SUMMARY RECORDS COMMITTEE OF THE
FIRST TO THE TWENTY-SECOND MEETINGS

held at the Palais des Nations, Geneva
from 4-26 September 1968

The list of representatives attending the Conference is found
in the document containing the summary records of the plenary meetings
(A/CONF.35/SR.1-20).

Chairman: Mr. GROSSEPIEL
Rapporteur: Mr. GHANAS

Uruguay
Afghanistan
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   weapons, the cessation of the nuclear arms race at an early date and
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(b) Submission of periodic reports by countries, to an international agency, on the nature of nuclear technical assistance and the nature and extent of special fissionable material supplied by them to non-nuclear weapon States for peaceful purposes

(c) Conclusion of a comprehensive test ban treaty

(d) Freeze on production of fissile materials for weapon purposes and the cessation of the manufacture of nuclear weapons

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and

Establishment of nuclear-weapon free zones (agenda item 12)

and

Effective measures for the prevention of further proliferation of nuclear weapons, the cessation of the nuclear arms race at an early date and nuclear disarmament (agenda item 13) (continued):

(a) Safeguards against the diversion of source or special fissionable material from peaceful to military uses, and safeguards against industrial espionage

(b) Submission of periodic reports by countries, to an international agency, on the nature of nuclear technical assistance and the nature and extent of special fissionable material supplied by them to non-nuclear-weapon States for peaceful purposes

(c) Conclusion of a comprehensive test ban treaty

(d) Freeze on production of fissile materials for weapon purposes and the cessation of the manufacture of nuclear weapons

Thirteenth meeting

Measures to assure the security of non-nuclear-weapon States (agenda item 11) (continued)

and
Effective measures for the prevention of further proliferation of nuclear weapons, the cessation of the nuclear arms race at an early date and nuclear disarmament (agenda item 13) (continued)

(a) Safeguards against the diversion of source or special fissionable material from peaceful to military uses, and safeguards against industrial espionage

(b) Submission of periodic reports by countries, to an international agency, on the nature of nuclear technical assistance and the nature and extent of special fissionable material supplied by them to non-nuclear States for peaceful purposes

(c) Conclusion of a comprehensive test ban treaty

(d) Freeze on production of fissile materials for weapon purposes and the cessation of the manufacture of nuclear weapons

Fourteenth meeting

Measures to assure the security of non-nuclear-weapon States (agenda item 11) (continued)

and

Establishment of nuclear-weapon free zones (agenda item 12) (resumed from the 12th meeting)

and

Effective measures for the prevention of further proliferation of nuclear weapons, the cessation of the nuclear arms race at an early date and nuclear disarmament (agenda item 13) (continued):

(a) Safeguards against the diversion of source or special fissionable material from peaceful to military uses, and safeguards against industrial espionage

(b) Submission of periodic reports by countries, to an international agency, on the nature of nuclear technical assistance and the nature and extent of special fissionable material supplied by them to non-nuclear-weapon States for peaceful purposes

(c) Conclusion of a comprehensive test ban treaty

(d) Freeze on production of fissile materials for weapon purposes and the cessation of the manufacture of nuclear weapons
Organization of work

Fifteenth meeting

Measures to assure the security of non-nuclear-weapon States (agenda item 11) (continued)

and

Establishment of nuclear-weapon free zones (agenda item 12) (continued)

Sixteenth meeting

Measures to assure the security of non-nuclear-weapon States (agenda item 11) (continued)

Organization of work

Seventeenth to nineteenth meetings

Measures to assure the security of non-nuclear-weapon States (agenda item 11) (continued)

and

Establishment of nuclear-weapon free zones (agenda item 12) (resumed from the 15th meeting and concluded)

and

Effective measures for the prevention of further proliferation of nuclear weapons, the cessation of the nuclear arms race at an early date and nuclear disarmament (agenda item 13) (resumed from the 14th meeting):

(a) Safeguards against the diversion of source or special fissionable material from peaceful to military uses, and safeguards against industrial espionage

(b) Submission of periodic reports by countries, to an international agency, on the nature of nuclear technical assistance and the nature and extent of special fissionable material supplied by them to non-nuclear-weapon States for peaceful purposes

(c) Conclusion of a comprehensive test ban treaty

(d) Freeze on production of fissile materials for weapon purposes and the cessation of the manufacture of nuclear weapons
Twentieth meeting

Measures to assure the security of non-nuclear-weapon States (agenda item 11) (continued)

and

Effective measures for the prevention of further proliferation of nuclear weapons, the cessation of the nuclear arms race at an early date and nuclear disarmament (agenda item 13):

(a) Safeguards against the diversion of source or special fissionable material from peaceful to military uses, and safeguards against industrial espionage (continued)

(b) Submission of periodic reports by countries, to an international agency, on the nature of nuclear technical assistance and the nature and extent of special fissionable material supplied by them to non-nuclear-weapon States for peaceful purposes (concluded)

(c) Conclusion of a comprehensive test ban treaty (concluded)

(d) Freeze on production of fissile materials for weapon purposes and the cessation of the manufacture of nuclear weapons (concluded)

Twenty-first meeting

Effective measures for the prevention of further proliferation of nuclear weapons, the cessation of the nuclear arms race at an early date and nuclear disarmament (agenda item 13):

(a) Safeguards against the diversion of source or special fissionable material from peaceful to military uses, and safeguards against industrial espionage (concluded)

Twenty-second (closing) meeting

Measures to assure the security of non-nuclear-weapon States (agenda item 11) (resumed from the 20th meeting and concluded)

Conclusion of the Committee's work
SUMMARY RECORD OF THE FIRST MEETING
held on Wednesday, 4 September 1968, at 3.25 p.m.

Chairman: Mr. GROSESPIELL Uruguay

Rapporteur: Mr. GHAUS Afghanistan
ELECTION OF VICE-CHAIRMAN AND RAPPORTEUR

Mr. CHRISTOV (Bulgaria) nominated Mr. Beck (Hungary) for the office of Vice-Chairman of the Committee.

Mr. BECK (Hungary) was elected Vice-Chairman by acclamation.

Mr. EHSASSI (Iran) nominated Mr. Ghaus (Afghanistan) for the office of Rapporteur.

Mr. RAKOTONIAINA (Madagascar) seconded the nomination.

Mr. GHAUS (Afghanistan) was elected Rapporteur by acclamation.

ORGANIZATION OF WORK

Mr. MISHRA (India) suggested that the Committee should consider the three items on its agenda one by one; however, any representative wishing to make a general statement on all three items together should be permitted to do so.

It was so agreed.

The meeting rose at 3.45 p.m.
SUMMARY RECORD OF THE SECOND MEETING
held on Thursday, 5 September 1968, at 3.20 p.m.

Chairman: Mr. BECK HUNGARY
Rapporteur: Mr. GHAUS Afghanistan
In the absence of the Chairman, Mr. Beck (Hungary) Vice-Chairman took the Chair.

MEASURES TO ASSURE THE SECURITY OF NON-NUCLEAR-WEAPON STATES (agenda item 11)
(A/CONF.35/DOC.11, DOC.12; ENDC/236)

Mr. SHAHI (Pakistan) said that the first question to be answered under agenda item 11 was why the non-nuclear-weapon States were dissatisfied with the security assurances given by the nuclear-weapon Powers in the Security Council resolution of 19 June 1968 and in the declaration made by the three nuclear-weapon States which had sponsored it (A/CONF.35/DOC.12, annexes I and II). His statement would be largely based on the comments on those documents made by the non-nuclear-weapon States in the First Committee of the General Assembly at its resumed twenty-second session and in the Security Council (A/CONF.35/DOC.11, part III). Those States did not underestimate the political significance of the resolution, but found it difficult to endorse the claim made by the representative of Canada in the Security Council that it was "the best answer at present to this difficult and complex question" (A/CONF.35/DOC.12, pars.26).

In the first place, the resolution and declaration were no more than statements of intent; only legal obligations would provide a real assurance of security. Secondly, the assurances given did not convey any intention on the part of the nuclear-weapon Powers to renounce the use or threat of use of nuclear weapons against non-nuclear-weapon States which had forsworn the acquisition and production of such weapons and which excluded them from their territories. Thirdly, the assurances related to "an act ... or ... a threat of aggression in which nuclear weapons are used". Aggression had not yet been defined; it had not been determined as such even when it had actually occurred. The assurances would have been clearer if they had related directly to the use, or threat of use, of nuclear weapons.

Fourthly, in the words of the declaration, the assurances were to be invoked "in accordance with the Charter"; they were consequently dependent on the procedures of the Security Council, which could be reduced to inaction by those procedures and which had been known to disregard its own resolutions.
Fifthly, the assurances envisaged the possibility that the three nuclear Powers might severally act in the exercise of the right of collective self-defence to deter or suppress a nuclear attack before the Security Council could act or when it was unable to act. That provision conveyed no dependable guarantees except to States that were members of the North Atlantic Treaty Organization (NATO) or Contracting Parties to the Warsaw Treaty or covered by unilateral guarantees outside the United Nations. The deterrence to a would-be aggressor, and the assurance of protection for its victim, would have been stronger if it had been made clear that a nuclear-weapon Power would respond to a request for assistance made by any non-nuclear weapon State threatened with nuclear attack, regardless of existing alliances. Sixthly, the assurances were related to Article 51 of the Charter, which restricted the exercise of the right of self-defence to situations where an armed attack actually occurred; in the case of a nuclear attack, that restriction made the right meaningless for most countries, which would not survive the attack. Seventhly, the right of individual and collective self-defence antedated and was independent of the Charter, and no limit could be placed on a State's freedom of choice in seeking assistance to prevent a nuclear attack or to deter a nuclear threat.

Many non-nuclear-weapon countries were so situated, geographically and politically, that they did not fear a nuclear attack or threat. Others were protected by NATO, by the Warsaw Treaty, or by unilateral guarantees. The remainder stood in the greatest need of security assurances that were universal in application, both as to the source of the threat and as to its victim. The participants in the Conference should give first thought to the special need of those States, without in any way deviating from their existing treaty or moral obligations towards the nuclear-weapon Powers.

The benefits of a more viable security system would be distributed independently of any alliances. Any such system should take account not only of existing political and power relations, but also of possible developments in the future, when there might be more than five nuclear Powers. The danger
ORGANIZATION OF WORK

The CHAIRMAN, observing that there were no names on the list of speakers, said that little time was left to the Committee to complete its consideration of agenda items 11, 12 and 13. He therefore requested delegations wishing to make statements on those items to place their names on the list of speakers by the evening of Wednesday, 11 September, when the list would be closed.

The meeting rose at 3.20 p.m.
SUMMARY RECORD OF THE FOURTH MEETING
held on Tuesday, 10 September 1968, at 10.15 a.m.

Chairman: Mr. GROSESPIELL Uruguay
Rapporteur: Mr. GHAUS Afghanistan
ORGANIZATION OF WORK

The CHAIRMAN reminded the Committee that at the 3rd meeting it had been decided to open a list of speakers on agenda item 11 and to close it on Wednesday, 11 September, at the end of the afternoon.

Mr. BOZINOVIC (Yugoslavia) and Mr. BURNS (Canada) added their names to the list of speakers.

The meeting rose at 10.20 a.m.
SUMMARY RECORD OF THE FIFTH MEETING
held on Wednesday, 11 September 1968, at 10.30 a.m.

Chairman: Mr. GROSESPIELL Uruguay
Rapporteur: Mr. GHAUS Afghanistan
MEASURES TO ASSURE THE SECURITY OF NON-NUCLEAR-WEAPON STATES (agenda item 11) (A/CONF.35/DOC.11, DOC.12; ENDC/236) (resumed from the 2nd meeting)

Mr. GAUCI (Malta) said that at the present stage he would confine his remarks to some questions of methodology.

The first task of the Conference should be to analyze the implications that arose from the wide acceptance of the Treaty on the Non-Proliferation of Nuclear Weapons and the general acknowledgement that the Security Council guarantees could not be considered the final answer to the preoccupations of the non-nuclear-weapon States. By signing the Treaty those States had shown their sense of responsibility and their good faith; consequently, the nuclear-weapon States should show their willingness to fulfil the obligations with respect to nuclear disarmament that they had assumed under the Treaty.

Secondly, since the non-nuclear-weapon States could only make suggestions and recommendations and since positive action could come only from the nuclear-weapon States, it was essential that the Conference should concentrate on making proposals that were realistic and feasible. It was necessary not only to indicate areas where disarmament measures were possible but to make suggestions for flexible and legally binding commitments by the nuclear-weapon States to safeguard the security of the non-nuclear-weapon States. It should be borne in mind that the nuclear-weapon States were also the major possessors of conventional weapons. The Charter of the United Nations had preceded the nuclear age and, as there were now two categories of States - a few nuclear-weapon States with great power and a large number of States with little power, the Conference might consider whether a stronger reaffirmation of the Purposes and Principles of the Charter might not be necessary. It might also consider, in the light of the new situation created by the Non-Proliferation Treaty, whether certain disarmament measures were not of more significance than others for the security of the non-nuclear-weapon States. It would also be relevant to study the obligations which nuclear-weapon States should be asked to assume with respect to existing and future nuclear-weapon-free zones established under General Assembly resolutions.
Thirdly, the Conference should consider the extent to which the non-nuclear-weapon States themselves could contribute towards a solution of some of their security problems. As security problems varied in the different geographical regions, a regional approach should perhaps be adopted. The States in a particular region would have the primary responsibility for and an overriding interest in promoting the security arrangements best suited to their special circumstances, needs and interests.

Lastly, consideration might be given to the best means of bringing about a sustained effort to eliminate the problems of insecurity by combining, and perhaps even merging, the progress made in different regions, taking into account progress in the field of disarmament by the nuclear-weapon States.

Sir Laurence McIntyre (Australia) said that the problem of the security of non-nuclear-weapon States against the threat of aggression was obviously causing those States continuing concern. His delegation recognized that the declaration of intention by three of the nuclear-weapon Powers to act in the event of nuclear aggression, embodied in Security Council resolution 255 of 19 June 1968, did not constitute a water-tight guarantee of assistance to any State attacked or threatened. It had also been pointed out that the United Nations Charter was not fully geared to the nuclear age and did not afford adequate protection. While it was often stated that defensive alliances only exacerbated international tension and failed to provide a genuine foundation for security, it was at the same time pointed out that non-nuclear-weapon States belonging to such alliances with nuclear Powers were likely to enjoy greater protection than others.

In the face of such uncertainties, there was bound to be some anxiety on the part of States which were being invited to surrender their option to acquire nuclear weapons and it was natural for them to seek assurances from the nuclear-weapon States of immunity from nuclear aggression or threat. Recent developments had done nothing to allay those misgivings. But it was for consideration whether any practical steps could be taken to alleviate them or whether the non-nuclear-weapon States would have to live with them until the entire international community was prepared to make genuine progress towards disarmament.
The nuclear-weapon Powers should certainly be kept to the undertakings they had given in their joint declaration, in the Security Council and in Article VI of the Non-Proliferation Treaty and should be expected to make nuclear equipment, materials and information available to countries for peaceful purposes, but before they were asked to assume additional binding undertakings there were some considerations to be borne in mind. The saying that security was indivisible was no platitude. Although the threat to national security varied according to circumstances, it was world-wide and contagious and it could not be isolated. The nuclear era had only made the threat more terrible and sharpened the awareness of its existence and of the vulnerability of all States. Out of it had grown the present overall balance of force and it was because of the dominating role of nuclear weapons in that balance that the major nuclear-weapon Powers had produced the Treaty on the Non-Proliferation of Nuclear Weapons.

World security could not, however, depend solely on nuclear equilibrium; account must be taken also of the balance of conventional armaments. In the concept of overall strategic balance the position of the People's Republic of China, as a growing nuclear Power possessing large and formidable armed forces, was crucial. The Government of that country had made it clear that it would not be a party to the Non-Proliferation Treaty, and the fact that there was no assurance of its intent to observe the spirit of the Treaty or to accept any restraint was a matter of importance to all countries, particularly Australia and its neighbour countries in Asia and the Pacific area.

To concentrate attention on reducing the threat of nuclear aggression in isolation from more conventional forms of aggression might threaten to disturb a situation of relative equilibrium. His delegation considered that, if the Conference was to reach a consensus helpful to the Eighteen-Nation Disarmament Committee or to the great Powers whose agreement would ultimately be vital, it should think in terms of a phased, controlled and balanced disarmament programme aimed at ending all forms of aggression, whether conventional or nuclear.

The meeting rose at 10.55 a.m.
SUMMARY RECORD OF THE SIXTH MEETING
held on Thursday, 12 September 1968, at 10.25 a.m.

Chairman: Mr. GROSEPIELL Uruguay

Rapporteur: Mr. GAUS Afghanistan
MEASURES TO ASSURE THE SECURITY OF NON-NUCLEAR-WEAPON STATES (agenda item 11) (continued)

Mr. SEATON (Tanzania) said that ever since the end of the Second World War the talents and energies of statesmen and negotiators had been employed in the search for ways of evading another such catastrophe, not only through discussions in the United Nations, but by the negotiation of and accession to agreements such as the partial Test Ban Treaty of 1963, the Treaty of Tlatelolco of 1967 and the Non-Proliferation Treaty of 1968.

The Government and people of Tanzania had given their whole-hearted support to those measures and had agreed that the control and limitation of nuclear weapons merited high priority on the list of security and disarmament problems. They had done so not because of any illusion that the solution of those problems would enable all outbreaks of violence to be avoided, but because of the illimitable destructiveness and genocidal potentialities of nuclear weapons.

The smaller States of the world had looked for security to the United Nations Charter, while others had sought additional security in regional pacts and mutual defence alliances. The sad fact must be recognized, however, that whatever advantages such treaties might offer, they might in certain circumstances provide an opportunity or excuse for intervention.

In joining other African States in declaring Africa a nuclear-weapon-free zone, the Government and people of Tanzania had faced the realities of their situation as an undeveloped and relatively isolated country. Moreover, the Heads of African States, in the Assembly of the Organization of African Unity, had agreed to respect inter-territorial boundaries as they existed during the colonial period. Since they tried to avoid involvement in ideological disputes or cold war alignments, the independent African States felt there was reason to hope that none of the existing nuclear States would have any provocation to use, or threaten to use, nuclear weapons against them.
Yet the African States, although seeking to avoid war, were threatened with involvement in it by the force of events in the southern part of their continent, where racially-minded minorities were striving to maintain anachronistic and unjust societies against the mounting opposition of their oppressed majorities. Driven to violence by the banning of every constitutional means of ameliorating their condition, desperate men were seeking refuge from their oppressors in neighbouring African territories. The independent African States felt in duty bound to aid and succour those heroic fighters against colonialism, fascism and racism. Stung by that resistance, some of the leaders of the minority régimes in southern Africa had recently taken to threatening the independent African States nearest to them. Those States were now, therefore, faced with the threat of invasion by troops from the south armed with the most sophisticated and deadly conventional weapons which Western nations had proved capable of manufacturing. They were afraid that those conventional weapons might before long be backed by the use or threat of use of nuclear weapons. The menacing situation in southern Africa was paralleled by a similar threat in the north-eastern part of the African continent. The African States therefore needed security guarantees against aggression with nuclear as well as non-nuclear-weapons.

Although he had no intimate knowledge of the problems faced by the Asian States in seeking security, he suspected that their difficulties were equally great, lacking as they did a regional organization to handle such animosities as might arise and deprived, for what his Government considered to be unjustifiable reasons, of the opportunity of participating in international organizations to discuss their differences.

In Europe, too, the confidence placed in regional pacts had been severely shaken. It had been clearly shown that guarantees and assurances against the use of nuclear weapons did not, in themselves, provide States - except, perhaps, other nuclear States - with enough security.

Of great significance was the conclusion drawn by the Latin American States that the achievement of nuclear weapon-free zones could best be obtained through a convention. That conclusion was, he believed, a valid one,
provided the convention was backed by adequate security guarantees from the nuclear States. He suggested that, over and above the guarantees they had already given that they would come to the aid of non-nuclear States attacked by nuclear weapons, the nuclear States should add a further guarantee that they would not themselves attack non-nuclear States by nuclear or by any other weapons. Such guarantees could be in the form of one or more protocols to the convention, as in the case of the Treaty of Islamabad. Other non-parties to the convention also should be enabled to accede to such protocols as might be appropriate for ensuring regional security. His delegation was prepared to take part in studies to find out what form such a convention should take and how it might best be concluded.

The Tanzanian Government had not signed the Non-Proliferation Treaty, not because it was unsympathetic to its aims, but because it had doubts as to its adequacy. He hoped the present Conference would adopt measures which would make it possible for Tanzania to sign the Treaty. The Committee would, he trusted, give careful consideration in that connexion to the Iraq representative's proposal that the security guarantees of the nuclear States should take the form of a binding commitment which might be embodied in a protocol to the Non-Proliferation Treaty.

The creation of nuclear-weapon-free zones was another measure to assure the security of non-nuclear-weapon States. The aim was, indeed, a world-wide nuclear-weapon-free zone. When that had been achieved, the nuclear arsenals would be destroyed and nuclear power would be used for exclusively peaceful purposes.

The Committee was also to discuss effective measures for preventing the further proliferation of nuclear weapons, the cessation of the nuclear arms race at an early date and nuclear disarmament. It was the task and privilege of the non-nuclear-weapon States to lead the nuclear States - which were not so much intoxicated with their power as burdened by their great responsibilities - step by step towards a brighter future. In that task the non-nuclear-weapon States should be encouraged by the instinct and resilience of the masses, whose common sense rejected genocide and whose optimism they should try to justify.

His delegation would support all measures proposed in the Committee which were sincerely designed to achieve the goals he had outlined.

The meeting rose at 10.50 a.m.
SUMMARY RECORD OF THE SEVENTH MEETING
held on Friday, 13 September 1968, at 10.30 a.m.

Chairman: Mr. DECK Hungary
later: Mr. GROSESPIELL Uruguay
Rapporteur: Mr. GHAUS Afghanistan

(a) SAFEGUARDS AGAINST THE DIVERSION OF SOURCE OR SPECIAL FISSIONABLE MATERIAL FROM PEACEFUL TO MILITARY USES, AND SAFEGUARDS AGAINST INDUSTRIAL ESPIONAGE (A/CONF.35/C.1/L.1):

In the absence of the Chairman, Mr. Beck, Vice-Chairman took the Chair.

Mr. de LAIGLIESA (Spain), introducing the draft resolution submitted by his delegation (A/CONF.35/C.1/L.1), said that the Spanish Government considered the establishment of controls to be vital for ensuring that fissile materials intended for peaceful uses were not diverted to other purposes.

Use should be made wherever possible of the services of existing international organs, adapted to meet present requirements; new organs should be created only when a thorough study had shown them to be necessary. His delegation was therefore submitting a draft resolution proposing the setting up of a special committee on safeguards within the International Atomic Energy Agency.

MEASURES TO ASSURE THE SECURITY OF NON-NUCLEAR-WEAPON STATES (agenda item 11) (A/CONF.35/DOC.11, DOC.12; ENDC/236) (continued)

Mr. MULIMBA (Zambia), said that his delegation wished to protest against the proliferation of pious treaties which were of doubtful value in time of need. For example, it was common knowledge that the net effect of the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water had been to transfer the testing of nuclear weapons from areas prohibited by the Treaty to unprohibited areas such as the open space and underground, where the testing of such weapons had increased.

The revised Soviet draft treaty on general and complete disarmament of 24 September 1962 and the United States outline of basic provisions of a treaty on general and complete disarmament in a peaceful world, of 18 April 1962, amended on 6 and 8 August 1962, had a great deal in common which could form a basis for negotiations, but they had unfortunately been shelved for the past six years. He appealed to the two countries concerned to begin talks without delay.
Article 2 of the United Nations Charter contained provisions which, if observed by all States, could provide adequate security guarantees for all peoples. His delegation interpreted the word "force" in paragraph 4 as including nuclear aggression or threat. It would like to see a reaffirmation of the provisions of that Article, coupled with a reminder to all States to observe them. The provisions of the Charter with regard to the maintenance of peace and security were, however, in urgent need of revision to meet changed circumstances.

The United Nations had taken no effective steps to remove the acknowledged threat to international peace and order arising from the situation in Southern Rhodesia. The racist minority régimes of that country and of Portugal and South Africa were thus able to violate with impunity the territorial integrity of Zambia, Tanzania and other neighbouring countries. His delegation wholeheartedly supported the proposal by the Tanzanian representative for the establishment of a preparatory committee to formulate more widely acceptable security guarantees for embodiment in a convention for signature by all States. His delegation was prepared to co-sponsor a resolution based on those proposals, which deserved wide support.

Mr. BADURINA (Yugoslavia) said that the desire of the nuclear super-Powers to avoid a direct military confrontation, while of vital interest to all countries, created new possibilities of armed intervention at the local level, since the aggressor might think that the other party would not react for fear of provoking a total nuclear war. Among other dangers to peace were the mistaken theory that nuclear weapons constituted the surest guarantee of security, the supposition that it was possible to use so-called tactical nuclear weapons in local conflicts without provoking a global nuclear war and the growing probability of local conflicts escalating into such a war.

The fact that the nuclear arms race was proceeding unchecked was particularly disquieting. The diversification of such weapons was accompanied by perfected means of delivery and increased possibilities of penetration. Improvements in offensive weapons stimulated the development of new defensive weapons, and vice versa, in a continuous spiral. The resort to local military intervention with the use of conventional weapons, particularly widespread in
Asia, Africa and Latin America, was tending to spread to Europe. Many small and medium-sized countries thus saw in the possibility of the use of conventional armed forces a direct threat to their security and independence. Moreover, the arms race, political crises and armed conflicts had economic consequences which, while affecting all States, bore particularly heavily upon the developing countries. The nuclear factor was the basis of all those interdependent dangers. His delegation therefore considered that the prohibition of the use of nuclear weapons would represent great progress towards strengthening the security of States and stabilizing world peace.

The Declaration on the Prohibition of the Use of Nuclear and Thermo-nuclear weapons, adopted by the General Assembly in November 1961, was one of the most important decisions that the United Nations had ever taken. What was now required was a juridical regulation of the question, which the conclusion of the Treaty on the Non-Proliferation of Nuclear Weapons had rendered even more urgent. Under that Treaty the non-nuclear-weapon States had voluntarily relinquished an important part of their sovereignty and they were now entitled to expect to be compensated, with regard both to their security and to the use of nuclear energy for peaceful purposes. The nuclear Powers should make a firm commitment to refrain from recourse to the use or the threat of use of nuclear weapons and to co-operate in the legal control of prohibition.

The first step should be to fix a period of time within which it would be possible to put the decisions already adopted into effect. Secondly, it should be comparatively easy to conclude a convention on the prohibition of nuclear weapons, since the control of its implementation would not require extensive preparation and it would not influence the existing balance of power to the detriment of the security of the great Powers, nor would it require those Powers to renounce their stocks of nuclear weapons at once. Thirdly, since a nuclear war would have disastrous consequences for the nuclear Powers themselves, prohibition would be as important for them as for other countries. Lastly, the conclusion of such a convention would create favourable conditions for other measures of arms control and disarmament and
could help to accelerate economic progress in developing countries by releasing vast resources. The Conference should devote all its attention to the matter, defining its position clearly and drawing up recommendations. His delegation was prepared to submit a draft resolution on the subject.

His delegation also considered that there were other steps to be taken to put an end to the nuclear arms race and to bring about nuclear disarmament. Yugoslavia strongly supported the efforts made towards prohibiting underground nuclear tests, halting the production of fissile materials for military purposes and of nuclear weapons of all kinds, reducing existing stocks of nuclear weapons and the means for their delivery and creating the necessary conditions for the total elimination of such weapons under effective international control, taking into account the balance of power in the world in general and in the different regions.

