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AGENDA ITEM 27

Question of general and complete disarmament: report of the Conference of the Committee on Disarmament (continued)* (A/7958, A/7960 and Corr.1, A/7961, A/8059-DC/233, A/C.1/1001 and 1010, A/C.1/L.532, A/C.1/L.534/Rev.2, A/C.1/L.537/Rev.1)

CONSIDERATION OF DRAFT RESOLUTIONS
(continued)

1. The CHAIRMAN (interpretation from Spanish): I would like to inform the Committee that a number of delegations have asked me to postpone considering and voting on draft resolution A/C.1/L.537/Rev.1, since consultations and negotiations on the draft are still taking place. If the Committee does not object, we might accede to this request in the hope that the negotiations under way will come to a speedy and positive conclusion. If there is no opposition to this postponement, then the Committee will today only take up the draft resolutions in documents A/C.1/L.532 and A/C.1/L.534/Rev.2.

It was so decided.

* Resumed from the 1772nd meeting.

2. We now take up draft resolution A/C.1/L.532. We shall start by holding a general discussion on this resolution.

3. Mr. ROSHCHIN (Union of Soviet Socialist Republics) (translated from Russian): I should like to clarify the position of the Soviet delegation with regard to the draft resolution of the non-aligned States concerning the cessation of the nuclear arms race.

4. The operative part of the draft resolution urges the Governments of the nuclear-weapon Powers "to bring about an immediate halt in the nuclear arms race and to cease all testing as well as deployment of offensive and defensive nuclear-weapon systems".

5. As you all well know, from the time that nuclear weapons first made their appearance, the Soviet Union has consistently supported the prohibition and complete elimination of these weapons of mass destruction. In pursuit of this goal, throughout all the post-war talks on disarmament, here in the United Nations, in the Committee on Disarmament and in other forums, the Soviet Union has striven and is still striving to ensure that nuclear weapons are permanently removed from the military arsenals of States.

6. In the memorandum of the Government of the Union of Soviet Socialist Republics concerning urgent measures to stop the arms race and achieve disarmament, dated 1 July 1968,¹ which was published in connexion with the signing of the Treaty on the Non-Proliferation of Nuclear Weapons, the Soviet Union once again stressed its concern to save mankind from the danger of nuclear war and in that connexion proposed that all the nuclear Powers immediately begin negotiations on the cessation of production of nuclear weapons, the reduction of stockpiles and the eventual complete prohibition and elimination of nuclear weapons under appropriate international control. The Soviet Government on that occasion declared itself ready to begin such negotiations with all the other nuclear Powers at any time.

7. Under article VI of the Treaty on the Non-Proliferation of Nuclear Weapons, each State Party to the Treaty has undertaken "to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament".

8. We attach the greatest significance to this undertaking and consider that an appeal to all nuclear Powers to halt the nuclear arms race is fully in accordance with the Treaty on the Non-Proliferation of Nuclear Weapons. On the basis of

¹ See *Official Records of the General Assembly, Twenty-third Session, Annexes, agenda items, 27, 28, 29, 94 and 96, document A/7134.*

this position of principle on questions relating to nuclear disarmament, the Soviet delegation supports the appeal to the Governments of the nuclear-weapon Powers to bring about an immediate halt in the nuclear arms race. In so doing, we are, of course, as the Soviet delegation has pointed out on more than one occasion, guided by the principle, that the implementation of effective measures for nuclear disarmament must presuppose participation by all the nuclear Powers.

9. Mr. ARIAS SCHREIBER (Peru) (*interpretation from Spanish*): Draft resolution A/C.1/L.532, submitted by a group of countries from all continents, which urges the Governments of the nuclear-weapon Powers to bring about an immediate halt in the nuclear arms race and to cease all testing of offensive and defensive nuclear weapons, echoes the appeal of nations and peoples all over the world.

10. In explaining the reasons for the Peruvian Government's proposal for the complete denuclearization of the sea-bed [1763rd meeting] we put forward views which we do not believe we have to repeat now. Furthermore, everyone is aware of the constant appeals and protests made by the Government of my country, both in the General Assembly and at the time when nuclear-weapon tests were carried out by certain countries in the Pacific Ocean region.

11. The possession of nuclear weapons is an affront and a threat to all mankind. It is time that this be understood by the nuclear Powers that insist on preserving and testing these weapons even though they are thereby contaminating the atmosphere in which we all have to live.

12. In view of the fact that the rest of our countries have no other means of persuasion, we endorse this draft resolution, which we trust will be adopted as a general appeal by the nations that wish to live free from fear, which is not only an aspiration but a right of all nations.

13. The CHAIRMAN (*interpretation from Spanish*): If no other delegation wishes to make general comments on this draft resolution, I shall call on those which are on the list to explain their vote before the voting.

14. Mr. TANAKA (Japan): I should like to make a brief statement in explanation of my vote on draft resolution A/C.1/L.532, sponsored by twelve States.

15. As I said in this Committee on 4 November [1750th meeting], the Government of Japan has consistently maintained that "the utmost importance should be attached to nuclear disarmament". That is the reason why my Government earnestly hopes that the United States and the Soviet Union will, in response to the hopes of the world, be able to achieve concrete results in their negotiations at an early date.

16. With reference to the draft resolution before us, my delegation concurs with the spirit of the resolution. We believe, however, that in order to achieve what is envisaged in the operative paragraph of the draft resolution it is essential to find appropriate solutions to the various complex problems involved, such as those of verification. We also believe that serious and sincere efforts on the part

of all the nuclear-weapon Powers are prerequisites for the implementation of the draft resolution. With that in mind, my delegation will vote in favour of it.

