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CONTENTS

Agenda item 28:

Non-proliferation of nuclear weapons (*continued*):

(a) Report of the Conference of the Eighteen-Nation Committee on Disarmament. 1

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

AGENDA ITEM 28

Non-proliferation of nuclear weapons (*continued*):

(a) Report of the Conference of the Eighteen-Nation Committee on Disarmament (A/7072 and Add.1—DC/230 and Add.1; A/7080; A/C.1/959-960, A/C.1/963; A/C.1/L.421/Rev.1 and Add.1-3)

1. Mr. SHAW (Australia): Mr. Chairman, before addressing myself to the item under consideration, may I associate myself with others in expressing our satisfaction that we are meeting under your wise chairmanship. We are all conscious of the high importance of this debate, and it is fitting and fortunate that on such an occasion we should have a Chairman who commands such widespread respect.

2. For many years, the General Assembly has had on its agenda an item relating to the non-proliferation of nuclear weapons. The Assembly has repeatedly adopted by very large majorities resolutions calling on the Conference of the Eighteen-Nation Committee on Disarmament urgently to pursue work on this subject and, in its resolution 2028 (XX), it laid down five principles to govern those negotiations. The submission of the Eighteen-Nation Committee on Disarmament's report^{1/} by 15 March of this year and the convening of this resumed session of the General Assembly for the purpose of considering the report have both followed the specific request of the General Assembly. It is because of those resolutions and the spirit of urgency in which they were passed that we are here today. The Australian Government supported those resolutions.

3. Australian support for an effective non-proliferation measure has been established in successive sessions of the General Assembly. In the Australian Parliament, as recently as 26 March 1968, the Minister for External Affairs, Mr. Paul Hasluck, said that

"The Australian Government has consistently seen the dangers inherent in the proliferation of nuclear weapons and in the increase in the number of nations possessing such weapons. We therefore fully share

the hope that effective measures will be found to prevent such further spread of nuclear weapons. We also share the hope that this proposed treaty may become such an effective measure."

4. The Australian delegation appreciates that the drawing up of the present draft has been a complicated and difficult process. Despite the great efforts of the Eighteen-Nation Disarmament Committee, it is clear from the discussions so far, inside and outside the General Assembly, that many countries continue to have uncertainties and hesitations about aspects of the draft treaty and some of its implications. Particularly for those countries such as Australia that were not involved in the process of negotiation which led to the present draft treaty,^{2/} there are a number of problems as to how the treaty might be expected to work in practice.

5. If the treaty is to be effective, it must bring a real increase in world security, and at the same time assure to all countries the maximum benefit in economic development from progress in the field of nuclear science and technology.

6. In assessing whether the treaty will in fact increase world security, all will be conscious of the menacing fact that Communist China, which is proceeding with the development of nuclear weapons with some speed, has already made it clear that it will not be a party to the treaty. This is of importance to every country in the world. It is particularly important to the countries of Asia and the Pacific.

7. In this regard it is relevant to refer to the statement by the Governments of the United States, the Soviet Union and Britain that they will propose a resolution to the Security Council^{3/} which will offer assurances of assistance to non-nuclear countries that sign the treaty if they are subjected to nuclear attack or the threat of nuclear attack. It has to be recognized, of course, that this resolution will not constitute a water-tight guarantee for any nation that any or all of the three nuclear-weapon States will come to their assistance or take action in their aid through the Security Council in the event of nuclear attack or threat of attack. Nevertheless, the Australian delegation considers that the agreement of the three States to join together in this assurance would in itself be a notable political act and a not insignificant contribution to the security of nations. The nuclear-weapon States are best able to deter nuclear attack by nuclear Powers outside the community of the treaty. The Australian delegation attaches great importance, therefore, to the continuing resolve of the nuclear-weapon States to take action in the event of nuclear attack or threat of

^{1/} Official Records of the Disarmament Commission, Supplement for 1967 and 1968, document DC/230 and Add.1.

^{2/} *Ibid.*, annex I.

^{3/} See *ibid.*, annex II.

attack. In this respect, it notes specifically the proposed reaffirmation by the three nuclear-weapon States and the Security Council of the inherent right, recognized under Article 51 of the Charter, of individual and collective self-defence. This is important, as the Australian Government relies upon mutual security arrangements, into which it has entered with its allies, as the firm basis of Australian security against both conventional and nuclear aggression.

8. I turn now to the operation of the treaty. The Australian delegation considers that there are several primary conditions for the successful operation of a treaty of this type.

9. First, and obviously, the treaty will need to attract support well beyond the forty States required under article IX to bring the treaty into effect. In particular, it will be important that the treaty be adhered to by those non-nuclear-weapon States that have already achieved, or have the means to achieve, a significant measure of nuclear development. Australia's judgement as to whether the treaty will indeed be an effective one will be very much influenced by the attitude of those countries.

10. Under the provisions of the treaty, States not already possessing nuclear weapons are required to renounce their right to acquire them. We have heard it argued that this would be no great loss. This may be true, but it is a judgement to be made by individual countries in the light of their own strategic circumstances. If States become parties to the treaty and if they are subsequently threatened, their recourse would be to seek support by a larger Power or combination of Powers. Should effective support not be forthcoming, a country faced by a threat that it believed it could not handle alone by conventional means could be strongly moved towards the acquisition of nuclear weapons, whatever its obligations under the treaty. In such circumstances, the treaty would be placed under very great strain.

