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Documents on Disarmament

1968

UNITED STATES ARMS CONTROL
AND DISARMAMENT AGENCY

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UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

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FOREWORD

The present publication is the latest in a series of volumes that have been issued annually since 1960. It contains basic documents on the nonproliferation treaty and other aspects of disarmament and arms control. The eighth annual report of the United States Arms Control and Disarmament Agency, printed at the end of the documentary material, describes the work of the Agency during 1968.

The documents are printed chronologically. They are preceded by a topical list of documents and followed by a chronological list. Other reference aids include lists of abbreviations, international organizations and conferences, and persons. The volume also includes a bibliography and an index. The papers were compiled and annotated by Robert W. Lambert, with the assistance of Ruth Ihara and Jean Mayer. Useful suggestions were also received from other officers of the United States Arms Control and Disarmament Agency.

Technical editing was done in the Editorial Branch of the Publishing and Reproduction Services Division, Department of State.

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LIST OF ABBREVIATIONS

A/—General Assembly[1]
AAI—authorized active inventory
ABM—anti-ballistic missile
/AC.—Ad Hoc Committee[1]
ACDA—United States Arms Control and Disarmament Agency
/Add.—addendum[1]
AEC—(1) United States Atomic Energy Commission; (2) United Nations Atomic Energy Commission (1946–1952)
AEW/ALRI—airborne early warning/airborne long-range radar input
AID—Agency for International Development
AMSA—advanced manned strategic aircraft
ARPA—Advanced Research Projects Agency
art.—article
ASM—air-to-surface missile
ASW—anti-submarine warfare
AWACS—airborne warning and control system
B.C.I.S.—Bureau Central International de Seismologie
BOMARC—Boeing-Michigan Aeronautical Research Center
BMEWS—ballistic missile early warning system
BUIC—backup interceptor control system
/C.1—First (Political and Security) Committee[1]
/C.2—Second Committee[1]
CBW—chemical and biological weapons or warfare
CDU/CSU—Christian Democratic Union/Christian Socialist Union (Germany)
CERN—Conseil Europeen pour la Recherche Nucléaire (now Organisation Européene pour la Recherche Nucléaire)
Com., Comm.—Committee
/CONF.—Conference[1]
Cong.—Congress
COPREDAL—Preparatory Commission for the Denuclearization of Latin America[1]
/Corr.—correction[1]
CPSU—Communist Party of the Soviet Union
CY—Calendar year
DC—Disarmament Commission[1]
DEW—distant early warning
doc.—document
E/—Economic and Social Council[1]
ENDC—Eighteen Nation Disarmament Committee[1]
Euratom—European Atomic Energy Community
Ex. or Exec.—Executive
FAA—Federal Aviation Agency
FAO—Food and Agriculture Organization of the United Nations
FAR—Foreign Area Research Coordination Group, U.S. Department of State
FOBS—fractional orbit bombardment system
FRG—Federal Republic of Germany
FY—fiscal year
G.A.—General Assembly
GC—General Conference
GDR—German Democratic Republic[2]
GNP—gross national product
GSA—General Services Administration
H.—House of Representatives, U.S. Congress
HERP—Harvard Economic Research Project
H.R.—House of Representatives, U.S. Congress
IAEA—International Atomic Energy Agency
ICAO—International Civil Aviation Organization
ICBM—intercontinental ballistic missile
ILO—International Labor Organization
IMCO—Inter-Governmental Maritime Consultative Organization of the United Nations
INF.—information[1]
INFCIRC—information circular
IOC—(1) Intergovernmental Oceanographic Commission of UNESCO;
(2) initial operational capability
IRBM—intermediate-range ballistic missile
IRG—Interdepartmental Regional Group
ISC—International Seismological Center
JCS—Joint Chiefs of Staff
Jt.—Joint
/L.—limited distribution[1]
LASA—Large Aperture Seismic Array
LDC—less developed country
MAR—multi-function array radar

MIRV—multiple, independently-targeted reentry vehicle
M.I.T.—Massachusetts Institute of Technology
MODS—Manned Orbiting Development Station
MSR—missile site radar
NATO—North Atlantic Treaty Organization
NIE—National Intelligence Estimate
NORAD—North American Air Defense Command
NORSAR—Norwegian Seismic Array
NPD—National Democratic Party (Germany)
NPT—nonproliferation treaty
OR—Official Record (IAEA)
OTH—over-the-horizon radar
PAR—perimeter acquisition radar
pt.—part
/PV.—procès-verbal (verbatim record)[1]
prov.—provisional[1]
R.—Report[1]
RAF—Royal Air Force
R&D—research and development
Rept.—Report
Res.—resolution[1]
/Rev.—revision[1]
S.—Senate
S/—Security Council[1]
SAGE—semi-automatic ground environment system
SAM—surface-to-air missile
sec.—section
sess.—session
SIG—Senior Interdepartmental Group
SIPRI—Stockholm International Institute for Peace and Conflict Research
SLBM—submarine- or sea-launched ballistic missile
SPADAT—Space Detection and Tracking System
SPASUR—Space Surveillance System
/SR.—Summary Record[1]
SRAM—short-range attack missile
S.S.R.—Soviet Socialist Republic
Stat.—U.S. Statutes at Large
TACMAR—tactical multi-function array radar
TD/—Trade and Development [U.N. Conference on][1]
TIAS—Treaties and Other International Acts Series
U.A.R.—United Arab Republic
U.C.L.A.—University of California at Los Angeles
UE—unit equipment
U.K.—United Kingdom
U.N.—United Nations
UNCTAD—United Nations Conference on Trade and Development
UNDP—United Nations Development Program
UNESCO—United Nations Educational, Scientific and Cultural Organization
UNGA—United Nations General Assembly
UNIDO—United Nations Industrial Development Organization
U.S.—United States
USA—(1) United States of America; (2) United States Army
USAEC—United States Atomic Energy Commission
U.S.C.—United States Code
USSR—Union of Soviet Socialist Republics
UST—United States Treaties and Other International Agreements
USUN—United States Mission at the United Nations
/WG—working group[1]
WHO—World Health Organization
WWSSN—Worldwide Standard Seismological Network.

[1] Abbreviation used in documents of United Nations organs or international conferences served by the United Nations Secretariat.
[2] Communist regime not recognized by the United States.

LIST OF PRINCIPAL ORGANIZATIONS AND CONFERENCES

Ad Hoc Committee to Study the Peaceful Uses of the Sea-bed and the Ocean Floor Beyond the Limits of National Jurisdiction, 1968.

Established by General Assembly resolution 2340 (XXII), Dec. 18, 1967. Met in three sessions: Mar. 18–Mar. 27, June 17–July 9, Aug. 19–Aug. 30, 1968. *Membership:* Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Canada, Ceylon, Chile, Czechoslovakia, Ecuador, El Salvador, France, Iceland, India, Italy, Japan, Kenya, Liberia, Libya, Malta, Norway, Pakistan, Peru, Poland, Romania, Senegal, Somalia, Thailand, U.S.S.R., U.A.R., U.K., Tanzania, U.S., and Yugoslavia.

Conference of Non-Nuclear Weapon States (NNC).

Convened in accordance with General Assembly resolution 2153 (B) (XXI), Nov. 17, 1966, and the recommendations of the Preparatory Commission for the Conference of Non-Nuclear Weapon States, 1966–1967. Held in Geneva, Aug. 29–Sept. 28, 1968. *Participants:* Afghanistan, Algeria, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Burma, Burundi, Cameroon, Canada, Ceylon, Chile, China, Colombia, Costa Rica, Czechoslovakia, Dahomey, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, Federal Republic of Germany, Finland, France,[1] Ghana, Greece, Guatemala, Hungary, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Laos, Lebanon, Liberia, Libya, Liechtenstein, Luxembourg, Madagascar, Malta, Mauritius, Mexico, Mongolia, Morocco, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Viet-Nam, Romania, San Marino, Saudi Arabia, Somalia, South Africa, Southern Yemen, Spain, Sweden, Switzerland, Syria, Thailand, Trinidad and Tobago, Tunisia, Turkey, Uganda, Union of Soviet Socialist Republics,[1] United Arab Republic, United Kingdom of Great Britain and Northern Ireland,[1] United Republic of Tanzania, United States of America,[1] Uruguay, Venezuela, Yemen, Yugoslavia, and Zambia. *Observers:* IAEA, ILO, and WMO.

Disarmament Commission, 1952– .

Established by General Assembly Resolution 502 (VI), Jan. 11, 1952. Since 1959 the Commission has comprised all U.N. members.[2] It did not meet in 1968.

Eighteen Nation Committee on Disarmament, 1962– .

Announced at the United Nations, Dec. 13, 1961 and endorsed by General Assembly resolution 1722 (XVI), Dec. 20, 1961. Thirteenth session, Jan. 18–Mar. 14, 1968; fourteenth session, July 16–Aug. 28, 1968. *Membership:* Brazil, Bulgaria, Burma, Canada, Czechoslovakia, Ethiopia, France,[3] India, Italy, Mexico, Nigeria, Poland, Romania, Sweden, U.A.R., U.K., U.S., U.S.S.R.: *Permanent Co-Chairmen:* U.S. and Soviet representatives. *Committee of the Whole:* all members.[4] *Subcommittee on a Treaty for the Discontinuance of Nuclear Weapon Tests:* U.K., U.S., U.S.S.R.[4]

International Atomic Energy Agency, 1956– .

Established by Statute of Oct. 26, 1956. *Membership:* 98 in 1968. Twelfth session of General Conference, Sept. 24–30, 1968 in Vienna.

United Nations General Assembly.

22d session (resumed), Apr. 24–June 12, 1968.
23d session, Sept. 24–Dec. 21, 1968.