Of particular importance was the need to halt the race for the perfecting and production of tactical nuclear weapons, and to reduce existing stocks. It was only according to the criteria of the great Powers that such weapons were of purely tactical value; for the smaller countries they had a strategic significance and were as important as other nuclear weapons.

The Yugoslav delegation attached particular importance to the establishment of denuclearized zones and to the withdrawal of nuclear arms within the national frontiers of the nuclear Powers. The first steps towards that objective had already been taken by means of the Antarctic Treaty, the Treaty on Outer-Space and the Treaty for the Prohibition of Nuclear Weapons in Latin America. The African countries were considering another important step in that direction; the declaration made by the Heads of State or Government of the African countries in July 1964 had been firmly supported by his delegation. The time now seemed ripe for active consideration of a plan for denuclearizing the Balkans-Mediterranean region. The removal of all nuclear weapons from that region, followed by other measures to stop the arms race and improve relations between States, would undoubtedly help to create a more favourable climate for the settlement of disputes and would strengthen the security and independence of the countries of that region. Moreover, the formation of such denuclearized
zones would be in harmony with the aims of the Non-Proliferation Treaty.

His delegation considered that regional denuclearization should apply also to international waters, including the sea-bed, and to international air space, for the danger of placing nuclear arms in those elements might be even greater than that of stationing them on the continent.

Although regional denuclearization was a far cry from nuclear disarmament, his delegation was convinced that it would be a positive step towards that end. Just as dangers to peace were indivisible, so the measures for the elimination of those dangers must be interdependent. At the same time, efforts should be made to end the conventional arms race and to bring about a progressive reduction of the huge stocks of conventional armaments. Indeed, article VI of the Non-Proliferation Treaty required the signatory States to take such action. The fact was that concern for the reduction of conventional forces and arms had sometimes receded into the background because of a justifiable preoccupation with the question of nuclear weapons. Meanwhile, during the last two decades the world had witnessed attempts at expansion and domination in nearly every continent, carried out with the use of conventional weapons. The anxiety of all countries which had been victims of or were threatened by such conventional weapons were understandable.

His country was firmly convinced that conventional armaments must be an integral part of any disarmament programme, especially as that would make it possible to maintain the necessary balance among States. The establishment of zones free from conventional weapons, the cessation of the manufacture of certain kinds of conventional arms and the progressive reduction of existing stocks, the elimination of foreign military bases, the dismantling of special forces ready to intervene at a moment's notice throughout the world together with other measures which had been repeatedly prepared, would be important steps towards general and complete disarmament.
After several decades of discussion of the need to eliminate chemical and bacteriological weapons, it was high time that an effective formula was found. In his delegation's opinion, efforts should be made to bring the 1925 Geneva Protocol up to date and to make it incumbent upon all countries to adhere to it.

Those were but a few of the suggestions that could be made for halting the arms race and for disarmament. His delegation considered that the suspension of the arms race and the introduction of gradual disarmament presented far less risks than were involved in an uncontrolled increase in nuclear and conventional arsenals. Convinced as it was that disarmament would strengthen general security and world peace and make an important contribution to economic progress, his delegation was prepared to support any proposals which might help to achieve that end. Disarmament was in the interests of all States and could surely not be a cause of conflict between them. If the Conference brought about any real progress towards general and complete disarmament, it would fulfil the purpose for which it had been convened. The Yugoslav delegation would spare no effort towards the achievement of that objective.

Mr. Grosespiell (Uruguay) took the Chair.

Mr. Azeredo de Silveira (Brazil) recalled that, in his statement at the plenary meeting, he had said that one of the more important decisions that the Conference could take would be the approval of a recommendation to all States to negotiate a general convention on security guarantees. The concern to see such a decision taken was apparently shared by nearly all the representatives who had spoken. Although they might have different views on the solution of the problem, all agreed that the issue should be tackled as a matter of urgency.

His delegation had therefore prepared a draft resolution which, if approved, would result in the Conference inviting all States to enter into negotiations for the conclusion of a general convention through which the nuclear-weapon States would undertake to give positive and negative guarantees to all non-nuclear-weapon States. The draft resolution was still under
discussion in the informal Latin-American group. Some Latin-American countries had already given it their support; others were still undecided on the best means of making it operative.

He read out the provisional text of the draft resolution.  \(^1\) The operative paragraph, which invited all States to enter into negotiations not later than 1 May 1969 for the conclusion of a General Convention through which the nuclear-weapon States would undertake to give positive and negative guarantees to all non-nuclear-weapon States, had been drafted in as general terms as possible, for his delegation realized that the question must be negotiated among all States of the world, whether or not Members of the United Nations. The fact that it was general, however, did not mean that it was weak. On the contrary, it was straightforward and firm, setting a definite date for the opening of negotiations with the nuclear-weapon States, without whose full participation it would be unrealistic to seek a definite solution to the problem.

The meeting rose at 11.15 a.m.

\(^1\) Subsequently issued as document A/CONF.35/C.1/L.3.
SUMMARY RECORD OF THE EIGHTH MEETING

held on Monday, 16 September 1968, at 10.20 a.m.

Chairman: Mr. BECK Hungary
Rapporteur: Mr. GHAUS Afghanistan
In the absence of the Chairman, Mr. Beck, Vice-Chairman took the Chair.

MEASURES TO ASSURE THE SECURITY OF NON-NUCLEAR-WEAPON STATES (agenda item 11)
(continued)

EFFECTIVE MEASURES FOR THE PREVENTION OF FURTHER PROLIFERATION OF NUCLEAR WEAPONS, THE CESSION OF THE NUCLEAR ARMS RACE AT AN EARLY DATE AND NUCLEAR DISARMAMENT (agenda item 13) (continued):

(a) SAFEGUARDS AGAINST THE DIVERSION OF SOURCE OF SPECIAL FISSIONABLE MATERIAL FROM PEACEFUL TO MILITARY USES, AND SAFEGUARDS AGAINST INDUSTRIAL ESPIONAGE; (continued)

(b) SUBMISSION OF PERIODIC REPORTS BY COUNTRIES, TO AN INTERNATIONAL AGENCY, ON THE NATURE OF NUCLEAR TECHNICAL ASSISTANCE AND THE NATURE AND EXTENT OF SPECIAL FISSIONABLE MATERIAL SUPPLIED BY THEM TO NON-NUCLEAR-WEAPON STATES FOR PEACEFUL PURPOSES;

(c) CONCLUSION OF A COMPREHENSIVE TEST BAN TREATY;

(d) FREEZE ON PRODUCTION OF FISSION MATERIALS FOR WEAPON PURPOSES AND THE CESSION OF THE MANUFACTURE OF NUCLEAR WEAPONS:

Mr. GOMEZ ROBLEDO (Mexico) said it should not be a source of surprise or discouragement that it had not so far proved possible to draw up regenerally satisfactory measures to assure the security of non-nuclear-weapon States. The problem was a new one in the history of international relations and its full urgency had not been appreciated until the drafting of the Non-Proliferation Treaty was in its final stages.

During the crucial discussions which had taken place in recent months, a whole series of negative and positive guarantees had been considered among which it was extremely difficult to make a choice. Moreover, the various systems of guarantees could not be judged purely on their technical and legal merits; the value of any given system would very largely depend on the geographical and political situation of the country concerned. Thus, a measure which might be satisfactory to a State which was a member of a military alliance might well be inadequate for a non-aligned State. It was also necessary to bear in mind the psychological or deterrent effect of a particular guarantee, an effect which did not necessarily depend on its legal soundness.
It was highly desirable that the present Conference should reach unanimous agreement on the matter and that its conclusions should be accepted by the nuclear Powers, which would be responsible for the application of any system of guarantees. But regardless of the outcome of the present Conference, the various proposals that were being made on the subject would prove extremely useful. Reference might be made, in particular, to the valuable statement made by the Swiss representative at the 8th plenary meeting suggesting that consideration should be given to the possibility of adopting an international instrument placing a specific ban on the use or threat of use of nuclear weapons against a country which had renounced such use and setting out the precise consequences of a violation. Mexico welcomed that representative's statement that Additional Protocol II of the Tlatelolco Treaty constituted a precedent for such action, and his expression of support for the views put forward in the Mexican working document (A/CONF.35/DOC.16).

He fully understood that, because of a variety of political factors, it was not at present possible to work out a system of guarantees embodied in an instrument of the same character as the Non-Proliferation Treaty itself. Efforts in that direction should, however, be continued both at the present Conference and in the Eighteen-Nation Committee on Disarmament, which had been invited by the General Assembly, in its resolution 2153 (XXI) "to consider urgently" the proposal that the nuclear Powers should give the non-nuclear-weapon States an assurance regarding the use of nuclear weapons "and any other proposals that have been or may be made for the solution of this problem".

The position Mexico had consistently taken in the matter had been defined in his delegation's statement at the 242nd meeting of the Eighteen-Nation Committee on Disarmament, in which it had pointed to the need for "a reasonable or acceptable balance of mutual responsibilities and obligations of the nuclear and non-nuclear Powers" and had stressed the legitimate desire of the non-nuclear Powers for an assurance that they would not be the victims of nuclear attack once they had absolutely renounced the possession of nuclear weapons. Its position was also reflected in the statement in Mr. Uribe's paper that the Treaty was "only part of the system of non-proliferation. The other part, owing to the interests of the non-nuclear-weapon countries and of
the nuclear Powers, is the existence of security assurances" (A/CONF.35/DOC.1/para.19).

Where agenda item 13 was concerned, the representative of Pakistan had put the position very clearly in his statement at the Committee's 2nd meeting, in which he had said that "complete security from nuclear attack would be provided only by stopping the production of all nuclear weapons and destroying all stockpiles of such weapons". Obviously, more disarmament meant greater security and more rearmament greater insecurity. The Non-Proliferation Treaty would, therefore, have a precarious existence until practical action was taken on the solemn undertaking given by the nuclear Powers under article VI of that Treaty.

For those reasons, his delegation would welcome the early adoption not only of the measures specifically mentioned in agenda item 13, but of all the measures listed in the provisional agenda adopted by the Eighteen-Nation Committee on Disarmament on 15 August 1968 (ENDC/236). The measures referred to in item 13 (a) and (b) were connected with the system of safeguards to prevent the diversion to military uses of source of special fissionable material intended for peaceful uses. The prevention of such diversion was one of the tasks of the International Atomic Energy Agency (IAEA), an organization for which Mexico had shown unfailing support. It had, in particular, recently entered into an agreement with the Agency regarding the application of the safeguards system provided under the Treaty of Tlatelolco. That agreement, which covered all the country's nuclear activities, had been the first of its kind in the world. Mexico would welcome the progressive extension of the system of IAEA safeguards to ensure the peaceful uses of nuclear energy.

With regard to item 13 (c), relating to the conclusion of a comprehensive test ban treaty, Mexico had consistently advocated the early conclusion of such a treaty and had been among the countries which had submitted the Joint Memorandum on the subject to the Eighteen-Nation Committee on Disarmament (ENDC/235). He did not propose to dwell on the controversial question of the possibility of detecting underground nuclear tests. That was a question which would be settled by seismology. What his delegation had repeatedly asserted was
that technical obstacles should not stand in the way of the immediate prohibition of such underground tests as were fully detectable and identifiable by national seismological stations. The continued reluctance to agree to a compromise or provisional solution of that kind could only be interpreted as reflecting an intention to continue underground tests for the purpose of improving nuclear weapons, thereby accelerating the arms race.

Nuclear explosions for peaceful purposes should also be regulated, in general terms at least, in any comprehensive test ban treaty, in line with the provisions of article V of the Non-Proliferation Treaty and with the suggestion made in the working papers submitted to the Eighteen-Nation Committee on Disarmament by the United Kingdom (ENDC/232) and Italy (ENDC/234) and also in the Joint Memorandum on a Comprehensive Test Ban Treaty.

Lastly, his delegation fully supported the measures referred to in agenda item 13 (d). The adoption of measures to freeze the production of fissile materials for weapon purposes and the cessation of the manufacture of nuclear weapons would constitute a significant move towards general and complete disarmament: nuclear disarmament was the first step that must be taken in that direction if mankind was to survive.

Miss HAMPTON (New Zealand), said that agenda items 13(c) and 13(d) were of primary importance in any discussion of further disarmament measures. New Zealand had consistently supported efforts within the United Nations to end the nuclear arms race and prevent the spread of nuclear weapons. As a small nation, it was appalled by the waste of economic resources and the senseless rivalry for prestige which characterized vertical proliferation, and was deeply uneasy about the dangers of further horizontal proliferation.

New Zealand had been among the first countries to sign the nuclear test ban treaty and the Non-Proliferation Treaty, and had been encouraged by the first steps towards agreement among the three main nuclear Powers and towards continuing and serious negotiation in the Eighteen-Nation Committee on Disarmament. There remained, however, an urgent need to press for further disarmament measures, which were vital when viewed against the prospect of an
arms race involving still more sophisticated offensive and defensive weapons. The alternative was for mankind to live at the mercy of the unwelcome products of its technology.

The growing arsenals of increasingly powerful conventional weapons were also a menace to world peace, and her delegation associated itself with others in urging that early consideration should be given to proposals for reversing that dangerous and wasteful accumulation of weapons.

While the ideal of total disarmament must be kept in sight, it was also essential to understand the complex problems to be overcome. New Zealand had long been convinced that the most practical and realistic approach was a balanced, step-by-step, approach that acknowledged the political realities and the legitimate security interests of all countries. The recent years of disarmament negotiations had shown that the process of translating concern at the spread of nuclear weapons into a binding agreement to halt that spread was painfully slow.

The Conference should urge that, when the Eighteen-Nation Disarmament Committee resumed its work, it should give priority to the question of a comprehensive ban on nuclear testing. The preamble to the Treaty on the Non-Proliferation of Nuclear Weapons mentioned such a measure, which would be a logical corollary to that Treaty. A comprehensive ban on testing would be a major step towards ending the dangerous competition among the nuclear Powers, four out of the five of which were currently engaged in weapon testing programmes. New Zealand was deeply concerned at the fact that only thee of them had acceded to the test ban treaty and the Non-Proliferation Treaty. All further disarmament efforts were seriously prejudiced by the determination of the other two powers to continue testing atomic and thermonuclear weapons in the atmosphere. Because of its geographical position and its duty to protect the interests of the island peoples in the South Pacific, New Zealand was particularly concerned about the tests being carried out by France in the South West Pacific, in disregard of world opinion and of protests from countries in the region. Its primary objection to those tests, however, and to those carried out by the People's Republic of China, was that they conflicted with the international trend towards limiting the spread of weapons of mass destruction that had developed during the last few years.
Despite the far-from-universal character of agreements reached so far, it was essential to maintain disarmament efforts. The New Zealand Government was convinced that the Eighteen-Nation Committee on Disarmament was the body best qualified to pursue those vital discussions, and the Conference should guide and stimulate that Committee to go further into the more intricate aspects of disarmament. The Conference was dealing with the principles of disarmament, and it was important that its decision should advance the work of other bodies concerned with the matter.

Mr. TSURUOKA (Japan) said that the Japanese delegation would also like to make a remark concerning the tests carried out by France in the South Pacific. Japan had protested on numerous occasions about the testing of nuclear weapons and had renewed its protests at the time of the new series of tests begun by France in July, 1968. The Japanese Government deeply regretted the French Government's action in the fact of world opinion, and urged it to renounce all further testing forthwith.

The meeting rose at 10.55 a.m.
SUMMARY RECORD OF THE NINTH MEETING
held on Tuesday, 17 September 1968, at 10.10 a.m.

Chairman: Mr. GROSESPIELL Uruguay

Rapporteur: Mr. GHAUS Afghanistan
MEASURES TO ASSURE THE SECURITY OF NON-NUCLEAR-WEAPON STATES (agenda item 11) (continued)

and

ESTABLISHMENT OF NUCLEAR-WEAPON-FREE ZONES (agenda item 12) (continued)

and

EFFECTIVE MEASURES FOR THE PREVENTION OF FURTHER PROLIFERATION OF NUCLEAR
WEAPONS, THE CESSION OF THE NUCLEAR ARMS RACE AT AN EARLY DATE AND NUCLEAR
DISARMAMENT (agenda item 13) (A/CONF.35/DOC.11 and 12; (ENDC/236) (continued):

(a) SAFEGUARDS AGAINST THE DIVERSION OF SOURCE OR SPECIAL FISSIONABLE MATERIAL
FROM PEACEFUL TO MILITARY USES; AND SAFEGUARDS AGAINST INDUSTRIAL
ESPIONAGE

(b) SUBMISSION OF PERIODIC REPORTS BY COUNTRIES, TO AN INTERNATIONAL AGENCY,
ON THE NATURE OF NUCLEAR TECHNICAL ASSISTANCE AND THE NATURE AND EXTENT
OF SPECIAL FISSIONABLE MATERIAL SUPPLIED BY THEM TO NON-NUCLEAR-WEAPON
STATES FOR PEACEFUL PURPOSES

(c) CONCLUSION OF A COMPREHENSIVE TEST BAN TREATY

(d) FREEZE ON PRODUCTION OF FISSIONABLE MATERIALS FOR WEAPON PURPOSES AND THE
CESSATION OF THE MANUFACTURE OF NUCLEAR WEAPONS

Mr. Adjie (Indonesia) said that the debate so far had revealed the
existence of some interest regarding the performance of the Security Council
during the past two decades in connexion with the adequacy of the security
assurances provided by the Non-Proliferation Treaty. His delegation shared
that concern. It had to be recognized that some nuclear Powers would not
become parties to the Non-Proliferation Treaty and that some non-nuclear-weapon
States felt unable to subscribe to it for reasons of over-riding national
interest. The fact had, therefore, to be faced that more than half mankind
still remained outside the purview of the Treaty.

Security Council resolution 255 (1968) reaffirmed a principle stated in the
United Nations Charter, but it covered only aggression with nuclear weapons and
its application was limited to non-nuclear-weapon countries that were parties
to the Non-Proliferation Treaty. The attitude of the nuclear Powers to an
attack on a non-nuclear-weapon State that was not a party to the Treaty had not
been defined.
While his delegation supported the idea of convening a world conference on disarmament, it considered that a realistic first step might be a declaration by the nuclear Powers that they would not use nuclear weapons against any non-nuclear-weapon States. The Conference should also seek to create the necessary political conditions for the success of such a meeting.

Where the establishment of nuclear-weapon-free zones was concerned, his delegation appreciated the endeavours made by the African States in 1962 and the recent signature of the treaty establishing a nuclear-weapon-free zone in Latin America. That treaty was the product of a wide measure of agreement among all the States in the region, a situation which did not unfortunately exist in all parts of the world.

With regard to continuing the work of the Conference, his delegation was in favour of using the machinery of the Eighteen-Nation Committee on Disarmament, adapted as necessary to meet the requirements of the Conference.

Mr. AKWEI (Ghana) reminded the Committee that the Conference had been convened to represent the interests of all non-nuclear-weapon States, whether or not they were participating in the Conference or had acceded to the Non-Proliferation Treaty. Moreover, although the Conference was being held under the auspices of the United Nations, it was not a conference of States Members of the Organization. The fact that many non-nuclear-weapon States were not represented meant that the efforts of the Conference could only be temporary and partial and should therefore be followed by discussion of the matter on a wider basis.

With reference to the question of measures to assure the security of non-nuclear-weapon States, the Committee should not concern itself with just one aspect of security, but should examine all the reasons why those States felt insecure. Further, security guarantees should be linked with particular measures of disarmament and threats from nuclear weapons should not be separated from those from conventional weapons.

Although the existence of the Non-Nuclear Treaty could not be disregarded and the primacy of nuclear over conventional disarmament was undisputed, it was necessary to be realistic and to remember that the Treaty had not yet come into
force and that many States were known to be having second thoughts over its ratification. It was also known that the United States did not consider its obligations under the Treaty to go beyond its existing obligations under the United Nations Charter.

The fact that States felt it necessary to possess and to contemplate the use of nuclear weapons was due to fear and suspicion, especially among the great Powers. The first step to assure the security of non-nuclear-weapon States would, therefore, be for those Powers to undertake a fundamental reappraisal of their policy towards each other, with a view to removing those basic fears and suspicions. But even if such a step were acceptable to the big Powers, it would take some time to carry out. In the meantime, therefore, the non-nuclear-weapon States should urge the nuclear Powers to freeze nuclear weapons at their present level and to ban or prohibit the use of existing nuclear weapons. The need for those measures should be stated in a resolution or declaration by the Conference.

Pending progress on those issues, the Conference might be able to initiate action to bring existing nuclear weapons under international rather than national control. Such action might take the form of the conclusion of an international treaty under which the nuclear Powers would undertake not to use nuclear weapons against non-nuclear-weapon States and not to use such weapons against each other except with some form of international authorization, that of the Security Council, for example.

For the purpose of such a treaty, there would have to be an acceptable definition of a non-nuclear-weapon State. Ideally, such a State would be defined as one that not only possessed no nuclear weapons but had renounced any interest in acquiring them and had banned the installation, transfer, transit, use and control of such weapons by third parties in its territory or in territories under its control. A more limited compromise definition could be used to start with and could be progressively broadened as the process of denuclearization proceeded.
Such a programme, however, might not be acceptable to the nuclear-weapon States and it was therefore necessary to examine the value of the present security guarantees under the Non-Proliferation Treaty. Many countries, including his own, considered that they were inadequate, as were the existing peace-keeping procedures in the United Nations Security Council. The Non-Proliferation Treaty was perhaps the best that could be achieved at the present time, but as it imposed heavy obligations on non-nuclear-weapon States, it was only fair that the nuclear-weapon States should give a definite undertaking, which would be binding on them jointly and severally, to come to the aid of the non-nuclear-weapon States in the event of an attack or threat of attack with nuclear weapons. It would, further, be quite legitimate to request those Powers to define in specific terms the conditions under which the obligation to provide such assistance would be met.

The nuclear Powers had indicated their desire to link security guarantees to the signing of the Non-Proliferation Treaty. Such an approach was unacceptable to his delegation. To single out certain categories of non-nuclear-weapon States and to offer them such guarantees would not only mean by-passing the United Nations Charter, which recognized the collective responsibility of the Security Council to maintain peace and security everywhere, but would also be dangerous because the results of nuclear war would be bound to spread over the boundaries of States. The only condition which should be imposed upon non-nuclear-weapon States in return for a comprehensive guarantee should be the continuance of their nuclear-weapon-free status. The non-nuclear-weapon States could confirm that status either by signing an appropriate international instrument on the renunciation of nuclear weapons or by agreeing to submit their nuclear installations to international inspection.

Moreover, while the Non-Proliferation Treaty imposed an obligation on the non-nuclear-weapon States not to acquire nuclear weapons, it contained no binding provisions restraining the nuclear Powers from the further development and stockpiling of such weapons. In his view, the undertaking given in article VI of the Treaty merely represented a declaration of intention. The Conference should therefore recommend that the nuclear-weapon Powers assume an obligation to halt the further development of such weapons.
The establishment of nuclear-weapon-free zones was an essential element in any measures to assure the security of non-nuclear-weapon States. There was at present only one such zone in existence, that in Latin America. The Treaty of Tlatelolco was a commendable example and the non-nuclear-weapon States must endeavour to establish similar zones in their respective areas, particularly in Africa. But such zones would not be effective unless certain principles were observed by both the non-nuclear-weapon States and the nuclear Powers. Those principles, which should be incorporated in any agreements on nuclear-weapon-free zones were: (a) the renunciation by the States concerned of the manufacture, control and use of nuclear weapons both by them and by third parties within the territories, territorial waters and air boundaries of the region; (b) the prohibition of the installation, transfer and transit of nuclear weapons by both the States concerned and third parties within the boundaries, air space and territorial waters of the zone; (c) the prohibition of the training of the nationals of the States in the area in the handling and use of nuclear weapons; and (d) appropriate international supervision of any nuclear explosive devices for peaceful uses in the area.

Further, the security requirements of the different regions of the world must be taken into account. In Africa, for instance, there seemed little likelihood of a nuclear threat or attack by any of the present nuclear Powers, but the independent African States were concerned lest South Africa might acquire nuclear-weapon capability. They feared, indeed, a possible attack with conventional weapons by that State or by Portugal and therefore needed special security guarantees with respect to the use of conventional weapons. Such assurances should take the form of an agreement not to supply arms and ammunitions to those countries, in accordance with the relevant United Nations resolutions.

His delegation was prepared to co-ordinate with other delegations in preparing appropriate texts for consideration by the Conference on all the points he had outlined. But such proposals would be of little avail unless they were supported by the nuclear-weapon Powers and unless those Powers were seriously resolved to work for genuine disarmament.

The meeting rose at 11 a.m.
SUMMARY RECORD OF THE TENTH MEETING
held on Wednesday, 18 September 1968, at 10.20 a.m.

Chairman: Mr. GROSESPIELL Uruguay
later: Mr. BECK Hungary
Rapporteur: Mr. GHAUS Afghanistan
MEASURES TO ASSURE THE SECURITY OF NON-NUCLEAR-WEAPON STATES
(agenda item 11) (continued)

and

ESTABLISHMENT OF NUCLEAR-WEAPON FREE ZONES (agenda item 12) (continued)

and

EFFECTIVE MEASURES FOR THE PREVENTION OF FURTHER PROLIFERATION OF NUCLEAR
WEAPONS, THE CESSTATION OF THE NUCLEAR ARMS RACE AT AN EARLY DATE AND
NUCLEAR DISARMAMENT (agenda item 13) (continued):

(a) SAFEGUARDS AGAINST THE DIVERSION OF SOURCE OR SPECIAL
FISSIONABLE MATERIAL FROM PEACEFUL TO MILITARY USES, AND
SAFEGUARDS AGAINST INDUSTRIAL ESPIONAGE

(b) SUBMISSION OF PERIODIC REPORTS BY COUNTRIES, TO AN INTERNATIONAL
AGENCY, ON THE NATURE OF NUCLEAR TECHNICAL ASSISTANCE AND THE
NATURE AND EXTENT OF SPECIAL FISSIONABLE MATERIAL SUPPLIED BY
THEM TO NON-NUCLEAR-WEAPON STATES FOR PEACEFUL PURPOSES

(c) CONCLUSION OF A COMPREHENSIVE TEST BAN TREATY

(d) FREEZE ON PRODUCTION OF FISSILE MATERIALS FOR WEAPON PURPOSES
AND THE CESSATION OF THE MANUFACTURE OF NUCLEAR WEAPONS

Mr. CHAUS (Afghanistan) said that Security Council resolution 255
(1968) and the declarations made by three of the nuclear Powers did not provide
a sufficiently realistic system of positive guarantees, nor had the negative
aspect of the security of non-nuclear-weapon States been adequately dealt with.
The Committee should therefore help to formulate more reliable positive and
negative guarantees, for which the understanding and co-operation of the
nucler-weapon States were essential. Peace and security were indivisible.
Improved and more effective non-proliferation measures would consolidate peace
and ensure the security of nuclear and non-nuclear-weapon States alike.
As a first step, an undertaking in the form of a declaration by the nuclear-
weapon States to protect the non-nuclear-weapon States against nuclear attack or
threat would enhance the effectiveness of the negative assurances, which
should not be made subject merely to vague notions of aggression. The declaration,
made jointly or severally, could be followed later by a convention on positive
guarantees.
The harnessing of the atom and the development of nuclear energy for warlike purposes had created a situation that had not been foreseen when the United Nations Charter had been drafted and it was imperative for the security guarantees to meet present realities. The approach to the problem of positive guarantees suggested by the representative of Pakistan should be given careful consideration.

