to give concrete effect to the principles it solemnly proclaims. If we recognized in the Declaration that the use of nuclear weapons was a crime against humanity, then the international community must defend itself against that crime by adopting an international legally binding document which would definitely introduce a real element of confidence in relations among States. Such a document was provided for in the Declaration, the concluding part of which is concerned with the adoption of a convention on the prohibition of nuclear weapons.

8. It would seem that the usefulness and need for such a convention were indisputable, since such an important international legal obligation for States would in fact constitute an agreement to prohibit nuclear aggression. The adoption of the convention would help to improve the international climate and would create propitious conditions for a peaceful and orderly solution of pending international problems and general and complete disarmament with effective international control.

9. However, negotiations on this question have from the very beginning met with opposition from the Western Powers, particularly the United States. It is understandable that the opponents of a convention prohibiting the use of nuclear weapons would find it extremely difficult to reject

outright the humanitarian objectives and demands based on that Declaration. That is why they resorted to the tactic of direct attacks and procrastination and put forward and, it seems, are still putting forward all kinds of new, artificial and increasingly unconvincing arguments. But behind all that there is first of all the unwillingness to conclude an agreement that could prevent the use of nuclear weapons and which, in fact, would put an end to the so-called nuclear diplomacy—in other words, nuclear blackmail and pressure.

10. That is why the important initiative of Ethiopia and the other non-aligned States which have striven to have a special conference convened to conclude a convention on the prohibition of the use of nuclear weapons—which as we know was supported unanimously by the socialist States—was gradually defeated by the negative attitude of the Western Powers which resorted to arguments about the appropriateness, timeliness or usefulness of such a conference. However, what was really at issue was not when and in what conditions such a conference should be convened. The main obstacle was, and remains, as we can see, the disagreement in principle of the United States and its allies with the very idea of the conclusion of a convention on the prohibition of the use of nuclear weapons, which was, incidentally, confirmed in the last statement of the United States representative in this Committee.

11. Let us examine the objections of the representatives of the Western Powers to a convention prohibiting the use of nuclear weapons, so that we may once again realize how unfounded and fanciful they are.

12. One of the so-called arguments of those opposing an agreement on the prohibition of the use of nuclear weapons continues to be the idea that the danger of the unleashing of a nuclear war can be eliminated only within the framework of an agreement on general and complete disarmament, so that it would be futile to waste efforts on less important separate measures, among which they include the prohibition of the use of nuclear weapons.

13. Like all those who want to see a convention signed prohibiting the use of nuclear weapons, we, of course, do not overestimate the importance of such a measure; we do not regard it as a panacea which would exclude, once and for all, the possibility of a nuclear conflict.

14. It is clear to all that the complete elimination of the danger of nuclear war could best be accomplished by a treaty on general and complete disarmament which would clearly specify the obligations of States with regard to the prohibition and final elimination of nuclear weapons and their means of delivery. But the fact that negotiations are being conducted for such a treaty certainly does not mean that it would be futile to conclude a convention prohibiting the use of nuclear weapons before an agreement is reached on general and complete disarmament. On the contrary, an initiative in that direction would be most useful, since it might have a favourable effect on the negotiations towards a treaty on general and complete disarmament.

15. We cannot agree with the representative of the United States that as long as nuclear weapons, as well as the means

of delivery, are not eliminated within the framework of general and complete disarmament the prohibition of the use of nuclear weapons would be of no use at all. To accept that kind of argument, which can be described as an all-or-nothing attitude, would be tantamount to capitulation to the omnipotence of nuclear weapons; it would be an open admission that we are powerless to prevent and avert the threat of nuclear war.

16. At the present time, when negotiations on general and complete disarmament are encountering various obstacles and, particularly because of the position of the United States, are in a state of suspended animation, proposals are being made more and more frequently for the solution of important partial, collateral measures, such as the non-proliferation of nuclear weapons, one of the objects of such measures being to foster appropriate and favourable conditions for further progress towards the achievement of an agreement on general and complete disarmament.

17. In such a state of affairs the importance of a draft convention prohibiting the use of nuclear weapons does not disappear, on the contrary it quite obviously becomes an urgent and pressing task.

18. During debates on this question the opponents of a convention alleged also that the adopted Declaration [*resolution 1653 (XVI)*] would be enough to prevent the use of nuclear weapons and that there was therefore now no need to conclude a special convention. The main purpose of this objection was to enable some States to evade contractual obligations and thereby any special responsibility for their possible violation.

19. In existing international relations it is no waste of time but, in fact, necessary to restate more often and at the same time specify and confirm certain principles already adopted in a general form and to define them more closely. Such a legal and international confirmation and definition of principles as well as of obligations assumed by States in international relations, is a component part of the efforts made by the peoples of the world to ensure their security at a time when, despite the existence of the United Nations Charter, constant new acts of aggression are being perpetrated against peace-loving States.