11. Consideration of such possibilities exposes very clearly the serious responsibilities in respect of their fellow parties to the treaty that will rest on the three nuclear-weapon States. All other parties will look to them to exercise their continuing influence for the peaceful settlement of international disputes, for the restraint of potential aggression both direct and indirect, and the upholding of the rights of nations to live in sovereign independence, secure from external threat.

12. The degree of détente between the States represented by the two Co-Chairmen of the Conference of the Eighteen-Nation Disarmament Committee, which has been a necessary precondition of the draft treaty, is notable. We must all be encouraged to expect that in these conditions of improved co-operation, the nuclear-weapon States will find it easier to fulfil their responsibilities towards their fellow parties to the treaty. Clearly, should relations between those States significantly deteriorate and their co-operation diminish, the prospects for our stable management of international life, the peaceful settlement of disputes and the effective deterrence of aggression would also diminish. In such circumstances, it would be unrealistic to expect nations exposed to threat, nuclear

or conventional, to deny themselves the most effective means of defence they could acquire, including nuclear weapons.

13. The Australian delegation has noted that article X (1) of the draft treaty confirms the right of a party to withdraw from the treaty if it decides its supreme interests are jeopardized. We would all hope that such dire circumstances would not arise, but in view of the impossibility of seeing as far into the future as the twenty-five years for which the treaty will initially be current we regard this provision as an essential ultimate resort for non-nuclear countries which might be faced with the prospect of aggression.

14. Another important criterion that the Australian delegation considers essential to the successful operation of the treaty relates to the requirement, also contained in General Assembly resolution 2028 (XX), that the treaty should in no way impede or burden nuclear research, development, production or use for peaceful purposes. This requirement is of paramount importance to my country, and the Australian delegation has been much heartened to note the emphatic assurances in this respect given by the delegations of the Soviet Union and the United States. We endorse also and in particular the positions expressed in this debate by the delegations of the Netherlands and Japan.

15. I am led immediately to a number of further points which are directly related to the point I have just made. These relate to article III.

16. In the first place, there must be certainty about the character of the safeguards agreement to be negotiated and concluded with the International Atomic Energy Agency (IAEA). The safeguards system must be such as not to impede or burden nuclear research, development, production or use for peaceful purposes. Certainty implies, *inter alia*, that when once an agreement is negotiated, its terms are not varied by changes in the IAEA arrangements not related to the treaty.

17. So, in common with other countries, Australia would wish to know precisely where it stands in relation to safeguards before considering ratification of the treaty.

18. Our debate in this Committee is probably not the occasion to go into all matters of particular interest to the Australian Government under the treaty in technical detail. There are, however, certain points that the Australian delegation wishes to deal with regarding the proposed safeguards agreements under article III.

19. Let it be said, first, that Australia's views on this matter have been affected by the announcements last December by the United States^{4/} and United Kingdom Governments^{5/} that they would accept safeguards on all their nuclear activities subject to exclusion only on the grounds of military security. We welcome these decisions, which should give these two Governments a substantial interest in working for a simple safeguards system that operates with minimum intrusion and burden on parties to the treaty. The Australian delegation urges the USSR also to place its peaceful nuclear activities under safeguards and all three nuclear-weapon

^{4/} *Ibid.*, annex IV, sect. 23.

^{5/} *Ibid.*, annex IV, sect. 24.

States to restrict to the greatest possible extent the activities excluded from safeguards.

20. Of particular importance to Australia would be the initial point at which materials would attract safeguards under article III (1) of the draft treaty as "source material". As things stand, taking account not merely of the impediment to industrial activity that would flow, the Australian Government would find much difficulty if safeguards were to be applied to legitimate bona fide activities in the mining and early processing stages.

21. The Australian Government also shares the views of others that considerations of national security require that Governments should continue to have the right to reject individual safeguards inspectors.

22. The Australian Government noted the statement by the United States State Department on 14 March 1968 regarding the legitimacy under the treaty of the use of nuclear energy for non-explosive military purposes. The Australian delegation states its understanding that the use of nuclear energy for non-explosive military purposes, such as naval propulsion, is legitimate and permitted under the treaty.

23. The Australian delegation, in relation to the provisions of article III (3) and article IV of the draft, states its understanding that under the treaty, no nuclear activity in research, development, production or use is prohibited nor can the supply of knowledge, materials and equipment be denied to non-nuclear-weapon States, until it is clearly established that such activity or such supply will be used for the manufacture of nuclear weapons or other nuclear explosive devices.

24. Article IV establishes an obligation on parties to the treaty in a position to do so to co-operate in contributing to the further development of the application of nuclear energy for peaceful purposes. The Australian delegation will be keenly interested to learn how this obligation will be implemented, bearing in mind that the national policies of some countries have placed restrictions on the free flow of scientific and technological information in the nuclear field. It suggests that, should the non-proliferation treaty come into force, these policies should be reviewed in order to promote the fullest possible exchange of scientific and technological information for peaceful purposes.

25. The Australian delegation has dealt with articles III and IV at some length because their operation will be critical to the success of the treaty. Such are the benefits and advantages promised by nuclear energy in peaceful fields in the decades and generations ahead that all countries and peoples will insist that their enjoyment of these advantages should not be denied. They will tolerate only such interference and restriction as is most strictly limited to those arrangements agreed with the International Atomic Energy Agency to be necessary to prevent the diversion of nuclear energy from peaceful uses specifically to "nuclear weapons or other nuclear explosive devices". The strictest and most scrupulous observance of article III (3) and article IV will be a basic condition of the successful operation of the treaty.