17. Mr. GARBO (Norway): The Norwegian delegation will vote in favour of the draft resolution now before the Committee, as we find ourselves in general agreement with the view that an immediate halt in the nuclear arms race would increase the possibilities for success in the Strategic Arms Limitation Talks (SALT). As we have previously observed, the Norwegian Government has noted with satisfaction that the preliminary talks which were initiated a year ago by the United States and the Soviet Union on the limitation of strategic weapons systems have developed into serious negotiations.

18. In our view, even a limited agreement or understanding between the two super-Powers in this vital area could lead to further improvement of the relations between the two countries and thus contribute to a general lessening of tensions. We also consider the negotiating process as valuable in itself, since the talks presumably provide both sides with an increased understanding of each other's capabilities and intentions. This could have a significant ameliorating influence on the pernicious action-reaction cycle of the arms race.

19. The Norwegian Government hopes that the talks have already succeeded in slowing down the development, testing and deployment of strategic weapons, which will otherwise go much further and become more dangerous. But first and foremost we must hope that they will eventually result in a definite curbing of the strategic arms race and a durable stabilization of the strategic weapons relationship; this, in turn, could open up possibilities for the limitation and subsequent balanced reductions of those dangerous weapons.

20. At the same time, however, our impression is that technological development has—at least to some extent—resulted in the deployment and contemplated deployment of new types of weapon which, we fear, may further complicate a strategic arms limitation agreement. Unfortunately, general experience indicates that technological development can overtake even the best of arms control proposals. We would therefore seriously urge both parties in the Strategic Arms Limitation Talks not to take steps in that field which would reduce the prospects for an agreement on the limitation of nuclear weapons. In particular, we should like to warn against an unproductive prolongation of the negotiations which could result in the super-Powers going ahead—with a view to strengthening their respective bargaining positions—with weapon programmes that would otherwise not be undertaken.

21. In conclusion, as we approach the vote on this draft resolution, I should like to recall the resolution adopted by the United States Senate in April of this year, by a vote of 72 in favour, in which the Senate called on both parties in the Strategic Arms Limitation Talks to stop the nuclear arms race and advocated suspension of further deployment of offensive and defensive nuclear strategic weapons systems. The Norwegian delegation finds itself in accord with the sense of that resolution. We fear that the continued development of such weapons might threaten to frustrate

present attempts at negotiating a strategic arms limitation agreement.

22. Mr. MORTENSEN (Denmark): My delegation intends to vote in favour of the draft resolution, because we support the goals expressed therein. In the view of my Government, there is no doubt that the nuclear arms race must be halted and that efforts should be made to prevent the development and the deployment of new weapons systems.

23. We deem it necessary to explain our vote, however, because we find that the wording of the last part of the operative paragraph of the draft resolution is not clear. Furthermore, my delegation wants to stress that our vote in favour should not be taken as any criticism of the Strategic Arms Limitation Talks in progress between the United States and the Soviet Union. We would like to see those talks continued and we hope that they will help to bring about the situation envisaged in the draft resolution.

24. Mr. IGNATIEFF (Canada): The Canadian delegation will vote in favour of the draft resolution because, as I explained to this Committee on 2 November [1749th meeting], Canada shares the hope that the Strategic Arms Limitation Talks will succeed and that the arms race can be curtailed. We also recognize that public expectations and concerns inevitably arise with regard to those talks. We nevertheless believe it unwise to minimize the complex issues involved in these negotiations and unrealistic to expect rapid progress or immediate results from the talks, which involve the most fundamental security interests and hence the negotiation of adequate and effective verification arrangements.

25. Mr. ESCHAUZIER (Netherlands): My delegation is unable to vote in favour of the draft resolution, which urges the Governments of the nuclear-weapon States to bring about an immediate halt in the nuclear arms race and to cease all testing as well as deployment of nuclear-weapon systems, offensive and defensive.

26. The operative paragraph of the draft resolution is couched in general terms; however, in the context of the third and fourth preambular paragraphs it is clear that the urgent request addressed to all nuclear weapon Powers is of special relevance with regard to the Strategic Arms Limitation Talks which were recently resumed at Helsinki.

27. Last year [1699th meeting] my delegation expressed the hope that those talks would in due course lead to substantial agreements on the limitation and subsequent reduction of strategic armaments. We also underlined the importance of the Union of Soviet Socialist Republics and the United States of America refraining from any action which might be prejudicial to the achievement of that aim. At the same time, we argued that it would not be opportune to make specific recommendations concerning the actual conduct of the negotiations and to try to focus attention too forcibly on one or more particular facets out of the whole range of options which may come into play at the bargaining table.

28. We are in full sympathy with the high motives and the sense of urgency which prompted the sponsors to submit

the draft resolution. We share with them and with all other delegations the ardent wish that the nuclear Powers in general will make serious efforts to achieve progress in matters of nuclear arms control. Also, we would view with the utmost relief and deep satisfaction any evidence that, pending the outcome of such efforts, the nuclear Powers were exercising restraint in the build-up of their nuclear arsenals.

29. However, my delegation is of the opinion that the operative paragraph of the draft resolution employs language which is so categorical that it is both unclear and unrealistic. In particular, the request for a cessation of all testing and deployment of nuclear weapon systems is not well defined and is open to widely differing interpretations.

