PREPARATORY COMMITTEE FOR THE CONFERENCE OF NON-NUCLEAR-WEAPON STATES

PROVISIONAL SUMMARY RECORD OF THE FIFTH MEETING

Held at Headquarters, New York,
on Thursday, 17 August 1967, at 10.55 a.m.

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PRESENT:

Chairman:
Mr. MPMBRA (Kenya)

Rapporteur:
Mr. IAI (Malaysia)

Members:
Mr. ILLUMES
Mr. NYAMWEYA
Mr. SHAHNAS
Mr. AZHAN
Mr. GAUIC
Mr. MOHAMED
Mr. SHAH (Pakistan)
Mr. MIRZA (Spain)
Mr. ECZA
Mr. ARIAS SALGADO
Mr. FUEZ
Mr. MAHOCELA

Secretariat:
Mr. VILLODII

Mr. PIŻY

Deputy Under-Secretary for Political and Security Council Affairs
Secretary of the Committee
ADOPTION OF THE AGENDA (A/CONF.35/P3/16/5)

The agenda was adopted.

ASSOCIATION OF NUCLEAR-WEAPON-STATES WITH THE WORK OF THE CONFERENCE

Mr. AZNAM (Malaysia) said that although the Conference was intended essentially for the non-nuclear-weapon States, the co-operation of the nuclear-weapon States would be necessary if it was to be successful and produce practical results. They should therefore be invited to attend the Conference with full rights, except the right to vote.

Mr. NALECENA (United Republic of Tanzania) supported the Malaysian representative's proposal. He considered, however, that "the nuclear-weapon States" meant all States with nuclear weapons and thus included the People's Republic of China. The fact that some countries might regard the Chinese weapons as crude was irrelevant. Because of the exclusion of the People's Republic there had been little progress in disarmament negotiations over the past twenty years.

Mr. KHALILOD (Nigeria) supported the Malaysian representative's proposal. In principle, his delegation would be in favour of inviting the People's Republic of China, since it was a nuclear Power. On the other hand, as past experience showed, the participation of the People's Republic in a convention concluded under United Nations auspices would undoubtedly raise difficulties. The Committee should have a thorough discussion of the problem.

Mr. FIGUEROA (Chile) supported the Malaysian representative's proposal. There should be no difficulty about the participation of the People's Republic of China, since the principle that all great Powers, whether Members or not, should be associated with disarmament negotiations had been stated by the General Assembly in various resolutions, including resolution 2030 (XX).

Mr. GAUCI (Malta) asked whether it was intended that the nuclear-weapon States should be present throughout the Conference's proceedings or that the non-nuclear-weapon States should first work out generally acceptable proposals and then invite the nuclear-weapon States to comment.
The CHAIRMAN said that the Malaysian representative's proposal that the nuclear-weapon States should have full rights, except the right to vote, implied that they would participate in all proceedings. If there was no objection, he would take it that the Committee wished to adopt the proposal.

It was so agreed.

Mr. SHAHI (Pakistan) reserved the position of his Government on inviting the People's Republic of China.

DRAFT PROVISIONAL AGENDA OF THE CONFERENCE (A/CONF.35/PC/L.6)

The CHAIRMAN drew the Committee's attention to the draft provisional agenda circulated unofficially as a "bureau document" and to the working paper submitted by Pakistan (A/CONF.35/PC/L.5).

Mr. SHAHI (Pakistan), introducing his delegation's working paper (A/CONF.35/PC/L.6), said that it was put forward as a basis for discussion and could be revised in the light of the comments made by members of the Committee. It was based on the bureau document and suggestions made at the third and fourth meetings. Some sub-items had been added and others reworded. It was not intended to be exhaustive.

The first question which the General Assembly had decided the Conference should consider was "How can the security of the non-nuclear States best be assured?" (resolution 2153 B (XXI), para. 1 (c)). That was the subject of item 1 of the draft agenda. Sub-item 1 (a) was concerned with security guarantees provided through international agreements rather than unilateral declarations. They could be discussed in the broadest terms. They should be available only to States which renounced the production, acquisition and use of nuclear weapons so that States could not take advantage of them to carry out a nuclear programme. The procedure referred to in sub-item 1 (b) would be provided for in the international agreements themselves; if the guarantees were to be effective, they must not be subject to a veto or a slow process of majority decision, but must be applicable promptly. Sub-item 1 (c) referred to a system by which if any one signatory committed nuclear aggression, the remaining nuclear States would act against it. The Locarno Treaty had also provided for the peaceful settlement of disputes, but the guarantees mentioned in sub-item 1 (a) should not be subject
to such conditions. As far as sub-item 1 (d) was concerned, an undertaking should be given by the nuclear Powers to respect nuclear-free zones. Regarding sub-item 1 (e), under the non-proliferation treaty being discussed in Geneva, the nuclear-weapon States might undertake not to make nuclear weapons available to States which had renounced them. That would not, however, be a binding commitment not to use such weapons against them. The international convention mentioned in sub-item 1 (e) would thus be an additional safeguard. Sub-item 1 (f) was included because some nuclear-weapon States had already given unilateral guarantees to non-nuclear-weapon States. Some years previously, the International Law Commission had expressed the view that in certain circumstances such unilateral guarantees could be as binding as international agreements. The Conference would need to determine what exactly their legal force was. The Secretariat might be asked to study the question.