26. Some delegations have referred to the significance of article V of the draft treaty relating to the potential

benefits from the peaceful application of nuclear explosions. As a continent with a low rainfall, a poorly indented coastline and little topographical relief, Australia has a special interest in the possible use of nuclear explosions for major engineering projects.

27. The Australian Government accepts that, at this stage of technological development, an effective non-proliferation treaty cannot permit the production of any nuclear explosive devices whatsoever by a non-nuclear-weapon State party to the treaty. At the same time the Australian Government holds strongly to the view that a non-proliferation treaty must not impede progress in the development and application of the technology of peaceful applications of nuclear explosives. Experience with the limited Test-Ban Treaty, signed in Moscow in 1963, has shown that if it is to avoid doing so, a non-proliferation treaty must deal positively with the requirement for peaceful nuclear explosions. The Australian delegation hopes that article V of this draft treaty will lead to the development of such a positive approach.

28. The Australian Government believes that all States must have access to nuclear explosives for peaceful purposes. It is the Australian Government's view that this article and the international arrangements made under it should interfere with the rights of States to carry out projects involving peaceful nuclear explosions only to the extent necessary to protect the interests of all parties against dangers arising from the specific subject matter of the treaty. Accordingly, it does not accept the view expressed in the intervention of the representative of Sweden [1564th meeting] that technical and economic judgments on projects should be the responsibility of an international body and not of the State directly concerned. International arrangements under the treaty need go no further than to provide appropriate assurances on safety and an adequate demonstration that the explosions will not be used for nuclear weapons development.

29. I turn now to article VI, in which the nuclear-weapon States undertake an important commitment to pursue negotiations:

"... on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a Treaty on general and complete disarmament under strict and effective international control".

30. As several delegations have already pointed out, the non-proliferation treaty has come to be regarded as a bridge that must be crossed before there can be any further progress in the disarmament field. The Australian delegation considers that this Committee must face the fact that a non-proliferation treaty is the only agreement that is in immediate prospect, and that it is not practical politics at this time to seek to couple other, more far-reaching measures to it. The Australian delegation therefore believes that the Committee has to consider the treaty for what it is, a limited measure only, confined to the non-proliferation of nuclear weapons among States other than the present nuclear-weapon States—what has been called horizontal proliferation. The Australian delegation reminds the Committee that Communist China will stand outside the

treaty, and we cannot expect that it will accept any additional measures that the Committee might agree to urge upon the nuclear-weapon States sponsoring the treaty. France also has not joined the other three nuclear Powers. Let it be said plainly: Australia would be bound to oppose any moves which it considered could increasingly expose it and its neighbours in Asia and the Pacific to the unrestrained nuclear capacity of Communist China.

31. In my statement today I have alluded to some matters that give us concern with the present draft and which we want to see clarified. The decision of the Australian Government on whether it can become a party to the treaty will be dependent on the outcome. Let me repeat in conclusion that the Australian Government is ready to support an effective treaty for the non-proliferation of nuclear weapons. As the next step to this end, it is prepared to vote for a resolution endorsing the draft treaty for consideration by all Member Governments.

32. Mr. DANIELI (United Republic of Tanzania): The age-old dream of man has been for universal peace. Sages, prophets and statesmen have urged the abandonment of force and conquest as a means of settling disputes between men and nations. Some more rational means, some less brutal mode seemed both possible and appropriate to man's true nature and better instincts.

33. Unfortunately, the history of mankind is full of failures. The gap between ideals and accomplishments has been so great as to have seemed at times to justify the deepest gloom or the greatest cynicism. There is no need for me to recount here the weary path of pillage and destruction through which our civilization has stumbled. Suffice it to say that the opening decades and, indeed, almost the entire first half of the twentieth century of our modern era coincided with the most savage crimes and horrible atavism.

34. After the second global war, instinct, the basic urge for self-survival, coincided with the profound consideration of most enlightened men that mankind must put an end to warfare or warfare would annihilate our kind. So began, with renewed vigour and burgeoning hope, the search for constraint and reciprocal undertakings which would assure general tranquillity and collective security.

35. It was in this spirit and for this lofty endeavour that the United Nations, through the General Assembly and its various organs, embarked upon its long and painstaking course of negotiations for general and complete disarmament and particularly nuclear disarmament. We are appreciative of some progress which has been accomplished against very great odds.

36. The partial Test-Ban Treaty of 1963, the outer space Treaty of 1967, contained in resolution 2222 (XXI) and the Treaty for the Denuclearization of Latin America [A/C.1/946], are very welcome accomplishments. They demonstrate what can be accomplished with perseverance and mutual confidence.

37. At the same time, we must face realistically the limitations and disappointments of these measures. The partial test-ban Treaty still permits the agglomeration of nuclear arsenals and the contamination of elements. The outer space Treaty fails to inhibit

the use of the stratosphere to rain death and destruction on fellow users of our planet. Indeed, at the very moment when we began examining the proposed non-proliferation treaty we heard of the detonation underground of a monstrous bomb which would make the horror of Hiroshima tame as a child's game.

38. It is against this background that my Government views the long-awaited draft non-proliferation treaty. We had not hoped—we would have been naïve to suppose—that this draft treaty would in a single act achieve all that was desired for the elimination of the nuclear menace. To stop up all the gaps and right all the inequities of the present system will take several years perhaps and a series of concerted, carefully contrived measures. But one had hoped for a giant step along the road to the accomplishment of these goals. And one had been led to expect it.