30. For that reason my delegation is not in a position to lend its support to the draft resolution.

31. Mr. LEONARD (United States of America): The United States sympathizes, of course, with the general objective of this draft resolution. As the Committee is aware, we are now engaged in the demanding task of seeking to give practical effect to the goal of curbing nuclear armaments. The talks which we have been conducting with the Soviet Union to this end have been progressing in a serious and determined manner, and are now continuing. The issues involved are extremely complex, however, and a draft resolution such as this, laudable though its purpose might be, cannot in reality contribute to progress. For that reason my delegation will abstain.

32. The CHAIRMAN (*interpretation from Spanish*): The Committee will now vote on draft resolution A/C.1/L.532.

The draft resolution was adopted by 80 votes to none, with 14 abstentions.

33. I shall now call on those representatives who have asked to be allowed to explain their votes after the voting.

34. Mr. WALDHEIM (Austria): We have just adopted a draft resolution which refers, among other things, to the Strategic Arms Limitation Talks between the Union of Soviet Socialist Republics and the United States of America. These talks, as is well known, take place alternately in Vienna and Helsinki. As one of the host countries to these highly important talks, we are especially interested in furthering the negotiations and in contributing in the best possible way to a favourable atmosphere for the progress of the talks and their successful conclusion.

35. In this spirit we wish also to avoid anything which in the eyes of the participants the talks might not accord with their efforts or might not be regarded by them as being conducive to the progress of their negotiations.

36. It is on that basis that my delegation abstained in the vote on the draft resolution.

37. Mr. PASTINEN (Finland): The Finnish delegation abstained in the vote on the draft resolution, dealing with questions relating to the talks on the limitation of strategic arms between the United States and the Soviet Union at present under way in Helsinki.

38. We recognize that the draft resolution presented this year is broader in scope and couched in more general terms than the corresponding resolution on which my delegation abstained last year. The Finnish Government believes, however, that it would not be consistent with its duties as host to the Strategic Arms Limitation Talks (SALT) to take a stand on questions which are the subject of these talks in cases where both of the parties involved in the negotiations do not find it possible to give their support to the proposed draft resolution.

39. It is obvious that the Finnish Government fully supports the aim of putting an end to the nuclear arms race and hopes, in fact, that the Strategic Arms Limitation Talks will lead to this goal with all the speed that the complexity of the problem permits and its urgency demands.

40. Mr. STATHATOS (Greece): During the general debate my delegation expressed its satisfaction at the continuation of bilateral negotiations between the United States and the Soviet Union on the limitation of strategic nuclear-weapon systems and formulated sincere wishes for their speedy and fruitful outcome.

41. My delegation has also made it clear that it favours all measures intended to bring about a comprehensive test ban.

42. We are not, therefore, in disagreement with the spirit of the draft resolution that was put to a vote a few minutes ago. However, in view of the vague formulation of the last part of the operative paragraph and its over-simplified approach to the complex problem of deployment of nuclear weapons, both offensive and defensive, my delegation felt bound to abstain in the vote.

43. The CHAIRMAN (*interpretation from Spanish*): As no other delegation wishes to explain its vote after the voting, we have therefore concluded consideration of draft resolution A/C.1/L.532.

44. We shall now turn to the consideration of draft resolution A/C.1/L.534/Rev.2.

45. I shall now call on those representatives who wish to make general comments on that draft resolution.

46. Mr. VON HIRSCHBERG (South Africa): In the course of the debate South Africa was referred to as one of the countries involved in the development of a new uranium-enrichment process and I think it appropriate, therefore, to quote, for the information of the Committee, the relevant part of a statement made by my Prime Minister in the House of Assembly on 20 July this year, when he announced the new uranium-enrichment process developed by South Africa:

"I would again like to emphasize, as has so often been done by the Government, that South Africa's research and development programme in the field of nuclear energy is directed entirely towards peaceful purposes. I would like to go even further. South Africa does not intend to withhold the considerable advantages inherent in this development from the world community."

My Prime Minister then went on to outline the basis on which South Africa would be prepared to collaborate with others in the exploitation of this process. He continued as follows:

"I must emphasize, however, that our sole objective in the further development and application of the process will be to promote the peaceful application of nuclear energy. Only then can it be to our benefit and that of mankind.

"I also wish to state emphatically that South Africa is prepared to subject its nuclear activities to a safeguard system, including inspection, subject to the conditions that: firstly, South Africa will in no way be limited in the promotion of the peaceful application of nuclear energy; secondly, South Africa will not run the risk of details of the new process leaking out as a result of the safeguard inspection system; and, thirdly, the safeguard system, while efficient, will be implemented on such a reasonable basis as to avoid interference with the normal efficient operation of the particular industries."

47. In conclusion I wish to state that the exploitation of our uranium-enrichment process purely for peaceful purposes will be an express condition in the conclusion of any co-operative agreement with another country on this matter.

48. Mr. ESCHAUZIER (Netherlands): My delegation is of the opinion that, inasmuch as the development of new techniques of uranium enrichment presents a problem from the point of view of arms control, this is only one facet of the more general problem of the relationship between the peaceful use of nuclear energy and the production of nuclear weapons. The general problem of the implications of civil nuclear technology for the non-proliferation of nuclear weapons is adequately dealt with in the Treaty on the Non-Proliferation of Nuclear Weapons [*resolution 2373 (XXII), annex*]. Article III of the Treaty provides for safeguards to be applied to all—and I should like to emphasize the word "all"—nuclear activities for peaceful purposes in the territories of non-nuclear-weapon parties. How those safeguards are to be applied to installations of uranium enrichment is a technical issue.