20. In United Nations practice we know of more than a few examples where some special principles that had been previously proclaimed in resolutions of the General Assembly were subsequently legally confirmed in international treaties. A recent example of this, which is by its nature close to the one with which we are now dealing, is the preparation and conclusion of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and other Celestial Bodies [*General Assembly resolution 2222 (XXI), annex*]. The Treaty, with the full agreement of the overwhelming majority of Member States, took over several principles which had been proclaimed four years before in the so-called Declaration of Legal Principles Governing the Activities of States in the Exploration and Use of Outer Space, and also the principles proclaimed in General Assembly resolution 1884 (XVIII).

21. We can and should approach such an important problem as the prohibition of the use of nuclear weapons in

the same way. In this most sensitive area, when the fate of mankind is at stake, we have no right to stop midway.

22. First of all, we must remove the main obstacle in the form of certain military and strategic plans and concepts based on nuclear power which consider nuclear weapons to be an established fact once and for all. We must, I would say, oppose such a state of nuclear obsession with common sense and a feeling of responsibility towards the whole of mankind.

23. As far as the prohibition of the use of nuclear weapons is concerned, this is a measure of interest to all States, nuclear and non-nuclear without distinction. Such a step would not require any control measures so that various complications which make it difficult to carry out certain other partial measures in the disarmament field would be excluded. Thus, taking such a step would depend only upon the political decisions of the various Governments. Therefore, the position taken in this matter is a test of the sincerity and earnestness of the various statements made about the need to reduce the threat of a nuclear conflict and the need to settle international disputes exclusively by peaceful means.

24. The adoption of a convention prohibiting the use of nuclear weapons would, in addition to everything else, greatly reduce the unhealthy interest shown by some non-nuclear States in the manufacture or acquisition of nuclear weapons, since the very fact that the use of nuclear weapons would be outlawed would greatly reduce the importance of these weapons as a false attribute of power for a State.

25. In this connexion may I recall the words of the representative of Ethiopia in the Eighteen-Nation Committee on Disarmament in 1964. He stated that:

“the longer the use of nuclear weapons remains unprohibited by international convention the greater the number of countries which will attempt to find security and protection in dependence upon them. Nations will be tempted to hold the false view that great-Power status would be acquired by the possession of such weapons . . . A clear undertaking by the international community to prohibit the use of nuclear weapons will no doubt have a salutary effect upon the armament programmes of many States and will undermine the kind of false legitimacy which nuclear weapons would otherwise acquire.”¹

26. The conclusion of a convention prohibiting nuclear weapons would also dispel the illusion that non-nuclear States would increase their security by acquiring nuclear weapons. I think that there is no need to prove that the security of various States and of the whole international community would stand only to gain from the fact that the use of nuclear weapons was prohibited by treaty. The convention would also undoubtedly have a favourable influence on the decision of the nuclear Powers to prohibit the manufacture of, and to eliminate, all stocks of nuclear weapons within the framework of general and complete disarmament as is required under article 2 of the Soviet draft convention.

27. This is quite logical, for what would be the sense of increasing stocks of weapons whose use would be prohibited? The implementation of a convention prohibiting the use of nuclear weapons should, as we see it, at the same time mean the adoption by States of a political decision of principle to halt nuclear armament and to eliminate nuclear weapons. In this we see the logic of the connexion between articles 1 and 2 of the Soviet draft convention; therefore, we are not putting the cart before the horse, as Mr. Fisher said. Both are where they should be. However, we think somebody is putting spokes in the wheels.

28. In the negotiations on the prohibition of the use of nuclear weapons in the Eighteen-Nation Committee on Disarmament in 1964, the representative of Mexico, in the name of all the peace-loving States, declared:

“ . . . we very strongly maintain—and we gladly accept the risk of being labelled as idealists in consequence—that inevitably, at the right time and on the right occasion, an international treaty prohibiting the use of nuclear and thermo-nuclear weapons will be concluded, for that is the general desire of mankind. Consequently, we must not bury this subject in the archives but retain it on our agenda, while keeping a weather eye open for possibilities which, while they may not exist today, are bound to present themselves in the future, for the honour and survival of mankind are at stake.”²

29. This possibility and the favourable moment have now come and each State now has the opportunity to make its contribution to the common struggle against a nuclear threat by supporting the draft convention prohibiting the use of nuclear weapons. It must be stressed that the draft convention has been presented by one of the strongest nuclear Powers, which has thus shown once again that it is conscious of its responsibility towards the international community. This draft is the expression of the tireless efforts of the Soviet Union and Socialist States to liquidate the threat of nuclear conflict and to ensure world peace. Therefore, the peoples of the world have the right to expect similar proof on the part of other Powers since, in their approach to this important question, it is bound to become obvious whether they are sincere in their proclaimed intentions and declarations regarding the need to prevent a nuclear war.