39. What I am now about to say must not be taken as denigration of the efforts of the co-authors of the draft treaty. Nor should it be taken as indicating reluctance or half-heartedness of my Government towards the achievement of disarmament. We signed the partial test-ban Treaty and we co-sponsored resolution 2033 (XX) on the denuclearization of the continent of Africa. We have no desire to see the continued indiscriminate spread and multiplication of nuclear weapons. But we must express grave doubts and reservations about the efficacy of this proposed treaty.

40. It will be recalled that the General Assembly, at its twentieth session, in resolution 2028 (XX), of 19 November 1965, laid down guidelines and principles for the Eighteen-Nation Committee, which was given the mandate to make proposals for the elaboration of a treaty on non-proliferation. The guidelines incorporated certain conditions and guarantees which were considered essential for the confidence and protection of smaller nations. Properly regarded, however, the guidelines also protected the true interests of the larger nations as well, because no State is safe in a general climate of instability, suspicion and fear.

41. I must confess that it was with dismay, therefore, that my Government observed a considerable divergence from those guidelines in the identical texts of the draft treaty on non-proliferation of nuclear weapons submitted on 24 August 1967.^{6/} The major gap in the draft treaty as then presented was, of course, the lack of any provisions for international control to ensure the implementation of the obligations assumed. However, there were other and perhaps equally serious deficiencies.

42. A study of the latest draft treaty^{7/} reveals how great has been the failure to comply with the guidelines laid down in resolution 2028 (XX). The preamble contains laudable and reassuring sentiments, but of course it is the operative articles of the treaty which will be of juridical importance. It is for that reason that the draft treaty is a disappointment from the very first article. That is because article I does nothing more than affirm what has always been the practice of the major Powers, that is, not to transmit their nuclear weapons or confidential technological knowledge. It is because of that practice that each Power has had

^{6/} *Ibid.*, annex IV, sects. 6 and 8.

^{7/} *Ibid.*, annex I.

to follow its own laborious path to the discovery and mastery of the methods of nuclear explosion and manufacture of explosive devices.

43. Article II may be said to be the heart of the draft treaty, for it would bind all States which do not possess nuclear weapons never to receive them or manufacture them. I say "never" because the draft treaty is of unlimited duration. Further—and this constitutes its retrogressive aspect—article II would bind all States not to receive the transfer of nuclear explosive devices or the control of such devices. The result of this latter prohibition would be to compel States which wanted to use nuclear energy even for peaceful purposes to purchase or hire the technological facilities from the major States, which at present have them. It is that provision which has stimulated revolt on the part of certain countries which see a threat to their industrial development.

44. Article III contains the so-called "safeguards" to ensure that parties to the treaty are not circumventing its obligations. In principle, one cannot argue with the necessity for international supervision, and Tanzania has consistently pointed to the necessity for such to ensure that well-known flouters of international norms are not abusing the nuclear energy potential by developing military weapons. It is clear that the knowledge and equipment required to exploit uranium deposits, extract plutonium for nuclear fuels and manufacture fuel elements or heavy water could easily be used to manufacture nuclear weapons and thereby threaten peaceful neighbours. However, article III permits the negotiation and conclusion of bilateral agreements with the International Atomic Energy Agency for such supervision and control. Since such agreements may not all be uniform, there is no guarantee that they will be fair to all signatories or even that all countries at present developing nuclear energy will enter into such safeguard agreements.

45. Article IV attempts to dispel the fear of the developing countries that article II may bar the way to their industrial development, but clearly it is inadequate for its purpose. Thus the amendments proposed by Italy^{8/} and by Nigeria^{9/} are pertinent.

46. Article V underlines the fact that, in addition to making the small countries technically dependent upon the major Powers, it will also maintain their financial dependence. The promise that the charge to such parties for the explosive devices used "will be as low as possible" is extremely vague. It is obvious that the skills and equipment for providing nuclear energy can be distributed or doled out on a commercial basis at a profit to be determined solely according to the whim of the major Power concerned. The exclusion of charges for research and development may be of limited significance, because few developing countries would wish to engage in enterprises that would be futile without the possibility of manufacturing nuclear energy on their own.

47. In article VI of the draft treaty the signatories would undertake to do no more than they have supposedly been doing since the end of the Second World War: namely, pursue negotiations on disarmament. As the

Spanish Government has commented in its memorandum,^{10/} the obligations should be more concretely specified. To the same effect would be Sweden's proposed amendment^{11/} and Romania's proposed amendment to the same article.^{12/}

48. Article VII is of direct interest to us because Tanzania, like all other members of the Organization of African Unity, has supported the declaration of Africa as a nuclear-free zone and to that end sponsored resolution 2033 (XX) adopted by the General Assembly in 1965 with regard to the renunciation of the use or manufacture of nuclear weapons in Africa. We have not formalized that prohibition in treaty form as have the Latin American States,^{13/} mainly because of the presence on African soil of alien Governments in southern Africa which would undoubtedly cause problems whether they abstained from the treaty or wished to be signatories.

49. Article VIII is discouraging because of its inclusion in paragraph 2 of provisions designed to preserve for certain Powers the privileges which they have in the Security Council as regards the veto power. Indeed, in this treaty the veto privilege would be extended to other Powers as well; that would be the effect of the inclusion of the votes of members of the Board of Governors of the International Atomic Energy Agency in the number of votes indispensable for approval of an amendment or ratification.