The negative security assurances which were vital to the safety and survival of the non-nuclear-weapon States had not been covered by the Non-Proliferation Treaty. Measures were needed to prevent nuclear aggression rather than to correct the situation after nuclear weapons had been employed. The General Assembly, in resolution 1653 (XVI), had declared the use of nuclear and thermonuclear weapons to be contrary to the principles of international law and to the letter and spirit of the Charter. The drafting of an international convention under which all States would agree not to resort to the use of force in the settlement of international disputes would be a welcome step towards a system of collective security as envisaged in the Charter. In the present period of uncertainty, when every technological advance could threaten the balance of nuclear deterrence, it would be in the interest of peace and security if the nuclear-weapon States could consider establishing a new balance by undertaking not to use nuclear weapons in any circumstances. Pending the adoption of a convention on those lines, agreement on a declaration embodying the negative guarantees he had mentioned was essential.

His delegation considered that for the time being it was advisable not to link the positive and negative security guarantees too closely in one convention. They should be studied and negotiated separately, though in conjunction.

The security assurances were closely linked with disarmament. Non-proliferation measures would be lacking in strength and effectiveness if the nuclear-weapon States failed to agree promptly on means of vertical non-proliferation and on collateral steps towards general and complete disarmament under effective international control. Conventional and nuclear disarmament were inseparable. The safety and sovereignty of the majority of non-nuclear-weapon States, most of which were small developing countries, could be endangered primarily by the use or threat of use of conventional armaments. If it was true,
as had been argued, that nuclear balance could prevent nuclear attack, the same could not be said of attack by conventional weapons, which could be used with relative impunity and the vertical and horizontal proliferation of which had assumed immense proportions. The threat of their use could come either from the sophisticated conventional armoury of a nuclear-weapon State or from the arsenal of a non-nuclear-weapon State acquired through its membership of a military alliance or other means. It was therefore imperative that the security of the non-nuclear-weapon States against the use of those weapons too should be guaranteed. His delegation hoped that the problem of conventional disarmament would be given urgent consideration in the appropriate bodies.

Mr. MORTENSEN (Denmark) said that in its discussion of measures to assure the security of non-nuclear-weapon States the Committee should bear in mind that its members had varying security problems: some were members of alliances, others were non-aligned; some were situated in areas of political and military stabilization and others in the front line of confrontation. It was therefore difficult to work out a universally applicable security formula.

Another fact that should be taken into consideration was that there was already a world organization responsible for maintaining international peace and security, i.e. the United Nations. If all States acted in accordance with the Charter, further security arrangements would be unnecessary. It was of primary importance that all member States should adhere strictly to the Charter and comply with the obligations they had assumed under it.

The Non-Proliferation Treaty was a complementary instrument in the search for a solution to the problems of the nuclear age. His Government had supported it from the outset as a first but important step towards nuclear disarmament. The Conference should remind the nuclear Powers of their obligations under article VI of that Treaty and urge them to start negotiations as soon as possible.

A final solution to the world's security problems must comprise the elimination of atomic weapons and the abolition of national military forces. Meanwhile, provisional arrangements should be made to reduce existing risks.
His delegation welcomed the agreement among the three nuclear Powers which had signed the Non-Proliferation Treaty, expressed in Security Council resolution 255 (1968) and in the declarations by those Powers in the Security Council. Although the solution provided by that agreement was not perfect, it afforded such global security as could be obtained in the prevailing international situation, and a greater measure than had been possible before the adoption of the resolution. The Conference should ensure that its recommendations were realistic and likely to secure acceptance by the nuclear Powers, which were without the right to vote at the Conference.

It should be borne in mind that military threats might emanate also from conventional forces. The need for conventional disarmament should therefore be emphasized.

His delegation supported the establishment of nuclear-weapon-free zones, which would be a stabilizing factor in regions such as Latin America and Africa, where military balance was based solely on conventional weapons. Denmark had welcomed the Treaty of Ilatelolco and had noted with satisfaction the stand many delegations had taken in favour of a similar treaty for Africa. Where the military balance was based on a combination of conventional and nuclear weapons there should be an arrangement covering both fields. His delegation hoped that the present political situation in Europe would prove to be purely temporary and that the improved climate necessary for obtaining such an arrangement could be anticipated.

Mr. Beck (Hungary) Vice-Chairman, took the Chair.

Mr. BURNS (Canada) said that, in previous discussions in the General Assembly the question of concluding a convention on the prohibition of the use of nuclear weapons, his delegation had made it clear that it did not consider that such a convention would be an effective guarantee that nuclear weapons would not at some time be used against States not possessing them.

With regard to the undertakings of the nuclear Powers not to use nuclear weapons against non-aligned non-nuclear States the Canadian delegation felt that the intention expressed by certain nuclear Powers, as mentioned in operative
paragraph 2 of Security Council resolution 255 (1968), that they would assist any State Party to the Non-Proliferation Treaty that was the victim of an act or an object of a threat of aggression in which nuclear weapons was tantamount to a promise that the nuclear Power would not itself use its nuclear weapons, or threaten to use them, against non-nuclear-weapon States Parties to the Treaty. In fact, it was probably a better guarantee than a general convention promising all the countries in the world that nuclear weapons would not be used against them, for it was easier to live up to an agreement of fairly specific intent than one of very general intent. While his delegation appreciated the concern which had been frequently expressed by non-aligned non-nuclear-weapon States and their desire for a "binding commitment" - presumably a treaty - his delegation considered that in the present circumstances of the world no more credible assurances could be offered. If those States did not believe that the nuclear Powers meant what they said in the solemn declaration they had already made, there seemed no reason for them to be any more confident that undertakings would be observed if they were put into the legal formula of a treaty or a convention. It was well known that the field of history was littered with the scraps of torn-up treaties. Thus in the matter of assurances of security against nuclear attack, the question was one of confidence and credibility, not of legal form. Such assurances were given to States Parties to the Non-Proliferation Treaty, which contained precise undertakings and provided controls.

The Security Council resolution had been criticised for using the term "aggression". It had been objected that, since there was no agreed definition of aggression, there was no certainty that the assistance promised would be forthcoming, owing to the inability of the Security Council to decide whether there had been an aggression or not. It seemed to his delegation, however, that if a nuclear weapon were exploded on or over the territory of any State, there would be a prima facie case that an act of aggression had taken place. As for the threat of aggression, any nation feeling itself threatened could quickly bring the matter before the Security Council, which could determine whether there was a threat. Indeed, the mere fact of discussion might well remove the threat. Security Council resolution 255 (1968) did, therefore, create
a reliable deterrent for any Power contemplating the use of nuclear weapons against a State not possessing them.

It had further been objected that there was the possibility of a veto in the Security Council. It seemed, however, that the use of the term "a qualitatively new situation" in the parallel declarations of the nuclear Powers suggested that they considered that the use of nuclear weapons against any State would be a threat to the whole world and such a challenge to their own security that it was in their interest to see that no one violated the "Pax Atomica". The proviso in the resolution reserving the right of self-defence under Article 51 of the Charter had also been criticized, on the ground that it would not be of much use to invoke the right of self-defence once nuclear weapons had been used. The Canadian delegation appreciated that point but reiterated its faith that the resolution was a deterrent. The reference to Article 51 of the Charter was, moreover, intended to reassure States which were members of alliances which included a nuclear Power that defensive action against an armed attack would not have to wait until the matter had been referred to the Security Council. His delegation sympathized with the non-nuclear-weapon States which were not members of alliances and suggested that fundamental changes, including revision of the United Nations Charter, would be needed before such countries could enjoy the same assurances of protection against armed attack as those now given by a nuclear Power to an ally with which it had entered into mutual obligations for purposes of defence.

Turning to the question of safeguards, he stressed its great complexity, which in his view was tacitly admitted by the deliberately vague wording of article III of the Non-Proliferation Treaty. The International Atomic Energy Agency (IAEA) was, however, making great endeavours with the insufficient personnel at its disposal to establish precise definitions concerning safeguards. The South African reactor had been placed under the IAEA safeguards system and no problems had arisen concerning the inspection which had been carried out. As South Africa was one of the three major producers of uranium, it was especially interested in the implications of article III as far as source material was concerned. There were quite extensive differences of opinion within IAEA about the amount of supervision required for source material, some scientists
maintaining that an atomic bomb might be made with as little as two tons of such material and that therefore two tons represented a security danger. The reluctance of countries to submit their installations to inspection would add to the Agency's difficulties in implementing article III of the Treaty. However, the work being carried out at Karlsruhe by the Federal Republic of Germany to develop instruments for measuring the flow of fissile material (A/CONF.35/C.1/1) promised to make safeguards more effective and economical.

The proposals made by the Spanish and Swiss delegations (A/CONF.35/C.1/L.1 and L.2) expressed legitimate preoccupations, but he doubted whether the Conference was a suitable forum for examining the details of proposals on such a complex subject. The International Atomic Energy Agency would seem to be a more suitable body in which to discuss such details. Moreover, until it was seen what pattern for safeguards and inspection emerged under the Non-Proliferation Treaty it was difficult to reach final conclusions concerning accession to the Treaty. The present Conference was a political one and it was right that political views should be expressed. His delegation hoped, however, that resolutions submitted on such technical subjects as safeguards would not be put to the vote, in view of the difficulty of considering all the implications of their wording within the time available. They should be sent through the General Assembly of the United Nations to the IAEA for further study.

The meeting rose at 11.45 a.m.
SUMMARY RECORD OF THE ELEVENTH MEETING
held on Wednesday, 18 September 1968, at 3:20 p.m.

Chairman: Mr. GROSESPIELE Uruguay
Rapporteur: Mr. CHAUS Afghanistan
MEASURES TO ASSURE THE SECURITY OF NON-NUCLEAR-WEAPON STATES
(agenda item 11) (A/CONF.35/C.1/L.4) (continued)

and

ESTABLISHMENT OF NUCLEAR-WEAPON FREE ZONES (agenda item 12) (A/CONF.35/C.1/L.5)
(continued) and

EFFECTIVE MEASURES FOR THE PREVENTION OF FURTHER PROLIFERATION OF NUCLEAR
WEAPONS, THE CESSION OF THE NUCLEAR ARMS RACE AT AN EARLY DATE AND
NUCLEAR DISARMAMENT (agenda item 13) (continued):

(a) SAFEGUARDS AGAINST THE DIVERSION OF SCOURCE OR SPECIAL FISSIONABLE
MATERIAL FROM PEACEFUL TO MILITARY USES, AND SAFEGUARDS AGAINST
INDUSTRIAL ESPIONAGE (A/CONF.35/C.1/1 and A/CONF.35/C.1/L.1)

(b) SUBMISSION OF PERIODIC REPORTS BY COUNTRIES, TO AN INTERNATIONAL
AGENCY, ON THE NATURE OF NUCLEAR TECHNICAL ASSISTANCE AND THE
NATURE AND EXTENT OF SPECIAL FISSIONABLE MATERIAL SUPPLIED BY THEM
TO NON-NUCLEAR-WEAPON STATES FOR PEACEFUL PURPOSES

(c) CONCLUSION OF A COMPREHENSIVE TEST BAN TREATY

(d) FREEZE ON PRODUCTION OF FISSIONABLE MATERIALS FOR WEAPON PURPOSES
AND THE CESSION OF THE MANUFACTURE OF NUCLEAR WEAPONS

Mr. EILANG (Uganda), introducing the draft resolution jointly submitted
by Uganda, the United Republic of Tanzania and Zambia under agenda item 11
(A/CONF.35/C.1/L.4), said that the surest way of guaranteeing that nuclear
weapons would not be used would be for the nuclear-weapon Powers to declare
explicitly that they would not use those weapons against the non-nuclear Powers
under any circumstances. Uganda considered that in Africa, as in many other
parts of the world, conventional weapons posed the most serious threat to world
peace. It had therefore in the general debate at the sixth plenary meeting
called for the convening of a conference to consider appropriate control of
conventional as well as nuclear weapons.

The draft resolution was the result of consultations with other African
countries. He drew attention to the fact that its second, third and fifth
preambular paragraphs recalled some of the most widely accepted decisions or
principles adopted by the General Assembly concerning world peace and
disarmament. The fourth preambular paragraph should not be interpreted as
condemnation of Security Council resolution 255 (1968), but as an attempt to go beyond the security guarantees embodied in that resolution, since those guarantees had no juridically binding force.

The single operative paragraph of the draft resolution recommended what the sponsors felt was a realistic approach to the question of security guarantees.

The sponsors were willing to consider amendments to the draft resolution and would welcome additional co-sponsors. They hoped that the draft resolution would be given sympathetic consideration and gain wide support.

Mr. NAVASCUES (Spain) said that, since a system of safeguards was the basis on which the principle of non-proliferation rested, it should be operated as fairly as possible. The International Atomic Energy Agency (IAEA) had instituted a system of safeguards, but it was not entirely satisfactory since the Agency's Board of Governors, the organ responsible for operating the system, was not sufficiently representative of all countries. As it would be difficult to amend IAEA's Statute, his delegation had thought it desirable to submit under agenda item 13 (a) a draft resolution (A/CONF.35/C.1/L.1) which, if adopted, would result in a system for the application of safeguards based on the principle that all inspected countries should be adequately represented in the organization responsible for applying safeguards. The draft resolution recommended that a special committee on safeguards of which countries possessing nuclear facilities or supplying nuclear materials could be members if they so desired, should be established within IAEA. His delegation hoped that, as a result of members' comments, the draft resolution would become a document which would fully satisfy the aspirations of all countries which were, or would become, subject to a safeguards system.

Mr. GARCIA ROBLES (Mexico), introducing, under agenda item 12, draft resolution A/CONF.35/C.1/L.5, on the establishment of nuclear-weapon-free zones, said that its preambular paragraphs recalled a series of facts relevant to that subject. The conclusion of a series of treaties similar to the Treaty for the Prohibition of Nuclear Weapons in Latin America would lead automatically to the solution of the problem of nuclear disarmament; that idea was emphasized in the
first preambular paragraph. The thought expressed in the second preambular paragraph was axiomatic; the existence of nuclear weapons in a zone would increase the danger of nuclear attacks, but their absence would not only increase the security of non-nuclear-weapon States, but also prevent such States from damaging their economies by producing nuclear armaments. The third preambular paragraph reaffirmed the idea that the establishment of a nuclear-weapon-free zone required the conclusion of a treaty or convention duly signed and ratified. It was that idea which had led the Latin American countries, once their Heads of State had issued a declaration on the denuclearization of the region, to raise the question in the General Assembly with a view to ensuring that a treaty was duly signed and ratified. The same idea was reflected in the sixth preambular paragraph of General Assembly resolution 2033 (XX) concerning the Declaration on the denuclearization of Africa.

The important principle of an acceptable balance of the mutual responsibilities and obligations of nuclear and non-nuclear-weapon States was emphasized in the fourth preambular paragraph of the draft resolution, after which the draft went on to recall the provisions of General Assembly resolution 2153 A (XXI). The need for the co-operation of the nuclear-weapon States, to which reference was made in the sixth preambular paragraph, reflected the ideas expressed in the second and seventh preambular paragraphs of General Assembly resolution 2286 (XXII). It was clear from that resolution that, in the opinion of the General Assembly, the obligations of the nuclear Powers should be laid down in a legally binding treaty or convention. Indeed, the principle of the sovereign equality of States would be in jeopardy if certain procedures were deemed applicable to non-nuclear-weapon States but not applicable to nuclear-weapon States.

The draft resolution ended with two operative parts. Part A was of a general character and appealed to all non-nuclear weapon States outside the zone established by the Treaty of Tlatelolco to initiate or continue studies concerning the possibility and desirability of establishing, by treaty, the military denuclearization of their respective zones, provided political and security conditions permitted.
Part B consisted of two paragraphs. In the first, the co-sponsors deplored the fact that not all nuclear-weapon States had signed Additional Protocol II to the Treaty of Tlatelolco. It should be remembered, in that connexion, that the Treaty and its Protocols had been open for signature for more than eighteen months. The second paragraph, reiterating the idea expressed in the final preambular paragraph, urged all nuclear-weapon Powers to comply with the provisions of operative paragraph 4 of General Assembly resolution 2286 (XXII).

The sponsors would give careful consideration to any comments on the draft resolution which members of the Committee might make.

Mr. SCHNIPPENKOETTER (Federal Republic of Germany) introduced a working paper on safeguards (A/CONF.35/C.1) submitted by his country, under agenda item 13(a). He said that the principle of safeguards to ensure non-proliferation was incorporated in the text of the Non-Proliferation Treaty, which referred in its preamble to support for research, development and other efforts to further the application, within the framework of the International Atomic Energy Agency safeguards system, of the principle of safeguarding effectively the flow of source and special fissionable materials by use of instruments and other techniques at certain strategic points. Furthermore, article III, paragraph 3 stated that the safeguards required by the article should be implemented in accordance with the principle of safeguarding set forth in the preamble of the Treaty. Consequently only those parts of the Statute of the IAEA and of its safeguard system which were in accordance with the principle of safeguards were relevant for the negotiation and conclusion of agreements with the agency under article III of the Non-Proliferation Treaty.

The principle of instrumented safeguards on the flow of fissionable material at strategic points aimed in the first place at the containment of the fissionable material within the peaceful domain. That included actual containment by appropriate construction of the main nuclear installations (reactors, reprocessing plants, fuel element fabrication plants) and it also included gate controls, waste control, safing and sealing, particularly in the case of transportation within the fuel cycle. In that cycle it was necessary to measure the flow at certain strategic points. It was comparatively easy to
select those points in nuclear installations of the first reactor generation, but the task was more complicated in the case of reprocessing and fuel fabrication plants. Tamper-proof instruments for measuring the flow of fissionable material were already available to some extent, and additional instruments were being developed. At a more advanced stage the instrument readings would be processed by a suitable automatic data processing system.

Some took the view that while the principle of such a system was sound, the system itself was not yet practicable. However, those who had been able to visit the Karlsruhe Nuclear Research Centre had been able to see that the implementation of the principle was well under way, even though the relevant programme had been started only about a year before.

The Director-General of IAEA had stated at the 6th meeting of the Second Committee that by 1973 or 1974 the Agency's Department of Safeguards might require a staff of about 200 officials. The scientists and technicians working at the Karlsruhe Centre on instrumented safeguarding of the flow of fissionable material at selected points expected that the necessary instruments and techniques would be available by that time. Thus a new perspective was opening up for solving the safeguards problem.

Instrumented safeguards on the flow of fissionable material at strategic points was the only rational method of dealing with the problem in a rapidly expanding world nuclear industry. That system could also help to keep the cost of safeguards within reasonable limits and release more funds for development purposes. The techniques involved were efficient and provided the desired assurance that no diversion of fissionable material to the production of weapons could take place. In addition, the system provided assurance against industrial espionage.

Concern had been expressed at the fact that the Non-Proliferation Treaty provided for safeguards only in the case of non-nuclear-weapon States. The failures to apply the safeguards to nuclear-weapon States represented a lost opportunity to take a first step in nuclear disarmament. Furthermore, the unequal treatment of nuclear and non-nuclear States with respect to safeguards
discriminated against the peaceful industry and economy of the latter group of States. The nuclear-weapon States could never fully appreciate the effect of that discrimination as long as their own peaceful nuclear activities were not subject to the same safeguards as were those of the non-nuclear-weapon States. The Federal Republic of Germany had therefore welcomed the offer made by the United States and the United Kingdom in 1967 to submit their peaceful nuclear activities to the same safeguards as those envisaged for non-nuclear-weapon States. That offer would stimulate world-wide acceptance of international safeguards and thus contribute to non-proliferation. It also recognized the principle of reciprocity in the acceptance of safeguards.

The safeguard system of the European Atomic Energy Community was based on the equal treatment of the members of the Community in the peaceful application of nuclear energy and had worked effectively for ten years, covering 200 nuclear installations. There was no discrimination in the peaceful domain between the nuclear-weapon and the non-nuclear-weapon members of EURATOM.

The agreements referred to in paragraphs 1 and 4 of article III of the Non-Proliferation Treaty could be concluded with IAEA not only "individually" but also "together with other States". That meant that States belonging to an organization whose work was related to that of IAEA complied with their obligation to conclude an agreement when that organization concluded an agreement with IAEA as provided for in article XVI of the IAEA Statute and in the Agency's Safeguards System. Paragraph 28 of that system provided expressly for the acceptance of "safeguards other than those of the Agency but generally consistent with such safeguards".

With regard to safeguards outside the jurisdiction of a State, "or carried out under its control anywhere", it was the understanding of the Federal Government that an undertaking to that affect would apply if and when a non-nuclear State had the dominant and effective control of such a nuclear facility.

In conclusion he wished to suggest that the Conference should include in its final document a recommendation along the lines of that set forth at the end of working paper A/CONF.35/C.1/1, to the effect that all countries in a position to do so should encourage the establishment and application of a safeguard system based on the principle of safeguarding the flow of fissionable materials by use of instruments and other techniques at strategic points.

The meeting rose at 4.30 p.m.
SUMMARY RECORD OF THE TWELFTH MEETING
held on Thursday, 19 September 1968, at 10.20 a.m.

Chairman: Mr. GROSESPIELL Uruguay
Rapporteur: Mr. GHAUS Afghanistan
His country, as a signatory of the Non-Proliferation Treaty, earnestly hoped that the nuclear Powers would immediately embark on negotiations in accordance with the provisions of the preamble and article VI of the Treaty. It had been said that the non-nuclear-weapon States could not compel the nuclear Powers to enter into disarmament negotiations. While that might be true, the nuclear Powers no doubt understood that the viability of the Treaty would largely depend on their achieving measures conducive to nuclear disarmament.

Meanwhile, it was both the right and the duty of the non-nuclear-weapon States to take every opportunity of drawing the attention of the nuclear Powers to their obligation under the Treaty to move towards nuclear disarmament. In that connexion, there were a number of encouraging achievements in the recent past, such as the denuclearization of Antarctica, the partial test ban treaty, the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and other Celestial Bodies, the denuclearization of Latin America and the Non-Proliferation Treaty itself.

The promise made by the two super-Powers at the opening for signature of the Non-Proliferation Treaty to meet and negotiate on the question of offensive and defensive nuclear weapons systems represented only the beginning. If progress were achieved on that question, those two Powers would move to other areas. They would, however, need as much support and encouragement as possible from the non-nuclear-weapon Powers in their efforts to devise measures leading to nuclear disarmament.

Mr. ENCIMAS del PANDO (Peru) said that, as his Government saw it, the present Conference had three purposes. The first was to ascertain the factual situation as precisely as possible, the second, to formulate the objectives of the non-nuclear-weapon States, and the third, to determine the best means of achieving those objectives.

An examination of the situation revealed a serious inequality between the nuclear Powers and the non-nuclear-weapon States, an inequality which more or less coincided with the existing inequality among nations in technical and economic development. Another important factor of the situation was the
Non-Proliferation Treaty, of which Peru was a signatory. The Treaty had at least two serious defects: firstly, it had not been subscribed to by all the nuclear powers; secondly, the provisions of article II prevented the non-nuclear-weapon States from overcoming their deficiencies in the use of nuclear energy, whether for military or for peaceful purposes.

The fact that the non-nuclear-weapon States were denied any prospect of technological autonomy in a field in which there had been a great scientific and technological revolution could hinder their economic and technological development. There was also the grave danger of spreading the belief that the capability to manufacture nuclear weapons was a necessary step towards economic development.

There was an obvious connexion between the present Conference and the Non-Proliferation Treaty. There could be no doubt that the Conference would have been different in character if it had taken place before the formulation of the Treaty. As matters now stood, the Conference should try to remedy some of the defects in the present situation, in particular the absence of safeguards for the non-nuclear-weapon States.

Another significant development had been the establishment of Latin America as a nuclear-free zone: in that respect, his delegation had been glad to note the interest expressed in the Treaty of Tlatelolco as a pattern for the establishment of nuclear-free zones elsewhere.

The first objective that the non-nuclear-weapon States should set for themselves should be to put an end to the discrimination in nuclear matters between the nuclear-weapon States and the non-nuclear-weapon States. In that respect a clear distinction should be drawn between nuclear explosions for military purposes and explosions for peaceful purposes. There was every hope that technological progress would be such as to make it possible, in the near future, to distinguish nuclear weapons from nuclear peaceful devices.

The second objective should be to seek international agreements under which the nuclear-weapon Powers would guarantee not to use nuclear weapons, or threaten to use them, or use conventional weapons under cover of such a threat, against the non-nuclear-weapon States.
The third objective should be to obtain from the nuclear-weapon States an undertaking to regulate not only horizontal proliferation but also vertical proliferation of nuclear weapons, so as to arrive at general and complete disarmament.

The fourth objective should be to establish other demilitarized zones in addition to Latin America.

The fifth objective should be to make an increasing use of nuclear power for peaceful purposes, to which end a special fund for research and development might be set up.

The sixth objective should be to organize a broad system of technical and financial assistance to spread the knowledge of nuclear technology.

The seventh objective should be to make all radioactive materials subject to the International Atomic Energy Agency (IAEA) safeguards.

The eighth objective should be to establish a fund to facilitate the provision of fissionable materials to the non-nuclear-weapon States.

Lastly, the most important objective of the present Conference should be to achieve genuine and effective international disarmament that would create the necessary financial and moral conditions for economic development.

His delegation wholeheartedly supported the spirit of the various proposals which had been made to encourage the efforts of the non-nuclear-weapon States to protect their legitimate interests. He therefore suggested that consideration should be given to the establishment of a special committee to make recommendations on that point in the light of the discussion.

Mr. IERMISCHA van SCHELINGA (Netherlands) observed that, as the representative of the United Arab Republic had said earlier in the debate, the provisions for safeguards in the Non-Proliferation Treaty had been reached after a long discussion and represented a delicate balance between different points of view. The full implications of article III of the Treaty could only be assessed in the context of the two preambular paragraphs dealing with safeguards and of article II. The principle of not hampering economic or technical development, implicit in the sixth preambular paragraph, was already
being applied by the International Atomic Energy Agency (IAEA) under its safeguards procedures drawn up in 1965, which the Agency was required to review in the light of further experience and of technological developments. The Agency now had the task of working out the implementation of the safeguard provisions in the Treaty, a task which entailed many organizational, financial and technical problems, including the establishment of a special committee on safeguards, the defrayment of costs, the drawing up of effective safeguards without hampering economic or technological development or international co-operation in peaceful nuclear activities, and the use where possible of existing facilities to avoid unnecessary duplication. Those problems would have to be studied by the General Conference of IAEA and it would not be proper for the Conference of Non-Nuclear-Weapon States to prejudge that body's decisions by formulating specific recommendations. The Conference should also avoid upsetting the balance of the Non-Proliferation Treaty by making recommendations which deviated from its provisions, such as the suggestion that safeguards should be limited to the flow of highly-enriched uranium and plutonium.

With regard to the demand that the nuclear-weapon States should accept the same safeguards as the non-nuclear-weapon States Parties to the Treaty with respect to peaceful activities, his Government had welcomed the decision by the United States and the United Kingdom enabling IAEA to apply safeguards to several of their nuclear facilities, primarily because of the experience in safeguards methods that IAEA could thus gather for later application to other countries. The Netherlands had also been encouraged by the offer by those Powers in 1967 to submit all their peaceful nuclear activities to international safeguards under the Non-Proliferation Treaty - a gesture that should help to dispel hesitation and apprehension in other countries. His delegation wished to emphasize, however, that safeguards with respect to the peaceful nuclear activities of nuclear-weapon States had no function in arms control or disarmament as long as those States had failed to reach agreement on halting their production of fissionable materials for the
manufacture of nuclear weapons, and was not a measure that could help to prevent the proliferation of nuclear weapons. While his delegation appreciated the psychological value of the efforts made by the United States and the United Kingdom and hoped that other nuclear Powers would follow their example, it failed to see sound reasoning in a demand that the nuclear-weapon States should accept as a binding obligation the application of safeguards which were not relevant to non-proliferation.