30. The Czechoslovak Socialist Republic has from the very beginning strongly supported the proposals for an agreement prohibiting the use of nuclear weapons. We continue to hold this position. Therefore we welcome and fully support the draft convention on the prohibition of nuclear weapons presented by the Government of the USSR and deem it a significant contribution to the cause of the prohibition and complete elimination of nuclear weapons.

31. Mr. PIÑERA (Chile) (*translated from Spanish*): As a number of previous speakers have correctly pointed out, this item is not new to the General Assembly. As early as 19 June 1946, the representative of the Soviet Union, Mr. Gromyko, submitted a draft of a convention prohibiting the production and use of atomic weapons and providing that, within three months from entry into force

¹ See ENDC/PV.209.

² See ENDC/PV.213.

of that convention, such weapons should be destroyed.³ That draft was submitted as a counter-proposal to the United States Baruch Plan,⁴ and the difference in the conceptions underlying both positions has been projected over twenty-one years of efforts made by the United Nations to achieve disarmament. The hypothesis that nuclear disarmament should be linked with general and complete disarmament already began to emerge in General Assembly resolution 41 (I), which combined the idea of the prohibition and elimination of atomic weapons with that of prompt and general reduction of armaments and the creation of an international system of effective control and safeguards.

32. The debate on this subject at the sixth regular session of the General Assembly was particularly important, since it was there that the two opposing groups clearly defined their positions on the matter. That session resulted in the adoption of resolution 502 (VI) which established the Disarmament Commission whose work crystallized once and for all the linking of the prohibition of nuclear weapons with the process of general and complete disarmament. In the view of my delegation, the approach that places the problem within that context, as in the Soviet⁵ and United States⁶ draft treaties on general and complete disarmament at present pending in the Eighteen-Nation Committee on Disarmament in Geneva, is reasonable and probably the most practical.

33. However, the sad fact is that all and any progress in the study of those plans has been completely paralysed for some years. This has given rise to a justifiable concern among Member States and, at the sixteenth regular session of the General Assembly, led to the proposal put forward by Ethiopia and other countries which resulted in the adoption of resolution 1653 (XVI). That resolution, as you all know, states that the use of nuclear and thermonuclear weapons is contrary to the spirit, letter and objectives of the United Nations. Subsequently, the delegation of Chile supported resolutions 1801 (XVII), 1909 (XVIII) and 2164 (XXI), all of which sought to make some progress towards convening a conference for the purpose of signing a convention on the prohibition of the use of nuclear and thermonuclear weapons.

34. In view of the lack of progress in the Eighteen-Nation Committee on Disarmament regarding the prohibition of the use of those weapons, item 96 submitted by the Soviet Union is timely, both as a separate measure and as part of general and complete disarmament. Moreover, the failure of plans for convening an international disarmament conference, on whose agenda this item would occupy an important place, justifies its re-examination by the General Assembly. Finally, the Secretary-General's report on the subject [A/6858] pursuant to resolution 2162 A (XXI) is extremely important. This report is destined to have a great impact, owing to the authority of the experts of international standing who prepared it and the exemplary clarity with which it presents the dramatic facts regarding the

implications of nuclear weapons and the disastrous possibilities of an atomic war, not only for the belligerent States but for all mankind. In that area the unanimous conclusions of those experts should undoubtedly serve as a powerful incentive to the United Nations to renew its efforts to prohibit nuclear weapons. At the same time, the chapters analysing the economic implications of national decisions to acquire such weapons are equally important. However, they are more directly connected with the subject of non-proliferation of nuclear weapons.

35. This report brings out particularly clearly the catastrophic result of the use of nuclear weapons, even those of a tactical nature. At first sight, this would seem to justify the hypothesis that mutual deterrence, achieved between Powers which have stockpiled huge nuclear arsenals and means for destroying their potential adversaries, even in the event that they may have suffered a surprise attack, is a satisfactory way of ensuring peace and security. This theory, however, is becoming less convincing every day in the light of various facts. On the one hand, the emergence of new nuclear Powers will ultimately complicate the mutual deterrence picture because of the possibility that one of them may launch an unidentifiable nuclear attack—using submarines or other means—in the hope that not that Power itself, but another potential enemy, will be the one to suffer the impact of the retaliation by the State attacked. On the other hand, we are witnessing the development of a new armaments race to build up new anti-missile systems between those Powers whose security should theoretically be guaranteed by the mutual deterrent of their nuclear weapons. This leads us to the conclusion that the security which this mutual deterrence claims to achieve is basically unstable, and that the constant search for better respective positions tends to create new risks, not to mention the enormous sums being spent on these armaments races. Nor is the balance of fear conducive to the creation of conditions of peace, and hence we see that warfare with the use of conventional weapons continues to wreak havoc. So although there has been no nuclear conflict, and we certainly do appreciate what that means, on at least one occasion the world has been perilously close to that possibility.

36. These considerations cannot have been absent from the minds of the experts who prepared the Secretary-General's above-mentioned report when they reached the conclusion that: "Security for all countries of the world must be sought through the elimination of all stockpiles of nuclear weapons and the banning of their use, by way of general and complete disarmament." [Ibid., para. 91.]