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[1] Non-voting.
[2] For previous membership, see *Documents on Disarmament, 1960*, p. xii.
[3] France has not participated in the Eighteen Nation Disarmament Committee.
[4] Has not met since 1962.

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Statement by President Johnson on the Revised Draft Nonproliferation Treaty, January 18, 1968 [1]

I am most heartened to learn that the Soviet Union will join the United States, as co-chairman of the Eighteen-Nation Disarmament Committee, to submit a complete text of a treaty to stop the spread of nuclear weapons and that this draft treaty will be submitted today to the Committee in Geneva.[2] This revised text includes an agreed safeguards article and other revisions that will make the treaty widely acceptable.

We have worked long and hard in an effort to draft a text that reflects the views of other nations. I believe the draft presented today represents a major accomplishment in meeting these legitimate interests.

The text submitted today must now be considered further by all governments. Following its review by the conference in Geneva, it will be considered by the General Assembly in the spring. It is my fervent hope that I will be able to submit it to the Senate of the United States for its advice and consent this year.

The draft treaty text submitted today clearly demonstrates an important fact. In the face of the differences that exist in the world, the two nations which carry the heaviest responsibility for averting the catastrophe of nuclear war can, with sufficient patience and determination, move forward. They can move forward toward the goal which all men of good will seek—a reversal of the arms race and a more secure peace based on our many common interests on this one small planet.

I believe history will look on this treaty as a landmark in the effort of mankind to avoid nuclear disaster while ensuring that all will benefit from the peaceful uses of nuclear energy.

This treaty will be a testament of man's faith in the future. In that spirit I commend it to all.

Revised Draft Treaty on the Nonproliferation of Nuclear Weapons, January 18, 1968 [3]

The States concluding this Treaty, hereinafter referred to as the "Parties to the Treaty",

Considering the devastation that would be visited upon all mankind by a nuclear war and the consequent need to make every effort to avert the danger of such a war and to take measures to safeguard the security of peoples,

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[1] ENDC/212, Jan. 19, 1968.

[2] See *infra*.

[3] Submitted to the ENDC by the U.S. delegation as ENDC/192/Rev. 1 and by the Soviet delegation as ENDC/193/Rev. 1. Both documents are identical. For the original draft treaty, see *Documents on Disarmament, 1967*, pp. 338–341.

Believing that the proliferation of nuclear weapons would seriously enhance the danger of nuclear war,

In conformity with resolutions of the United Nations General Assembly calling for the conclusion of an agreement on the prevention of wider dissemination of nuclear weapons,

Undertaking to co-operate in facilitating the application of International Atomic Energy Agency safeguards on peaceful nuclear activities,

Expressing their 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,

Affirming the principle that the benefits of peaceful applications of nuclear technology, including any technological by-products which may be derived by nuclear-weapon States from the development of nuclear explosive devices, should be available for peaceful purposes to all Parties to the Treaty, whether nuclear-weapon or non-nuclear-weapon States,

Convinced that in furtherance of this principle, all Parties to this Treaty are entitled to participate in the fullest possible exchange of scientific information for, and to contribute alone or in co-operation with other States to, the further development of the applications of atomic energy for peaceful purposes,

Declaring their intention to achieve at the earliest possible date the cessation of the nuclear arms race,

Urging the co-operation of all States in the attainment of this objective,

Desiring to further the easing of international tension and the strengthening of trust between States in order to facilitate the cessation of the manufacture of nuclear weapons, the liquidation of all their existing stockpiles, and the elimination from national arsenals of nuclear weapons and the means of their delivery pursuant to a Treaty on general and complete disarmament under strict and effective international control,

Have agreed as follows:

Article I

Each nuclear-weapon State Party to this Treaty undertakes not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly, or indirectly; and not in any way to assist, encourage, or induce any non-nuclear-weapon State to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices.

Article II

Each non-nuclear-weapon State Party to this Treaty undertakes not to receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly, or indirectly; not to manufac-

ture or otherwise acquire nuclear weapons or other nuclear explosive devices; and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices.

ARTICLE III

1. Each non-nuclear-weapon State Party to the Treaty undertakes to accept safeguards, as set forth in an agreement to be negotiated and concluded with the International Atomic Energy Agency in accordance with the Statute of the International Atomic Energy Agency and the Agency's safeguards system, for the exclusive purpose of verification of the fulfillment of its obligations assumed under this Treaty with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices. Procedures for the safeguards required by this Article shall be followed with respect to source or special fissionable material whether it is being produced, processed or used in any principal nuclear facility or is outside any such facility. The safeguards required by this Article shall be applied on all source or special fissionable material in all peaceful nuclear activities within the territory of such State, under its jurisdiction, or carried out under its control anywhere.

2. Each State Party to the Treaty undertakes not to provide: (a) source or special fissionable material, or (b) equipment or material especially designed or prepared for the processing, use or production of special fissionable material, to any non-nuclear-weapon State for peaceful purposes, unless the source or special fissionable material shall be subject to the safeguards required by this Article.

3. The safeguards required by this Article shall be implemented in a manner designed to comply with Article IV of this Treaty, and to avoid hampering the economic or technological development of the Parties or international co-operation in the field of peaceful nuclear activities, including the international exchange of nuclear material and equipment for the processing, use or production of nuclear material for peaceful purposes in accordance with the provisions of this Article and the principle of safeguarding set forth in the Preamble.

4. Non-nuclear-weapon States Party to the Treaty shall conclude agreements with the International Atomic Energy Agency to meet the requirements of this Article either individually or together with other States in accordance with the Statute of the International Atomic Energy Agency. Negotiation of such agreements shall commence within 180 days from the original entry into force of this Treaty. For States depositing their instruments of ratification after the 180-day period, negotiation of such agreements shall commence not later than the date of such deposit. Such agreements shall enter into force not later than eighteen months after the date of initiation of negotiations.

ARTICLE IV

1. Nothing in this Treaty shall be interpreted as affecting the inalienable right of all the Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with Articles I and II of this Treaty.

2. All the Parties to the Treaty have the right to participate in the fullest possible exchange of scientific and technological information for the peaceful uses of nuclear energy. Parties to the Treaty in a position to do so shall also co-operate in contributing alone or together with other States or international organizations to the further development of the applications of nuclear energy for peaceful purposes, especially in the territories of non-nuclear-weapon States Party to the Treaty.

Article V

Each Party to this Treaty undertakes to co-operate to insure that potential benefits from any peaceful applications of nuclear explosions will be made available through appropriate international procedures to non-nuclear weapon States Party to this Treaty on a non-discriminatory basis and that the charge to such Parties for the explosive devices used will be as low as possible and exclude any charge for research and development. It is understood that non-nuclear-weapon States Party to this Treaty so desiring may, pursuant to a special agreement or agreements, obtain any such benefits on a bilateral basis or through an appropriate international body with adequate representation of non-nuclear-weapon States.

Article VI

Each of the Parties to this Treaty undertakes to pursue negotiations in good faith on effective measures regarding cessation of the nuclear arms race and disarmament, and on a treaty on general and complete disarmament under strict and effective international control.

Article VII

Nothing in this Treaty affects the right of any group of States to conclude regional treaties in order to assure the total absence of nuclear weapons in their respective territories.

Article VIII

1. Any Party to this Treaty may propose amendments to this Treaty. The text of any proposed amendment shall be submitted to the Depositary Governments which shall circulate it to all Parties to the Treaty. Thereupon, if requested to do so by one-third or more of the Parties to the Treaty, the Depositary Governments shall convene a conference, to which they shall invite all the Parties to the Treaty, to consider such an amendment.

2. Any amendment to this Treaty must be approved by a majority of the votes of all the Parties to the Treaty, including the votes of all nuclear-weapon States Party to this Treaty and all other Parties which, on the date the amendment is circulated, are members of the Board of Governors of the International Atomic Energy Agency. The amendment shall enter into force for each Party that deposits its instrument of ratification of the amendment upon the deposit of instruments of ratification by a majority of all the Parties, including the instruments of ratification of all nuclear-weapon States Party to

this Treaty and all other Parties which, on the date the amendment is circulated, are members of the Board of Governors of the International Atomic Energy Agency. Thereafter, it shall enter into force for any other Party upon the deposit of its instrument of ratification of the amendment.

3. Five years after the entry into force of this Treaty, a conference of Parties to the Treaty shall be held in Geneva, Switzerland, in order to review the operation of this Treaty with a view to assuring that the purposes and provisions of the Treaty are being realized.

ARTICLE IX

1. This Treaty shall be open to all States for signature. Any State which does not sign the Treaty before its entry into force in accordance with paragraph 3 of this Article may accede to it at any time.

2. This Treaty shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of _____, which are hereby designated the Depositary Governments.

3. This Treaty shall enter into force after its ratification by all nuclear weapon States signatory to this Treaty, and 40 other States signatory to this Treaty and the deposit of their instruments of ratification. For the purposes of this Treaty, a nuclear-weapon State is one which has manufactured and exploded a nuclear weapon or other nuclear explosive device prior to January 1, 1967.

4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Treaty, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or of accession, the date of the entry into force of this Treaty, and the date of receipt of any requests for convening a conference or other notices.

6. This Treaty shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations.

ARTICLE X

1. Each Party shall in exercising its national sovereignty have the right to withdraw from the Treaty if it decides that extraordinary events, related to the subject matter of this Treaty, have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other Parties to the Treaty and to the United Nations Security Council three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

2. Twenty-five years after the entry into force of the Treaty, a Conference shall be convened to decide whether the Treaty shall continue in force indefinitely, or shall be extended for an additional fixed period or periods. This decision shall be taken by a majority of the Parties to the Treaty.