His delegation found it difficult to associate itself with the claim that the Non-Proliferation Treaty imposed a sacrifice on non-nuclear-weapon States. The non-proliferation of nuclear weapons served, first and foremost, the security interests of those countries, one important aspect being the assurance which the safeguards provided in article III of the Treaty gave to each non-nuclear-weapon State Party to the Treaty that the other non-nuclear-weapon Parties were observing their commitment not to manufacture nuclear weapons.

The Netherlands delegation supported the recommendation made by the representative of the Federal Republic of Germany at the 11th meeting. The International Atomic Energy Agency had been engaged for a considerable time in efforts to further the effective safeguarding of the flow of nuclear materials through close and constant contact with research institutions in various parts of the world and through international panel meetings of experts. He hoped that all research centres working on the problem would follow the example of the Nuclear Research Centre at Karlsruhe in the Federal Republic of Germany and supply each other and the Agency with the fullest possible information on the progress of their work.

Mr. GAUCI (Malta) said that the fruit of four years' intensive negotiation could not be lightly disregarded. What was necessary was to build up further confidence in the Non-Proliferation Treaty by carrying out its provisions and making it more widely acceptable.

The main criticisms of the disarmament aspects of the Treaty were; firstly, that it did not provide an acceptable balance of mutual responsibility between nuclear and non-nuclear-weapon States and, secondly, that the security
guarantees offered by the three major Powers were not sufficiently credible. On the first point, the differences of opinion had centred more on the approach than on the concept of degree of responsibility: while many delegations held that the mutual responsibility should be reflected in the provisions of the Treaty, others, particularly the nuclear-weapon States, held the view that the redress of the balance of responsibility must be made outside the Treaty. If progress was to be made, the difficulties of the nuclear-weapon States must be respected. The most they had been able to accept had been the provision of article VI, which was a binding undertaking.

Nuclear-weapon States had an intensive nuclear disarmament programme before them and progress must be made in their negotiations if the Treaty was to survive. Positive action could come only from those States; non-nuclear-weapon States could only press for early action, indicate priorities and make constructive suggestions. In international relations and disarmament negotiations a single retrograde step could have far-reaching consequences. All countries had an equal responsibility in that respect.

There were certain considerations which should help towards progress. Firstly, non-proliferation negotiations had now largely been finalized and attention should be focused on nuclear disarmament discussions. Secondly, there was an increasing realization of the senselessness of continuing the present arms race and it was reasonable to expect that such realization over a number of years would result in the reversal of the action-reaction spiral of the nuclear arms race. Thirdly, the nuclear-weapon States had long had the capacity to destroy each other and must realize that it was not necessary further to increase that capacity. Fourthly, the prolonged arms race, entailing enormous expenditure, was prejudicing the social programmes of the countries engaged in it and was causing widespread dissatisfaction which was likely to become a potent force in the countries concerned. Lastly, scientific evolution was rendering certain existing systems obsolete. For example, satellite surveillance systems were reducing the possibility of surprise attack; technical obstacles to the negotiation of a test ban treaty were gradually being eliminated, and the problem of negotiation of a test ban treaty were gradually being eliminated, and the problem of verification might largely be overcome through international co-operative machinery for the detection and evaluation of underground nuclear explosions.
The major disarmament items were already on the agenda of the Eighteen-Nation Committee on Disarmament and would come before the General Assembly; the Conference would do well, therefore, to leave their discussion to those bodies. If the nuclear-weapons States could make progress on some outstanding nuclear disarmament measures during the next few years, the insecurity of non-nuclear-weapons States would be reduced accordingly. Such disarmament measures had not received concentrated attention in the Eighteen-Nation Committee on Disarmament because of that Committee's preoccupation with the preparation of the Non-Proliferation Treaty. It was regrettable that progress had been delayed for so long. As early as 1946 the Atomic Energy Commission had reported favourably on the feasibility of the exchange among all nations of basic scientific information on atomic energy for peaceful ends, the control of atomic energy to ensure its use only for peaceful purposes, the elimination of atomic weapons from national armaments and the provision of effective safeguards against violation and evasion. It was a tragedy that political factors and insistence on veto procedures had allowed the situation to deteriorate to such an extent that the establishment of an effective system for eliminating such inhuman weapons was fraught with insuperable difficulties.

The responsibilities of the nuclear-weapons States were clear. Progress, which must be made for the benefit of all nations, could not be achieved by the introduction of memoranda, the terms of which had proved unacceptable in past negotiations. There must be a willingness on both sides to compromise and a clear realization that peaceful co-existence could only be served through collaboration and inspired world leadership. The obstacles that had frustrated the discussions for more than twenty years were not likely to be overcome immediately. There must be a step-by-step but tangible progress to narrow the present gap between the overwhelming power of a few countries and the relative weakness and insecurity of the majority. The Conference should concentrate mainly on the problem of that insecurity. Nuclear-weapons States were also the major conventional weapon Powers, and while that distinction remained, non-nuclear-weapons States could never be a threat to the security of nuclear-weapons States.
World opinion appeared to assume the existence of a tacit promise by the nuclear-weapon States not to use or threaten to use nuclear weapons against countries not possessing them. A threat did not, however, require to be expressly stated in order to be made: it was implied in the retention of nuclear weapons. A legally binding commitment by nuclear-weapon States not to violate the integrity of another State by the use of any kind of force would offer a far more credible assurance of security. Such an undertaking would in effect be a reaffirmation of the principles of the United Nations Charter and of numerous General Assembly resolutions brought up to date to meet present circumstances.

The Conference might propose that nuclear-weapon States should consider giving priority to the freezing or elimination of delivery systems presenting the greatest danger to the smaller countries and urge them to recognize and respect existing nuclear-weapon-free zones and others that might be established. His delegation welcomed the remarks by the Mexican representative in that respect.

If the Conference was to succeed, it must confine its recommendations to realistic, feasible and widely supported proposals on which the General Assembly could request action. It should be made abundantly clear that non-nuclear-weapon States would remain seriously concerned over their security until the present situation was radically changed. They had not been satisfied by the guarantees hitherto offered by the nuclear-weapon States, which must be asked to reconsider the question.

His delegation did not share the view that the question of assurances was one of confidence and credibility, and not of legal form. The Maltese Government considered that treaties that had been solemnly entered into were binding commitments. Any additional undertakings by the nuclear-weapon States would supplement, not replace, the existing security guarantees.

Mr. AMERASINGHE (Ceylon), referring to the remarks made by the Canadian representative concerning the validity of the assurances in Security Council resolution 255 (1968) and in the declarations by the three nuclear-weapon Powers, said that there was nothing in the Security Council resolution
to make it either a more or a less solemn undertaking than other resolutions, and nothing to show that it had produced results commensurate with the effort and energy expended on its preparation. There was a well recognized difference between Security Council or General Assembly resolutions and international treaties, which were sanctified by tradition and had a much higher juridical status. The Canadian representative had implied that only the non-nuclear-weapon Powers should be bound by a treaty, and that the statement of intent of the nuclear-weapon Powers was as good as their bond.

Whether or not an intent was stated was immaterial. If such an intent was sufficient there would have been no need for the nuclear Powers to endeavour so earnestly to obtain a non-proliferation treaty: they could have asked the non-nuclear-weapon Powers to issue a statement of intent. They clearly attached greater importance to an international instrument. The non-nuclear-weapon Powers had also a right to require an instrument with greater status, validity and sanctity than a declaration of intent. If such declarations were reliable guarantees, it would have to be conceded that the declaration by the People's Republic of China that it would not be the first to use nuclear weapons, and the statement by France that its nuclear weapons were intended solely for defence, were entitled to greater credence than they had received.

The non-nuclear-weapon States should persist in obtaining both positive and negative guarantees of security, without which the Non-Proliferation Treaty would be of little value and would fail to carry conviction.

The meeting rose at 11.30 a.m.
SUMMARY RECORD OF THE THIRTEENTH MEETING

held on Thursday, 19 September 1968, at 3.25 p.m.

Chairman:
Mr. GROSESPIELL
Uruguay

Rapporteur:
Mr. GHAUS
Afghanistan
MEASURES TO ASSURE THE SECURITY OF NON-NUCLEAR-WEAPON STATES (agenda item 11) (A/CONF.35/C.1/L.3 and Rev. 1) (continued)

and


(a) SAFEGUARDS AGAINST THE DIVERSION OF SOURCE OR SPECIAL MATERIAL FROM PEACEFUL TO MILITARY USES, AND SAFEGUARDS AGAINST INDUSTRIAL ESPIONAGE (A/CONF.35/C.1/L.2 and A/CONF.35/C.1/L.6)

(b) SUBMISSION OF PERIODIC REPORTS BY COUNTRIES, TO AN INTERNATIONAL AGENCY, ON THE NATURE OF NUCLEAR TECHNICAL ASSISTANCE AND THE NATURE AND EXTENT OF SPECIAL FISSIONABLE MATERIAL SUPPLIED BY THEM TO NON-NUCLEAR-WEAPON STATES FOR PEACEFUL PURPOSES

(c) CONCLUSION OF A COMPREHENSIVE TEST BAN TREATY

(d) FREEZE ON PRODUCTION OF FISSILE MATERIALS FOR WEAPON PURPOSES AND THE CESSION OF THE MANUFACTURE OF NUCLEAR WEAPONS

Mr. SHAHI (Pakistan) said that he wished to clarify the statement he had made at the 2nd meeting to which reference had been made by the representative of Canada at the 10th meeting. He had indicated in his earlier statement that his Government shared views held by other Governments concerning security guarantees. His delegation had always adopted a flexible attitude and had kept the problem under constant review, recognizing the need for a harmonization of positions. The argument put forward by the representative of Canada hinged on the question of confidence; the Pakistan view was that the guarantees which had been offered would not promote the necessary degree of confidence. The crucial issue was not one of legal forms, but the latter were nevertheless important in that they inspired confidence. His delegation fully shared the views expressed by the representatives of Ceylon and Malta in that respect.

Introducing draft resolution A/CONF.35/C.1/L.8 on agenda item 13, sponsored by his delegation, he said that the necessity for adopting such a text arose from the fact that the bilateral discussions which the United States and the USSR had agreed to enter into forthwith had not yet commenced; indeed, the Governments of those two countries did not even seem to be preparing for
them, and there was a real danger of the agreement not being implemented. Recent developments appeared to point to the start of a new strategic nuclear arms race and its escalation to uncontrollable proportions. Great and affluent as were the Powers concerned, their resources were not limitless, and even they could impoverish themselves and all mankind by increased expenditure on the potentials for destruction that each side already possessed. In resolution 2373 (XXII) the General Assembly had expressed its conviction that the Non-Proliferation Treaty should be followed as soon as possible by effective measures on the cessation of the nuclear arms race and on nuclear disarmament. Furthermore, the terms of article VI of the Treaty placed the parties under an obligation to pursue negotiations on such measures. The object of his delegation's draft resolution was to remind the nuclear Powers of their pledge and urge them to commence discussions which would necessarily be bilateral at the outset, but the results of which would be reported to the Eighteen-Nation-Committee on Disarmament.

Mr. Usmami (Pakistan) said that the delegation of Pakistan had submitted a draft resolution (A/CONF.35/C.1/L.6), which agenda item 13(a), was based on certain fundamental principles aimed at strengthening non-proliferation measures and the administration of such measures. The first of those principles was that all non-nuclear-weapon States should undertake to accept the International Atomic Energy Agency (IAEA) system of safeguards in respect of the principle nuclear facilities established on their territory. At present, membership of the Agency did not carry with it the obligation to submit nuclear facilities to the Agency's safeguards system. That loophole in the Statute of the Agency had been closed by article III of the Non-Proliferation Treaty. The first operative paragraph of the draft resolution was aimed at placing members of IAEA which had not signed the Treaty on the same footing as signatories in respect of safeguards.

The second principle on which the draft resolution was based concerned the IAEA safeguards themselves. One of the defects of the safeguards document was its basic assumption that every single component part of a principal nuclear facility was related to the production of special fissionable material for military purposes; that had discouraged States members of IAEA
from seeking the Agency's assistance and practically none of the power reactors in non-nuclear-weapon States had been brought under the IAEA system of safeguards. Given the more favourable climate which had been created by the drawing up of the Non-Proliferation Treaty, operative paragraph 2 of the draft resolution emphasized the need for a more simple, effective and economic system of safeguards which would serve, inter alia, to remove the doubts expressed by many non-nuclear-weapon States regarding the possibility of industrial espionage. A simplification of the IAEA system could be devised, based on automatic instruments instead of a large team of inspectors.

Finally, if the Board of Governors of IAEA was to administer and control the application of the safeguards system, it was only fair that the non-nuclear-weapon States to be subjected to control should have adequate representation on the Board, the present composition of which was unusual and out of date in many respects. The existing criteria governing election to the Board denied the non-nuclear-weapon States adequate representation on that body. The draft resolution therefore called for the reconstitution of the Board of Governors so as to make it reflect more accurately the interests of a majority of non-nuclear-weapon States. The need for a more broadly-based Board of Governors had also been mentioned in Committee II.

Mr. BINDSCHEDLER (Switzerland) said that his delegation would vote in favour of the draft resolution submitted by Brazil (A/CONF.35/C.1/L.3) under agenda item 11.

The Swiss draft resolution A/CONF.35/C.1/L.2 on agenda item 13(a) was based on the contents of documents A/CONF.35/DOC.6 and A/CONF.35/DOC.10 and was in line with the ideas expressed in draft resolution A/CONF.35/C.1/L.6. Article III of the Treaty on the Non-Proliferation of Nuclear Weapons provided for the institution of a system of safeguards and for the conclusion by non-nuclear-weapon States Parties to the Treaty of agreements with IAEA to meet the Article's requirements, either individually or together with other States in accordance with IAEA's Statute. It did not, however, stipulate what the contents of those agreements should be. It seemed appropriate, therefore, that the Conference should suggest principles to be embodied in those agreements.
The second preambular paragraph of the draft resolution emphasized the need to organize guarantees in a manner which would promote the universality of the Treaty. The eighty countries which had signed the Treaty had not yet ratified it and some countries including Switzerland, had not yet even decided to sign it. Obviously, the best means of persuading the signatories to ratify and the waverers to sign was to ensure that discrimination was avoided and that the safeguards were made as watertight as possible.

In operative paragraph 1, the draft resolution recommended that under the agreements provided for in article III of the Non-Proliferation Treaty, equivalent political and economic responsibilities should be imposed on all States. The demand for nuclear equipment would increase in the future and economic competition was likely to become intense. It would therefore be necessary to evolve as uniform a safeguard system as possible in order to ensure that certain countries did not gain artificial advantages because the system applicable to them was less rigorous than that applied to other countries.

The recommendation in operative paragraph 2(a) was based on four main ideas. First, the materials to be subjected to control should be defined as clearly as possible. Secondly, there was a need for simplification. Safeguards would certainly impose some economic burden on States and restrict the freedom of undertakings and research workers; any nuclear materials which could not be used for military purposes should therefore be exempt from control. Thirdly, the safeguard procedure should be used only to prevent the use of nuclear materials for military purposes. Fourthly, the danger of industrial espionage should be reduced. It should be recognized, in that connexion, that, as was pointed out in paragraph 81 and 82 of document A/CONF.35/DOC.6, only highly-enriched uranium and plutonium should be subject to control. It might be argued that the Swiss proposal contradicted paragraphs 1 and 2 of article III of the Non-Proliferation Treaty, which referred to "source or special fissionable material." A treaty should, however, be
interpreted in accordance with its purpose. The purpose of safeguards, according to the first sentence of article III of the Treaty, was to verify that States fulfilled their obligations with a view to preventing the diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices. Moreover, article III, paragraph 3 and article IV, paragraph 1, provided for safeguards to be implemented in a manner designed to avoid hampering the economic or technical development of the Parties to the Treaty or international co-operation in peaceful nuclear activities. The manner in which the Treaty was interpreted should lead to reasonable, not senseless, results. In any case, the agreements to be concluded with IAEA would also be international instruments equivalent in status to the Non-Proliferation Treaty; they could, therefore, supplement and modify the Treaty itself. Hence, there seemed to be no legal reason why, in the agreements with the Agency, the safeguard procedure should not be simplified.

Referring to operative paragraph 2(b) of the draft resolution; he said there was no doubt that the use of instruments and technical devices would be the best way of preventing industrial espionage. The Swiss delegation shared the views that subject expressed in paragraphs 20 and 28 of document A/CONF.35/DOC.10 and in the working paper submitted by the delegation of the Federal Republic of Germany A/CONF.35/C.1, and would be prepared to include, in operative paragraph 2(b), a recommendation designed to promote the development of a safeguards system such as that suggested in part II of the working paper submitted by the delegation of the Republic of Germany.

The exceptions recommended in operative paragraph 2(c) of the Swiss draft resolution were provided for in the IAEA safeguards system. They would facilitate research work and create no security risks.

With regard to operative paragraph 2(d), he said that the rules against industrial risks laid down in the IAEA Statute were generally satisfactory. Their future adequacy was, however, uncertain. The Swiss delegation proposed, therefore, that the most important rules should be included in the agreements for which provision was made in article III of the Non-Proliferation Treaty. In that connexion, it supported the proposal in the draft resolution (A/CONF.35/C.1/L.1) submitted by the Spanish delegation. A special committee
on safeguards would afford additional guarantees and be of great benefit to all countries affected by safeguards.

The proposal in operative paragraph 2(e) of the Swiss draft resolution, which might possibly be misinterpreted, was in line with the system provided for in article XIV B(1) of the IAEA Statute. The object of the proposal was to ensure that all States, both those which had signed the Non-Proliferation Treaty and those, particularly the nuclear States, which had not, should be treated alike. Similarly, those States which had agreed to safeguards and those which had not should be treated in the same manner.

Operative paragraph 3 of the draft resolution urged the other nuclear States to follow the lead of the United Kingdom and the United States in agreeing to submit their nuclear activities for peaceful purposes to the IAEA safeguards system. It was to be hoped that the unilateral, and therefore revocable, declarations of the United Kingdom and the United States would be replaced by international agreements.

The duplication of safeguard procedures referred to in operative paragraph 4 of the draft resolution would hamper research work, increase costs and, possibly, lead to inequality of treatment. Such duplication was therefore to be avoided and efforts should be made to develop a temporary system until the system provided for in the Non-Proliferation Treaty could be applied.

His delegation would welcome any suggestions for improvements to the draft resolution. It was important that the proposals of the Conference should be unanimous.

Mr. AZEREDO da SILVEIRA (Brazil), speaking on behalf of the sixteen Latin American countries participating in the Conference, introduced a joint draft resolution sponsored by those countries (A/CONF.35/C.1/1.7). The draft resolution represented the agreed view of that group, and he hoped that it would prove to be the agreed view of the Conference. Referring to the second preambular paragraph, he said that the term "non-proliferation" should be interpreted to mean not only that those not yet possessing nuclear arms should not acquire them, but also that those who already possessed them should disarm. The reference in the third preambular paragraph, to the growing
concern of world opinion, merely reflected the existing situation, and the
terrible fact that existing arsenals were more than sufficient to kill the
whole of mankind. The fourth preambular paragraph referred to the Eighteen-
Nation Committee on Disarmament, since the draft resolution would ultimately
be referred to that Committee.

The operative paragraph requested the General Assembly to recommend that
the Disarmament Committee should begin, not later than March 1969, the
negotiation of conventions for the cessation of the arms race and nuclear
disarmament under effective international control, by means of four
different steps. The sponsors of the draft resolution considered the setting
of a date most important, since a critical point had been reached in the arms
race and time was running short. The first step suggested was prevention of
the further development and improvement of nuclear weapons and their
delivery vehicles. The sponsors regarded that as a means of interrupting
one form of vertical proliferation, which was a greater danger than
horizontal proliferation. Hence sub-paragraph (a) represented an appeal by
the non-nuclear weapon States to the nuclear Powers to undertake commitments
and adopt specific measures to prevent the further development and
improvement of nuclear weapons and their delivery vehicles. The non-nuclear
Powers had learned, with great concern, of such developments as the
possibility that the super-Powers might install defensive anti-ballistic
missile systems, the holding of an extensive series of underground tests, the
possibility that measures might be taken to ensure that such tests were
undetectable, and lastly the development of such new weapons as the multiple
individually targetable re-entry vehicle. Satisfaction had already been
expressed in the general debate of the Conference at the decisions of the
two super-Powers to begin negotiations on an agreement not to construct
defensive ballistic missiles, a matter of crucial importance in relation to
vertical proliferation. It was to be hoped that the nuclear Powers would take
specific steps of that nature in order to promote the development of a
harmonious system of non-proliferation.
The second step, proposed in sub-paragraph (b), the complete cessation of nuclear-weapon tests, was related to the first. In that connexion, he drew attention to the joint memorandum to the Eighteen-Nation Committee on Disarmament from the eight members of that Committee which did not belong to any military alliances (ENDC/235).

The third step proposed in sub-paragraph (c), the cessation of production of fissionable materials for military purposes and manufacture of nuclear weapons, was a measure which would have a decisive effect in halting the arms race.

He hoped that the draft resolution would have added impact as a contribution from a region from which nuclear weapons had been banned. The sponsors were convinced that if the aims of the draft resolution could be achieved through the adoption of the specific measures recommended, a major contribution would have been made to the security of all States.

Speaking on behalf of his own delegation, he wished to thank the representative of Switzerland for supporting the Brazilian draft resolution; as a result of further consultations, a new version of that draft resolution sponsored by fourteen Latin American countries, was being circulated (A/CONF.35/C.1/1.3/Rev.1).

He had been particularly interested in the draft resolution submitted by Switzerland and in the explanation of that text given by the Swiss representative.

The meeting rose at 4.30 p.m.
SUMMARY RECORD OF THE FOURTEENTH MEETING
held on Friday, 20 September 1968, at 10.25 a.m.

Chairman: Mr. BECK Hungary
Later: Mr. GROSESPIEL Uruguay
Rapporteur: Mr. CHAUS Afghanistan
MEASURES TO ASSURE THE SECURITY OF NON-NUCLEAR-WEAPON STATES (agenda item 11) (A/CONF.35/C.1/L.3/Rev.1) (continued)

ESTABLISHMENT OF NUCLEAR-WEAPON-FREE ZONES (agenda item 12) (A/CONF.35/C.1/L.5 (resumed from the 12th meeting)

EFFECTIVE MEASURES FOR THE PREVENTION OF FURTHER PROLIFERATION OF NUCLEAR WEAPONS, THE CESSION OF THE NUCLEAR ARMS RACE AT AN EARLY DATE AND NUCLEAR DISARMAMENT (agenda item 13) (A/CONF.35/C.1/L.8) (continued)

(a) SAFEGUARDS AGAINST THE DIVERSION OF SOURCE OR SPECIAL FISSIONABLE MATERIAL FROM PEACEFUL TO MILITARY USES, AND SAFEGUARDS AGAINST INDUSTRIAL ESPIONAGE (A/CONF.35/C.1/1; A/CONF.35/C.1/L.2 and A/CONF.35/C.1/L.6)

(b) SUBMISSION OF PERIODIC REPORTS BY COUNTRIES, TO AN INTERNATIONAL AGENCY, ON THE NATURE OF NUCLEAR TECHNICAL ASSISTANCE AND THE NATURE AND EXTENT OF SPECIAL FISSIONABLE MATERIAL SUPPLIED BY THEM TO NON-NUCLEAR-WEAPON STATES FOR PEACEFUL PURPOSES

(c) CONCLUSION OF A COMPREHENSIVE IESTI BAN TREATY


Mr. NOGUEIRA-FILHO (Brazil) pointed out that the text of the draft resolution in document A/CONF.35/C.1/L.3/Rev.1 on agenda item 11 required to be corrected. The first two lines of operative paragraph 1 should be amended to read "recommends that the General Assembly of the United Nations, at its twenty-third session, in order to achieve a solution to this problem, convene ...". Furthermore, a line had been omitted in the Spanish text of the same paragraph.

Mr. LAIDI (Algeria), recalling that General Assembly resolution 2028 (XX), referring to the negotiation of a treaty to prevent the proliferation of nuclear weapons, stated in operative paragraph 2(a) that such a treaty should be void of any loopholes which might permit nuclear or non-nuclear Powers to proliferate nuclear weapons in any form, pointed out that if "proliferate" meant "multiply", then it was addressed chiefly to the nuclear Powers, for those who did not possess nuclear weapons could hardly multiply or proliferate them. Moreover, paragraph 2(b) stated that the treaty should embody an acceptable balance of mutual responsibilities and obligations of the nuclear and non-nuclear Powers. The Non-Proliferation Treaty, however, had remained silent on
the obligations of the nuclear Powers and had thereby frustrated the whole aim of the idea of non-proliferation. The nuclear Powers should not arrogate to themselves a position above the law and therefore it was the duty of the Conference to see that that serious omission was remedied.

The first task of the Conference, therefore, was to define the obligations and responsibilities of both nuclear and non-nuclear-weapon States. The responsibilities lay solely with the former group of States, as possessors of nuclear weapons, whereas both groups must assume obligations. Agreement to renounce the manufacture, acquisition or stationing on their territory of nuclear weapons or devices was surely a sufficient obligation to place on the non-nuclear-weapon States and a guarantee that they would not proliferate nuclear arms. But so far not one of the nuclear Powers Parties to the Treaty had accepted a parallel obligation by promising not to attack or occupy the territory of a non-nuclear State with nuclear weapons. The nuclear Powers had contended themselves with saying that such an action would "create a qualitatively new situation". But in view of the vulnerable position in which non-nuclear Powers placed themselves by acceding to the Treaty, they were fully justified in expecting a binding commitment from the nuclear Powers not to use nuclear weapons against them. There was, moreover, nothing to prevent a country which disregarded the Treaty from continuing its research into and stock-piling of nuclear weapons.

The Parallel declaration made by the three nuclear Powers (A/CONF.35/DOC.12, Annex II) and, indeed, the Non-Proliferation Treaty itself, seemed to represent an attempt to bypass the Security Council and the United Nations Charter and to create parallel machinery in the field of nuclear security. It was true that the parallel declaration and Security Council resolution 255 (1968) formed a whole, but the declaration contained a more important element of decision and effectiveness than did the resolution itself. The resolution and declaration taken together were in reality aimed at other nuclear Powers which had not made a similar declaration and they were therefore of only marginal concern to non-nuclear weapon countries and afforded no real guarantee of their security.
The assistance promised in that declaration was, moreover, limited to non-nuclear weapon countries parties to the Treaty, whereas article VII of the Treaty itself specifically recognized the right of States to assure the total absence of nuclear weapons in their territories by other means than accession to the Treaty. One might well conclude, then, that an African State which had become party to a convention for the denuclearization of Africa - which was specifically recommended in General Assembly resolution 2033 (XX) - but was not a party to the Non-Proliferation Treaty, would be unable to rely on the assistance referred to in the declaration and Security Council resolution 255 (1968). The Non-Proliferation Treaty, coming after the United Nations Charter had been in existence for twenty-three years, ought to have reinforced the Charter as far as national sovereignty was concerned, and reiterated its condemnation of the use or threat of force as an instrument of policy.

The Conference would do well to ponder on those anomalies and strive for an assurance from the nuclear Powers that they would halt the nuclear arms race, promise not to use their nuclear weapons, particularly against non-nuclear-weapon countries, and come to the assistance of the latter in case of a nuclear attack, regardless of the form their renunciation of nuclear arms had taken.