37. This is a conclusion which my delegation fully supports. We wonder, however, whether the world must continue to wait until general and complete disarmament is achieved—a far too remote objective, unfortunately—before making a supreme effort to free mankind from the threat of nuclear suicide. Mr. Jerome B. Weisner, an expert who played a leading role in the United States Government's studies on defence and military technology, said in a recent article published by *Look* magazine that "the obstacles to disarmament are political and psychological, not technical. Unfortunately, disarmament does not have effective political support or vested interests behind it. . . . Substantial and balanced disarmament is reasonable, secure, and tech-

³ *Official Record of the Atomic Energy Commission, No 2, second meeting.*

⁴ *Ibid., No. 1, first meeting.*

⁵ Document ENDC/193.

⁶ Document ENDC/192.

nically possible, and even partial disarmament would leave thousands of millions of dollars free for constructive uses. But that is not going to happen very soon. Until statesmen take disarmament efforts seriously and prepare international security arrangements more in keeping with the nuclear age we live in, the best we can hope for is a peace increasingly filled with nightmares and ensured only by the balance of fear. Real defence against nuclear missiles is an illusion. Our only real security resides in peace itself. Nuclear weapons are too powerful for an effective defence. The best defence is to prevent nuclear warfare”.

38. The First Committee is probably not the proper body for a thorough study of the technical aspects of the Soviet Union's proposal. We would certainly need to have the considered opinion of Governments and the studies and negotiations of technical experts. Possibly the Eighteen-Nation Committee in Geneva, or a special conference, would be the right place for that. But what we can do now is to give some important political testimony of our countries' interest in seeking a more direct path to the prohibition of the use of nuclear weapons, and even to their destruction, by establishing an appropriate system of international control to check the effectiveness of this process, so as to achieve real, and not merely illusory, security.

39. Efforts on these lines will form an indispensable complement to the future treaty on the non-proliferation of nuclear weapons, and in this respect I take the liberty of quoting the words of the Minister for Foreign Affairs of Chile in the general debate during the present session of the General Assembly: “In the picture I have drawn, it is imperative that real progress should be made in the conversations of the great nuclear Powers on the practical means for their own disarmament, since the renunciation by the small States of any attempt to develop their own nuclear weapons will be of no avail unless it is accompanied by the nuclear disarmament of all States without exception. Yet we see no progress being made in that direction.” [1567th plenary meeting, para. 28.]

40. Mr. KHANAL (Nepal): Mr. Chairman, as my delegation is taking the floor for the first time in this Committee, I should like to associate myself with previous speakers in congratulating you and the other members of the Bureau on your well-deserved election.

41. Ever since the end of the Second World War, when mankind became suddenly aware of the dangers of nuclear weapons, efforts have been made to eliminate these weapons. These efforts remain largely unsuccessful today. This period is marked by an unprecedented armaments race, particularly in the nuclear field, on all sides. In short, failure on our part to justify by effective action our awareness of the dangers of nuclear weapons has been a feature of recent international developments.

42. Nevertheless, the concern of humanity caused by a qualitative as well as quantitative growth of nuclear weapons which makes indiscriminate mass destruction possible has been clear and unmistakable. This concern has been expressed in all countries by statesmen, scientists and writers, and also in this Assembly on different occasions. The Latin American countries have gone further and

recently concluded a treaty which constitutes item 91 on the agenda of the Assembly and which symbolizes not only the anxiety caused among men and nations by nuclear weapons but also a positive, hopeful and creative response to this negative situation. Indeed, the concern is deep and universal.

43. Viewed in this light, the Soviet Union's proposal [A/6834] for the conclusion of a convention on the prohibition of the use of nuclear weapons seems, as far as the delegation of Nepal is concerned, worthy of commendation. It is in the spirit of our policy to lend support to all genuine measures of disarmament and arms control, however limited and inadequate these may be, that my delegation has considered this proposal.

44. As is evident from the explanatory memorandum submitted with the request for inclusion of this item in the agenda as well as from the third preambular paragraph of the draft convention on the prohibition of the use of nuclear weapons, this draft is based on and in conformity with General Assembly resolution 1653 (XVI) of 24 November 1961, by which the Assembly declared that the use of such weapons was contrary to the spirit, letter and aims of the United Nations and a violation of the Charter. In this Declaration, the Assembly recognized that, failure of negotiations on disarmament notwithstanding, the armaments race, particularly in nuclear fields, had reached a stage requiring all possible immediate measures to protect humanity from the dangers of nuclear weapons.

45. One such measure was taken in 1963 in the form of the Moscow Treaty banning nuclear weapon tests in the atmosphere, in outer space and under water. Although we knew that this test-ban Treaty was an inadequate step towards arms control and disarmament, we welcomed and signed the Treaty as being a positive step in the right direction.