50. Paragraph 3 of article VIII is perhaps an attempt to soften the effect of the treaty's being of an indefinite duration. By this paragraph an opportunity is provided for review of the operation of the treaty after it has been in existence for five years. This provision must be read in conjunction with the provision in paragraph 2 of article X for a conference after the treaty has been in force for twenty-five years, to decide whether the treaty shall continue in force indefinitely, or whether it shall be extended for an additional period. Those two provisions create a doubt whether the treaty could be terminated after five years or indeed after twenty-five years. Much more clear cut is the alternative provision proposed by Italy^{14/}—although in either case one is compelled to regret the implication that the developing States would remain in comparative technological backwardness for twenty-five years.

51. Article IX contains what has come to be referred to as the "all States" formula. This has become familiar because the question has arisen of participation in general multilateral treaties. A typical example was the question whether participation in the present United Nations Conference on the Law of Treaties in Vienna would be open to all States or only to a limited number. Many progressive countries wanted all States to participate. However, certain States insisted on a formula which permitted them to exclude the countries they disliked. It is therefore ironical that when they elaborate draft treaties designed to cripple the developing countries, they invite all States to participate, as in the present paragraph 1 of article IX.

^{10/} *Ibid.*, annex IV, sect. 35.

^{11/} *Ibid.*, annex IV, sect. 31.

^{12/} *Ibid.*, annex IV, sect. 40.

^{13/} *Ibid.*, annex IV, sect. 2.

^{14/} *Ibid.*, annex IV, sect. 34.

^{8/} *Ibid.*, annex IV, sect. 34.

^{9/} *Ibid.*, annex IV, sect. 36.

52. Paragraph 3 of article IX is important because it contains—almost as an afterthought—the important definition of a "nuclear-weapon State". From this definition it would seem that the treaty is an attempt—bound to be futile—to inhibit the incipient development of certain countries as nuclear Powers.

53. Article X provides for premature unilateral termination of the treaty. The proposal, if accepted, would add a novel condition to the generally accepted ones for denunciation of or withdrawal from a treaty. The closest of the existing conditions to the one proposed in paragraph 1 of article X is the well-known *rebus sic stantibus*. According to customary international law, a party may withdraw from a treaty if there has been a fundamental change of circumstances. This permission to withdraw, however, is usually qualified by a number of prerequisites to prevent its being abused. Article X would introduce even greater opportunity for abuse, it would seem. Nigeria's alternative formulation,^{15/} is a commendable effort at improvement, but perhaps it could be further improved.

54. Article XI of the draft treaty is purely procedural and requires no comment.

55. From the foregoing review of the treaty, it is obvious that there is no *quid pro quo* for the promise or obligation of the non-nuclear-weapon States. Such a *quid pro quo* was proposed in General Assembly resolution 2153 (XXI), where the nuclear-weapon Powers were urged to give an assurance that they would not use or threaten to use nuclear weapons against non-nuclear-weapon States not having nuclear weapons on their territories. Another proposed *quid pro quo* was the suggestion and appeal in General Assembly resolution 2163 (XXI) that all nuclear-weapon States should suspend nuclear-weapon tests in all environments. Neither of these proposals has been accepted by the major Powers although the former has been accepted by two of the nuclear Powers to a limited extent by their signing of additional protocol II of the Treaty for the Prohibition of Nuclear Weapons in Latin America [A/C.1/946].

56. We wonder what will be the position, for instance, with respect to certain Member States members of NATO and the Warsaw Pact on the question of the continued transfer of nuclear weapons from the United States and the Soviet Union to those partners. Will, for instance, Turkey sign the treaty as a nuclear or non-nuclear Power? Will the Ukrainian SSR sign the treaty as a nuclear or non-nuclear Power? If they both sign as non-nuclear Powers, does that fact automatically forbid the United States and the Soviet Union to transfer any nuclear weapons to them under their respective military treaties? What about the position of bases held by nuclear Powers on the territory of non-nuclear Powers in a continent declared to be a nuclear-free zone?

57. My delegation cannot fail to congratulate the Foreign Minister of Cuba on his learned and irrefutable arguments on these aspects of the question before us.

58. My delegation must confess to a slight confusion on certain aspects of the procedure surrounding the draft treaty. Therefore, I should like to address,

through you, a question to our colleagues of the United States and the Soviet Union and ask them for clarification and elucidation. Under what circumstances is the treaty being formulated? Is it a United Nations treaty and will the Secretary-General be the depositary in the usual manner? And can only Members of the Organization sign it? Or is it a treaty held under some other auspices, with other depositaries, and can any State in the world sign it? If the latter is true, does this imply that the United States and the Soviet Union agree that the German Democratic Republic and the People's Republic of China can each sign the treaty? For, if this treaty is to be a multilateral treaty, would it not then be more appropriate for it to be discussed in an atmosphere in which every State, nuclear and non-nuclear, Member and non-Member of the United Nations, could participate and give us the benefit of its arguments? Should we assume that the views of non-Member States are not to be heard here while we impose certain obligations on them under the treaty? Or must it be assumed that the views of non-Member States, like the German Democratic Republic, the People's Republic of China and the Federal Republic of Germany, are being heard?