ARTICLE XI

This Treaty, the English, Russian, French, Spanish and Chinese texts of which are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of this Treaty shall be transmitted by the Depositary Governments to the Governments of the signatory and acceding States.

In witness whereof the undersigned, duly authorized, have signed this Treaty.

Done in _____ at _____ this _____ of _____.

Statement by the Soviet Representative (Roshchin) to the Eighteen Nation Disarmament Committee: Draft Non-proliferation Treaty, January 18, 1968 [1]

15. Before coming to my main statement I should like, on behalf of the Soviet delegation, to convey to the Secretary-General of the United Nations, U Thant, through the Special Representative of the Secretary-General, Mr. Protitch, our gratitude for his warm words of welcome and good wishes for the success of our work.

16. The Eighteen-Nation Committee on Disarmament is today resuming its meetings which were suspended during the winter holidays. As before the recess, the main attention of the Committee should in our opinion be devoted to the question of the non-proliferation of nuclear weapons. In the present complicated and tense international situation the solution of the problem of non-proliferation is an extremely urgent task that brooks no delay. Can there be any doubt that the further spread of nuclear weapons would greatly increase the danger of a nuclear war with all its dire consequences for all the peoples of the world? On the contrary, the solution of the non-proliferation problem would undoubtedly have a positive effect on the development of international events in the immediate future and in subsequent years. The conclusion of a treaty on the non-proliferation of nuclear weapons would be an important landmark in the international life of the post-war period on the road to the strengthening of peace and the security of all peoples.

17. The Soviet delegation is today submitting for consideration by the Eighteen-Nation Committee on Disarmament a complete draft treaty on the non-proliferation of nuclear weapons.[2] In considering the question of the non-proliferation of nuclear weapons, the Soviet Union has steadfastly endeavoured to ensure that a treaty on this subject would not contain any loop-holes that might leave channels, direct or indirect, for the proliferation of nuclear weapons. That is precisely the task which it set itself in drafting the most important articles of the treaty, such as articles I and II on the basic obligations of the parties to the treaty. The obligations laid down in these articles for nuclear and non-nuclear States alike are designed to ensure the

[1] ENDC/PV.357, pp. 7–14.
[2] *Supra.*

fulfilment of the basic purpose of the treaty, namely to preclude any possibility of any proliferation whatsoever of nuclear weapons throughout the world.

18. During the preparation of a draft treaty on non-proliferation considerable difficulties arose over the question of control. It was precisely on this question that the opponents of the non-proliferation of nuclear weapons concentrated their efforts to obstruct agreement in this regard. As the preparation of a draft treaty on non-proliferation proceeded, its opponents intensified their attempts to take advantage of unsettled questions and, above all, of the question of control in order to prevent any progress being made in solving the problem of the non-proliferation of nuclear weapons.

19. That is why the draft article on control which has now been submitted is an important step which paves the way for the speedy conclusion of the treaty. In ensuring the fulfilment by all parties of their obligations under the non-proliferation treaty, this article provides for the establishment of international control by the International Atomic Energy Agency (IAEA). This control will be carried out with respect to source or special fissionable material whether it is being produced, processed or used in any principal nuclear facility or is outside any such facility. Thus IAEA control will be applied on all source or fissionable material in the peaceful nuclear activities of non-nuclear weapon States within their territories or carried out under their control anywhere.

20. Of course, control should not entail interference in the domestic affairs of States or hamper their economic development. A special provision in the article on control provides for the unhampered utilization by all parties to the treaty of nuclear energy for peaceful purposes, for their economic and technical development, including international co-operation in the field of peaceful nuclear activities. The article on control provides for the establishment of conditions for the effective verification of the fulfilment of the obligation to prevent diversion of nuclear energy from peaceful uses to nuclear weapons; and at the same time it maintains the broadest possibilities for the peaceful development of nuclear energy in non-nuclear weapon countries.

21. During the discussion in the Committee of the draft treaty on non-proliferation, important proposals were made concerning changes in the treaty and amendments to it. These proposals were carefully considered by the Soviet side, as well as by the co-Chairmen. The revised draft treaty on non-proliferation now submitted by the Soviet Union for the Committee's consideration includes, besides an article III on control, a number of new articles and provisions, drafted with due regard to the considerations and proposals put forward in the Committee and outside it and in particular at the twenty-second session of the General Assembly.

22. During the discussion of the draft treaty on the non-proliferation of nuclear weapons, considerable attention was given to the question of the peaceful uses of nuclear energy. Many delegations expressed satisfaction that the draft treaty submitted on 24 August 1967 included an article devoted to this problem.[3] At the same time the wish was

[3] *Documents on Disarmament, 1967*, pp. 338-341.

expressed that the rights of non-nuclear States in regard to the peaceful uses of nuclear energy should be set forth in greater detail in the treaty. The wishes expressed and the amendments submitted by representatives in this regard were given extensive consideration during the previous session of the Committee.

23. In this question the Soviet side bases itself on the premise that a treaty on the non-proliferation of nuclear weapons should contribute to the development of all peaceful uses of nuclear energy in all countries, nuclear and non-nuclear. In comparison with the text submitted on 24 August 1967, the new text of article IV on the peaceful uses of nuclear energy sets forth in greater detail the right of all parties to the treaty, nuclear and non-nuclear alike, to participate in exchange of scientific and technological information for the peaceful uses of nuclear energy and to co-operate in contributing to the further development of the applications of nuclear energy for peaceful purposes. The new text also emphasizes the intention of parties to the treaty to devote special attention to the development of the applications of nuclear energy for peaceful purposes in the territories of non-nuclear States parties to the treaty.

24. During the discussion of the draft treaty on the non-proliferation of nuclear weapons, considerable attention was devoted in the Committee to the question of peaceful nuclear explosions. It was pointed out that the technology required for the manufacture of peaceful nuclear explosive devices was the same as the technology of the manufacture of nuclear weapons. It was emphasized that explosive devices for peaceful nuclear explosions could be a source of colossal devastation if they were used during military operations. It was also pointed out that the transfer of nuclear explosive devices for peaceful nuclear explosions to, or their manufacture by, non-nuclear weapon countries is a form of proliferation of nuclear weapons which must be prohibited in accordance with the purposes and spirit of the treaty on the non-proliferation of nuclear weapons being drafted by us.

25. At the same time the opinion was expressed that the non-nuclear countries should enjoy the benefits derived from the conducting of peaceful nuclear explosions for the implementation of their national economic development plans, and that these benefits should be made available to non-nuclear weapon countries on a non-discriminatory basis and favourable terms, and that this question should be the subject of a special international agreement.

26. The position of the Soviet Union on this question is well-known. We consider that for the treaty on the non-proliferation of nuclear weapons to become a really effective and reliable international instrument, it must extend its prohibition also to nuclear explosive devices used for peaceful purposes. At the same time, we realize that the renunciation by non-nuclear weapon countries of the manufacture or acquisition of nuclear explosive devices should in no way cause them any detriment if in future the need should arise for them to conduct peaceful nuclear explosions for the implementation of particular projects connected with the development of their national economies. In accordance with the discussion that took place in the Committee, the revised draft treaty on non-proliferation includes a separate article on peaceful nuclear explosions which has been drafted with due regard to the wishes put forward by the non-nuclear countries in this regard.

27. In discussing the draft treaty, some members of the Committee expressed the wish to include in the treaty provisions which would establish a closer link between the non-proliferation treaty and subsequent steps in the field of nuclear and general disarmament. The preamble to the draft treaty submitted to the Committee on 24 August 1967 contained a provision concerning the intention of the States parties to the treaty to agree at the earliest possible date on specific disarmament measures. That provision met with a favourable response in the Committee. At the same time, some delegations expressed the view that such a provision should be included in the treaty in the form of a separate article.

28. The Soviet Union, as an advocate of the speediest implementation of disarmament measures, is in favour of a radical solution of this problem and is prepared to take without delay effective steps in this regard. In view of the discussion which took place in the Committee on this subject, there has been included in the draft treaty a new article which provides for an undertaking by the parties to pursue negotiations in good faith on effective measures regarding cessation of the nuclear arms race and disarmament, and on a treaty on general and complete disarmament under strict and effective international control. The provisions of this article, which reflects the wishes of a number of delegations, will be an expression of the determination of the States parties to the treaty to do everything to ensure the speediest progress in solving disarmament questions.

29. At the same time, the inclusion in the text of the treaty of obligations in regard to various specific measures of nuclear disarmament, however, desirable they might be, is extremely difficult. In drafting the aforesaid article we based ourselves on the premise that the treaty on the non-proliferation of nuclear weapons is not an end in itself but merely a step towards the achievement of nuclear and general disarmament, which should create favourable conditions for agreement on other disarmament measures and above all nuclear disarmament. The attempt to tie up in a single package the non-proliferation of nuclear weapons together with other complicated questions of nuclear disarmament on which the positions of the parties at present greatly diverge would merely create new obstacles in our negotiations and would in fact render more difficult or even prevent the achievement of an agreement on non-proliferation.

30. During the discussion on the draft treaty in the Committee there was put forward a proposal to include in the form of a treaty article a provision to the effect that the non-proliferation treaty should not affect the right of any group of States to conclude regional treaties in order to assure the total absence of nuclear weapons in their respective territories. This proposal has been embodied in the revised draft treaty on non-proliferation. The Soviet Union regards the establishment of nuclear-free zones as an important step in averting the threat of a nuclear war and reducing international tension.

31. During the discussion of the draft treaty on non-proliferation, views were expressed regarding the desirability of limiting the validity of the treaty to a certain period of time. Taking into account the wishes expressed in this regard, it is proposed that provision should be made for convening a conference of the parties twenty-five years after the

entry into force of the treaty to decide whether the treaty is to continue in force indefinitely or whether a certain period of validity is to be laid down.