46. So far, the Moscow Treaty and General Assembly resolution 2222 (XXI) containing the Treaty on the peaceful uses of outer space are the only limited measures that have been taken towards arms control and disarmament. The proposed treaty on non-proliferation of nuclear weapons is still under negotiation, and my delegation hopes that the difficulties in the way of agreement on article 3 of the draft of that treaty will soon be resolved.

47. The importance of these measures and their contribution towards creating a climate of political goodwill congenial to agreement on further positive steps are self-evident. But these measures have done very little to alleviate our fear of nuclear catastrophe.

48. The desirability of a convention prohibiting the use of nuclear weapons, which was first underlined by the General Assembly in its resolution 1653 (XVI) and reiterated in subsequent sessions, including the twenty-first session, remains as urgent as ever. My delegation, which has always urged the convening of a world disarmament conference for this purpose, believes that the signing of a convention in line with the Soviet Union proposal would be important in that it would help decrease the danger of nuclear catastrophe and act as a moderating factor on those States which possess nuclear weapons. We believe, further, that the

conclusion of such a convention would give impetus to and facilitate the search for a solution to the problems of disarmament, particularly nuclear disarmament.

49. We all know that the effects of the use of nuclear weapons will not be limited only to those against whom these weapons are directed. A larger area and a greater number of people, not otherwise involved in the war, will be subjected to the evils of these weapons. It is to avert this indiscriminate mass destruction and unnecessary human suffering that numerous international agreements such as the St. Petersburg Declaration of 1868,⁷ the Brussels Declaration of 1874,⁸ the Hague Conventions of 1899 and 1907⁹ and the Geneva Protocol of 1925,¹⁰ prohibited the use of weapons capable of causing unnecessary mass destruction and suffering as being contrary to the laws of humanity and the principles of international law. The report prepared by the Secretary-General on the effects of the possible use of nuclear weapons [A/6858 and Corr.1], pursuant to General Assembly resolution 2162 (XXI), leaves no ambiguity as to the conclusion that such use would have a catastrophic effect not only on the belligerents in a conflict but also on the world in general.

50. Clearly, it is high time that we did something to prevent a disaster of this nature from occurring. We support the Soviet proposal not only because we regard the use of nuclear weapons as contrary to the laws of humanity but also because we essentially believe that a convention prohibiting the use of such weapons would be a positive step towards arms control, easing tensions and creating confidence among nations.

51. My delegation has noted with particular interest the statement made by the United States representative, Mr. Fisher [1532nd meeting], who has characterized the draft convention as "lacking in credibility" and "putting the cart before the horse" inasmuch as it prohibits the use of nuclear weapons as the first step and envisages agreement on the cessation of production and the destruction of all stockpiles of nuclear weapons as the next step.

52. As to the draft convention's lacking credibility, my delegation understands that it is in the nature of principles of inter-State relationships that all such international instruments, to a lesser or greater extent, lack credibility since they are not enforceable by a court of law and their credibility is entirely dependent on the good will and willingness of sovereign States which are parties to these instruments.

53. My delegation shares the view of the United States delegation that what is essential is an agreement on such positive measures of disarmament as the cessation of production and the destruction of all stockpiles of nuclear weapons. But if this line of thought had been strictly

followed, such limited measures of arms control and disarmament as, for example, the nuclear test-ban Treaty would not have been in force today. Agreement on that Treaty was arrived at notwithstanding any prior agreement on the cessation of production and the destruction of nuclear weapons or on a ban on the underground testing of those weapons. It has been said that politics is the art of the possible. By all means, we should take advantage of the possible if the essential is far from attainment. Furthermore, my delegation believes that agreement on this draft convention would not upset the balance of mutual deterrence, whose maintenance is considered essential by the big nuclear Powers until the whole disarmament process is completed, because the party which used nuclear weapons in violation of the convention would always have to fear retaliation.

54. Those are the considerations with which my delegation views the Soviet proposal. In the opinion of my delegation, this proposal should also appear acceptable to those countries which have insisted that the proposed non-proliferation treaty should contain equal responsibilities and obligations for non-nuclear and nuclear Powers alike. The convention does not only bind the nuclear States not to use nuclear weapons but also binds all parties to the convention to make every effort as soon as possible to arrive at agreement on the cessation of production and the destruction of all stockpiles of nuclear weapons in the context of general and complete disarmament under effective international control. As the convention will gain effectiveness only when its obligation is universal, the delegation of Nepal hopes that all States, particularly those possessing nuclear and thermo-nuclear weapons, will be able to sign it as early as possible.

55. Nuclear weapons are a challenge to human civilization and conscience. They dramatize civilization's traffic futility. There is a clear and unmistakable world public opinion against these weapons and their production and use. The battle against nuclear weapons has to be fought and won first in the hearts of the men and nations that possess them, and the convention, by exhorting nations not to use nuclear weapons under any circumstances, aims, in our view at winning the battle at that point. If we were to win it in the hearts of men, other steps would logically follow. The time at our disposal to arrest the growing nuclear drift is not great. It is for this reason that the delegation of Nepal supports the Soviet proposal.