49. That is also brought to light by the wording of operative paragraph 1 of draft resolution A/C.1/L.534/Rev.2.

50. I should like to avail myself of this opportunity to make clear that the agreement to collaborate in the development and the exploitation of the gas centrifuge method of producing enriched uranium, which has been negotiated between the United Kingdom, the Federal Republic of Germany and the Netherlands and to which a reference was made by the representative of Malta, Mr. Pardo, in his statement before this Committee on 12 November 1970 [*1758th meeting*] stipulates very clearly that the parties undertake to ensure that any information, any equipment and any nuclear materials which may be at their disposal for the purpose of, or as a result of, that tripartite collaboration will not be used by any non-nuclear-weapon State for the production of nuclear weapons or other nuclear explosive devices.

51. My delegation is prepared to vote in favour of the draft resolution.

52. Mr. JAIN (India): It is the understanding of the delegation of India that the second revised version of the Maltese draft resolution on the development of new techniques of uranium enrichment is based on three essential premises. First, all States have the inalienable right to develop research, production and use of nuclear energy for peaceful purposes without discrimination. This right has existed in the past and will continue to exist in the future, because it is an inalienable right and does not derive from any treaty or treaties. Second, the technology of uranium enrichment could be used for peaceful purposes as well as for military purposes unless subject to effective safeguards. Third, the International Atomic Energy Agency should be requested to pay attention, in accordance with its statute, to the development of safeguards in order to prevent the misuse of the technology of uranium enrichment for military purposes.

53. The delegation of India believes that the request contained in the revised Maltese draft resolution for the development by the International Atomic Energy Agency of safeguards required with respect to new techniques for uranium enrichment is not meant to imply that effective safeguard procedures should not be developed by the Agency in respect of those techniques of uranium enrichment which are already in use in the nuclear-weapon States. What is intended to be prevented is the misuse by all States of both old and new techniques of uranium enrichment.

54. The International Atomic Energy Agency has done and is continuing to do valuable work in regard to the development of effective safeguard procedures in the field of nuclear energy. Safeguards have already been developed with regard to reactors and fuel fabrication and reprocessing facilities. These safeguards are being kept under review with a view to simplifying them and making them less onerous, while retaining their effectiveness. The Agency intends to develop effective safeguard procedures in regard to uranium-enrichment facilities.

55. The revised Maltese draft resolution would serve as a reminder to the Agency to speed up its work, in accordance with its statute, with regard to the development of safeguards for uranium-enrichment facilities, whether such facilities are based on old or on new techniques.

56. In order that such safeguards may be effective, it is essential that they should be developed on the basis of objective, scientific and non-discriminatory criteria and be applicable to all States.

57. The CHAIRMAN (*interpretation from Spanish*): I shall now call on the delegations that have listed their names to explain their votes before the vote.

58. Mr. TANAKA (Japan): I wish to make an explanation of the vote my delegation is about to cast in favour of the draft resolution submitted by the delegation of Malta.

59. The Government of Japan is firmly convinced that there should be no discrimination among States in any aspect of their activities in connexion with peaceful use of

nuclear energy. In this respect the Japanese delegation is pleased to note the insertion in the revised draft resolution now before us of the new first preambular paragraph, dealing with the inalienable right of States to develop research, production and use of nuclear energy for peaceful purposes without discrimination. It is the considered view of the Japanese delegation that the development of new techniques in the field of peaceful nuclear activities, including techniques for nuclear enrichment, should in no way be denied to non-nuclear-weapon States.

60. With regard to operative paragraph 1, my delegation wishes to place on record the understanding of the Government of Japan that the object of safeguards to be developed by the International Atomic Energy Agency should not be the new techniques of nuclear enrichment as such, but the nuclear materials produced or processed at the uranium-enrichment facility using such new techniques.

61. I wish to emphasize that our voting in favour of the draft resolution should in no way prejudice the aforementioned views and positions of the Government of Japan.

62. Mr. VEJVODA (Czechoslovakia): The delegation of Malta has submitted a draft resolution concerning the dangers of utilizing the development of new techniques for uranium enrichment for military purposes. The Czechoslovak delegation fully realizes the gravity of this problem. The possibility of the misuse of nuclear energy for military purposes has been recognized by the General Assembly ever since 1958, when an item related to the question was first included in the agenda of the General Assembly. The question was subsequently discussed over a number of years in connexion with the problem of the proliferation of nuclear weapons, until negotiations culminated in the adoption of the Treaty on the Non-Proliferation of Nuclear Weapons, elaborated on the basis of proposals by the Soviet Union and the United States of America, by the Conference of the Eighteen-Nation Committee on Disarmament. The non-proliferation Treaty, as is well known, entered into force in March of this year after being ratified by the required number of countries.

63. The question of the implications of new techniques of uranium-enrichment in connexion with a potential proliferation of nuclear weapons falls fully within the sphere covered by the Treaty on the Non-Proliferation of Nuclear Weapons. As is well known, the Treaty determines the obligations of non-nuclear States Parties to the Treaty not to produce fissionable materials for military purposes, and also calls for an undertaking by those States to accept the safeguards developed by the International Atomic Energy Agency concerning the obligations accepted on the basis of the Treaty on the Non-Proliferation of Nuclear Weapons. The International Atomic Energy Agency has been working intensively on the question of safeguards in connexion with article III of the non-proliferation Treaty so that the problems involved may be solved as soon as possible.