32. In the revised draft treaty it is further proposed to lay down that the treaty on the non-proliferation of nuclear weapons shall enter into force after its ratification by all nuclear-weapon States signatory to the treaty and forty other States signatory to the treaty, and the deposit of their instruments of ratification. This proposal is intended to give the treaty on the non-proliferation of nuclear weapons a broad international character.

33. Many members of the Committee have expressed the wish to change the procedure for the entry into force of amendments to the treaty so that such amendments would enter into force only for those parties to the treaty which approved them. For the other parties to the treaty the amendments would enter into force only when those States had deposited instruments of ratification regarding their acceptance of the amendments to the treaty. That wish is reflected in the revised draft treaty submitted today.

34. In presenting today for consideration by the Eighteen-Nation Committee the full text of a draft treaty on non-proliferation with amendments based upon proposals by other States, the Soviet delegation expresses the hope that this will contribute to the speedy conclusion of such a treaty. We are firmly convinced that the present draft, which complies with the well-known recommendations of the United Nations General Assembly and takes into account to the greatest possible extent the positions of the overwhelming majority of States in regard to ways of solving the non-proliferation problem, provides a solution to the problem of preventing the spread of nuclear weapons.

35. Now our common task is to pave the way by our joint efforts to the speedy conclusion of a non-proliferation treaty. We consider that after the full text of the draft treaty has been placed on the table of the negotiations, attempts artificially to delay the completion of the elaboration of a draft treaty can only play into the hands of those who are striving to prevent solution of the non-proliferation problem and at the same time cessation of the nuclear arms race. The Soviet side will make every effort to achieve the speedy conclusion of a treaty on the non-proliferation of nuclear weapons.

36. Mr. Chairman: Before concluding our statement, we should like to be associated with the words of welcome addressed by you to all members of the Committee and also to the members of the United Nations Secretariat and to our new colleagues in the Eighteen-Nation Committee, the representatives of India and Mexico.

37. I am very happy to welcome to our midst the representative of India, Ambassador Husain, and to resume co-operation with him in the international field. I remember with great pleasure our joint work with Mr. Husain ten years ago in London, where we both held diplomatic posts. We should like to wish Mr. Husain success in his work in his important new post and, in particular, as the representative of India in the Eighteen-Nation Committee on Disarmament.

38. We have great pleasure in seeing once again in our midst the representative of Mexico, Ambassador Gomez Robledo, whose co-operation in the Eighteen Nation Committee was so effective and use-

ful in past years, in 1965 and 1966. We recall this fruitful co-operation with great warmth, and wish Mr. Gomez Robledo further success and every good fortune in his new, or rather his resumed, activity as representative of Mexico in our Committee.

Statement by ACDA Deputy Director Fisher to the Eighteen Nation Disarmament Committee: Draft Nonproliferation Treaty, January 18, 1968 [1]

39. I should now like to take the floor in my capacity as the representative of the United States.

40. The two identical draft non-proliferation treaties which were presented for the consideration of this Committee on 24 August 1967 [2] were the product of the best efforts of the co-Chairmen, over a long and difficult period, to formulate an agreement which would be as broadly acceptable and effective as possible. In submitting one of those identical drafts we made no claim to perfection, but the United States delegation believes that the draft we presented offers a realistic basis for agreement.

41. The discussions which have taken place here since the draft was presented are, I think, ample evidence that it was not presented on a take-it-or-leave-it basis. My delegation has appreciated the many thoughtful comments on our efforts made by members of the Committee, all of whom have entered into the discussion since last August.

42. Many of the delegations have made specific suggestions for improving the draft in a variety of ways. Eight of the members of the Committee have introduced formal amendments. In addition, we have received comments and suggestions from governments not represented in this Committee. There has been a great deal of constructive comment on these various suggestions and amendments, all of which the co-Chairmen have carefully taken into consideration.

43. As a result, we are able today to record a further, major advance in our common efforts to develop the draft into an even more widely acceptable treaty by proposing certain changes and additions to the August draft. We are presenting these changes and additions in the form of a revised treaty draft.[3] As was the situation in the case of the initial draft treaty presented in August, the revised treaty draft is a recommendation for discussion and negotiation in this Committee and for the consideration of all governments. The changes and additions included in it address themselves to most of the major concerns which have been raised in the course of our recent discussions.

44. As was the case in August, we could not, of course, expect governments to be committed to this draft at this point, since we shall all want to discuss this draft in the session of this Committee which lies ahead. We believe, however, that the proposals we are making today will carry us a long way towards that final completion of the treaty which we seek.

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[1] ENDC/PV.357, pp. 14–21, and Corr. 1.
[2] *Documents on Disarmament, 1967*, pp. 338–341.
[3] *Infra*, pp. 1–6.

45. We recognize the interest of governments not represented on this Committee in having their views on the draft non-proliferation treaty made known during this next and crucial stage in the elaboration of the treaty. A procedure already exists for the circulation within the Committee of the views of non-members. In addition, we may expect the report of this Committee to be considered at a resumed session of the General Assembly of the United Nations.

46. The revised treaty draft does not deal with security assurances—a remaining area of concern which is still being studied—but the co-Chairmen remain mindful of their pledge to provide the Committee with a recommendation for dealing with this complex and difficult problem.

47. Because of the importance of the proposed changes and additions to the August draft, and in view of the great interest attached to them, I should like to discuss them in some detail. This will require a rather lengthy statement, for which I apologize to the Committee, but we are dealing with an important subject. I will not attempt to specify each of the suggestions from other delegations which have inspired or contributed to our modified text; rather, I should like to emphasize again that the co-Chairmen have carefully considered all the proposals which have been advanced in this Committee and elsewhere.

48. As we all recall, the draft non-proliferation treaty text submitted by my delegation on 24 August 1967 omitted temporarily the text of article III—the article intended to contain the important provisions on international safeguards. As we also all know, complex and difficult negotiations between the co-Chairmen continued, in which we sought to draft a practical and effective safeguards article which would take into account the interests of all countries desiring to adhere to the treaty. I think it is fair to say that in those negotiations we were greatly encouraged, and our progress was significantly accelerated, by the many statements made to this Conference in support of such a safeguards article. Our negotiations have been successful, and I am pleased to state that the revised treaty text submitted today does include a draft of article III.

49. I should like to present now a brief explanation of the provisions of article III. The first of its four paragraphs prescribes the application of treaty safeguards to all source or special fissionable material employed in peaceful nuclear activities of non-nuclear-weapon parties. Furthermore, it provides that the safeguards are intended solely to verify the fulfilment of obligations assumed under the treaty and that the safeguards shall be as set forth in an agreement negotiated and concluded with IAEA in accordance with the Statute of the International Atomic Energy Agency (IAEA) and with the IAEA safeguards system.

50. I should like to note at this point that the reference to the Agency's safeguards system in this first paragraph should not be construed as incorporating the present IAEA safeguards system documents in the treaty in the sense that a treaty amendment would be required to revise the IAEA safeguards documents. This interpretation is reinforced by the preambular expression of support for research

and development on safeguards within the general framework of the IAEA safeguards system, which itself provides for periodic review in the light of further experience as well as of technological developments.

51. The second paragraph prohibits the provision by any of the parties of (a) source or special fissionable material or (b) equipment or material especially designed or prepared for the processing, use or production of special fissionable material to any non-nuclear-weapon State for peaceful purposes, unless the source or special fissionable material shall be subject to the treaty safeguards.

52. The third paragraph prescribes that the treaty safeguards be implemented so as to comply with article IV of the treaty—that is the article dealing with co-operation in peaceful uses—and to avoid hampering the economic or technological development of the parties or international co-operation in the field of peaceful nuclear activities.

53. In the final paragraph of article III the first sentence provides:

> **Non-nuclear-weapon States Party to the Treaty shall conclude agreements with the International Atomic Energy Agency to meet the requirements of this Article either individually or together with other States in accordance with the Statute of the International Atomic Energy Agency.**

This provision permits the IAEA to enter into an agreement concerning the safeguards obligations of the parties with another international organization the work of which is related to IAEA and the membership of which includes the parties concerned.

54. The remainder of the final paragraph provides schedules for the commencing of negotiations of safeguards agreements, as well as for their entry into force.

55. In formulating the draft article III which we are presenting today, we have been guided by several principles regarding treaty safeguards and safeguards agreements provided by this article. I should like to enumerate these principles for you:

1. There should be safeguards for all non-nuclear-weapon parties of such a nature that all parties can have confidence in their effectiveness. Therefore safeguards established by an agreement negotiated and concluded with the IAEA in accordance with the Statute of the IAEA and the Agency's safeguards system must enable the IAEA to carry out its responsibility of providing assurance that no diversion is taking place.

2. In discharging their obligations under article III, non-nuclear-weapon parties may negotiate safeguards agreements with the IAEA individually or together with other parties; and, specifically, an agreement covering such obligations may be entered into between the IAEA and another international organization the work of which is related to the IAEA and the membership of which includes the parties concerned.

3. In order to avoid unnecessary duplication, the IAEA should make appropriate use of existing records and safeguards, provided that under such mutually-agreed arrangements IAEA can satisfy itself that nuclear material is not diverted to nuclear weapons or other nuclear explosive devices.

56. The United States attaches great importance to the inclusion of effective safeguards in the non-proliferation treaty. This was strik-

ingly underlined by President Johnson when he announced on 2 December the intention of the United States to accept IAEA safeguards—when such safeguards come into effect under the non-proliferation treaty—on all its nuclear activities, excluding only those having direct national security significance.[4] This offer demonstrates the confidence of the United States that safeguards will not impose industrial, economic or any other burdens on treaty signatories.