56. Mr. MALITZA (Romania) (*translated from French*): The Romanian delegation attaches special importance to consideration of the item concerning the conclusion of a convention on the prohibition of the use of nuclear weapons included in our agenda on the proposal of the Soviet Union delegation.

57. Romania has constantly spoken out in favour of prohibiting nuclear weapons and all weapons of mass destruction and has supported every initiative taken to achieve that goal. Ten years ago, the head of the Romanian delegation, Mr. Gheorghe Maurer, today the Chairman of the Romanian Council of Ministers, stated in this very hall:

"The stockpiling of increasing numbers of nuclear bombs, the race to develop more advanced types of weapon with atomic warheads, and the build-up of stocks

⁷ Declaration renouncing the Use, in Time of War, of Explosive Projectiles under 400 Grammes Weight.

⁸ Declaration on the Rules of Military Warfare.

⁹ Convention for the Pacific Settlement of International Disputes, signed on 29 July 1899, and Convention for the Pacific Settlement of International Disputes, signed on 18 October 1907.

¹⁰ Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or other Gases, and of Bacteriological Methods of Warfare.

of weapons of this kind in more and more parts of the world are creating a highly dangerous situation which may, if corrective action is not taken in time, lead to catastrophe on an unimaginable scale. It is time that the United Nations intervened with all the strength and authority at its command to halt this dangerous trend.”¹¹

58. Since that time, the armaments race has continued to accelerate. There are now in the world sufficient quantities of nuclear weapons to kill every human being tens of thousands of times over. This is what the technical literature calls “overkill capacity”. In the meantime, the threat to the world’s peace and security has enormously increased, so much so that today any armed conflict is potentially capable of setting off a world-wide nuclear holocaust.

59. The report of the Secretary-General on the effects of the possible use of nuclear weapons and the implications for States [*document A/6858*], summarizes very soberly and all the more convincingly on that account the unprecedented risks to which mankind is exposed because of the existence of nuclear weapons and the possibility that they might be used involuntarily or accidentally.

60. The solution to the problem is surely provided by life itself: the production of nuclear weapons must cease, the use of nuclear weapons must be prohibited, and existing stocks must be destroyed.

61. We are convinced that the prohibition of the use of nuclear weapons would greatly help to eliminate them from the arsenal of States. The conclusion of a convention on the prohibition of nuclear weapons would have positive effects on the achievement of general disarmament and would encourage efforts to prevent a nuclear war.

62. The prohibition of the use of nuclear weapons is not of course an absolute safeguard against the nuclear peril. No such guarantee can be provided other than by the physical destruction of all existing stocks and by halting the production of nuclear weapons. However, it is equally true that the complete and final elimination of the atomic threat implies the prohibition of the use of nuclear weapons, and this would contribute greatly to freeing mankind from the spectre of nuclear war. Nuclear weapons, by their very nature, are designed not only to destroy the combatants, but also to destroy whole countries and regions and all peoples living within their range. They violate the basic principle of the rules of war that have been established over the centuries, and thus they cannot be regarded as lawful weapons.

63. The prohibition of the use of nuclear weapons is of particular concern to small- and medium-sized States, the non-nuclear weapon countries which find themselves exposed to the risk of becoming the victims of a nuclear holocaust. If the strategic balance works so perfectly that the use of nuclear weapons is in fact ruled out between the nuclear Powers, as the experts maintain, those countries very naturally wonder against whom precisely the use of

those weapons is still regarded as feasible and possible. They would be greatly encouraged to forgo the acquisition or production of nuclear weapons if they were given the guarantee that such weapons would never be used against them. The outlawing of nuclear arms and weapons of mass destruction in general would be calculated to improve the international political climate.

64. The adoption of an international instrument containing such a prohibition and setting forth adequately what has actually been achieved thus far through international conventions now in force ought to be made easier by reference to practical experience, which has shown that the stockpiling of nuclear weapons is a perpetual threat to the security of all States, including the great nuclear Powers.

65. The nuclear arms race implies the constant development of military technology, as is further illustrated by the recent developments in anti-missile missiles. This in turn makes any balance of power basically unreliable and precarious. True and lasting security for all mankind can only be based on disarmament, on the destruction of all nuclear weapons, and not merely on the absence of war brought about by the “power of deterrence”.

66. Today it has become clear that so long as nuclear weapons continue to exist and the danger of a nuclear war hangs over the world, the international atmosphere will continue to be poisoned. The use of this new source of energy in scientific and technological areas that benefit mankind will be limited and its peaceful applications will be delayed by several decades.

67. The existence of nuclear weapons and the arms race in general are largely responsible for the fact that the talent, energy and resources of the human race are mainly being directed to destructive ends.