64. This is rightly noted in the Maltese draft resolution. The draft resolution, by requesting in its operative paragraph 1 that the International Atomic Energy Agency pay particular attention to the safeguards required with respect to new techniques for uranium enrichment, correctly draws attention to one of the most important aspects of the Agency's safeguard activities.

65. Consequently, we agree that the problem is a very important one, but at the same time, we wish to emphasize that attention should be accorded to the non-proliferation Treaty, which was brought to life precisely in order to help solve that and similar problems.

66. Of course, the question might be raised of how many countries have actually ratified the non-proliferation Treaty and are willing to be governed by the Treaty. At this point the answer would be a far from satisfactory figure. The Czechoslovak delegation believes that, even if it is correct to draw attention to the problem, as the delegation of Malta has done, we should not forget that we have to strive constantly for the universality of the non-proliferation Treaty, so that it may become a truly effective instrument for the limitation of the proliferation of nuclear weapons and for the liquidation of all dangers that might emanate from the undeniable right of nations to develop research and production serving the utilization of nuclear energy for peaceful purposes.

67. In conclusion, the Czechoslovak delegation would like to express its appreciation of the fact that the delegation of Malta was willing to revise its original approach to the problem, an approach which at the time was not acceptable to a number of delegations, including the delegation of Czechoslovakia. The revised draft resolution is acceptable to us and we shall therefore vote in its favour.

68. Mr. IGNATIEFF (Canada): The Canadian delegation will vote in favour of the draft resolution.

69. I wish to thank the representative of Malta for having met the points put to him by various delegations. In our view, however, the problem brought out in this draft resolution is already under active consideration in the International Atomic Energy Agency's Safeguards Committee.

70. In voting in favour of this draft resolution, I would point out that we interpret the first preambular paragraph as in no way detracting from the provisions of article IV of the Treaty on the Non-Proliferation of Nuclear Weapons, which provides for non-discrimination among parties to the Treaty. I would also point out that the dangers referred to in the third preambular paragraph of the draft resolution with respect to the utilization of new techniques for nuclear-explosive purposes are in no way different from those with which the non-proliferation Treaty was intended to deal. They demonstrate once again, in our view, the need for the widest possible adherence to the non-proliferation Treaty and to its prompt and effective implementation.

71. Sir Laurence McINTYRE (Australia): My delegation is grateful to the delegation of Malta for the series of amendments it has made to this draft resolution. In our view these represent substantial improvements, and the text now before us is better than the original version, which my delegation, for one, could not have supported. We are therefore pleased to be able to vote in favour of the draft resolution as it stands, although we must confess we shall do so with some reservations. This is because in our view the text still does not take sufficiently into account the various and sometimes competing pressures which the International Atomic Energy Agency faces on particular

aspects of its difficult task of arriving at a safeguards system that can be widely acceptable.

72. Mr. LEONARD (United States): The United States is prepared to support the draft resolution because it is generally consonant with our view that in peaceful nuclear activities within non-nuclear-weapon States nuclear materials should be subjected to appropriate international safeguards. I should, however, like to make a few remarks on the substance of the proposal.

73. First, it is our understanding that, as indicated by earlier speakers, the International Atomic Energy Agency is in fact already contemplating developing safeguard procedures for isotope-enrichment plants. Further preliminary work and consultations will, however, have to be carried out before the Agency can bring this task to fruition. This is technically a highly complicated problem, and it may take some time to develop the procedures. Fortunately there is some time to do the job, since the enrichment programmes outside the nuclear-weapon States are still in a relatively early stage of development.

74. Secondly, we believe it is important to note, as earlier speakers have, that satisfactory safeguard procedures need to be developed to cover proven as well as new techniques of isotope enrichment. We do not interpret this draft resolution to suggest that there should be some distinction between the need to safeguard new techniques and the need to safeguard old techniques.

75. Mr. CARACCILO (Italy): While I should like to join preceding speakers in expressing my appreciation to the representative of Malta for producing a revised text of his own original draft, I think it would also be appropriate for my delegation to clarify the meaning of our vote in favour of the draft resolution. We shall vote in its favour, since we support the general purpose of the draft; in fact, the International Atomic Energy Agency is already engaged in a fruitful and competent study of the problems of the safeguards agreement to be concluded in compliance with the provisions of the non-proliferation Treaty. Such provisions cover adequately the problem to which the Maltese draft refers. To our minds, it might further be necessary to invite all States that have not yet signed the Treaty on the Non-Proliferation of Nuclear Weapons to do so. I would also recall that the non-proliferation Treaty, in its preamble and in article III, clearly states the principle that safeguards are applied not on facilities but on the flow of source and fissionable material. We shall therefore vote in favour of the draft resolution on the assumption and understanding that it entirely complies with those principles.

76. Mr. SHAHI (Pakistan): The Pakistan delegation will vote in favour of the draft resolution on the following understanding. While my delegation does agree that the safeguards system of the International Atomic Energy Agency should be extended to new techniques as well as to the old existing techniques of uranium enrichment, it is our understanding that, since the operative part of the Maltese draft resolution is governed by the scope of the non-proliferation Treaty, as clearly indicated in the last preambular paragraph, our support of this draft resolution cannot be made conditional on acceptance by the existing nuclear-weapons Powers of safeguards systems for their existing gaseous diffusion plants.