57. I believe that the safeguards article we are presenting today serves two major and beneficial purposes. First, it will verify important treaty obligations and thereby serve as an important instrument for reducing tensions and increasing trust. Second, the extensive application of treaty safeguards will reduce concern about providing source and special fissionable material, specialized equipment and information to non-nuclear-weapon States. It will thus provide a significant impetus for accelerated co-operation among all parties in the development of peaceful nuclear research and industry.

58. The safeguards article we are presenting is one which we believe will greatly strengthen the draft treaty provisions already before us and which we are confident is in the interest of all potential parties, both nuclear-weapon and non-nuclear-weapon States. It has been the product of complex and extensive negotiations. We are confident that the safeguards provided by this article are practical and effective, and will in fact do much to promote the basic purpose of non-proliferation which we are all here to see implemented by this treaty.

59. Following article III, the safeguards article which I have just discussed, we have introduced a revised article IV. Our purpose is to include even stronger and more positive provisions for the protection of peaceful uses of nuclear energy. A suggestion along this line was first made by Mr. Castañeda of Mexico.[5] A number of other delegations supported his suggestion or made related proposals of their own.

60. The amendment we suggest today divides the article into two paragraphs and casts that part dealing with scientific exchanges and assistance in a positive form. Most importantly, the article affirms the legal obligation of the parties to co-operate in contributing to the further development of the applications of nuclear energy for peaceful purposes. The article also provides that such contributions may be made either alone or with other States or with international organizations. Finally, the last phrase of the article stresses that international co-operation should be especially directed towards development of peaceful nuclear applications in the territories of non-nuclear-weapon States.

61. The revised non-proliferation treaty contains a new article V concerning the sharing of potential benefits from peaceful applications of nuclear explosive devices. In the August draft this subject was treated in the preamble in the form of a declaration of intention. Several members of this Committee, however, suggested that the clause should be formulated in general terms as an express obligation in the body of the treaty.

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[4] *Documents on Disarmament, 1967*, pp. 613–615.
[5] *Ibid.*, pp. 394 ff.

62. The new article V, which would replace the present paragraph in the preamble, does set forth a formal commitment. It enunciates the obligation of the parties to co-operate for the purpose of ensuring that potential benefits from any peaceful application of nuclear explosives will be made available to non-nuclear-weapon parties, either bilaterally or through appropriate multilateral procedures. Whatever channel is used, this new text makes clear that these benefits must be made available on a non-discriminatory basis. In addition to the fact that there can be no discrimination, the charge for explosive devices used should be as low as possible and exclude any charge for research and development. It is also provided that non-nuclear-weapon parties so desiring may obtain any such benefits through an appropriate international body and that body should have adequate representation of the non-nuclear-weapon States. This article should therefore remove any concern by non-nuclear-weapon States that they might be dependent merely on the good will of the nuclear Powers for the performance of nuclear explosive services for peaceful purposes.

63. A new article VI is also contained in the revised treaty text. Pursuant to this article, nuclear-weapon States parties to the treaty undertake to pursue negotiations regarding cessation of the nuclear arms race and disarmament. In framing this significant new article, we have drawn profitably and widely from many suggestions which have been advanced during this Committee's deliberations. Those suggestions have been very closely linked with the principles enunciated in General Assembly resolution 2028 (XX) that the treaty should embody an acceptable balance of obligations and should be a step towards achievement of nuclear disarmament.[6]

64. Mr. Foster, in his statement of 14 September 1967, discussed in some detail how the draft treaty of 24 August 1967 already accorded with those principles, and he listed the significant obligations and responsibilities which it required nuclear parties to undertake. He also emphasized that the treaty as a whole would be a step towards disarmament and that without it nuclear disarmament would become more and more difficult to achieve.[7]

65. From the recommendations which other members of the Committee have made on this subject, it is clear that our desire, the desire of all of us, to facilitate and not complicate subsequent nuclear disarmament negotiations is widely shared. As Mr. Castañeda has pointed out, although the nuclear Powers cannot actually undertake to conclude particular future disarmament agreements among themselves at this stage, they can undertake to initiate and pursue negotiations in good faith in order to conclude such agreements.[8] That is essentially the content which has been given to the obligation which we are recommending be incorporated into the body of the treaty.

66. The new draft article constitutes a solemn affirmation of the responsibility of nuclear-weapon States to strive for effective measures regarding cessation of the nuclear arms race and disarmament. Moreover, the article does not make the negotiation of these measures conditional upon their inclusion within the framework of a treaty on general and complete disarmament.

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[6] *Ibid., 1965*, pp. 532–534.
[7] ENDC/PV. 330, pp. 4–8.
[8] *Documents on Disarmament, 1967*, p. 400.

67. I should point out that, while adding this significant new article on disarmament, we do not propose to delete the preambular paragraphs on this subject which are at present contained in the co-Chairmen's drafts. That is to say, the preamble will continue to include what Mr. Castañeda characterized as "Very important statements of intention . . . concerning the disarmament negotiations between the nuclear Powers."[9]

68. A new article VII contains the principle, previously expressed in the preamble, that nothing in this treaty affects the right of any group of States to conclude regional treaties in order to ensure the total absence of nuclear weapons from their respective territories. In our view, that principle had been appropriately expressed in the preamble. Nevertheless, we agree with Mr. Castañeda that the proposed change would amplify the importance of the principle; and, since members of the Committee have expressed only approval for his suggestion, we are pleased to incorporate it.

69. The provisions for amending the treaty, in what is now draft article VIII, have been changed so as to provide in paragraph 2 that amendments shall enter into force only for those parties that accept them. This significant modification has been made to meet the concern expressed by several members of the Committee that States which had freely chosen to become parties might later find themselves unwillingly bound by unforeseen amendments ratified by a majority of the parties. The other provisions of this article remain unchanged, including that which assigns an important role in the amendment procedure to non-nuclear-weapon parties members of the Board of Governors of the IAEA.

70. In the revised treaty text we have filled one of the blanks in what is now article IX. Paragraph 3 of this article now stipulates that the treaty shall enter into force after forty non-nuclear-weapon signatories, plus all the nuclear-weapon signatories, have deposited their instruments of ratification. After careful consideration of several suggestions for filling this blank, we have concluded that requiring the ratification of forty non-nuclear-weapon signatories would ensure that when the treaty enters into force it will begin without any delay to achieve its vital purpose of halting the proliferation of nuclear weapons.

71. The last change which the co-Chairmen are recommending today concerns the provisions for the treaty's duration. The new language is found in what is now paragraph 2 of article X. While remaining mindful of the strength of the arguments for a treaty of unlimited duration, the co-Chairmen have carefully considered the comments of those members of the Committee who have expressed concern about a treaty of this type having no limit in time. As a consequence we have included a provision for a conference to meet twenty-five years after the treaty has entered into force to decide how much longer the treaty should continue. In recommending this change, the co-Chairmen have also recognized the widespread desire that the treaty be assured a life-span adequate to enable it to serve effectively as a stable foundation upon which other vitally-needed measures of nuclear disarmament can be built.

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[9] *Ibid.*

72. In concluding my remarks, I should like to point out that the incorporation of the many new treaty provisions which we are recommending today marks another major milestone on the path towards achievement of a widely-acceptable non-proliferation treaty. For this progress we are indebted to the members of this Committee whose constructive comments contributed so significantly to the formulations recommended today. I trust that the revised text will be found to meet the essential concerns they have expressed and that, as a result, we can proceed to the next phase of our work—the preparation of a definitive text for the consideration of the General Assembly, a text which can command the widest possible support. That concludes my remarks as the representative of the United States.

Message From Prime Minister Wilson to the Eighteen Nation Disarmament Committee: Nonproliferation of Nuclear Weapons, January 18, 1968 [10]

With the resumption of the Eighteen Nation Disarmament Committee, the negotiations for the Treaty on the non-proliferation of nuclear weapons to which the Committee has devoted so much effort move to their crucial stage. I am glad that agreement has been reached on a complete text to be tabled at the opening of this session and hope that the Treaty will soon be opened for signature.

The early conclusion of this Treaty will not only constitute a major arms control achievement; it should also open the way to further progress in the field of disarmament.

I send the Disarmament Committee my best wishes for a constructive session.

Letter From President Johnson to the President of the Senate and the Speaker of the House of Representatives: Nonproliferation of Nuclear Weapons and Extension of ACDA, January 24, 1968 [1]

Dear Mr. President: (Dear Mr. Speaker:)

In August 1965, I said:

> President Eisenhower and President Kennedy sought, as I seek now, the pathway to a world in which serenity may one day endure. There is no sane description of a nuclear war. There is only the blinding light of man's failure to reason with his fellow man, and then silence.[2]

Now as then arms control is the most urgent business of our time.

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[10] ENDC/211.
[1] *Weekly Compilation of Presidential Documents*, Jan. 29, 1968, pp. 122-123.
[2] *Documents on Disarmament, 1965*, p. 354.

If men can join together with their neighbors to harness the power of nuclear energy for peaceful progress, they can transform the world. If not, they may well destroy the world.

This is the ultimate test of our century. On our response rests the very survival of this nation and the fate of every living creature on this planet.

The Arms Control and Disarmament Agency speaks for the United States in this critical area.

I urge the Congress to extend its life for three years and to authorize the necessary appropriations.

Just over five years ago the world looked over the brink of nuclear holocaust. The Cuban missile crisis brought home to every man and woman the unspeakable personal horror of nuclear war. It posed the problem, not in terms of megatons and megadeaths, but in terms of a man's home destroyed and his family wiped off the face of the earth.