Mr. OGISO (Japan), referring to the question of safeguards (agenda item 13(a)), said that Japan had decided not to manufacture or acquire nuclear weapons and had accepted the safeguards system of the International Atomic Energy Agency (IAEA). It was expected that the number of nuclear installations in the world would increase greatly during the next twenty years and it was to be hoped that all countries would eventually accept the IAEA safeguards system. Enforcement of the safeguards provided for in article III of the Non-Proliferation Treaty would, however, be an onerous and complicated task.

The working paper submitted by the delegation of the Federal Republic of Germany (A/CONF.35/C.1/1) provided a clear and concise picture of how to proceed with the rationalization of safeguards to attain the necessary efficiency with the minimum of costs and personnel. To ensure that fissionable
materials such as enriched uranium or plutonium were not diverted to military purposes, it was essential to verify and control the flow of nuclear materials in the nuclear fuel cycle. The fifth preambular paragraph of the Non-Proliferation Treaty clearly stated that such flow should be controlled by the use of instruments and other techniques at certain strategic points. Therefore it was to be hoped that the efforts of IAEA to develop such instruments would be accelerated with the co-operation of the research establishments of various countries.

The development of automatic methods of control would reduce inspection to the minimum and thereby substantially eliminate the problem of industrial espionage. It would also mean a great saving in cost and personnel. For those reasons, his delegation supported operative paragraph 2(b) of the Swiss draft resolution (A/CONF.35/C.1/L.2) and operative paragraph 2 of the Pakistan draft resolution (A/CONF.35/C.1/L.6).

Another important condition for acceptance of article III of the Non-Proliferation Treaty was equality of treatment. For that reason, the nuclear-weapon States also should accept the safeguards provided for, as such an action would indicate that they intended to carry out nuclear disarmament in good faith and would show understanding of the non-nuclear countries' position. The United Kingdom and the United States had both declared that they would do so and it was to be regretted that the other nuclear weapon States had not followed suit.

Equality should also be assured with respect to the agreements provided for in article III, paragraph 4, of the Treaty. To achieve such equality, his delegation considered that a single and uniform document on safeguards should be drawn up to which States would subscribe through their separate agreements with IAEA and which would replace any existing agreements as such States became parties to the Non-Proliferation Treaty. In other words, the principle should be established that no State should force any other State already accepting the safeguards under the Treaty to accept other safeguards.
By acceding to the Treaty, however, non-nuclear-weapon countries undertook to observe its provisions faithfully, whether or not a safeguards system existed and it was therefore incumbent upon them to establish autonomous control systems of their own. In that way they would be fulfilling the hope expressed by the Director-General of IAEA, in his statement at the 8th meeting of Committee Two, that ultimately the role of IAEA safeguards should be to a large extent to verify and control the national systems of nuclear management which each State had created for itself. For in the long run it was the policy of individual States in political, economic or industrial fields, which would determine whether the non-proliferation Treaty was being faithfully observed.

Mr. ECOBESCU (Romania) said that the discussion so far had shown the great concern of the non-nuclear-weapon States to obtain an assurance of a greater degree of security.

Security was essential to the exercise of the inalienable right of every nation to decide its own destiny and to solve its problems in accordance with its own will and aspirations; it was one of the basic values which contemporary international law must defend. No system for regulating any international problem could be considered viable and consistent with the rules governing inter-State relations unless it took into account the equal right of all States to enjoy peace and security.

The problem of security was closely connected with the Non-Proliferation Treaty; those States which, by virtue of that Treaty, had renounced nuclear weapons had not merely the right but also the duty to demand effective guarantees for their security pending the complete elimination of existing nuclear weapons. Hence the need for the nuclear Powers solemnly to undertake not to use or threaten to use, in any circumstances nuclear weapons against the non-nuclear-weapon States.

The outlawing of nuclear weapons resulted directly from the fundamental Charter principle prohibiting the threat or use of force. As stated in operative paragraph 1(b) of the Declaration on the prohibition of the use of
such weapons was "contrary to the rules of international law and to the laws of humanity". That pronouncement was fully justified by the fact that nuclear and thermo-nuclear weapons did not make it possible to observe the distinction - which was unanimously recognized under the laws of war - between combatants and the civilian population, between belligerents and neutrals and between military objectives and objectives which should be immune from armed attack. The use of weapons of mass destruction was prohibited by such binding international instruments as the St. Petersburg Declaration of 1868, the Brussels Declaration of 1874, the Hague Conventions of 1899 and 1907 and the Geneva Protocol of 17 June 1925. Those instruments constituted an a fortiori argument in favour of the formulation of an international document prohibiting the use of nuclear weapons and the threat thereof. Such a document would exercise a restraining influence on States but it was essential for that purpose that it should have a legally binding character.

Security must be based on certainty, and the prohibition of nuclear weapons on the legal, political and moral plane would serve to promote the efforts being made to achieve effective disarmament and the physical elimination of nuclear weapons.

Romania has given unfailing support to all the efforts which had been made to prohibit the use of nuclear weapons, for it believed that such prohibition would have a favourable effect on the disarmament negotiations and would help to consolidate international peace. His delegation had reaffirmed that position in the general debate. It was in that spirit that it would examine the various suggestions and proposals which had been made to the Committee.

The problems before the present Conference were of universal interest. The vital issue of general disarmament, and nuclear disarmament in the first place, could only be settled by means of convergent efforts on the part of all States. In particular, nuclear disarmament was inconceivable without the participation of the five nuclear Powers. Accordingly, the necessary conditions should be created to ensure the participation of the People's Republic of China in the discussion and settlement of all international problems, among which disarmament had an important place. The absence of the German
Democratic Republic, the Democratic People's Republic of Korea and the Democratic Republic of Viêt-Nam from the present conference was also regrettable; it constituted an act of discrimination against sovereign and independent States. His delegation reaffirmed the position of the Romanian Government regarding the need for the participation of those States on an equal footing in all international organizations and meetings of a universal character.

Mr. BURNS (Canada) said that, in his delegation's view, the establishment of nuclear-free zones was one of the most practical ways in which non-nuclear-weapon States could be assured against nuclear attack. In that connexion, he recalled his delegation's statement at the 7th plenary meeting that if the African States members of the Organization of African Unity could enter into a treaty making Africa a nuclear-free zone they might well receive a guarantee equivalent to those in Protocol II of the Ilotololco Treaty.

In the sixteen-nation draft resolution on agenda item 12 (A/CONF./C.1/L.5), which his delegation found appropriate, some particulars were given regarding Protocol II of the Ilotololco Treaty. The essential provision of that Protocol, however, was that contained in its article 3: "The Governments represented by the undersigned Plenipotentiaries also undertake not to use or threaten to use nuclear weapons against the Contracting Parties of the Treaty for the Prohibition of Nuclear Weapons in Latin America" (A/CONF.35/DOC.16, Annex VI). That Protocol had been signed by the United Kingdom and the United States of America. The latter country had clarified its interpretation of that undertaking with the statement that "the United States would have to consider that an armed attack by a contracting party, in which it was assisted by a nuclear-weapon State, would be incompatible with the contracting party's corresponding obligations under Article 1 of the treaty".

Non-aligned States which did not possess nuclear weapons could gain protection either by forming themselves into nuclear-free zones or by signing and ratifying the Non-Proliferation Treaty, when they would benefit by the assurances contained in Security Council resolution 255 (1968) and the accompanying declarations by the nuclear powers. The nuclear powers had been able to make those declarations because they did not foresee any circumstances
in which they would need to use nuclear weapons in their own defence in a dispute with non-aligned nations not having nuclear weapons. A treaty purporting to prohibit the use of nuclear weapons would in reality give no greater assurance to non-aligned States not having nuclear weapons than those declarations.

However, an undertaking not to use nuclear weapons against States which did not possess them but which were members of an alliance including a nuclear Power would have far more implications and far less credibility. There were many reasons which had prevented nations in one or other alliance from resorting to armed force to settle controversies but the strongest one was the fear that hostilities begun with conventional armaments would soon escalate into a nuclear war; no possible political purpose could be worth the risk of death and destruction on the scale which would thus result.

It was appropriate to consider the implications of the word "prohibition" in the present context. In international affairs, there was no authority above the great Powers to enforce observance of the terms of a treaty. If nations mutually agreed not to do certain things, the only sanction consisted in the possibility of retaliation. In the case of prohibiting the use of nuclear weapons, one nuclear Power would be restrained from violating the agreement by the fear that any breach on its part would lead to the use of nuclear weapons by another nuclear Power.

The signature of a convention on the subject would not give any more assurance that nuclear weapons would not be used than the existing recognition that their use could mean immeasurable death and destruction. Any treaty renouncing the use of nuclear weapons would be subject to the interpretation which the signatories would place upon it. It would also be subject to the *rebus sic stantibus* principle; it was easy to imagine changes in the conditions under which such a treaty would be negotiated, and, if all conditions did not remain the same, some signatories would regard it as no longer binding. The key to belief in any promise not to use nuclear weapons was for nuclear Powers to stop increasing their stocks and developing new weapons, and subsequently to begin reduction.
His delegation feared that if a treaty were to be made a prime requirement of disarmament negotiations, the result would be to divert the pressure of world opinion on the nuclear Powers first to halt the arms race and thus begin to reduce and finally to eliminate their nuclear armaments. The world wanted deeds and not words.

His delegation therefore supported the recommendation in the Pakistan draft resolution (A/CONF.35/C.1/1.8) on agenda item 13, which urged the Governments of the USSR and the United States to enter at an early date into bilateral discussions on the limitation of nuclear weapon delivery systems and systems of defence against ballistic missiles. That recommendation might even be expressed in more forceful terms. It was his delegation's belief that unless those negotiations began and were successful there was little hope of success for such other disarmament measures as the comprehensive test ban and the cessation of the production of nuclear materials. Similarly, unless there were a halt in the nuclear arms race, there was little prospect of any large contributions to promotion of the peaceful use of nuclear energy, which was so much desired by most of the members of the present Conference.

Mr. Grosespiell (Uruguay), Chairman, took the Chair.

ORGANIZATION OF WORK

The CHAIRMAN suggested that the sponsors of the various draft resolutions on each agenda item should consult with each other and that the whole membership of the Committee should then meet informally with the sponsors to discuss the results of those consultations.

It was so agreed.

The meeting rose at 11.45 a.m.
SUMMARY RECORD OF THE FIFTEENTH MEETING

hold on Saturday, 21 September 1968 at 10.20 a.m.

Chairman: Mr. GROSESPIELL Uruguay
Rapporteur: Mr. GHAUS Afghanistan
MEASURES TO ASSURE THE SECURITY OF NON-NUCLEAR-WEAPON STATES (agenda item 11) (A/CONF.35/C.1/L.3/Rev.1*) (continued)

ESTABLISHMENT OF NUCLEAR-WEAPON-FREE ZONES (Agenda item 12) (A/CONF.35/C.1/L.5) (continued)

Mr. SKOWRONSKI (Poland), speaking on agenda item 12, recalled that Poland had repeatedly put forward proposals for the setting up of a nuclear-weapon free zone in Central Europe, proposals which had been for many years the subject of international discussion and which continued to be relevant. His country accordingly favoured the setting up of similar zones in other parts of the world as well.

The idea of establishing nuclear-weapon free zones was gaining increasing support because of the feeling that it was urgent to adopt easily applicable measures to reduce the risk of nuclear warfare, that such zones were in the individual and collective security interest of States and that they represented a useful point of departure for further and more important steps in the direction of nuclear disarmament.

The discussion on the problem of those zones had recently entered a new stage with the proposals to formulate certain general principles in the matter. That task was facilitated by the general recognition that such zones could play an important role in strengthening international security. Moreover, there was now an accepted definition of a nuclear-weapon free zone as an area in which no nuclear weapons were produced, stored, carried or tested. The right of States to establish such zones was recognized by article VII of the Non-Proliferation Treaty.

In view of the Polish delegation, the right of States to enter into regional agreements on the establishment of nuclear-weapon free zones belonged to them on a basis of equality. That view was confirmed by the interpretation placed on article VII of the Non-Proliferation Treaty by several delegations at the twenty-second session of the General Assembly.

All States, regardless of their geographical position, were thus entitled to set up nuclear-weapon-free zones. In that context his delegation rejected as unacceptable the view - reiterated at the present Conference by certain delegations - according to which certain regional problems relating to
nuclear weapons could be settled in the framework of broader disarmament measures or made conditional upon the adoption of measures for conventional disarmament.

Each region had its own political and military characteristics, but that did not mean that nuclear-weapon-free zones could be established in certain regions but not in others. All that it meant was that there could be differences in the form and scope of the obligations incumbent upon States in the various zones.

The theory according to which nuclear-weapon-free zones could be established only in certain regions involved two grave disadvantages. The first was that it confined the question of the establishment of such zones to those territories into which nuclear weapons had not yet been introduced. The second was that it led to an imbalance between nuclear disarmament measures and other regional measures.

The Polish delegation considered that the same priorities applied to the establishment of nuclear-weapon-free zones as to nuclear disarmament in general. There was therefore every reason for establishing such zones precisely in those regions in which there were large stockpiles of nuclear weapons and where there was a special danger of the outbreak of nuclear warfare. Poland had taken that fact into account in submitting its plans for the setting up of a nuclear-weapon-free zone in Central Europe.

The theory in question would have the effect of limiting the right of States to establish nuclear-weapon-free zones in response to their national and collective security needs. In certain cases, the exercise of that right would be thus subordinated to military and strategic considerations contrary to the genuine interests of the countries of the region concerned. It was worth noting that the main arguments of the opponents of nuclear disarmament measures in Europe were often based on such considerations.

His delegation welcomed the Latin American draft resolution on agenda item 12 (A/CONF.35/C.1/L.5) since it coincided with the Polish point of view on certain points, particularly on the significance of nuclear-weapon-free zones in the context of disarmament. It was also gratified to note the
statement in that draft resolution that the regional obligations of the States should be embodied in an international convention. The Polish delegation could not accept the idea that treaty obligations should be replaced by unilateral instruments of renunciation of nuclear weapons.

The draft resolution would be improved if it took into account the problems of other regions such as Africa and the present position in those regions. It would also gain if its terms were brought more into line with those of article VII of the Non-Proliferation Treaty.

His delegation could not accept the limitation imposed by the concluding words "provided that political and security conditions permit" of the sole operative paragraph of part A of the draft resolution. A limitation of that type lent itself to arbitrary interpretation and was inconsistent with the legal foundation of the draft resolution.

Turning to the question of guarantees, he stressed that any system of guarantees should respect the balance between the interests of the guarantor States and those of the States accepting the guarantees. That problem could best be solved directly by the parties concerned. He therefore did not consider it appropriate to include in the draft resolution provisions which concerned only a particular group of States.

His delegation reserved its position on the other draft resolutions submitted to the Conference.

Mr. de CARVALHO SILOS (Brazil) said that the discussions which had taken place in the General Assembly, in the Eighteen-Nation Committee on Disarmament and in the present Conference, had shown that any realistic non-proliferation system must afford to those States which had renounced the right to acquire nuclear weapons the assurance that they would never be the victims of nuclear attack or of the threat thereof. The General Assembly had recognized that fact when, in operative paragraph 4 of part A of its resolution 2153 (XXI) it had requested the Eighteen-Nation Committee on Disarmament "to consider urgently the proposal that the nuclear-weapon Powers should give an assurance that they will not use, or threaten to use, nuclear
weapons against non-nuclear-weapon States without nuclear weapons on their territories, and any other proposals that have been or may be made for the solution of this problem". The Eighteen-Nation Committee had been unable to act in pursuance of that request because the nuclear powers participating in its work had informed it of their proposed solution to the problem on 7 March 1968, only five meetings before the end of that Committee's session. There having therefore been no opportunity for a full discussion, which would have made it possible to suggest improvements and alternative solutions, many delegations had naturally voiced later their reservations and misgivings regarding the inadequacy and weakness of the system embodied in the Non-Proliferation Treaty.

It had been convincingly demonstrated that Security Council resolution 255 (1968) was inconsistent with the sovereign equality of Member States on which the whole structure of the United Nations rested, since it would have the effect of discriminating against Member States which did not subscribe to the Treaty or which withdrew from it even if they did so in accordance with the relevant provisions of the Treaty itself.

The Latin American States, which had attached to the Tlatelolco Treaty a system of guarantees, had examined agenda item 11 bearing in mind the deficiencies of Security Council resolution 255 (1968) and the need to afford adequate security guarantees to the non-nuclear-weapon States pending the cessation of the production of nuclear weapons and the destruction of existing stockpiles. As a result of that examination, they had submitted a revised draft resolution (A/CONF.35/C.1/1.3/Rev.1*) which he introduced on behalf of the sponsors.

Under operative paragraph 1 of the draft resolution, the Conference would recommend that the General Assembly at its twenty-third session should "convene as soon as possible a conference with the participation of all the States Members of the United Nations and of its specialized agencies, and all nuclear-weapon States, for the purpose of concluding a multilateral instrument whereby the nuclear-weapon States undertake to adopt the appropriate measures to assure the security of all non-nuclear-weapon States".
The purpose of that paragraph was to give expression to the general feeling in the Conference that a further meeting with the full participation of the nuclear-weapon Powers was needed in order to try to formulate a system of guarantees which would be effective and hence generally acceptable.

The Latin American States did not believe that it was impossible to conduct negotiations on the subject in all frankness and good faith. The non-nuclear-weapon States were no further from the attainment of their objectives than the nuclear powers from the limitation of their ballistic missile systems. Neither of those two goals could be described as beyond reach.

The meeting rose at 10.40 a.m.
SUMMARY RECORD OF THE SIXTEENTH MEETING
held on Monday, 23 September 1968, at 10.25 a.m.

Chairman: Mr. GROSESPIELL Uruguay
Rapporteur: Mr. GHAUS Afghanistan
MEASURES TO ASSURE THE SECURITY OF NON-NUCLEAR-WEAPON STATES (agenda item 11) (A/CONF.35/C.1/L.13) (continued)

Mr. BECK (Hungary) said that his delegation regarded draft resolution A/CONF.35/C.1/L.13, submitted by the Federal Republic of Germany, as a manoeuvre designed to draw the attention of the Committee and the Conference away from its agenda and to divert them into a discussion of matters outside their competence. The draft resolution raised questions of interpretation of the United Nations Charter with which only the General Assembly of the United Nations and its competent organs were qualified to deal.

Moreover, the draft resolution had been submitted by the delegation of the only country in Europe whose Government had not recognized its own boundaries and those of many other European countries. When it referred to the sovereignty, territorial integrity, non-intervention in internal affairs and self-determination of every State and the right of individual or collective self-defence, that delegation meant the frontiers of Nazi Germany and implied the right to use weapons in defence of that "territorial integrity". For those reasons his delegation considered that the Committee should neither discuss nor vote upon the draft resolution.

Mr. BURNS (Canada) said that he was not convinced by the Hungarian representative's arguments. The security of States, to which the draft resolution referred, was an item on the agenda of the Committee, which was therefore competent to consider the draft resolution.

Mr. MOLLER (Sweden) said that each delegation had the right to interpret agenda item 11 as it wished. In his view, the draft resolution was within the competence of the Committee.

The CHAIRMAN asked the Committee whether it wished to take a decision on the pertinence of the draft resolution.

Mr. BECK (Hungary) said that, while he maintained his delegation's position, he did not wish to press his point to a vote. He agreed with the Swedish representative that each delegation had the right to interpret agenda item 11 as it wished.
The CHAIRMAN said that draft resolution A/CONF.35/C.1/I.13 would, therefore, be considered by the Committee.

ORGANIZATION OF WORK

The CHAIRMAN suggested that the meeting should be adjourned to permit the continuation of informal discussions. He hoped that, as a result of those discussions, some of the draft resolutions before the Committee might be combined, with the aim of having only one draft resolution on each agenda item.

It was so agreed.

The meeting rose at 10.50 a.m.
SUMMARY RECORD OF THE SEVENTEENTH MEETING
held on Monday, 23 September 1968, at 3.25 a.m.

Chairman: Mr. CROSESPIELI Uruguay
Rapporteur: Mr. GHAUS Afghanistan
MEASURES TO ASSURE THE SECURITY OF NON-NUCLEAR-WEAPON STATES (agenda item 11) (A/CONF.35/C.1/L.13) (continued)
and

ESTABLISHMENT OF NUCLEAR-WEAPON-FREE ZONES (agenda item 12) (A/CONF.35/C.1/L.5/Rev.1) (resumed from the 15th meeting)
and

EFFECTIVE MEASURES FOR THE PREVENTION OF FURTHER PROLIFERATION OF NUCLEAR WEAPONS, THE CESSATION OF THE NUCLEAR ARMS RACE AT AN EARLY DATE AND NUCLEAR DISARMAMENT (agenda item 13) (A/CONF.35/C.1/L.10) (resumed from the 14th meeting):


(b) SUBMISSION OF PERIODIC REPORTS BY COUNTRIES: TO AN INTERNATIONAL AGENCY: ON THE NATURE OF NUCLEAR TECHNICAL ASSISTANCE AND THE NATURE AND EXTENT OF SPECIAL FISSIONABLE MATERIAL SUPPLIED BY THEM TO NON-NUCLEAR-WEAPON STATES FOR PEACEFUL PURPOSES

(c) CONCLUSION OF A COMPREHENSIVE TEST BAN TREATY

(d) FREEZE ON PRODUCTION OF FISSILE MATERIALS FOR WEAPON PURPOSES AND THE CESSATION OF THE MANUFACTURE OF NUCLEAR WEAPONS

Mr. SCHNITZER (Federal Republic of Germany) apologized for his failure to indicate that the draft resolution submitted by his delegation (A/CONF.35/C.1/L.13) related to agenda item 11, a failure which might have led to some misunderstanding at the 16th meeting. He agreed with one point the representative of Hungary had then made, namely, that the discussion should not depart from the agenda of the Conference. The problem of boundaries in Europe was admittedly not on that agenda, but he wished to make a few comments on the subject in the exercise of his right of reply.

Firstly, there was no territorial problem between Czechoslovakia and the Federal Republic of Germany. Secondly, with regard to the western frontier of Poland, in the Potsdam Agreement of 2 August 1945, to which Germany was not a party, the Heads of Government concerned reaffirmed their opinion that "the final delimitation of the western frontier of Poland should await the peace settlement". Furthermore, in the instruments which the Federal Republic of
Germany had signed in 1954 upon its accession to the North Atlantic Treaty and the Brussels Treaty, the Allied Powers had stated that "an essential aim of their common policy" was "a peace settlement for the whole of Germany, freely negotiated between Germany and her former enemies, which should lay the foundation for a lasting peace .... the final determination of the boundaries of Germany must await such a settlement." Lastly, at the same time, with respect to the borders of the Federal Republic of Germany his Government had declared: "Upon her accession to the North Atlantic Treaty and the Brussels Treaty, the German Federal Republic declares that she will refrain from any action inconsistent with the strictly defensive character of the two treaties; in particular, the German Federal Republic undertakes never to have recourse to force to achieve the reunification of Germany on the modification of the present boundaries of the German Federal Republic, and to resolve by peaceful means any disputes which may arise between the Federal Republic and other States".

With regard to the draft resolution submitted by his delegation, many speakers had affirmed that the present security situation of the non-nuclear-weapon States as a whole was unsatisfactory, and that the existing arrangements were not sufficient to allay the fears of those States. The Conference should, therefore, seek additional means of strengthening the security of those States and complying with their legitimate wish to develop in dignity and independence. Discussions in the United Nations, especially in the Eighteen-Nation Committee on Disarmament, indicated that it was not possible for the Conference to make any realistic advance with respect to positive security assurances. It was his understanding that the nuclear Powers were not prepared to go beyond the declaration of intent made by three of those Powers in connexion with Security Council resolution 255 (1968). The delegation of the Federal Republic of Germany had studied the question of negative assurances in terms of what the Pakistan representative, in his statement at the Committee's 2nd meeting, had described as the need for security assurances that were universally applicable, regardless of the diversity of interests and
circumstances of the non-nuclear-weapon countries.

Many efforts had been made to find a formula on the non-use of nuclear weapons that would be acceptable to all the non-nuclear-weapon States and also to the nuclear-weapon States, whose agreement was essential if any meaningful agreement was to be reached. As many speakers had stated, complete security against nuclear attack would be possible only when all nuclear weapons had been abolished in the context of general and complete disarmament. On the other hand, as the Foreign Minister of Germany had stated at the third plenary meeting of the Conference, unless nuclear weapons were universally abolished, they could not be eliminated as means of disuasion and collective self-defence. As the representative of Pakistan had said in his statement, Article 51 of the United Nations Charter had not anticipated the new situation created by the possible use or threat of nuclear weapons; furthermore, the right of self-defence antedated the Charter, and no limit could be placed on a State's freedom of choice in fending off a nuclear threat. Security Council resolution 255 (1968) itself referred to the inherent right of individual and collective self-defence.

In view of all those factors and considerations, the delegation of the Federal Republic of Germany had submitted a draft resolution which stated the overriding principle of the non-use of force and the right to individual or collective self-defence expressly recognized in Article 2 and 51 of the Charter, and, at the same time, sought to do justice to the situation of the non-nuclear-weapon States. It hoped that that resolution might prove to be the necessary common denominator with respect to agenda item 11.

Mr. GOMEZ ROBLEDÓ (Mexico) said that the revised version of the Latin American draft resolution (A/CONF.35/C.1/L.5/Rev.1) referring to agenda item 12 was very similar to the original text. In order to meet the views expressed by a number of African delegations, a new third preambular paragraph had been added and the first word of the penultimate operative paragraph had been changed in the English and French texts.

Mr. HUSAIN (India) said that draft resolution A/CONF.35/C.1/L.10 on agenda item 13, although it closely resembled the Latin American draft resolution on the same agenda item (A/CONF.35/C.1/L.7), contained more far-
reaching provisions in respect of the measures to be taken for disarmament. The Pakistan draft resolution on the same item (A/CONF.35/C.1/L.8/Rev.1) referred to only one question - the disarmament negotiations between the Governments of the USSR and the United States. If the sponsors of the other two draft resolutions agreed, it might be possible to combine all three texts into a single comprehensive proposal.

Mr. MIRZA (Pakistan) said that agenda item 13(a) covered both a technical problem and the question of the prevention of proliferation. The technical problem had originally been dealt with in two draft resolutions, one submitted by Spain (A/CONF.35/C.1/L.1) and the other by Switzerland (A/CONF.35/C.1/L.2). Those two draft resolutions had since been combined into a single text (A/CONF.35/C.1/L.9/Rev.1). The draft resolution originally submitted by Pakistan (A/CONF.35/C.1/L.6) had dealt with both aspects of the matter, but it now wished to withdraw that part of the text which related to technical problems in favour of the joint draft resolution of Spain and Switzerland, which had Pakistan’s support. It did not, however, consider that the draft resolution proposed by Spain and Switzerland dealt adequately with the question of the prevention of the proliferation of nuclear weapons, and therefore wished to maintain that part of its own draft resolution which was concerned with that subject. The Non-Proliferation Treaty had still not been signed by a number of countries, including some of the so-called near-nuclear Powers. Until such time as it had been and the non-proliferation régime was fully established, ad hoc measures to supplement the Non-Proliferation Treaty would provide a further guarantee. He believed that all non-nuclear-weapon States should be recommended to accept a modernized system of the International Atomic Energy Agency (IAEA) safeguards. He wished to emphasize that his delegation’s revised draft resolution (A/CONF.35/C.1/L.6/Rev.1) and the draft resolution submitted by Spain and Switzerland were not competitive but complementary.
Mr. SANTA CRUZ (Chile) said that his delegation had submitted draft resolution A/CONF.35/C.1/L.12, because it did not feel able to support the draft resolutions submitted by Spain and Switzerland and by Pakistan. Though he had no substantive objection to those proposals, his delegation believed that the question of safeguards needed closer study and doubted whether the Conference was the appropriate forum for that purpose. The existing system of safeguards needed to be improved and brought up to date; in that connexion, the Director-General of IAEA had informed Committee II at its 6th meeting that the Agency was considering a modification of the safeguards system along the lines proposed in the draft resolution of Spain and Switzerland. The purpose of his delegation's draft resolution was to ensure that sufficient time would be given to the study of that important question.