68. Only a very small part of the efforts being made in the atomic field is being devoted to peaceful ends. According to calculations made by Philip Noel Baker, it is probably correct to say that 60 per cent of the scientific and technological experts in the United States are engaged in military activities.

69. This squandering of intelligence is intolerable in a world such as ours, which is desperately looking for new ways to achieve progress and rapid improvements in the standard of living.

70. According to Noel Baker, some scientific, industrial and social benefits do emerge from military research, but they represent a minimal gain compared with the waste and the danger inherent in the arms race. If the scientists and technicians engaged in that activity could be switched from “perfecting” weapons to peaceful research in the fields of industry, agriculture and medicine, and if they could be given the same equipment and resources they now have, their achievements would soon revolutionize the life of the individual and of society.

71. What vast resources in the way of material and creative energy could be devoted to the development of civilization if the arms race were to vanish from international life

¹¹ *Official Records of the General Assembly, Twelfth Session, Plenary Meetings*, 889th meeting, para. 74.

forever! What progress would have been made in the scientific and technological field and in raising men's standard of living if all those resources, instead of being turned to destructive ends, had been devoted entirely to peaceful goals!

72. History shows that the peoples of the world have always tried to prohibit the weapons considered at the time to be unduly destructive and inhuman. From antiquity onwards, the human spirit has always rejected the idea that instruments of mass destruction could be allowed in the arsenal of nations.

73. Montesquieu, in his *Lettres persanes*, voiced his dismay at the possibility that even more rapid methods than those known in his day would eventually be discovered "to kill men and to destroy whole peoples and nations"; but, he also expressed the sound conviction that if such a murderous invention were to come about, it would soon be prohibited by the law of nations.

74. People everywhere are calling for the abolition of devices like the weapons of mass destruction, the use of which goes beyond any military goal and nullifies the very purpose of war. The conclusion of a convention on the prohibition of the use of nuclear weapons would contribute to the widespread efforts being made to legislate for the abolition of weapons of mass destruction. If in the past the ideal basic to the law of war was that the rationale of war justified the use of any means whatsoever, an idea expressed in the well-known adage *omnia licere quae necessaria sunt ad finem belli*, in our day the opposite idea has come to the fore. It arises out of a higher international morality, summed up in article 22 of the 1899 and 1917 International Conventions concerning laws and customs of war on land, under which "the right of belligerents to adopt means of injuring the enemy is not unlimited".

75. We know that on the basis of that concept, which has become an essential part of present-day international law, documents such as the St. Petersburg Declaration of 1869, the Brussels Declaration of 1874, the already mentioned Hague Conventions, the 1925 Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases and of Bacteriological Methods of Warfare, and the Geneva Conventions of 1949,¹² have successively prohibited the use of certain weapons as being incompatible with the dictates of the human conscience.

76. It is scarcely conceivable that this evolution should come to a halt precisely when confronted by weapons whose destructive power and inhuman character arouse a feeling of universal revulsion and the conviction that they must never be used.

77. The humanitarian traditions handed down over the centuries, from generation to generation, and the awareness of the threat of nuclear war hanging over the world, constituted the mainspring, in the post-war period, of the efforts to outlaw nuclear weapons. These efforts achieved their first success on 24 November 1961 when, on the estimable initiative of Ethiopia, the General Assembly adopted the Declaration on the prohibition of the use of

nuclear and thermo-nuclear weapons [*resolution 1653 (XVI)*].

78. This Declaration rightly put the emphasis on the fact that the use of nuclear weapons was contrary to the spirit, the letter and the purposes of the United Nations Charter, and thereby constituted a direct violation of it. According to the resolution, any State using nuclear weapons is to be considered as violating the United Nations Charter, as acting contrary to the laws of humanity and as committing a crime against mankind and civilization.

79. However, declarations, praiseworthy though they may be, are not enough. The world needs action, legal obligations created by contractual agreements. That is why Romania has favoured and continues to favour the conclusion of a convention on the prohibition of the use of nuclear weapons, and has supported every measure designed to achieve that end, including the convening of an international conference for the conclusion of such a convention, with the participation of all States.

80. We consider the prohibition of nuclear weapons to be so basic to the solution of all disarmament problems, and to the improvement of the over-all international situation, that no international instrument having a bearing on the subject should neglect to reaffirm, solemnly and clearly, the prohibition of the use of nuclear weapons. As is well known, Romania like other countries is in favour of including similar clauses in the draft treaty on the non-proliferation of nuclear weapons which is currently being discussed at Geneva by the Conference of the Eighteen-Nation Committee for Disarmament.

81. Having had to suffer the aftermath of world wars twice in the past fifty years, and being conscious of the disaster that another world-wide conflagration would bring in its train for mankind, Romania is actively militating in favour of ending the arms race and taking practical steps to reduce weapon stockpiles.

82. The Romanian delegation is resolved to continue in the future to support with the same determination the conclusion at the earliest possible date of a convention prohibiting the use of nuclear weapons, since we are convinced that an international move of this sort would be a significant step towards the total eradication of nuclear weapons from the arsenals of States, towards the cessation of production of these weapons, and towards the use of the resources thus made available for the betterment of civilization.