59. Instead of formulating in the draft treaty reciprocal or corresponding obligations on the part of the major Powers, the latter—or at least three of them—have proposed the draft Security Council resolution on "security assurances".^{16/} This does not remedy the deficiency of the draft non-proliferation treaty for at least two reasons. The first is procedural—namely, that there is no guarantee that the Security Council will adopt the draft resolution: it might fail to obtain a majority in that body, or it might be blocked by the use of the veto. The second reason is substantive. The draft resolution contains no promise or obligation; it merely recognizes and reaffirms the obvious—namely, that aggression would require the Security Council to take appropriate action, and that all States have an inherent right of self-defence in the event of armed attack. The draft resolution also contains a reference to intentions expressed elsewhere by "certain States" to assist non-nuclear-weapon States. Needless to say, such vague references create no juridical obligations.

60. Furthermore, it is to be noted that this draft resolution is submitted by only three of the permanent members of the Security Council—the United States, the USSR and the United Kingdom. Neither France nor the People's Republic of China—and each is a nuclear Power—is a party to the draft resolution. It is conceivable that France might reject it or the People's Republic of China might denounce it. What would happen in those circumstances?

61. This draft resolution is predicated and lives on a dangerous presupposition. It presupposes that the three nuclear Powers—or all five of them—will be agreed and will act in concert always in the event of a threat of a nuclear attack or an actual nuclear attack. It also presupposes that none of these nuclear Powers—the United Kingdom, the USSR and the United States—will ever threaten or attack each other.

62. It is common, basic knowledge that these Powers, permanent members of the Council, are notoriously in disagreement in regard to any infraction of or threat

^{15/} *Ibid.*, annex IV, sect. 37.

^{16/} *Ibid.*, annex II.

to international peace and security. Let us recall Berlin, the Congo, the Dominican Republic, South Africa, the Middle East and Viet-Nam. Then suppose, for instance, that the Soviet Union attacks or threatens the United Kingdom. What will the United States do? Refrain from intervening? Attack the Soviet Union? Or attack the United Kingdom?

63. No obligation is placed on those Powers to assist anybody in the event of a nuclear threat. Although they are vested with certain powers under Chapter VII of the Charter to prevent breaches or infractions of international peace and security, they have so far not been able to do so, even where conventional weapons have been used. The situation in southern Africa is another typical example. South Africa has virtually been declared an international outlaw by this Organization. The Security Council, however, obviously because of the reluctance of some major Powers, has not been able to take any action to "safeguard" the people of South West Africa. The same is true in respect of Southern Rhodesia, where the United Kingdom has been vociferously and openly obstructing the Security Council from recommending the use of force against the illegal racist régime that has been suppressing the African people. This point may be considered lightly by certain Powers because marginal force and conventional weapons are involved. But the same arguments take monstrous proportions when viewed in the perspective of nuclear weapons. There is a dangerous paralysis of the Security Council, which has existed ever since the beginning of the cold war. We question the ability, if not the good intentions, of these Powers in that regard. If their declaration of intention is meaningful and intended to bear an obligation, then let it form part of the treaty itself. For instance, let a new article read as follows:

"The nuclear Powers, the United Kingdom, the United States and the Soviet Union, undertake to come to the support of and provide immediate assistance to any non-nuclear-weapon State party to this Treaty which is the victim of an act or the object of a threat of aggression in which nuclear weapons are used."

64. While that might improve the text with respect to security for non-nuclear States under nuclear attack, the treaty would still be dangerously weak, and indeed contradictory on the point of what would happen if, for example, the Soviet Union threatened or attacked the United Kingdom with nuclear weapons. Why is the treaty silent on those important questions and reasonable possibilities?

65. Our propositions are not fantastic. For did we not witness in November 1962 a threat by the United States to use nuclear weapons against the USSR and Cuba? Or are those Powers—the Soviet Union, Cuba and the United States—now so much in accord and so friendly, and have they such undying ties, that a missile crisis like that of 1962 will never arise again?

66. Having made the foregoing juridical analysis of the proposed treaty, let me summarize by saying this: we have reached a position where non-nuclear nations are virtually being requested formally to bow to the whims of some of the Powers that are highly armed with lethal nuclear weapons. We are asked to tender a formal acceptance of their overlordship by declaring that we shall never make or accept nuclear weapons. In that way the whole concept of the sovereign

equality of nations is thrown overboard, and that alone could lead to disastrous consequences, since another artificial division of humanity between nuclear and non-nuclear nations and peoples would increase the instability we should like to avoid. Instability could then lead to the same disaster of nuclear holocaust.

67. The draft treaty in no way proposes the elimination of the causes of the menace. The draft treaty does not, as we have pointed out and others have observed, propose the destruction and elimination of existing nuclear weapons. What it does propose, however, is an aggravation of part of the cause. And by that I mean the subjection of the natural resources and sovereignty of Member States to the dictates and control of the super-Powers. If, by this treaty, the Organization will be sanctioning such a gross violation of the right of States to independent use and development of their resources, will that not be tantamount to accepting and sanctioning neo-colonialism? And if the proposed treaty were to sanction subjection in respect to what is now accepted as fissionable material, what would be the position of all States in the near future if other elements, now regarded as common and unimportant, were to be discovered to be fissionable material? The prospects of that occurring are not remote.