The second item dealt with the prevention of the proliferation of nuclear weapons through co-operation among non-nuclear-weapon States. During earlier discussions, the Committee had decided that the security and economic implications of proliferation should be discussed in connection with that item. Accordingly, those topics were listed respectively as sub-items 2 (a) and (b). Sub-item 2 (c) anticipated the conclusion of the Secretariat’s studies on the subject, i.e., it was assumed that the consequences of proliferation would be so disastrous as to necessitate such renunciation. The conclusion of an international convention by non-nuclear-weapon States (sub-item 2 (d)) would be an additional undertaking on their part to prevent proliferation. One of the most effective ways of ensuring security was to permit the inspection of nuclear establishments for peaceful purposes. The proposed treaty on non-proliferation envisaged international inspection but did not provide for reciprocal inspection on a bilateral basis. Such reciprocal inspection was therefore the subject of sub-item 2 (e). As for sub-item 2 (f), his delegation realized that it was a highly controversial subject on which no agreement had been reached in the Eighteen-Nation Disarmament Committee. It did feel, however, that discussion of the question could shed some light on it. In fact, it would be useful if the Secretariat could produce a study of the topic with the assistance of expert consultants, for the benefit of the Members of the General Assembly.

Regarding sub-item 2 (g), he noted that at present there was a system of bilateral co-operation in the field of atomic energy whereby nuclear States passed
on information to non-nuclear States. While most agreements of that kind had been 
registered with the United Nations, it was not certain that the supplementary 
documents accompanying them were also made public. In the interests of security, 
it was important to ensure that such arrangements did not threaten the interests 
of other countries.

Item 3 dealt with programmes for the peaceful uses of nuclear energy. At 
the Geneva negotiations several non-nuclear States had urged that the nuclear 
Powers should make the benefits of nuclear technology available to them for peaceful 
purposes. As it appeared that, in principle, the nuclear Powers were prepared to 
provide such co-operation, the topic seemed appropriate for discussion and had 
been included as sub-item 3 (a). Sub-item 3 (b) envisaged an increase in 
assistance to non-nuclear-weapon States carrying out their own programmes on the 
peaceful uses of nuclear energy. Sub-item 3 (c) was related to the important 
question raised in item 2 (f), for if peaceful explosions were banned, the 
decision might adversely affect the development projects that nuclear Powers had 
offered to carry out for the assistance of the developing countries.

Item 4, concerning the implementation of the Conference's decisions, would 
be more appropriately discussed at a later stage since the Committee could not 
anticipate what conclusions the Conference might reach or what decisions it might 
adopt.

His delegation would welcome a discussion of how its suggestions might be 
incorporated into the bureau document.

Mr. KUNDELA (United Republic of Tanzania) expressed appreciation to the 
representative of Pakistan for his delegation's working paper. The draft agenda 
for the Conference was probably the most important item for discussion by the 
Committee, since it might well determine the success or failure of the Conference. 
However, as there were a number of similarities between the two papers submitted, 
he would suggest that, in the interests of speed and efficiency, the Chairman, 
the representative of Pakistan and some other members of the Committee might form 
a working group to discuss how the papers could best be combined. After that 
had been done, it would be much easier for the Committee to proceed with the 
discussion of the item.
He agreed that item 4 could not be discussed intelligently at the present stage.

Item 2 (f) of the working paper submitted by Pakistan raised a number of problems. If it was decided that non-nuclear States should not manufacture nuclear devices for peaceful uses, would that decision imply that the nuclear Powers should have a monopoly of production? As the peaceful uses of nuclear energy would be increasingly important for development, would such a monopoly be beneficial to the developing countries? Moreover, who would determine whether a technology of the kind indicated had been perfected?

Mr. MOHAMMED (Nigeria) complimented the representative of Pakistan on his working paper, which was a useful amplification of the bureau document. He agreed with the representative of Tanzania that the substance of some of the sub-items contained in Pakistan's working paper required further discussion. That was true of sub-items 2 (f) and 1 (f). In the present world situation, it was hard to have confidence in bilateral agreements on such important questions. If items such as those were eventually to be incorporated in an international convention, it was most important that even minor details concerning them should be taken into account at the very outset. He would like to hear the views of other delegations regarding sub-item 2 (f), on which Nigeria had strong reservations.

He thought that sub-items 2 (a) and (b) in the Pakistan working paper should be considered separately and not in connection with the prevention of proliferation.