Mr. WILLOT (Belgium) said that, during the general debate, his delegation had stressed the need for any policy concerning safeguards to be based on the terms of the Non-Proliferation Treaty of which it was a signatory. It therefore endorsed the views expressed on that point by the Netherlands representative at the Committee's 12th meeting and would find it difficult to support any draft resolutions which departed from that principle. Under article III of the Treaty, IAEA was solely responsible for administering control measures, and all problems relating to the question of safeguards should therefore be referred to that Agency and not to other bodies. His delegation, like those of the other Benelux countries, therefore favoured the Chilean draft resolution.

The meeting rose at 4.10 p.m.
SUMMARY RECORD OF THE EIGHTEENTH MEETING
held on Tuesday, 24 September 1968, at 10.30 a.m.

Chairman: Mr. GROSESPIELL Uruguay
later: Mr. BECK Hungary
Rapporteur: Mr. GHAUS Afghanistan
MEASURES TO ASSURE THE SECURITY OF NON-NUCLEAR-WEAPON STATES
A/CONF.35/C.1/L.13) (continued)

and

ESTABLISHMENT OF NUCLEAR-WEAPON FREE ZONES (agenda item 12) (A/CONF.35/C.1/L.5/
Rev.1) (continued)

and

EFFECTIVE MEASURES FOR THE PREVENTION OF FURTHER PROLIFERATION OF NUCLEAR
WEAPONS, THE CESSION OF THE NUCLEAR ARMS RACE AT AN EARLY DATE AND NUCLEAR
DISARMAMENT (agenda item 13) (A/CONF.35/C.1/L.7 and L.8/Rev.1 and
A/CONF.35/C.1/L.10) (continued):

(a) SAFEGUARDS AGAINST THE DIVERSION OF SOURCE OR SPECIAL FISSIONABLE
MATERIAL FROM PEACEFUL TO MILITARY USES, AND SAFEGUARDS AGAINST
Rev.1 and A/CONF.35/C.1/L.12)

(b) SUBMISSION OF PERIODIC REPORTS BY COUNTRIES, TO AN INTERNATIONAL
AGENCY, ON THE NATURE OF NUCLEAR TECHNICAL ASSISTANCE AND THE
NATURE AND EXTENT OF SPECIAL FISSIONABLE MATERIAL SUPPLIED BY
THEM TO NON-NUCLEAR-WEAPON STATES FOR PEACEFUL PURPOSES

(c) CONCLUSION OF A COMPREHENSIVE TEST BAN TREATY

(d) FREEZE ON PRODUCTION OF FISSIONABLE MATERIALS FOR WEAPON PURPOSES
AND THE CESSION OF THE MANUFACTURE OF NUCLEAR WEAPONS

Mr. AMERASINGHE (Ceylon), referring to the draft resolutions submitted
under agenda item 11, said that some of the matters which they raised were
outside the Conference’s terms of reference as defined in General Assembly
resolution 2153 (XXI) and could more properly be dealt with by the First
Committee of the General Assembly. There was an element of futility in pressing
to a vote matters that concerned Powers which were denied the right to vote.

A draft resolution should not seek to define the provisions of any
instrument, as operative paragraph 1 (iii) of the draft resolution submitted by
the Federal Republic of Germany (A/CONF.35/C.1/L.13) sought to do. His
delegation would not, however, withhold its support from the draft resolution
if its sponsors wished to retain the wording of that paragraph.

With reference to the fourth and eleventh preambular paragraphs of the
draft resolution submitted by Pakistan (A/CONF.35/C.1/L.11), his delegation
considered that the cause of non-proliferation could best be served by seeking
to confine nuclear weapons within the territories already manufacturing and possessing them. Moreover, Ceylon could not agree that security assurances should apply only to those States which had subscribed to an international instrument renouncing the manufacture or acquisition of nuclear weapons: the fact that States had no access to such weapons should be sufficient to entitle them to those assurances.

The reference to General Assembly resolution 2153 (XXI) in the seventh preambular paragraph of the Pakistan draft resolution was highly selective. Although the term "inter alia" was used, the paragraph failed to bring out the full intent and scope of the General Assembly resolution, operative paragraph 4 of part A of which was particularly important. Such omissions could have serious consequences. As a non-aligned country which had subscribed to the Cairo Declaration, Ceylon hoped that other countries in the same position would bear that point in mind.

Operative paragraph 1 of the same draft resolution omitted to mention that a non-nuclear-weapon State which allowed nuclear weapons to be stationed on its territory should be excluded from the security guarantees.

With regard to operative paragraph 2, the Conference, having criticized the guarantees given in Security Council resolution 255 (1968) and in the declaration by the nuclear-weapon Powers, could hardly ask the permanent members of the Security Council to repeat those inadequate guarantees.

In view of the omissions and deficiencies to which he had drawn attention, his delegation would be unable to support the Pakistan resolution in its present form.

Mr. BINDSCHEDLER (Switzerland) said that in the revised draft resolution submitted by Spain and Switzerland (A/CONF.35/C.1/L.9/Rev.1) under agenda item 13(a) a fifth preambular paragraph had been added to give emphasis to the desirability of the recommendation in operative paragraph 2(b). The wording at the end of operative paragraph 1 had been made more specific. Operative paragraph 2(a) had been amended to take account of the view expressed by some delegations that limitation of the safeguard procedures to the flow of highly enriched uranium and plutonium was too restrictive. The new paragraph 2(e)
was an additional provision aimed at reducing the risk of industrial espionage. The original paragraph 2(e) had become paragraph 2(f).

Mr. SOLE (South Africa) said that he shared the views expressed by the representative of Ceylon. The First Committee of the General Assembly and the Eighteen-Nation Committee on Disarmament were responsible for security issues. While the sentiments they expressed were unexceptionable, the draft resolution on those issues were unlikely to be effective in the absence of comment by the nuclear-weapon Powers. His delegation would have no difficulty in supporting the draft resolution concerning nuclear-weapon-free zones submitted under agenda item 12 (A/CONF.35/C.1/L.5/Rev.1). It did not, however, consider the Conference to be a suitable forum for the detailed formulation of such recommendations as those contained in the revised draft resolution on safeguards introduced by Spain and Switzerland under agenda item 13(a), and would abstain in the vote on that draft resolution. Article III of the Non-Proliferation Treaty was itself open to a number of different interpretations, and care should be taken to avoid further ambiguity in resolutions of the Conference.

He hoped that the Chilean draft resolution (A/CONF.35/C.1/L.12) also relating to agenda item 13(a) would receive priority in the voting over draft resolution A/CONF.35/C.1/L.9/Rev.1. While it would be difficult to amend the existing safeguards system without further research similar to that being carried out at the Karlsruhe Nuclear Research Centre, transmission of the relevant documents and proposals to the International Atomic Energy Agency (IAEA) should enable some progress to be made.

Mr. CHRISIOV (Bulgaria) said that the primary aim of the Conference was to halt the proliferation of nuclear weapons in accordance with the relevant General Assembly resolutions. His delegation was convinced that the Non-Proliferation Treaty, the provisions of Security Council resolution 255 (1968) and the declarations by the nuclear-weapon Powers offered the best possibility of furthering the cause of disarmament and world security. Efforts to implement the Treaty and secure the widest possible adherence to it in accordance with General Assembly resolution 2373 (XXII) were therefore vital.

Mr. NAKAYAMA (Japan) welcomed the considerable number of draft resolutions which had been submitted and expressed his delegation's belief that the exchange of views which had taken place would serve as a basis for continued efforts to solve the problems of national security and world peace. In that sense, the Conference had been a success and the Government of Pakistan was to be commended for having first suggested that it should be convened.

In the matter of national security, every State had its own policy based on its traditions, geographical position and international environment. It would therefore be detrimental to good international relations to seek a solution to the problem of security for a State or group of States at the expense of the security interests of another State or group of States.

Unity among the non-nuclear-weapon States must be maintained if they were to continue the valuable discussions which had begun at the present Conference. There appeared to be general agreement that the present efforts should be pursued within the framework of the Charter of the United Nations and with the principles set forth in Article 2 of the Charter as the starting point. In view of recent international events, the reaffirmation of that Charter principle was particularly relevant and important; his delegation therefore supported the draft resolution submitted by the Federal Republic of Germany.

The twenty-third session of the General Assembly would provide a forum in which the present discussions could be continued. Patient negotiations would be needed if satisfactory results were to be achieved. His delegation accordingly favoured the idea put forward, under agenda item 11, in the Latin American draft resolution (A/CONF.35/C.1/L.3/Rev.1) of keeping open the possibility of continued negotiations.
Mr. MORRIS (Australia), referring to operative paragraph 2(e) of the revised draft resolution submitted by Spain and Switzerland, said that he would be glad if the IAEA representative would indicate whether it was technically feasible to limit the safeguard procedures to the flow of highly enriched uranium and plutonium as mentioned in that paragraph. He would also like to know how far IAEA believed progress had been made towards an instrumentation of the kind recommended in the draft resolution.

Mr. SKOWRONSKI (Poland) said that the draft resolution submitted by the Federal Republic of Germany disregarded Security Council resolution 255 (1968) and suggested that the Conference should open a new debate on the problem of security guarantees on the basis of a document submitted by that delegation. In that document, an interpretation of the United Nations Charter was proposed which suited the unilateral political interests of the Federal Republic of Germany, and which was at variance with the whole Charter system for the maintenance of peace and security.

The draft resolution dealt with questions which were outside the scope of the present Conference and tended to detract attention from the essential problem, which was the implementation of the Non-Proliferation Treaty.

The mere reference in the second preambular paragraph to General Assembly resolution 2373 (XXII) calling for the widest possible adherence to that Treaty was no substitute for a legal and binding undertaking. The Federal Republic of Germany, which had so far not indicated any clear intention of acceding to the Treaty, had referred to a unilateral declaration. In that respect, the Polish delegation fully subscribed to the view expressed on such unilateral acts set forth in the Memorandum of the Government of the German Democratic Republic (A/CONF.35/4, pp. 2-9).

A unilateral renunciation, made in relation to a particular group of States, in respect only of the production of nuclear weapons (and not of other means of obtaining them), and limited to the territory of the Federal Republic of Germany, could not possibly be equated with accession to the Non-Proliferation Treaty. That Treaty embodied obligations in respect of all countries, whether aligned or non-aligned.
In the light of its historical experience, Poland would particularly like to see the Federal Republic of Germany follow the example of the German Democratic Republic and certain other countries in various regions and renounce nuclear weapons within the framework of the universal Non-Proliferation Treaty.

Any security system must be based on respect for territorial integrity and sovereignty. That respect implied the recognition of existing States and of their frontiers; in the absence of such recognition, any guarantee would be meaningless. That principle had been accepted in certain regional systems, such as those of Latin America and Africa.

It was stated in the fifth preambular paragraph of the resolution A/CONF.35/C.1/L.13 that the principle of Article 2 of the Charter "cannot be applied selectively", and that "every State has an equal and inalienable right to enjoy the protection afforded by this principle". Nevertheless, in its statement the delegation of the Federal Republic of Germany had given a different treatment to the territorial status of Europe.

The conditions established in Europe at the end of the Second World War constituted a unit and played a positive role in the maintenance of stable and peaceful conditions in that area. Poland considered that any security system must be based on recognition of, and respect for, existing frontiers both in relations between the two German States and in relations between those States and their neighbours.

A unilateral declaration renouncing the use of force was not a legally binding instrument. The experience of the period between the two world wars had shown that declarations of that kind had not only not restrained aggressors but had even facilitated plans of conquest and aggression.

The statement made by the representative of the Federal Republic of Germany showed a clear intention to avoid any specific recognition of existing States and frontiers in Europe, the frontiers of Poland in particular. That statement also avoided any recognition of the invalidity of the Munich Agreement of 1938. Lastly, the statement was couched in terms which suggested that it had been made on behalf of the whole of Germany instead of only
West Germany, as was in reality the case. All those facts confirmed the Polish delegation's feeling that the Federal Republic of Germany was opposed to the status quo in its region.

Mr. Beck (Hungary) Vice-Chairman took the Chair.

Mr. BURNS (Canada) said that the Latin American countries' draft resolution on agenda item 11 was well-meant but it was unlikely that the conference proposed in the resolution would result in the adoption of measures which would afford genuine security to all the non-nuclear-weapon States. The draft called for the participation of "all nuclear-weapon States" but it was well known that one of those States, the People's Republic of China, had rejected the proposal for a world disarmament conference and had refused to attend the present Conference. For those reasons, his delegation would not be able to support that draft resolution.

For similar reasons, his delegation would have to vote against the draft resolution submitted by Uganda, the United Republic of Tanzania and Zambia (A/CONF.35/C.1/1.4). The recommendation in its single operative paragraph was tantamount to a calling for a fundamental revision of the security provisions of the United Nations Charter, a revision for which the world was not at present ready.

The draft resolution submitted by Pakistan referred in its fourth preambular paragraph and in its operative paragraph 1 to security guarantees for non-nuclear-weapon States that had renounced the manufacture or acquisition otherwise of nuclear weapons. That formula was insufficient; it should be replaced by a reference to States that had acceded to the Non-Proliferation Treaty or had accepted similar obligations, for example by subscribing to the Tlatelolco Treaty which contained effective supervision provisions.

His delegation did not agree with the statement in the eighth preambular paragraph that more effective measures were needed. It had already pointed out at the 10th meeting that the assurances extended in Security Council resolution 255 (1968) were the most effective ones that could be given in the present circumstances.
His delegation could not accept the formula used in operative paragraph 1 of the draft resolution. In its view the undertaking required of nuclear-weapon States under operative paragraph 3 was totally unreasonable and inconsistent with the obligations of those States towards allied non-nuclear-weapon States. It considered that accession to the Non-Proliferation Treaty constituted the best assurance which could be given.

His delegation could support the Latin American draft resolution on agenda item 12, although the language used in the fourth preambular paragraph did not accurately reflect the position with regard to resolution 2028 (XX); that resolution had established the principle as one of those on which it had been intended that the Non-Proliferation Treaty should be based.

Turning to the texts submitted under agenda item 13, he said that his delegation supported the Pakistan draft resolution (A/CONF.35/C.1/L.8/Rev.1) which urged the USSR and the United States to enter into bilateral discussions on the limitation of offensive strategic nuclear weapons delivery systems and systems of defence against ballistic missiles.

Referring to the Latin American draft resolution on agenda item 13 (A/CONF.35/C.1/L.7), he suggested that the words "horizontal and vertical proliferation" used in the second preambular paragraph should be replaced by clearer language understandable to persons not familiar with the peculiar terminology of the Eighteen-Nation Committee on Disarmament. In the same text, he felt that the formula used in point (a) of the operative paragraph was not as satisfactory as that in the operative paragraph of the draft resolution submitted by Pakistan. He noted that the draft resolution on agenda item 13 submitted by Ghana, India, Pakistan and Yugoslavia (A/CONF.35/C.1/L.10) was similar to the Latin American draft and he hoped that the two texts might be combined into one by their sponsors.

With regard to safeguards (agenda item 13(a)), his delegation could not support the proposal of Spain and Switzerland that the Conference should recommend the establishment of a special committee within IAEA. It would not be appropriate for the Conference to make such a direct recommendation for a
change in the structure of the Agency. Any State member of IAEA, however, could make a proposal for such a change in the IAEA General Conference. The Agency already had a system of safeguards that had given satisfaction to all those States which had entered into agreements with it; under those agreements, the IAEA safeguards functioned under the supervision of the Board of Governors of the Agency. His delegation could not support therefore a proposal which would seem to imply criticism of IAEA and its Board of Governors.

Despite the explanation given by the representative of Switzerland, he considered operative paragraph 2(a) of the draft resolution unacceptable, because it conflicted with the provisions of article III of the Non-Proliferation Treaty; those provisions clearly specified that the IAEA safeguards system would be applied "on all source or special fissionable material".

Operative paragraph 2(b) would be acceptable to his delegation provided that its provisions were not construed as ruling out access by inspectors.

He accepted operative paragraph 2(c), since its provisions were already part of the IAEA system of safeguards.

Lastly, his delegation could not support operative paragraph 2(e), and had reservations concerning the words "particularly with regard to the possibility of challenging inspectors" in operative paragraph 2(d). Those provisions would place unacceptable limitations upon inspectors.

The revised draft resolution on safeguards submitted by Pakistan under agenda item 13(a) was satisfactory in that its operative paragraph reflected the recommendations contained in the Non-Proliferation Treaty. The preamble, however, failed to make any reference to the Non-Proliferation Treaty, article III of which set forth the obligations to be accepted in the matter of safeguards by both nuclear-weapon and non-nuclear-weapon States.

The Canadian delegation fully supported the Chilean draft resolution on the same item, which would ensure that the proposals contained in the various resolutions on the subject of safeguards would be placed before the competent authorities. He also supported the South African proposal to give that draft resolution priority in the voting on the agenda item under consideration.
Mr. de COSTA GUIMARAES (Brazil) announced that the sponsors of draft resolutions A/CONF.35/C.1/L.7 and A/CONF.35/C.1/L.10 on agenda item 13 had agreed to combine their two texts in one draft resolution.\(^1\)

Mr. SHAHTI (Pakistan) said that since a number of comments had been made on the draft resolution submitted by Pakistan under agenda item 11 he would now formally introduce that text, although it had not originally been his intention to do so until later.

The draft resolution was the result of the collective efforts of the Asian-African group of delegations and substantially reflected the views of a large number of those delegations. The text had been drawn up by a drafting committee consisting of Ghana, India, Nigeria, Pakistan and Syria, with the participation of Yugoslavia by invitation. He was confident that other regional groups would find it acceptable.

The draft resolution was based on five fundamental principles. The first was that all non-nuclear-weapon States were equally entitled to security safeguards under the provisions of the Non-Proliferation Treaty and Article 51 of the United Nations Charter.

There was no intention to supersede Security Council resolution 255 (1968); the draft resolution left intact the undertaking subscribed in operative paragraph 1 of that resolution by the three nuclear-weapon powers recognizing "that aggression with nuclear weapons or the threat of such aggression against a non-nuclear-weapon State would create a situation in which the Security Council, and above all its nuclear-weapon State permanent members, would have to act immediately in accordance with their obligations under the United Nations Charter". The purpose of the draft resolution was merely to urge the nuclear weapon States to reinforce the assurance contained in that resolution.

The second basic principle on which the draft resolution was based was that only complete nuclear disarmament would effectively assure the security of non-nuclear-weapon States. In the meantime, however, additional measures were necessary. The third basic principle was that the continued possession of nuclear weapons by five Powers imposed an obligation on those Powers, an obligation to give an assurance that they would not use those weapons and that
if any one of them did use them the others would provide the necessary assistance in defending the country attacked. The fourth principle was that the assurances must be more than declarations of intent, while the fifth was that, to provide a balance of mutual obligations, the non-nuclear-weapon Powers for their part must solemnly renounce the manufacture or acquisition of nuclear weapons.

The Pakistan draft resolution in no way modified operative paragraph 1 of Security Council resolution 255 (1968). Operative paragraph 2 of that resolution went a step further by expressing the intention of providing assistance to signatories of the Non-Proliferation Treaty. The draft resolution merely expressed the desire that that declaration of intent should be converted into a definite undertaking in which the non-nuclear Powers would have greater confidence.

The first five preambular paragraphs of the draft resolution were expressions of the principles he had just outlined. The sixth to tenth preambular paragraphs were statements of fact and contained no value judgements. The eleventh preambular paragraph attempted to achieve a balance between signatories and non-signatories of the Non-Proliferation Treaty by seeking assurances from all the nuclear-weapon Powers.

There were three further points to be noted concerning the draft resolution. First, the assurances of security for which it called would supplement and not replace any existing guarantees: the draft resolution was not an attempt to denigrate Security Council resolution 255 (1968). Secondly, the draft was not an attempt to introduce a system parallelising that of the United Nations Charter; it merely sought to strengthen the United Nations system. Thirdly, it did not conflict with other proposals made in the Committee, for example the Latin-American countries draft resolution. In fact, his delegation was engaged in consultations with the Latin American delegations in an attempt to combine the two draft resolutions.

The draft resolution submitted by the Federal Republic of Germany reaffirmed the rights and obligations of States under the United Nations Charter and was for that reason unexceptionable. However, the present
Conference had been convened for the purpose of obtaining greater security for the non-nuclear-weapon States, particularly those not members of alliances. If a reaffirmation of the Charter was enough, then great and powerful States would not be concluding military alliances which they maintained were in keeping with the spirit of the Charter. If it was legitimate to supplement the Charter by forming alliances, it was even more important for those outside alliances to seek security guarantees. For those non-aligned Powers, that draft resolution offered no guarantees of security.

With reference to the Ceylonese representative's comments that security assurances should be given to all non-nuclear-weapon States whether or not they had formally renounced the manufacture or acquisition of nuclear weapons, he pointed out that the text of draft resolution A/CONF.35/C.1/L.11 represented a compromise. The same representative had also observed that the draft resolution did not sufficiently stress General Assembly resolution 2153 (XXI), particularly operative paragraph 4 of part A which requested the Conference of the Eighteen-Nation Committee on Disarmament to consider the question of the assurances required. As no adequate assurances had resulted from the deliberations of the Eighteen-Nation Committee on Disarmament, it had been thought necessary to appeal directly to the States possessing nuclear weapons.

The Canadian representative had suggested that the fourth preambular paragraph of the Pakistan draft resolution should have referred to signatories of the Non-Proliferation Treaty or the Treaty of Tlatelolco. In that connexion, he wished to point out that the participants in the Conference did not only include signatories of those Treaties. The wording used in that paragraph was a compromise formula which meant the same thing. As the draft resolution was addressed to the nuclear-weapon Powers, it could be left to them to decide which State had, in fact, renounced the manufacture or acquisition of nuclear weapons. The Canadian representative's objection that operative paragraph 3 was inconsistent with the Treaty obligations of the nuclear-weapon Powers and their non-nuclear-weapon allies was, in his view, unfounded. That paragraph
made no attempt to modify existing security alliances and arrangements, but endeavoured to provide assurances for those States which wished to remain non-aligned. If the reference had been to conventional weapons, that objection might have been justified, but in the case of a nuclear attack or threat of nuclear attack the non-nuclear Powers had nowhere else to turn for protection. There were only five nuclear-weapon Powers and they would be the only ones able to provide assistance in the event of a nuclear attack. The draft resolution was, in fact, envisaged as a deterrent to those Powers against the use of their nuclear weapons.

The question of security in the nuclear age was a matter of life and death for the non-nuclear-weapon States. In that grave situation, his delegation considered that the provision of security assurances for all non-nuclear-weapon States was of vital importance. It was prepared to consider suggestions and amendments to the Pakistan draft resolution, but hoped that the text would be given serious and favourable consideration.

Mr. Grosespiell (Uruguay) Chairman, resumed the Chair.

Mr. AMERASINGHE (Ceylon), referring to operative paragraph 1 of the Latin-American countries' draft resolution on agenda item 11 said that his delegation did not favour a proliferation of conferences and did not consider that a conference of the size envisaged in the paragraph was a suitable forum for the elaboration of so important an instrument as that proposed. It would be better to use the procedure which had led to the Non-Proliferation Treaty and to ask the General Assembly of the United Nations to entrust the Eighteen-Nation Committee on Disarmament with the task. Secondly, with regard to the composition of the suggested conference, he presumed that the expression "all nuclear-weapon States" referred to the People's Republic of China, as that was the only nuclear-weapon State which was not also a member of the other two categories mentioned. If that was the case, that country should have been mentioned by name.

In connexion with draft resolution A/CONF.35/C.1/L.4, he thought it was unrealistic to attempt to achieve a non-aggression commitment and a mutual
assistance treaty at the same time. That draft resolution also unfortunately omitted to request non-nuclear-weapon States to refrain from attacking one another. The failure of other attempts to achieve an all-embracing guarantee should not be a discouragement, however, but a warning against the dangers of attempting too much.

Turning to the Latin American draft resolution on agenda item 12, he said that it was only natural and legitimate that the Parties to the Treaty of Tlatelolco should regret that not all the nuclear-weapon States had yet signed Additional Protocol II. The draft resolution was not complete, however, unless it called on the Parties to that Treaty to examine the circumstances which prevented them from signing the Protocol.

Mr. GAUCI (Malta) said that his delegation, like others, was concerned at the number and implications of the draft resolutions on agenda item 11 which had been submitted. Because of the non-participation of the nuclear-weapon States, insufficient consideration had been given to some items, while the lack of success in reconciling the existing draft resolutions was to be deplored. There were not many of the latter to which his delegation could give unequivocal support and yet it was important that there should be unanimity. His delegation would have preferred to see drawn up a single text sub-divided according to the various agenda items.

It could, however, support the Latin-American draft resolution if it were slightly amended. He suggested that the present operative paragraph 1 should be preceded by another paragraph reading: "Invites all States Members of the United Nations and members of the specialized agencies to discuss, at the earliest possible date, in appropriate international forums, guarantees which nuclear-weapon States could undertake to provide to non-nuclear-weapon States in one or more legally binding international instruments". The present operative paragraph 1 would then be amended as follows: the words "at its twenty-third session" should be deleted; the word "possible" in line 2 should be replaced by "practicable" and line 5 should be amended to read "concluding one or more multilateral instruments". Those amendments might make the draft resolution more generally acceptable.
Mr. HUSAIN (India) said that he wished to clarify his delegation's position with regard to the Pakistan draft resolution on agenda item 11. The Pakistan representative had said that that draft resolution represented a compromise; it was not, however, a consensus. Both the working group and drafting group of the Afro-Asian group of representatives which had worked on that text had been more or less equally divided on several important issues. The Indian delegation, which had been a member of the drafting group, had maintained strong reservations concerning the identification of States and the definition of the renunciation of nuclear weapons. As the changes it had proposed had not been accepted, it had felt it necessary to withdraw its support from the resolution.

Mr. MULUMBA (Zambia), referring to agenda item 13 (a), said that there appeared to be two safeguards systems. One belonged to the AIEA Statute and was applicable to members of that Agency, while the other was one which the States Parties to the Non-Proliferation Treaty would negotiate under article III of that Treaty. Thus there already appeared to be discrimination in the matter of safeguards. It seemed that the safeguards system still to be negotiated would be more strict in its regulations concerning the channelling of fissionable materials for assistance to developing countries.

His delegation would prefer to see only one system in existence, preferably the one provided by the IAEA but adapted to the requirements of the Non-Proliferation Treaty. His delegation therefore welcomed the idea expressed in operative paragraph 4 of draft resolution submitted by Spain and Switzerland, but had reservations concerning operative paragraph 1, which left States free to decide whether or not to join the special committee on safeguards. In his view, any system of safeguards should be compulsory and universal.

His delegation supported the Latin American draft resolution on agenda item 12. It regretted the absence in the Pakistan draft resolution on item 13 of any call for the cessation or reduction of the stockpiling of nuclear weapons or any reference to the danger of threats from conventional weapons.
It regretted the same omissions from the Pakistan draft resolution on agenda item 11 and had reservations concerning the expression in the fourth preambular paragraph, "States which have renounced the manufacture or acquisition otherwise of nuclear weapons", since some countries had no nuclear weapons to renounce.