One year later, the world took the first great step toward nuclear sanity—the Limited Test Ban Treaty.[3]

From that treaty was born a common spirit and a common trust. National agendas were revised. Priorities were rearranged. Nations around the world joined in the quest for freedom from nuclear terror.

The United Nations passed a resolution against bombs in orbit.[4] The United States and the Soviet Union installed a "hot line" between Washington and Moscow which has already been used to protect the peace.[5] Last year a new treaty went into effect to preserve outer space for the works of peace.[6]

The Arms Control and Disarmament Agency played a central role in all these important advances. Now the energy and perseverance of Director William Foster and his colleagues have brought us close to the next great step forward: a treaty banning the spread of nuclear weapons.

The United States and the Soviet Union have agreed to a complete draft Non-Proliferation Treaty and submitted it to the Eighteen-Nation Disarmament Committee in Geneva for consideration by other nations.[7] This draft already reflects many of the interests and views of the nations which do not now have nuclear weapons. We believe such a treaty represents the most constructive way to avoid the terrible dangers and the criminal waste which all men recognize would flow from the further spread of nuclear weapons.

For at least twenty-five years, this treaty would:

—Prohibit any nuclear weapon state from transferring to any recipient, either directly or indirectly, any nuclear explosive device or the control of any such device;

—Prohibit any nuclear weapon state from helping non-nuclear weapon nations to develop their own nuclear weapons;

—Prohibit any non-nuclear weapon state from receiving nuclear weapons and from manufacturing its own weapons;

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[3] *Ibid.*, *1963*, pp. 291–293.
[4] *Ibid.*, p. 538.
[5] *Ibid.*, pp. 236–238.
[6] *Ibid.*, *1967*, pp. 38–43.
[7] *Ante*, pp. 1–6.

--Provide for verification that no nuclear materials are diverted by non-nuclear weapon states to produce explosive devices;

—Encourage cooperation between nuclear and non-nuclear nations to insure that all will benefit from the peaceful uses of nuclear energy.

This treaty will not end tensions between nations nor will it eliminate the shadow of nuclear war which now menaces all mankind. But it will reduce the chances of nuclear disaster arising from local disputes.

It will avoid the tragic waste of resources on nuclear weapon technology by countries whose first and overriding concern must be economic growth and social progress.

And it will, we hope, bring world-wide acceptance of nuclear safeguards inspection as the basic protection which every nation must afford itself and its neighbors.

This treaty looks to the day when a final answer to the nuclear weapons problem will be possible. It does not limit the right or capacity of any present nuclear power to produce nuclear weapons. It does call for further negotiations to end the nuclear arms race and to move down the road to general and complete disarmament.

The lesson of the nuclear era is that this most sacred of human hopes will not be realized through intimidation of one nation by another nor by a single stroke of diplomacy. It will follow months and years of steady, patient effort. It will come step by step as men grow in wisdom and nations grow in responsibility.

The Non-Proliferation Treaty is not a creation of the United States. It is not a creation of the United States and the Soviet Union. It is the creation of all nations, large and small, who share the knowledge and the determination that man can and must and will control these cosmic forces he has unleashed.

When this Treaty comes into force, it will be for all the world the brightest light at the end of the tunnel since 1945.

Sincerely,

LYNDON B. JOHNSON

Chinese Communist Statement on the Draft Nonproliferation Treaty, January 24, 1968 [1]

The complete text of the so-called "nuclear nonproliferation" draft treaty jointly cooked up by U.S. imperialism and the Soviet revisionist clique was submitted to the 17-nation "disarmament" conference in Geneva on January 18. This is a landmark of the stepped-up counter-revolutionary global collusion between U.S. imperialism and the Soviet revisionist clique in conditions where the international situation is becoming more and more unfavourable to them.

This so-called "complete text" includes provisions for "international safeguards and controls" which were found wanting in the U.S.–Soviet

[1] *Renmin Ribao*, Jan. 24, 1968; *Peking Review*, Feb. 9, 1968, pp. 28–29. The draft treaty appears *ante*, pp. 1–6.

draft put forward last August,[2] and also some stylistic changes in the old draft. But whatever changes there may be, the aim of the treaty remains the same, that is, to deprive the "non-nuclear" nations under U.S.–Soviet nuclear threat of their right to develop nuclear weapons and to place some countries under the U.S. imperialist and Soviet revisionist nuclear "umbrella" so that U.S. imperialism and Soviet revisionism can maintain their status of "nuclear overlords." Therefore, the tabling of the "complete text" is noteworthy not so much for its contents as for the counter-revolutionary political trend of U.S. imperialism and Soviet revisionism indicated by this move.

As everybody knows, when the United States and the Soviet Union first went into partnership to produce this so-called "nuclear nonproliferation treaty," their chief purpose was to bind China hand and foot and prevent it from possessing nuclear weapons. This plot was frustrated by the great success of China's nuclear tests. But the U.S. imperialists and the Soviet revisionists are bent on using such a treaty in attempts to stir up anti-China sentiments. It is out of their common need to intensify the opposition to China, to communism, to the people and revolution that they have hurriedly come out with a "complete text" of this treaty at the very beginning of the new year.

In his "State of the Union Message" delivered recently, Lyndon Johnson openly went on record that the Soviet revisionist clique which betrays the world's revolutionary people is his chief friend, and that China which firmly supports them is his major enemy. He called for closer U.S.–Soviet collaboration against China to help U.S. imperialism out of its internal and external difficulties and urged that an agreement be reached on a "nuclear nonproliferation treaty" as the first "important step" towards the strengthening of such "international-cooperation."[3] In quick response, the Soviet revisionist clique clinched a deal with U.S. imperialism. Close "co-operation" indeed! This has once again revealed clearly the renegade face of the Soviet revisionist clique as an active servant of U.S. imperialism. It shows beyond all doubt that Brezhnev, Kosygin and their kind are the No. 1 accomplice of U.S. imperialism.

It can be predicted with certainty that the counter-revolutionary collusion between U.S. imperialism and Soviet revisionism, with the submission of the complete text of the draft treaty for a start, will be tightened step by step in the new year, as the storm of world revolution blows harder. Just as our great leader Chairman Mao has pointed out, "Historically, all reactionary forces on the verge of extinction invariably conduct a last desperate struggle against the revolutionary forces. . . ." But such desperate struggle is the very signal of the approach of victory for the revolutionary people. All counter-revolutionary actions jointly undertaken by U.S. imperialism and Soviet revisionism are but nooses fastened round their own necks.

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[2] *Documents on Disarmament, 1967*, pp. 338–341.

[3] *Weekly Compilation of Presidential Documents*, Jan. 22, 1968, p. 72.

Statement by the United States Atomic Energy Commission on Project Gasbuggy, January 25, 1968 [1]

The United States Atomic Energy Commission and other project participants released today the preliminary technical data obtained from Project Gasbuggy. Project Gasbuggy is the first joint government-industry experiment in the AEC's Plowshare Program to develop the peaceful uses of nuclear explosives.

The detonation occurred on December 10, 1967 near Farmington, New Mexico. The limited seismic data analyzed to date indicate that the explosion released approximately 26 kilotons of energy.

The specific objective of Project Gasbuggy is to obtain data to help determine whether nuclear explosives can be used to stimulate production and recovery of natural gas from formations where gas is not presently economically recoverable by conventional means. The experiment is being conducted jointly by the El Paso Natural Gas Company, the Department of the Interior, and the AEC. The technical programme is under the direction of the Lawrence Radiation Laboratory at Livermore, California, operated for the AEC by the University of California. The final results of Project Gasbuggy are not expected to be known for about a year.

Re-entry drilling was completed on January 10, 1968 and indicates that a chimney of broken rock formed as expected. The top of this chimney is 3,907 feet below the surface of the ground which gives a chimney height of 333 feet. Pre-shot calculations had indicated that a layer of coal, located 334 feet above the explosion point would stop the formation of the chimney at that height. The agreement between calculations and the actual chimney height is considered remarkably good. The fact that the chimney height was so close to that expected gives increased confidence that other pre-shot calculations such as the 78-foot chimney radius may be also approximately correct. Other measurements indicate that the chimney was formed by collapse within a minute after the explosion.