77. The CHAIRMAN (*interpretation from Spanish*): Since no other delegations wish to explain their votes before the voting, the Committee will now vote on draft resolution A/C.1/L.534/Rev.2.

The draft resolution was adopted by 91 votes to none, with 5 abstentions.

78. I shall now call upon those delegations which wish to explain their votes after the vote.

79. Mr. DE LA GORCE (France) (*interpretation from French*): I should just like to indicate to the Committee that my delegation's vote in favour of the draft resolution implies no change in the attitude of the Government of the French Republic regarding the Treaty on the Non-Proliferation of Nuclear Weapons.

80. The CHAIRMAN (*interpretation from Spanish*): Since no other delegation wishes to explain its vote, I shall consider that the Committee has concluded its consideration of draft resolution A/C.1/L.534/Rev.2.

81. As the Committee will recall, we decided at the beginning of the meeting to postpone the consideration of and voting on draft resolution A/C.1/L.537/Rev.1 until some future meeting. I trust that the negotiations that are being held on this draft resolution will soon be successfully concluded and that we shall be able to resume its consideration as soon as possible.

82. Mr. EDELSTAM (Sweden): Before we conclude our consideration of the disarmament items for today, may I make one small point? When the Committee voted on 17 November on the draft resolution contained in document A/C.1/L.523, it commended the Treaty on the Prohibition of the Emplacement of Nuclear and Other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and in the Subsoil Thereof. In that text, however, there was a blank in article X, paragraph 2, in which the names of the Governments that would act as depositary Governments were to be inserted.

83. May I take it that the blank will have been filled when the draft resolution, with the text of the treaty attached, goes to the plenary Assembly for final approval? May I also take it that the precedents of similar earlier treaties in the field of disarmament, such as the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water and the Treaty on the Non-Proliferation of Nuclear Weapons, will be followed in this case and that the names of the Governments of the USSR, the United Kingdom and the United States will appear in the said article as the depositary Governments?

84. Mr. PORTER (United Kingdom): I should just like to say that if it is the general wish that the precedents of previous arms control treaties should be followed, the United Kingdom will be happy to act as a depositary Government for the sea-bed Treaty.

85. The CHAIRMAN (*interpretation from Spanish*): If no other delegation wishes to make any comments on this matter, I shall take it that we have concluded consideration for today of draft resolutions relating to agenda item 27.

We are left with draft resolution A/C.1/L.537/Rev.1, which has still to be examined and voted upon by the Committee at some forthcoming meeting.

AGENDA ITEM 25

- (a) Question of the reservation exclusively for peaceful purposes of the sea-bed and the ocean floor, and the subsoil thereof, underlying the high seas beyond the limits of present national jurisdiction, and the use of their resources in the interests of mankind: report of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction (*continued*) (A/8021, A/C.1/L.536 and 542);
- (b) Marine pollution and other hazardous and harmful effects which might arise from the exploration and exploitation of the sea-bed and the ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction: report of the Secretary-General (*continued*) (A/7924, A/C.1/L.536);
- (c) Views of Member States on the desirability of convening at an early date a conference on the law of the sea: report of the Secretary-General (*continued*) (A/7925 and Add.1-3, A/C.1/L.536 and 539);
- (d) Question of the breadth of the territorial sea and related matters (*continued*) (A/8047 and Add.1, Add.2/Rev.1, Add.3 and 4, A/C.1/L.536)

86. Mr. WALDHEIM (Austria): Under item 25 on our agenda we are called upon to consider four particular issues: the report of the sea-bed Committee regarding its work during the last year; the report of the Secretary-General on marine pollution; the question of convening a conference on the law of the sea; and the question of the breadth of the territorial sea. The last two issues are intimately related and in the present circumstances might be viewed as one topic.

87. For purposes of presentation and the convenience of the Committee, I propose to deal now with questions pertaining to agenda item 25 (a), (c) and (d), reserving my right to intervene on the question of pollution in more detail in a later statement.

88. In commenting on and examining the report of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction, which is contained in document A/8021, let me begin by quoting from its conclusions, which sum up concisely the results of an eventful year of hard work under the respected and highly valued chairmanship of Mr. Amerasinghe of Ceylon. In paragraphs 67 to 69 of the report, it is stated that the Committee has succeeded in articulating the issues before it in greater detail and that a significant proportion of the preparation work necessary for viable arrangements acceptable to the international community has been accomplished. The report goes on to say that although progress has been slower than one might have hoped, the extent of the agreement within the Committee may be judged to have increased.

89. At a time when we are discussing the convening of an international conference which will decide on the manage-

ment and future of two-thirds of the surface of our globe, my delegation deems it necessary and appropriate to draw particular attention to those conclusions and the work of the sea-bed Committee, which has already done so much to prepare the ground for the solution of many of the problems we are considering today. We refer to the statement on the work of the Committee also in order to set the stage for a realistic evaluation of the results of its efforts in 1970.

90. What are the achievements of the Committee at the end of its second year of existence? According to resolution 2574 B (XXIV), the Committee was requested to continue its deliberations on the questions entrusted to it by the twenty-third session of the General Assembly. In particular, it was asked: to expedite its work on a comprehensive and balanced statement of principles designed to promote international co-operation in the exploration and use of the sea-bed; and to formulate recommendations regarding economic and technical conditions and rules for the exploitation of this area in the context of a régime which is to be set up.