As for the question of implementation, while it was true that the Committee would exceed its terms of reference if it attempted to discuss the possible decisions of the Conference, it did have a clear idea of the type of decision that could be expected. The main aims were multilateral agreements and the protection and security of non-nuclear States. Accordingly, at some later stage, the Committee might list certain points for the guidance of the Conference.

Lastly, he fully agreed that a small working group, composed of the Chairman, the Rapporteur, the representative of Pakistan and a few other members should meet to combine the two working papers.
Mr. ILLANES (Chile) said that Pakistan's working paper was a very useful document. At first sight, his only objections to the proposals it contained concerned certain details of form. Firstly, with regard to item 1, he felt that sub-item (b) should be placed at the end, since the question of the procedure for invoking guarantees would arise whichever of the alternative systems of guarantees was adopted. Similarly, sub-item (c) seemed to him to relate to a supplementary type of guarantee rather than an alternative to the other systems. Sub-item (d) should also perhaps be placed at the end of the section, since a nuclear-free zone was not a general guarantee but a geographically limited measure, and therefore not a real alternative to the measures suggested in sub-items (a), (e) and (f).

He was inclined to agree with the Nigerian representative that sub-items 2 (a) and (b) should be placed in a separate section. There was no reason why the Committee should feel limited by the three main headings, given in General Assembly resolution 2153 B (XXI) if it felt that additional headings would help the work of the Conference.

The problems raised by item 2 (f) were complex. It was perhaps a mistake to word the sub-items as definite propositions rather than in general terms and thus anticipate the decisions of the Conference. In that respect, he felt that the bureau document was preferable to the Pakistan paper.

He agreed with the suggestion that an attempt should be made to combine the two papers.

Mr. MIRZA (Pakistan) said that the Tanzanian suggestion for combining the two papers seemed a wise one and that his delegation would be happy to co-operate either with the officers of the Committee or with a working group in that regard. The preparation of a consolidated paper might, however, take some time, and it might be desirable to take up the other agenda items meanwhile.

With regard to the detailed comments on his delegation's paper, it would perhaps be more useful to answer them at a later stage, when the Committee had a combined paper before it.

The CHAIRMAN wondered whether the Committee should not consider the Pakistan paper paragraph by paragraph before an attempt was made to combine it with the bureau document, which had already been approved by the Committee.

Otherwise the whole new document would have to be considered again.
Mr. MOHAMMED (Nigeria) observed that it had been understood that the bureau document was tentative and subject to review. He thought the best course would be to prepare a combined paper and consider that paragraph by paragraph.

The CHAIRMAN said that, if the Committee so wished that procedure would be adopted.

It was so agreed.

DOCUMENTATION FOR THE CONFERENCE

Mr. LAI (Malaysia), Rapporteur, said that the papers to be produced must be directly related to the provisional agenda of the Conference. Once a provisional agenda had been agreed upon, he would try to prepare, in consultation with the Secretariat, and subject to the Committee's approval, a list of subjects on which working papers might usefully be submitted.

Mr. MALECOLA (United Republic of Tanzania) said that he felt, like the Rapporteur, that it was hardly possible to discuss documentation before a draft provisional agenda was decided on. In any case, the matter would require little discussion, since presumably the Secretariat would try to prepare a paper on each item of the agenda, giving the basic facts. He hoped the possibility of the submission of papers by experts would not be precluded. Such experts would generally be nationals of nuclear countries, but there were probably experts in the developing world, who could also present useful papers.

Mr. FREY (Secretary of the Committee) noted that the wording of the item was broad. It could cover Secretariat papers, submissions by the specialized agencies and the International Atomic Energy Agency, and papers submitted by delegations. The documentation programme would need to be based on the draft provisional agenda once that was agreed upon, and the final programme might need to be revised in the light of the General Assembly's debates at its twenty-second session. When a new draft provisional agenda had been prepared by the bureau in co-operation with the representative of Pakistan, a draft outline of possible papers could perhaps be submitted by the Rapporteur.

Mr. MALECOLA (United Republic of Tanzania) felt that all that was needed was to decide that, once the provisional agenda was approved, papers should be prepared by experts, by the specialized agencies and by individual Governments on the basis of that agenda.
Mr. MIFZA (Pakistan) thought that it would not be possible for the Secretariat to prepare documentation on questions which were essentially political. The views of experts would be useful, however, on questions such as the one mentioned by his delegation earlier of the legal implications of unilateral declarations by nuclear-weapon States. Items 2 and 3 in the Pakistan working paper raised a large number of technical problems, on which he hoped that full documentation could be provided. Most of the participants in the Conference would be from developing regions of the world, where the amount of export knowledge available was limited, and the documentation provided by the Secretariat would therefore be of great importance for the success of the Conference.

The CHAIRMAN said that once the draft provisional agenda had been approved, the Committee would have a clearer idea of the documentation that would be needed.

The meeting rose at 12.50 p.m.