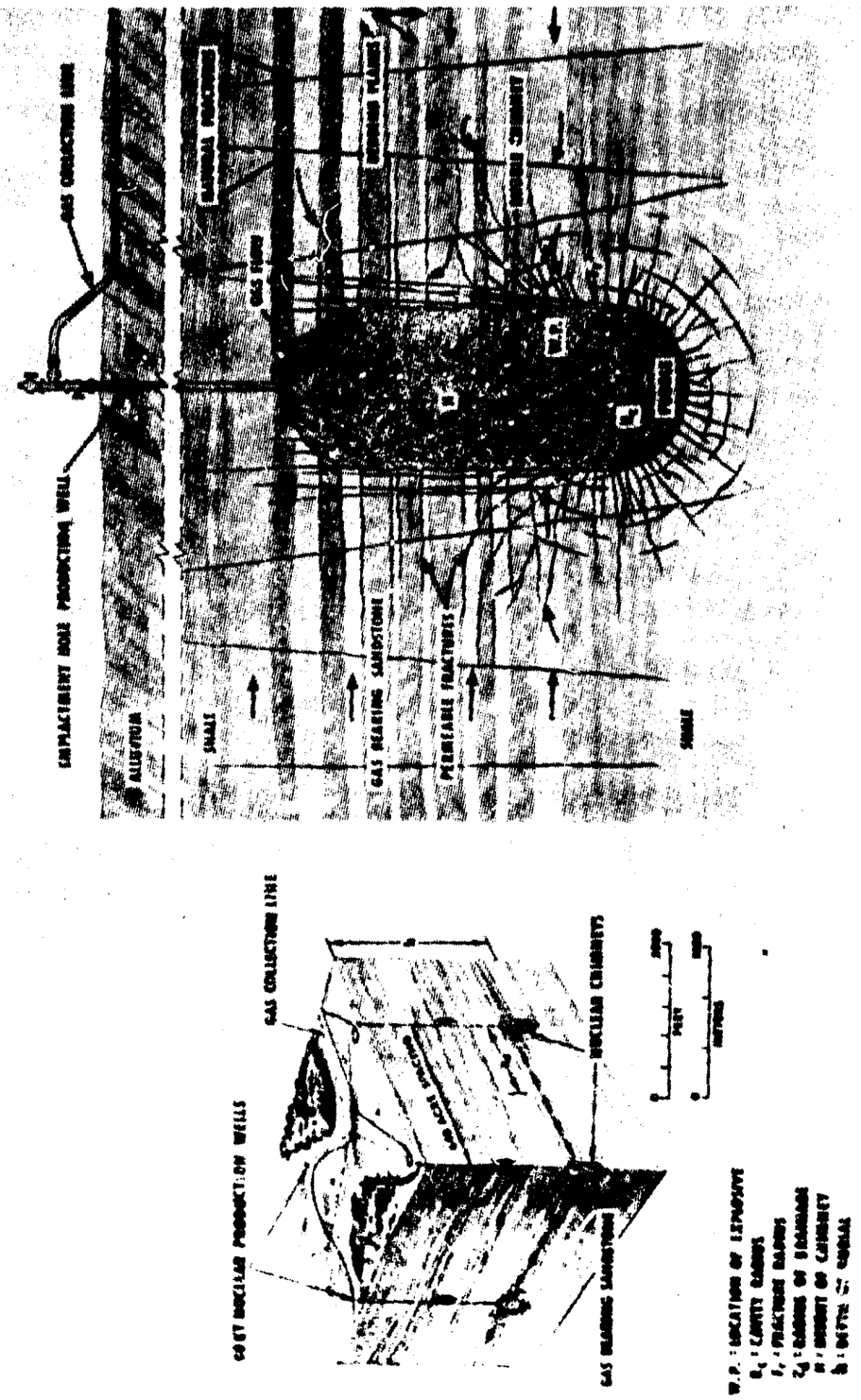
At the time of the explosion the instrumentation designed to measure the extent of fracturing in rock around the chimney indicated that such fractures were formed and extend out to about 440 feet. The pre-shot prediction of the extent of such fracturing was about 390 feet.

The chimney formation and the extent of the fracturing are important since the rate at which natural gas flows into the well is determined by the permeability of the rock and the pressure of the gas within the rock. Thus, the size of the chimney of broken rock and the extent of the fractures extending outward from it, determine the increase in the recoverable gas.

The measurements of gas pressure in the Gasbuggy reservoir prior to detonation revealed a gas pressure of about 1,050 pounds per square inch. The gas pressure, measured after the explosion currently is 833 pounds per square inch at the surface which indicates the pressure in the chimney now to be about 950 pounds per square inch. The lower pressure results from the fact that the explosion created about

[1] ENDC/213, Jan. 25, 1968.

GAS RESERVOIR STIMULATION



two million cubic feet of void space between the broken rock in the chimney into which gas can flow. As gas enters the chimney, pressure within the chimney starts to increase and is expected to approach original levels within a few months. One of the objectives of the Gasbuggy experiment is to determine the rate at which gas re-enters the chimney, and this can be measured, in part, by the rate of the pressure increase. This data will be refined further by removing the gas collected in the chimney and again measuring the rate at which gas re-enters the chimney. Such determinations will be part of the continuing post-shot programme.

The predictions made before the Gasbuggy explosion indicated that several radionuclides would be present in the gas after the explosion—including krypton–85, iodine–131, and tritium. Measurements to determine the amount of tritium are important in assessing the public health and safety aspects of this experiment. However, the samples of gas collected and measured to date at the Gasbuggy site have shown only that xenon–133 is present. The presence of xenon is not unexpected, and its short radio-active half-life of about 5 days means that it would not be of significance in future applications.

On-site instruments used for these radioactivity measurements are designed primarily to assure the health and safety of the workers at the site. They are not designed to perform detailed analyses to identify very small quantities of krypton or tritium. Samples of natural gas have been flown to Lawrence Radiation Laboratory at Livermore, California, for detailed analyses, to investigate the presence of these and other nuclides. The results of these analyses are not expected to be known for several months.

Scientists working on this project point out that the most important information to be obtained from the Gasbuggy experiment—on radioactivity, gas flow increases related to fracturing, gas pressure, and gas production testing—will be gathered and analyzed during the coming year, after which it will be possible to draw firm conclusions about the results of the experiment.

In the attached figure, the larger drawing at the right shows schematically the chimney, or column of crushed rock, and attendant fracturing, resulting from the use of a nuclear explosive used for the stimulation of gas production. The smaller drawing at the left shows in idealized form how nuclear explosives might be used for actual gas production in a gas bearing field.

Statement by ACDA Deputy Director Fisher to the Eighteen Nation Disarmament Committee: Nuclear Explosions for Peaceful Purposes, January 25, 1968 [1]

17. At the beginning of my statement, I should like to associate the United States delegation with the words of welcome that have been extended to the representative of Brazil, and I should like to express my pleasure at being able to renew our association in this Committee.

[1] ENDC/PV.359, pp. 7–13.

Ambassador de Araujo Castro was one of the first representatives on this Committee; he visited us briefly in 1964 on his second trip here, and he has served with great distinction on the international scene in a number of important posts. His wisdom and his experience will be of great importance in our work. It is good to have him back.

18. On 18 January I discussed briefly the changes and additions in the revised draft treaties presented in identical drafts by the two co-Chairmen on that date.[2]

19. Today, I should like to comment further on the provisions in those revised draft treaties pertaining to the application of the technology of peaceful nuclear explosions. In particular I should like to comment on the new article V and on the policies and activities of the United States which are related to that article.

20. Many statements at this Conference have affirmed that no treaty which permitted the acquisition by non-nuclear-weapon signatories of any nuclear weapons or other nuclear explosive devices would be effective against proliferation. Many statements made at this Conference have also made it clear that no treaty which deprived non-nuclear-weapon signatories of the full benefits of peaceful applications of nuclear energy would be fair or widely accepted. These two points of view are not inconsistent; in fact, I submit, they are complementary.

21. The policy of the United States is to make available to other countries, as widely as possible, information concerning all aspects of the peaceful uses of nuclear energy. In article IV of the revised draft treaty we have made it clear that we are prepared to cast this policy in terms of a treaty obligation. In fact we have strengthened this article in the revised draft circulated on 18 January by placing a positive obligation on the parties to co-operate in contributing to the further development of the applications of nuclear energy for peaceful purposes.

22. That policy in the field of the peaceful uses of nuclear energy is also applicable to the use of nuclear explosions for peaceful purposes. In that area, of course, it must be modified to adjust to the inescapable fact that the nuclear technology involved in producing nuclear explosive devices for peaceful purposes is indistinguishable from that involved in producing nuclear weapons; but, here again, our policy has been to make available, as widely as possible, the benefits of the peaceful application of nuclear explosions. Here again we are prepared to cast our policy in terms of a treaty obligation. Article V of the revised draft transforms what was in the earlier draft a preambular statement of intent into a formal commitment to share the benefits of the peaceful applications of nuclear explosions.

23. The United States believes that its sponsorship of the revised treaty draft containing those two articles should eliminate any question of our willingness to enter into a treaty commitment that will facilitate our policy of co-operation, not only in the entire general field of the peaceful uses of nuclear energy, but also in that part of the field which involves the uses of nuclear explosions for peaceful purposes.

24. The United States programme which is designed to develop peaceful uses of nuclear explosions is still in the early stages of development. So far no economical uses of peaceful nuclear explosions have

[2] *Infra*, pp. 11–17.

been conclusively demonstrated; but, although many sizeable technological problems and problems of cost remain to be solved, efforts to develop applications of that technology are beginning to show real promise.

25. I think it might give this Committee a better understanding of the position of the United States in the field of peaceful nuclear explosions and of the offer which is contained in article V of the revised draft if I were to describe a particular area in which nuclear explosions might be used for peaceful purposes. An especially promising area relates to the use of underground nuclear explosions to obtain mineral and fuel resources.

26. In August 1967 the United States announced that it was planning to conduct its first underground nuclear detonation experiment of this kind. Project Gasbuggy is the code name for it which we use for the purpose of convenience. This was an experiment to investigate the feasibility of using nuclear explosions to stimulate production and increase ultimate recovery of natural gas from gas-bearing geological formations of low productivity. In this experiment, a contained nuclear explosion creates a large column of broken rock which, together with the attendant fracturing of rock extending outward from the column, will provide a large volume of more permeable rock through which the trapped gas can flow more easily, thereby increasing the recoverable yield of the gas.

27. A nuclear explosion was used in that experiment because its greater explosive force makes it possible to create a larger column of broken rock, and attendant fracturing outward from the column, than would be the case had conventional explosives been used. The purpose of the experiment was to determine whether this larger column and greater fracturing would increase the recoverable yield to the point where it was economic and also to determine what technical problems might be presented by the presence in the gas of radioactivity produced by the explosion.

28. A technical symposium on the objectives and plans for the experiment was held last September in New Mexico. Members of the scientific and industrial community and representatives of foreign governments and international organizations were invited to attend. Two hundred and fifty people, including representatives of foreign governments and representatives of the International Atomic Energy Agency and Euratom, attended the symposium. The test itself was actually conducted on 10 December 1967.