91. We learn from the report before us that in the legal field the Committee was not in a position to recommend a draft declaration on principles. In fact, the report of the Legal Sub-Committee—annex I to the Committee's report—includes two draft resolutions instead of one. We are, however, aware, because we have participated in them, that consultations have been conducted since the adoption of that report which led to the introduction last week of document A/C.1/L.542, containing a comprehensive and balanced set of principles. This set of principles was presented by the Chairman of the sea-bed Committee not as the product of a consensus of the Committee, but as representing the highest degree of agreement attainable at the present time. It is indeed the reflection of the efforts deployed by the Chairman of the Legal Sub-Committee, Mr. Galindo Pohl, and by Mr. Amerasinghe, the Chairman of the sea-bed Committee, who conducted the extensive consultations. At this stage I should like to thank Mr. Amerasinghe for the task he has performed and to pay tribute to his great personal contribution to the elaboration of the draft.

92. It follows from the very nature of the draft declaration that it will not wholly satisfy every one of us. We are convinced, on the other hand, that it should be acceptable to all as a compromise which meets the requirements that can realistically be made of a declaration of principles in the present circumstances.

93. Naturally my delegation, with many others, would have wanted more or different formulations in several instances. We believe, for example, that the declaration does not define in clear enough terms the need for the speedy establishment of boundaries for the area beyond national jurisdiction; and we also hold the opinion that the rights of coastal States are perhaps embodied in the draft in a way which does not appear consistent with the positions taken in the Committee in the past. But in spite of these reservations, to which we could add others, we feel that we shall be able to accept the draft, not least because the draft declaration states unequivocally that the sea-bed and the ocean floor and the subsoil thereof beyond the limits of

national jurisdiction, as well as the resources of the area, are the common heritage of mankind.

94. Another consideration which has greatly facilitated our agreement on the draft declaration has its basis in what I should like to call one of the most important events in the work of the sea-bed Committee this year, namely, the introduction by the United States delegation of a draft United Nations convention on the international sea-bed area [A/8021, annex V]. We believe that the submission of the draft Convention, together with similar working papers submitted by the United Kingdom and France—which are all included in the Committee's report will result, or has already resulted, in a change in outlook on many of the main issues before the sea-bed Committee.

95. The presentation of the draft convention constitutes the first comprehensive and practical attempt on the part of a State to visualize in concrete terms an international régime for the sea-bed together with the requisite international machinery. The draft convention and the other working papers are also evident proof of the logical and practical necessity of linking any consideration of an international régime with the task of agreeing on the limits for the area to which the régime is to apply. It establishes irrefutably what my delegation has argued all along, namely, that one of our primary tasks in the sea-bed Committee should now be to prepare the ground for the delimitation of the international area of the sea-bed. I am convinced that this view is shared not only by the 40 or so land-locked countries and shelf-locked States Members of the United Nations which, like Austria, in view of their geographical positions, have a natural interest in this problem, but also by the developing States. Indeed, these countries also, if for different reasons, can expect reasonable participation in the exploration and exploitation of the sea-bed only through an international régime based on the principle of common heritage which has to extend over an area of the ocean floor of meaningful size.

96. In this context, Mr. Chairman, allow me to pay tribute to the remarkable contribution of Mr. Guevara Arze of Bolivia to the clarification of the position of land-locked and shelf-locked States at the 188th meeting of the General Committee.

97. Lastly, the draft United Nations convention has shown us the ultimate goal motivating our endeavours to reach agreement on a declaration of principles. It has given substance to our discussions on principles—principles which will have to guide us during future negotiations. We believed the authors of the draft convention when they said that they found it much easier to arrive at and to evaluate principles against the background of a comprehensive and concrete régime. Indeed, it lies in the nature of things that the draft convention will become the logical yardstick with which we shall have to assess further proposals and initiatives.

98. The report of the Economic and Technical Sub-Committee [*ibid.*, annex II] makes us aware that that body, in the same way as the Legal Sub-Committee, was not in a position to advance concrete proposals about the economic and technical conditions and the rules regarding the international régime. One of the reasons for this

development was that many representatives in the sea-bed Committee felt the need for more time in order for their Governments to be able to study the considerable amount of documentation in the Sub-Committee. Another reason, doubtless, was the fact that the Sub-Committee was conscious of the priority task of the Committee, which was the preparation of an agreed draft declaration of principles and the carrying out of further discussions on the international machinery. It refrained, therefore, from making selective recommendations in terms of the task assigned to it under General Assembly resolution 2574 B (XXIV), until it could present its recommendations as a balanced and coherent whole.

99. It will, however, be noticed in paragraph 14 of the report of the Economic and Technical Sub-Committee that the Committee felt it had made an encouraging start in its task and that progress made in the exchange of views had confirmed the value and importance of the work of the Economic and Technical Sub-Committee. Indeed, it gives me great satisfaction to remark that the three far-reaching working papers I mentioned before, which contain draft régimes for the sea-bed and which were introduced during this session to the sea-bed Committee, are in a way the result of the discussions in the Economic and Technical Sub-Committee. Looking at the reports which the Economic and Technical Sub-Committee has submitted in the past, delegations will be aware that the authors of those working papers have been inspired and stimulated by the exchange of views conducted there.

100. The formal reply of the Sub-Committee to the request for recommendations, expressed by the General Assembly at its twenty-fourth session, is to be found in paragraph 15 of its report which states that it is the unanimous recommendation of the Sub-Committee that it be instructed at its future sessions to study further and systematically the issues raised in order to identify the most suitable solutions, in accordance with the mandate given to the Committee. We feel reassured that this study will be continued with a view to formulating acceptable draft provisions for the agreement establishing an international régime in the area.