The Ceylonese representative had criticized draft resolution A/CONF.35/C.1/L.4 for not asking the non-nuclear-weapon States to refrain from attacking one another. Such a request was implicit, however, in the third preambular paragraph's reference to Article 2, paragraph 4, of the United Nations Charter. The Canadian representative had objected to the same resolution on the grounds that the world was not ready to make the far-reaching changes envisaged. Surely the world was waiting for its leaders to take the steps envisaged in the draft resolution, in an attempt to achieve greater security for mankind.

The meeting rose at 1 p.m.
SUMMARY RECORD OF THE NINETEENTH MEETING
held on Tuesday, 24 September 1968, at 3.30 p.m.

Chairman: Mr. GROSESPIEL Uruguay
Rapporteur: Mr. GHAUS Afghanistan
MEASURES TO ASSURE THE SECURITY OF NON-NUCLEAR-WEAPON STATES
A/CONF.35/C.1/L.13) (continued)

ESTABLISHMENT OF NUCLEAR-WEAPON FREE ZONES (agenda item 12) (A/CONF.35/C.1/L.5/
Rev.1) (concluded)

EFFECTIVE MEASURES FOR THE PREVENTION OF FURTHER PROLIFERATION OF NUCLEAR
WEAPONS, THE CESSATION OF THE NUCLEAR ARMS RACE AT AN EARLY DATE AND NUCLEAR
DISARMAMENT (agenda item 13) (A/CONF.35/C.1/L.7/Rev.1 and L.8/Rev.1)
(continued):

(a) SAFEGUARDS AGAINST THE DIVERSION OF SOURCE OR SPECIAL FISSIONABLE
MATERIAL FROM PEACEFUL TO MILITARY USES, AND SAFEGUARDS AGAINST
INDUSTRIAL ESPIONAGE

(b) SUBMISSION OF PERIODIC REPORTS BY COUNTRIES, TO AN INTERNATIONAL
AGENCY, ON THE NATURE OF NUCLEAR TECHNICAL ASSISTANCE AND THE
NATURE AND EXTENT OF SPECIAL FISSIONABLE MATERIAL SUPPLIED BY
THEM TO NON-NUCLEAR-WEAPON STATES FOR PEACEFUL PURPOSES

(c) CONCLUSION OF A COMPREHENSIVE TEST BAN TREATY

(d) FREEZE ON PRODUCTION OF FISSIONABLE MATERIALS FOR WEAPON PURPOSES
AND THE CESSION OF THE MANUFACTURE OF NUCLEAR WEAPONS

Mr. DASHISEREN (Mongolia) said that, in voting on the draft resolutions,
his delegation would be guided by the following principles: first, it could not
accept any ideas or proposals which ran counter to the purposes and provisions
of the Treaty on the Non-Proliferation of Nuclear Weapons General Assembly
resolution 2373 (XXII). Secondly, it could not endorse any decisions on
matters outside the scope of the Conference, whose terms of reference had been
clearly laid down by the General Assembly. Thirdly, it could not agree to the
establishment of any new special organ.

Mr. PINIER (Hungary), referring to operative paragraph 1 of the draft
resolution submitted by Spain and Switzerland (A/CONF.35/C.1/L.9/Rev.1), said
that the International Atomic Energy Agency (IAEA) already had a safeguards
system which had been in operation since 1965. The system might eventually
have to be modified but there was every reason to believe that, under the
provisions of its Statute, IAEA itself would be capable of effecting any
necessary modification; it was not the purpose of the Conference to provide for
them. Furthermore the agency, a highly specialized body but not a United Nations
specialized agency, possessed sole competence to change its own structure. If the Conference were to recommend the structural changes proposed in the draft resolution, it would be driven to consider questions with which it was neither authorized nor qualified to deal. His delegation was confident that, when the time came for the Agency to assume the additional tasks imposed on it by the Non-Proliferation Treaty, it would act to the satisfaction of all States Parties.

Operative paragraph 2, sub-paragraph (a), of the draft resolution was plainly incompatible with article III, paragraph 1, of the Non-Proliferation Treaty, which referred specifically to "source or special fissionable material", and with the provisions of the Agency's Statute establishing the safeguards system. The terms "source material" and "special fissionable material" were defined in article XX of the Statute. In the light of those definitions it was clear that the purpose of operative paragraph 2, sub-paragraph (a), of the draft resolution was to exempt source material from the safeguards system. His delegation would like to believe that the failure to mention source material in that sub-paragraph was the result of a misunderstanding. It was noticeable, however, that those delegations which recommended the exemption of source material from the safeguards system had also urged, in Committee Two, the removal of any restrictions on the technology of uranium enrichment. Those two steps would lead to uncontrolled production of enriched uranium and, inevitably, to clandestine production of bomb-grade material. Furthermore it should be remembered that, although slightly-enriched uranium was unsuitable for military purposes, it was nevertheless a better material than natural uranium from which to produce highly-enriched uranium. That was why article III of the Non-Proliferation Treaty explicitly provided that the safeguards should apply equally to source and special fissionable materials.

His delegation did not object to the provision of operative paragraph 2, sub-paragraph (c), of the draft resolution, which merely re-stated a long-standing policy of IAEA. However, adoption of that recommendation would not necessarily simplify matters. Experience gained in operating the IAEA system of safeguards showed that, although in many cases small-quantity exemptions
did not provide a particular country with any real advantage, they nevertheless placed an added burden on the system.

Operative paragraph 2, sub-paragraph (c), was in complete contradiction to article XII, paragraph 6, of the IAEA Statute.

Some of his comments on draft resolution A/CONF.35/C.1/L.9/Rev.1 applied also to draft resolution A/CONF.35/C.1/L.6/Rev.1. It was satisfactory to note that the latter proposal took into account the provisions of article III of the Non-Proliferation Treaty. Source and special fissionable materials should, however, be subject to safeguards whether they were produced, used or processed in or outside any principal nuclear facility. It would have been better if the operative paragraph of the resolution had acceded fully with the provisions of article III of the Treaty. The text was a step in the right direction, but was not completely satisfactory. If only principal nuclear facilities were safeguarded, only a part of the fuel cycle would be covered and it would be impossible to account for the flow of nuclear materials within a given State.

At the 17th meeting, the Pakistan delegation had withdrawn operative paragraph 2 of its draft resolution A/CONF.35/C.1/L.6 in favour of draft resolution A/CONF.35/C.1/L.9/Rev.1. It was possible that the Agency's safeguards system needed simplification but no detailed arguments or facts had been advanced to prove it. He did not question the Pakistan delegation's reasons for its action but, in the circumstances, could not agree that a recommendation for simplification of the safeguards system should be made in any document of the Conference.

It would be clear from his comments that his delegation would have to vote against draft resolution A/CONF.35/C.1/L.9/Rev.1, which contradicted both the spirit and letter of article III of the Non-Proliferation Treaty. It hoped, however, that the text of draft resolution A/CONF.35/C.1/L.6/Rev.1 would be so amended as to make it completely consistent with the provisions of the Treaty.

His delegation supported the suggestion made at the 18th meeting that the Committee should give priority consideration to draft resolution A/CONF.35/C.1/L.12.
The discussions of the plenary meetings of the Conference and in the Committees proved that many delegations shared the views which his delegation had expressed at the 3rd plenary meeting.

Mr. SHU (China) said that his delegation agreed in general with the ideas expressed in draft resolution A/CONF.35/C.1/L.3/Rev.1 but was unable to accept the existing text of its operative paragraph 1. The multilateral instrument referred to in that paragraph should be concluded through the United Nations, and participation in the proposed conference should be restricted to States Members of the United Nations or members of the specialized agencies or of IAEA.

As to the proposals made in the operative paragraph of draft resolution A/CONF.35/C.1/L.4, the question was not how to prohibit the use of nuclear weapons but how to control the production and stockpiling of such weapons and to remove the nuclear threat through nuclear disarmament. Consequently, his delegation could not support that draft resolution.

The sponsor of draft resolution A/CONF.35/C.1/L.11 attempted, in the tenth preambular paragraph, to give credibility to a meaningless statement made by the Chinese communist regime. That was tantamount to endorsing the action of the Chinese Communist regime in testing nuclear devices in the atmosphere and encouraging that regime to continue its policy of blackmail and aggression.

His delegation had welcomed the conclusion of the Treaty of Tlatelolco and was of the opinion that the conclusion of a treaty establishing a nuclear-free zone presupposed the existence of relatively good relations between the parties to the treaties. It would therefore vote in favour of draft resolution A/CONF.35/C.1/L.5/Rev.1.

In order to comply with the letter and spirit of article III of the Non-Proliferation Treaty, IAEA should retain responsibility for the safeguards system. However, the agency needed strengthening before it could assume the additional tasks assigned to it under that Treaty; it should examine all the suggestions made on the subject, including those in draft resolution A/CONF.35/C.1/L.9/Rev.1.
His delegation would support draft resolution A/CONF.35/C.1/L.12.

China had always advocated the complete elimination of nuclear weapons and attached great importance to the provisions of article VI of the Non-Proliferation Treaty. It considered that the adoption of draft resolution A/CONF.35/C.1/L.7/Rev.1 and Add.1 would contribute to the early achievement of nuclear disarmament.

Mr. AZEREDO da SILVEIRA (Brazil) thanked those members of the Committee who had spoken in favour of draft resolution A/CONF.35/C.1/L.5/Rev.1. Draft resolutions A/CONF.35/C.1/L.7 and A/CONF.35/C.1/L.10 had been combined to produce draft resolution A/CONF.35/C.1/L.7/Rev.1 and Add.1. Negotiations were in progress with a view to producing a revised text of draft resolution A/CONF.35/C.1/L.9/Rev.1 which would satisfy the Latin American group.

Objections had been made to draft resolution A/CONF.35/C.1/L.3/Rev.1 on the grounds that the provisions of the Non-Proliferation Treaty and of the Security Council resolution of 19 June 1968 (A/CONF.35/Doc. 12, annex I) provided the best security guarantees now obtainable. It had been made clear in the general debate, however, that most countries which had renounced nuclear weapons were dissatisfied with the guarantees they had obtained. Fourteen Latin American countries had accordingly submitted a draft resolution which merely requested that, until the production of nuclear weapons ceased and nuclear stockpiles were destroyed, those States which — like the Latin American, African and Asian States — had not only renounced nuclear weapons but also refused to have them on their territories should be guaranteed against attack with nuclear weapons. All they asked was that the General Assembly at its twenty-third session, should decide to convene a conference at which all States Members of the United Nations and members of specialized agencies and all nuclear-weapon States would be represented. Certain delegations endorsed the views of the Latin American delegations on the subject but maintained that the time was not opportune to raise it. It was difficult to subscribe to that point of view. States which had renounced nuclear weapons had every right to insist that they should not be attacked and destroyed by such weapons.
Mr. STEPOSZ (Poland) noted that the proposal made in draft resolution A/CONF.35/C.1/L.7/Rev.1 and Add.1 that the Conference of the Eighteen-Nation Committee on Disarmament should begin certain negotiations not later than March 1969. The draft resolution did not take sufficient account of the report of that Conference to the General Assembly and to the United Nations Disarmament Commission (ENDC/236), which dealt in detail with the agenda for the future work of the Eighteen-Nation Committee. It was, of course, the right of any State to submit draft resolutions embodying requests, *inter alia* concerning disarmament, but in his opinion the present Conference would be unwise to adopt any draft resolution that might disturb the pace of disarmament negotiations. Responsible contributions were being made by other States, including the non-aligned countries, in existing international organs, and due regard should be paid to the list of priorities in nuclear disarmament negotiations. The Conference should take account of the recommendations made in General Assembly resolution 2289 (XXII) and in the discussions of the Eighteen-Nation Committee. The disarmament problem could best be solved through an international convention. Consequently Poland could not support the draft resolution as it stood.

His delegation applauded the idea embodied in draft resolution A/CONF.35/C.1/L.12 referring to IAEA the question of the safeguards envisaged in the Non-Proliferation Treaty. Poland believed that the establishment of a separate organ to consider questions relating to the peaceful uses of atomic energy and to safeguards would hinder the application of the Non-Proliferation Treaty and would allow some countries to evade the system of safeguards envisaged in that Treaty.

Mr. CARACCIOLI DI SAN VITO (Italy) said that, although his delegation agreed with the basic ideas of draft resolution A/CONF.35/C.1/L.9/Rev.1, two points raised difficulties. Firstly, the third preambular paragraph criticized the structure of the IAEA Board of Governors; in his opinion the present Conference was not the most suitable forum for such criticism and it had no direct relevance to the letter or spirit of the draft resolution. That paragraph could be deleted without weakening the text.
Secondly, operative sub-paragraphs 2(a) and 2(e) appeared to depart from the provisions of the Non-Proliferation Treaty. Italy had participated in drafting the Treaty, had recommended it for adoption by the General Assembly, and regarded it as a starting point for gradual progress towards the common goal of general and complete disarmament. He believed that its provisions should be respected by the signatories; he therefore asked the sponsors of the draft resolution to consider redrafting the text of those two paragraphs in order to remove the difference between that text and the Non-Proliferation Treaty.

Mr. AGIDE (Ethiopia) said that the discussion in the Eighteen-Nation Committee, of which his country was a member, and in the General Assembly leading to the signing of the Non-Proliferation Treaty had revealed the existence in current security arrangements of serious gaps consequent on the advent of the nuclear age. Those gaps would have to be closed. However, in closing them care should be taken to see that the measures adopted did not conflict with but rather reinforced the provisions of the Charter, and found their place in the common endeavour to attain general and complete disarmament. The Charter of the United Nations was the mainstay of peace and order in the world, and full security for all States could only be attained by the destruction of nuclear weapons and general and complete disarmament under effective international control.

His delegation considered that the proposals contained in the two draft resolutions before the Committee (A/CONF.35/C.1/L.11 and L.13) raised important issues, which went in some ways far beyond the scope of the Charter and required more exhaustive study than the Committee could give them in the short time at its disposal. Therefore, though not opposed to the resolution in principle, his delegation would not be able to vote for them.

Mr. LAHODA (Czechoslovakia) said that he saw no reason why the present Conference should adopt a draft resolution (A/CONF.35/C.1/L.7) covering the agenda of the Eighteen-Nation Committee on Disarmament, which had already worked out its report for the twenty-third session of the United Nations General Assembly. In view of the fact that the programme of the Eighteen-Nation
Committee had rightly given priority to the group of problems bearing on nuclear disarmament, including the question of the non-use of nuclear weapons which was not even mentioned in the draft resolution under discussion, the Czechoslovak delegation was led to conclude that there was no reason why all the above-mentioned questions, which had already been basically agreed upon by the Eighteen Nation Committee, should be the subject of a special document at the present Conference. His delegation would therefore abstain from voting on the draft resolution.

Mr. SANDERS (International Atomic Energy Agency) said that at the 18th meeting the representative of Australia had raised some questions regarding draft resolution A/CONF.35/C.1/L.9/Rev.1. For a number of years the Agency had held meetings of a working group on the safeguards system, to which all members of the Board of Governors and any other interested States had been invited to send experts. The proposal that safeguards should be limited to highly enriched uranium and plutonium had been extensively discussed by that group early in 1968 in connexion with safeguards for plants producing fuel elements and converting nuclear materials. The working group had agreed that if that proposal was adopted, it would be possible for natural uranium to be diverted from its proper use. In an atomic reactor using natural uranium it was not possible to establish reliably how much plutonium had been produced unless it could be established how much natural uranium was going in.

Consequently, though the main interest was in the plutonium, the source material must also be safeguarded. The Agency was studying ideas that might help to simplify its techniques, but the existing procedures already provided some flexibility by placing the main emphasis on safeguards for enriched uranium and plutonium.

The idea of instrumented supervision techniques was attractive but would entail a vast development effort. Many and varied checks were necessary to ensure that no nuclear materials were diverted at any point in an industrialized nuclear fuel cycle, and so far only the simplest devices were available for that purpose.
The Agency's four criteria for safeguards were effectiveness, international credibility, economy and the least possible intrusion upon the operation of industrial and research plants. It was probable that those criteria could be satisfied through research and development leading to more highly automated instrumentation. The Agency had arranged for technical panels of experts from many countries to meet several times a year in order to promote research with the aim of providing, as soon as possible, instruments and technical methods for the application of safeguards in accordance with the four criteria.

Operative sub-paragraph 2(e) of draft resolution A/CONF.35/C.1/L.9/Rev.1 recommended restriction of the access of inspectors to certain strategic points. Such restriction presupposed the availability of adequate instruments; but, even if they existed, their calibrations would have to be checked from time to time. The feasibility of such restriction also depended on whether complete containment was possible - in other words, on whether the installation concerned was a completely closed unit with only one entrance and one exit so that material could not be inserted or taken away at other points. In practice many installations did not meet that requirement. Without highly sophisticated instruments, or conceivably even with them discrepancies might arise between what went in and what went out, and in that case an inspector might have to go to the plant to find the reason.

The Agency's main concern was to have a good system, and at present none of the elements of the existing system could be dispensed with. The Agency would do its best to make them effective, and eventually it might be possible to place less emphasis on some of them; but at the present stage the Agency could not say how or when that could be done.

Mr. AMERASINGHE (Ceylon), commenting on the draft resolutions relating to agenda item 13, said that he would be unable to support draft resolution A/CONF.35/C.1/L.9/Rev.1 because, in his delegation's view, the Conference should not seek to give directions to a technical agency with specific functions, such as IAEA. That Agency had its own representation capable of taking action to amend its Statute if it found that the composition of any of its organs did not meet the requirements of the member States. The draft resolution made many sound points, but he did not believe that the Conference could properly assess the specific merits of the detailed proposals
it contained. His delegation stood by the principle, which deserved general support, that expert groups should be allowed to determine for themselves how they should address themselves to and execute their functions, without detailed instructions from any broadly based conference.

Draft resolution A/CONF.35/C.1/L.12 was in keeping with his delegation's views and would receive its support. He would also support draft resolution A/CONF.35/C.1/L.6/Rev.1.

Mr. MULIMBA (Zambia) observed that the competence of the Conference to suggest changes in international organizations was now being challenged. It should be remembered that General Assembly resolution 2153 B (XXI), convening the conference, specifically included among its terms of reference consideration of how the security of the non-nuclear-weapon States could best be assured. Furthermore the Secretary-General, in the message delivered at the opening meeting of the Conference, had expressed confidence that it would strengthen co-operation between nuclear and non-nuclear States, facilitate the implementation of the relevant provisions of the Non-Proliferation Treaty and lead to further progress in disarmament and the sharing of the peaceful benefits of nuclear science and technology. In his view, therefore, the Conference was fully competent to suggest changes in international machinery to serve the attainment of those ends.

The CHAIRMAN invited the Committee to consider draft resolution A/CONF.35/C.1/L.5/Rev.1, which was the only text submitted on agenda item 12.

In response to an inquiry from Mr. EIIANG (Uganda) and Mr. GARCIA ROBLES (Mexico), Mr. BURNS (Canada) said that the point raised by his delegation at the previous meeting with regard to the fourth preambular paragraph did not warrant an amendment; he was willing to support the draft resolution as it stood.

Mr. ASANTE (Ghana) proposed the deletion of the words "provided that political and security conditions permit" from operative part A of the draft resolution.

Mr. AMERASINGHE (Ceylon) requested that operative parts A and B should be voted on separately.
Mr. MISHRA (India) requested that paragraph 1 and 2 of operative part B should be voted on separately.

The CHAIRMAN put the Ghanaian amendment to the vote.

At the request of the Mexican representative, the vote was taken by roll-call. Kenya, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Kenya, Kuwait, Mongolia, Nigeria, Pakistan, Poland, Romania, Somalia, Bulgaria, Czechoslovakia, Ghana, Hungary.

Against: Libya, Liechtenstein, Luxembourg, Malta, Mauritius, Mexico, Netherlands, New Zealand, Norway, Paraguay, Peru, Philippines, Republic of Korea, Republic of Viet-Nam, South Africa, Southern Yemen, Spain, Sweden, Switzerland, Syria, Trinidad and Tobago, Turkey, Uganda, United Arab Republic, United Republic of Tanzania, Uruguay, Venezuela, Yemen, Zambia, Algeria, Argentina, Australia, Austria, Belgium, Brazil, Burma, Canada, Ceylon, Chile, China, Colombia, Costa Rica, Denmark, Ecuador, Ethiopia, Federal Republic of Germany, Finland, Greece, India, Indonesia, Iraq, Ireland, Italy, Jamaica, Japan, Jordan.

Abstaining: Madagascar, Morocco, Portugal, Thailand, Tunisia, Yugoslavia, Afghanistan, Iran.

The amendment was rejected by 56 votes to 12, with 8 abstentions.

The CHAIRMAN put to the vote operative part A of the draft resolution.

At the request of the Mexican representative, the vote was taken by roll-call. Kenya, having been drawn by lot by the Chairman, was called upon to vote first.
In favour: Libya, Liechtenstein, Luxembourg, Madagascar, Malta, Mauritius, Mexico, Netherlands, New Zealand, Nigeria, Norway, Pakistan, Paraguay, Peru, Philippines, Portugal, Republic of Korea, Republic of Viet-Nam, Somalia, South Africa, Southern Yemen, Spain, Sweden, Switzerland, Syria, Trinidad and Tobago, Turky, Uganda, United Arab Republic, United Republic of Tanzania, Uruguay, Venezuela, Yemen, Yugoslavia, Zambia, Afghanistan, Algeria, Argentína, Australia, Austria, Belgium, Brazil, Burma, Canada, Ceylon, Chile, China, Colombia, Costa Rica, Denmark, Ecuador, Ethiopia, Federal Republic of Germany, Finland, Greece, India, Indonesia, Iran, Iraq, Ireland, Italy, Jamaica, Japan, Jordan.

Against: None.

Abstaining: Kenya, Kuwait, Mongolia, Morocco, Poland, Romania, Thailand, Tunísia, Bulgaria, Czechoslovakia, Ghana, Hungary.

Operative part A was adopted by 64 votes to none, with 12 abstentions.

The CHAIRMAN put to the vote operative part B, paragraph 1.

At the request of the Mexican representative, the vote was taken by roll-call. New Zealand, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: New Zealand, Paraguay, Peru, Philippines, Portugal, Republic of Viet-Nam, South Africa, Spain, Switzerland, Trinidad and Tobago, Turkey, Uganda, United Republic of Tanzania, Uruguay, Venezuela, Zambia, Argentina, Australia, Austria, Belgium, Brazil, Canada, Chile, Colombia, Costa Rica, Ecuador, Federal Republic of Germany, Greece, Iran, Ireland, Italy, Jamaica, Japan, Kenya, Libya, Liechtenstein, Luxembourg, Malta, Mauritius, Mexico, Netherlands.

Against: Nigeria.
Abstaining: Norway, Pakistan, Poland, Republic of Korea, Romania, Somalia, Southern Yemen, Sweden, Syria, Thailand, Tunisia, United Arab Republic, Yemen, Yugoslavia, Afghanistan, Algeria, Bulgaria, Burma, Ceylon, China, Czechoslovakia, Denmark, Ethiopia, Finland, Ghana, Hungary, India, Indonesia, Iraq, Jordan, Kuwait, Madagascar, Mongolia, Morocco.

Operative part B, paragraph 1, was adopted by 41 votes to 1, with 34 abstentions.

The CHAIRMAN put to the vote operative part B, paragraph 2. At the request of the Mexican representative, the vote was taken by roll-call. The Republic of Viet-Nam, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Republic of Viet-Nam, Somalia, South Africa, Southern Yemen, Spain, Switzerland, Syria, Trinidad and Tobago, Turkey, Uganda, United Republic of Tanzania, Uruguay, Venezuela, Yemen, Yugoslavia, Zambia, Afghanistan, Algeria, Argentina, Australia, Austria, Belgium, Brazil, Burma, Canada, Ceylon, Chile, China, Colombia, Costa Rica, Ecuador, Ethiopia, Federal Republic of Germany, Ghana, Greece, India, Indonesia, Iran, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Libya, Liechtenstein, Luxembourg, Madagascar, Malta, Mauritius, Mexico, Netherlands, New Zealand, Nigeria, Pakistan, Paraguay, Peru, Philippines, Portugal.

Against: None.

Abstaining: Romania, Sweden, Thailand, Tunisia, United Arab Republic, Bulgaria, Czechoslovakia, Denmark, Finland, Hungary, Mongolia, Morocco, Norway, Poland, Republic of Korea.

Operative part B, paragraph 2, was adopted by 61 votes to none, with 15 abstentions.
The CHAIRMAN put to the vote the draft resolution as a whole.
At the request of the Mexican representative, the vote was taken by roll-call. The Federal Republic of Germany, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Federal Republic of Germany, Finland, Greece, India, Indonesia, Iran, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Libya, Liechtenstein, Luxembourg, Madagascar, Malta, Mauritius, Mexico, Netherlands, New Zealand, Norway, Pakistan, Paraguay, Peru, Philippines, Portugal, Republic of Korea, Republic of Viet-Nam, Somalia, South Africa, Southern Yemen, Spain, Sweden, Switzerland, Syria, Trinidad and Tobago, Turkey, Uganda, United Arab Republic, United Republic of Tanzania, Uruguay, Venezuela, Yemen, Yugoslavia, Zambia, Afghanistan, Algeria, Argentina, Australia, Austria, Belgium, Brazil, Burma, Canada, Ceylon, Chile, China, Colombia, Costa Rica, Denmark, Ecuador, Ethiopia.

Against: None.

Abstaining: Ghana, Hungary, Kenya, Kuwait, Mongolia, Morocco, Nigeria, Poland, Romania, Thailand, Tunisia, Bulgaria, Czechoslovakia.

The draft resolution as a whole (A/CONF.35/C.1/L.5/Rev.1) was adopted by 63 votes to none, with 13 abstentions.

Mr. Morris (Australia) said that he had been happy to support the draft resolution just adopted. Australia was a Party both to the Antarctic Treaty and to the Treaty banning nuclear weapon tests in the atmosphere, in outer space and under water; it had supported General Assembly resolution 2286 (XXII) welcoming the Treaty for the Prohibition of Nuclear Weapons in Latin America; and it was a member of the United Nations Ad Hoc Committee to Study the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the limits of National Jurisdiction. His Government believed that under certain conditions the establishment of nuclear-weapon-free zones in certain parts of the world was a
possible way of easing tension and limiting the spread of nuclear weapons. Nuclear-weapon-free zones might be appropriate if they enjoyed the support of all countries in and adjacent to the region in question, if they did not upset the strategic balance and if adequate arrangements were made for verification and control. Conditions in Asia and the Pacific, in the presence of a Power with formidable armed forces and an increasingly large nuclear arsenal, did not favour the establishment of a nuclear-weapon-free zone. That Power was the only nuclear-weapon State which had elected not to attend the Conference, would not sign the Non-Proliferation Treaty, and had never given any indication of readiness to join in disarmament. It was therefore legitimate to question the value of the declaration made by that Power that it would not be the first to use nuclear weapons; its powerful conventional forces might well provoke nuclear retaliation by a nation which felt itself intolerably threatened.

His Government also noted with regret that another of the nuclear Powers had been carrying out tests of nuclear and thermonuclear devices in the Pacific.

Mr. GLASER (Romania) said that his Government fully endorsed the principle of the establishment of nuclear-weapon-free zones, and had always supported any proposals made in support of that principle. He had abstained from voting on the draft resolution, not because of any change in his Government's position, but because the text was so worded as to reduce the scope of the concept of denuclearization.

Mr. NOAMAN (Southern Yemen) endorsed the principle that nuclear-weapon-free zones should be established wherever possible, and paid a tribute to the sponsors of the draft resolution for their efforts to make the text acceptable to all. His delegation would have preferred a different wording for the sixth preambular paragraph, but had voted in favour of the draft resolution.