83. Mr. RAKOTOMALALA (Madagascar) (*translated from French*): The delegation of Madagascar is fully aware of the very limited role the small nations can play in the United Nations or other international bodies in an area such as disarmament. We are also aware that the contribution we can make to discussions on a question which is mainly the concern of the nuclear Powers is a very modest one. Nevertheless, we were anxious to take part in this discussion, not so much to state our position as to make our deep concern known to the Powers which hold the fate of all mankind in their hands. We felt constrained to do so, for while relations among the members of the international community have always been tenuous, it would be fair to

¹² United Nations, *Treaty Series*, vol. 75, 1950.

say that today they are becoming a source of serious concern. Every nation, large and small, could be wiped out in a nuclear conflagration because of some minor incident.

84. The most authoritative voices have referred time and time again to the unspeakable, unimaginable consequences that an armed conflict using nuclear weapons could produce. They have warned us that if a nuclear war should break out, its evils would seriously affect not only those who experience it directly, but future generations as well. This is the measure of how serious and how fraught with consequences is the threat which hangs over mankind.

85. While the new countries are staking their hopes on a better future in justice, equity and peace, and are devoting all their human and material resources to their development, they are disheartened by the spectre of nuclear war that would wipe out their hopes and their efforts.

86. It is not surprising that from time to time their leaders give vent to feelings of frustration in the face of the uncertainty of international life. Our community has from the outset recognized the imperious need and urgency of adopting concerted measures to ensure a greater measure of safety on our planet. However, we are all aware of the problems hitherto encountered in achieving the eradication of weapons of mass destruction. No doubt that is why an attempt is being made first and foremost to prohibit their use.

87. Although we are all imbued with the same desire to achieve total and complete disarmament, the state of mind that prevailed during the early years of the post-war period has not disappeared completely, and it is still a major obstacle to any progress towards total and complete disarmament. As proof of that, we need only glance back and assess the achievements—precious no doubt but sadly limited—made in the field of disarmament. The period was one of extreme difficulty for mutual understanding and co-operation. However, a number of agreements were achieved through concerted efforts, and some faint glimmerings of hope appeared. Thus, for most of us, the agreements reached in areas such as space, outer space, and the sea, have been a source of comfort and reassurance.

88. Certainly there are still problems today; indeed we must recognize that circumstances have not improved to the point where we can hope for an agreement on the prohibition of the use of nuclear weapons in the near future.

89. My delegation welcomes any initiative designed to reduce the nuclear peril. We fully realize that there are hard facts which we cannot ignore and which make our task more difficult. We also know that we cannot achieve total and complete disarmament overnight.

90. We are convinced, however, that in the present state of international relations, certain intermediate steps and stages are necessary and feasible. We are likewise convinced that if the prohibition of the use of nuclear weapons is agreed to, it will serve to slow down the arms race, because it stands

to reason that States will come to understand the futility of continuing to manufacture and develop—at tremendous cost—devices whose use has been prohibited by the international community.

91. In conclusion, my delegation wishes to repeat what we have said from the beginning, namely, that our role is extremely limited and our influence very small when it comes to concluding a convention such as the one in question, and that the major responsibility lies with the countries that possess nuclear weapons. Therefore, it is they above all who must seek an area of understanding.

92. It is true that the present international situation does not tend to make their task an easier one. It is also true that it is hard for the States which have spent immense sums on improving their weaponry to enter into firm agreements in certain areas at a time when there is still a shadow over international relations.

93. But it is even more true that the survival of mankind will depend on their determination and on their decision whether or not to employ these weapons of mass destruction.

94. It is commonplace to say that when it escapes his control, man's genius frequently drives him to his own destruction, and in this connexion I took pleasure in the Romanian representative's reference to Montesquieu, who expressed so well what we all feel in our hearts. We therefore urge the Member States to meditate on these reflections and thus rise above every consideration but the good of mankind, of which all of us, small and large nations alike, are constituent parts. Let them listen to the heartfelt appeal that arises on all sides from the universal conscience of man.

95. My delegation approves and will vote in favour of any resolution arising out of the current discussions that will be a constructive step towards true disarmament and the prevention of a nuclear holocaust. We would especially like to express our great appreciation for the constructive effort embodied in the Soviet Union proposal in document A/6834.

ORGANIZATION OF WORK

96. The PRESIDENT: Before we adjourn, I should like to inform the Committee that we shall be having two meetings tomorrow. In the morning I intend to make a statement on the organization of work; then we shall continue with the general debate on item 96. In the afternoon, at the very beginning of the meeting, we shall take up item 91—in particular, the revised Latin American text—after which we shall resume the general debate on item 96.

97. If I hear no objection I shall take it that it is so decided.

It was so decided.

The meeting rose at 12.25 p.m.