101. The task of the formulation of draft provisions for an international sea-bed régime brings me to the second main issue that I should like to deal with today: the question of the convening of a conference on the law of the sea.

102. During last year's General Assembly, when this question was put forward for the first time in a formal manner, my delegation, together with a number of other delegations, held the view that such a conference should, in the first place, be convened for the purpose of arriving at a clear, precise and internationally acceptable definition of the area of the sea-bed beyond national jurisdiction. In adopting this attitude we were guided by the conviction that the solution to this problem, which is not dealt with in a satisfactory way by the 1958 Geneva Convention on the Continental Shelf,² was urgent in view of our progressing technology. Indeed, the Convention does not determine with sufficient precision the limit of the national jurisdiction of States over the continental shelf, leaving it to

technological capabilities eventually to extend these limits beyond the stipulated depth of 200 metres of the superjacent waters.

103. As a land-locked country which has no way of balancing unilateral extensions of jurisdiction, and as a State truly interested in international solutions as a basis for peace and progress, we felt that this problem should be dealt with first.

104. A second reason for taking this attitude was the consideration that any conference should have a precisely delimited scope and be prepared with thoroughness and care. It seemed to us that a restricted agenda would contribute to a speedy and positive conclusion of our efforts. These views were expressed in our reply, contained in document A/7925, to the questionnaire sent out by the Secretary-General, pursuant to General Assembly resolution 2574 A (XXIV).

105. In the meantime we have learnt from the report of the Secretary-General on the result of his inquiry that the majority of States prefer the convening of a conference dealing not only with the sea-bed régime and the delimitation of the boundary but also with the traditional issues of the law of the sea as well as pollution [see A/7925 and Add.1-3]. We have accepted this view and have accordingly adjusted our thinking to these new circumstances.

106. The fact that a comprehensive conference is now envisaged stresses once more the necessity of careful preparatory work. Any preparation, in order to be relevant for a conference, will have to be based firmly on the agenda of the conference which in turn should be established as early as possible. The draft resolution contained in document A/C.1/L.536 spells out a clearly-defined agenda which would in general seem to meet our aspirations. While agreeing to that proposal, we would prefer an agenda that omitted the question of pollution arising from marine activities not related to the exploration and exploitation of the ocean floor, since this particular aspect of pollution will be a principal subject for discussion at the Conference on the Human Environment to be held at Stockholm in 1972 for which extensive preparations are already under way.

107. In addition to fixing the agenda for a conference on the law of the sea at an early stage, we also feel that the exact date for the conference, which should take place in the near future, should be fixed as soon as possible. We are prompted to say this for two reasons: first, because any preparation effort is, as we know from our daily experience, a deadline-oriented undertaking, and second, because it is vital to find solutions in the not-too-distant future. Unless we find international solutions quickly, technological progress will outpace legal development to the disadvantage of all mankind, but in particular to the disadvantage of the developing and the land-locked countries.

108. In addition to fixing the date of the conference and its agenda, arrangements for the preparatory work for such a conference must be made. In view of what I said at the beginning of my statement regarding the accomplishments of the sea-bed Committee, it seems to be obvious that it should be entrusted with the preparation of the interna-

² United Nations, *Treaty Series*, vol. 499 (1964), No. 7302.

tional régime and the requisite international machinery; logically connected with this issue is the preparation for the establishment of limits of the area to which the régime is to apply. We have argued in the past that any international régime for the exploration and exploitation of the ocean floor will be affected by the limits of the area, and that these two issues are inextricably interrelated. We have found further proof for this assumption, as I said before, in the various proposals for draft sea-bed conventions submitted last August to the sea-bed Committee.

109. With regard to the other items on the agenda of the conference, the items relating to traditional law of the sea issues, my delegation would recommend the setting up of a preparatory committee which would have the task of dealing with these problems. Several arguments can be adduced in favour of such a procedural arrangement. First, in order to achieve sound results in a short time one should resort to arrangements based on the division of labour. On the basis of this consideration, two different bodies should prepare concurrently for the consideration of two different sets of problems. Second, by setting up a new body, pressure to increase the number of members of the sea-bed Committee is likely to recede. Different countries have different interests which, in the field of sea-bed issues, are closely related to the geographical position of States. I could therefore very well imagine that a sizeable group of States might be satisfied to sit either on one or the other of the two preparatory committees. I do not exclude, of

course, in this proposal that other States would justifiably want to become members of both committees.

110. The decisions we take at this twenty-fifth session of the General Assembly in the field of the reservation of the sea-bed for peaceful purposes will have consequences over the next decade. It is the profound hope of my delegation that these decisions will help us to avoid the anarchy of unilateral claims and to prepare solutions which would guarantee an orderly international development of the maximum possible area of the sea-bed in the common interest of all mankind.

111. The CHAIRMAN (*interpretation from Spanish*): Before adjourning this meeting, I would like to remind members of the Committee that at our last meeting, on Friday [1773rd meeting], I stated my intention of making a formal proposal today with regard to the closure of the list of speakers in the general debate on item 25. I would therefore suggest that the list of speakers in the general debate on this item be closed at the end of this afternoon's meeting—that is, at 6 o'clock.

112. If I hear no objection, I shall take it that the Committee agrees to that suggestion.

It was so decided.

The meeting rose at 12.40 p.m.