Mr. KHALLAF (United Arab Republic) said that his delegation had voted in favour of the draft resolution on the understanding that the interpretation placed on the words "military denuclearization" in operative part A would be fully consistent with the provisions of the Non-Proliferation Treaty concerning nuclear-weapon-free zones.

Draft resolution A/CONF.35/C.1/L.8/Rev.1 was adopted by 62 votes to none, with 5 abstentions.

The meeting rose at 5.55 p.m.
SUMMARY RECORD OF THE TWENTIETH MEETING
held on Wednesday, 25 September 1968, at 10:25 a.m.

**Chairman:** Mr. GROSESPIELL Uruguay

**Rapporteur:** Mr. GHAUS Afghanistan
MEASURES TO ASSURE THE SECURITY OF NON-NUCLEAR STATES (agenda item 11) (A/CONF.35/C.1/1.3/Rev.2) (continued) and


(a) SAFEGUARDS AGAINST THE DIVERSION OF SOURCE OR SPECIAL FISSIONABLE MATERIAL FROM PEACEFUL TO MILITARY USES, AND SAFEGUARDS AGAINST INDUSTRIAL ESPIONAGE (A/CONF.35/C.1/L.6/Rev.1 and A/CONF.35/C.1/L.14) (continued)

(b) SUBMISSION OF PERIODIC REPORTS BY COUNTRIES, TO AN INTERNATIONAL AGENCY, ON THE NATURE OF NUCLEAR TECHNICAL ASSISTANCE AND THE NATURE AND EXTENT OF SPECIAL FISSIONABLE MATERIAL SUPPLIED BY THEM TO NON-NUCLEAR-WEAPON STATES FOR PEACEFUL PURPOSES (concluded)

(c) CONCLUSION OF A COMPREHENSIVE TEST BAN TREATY (concluded)

(d) FREEZE ON PRODUCTION OF FISSIONABLE MATERIALS FOR WEAPON PURPOSES AND THE CESSION OF THE MANUFACTURE OF NUCLEAR WEAPONS (concluded)

Mr. SANIA CRUZ (Chile), introducing draft resolution A/CONF.35/C.1/L.14 on agenda item 13, said that it had been drawn up after consultation with the delegations of Spain and Switzerland as a compromise between the draft resolution submitted by those delegations (A/CONF.35/C.1/L.9/Rev.1) and the one submitted by Chile (A/CONF.35/C.1/L.12). Operative paragraph 1 of the new proposal, while recommending the establishment of institutional machinery, left it to the International Atomic Energy Agency (IAEA) to work out the details. Operative paragraph 2 indicated the objectives to be attained but did not lay down any principles.

Mr. de LAIGLIESIA (Spain) said that operative paragraph 1, which was based on the corresponding paragraph of the draft resolution of Spain and Switzerland, had been redrafted to dispel the fear that the functions of the Board of Governors of IAEA might be duplicated by the proposed new body. The new text made it clear that the institutional arrangements would be left to be determined by the Agency.

It was important that countries which were to be subjected to inspection should be adequately represented in the proposed body. Spain felt it necessary to stress that point.
Mr. BINDSCHEDLER (Switzerland) said that the original draft resolution submitted by Switzerland and Spain had been criticized as being too precise. He was convinced, however, that the Conference should do more than merely enunciate general principles.

The fifth preambular paragraph of the new draft had been inserted in order to emphasize the general aim of the draft resolution. Operative paragraph 2 had been redrafted to take account of the misgivings expressed by some delegations concerning possible encroachment upon the functions of IAEA. Operative paragraph 2(f), which had also been criticized by some delegations, had been deleted; the Agency would be free to examine the financial aspects of the proposal even though they were not specifically mentioned. Operative paragraph 3 had been redrafted to broaden its scope.

Mr. AZEREDO da SILVEIRA (Brazil), introducing the revised Latin-American draft resolution on agenda item 11 (A/CONF.35/C.1/L.3/Rev.2), said that it embodied three relatively minor changes. The phrase "stockpiles of such weapons" had been used in the English version of the second preambular paragraph in order to bring it into line with the Spanish text. In operative paragraph 1, the word "members" had been inserted before the words "of its specialized agencies" and the phrase "and of the International Atomic Energy Agency" after those words in the interests of greater precision.

With regard to the new draft resolution on item 13, his delegation considered it to be a well-balanced proposal, under which the establishment of the proposed institutional machinery would be left to the Board of Governors of IAEA.

Mr. WINKLER (Czechoslovakia) said that Czechoslovakia had taken an active part in the preparation of the Non-Proliferation Treaty and had been among its first signatories. It continued to attach great importance to the role which the Treaty could play in international relations. Attempts to introduce extraneous problems were prejudicial to the early realization of the measures agreed upon in the Treaty and would not help to solve the problems themselves. That would be one of the main considerations determining his delegation's position on the draft resolutions before the Committee.
The draft resolution A/CONF.35/C.1/L.7/Rev.1 on agenda item 13 was approved by 75 to none, with 5 abstentions.

Mr. AGIDE (Ethiopia), supported by Mr. de LAIGLESIA (Spain), proposed that the vote on draft resolution A/CONF.35/C.1/L.14 should be postponed until the next meeting to enable members to study it thoroughly.

It was so decided.

Mr. GOMEZ ROBLED0 (Mexico) proposed that the vote on the draft resolution submitted by Pakistan on agenda item 13 (A/CONF.35/C.1/L.6/Rev.1) should be deferred until Committee Two had taken a vote on draft resolution A/CONF.35/C.2/L.3/Rev.2, with which it was connected.

It was so decided.

Mr. YANG0 (Philippines) proposed that the words "whether it is" should be inserted between the words "material" and "produced" in the fourth line of the operative paragraph of draft resolution A/CONF.35/C.1/L.6/Rev.1 and the words "or outside," between the words "in" and "any" in the fifth line of that paragraph.

The CHAIRMAN suggested that the vote on the amendments proposed by the Philippine representative and on the draft resolution as a whole should be deferred until the next meeting.

It was so agreed.

The meeting rose at 11.10 a.m.
SUMMARY RECORD OF THE TWENTY-FIRST MEETING
held on Wednesday, 25 September 1969, at 3.30 p.m.

Chairman: Mr. GROSESPIELL Uruguay

Rapporteur: Mr. GHAUS Afghanistan
EFFECTIVE MEASURES FOR THE PREVENTION OF FURTHER PROLIFERATION OF NUCLEAR WEAPONS, THE CESSION OF THE NUCLEAR ARMS RACE AT AN EARLY DATE AND NUCLEAR DISARMINMENT (agenda item 13):

(a) SAFEGUARDS AGAINST THE DIVERSION OF SOURCE OR SPECIAL FISSIONABLE MATERIAL FROM PEACEFUL TO MILITARY USES, AND SAFEGUARDS AGAINST INDUSTRIAL ESPIONAGE (A/CONF.35/C.1/L.6/Rev.1 and A/CONF.35/C.1/L.14 and L.15)

(continued)


Mr. SHAHI (Pakistan) said that the amendments would make the wording of the draft resolution consistent with that of article III of the Treaty on the Non-Proliferation of Nuclear Weapons; they were therefore acceptable to his delegation.

Draft resolution A/CONF.35/C.1/L.6/Rev.1, thus amended, was adopted by 38 votes to 3, with 35 abstentions.

The CHAIRMAN invited the Committee to resume consideration of draft resolution A/CONF.35/C.1/L.14, to which Japan had submitted some amendments.1/

Mr. MORTENSEN (Denmark) observed that the sponsors of the draft resolution, which represented a compromise, had clearly made serious efforts to render the text more generally acceptable than its predecessors (A/CONF.35/C.1/L.9/Rev.1 and A/CONF.35/C.1/L.12). It contained many interesting ideas, but the Conference did not seem the right forum in which to consider the highly technical questions raised in it. Instead of voting on the draft resolution, therefore, it might be more appropriate for the Conference to transmit the records of its discussions on the subject to the United Nations for further consideration.

Mr. OGISO (Japan) read to the Committee the texts of his amendments.

The purpose of his first amendment was to make it clear that the objectives to be attained by simplifying the safeguards system were not limited to those listed in operative paragraph 2 of the draft resolution.

1/ Subsequently circulated as document A/CONF.35/C.1/L.16
Admittedly the safeguard procedures might eventually be limited to the flow of highly enriched uranium and plutonium as recommended in operative paragraph 2, sub-paragraph (a), of the draft resolution. In the meantime, however, the Conference should abide by the provisions of the Non-Proliferation Treaty and the Statuto of the International Atomic Energy (IAEA), under which source materials were also subject to the safeguards. That was the idea behind his second amendment.

Mr. ISANG MANG KII (Mauritius) said that, in its present form, operative paragraph 1 of the draft resolution seemed to discriminate against countries not possessing nuclear facilities. He therefore submitted an amendment\(^2\) to replace everything after the word "of which" by the words "member countries supplying nuclear materials, as well as member countries whether possessing nuclear facilities or not, shall form part."

Mr. de LAIGLESTA (Spain) explained that the purpose of operative paragraph 1 was to ensure that every country inspected was adequately represented on the body responsible for carrying out the inspections. Since countries which did not possess nuclear facilities would not be inspected, there seemed to be no reason why they should form part of the proposed institutional machinery. However, the sponsors of the draft resolution had no intention of discriminating against any country; he was sure that none of them would object to wider representation in the institutional machinery.

Mr. AMERASINGHE (Ceylon) said that the wording of operative paragraph 2, sub-paragraph (e), of the draft resolution was not clear. If it meant that the access of inspectors would be restricted to points of strategic importance, his delegation could support the sub-paragraph. The wording of operative paragraph 4 was also unclear. If the intention was to achieve a single set of safeguard procedures applicable to all States, his delegation could support the paragraph.

\(^2\) Subsequently circulated as document A/CONF.35/C.1/L.17.
Mr. SCHNIPPENKOETTER (Federal Republic of Germany) said that the text of operative paragraph 2, sub-paragraph (a), of the draft resolution could be interpreted as contradicting the provisions of the Non-Proliferation Treaty. He therefore submitted an amendment3/ to replace the words "limiting them to" by the words "concentrating on".

The CHAIRMAN suggested that the vote on draft resolution A/CONF.35/C.1/I.14 should be deferred until the next meeting, when the texts of all the amendments would be available.

It was so agreed.

The meeting rose at 4.40 p.m.

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SUMMARY RECORD OF THE TWENTY-SECOND (CLOSING) MEETING
held on Thursday, 26 September 1968, at 10.25 a.m.

Chairman:      Mr. GROESPIEHL     Uruguay
Rapporteur:     Mr. GAUS          Afghanistan


It was so agreed.

Mr. CALICE (Austria) said that he wished to explain the vote of his delegation in respect of the four draft resolutions.

His delegation recognized as fully legitimate the desire of all States, and particularly of non-nuclear-weapon States, in view of the deadly risks of any nuclear conflict, for instruments that would give them security assurances. However, the situation in respect of national security needs, and hence of assurance requirements, varied from country to country and from region to region, a fact which was demonstrated by the variety of drafts submitted.

For a country like Austria which had committed itself to a status of permanent neutrality recognized by the vast majority of the community of nations, the problem was even more particular. Owing to that special status and to the fact that the problem of security assurances was inevitably different both in nature and in scope for a permanently neutral State than for other States, Austria was not in a position to vote either for or against any of the four draft resolutions; it would accordingly have to abstain when they were voted upon.

He reiterated, however, Austria's firm belief that the principle of the non-use of force and the prohibition or any threat of force was one of the most fundamental principles governing relations between States. If that principle were not observed throughout the whole world and if the right of every State to sovereignty, territorial integrity, non-intervention in internal affairs and self-determination were not respected, the peace of the world would be gravely endangered. He noted with satisfaction that those fundamental
ideas were reflected in the four draft resolutions, particularly in that submitted by the Federal Republic of Germany (A/CONF.35/C.1/L.13/Rev.1).

Mr. SHAHI (Pakistan) suggested to the sponsors of draft resolution A/CONF.35/C.1/L.13/Rev.2 the deletion in operative paragraph 1 of the words "with the participation". If those words were retained, the requirement in that operative paragraph would not be fulfilled if one or two States failed to participate in the proposed conference. It was sufficient to recommend the convening of "a conference of all the States ....".

Mr. CAPRILES RICO (Bolivia), speaking on behalf of the sponsors of the draft resolution, accepted that amendment.

The CHAIRMAN took note of the observation by Mr. BENGAZI (Tunisia) that the deletion of the words "with the participation" would necessitate drafting changes in the French text of the draft resolution.

Mr. SHAHI (Pakistan) proposed, in order to make the same draft resolution acceptable to a large number of States, the insertion in operative paragraph 1, after the concluding words "of all non-nuclear-weapon States", of the following additional phrase preceded by a comma: "bearing in mind the need to reflect an acceptable balance of mutual responsibilities and obligations between the nuclear-weapon and non-nuclear-weapon States".

That phrase reflected a unanimously accepted principle that was enunciated in General Assembly resolution 2028 (XX), to which the third preambular paragraph of the draft resolution referred. The principle had been reiterated on several occasions by the General Assembly and by the present conference.

The Pakistan amendment was adopted by 12 votes to 1, with 68 abstentions.

The CHAIRMAN put to the vote draft resolution A/CONF.35/C.1/L.3/Rev.2, as amended.

At the request of the Brazilian representative, the vote was taken by roll call. Indonesia, having been drawn by lot by the Chairman, was called upon to vote first.
In favour: Indonesia, Iran, Israel, Ivory Coast, Jamaica, Japan, Kenya, Madagascar, Mauritius, Nigeria, Pakistan, Paraguay, Peru, Republic of Viet-Nam, Romania, Spain, Switzerland, Trinidad and Tobago, Uganda, United Republic of Tanzania, Uruguay, Venezuela, Yugoslavia, Zambia, Afghanistan, Algeria, Argentina, Bolivia, Brazil, Cameroon, Chile, Colombia, Costa Rica, Dahomey, Dominican Republic, Ecuador, Federal Republic of Germany, Ghana, Guatemala, India.

Against: Mongolia, Netherlands, New Zealand, Norway, Poland, Republic of Korea, Sweden, Australia, Belgium, Bulgaria, Canada, China, Czechoslovakia, Denmark, Finland, Greece, Hungary.

Abstaining: Iraq, Ireland, Italy, Jordan, Kuwait, Lebanon, Libya, Liechtenstein, Luxembourg, Malta, Mexico, Panama, Philippines, Portugal, Saudi Arabia, South Africa, Southern Yemen, Syria, Tunisia, Turkey, United Arab Republic, Yemen, Austria, Ceylon, Ethiopia.

Draft resolution A/CONF.35/C.1/L.3/Rev.2, as amended, was approved by 40 votes to 17, with 25 abstentions.

Mr. GOMEZ ROBLEDO (Mexico), explaining his vote, said that the Mexican delegation was in full agreement with the contents of the preamble and operative paragraph 2 of the draft resolution just approved by the Committee. It had, however, been reluctantly obliged to abstain in the vote because it considered that the General Assembly of the United Nations was the sole forum where, after hearing the views of the nuclear-weapon States - the States which would have to "adopt the appropriate measures to assure the security of all non-nuclear weapon States" called for in the resolution - it would be possible to arrive at a meaningful conclusion on the question whether the conference envisaged in operative paragraph 1 should be convened or not.
It was for that reason that his delegation had at one time suggested that 
operative paragraph 1 should be confined to a request to the Secretary-General 
to include the question in the agenda for the twenty-third session of the 
General Assembly.

Mr. BARNETT (Jamaica), explaining his vote, said that his delegation 
had voted in favour of the draft resolution on the clear understanding that 
the question of the convening of the proposed conference would be fully 
discussed in the General Assembly before the conference was called.

Mr. ECORESCU (Romania), explaining his vote, said that his delegation, 
which had voted in favour of the draft resolution wished again to stress that 
the most appropriate solution to the problem of the access of States to meetings 
of organizations and to international treaties of general interest was one which 
would permit the participation of all sovereign and independent States without 
any exception.

Mr. CAPRILES RICO (Bolivia), speaking on behalf of the fourteen 
sponsors of the draft resolution just approved, observed that the draft 
resolution submitted by Uganda, the United Republic of Tanzania and Zambia 
(A/CONF.35/C.1/L.4) was similar in purpose to the text approved. Draft 
resolution A/CONF.35/C.1/L.4, however, envisaged a different procedure in that 
it recommended the establishment of a Preparatory Committee prior to the 
convening of the proposed conference. Since the Committee had approved 
draft resolution A/CONF.35/C.1/L.3/Rev.2, complications would result if it were 
now to vote upon a draft resolution which envisaged a different procedure. 
He therefore appealed to the sponsors to withdraw their proposal.

Mr. SEATON (United Republic of Tanzania) noted that some of the ideas 
contained in the draft resolution just approved coincided with those embodied 
in draft resolution A/CONF.35/C.1/L.4. Speaking on behalf of the sponsors 
of the latter text, he withdrew it, in a spirit of solidarity and also as a 
tribute to the unique role which the Latin American nations played in 
international organizations; the success of many international conferences had 
been largely attributable to the unremitting efforts of the representatives 
of those nations.
Mr. CAPRILES RICO (Bolivia), speaking on behalf of the sponsors of the draft resolution in document A/CONF.35/C.1/L.3/Rev.2, thanked the sponsors of the draft resolution A/CONF.35/C.1/L.4 for the understanding they had shown.

Mr. AZEREDO da SILVEIRA (Brazil) thanked the Tanzanian representative and the other sponsors for withdrawing their draft resolution (A/CONF.35/C.1/L.4) and thus giving further proof of the spirit of co-operation of the African delegations.

He now appealed to the representative of Pakistan, who had made such a valuable contribution with his amendments to the fourteen-Power draft resolution, not to press to a vote his own delegation's draft resolution (A/CONF.35/C.1/L.11), the contents of which would be a matter for consideration by the conference on security guarantees to be convened under the draft resolution just approved by the Committee.

Mr. ALLAF (Syria) supported that appeal. The many constructive points raised in the Pakistan draft resolution would be better dealt with in the conference which it was proposed to convene.

Mr. SHAHID (Pakistan) said that he would not press his draft resolution to a vote, on the understanding that the text of that draft would be transmitted to the Secretary-General of the United Nations under operative paragraph 2 of the draft resolution that had just been approved by the Committee.

Mr. SEADON (United Republic of Tanzania) requested that the draft resolution A/CONF.35/C.1/L.4 should similarly be transmitted to the Secretary-General and thus form part of the documentation of the proposed conference.

Mr. AZEREDO da SILVEIRA (Brazil) expressed his warm appreciation to the representative of Pakistan. On behalf of the fourteen sponsors of the draft resolution that had been approved he fully agreed that the two draft resolutions should be included among the documents to be transmitted to the Secretary-General under operative paragraph 2 of the resolution adopted by the Committee.
The CHAIRMAN said that draft resolution A/CONF.35/C.1/L.4 and A/CONF.35/C.1/L.11 would not be put to the vote, and observed that the request that the texts of those drafts should be transmitted to the Secretary-General was in keeping with the terms of operative paragraph 2 of the draft resolution approved by the Committee.

Mr. CAPRILES RICO (Bolivia) asked the representative of the Federal Republic of Germany if his delegation would agree to delete the last phrase of the last preambular paragraph in draft resolution A/CONF.35/C.1/L.13/Rev.1, namely, "especially for non-nuclear-weapon States, ."

Mr. SCHNIPPENKOETTER (Federal Republic of Germany) said that the phrase referred to had been included because agenda item 11 dealt particularly with the security of non-nuclear-weapon States and to stress the differences between the security situation of the nuclear-weapon States and that of the non-nuclear-weapon States. However, his delegation agreed to delete the phrase.

He explained that the revised version of his delegation's draft resolution, which incorporated only minor changes, had been introduced in order to give the text the usual form of draft resolutions. Operative paragraph 3 of the original version had been omitted in order not to prejudge the question of what would be done subsequently with the documents of the Conference.

Mr. KIMANI (Kenya) requested a separate vote on each of the sub-paragraphs of operative paragraph 1 of draft resolution A/CONF.35/C.1/L.13/Rev.1.

Operative paragraph 1, sub-paragraph (i), was approved by 60 votes to none, with 18 abstentions.

Operative paragraph 1, sub-paragraph (ii), was approved by 60 votes to none, with 21 abstentions.

Operative paragraph 1, sub-paragraph (iii), was approved by 47 votes to none, with 33 abstentions.

Draft resolution A/CONF.35/C.1/L.13/Rev.1, as a whole, was approved by 50 votes to 5, with 25 abstentions.

Mr. SANTA CRUZ (Chile), explaining his vote, said that his delegation had voted in favour of the draft resolution because it expressed principles and obligations embodied in the Charter of the United Nations, in which his country
believed, and because it introduced no new situation and no new interpretation of the Charter. Chile considered respect for the Charter principles the best guarantee of peace.

Mr. SHAHI (Pakistan) said that his delegation had no reservations with regard to the expression of the principles of the Charter in draft resolution A/CONF.35/C.1/L.13/Rev.1. It had voted in favour of operative paragraph 1, sub-paragraph (ii), but had abstained in the vote on sub-paragraph (i) and (iii) because it felt that those paragraphs dealt in a sufficiently precise manner with the problems of the security of non-nuclear-weapon States, which was one of the basic problems before the Conference.

Mr. ALLAF (Syria) said that his delegation had abstained in the vote on each sub-paragraph of operative paragraph 1 and on the draft resolution as a whole, not because it was opposed to the principles which they expressed, but because it believed that the motives underlying the submission of the text were not entirely sincere. It did not consider that the present Conference was either the right place or the right time for the submission of such a resolution.

Mr. PIEDADE MIRANDA (Portugal) said that his delegation had voted in favour of the resolution as a whole and of operative paragraph 1, sub-paragraphs (i) and (iii). It had not participated in the vote on operative paragraph 1, sub-paragraph (ii), because it did not agree with certain interpretations of the term "self-determination", especially as used by the General Assembly of the United Nations. He wished to re-affirm his delegation's position on that question which was well known and had often been stated.

Mr. BINDSCHEDLER (Switzerland) said that, for the same reasons as had been mentioned by the Austrian representative earlier in the meeting, his delegation had abstained in the vote on the draft resolution, although it accepted the principles which it expressed.

Mr. ALHOLM (Finland) said that his delegation endorsed the general principles enunciated in draft resolution A/CONF.35/C.1/L.13/Rev.1 but had abstained in the vote because of the circumstances in which the text had been submitted. The text might give rise to different interpretations of a political problem which had remained unsolved in Europe since the end of the
second World War. Finland was not involved in those problems and wished to remain strictly neutral.

Mr. WINKLER (Czechoslovakia) said that his delegation's position in relation to the various draft resolutions before the Committee had been explained at the 20th meeting. The view it expressed at that meeting was applicable also to draft resolution A/CONF.35/C.1/L.13/Rev.1.

Mr. NOAHAN (Southern Yemen) said that his delegation had abstained in the vote for the same reasons as had been expressed by the Syrian representative. It accepted the general principles underlying the draft resolution, but considered its scope, timing and place inappropriate.

EFFECTIVE MEASURES FOR THE PREVENTION OF FURTHER PROLIFERATION OF NUCLEAR WEAPONS: THE CESSATION OF THE NUCLEAR ARMS RACE AT AN EARLY DATE AND NUCLEAR DISARMAMENT (agenda item 13):

(a) SAFEGUARDS AGAINST THE DIVERSION OF SOURCE OR SPECIAL FISSIONABLE MATERIAL FROM PEACEFUL TO MILITARY USES, AND SAFEGUARDS AGAINST INDUSTRIAL ESPIONAGE (A/CONF.35/C.1/L.14 and A/CONF.35/C.1/L.16 - L.19) (concluded)

Mr. ISANG MANG KIN (Mauritius) drew attention to an error in the text of his delegation's amendment (A/CONF.C.1/L.17): the words "both countries" should read "member countries".

Mr. MARINHEZ CODO (Ecuador) said that the sponsors of draft resolution A/CONF.35/C.1/L.14, recognizing the importance of including all countries in the institutional arrangements recommended, accepted the amendment proposed by the delegation of Mauritius.

Mr. BINDSCHDLER (Switzerland), replying to the questions raised by the representative of Ceylon at the 21st meeting, said that the object of operative paragraph 2, sub-paragraph (e) was to ensure that inspectors had access only to the necessary strategic points for verifying that no fissile material was used for military purposes.

With regard to operative paragraph 4, Switzerland was in favour of a general and unified inspection system. Pending the entry into force of article III of the Non-Proliferation Treaty, however, there was a possibility that some countries might be subjected both to universal and regional control, and the paragraph had been inserted in order to avoid such duplication.
The sponsors of the draft resolution proposed by Mauritius, the Federal Republic of Germany (A/CONF.35/C.1/L.18) and the Philippines (A/CONF.35/C.1/L.19) and the first amendment submitted by Japan (A/CONF.35/C.1/L.16). With regard to the second Japanese amendment, however, he found it difficult to understand the opposition to the recommendation in paragraph 2, sub-paragraph (a), of the draft resolution, which merely related to the objective of simplifying the safeguard procedures. If, however, adoption of that amendment submitted by the Japanese delegation would make it easier for other delegations to accept the draft resolution, his delegation would not oppose it.

Mr. AMERASINGHE (Ceylon) said that his delegation was satisfied with the Swiss representative's explanation concerning operative paragraph 2, sub-paragraph (a). He was unable to support paragraph 4, however, in the absence of an express reference to a uniform set of rules applicable without discrimination, and therefore requested a separate vote on that paragraph.

The five remaining amendments submitted by Japan (A/CONF.35/C.1/L.16 paras. 2 and 3) were adopted by 57 votes to none, with 29 abstentions.

Mr. MORRIS (Australia) requested a separate vote on the new sub-paragraph (d) of paragraph 2 of the draft resolution A/CONF.35/C.1/L.14. Paragraph 2(d) was rejected by 29 votes to 20, with 30 abstentions.

The CHAIRMAN put to the vote draft resolution A/CONF.35/C.1/L.14 as a whole, as amended.

At the request of the Spanish representative, the vote was taken by roll-call. Laos, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Liechtenstein, Mauritius, Nigeria, Pakistan, Panama, Paraguay, Peru, Philippines, Spain, Switzerland, Trinidad and Tobago, Uruguay, Venezuela, Yugoslavia, Argentina, Austria, Bolivia, Brazil, Burma, Ceylon, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, Ethiopia, Federal Republic of Germany, Ghana, Guatemala, India, Indonesia, Iran, Italy, Japan, Kenya.
Against: Mongolia, Poland, Bulgaria, Czechoslovakia, Hungary.

Abstaining: Lebanon, Libya, Luxembourg, Madagascar, Malta, Mexico, Morocco, Netherlands, New Zealand, Norway, Portugal, Republic of Korea, Republic of Viet-Nam, Romania, South Africa, Southern Yemen, Sweden, Syria, Tunisia, Turkey, Uganda, United Arab Republic, United Republic of Tanzania, Yemen, Zambia, Afghanistan, Algeria, Australia, Belgium, Cameroon, Canada, China, Dahomey, Denmark, Finland, Greece, Iraq, Ireland, Israel, Ivory Coast, Jamaica, Jordan, Kuwait.

Draft resolution A/CONF.35/C.1/L.14, as a whole, as amended, was approved by 35 votes to 5, with 43 abstentions.

CONCLUSION OF THE COMMITTEE'S WORK

After the customary exchange of courtesies, the CHAIRMAN declared the work of the Committee concluded.

The meeting rose at 12.50 p.m.