68. But what is highly disturbing is the realization that the proposed treaty may one day be the cause of a situation in which nations find that every inch of their soil and every cubic foot of their national waters are subjected to the dictates of the super-Powers and international controls. We should like to emphasize once again that acceptance of this treaty in its present form would logically lead to a return to the notorious diplomacy of spheres of influence. It would lead to a neo-colonialist policy of economic dependence, through the reliance of the non-nuclear States upon the nuclear States for assistance in peaceful uses of nuclear energy. Add to this proposition the logical consequence of military alliances with the nuclear Powers, and we have clearly set the stage for the recolonization of the vast riches and resources of nuclear energy in the developing countries by the five large nuclear States. We say that this treaty will be the prelude to new colonization, as the Berlin Treaty of 1884 was the prelude to the colonization of Africa. This treaty is dangerously conceived and vicious in its execution. We sign the treaty, if we dare, in its present form at our peril. Let the developing countries beware of the super-Powers bearing gifts.

69. Even if we were to tender our note of surrender to those nuclear Powers which are party to the proposed treaty by attaching Tanzania's signature, mankind could hardly claim to be more secure since we know for sure that already there are other nuclear Powers which, for well-known reasons, neither participated in the discussions nor are likely to sign the proposed treaty. Thus, to claim that the world would definitely be more secure is tantamount to playing the ostrich game. We know only too well that the existing nuclear Powers have stockpiles of these deadly weapons capable of annihilating our planet many times over. Worse still, they are not even satisfied with what they already possess. The nuclear arms race is being hotly pursued each passing day.

70. Thus, apart from the delicate and sensitive question of making a political decision to surrender to the dictates of some of the existing nuclear Powers, there is obviously the serious demand to satisfy our conscience on whether or not the proposed treaty touches on the crux of the matter; that is, peace and the survival of mankind. In the opinion of my delegation, the proposed treaty misses the real challenge posed by the threat of nuclear holocaust. I have already mentioned that we have more than enough nuclear stockpiles to destroy our planet. Hence the correct approach ought to be measures to reduce or destroy these stockpiles. The draft treaty has no concrete provision on the destruction of the existing stockpiles. Instead we are told that the priority issue is to prevent horizontal proliferation. At the same time, the draft treaty allows vertical proliferation by those existing nuclear Powers associated with the proposed treaty. Surely it is not difficult to see that unless the nuclear Powers concerned take immediate measures to stop the vertical proliferation in which they are engaged, their own weapons are sooner or later bound to overflow, either deliberately or accidentally, with the same disastrous consequences for humanity.

71. I have already mentioned the attempt in the draft treaty to legalize the monopoly of nuclear knowledge by the existing nuclear Powers. The provision that non-nuclear Powers could then avail themselves of the peaceful advantages of that knowledge, including buying the devices at cheap prices, smacks of the greatest mercantile monopoly of this century. Our existence is threatened in many ways, including the fact that under the proposed treaty the nuclear Powers make no clear commitment that they will never use nuclear weapons against non-nuclear nations. My delegation believes that it would not be asking too much if this General Assembly were to request the nuclear Powers to re-examine their positions and present a draft treaty touching on the key issues surrounding the shadow of terror cast by their nuclear weapons.

72. In conclusion, I should like to stress that the draft treaty before us should serve as nothing more than a useful basic working document. In its present form it affords much room for improvement. It is full of inequities and unreasonable, unbalanced obligations. Time and reflection and the methodical examination of each of the articles is on the side of a final non-proliferation treaty. We should travel slowly in this matter. My Government cannot support the draft treaty in its present form. We feel sure that we shall be in a better position to support it after the necessary amendments to it have been made, after the non-nuclear Powers have held their conference in August, and after the twenty-third session of the General Assembly has been able to assemble all the views and pre-occupations of all States, both the Members of the United Nations and those not currently sitting in our Organization. At an opportune time and in due course my delegation, together with others, will put forward concrete amendments to the draft resolution contained in document A/C.1/L.421/Rev.1 and Add.1-3, in conformity with our views on this subject.

73. The CHAIRMAN: Before calling on the last speaker for today, I should like to remind members of the Committee that the list of speakers will be closed on Monday, 20 May, at 1 p.m., and I urge members of

the Committee who wish to participate in the general debate to indicate their desire to the Secretary of the Committee as soon as possible.

74. Mr. KJARTANSSON (Iceland): In taking the floor in this debate on the draft treaty on the non-proliferation of nuclear weapons I am well aware that Iceland possesses no expertise or special knowledge on this vital subject. My country is not on the threshold of becoming a nuclear Power. Nor are we particularly qualified, in the ordinary sense of the term, to speak on matters concerning arms control and disarmament.

75. If we are anxious to make our voice heard in this debate, it is for the very reason that Iceland is a country without armaments. My country has no armed forces of its own, no army, no navy, no air force, no military service and no budget for military expenditures. We are therefore keenly aware of our total dependence on the goodwill and good intentions of other countries; on peaceful relations not only with other countries, but also on peace between other countries.

76. It should therefore surprise no one that the Government and the people of Iceland have watched with growing concern the armaments race and the stockpiling of nuclear arms. At the same time, we have followed with deep and anxious interest the efforts that have been made within this Organization to reach agreement on a reduction of armaments and thereby a general relaxation of tension in the world.

77. We are all deeply indebted to the Foreign Minister of Ireland, Mr. Frank Aiken who, ten years ago, conceived the idea of and put forward the first proposal for a non-proliferation treaty. In so doing, he showed great political wisdom and foresight. His proposal has been followed up by a series of General Assembly resolutions, urging the negotiation of a treaty to halt the spread of nuclear weapons. These negotiations, undertaken mainly in the Eighteen-Nation Committee on Disarmament, have proved to be extremely difficult, complicated and delicate. But success in other related fields contributed to creating the favourable atmosphere which finally made this draft treaty possible.

78. The most important of these successes was the conclusion of the partial test-ban Treaty of 1963, which was followed in 1964 by the unilateral declarations by the United States^{17/} and the Soviet Union^{18/} of their intention to reduce the production of fissionable material for weapons purposes.

79. The break-through in the tireless efforts of the Eighteen-Nation Committee on Disarmament came in August of last year, when the Soviet Union and the United States simultaneously submitted identical draft texts of a non-proliferation treaty. Behind those draft texts lay a long and difficult period of preparatory work. This is known and recognized by all. The drafts were then discussed in the Eighteen-Nation Committee on Disarmament and amendments were suggested by various members. Some of those amendments were finally incorporated into the text, and the result is the final draft treaty that is now before our Committee. The Co-Chairmen of the Eighteen-Nation Committee on Disarmament and the United Kingdom are unani-

^{17/} Ibid., Supplement for January to December 1964 (DC/209), annex I, sect. I.

^{18/} Ibid., sect. H.

mously agreed on this text. My delegation considers this very agreement among the three major nuclear Powers to be in itself an achievement of such overriding importance that any hesitations or objections that may be raised at this stage in regard to the wording of individual articles of the draft treaty must be regarded as secondary.

80. My Government shares the view already expressed by many speakers that the conclusion of a treaty on non-proliferation of nuclear weapons will mark a turning-point in international efforts towards disarmament, and that, in fact, the question on which this Committee is now called to pronounce itself is one of the most important issues, if not the most important one, that have ever been on the agenda of the United Nations.

81. In our opinion, the issue before this General Assembly is not one of making textual improvements on an imperfect document. The text of the draft treaty is essentially a compromise text, and no amendments could ever improve it to the satisfaction of all. The issue is one of grasping an opportunity that has long eluded us but that now finally presents itself, an opportunity to act, to take a first important step on the road towards further and more general disarmament. We are indeed living in a dangerous world. We dare not let this opportunity pass us by, for we should be running the risk that it might not come again.

82. To make its modest contribution and mark its support for the treaty, my Government is a co-sponsor of the draft resolution contained in documents A/C.1/L.421/Rev.1 and Add.1-3, originally introduced on 2 May by Ambassador Jakobson of Finland [1559th meeting], in a lucid and logical statement to which my delegation fully subscribes.

83. The draft resolution endorses the treaty and requests the depositary Governments to open it for signature at the earliest possible date, and expresses the hope for the widest possible adherence to the treaty. The preamble further expresses the conviction that an agreement to prevent the further proliferation of nuclear weapons must be followed by effective steps for cessation of the nuclear arms race and towards nuclear disarmament, and that the non-proliferation treaty will contribute to that aim. By operative paragraph 4 of the draft resolution, the Eighteen-Nation Committee on Disarmament is requested urgently to pursue negotiations to this effect and on a treaty on general and complete disarmament.

84. This is fully in keeping with the view jointly expressed by the Foreign Ministers of the five Nordic countries in the communiqué issued at the close of

their recent meeting on 26 April of this year. The Ministers stressed the great importance of concluding a non-proliferation treaty without further delay. They considered that it would be an important contribution to international security and the relaxation of tension, and expressed the opinion that such a treaty should, as soon as possible, be followed up by an agreement on a complete nuclear test ban and by other disarmament measures.

85. An obligation to pursue this course is clearly expressed in the draft treaty itself, first in the amendment to the preamble introduced by Sweden^{19/} and accepted by the Eighteen-Nation Committee on Disarmament, and further, in article VI, according to which the parties undertake to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race.

86. My Government has full confidence that this pledge will be honoured. In this connexion, we have noted with pleasure that these commitments were clearly and solemnly confirmed by the First Deputy Minister for Foreign Affairs of the Union of Soviet Socialist Republics, Mr. Kuznetsov, and by Ambassador Goldberg, the Permanent Representative of the United States, in their statements at the opening of the debate on this subject in this Committee.

87. A treaty is a living instrument, and the stipulations in the text of this draft treaty providing for periodic revision should prove adequate guarantees for the possibility of making minor adjustments later, should that be felt necessary. We would therefore appeal to those delegations that have pointed to imperfections in the text of the draft treaty and have suggested amendments, that they do not insist and that they join others in approving the draft treaty now. They have themselves conceded that the changes they have suggested are of minor importance in relation to the major issues in the treaty. We hope therefore that they will come to the conclusion that the changes are also of minor importance compared with the major issue of concluding or not concluding the treaty.

88. My delegation hopes, moreover, that the security assurances which three permanent members of the Security Council, signatories of the treaty, will give, may sufficiently allay the feeling of insecurity of non-nuclear States and thus contribute towards the creation of an atmosphere of mutual trust and confidence that will prove conducive to further arms control and disarmament efforts.

89. After hearing the new and convincing arguments by Ambassador Goldberg, we are now more than ever certain that we shall be taking a giant step forward by approving the draft resolution that is now before this Committee and the draft treaty as soon as possible.

The meeting rose at 4.40 p.m.

^{19/} Ibid., Supplement for 1967 and 1968, document DC/230 and Add.1, annex IV, sect. 31.