29. Today the United States Atomic Energy Commission is announcing the preliminary technical results of that experiment. I am happy to report that the initial gas pressures and radioactivity measurements taken from a re-entry well drilled into the column of broken rock indicate that considerable amounts of gas were liberated and that the quantity and form of the radioactivity in the gas were less than anticipated.

30. At the time of the explosion, preliminary measurements indicated that the explosion was of about the energy expected, equivalent to 26,000 tons of TNT. Other measurements indicated that the column of broken rock that was created extended over 300 feet above the explosion. This height was almost precisely what was predicted in the

symposium last September. Further details on the experiment Project Gasbuggy, are contained in a press release which is being issued today by the United States Atomic Energy Commission, which we have submitted as a Conference document.[3]

31. Very important studies must continue for several more months before answers will be known to key questions regarding radioactivity and the ultimate increase in gas production. Those answers, as well as other detailed information from the experiment, will be made available through technical reports and other open scientific channels as soon as the information is gathered and analysed.

32. It will be some time before we shall be able to determine whether that first experiment was a complete success, and it will be even longer before we shall be able to determine whether such technology can be developed to a point where it is economically feasible and commercially practicable. However, there is reason to be optimistic that we shall be successful in our efforts in this field of underground nuclear engineering.

33. The United States is also pursuing a number of related research and development efforts aimed at using nuclear explosions to recover oil from oil shale and copper from low-grade ores, for nuclear excavation, and to create underground storage space for natural gas and waste materials.

34. Those experimental programmes are still in a very early developmental stage, but the United States is making progress. We plan to continue those efforts—consistent, of course, with the limitations of the limited test-ban Treaty [4]—in order to overcome the many technological obstacles which exist. As progress is made, information on the results of our experiments will be made available to the world. Project Gasbuggy, which I have just described, represents only the most recent example of a continuing United States policy of making available information on the application of peaceful nuclear explosions. It also indicates the seriousness with which we are pursuing the development of this technology in order that the United States can be in a position to live up to the promise implied in article V of the revised draft treaty and provide nuclear explosion services as soon as possible.

35. It would be foolish to try to minimize the possible future benefits which nuclear explosions in various peaceful applications may bring; but it would be equally foolish to exaggerate the progress which has been made and to underestimate the immense and costly research and development effort still required to develop the necessary technology. About $5 million was spent directly for the single experiment, Project Gasbuggy, which was only the latest in a ten-year old United States programme of developing the technology of the peaceful uses of nuclear explosions. To obtain any meaningful estimate of the actual cost of that ten-year programme, on which $100 million has already been spent directly, one would have to add part of the billions of dollars spent by the United States for the nuclear weapons programme which provided the basic technology of nuclear explosives.

36. There is no doubt that, under article V of the revised draft

[3] *Supra.*

[4] *Documents on Disarmament, 1963*, pp. 291–293.

treaty which we have presented, non-nuclear-weapon States will be able to take full advantage of technological developments which may come from our efforts to apply nuclear explosions to peaceful purposes. If, however, a non-nuclear-weapon State undertook to manufacture its own nuclear explosive devices for that purpose, it would have to squander its resources by spending enormous sums to develop the basic technology of nuclear explosions and, having done that, by spending other large sums on adapting that technology to peaceful uses. Moreover, as I have pointed out earlier, the acquisition of the technology of nuclear explosions would be contrary to the very concept of non-proliferation.

37. At the risk, perhaps, of repeating myself, I wish to underscore the importance of this statement, for it is an indisputable technological fact that the development and manufacture of nuclear explosive devices intended for peaceful uses is indistinguishable from the development and manufacture of nuclear weapons. Therefore, arrangements through which non-nuclear-weapon States will obtain the benefits of nuclear explosions for peaceful purposes must prohibit the acquisition of such devices or information on their design.

38. This prohibition is vital to the principle of non-proliferation, but it is by no means onerous as regards the practical use of those nuclear explosions for peaceful purposes. On the contrary, the proposal of the United States made before this Committee on 21 February 1967 for making available nuclear explosion services for peaceful purposes met with a very favourable response.[5]

39. That is why, as certain delegations have suggested, the proposed new article contains a commitment to co-operate to insure that potential benefits from any peaceful applications of nuclear explosions will be available on a non-discriminatory basis and that the charge for the explosion service rendered by nuclear-weapon States will be kept as low as possible and will exclude the very large sums already expended—and some still to be spent—on research and development of the nuclear explosive devices used. To assure that no party to the treaty will be discriminated against for any reason whatsoever, we are willing to pledge that—

> . . . non-nuclear-weapon States Party to this Treaty so desiring may, pursuant to a special agreement or agreements, obtain any such benefits on a bilateral basis or through an appropriate international body with adequate representation of non-nuclear-weapon States.

40. I repeat that the charge for the explosive devices used will be as low as possible and will exclude any charge for research and development on the explosive devices used.

41. I have taken the time of the Committee to present those first findings of this experiment, perhaps in excessive detail, in order to demonstrate that we are committed to the policy of sharing as widely as possible the information on the civil engineering applications of nuclear explosions. It is only the technology of the development and production of the actual nuclear explosive device which must be withheld under the non-proliferation treaty.

42. Each non-nuclear-weapon State must of course decide for itself whether it is in its national interest and in the international

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[5] *Ibid., 1967*, pp. 98-99.

interest of a safer world to give up the option to manufacture or otherwise acquire nuclear weapons. I earnestly hope that each of those States will decide to do so; but we do not intend to make that decision any more difficult by asking any country to deny itself the potential economic benefits of nuclear technology. For that reason we will continue to pursue the development of the potential applications of peaceful nuclear explosions and will see to it that our proposal in article V of this treaty to provide peaceful nuclear explosion services on a non-discriminatory basis will become a reality and will redound to the benefit of all of us.

Statement by the Soviet Representative (Roshchin) to the Eighteen Nation Disarmament Committee: Disarmament and the Nonproliferation of Nuclear Weapons, February 1, 1968 [1]

2. We have before us the complete draft of a treaty on the non-proliferation of nuclear weapons submitted on 18 January, with changes and additions introduced in accordance with the wishes expressed by a number of non-nuclear States.[2] First of all it is gratifying to note that all the representatives who have spoken during the discussion of this complete, revised draft have given it a positive appraisal. This gives us confidence that we shall be able to carry out within the prescribed time-limit the General Assembly's instructions [3] by submitting to it a full report on the results of our work together with a draft treaty.

3. The Soviet delegation, in submitting the draft treaty on 18 January, gave general explanations concerning the new provisions.[4] Today we should like to deal in greater detail with one of the aspects of the present draft treaty.

4. A very important question is that of the place the non-proliferation treaty will occupy in the whole series of measures aimed at eliminating the nuclear threat and reducing international tension. Considerable attention has been given to that question throughout the discussion of the non-proliferation problem. In preparing a draft treaty on non-proliferation we assumed from the very outset that the conclusions of such a treaty should be—as laid down in General Assembly decisions—a first step towards the implementation of nuclear disarmament measures. It is precisely with this aim in view that provisions expressing the intention of the parties to the treaty to achieve at the earliest possible date the cessation of the nuclear arms race have been included in the preamble to the draft treaty. The preamble also stresses the need to facilitate cessation of the manufacture of nuclear weapons, the liquidation of all their existing stockpiles, and the elimination from national arsenals of nuclear weapons and the means of

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[1] ENDC/PV. 361, pp. 4–10.
[2] *Ante*, pp. 1–6.
[3] *Documents on Disarmament, 1967*, pp. 732–733.
[4] *Ante*, pp. 6–11.

their delivery pursuant to a treaty on general and complete disarmament under strict and effective international control.

5. Recognizing the importance of those provisions, which, we understand, have met with a favourable response in the Committee, some delegations have expressed the view that the commitments in respect of nuclear and general disarmament should be laid down directly in the operative part of the treaty in the form of a separate article. Specific proposals to that effect were contained in the working papers submitted to the Committee by Mexico,[5] Romania [6] and Brazil.[7] We understand the desire of States to bring about the cessation of the nuclear arms race and thus protect themselves against the perilous consequences which a nuclear war might entail. We share their intention, which is also the intention of the overwhelming majority of States throughout the world, to move forward steadily towards disarmament.

6. The Soviet Union is well known to be resolutely in favour of the speediest possible implementation of effective nuclear disarmament measures, and consistently advocates the achievement of an agreement to scrap completely the military machinery of all States. As early as 1946 the Soviet Union put forward a programme for the complete prohibition of nuclear weapons and the liquidation of all their existing stockpiles.[8] Therefore, if we are to speak about the position of the Soviet Union, we may say that our State is in favour of the most radical solution of the disarmament problem and is prepared to take immediately any effective measures in that regard on which there is a possibility of reaching agreement.

7. The significance of the treaty on the non-proliferation of nuclear weapons is precisely that it is in itself an important step in the series of measures in the field of nuclear disarmament, since it puts an end to both the direct and the indirect proliferation of nuclear weapons. But its significance is by no means limited to that. The very conclusion of a non-proliferation treaty will give an impetus to the solution of other broader problems of nuclear disarmament contributing to the consolidation of international peace and the elimination of the threat of nuclear war, and will thus facilitate the approach to the solution of the problem of general and complete disarmament.

8. That is not merely a conclusion which can be reached by bearing in mind the spirit of the treaty on the non-proliferation of nuclear weapons. The treaty text includes a special article binding States to pursue negotiations in good faith on measures regarding nuclear disarmament and general and complete disarmament. Thus the obligation to conduct such negotiations has for the first time been placed on a definite legal basis.

9. It is our profound conviction that the conclusion of the treaty on the non-proliferation of nuclear weapons should be followed by a number of measures in the field of nuclear disarmament and disarmament in general leading to the achievement of the main objective—general and complete disarmament under strict international control,

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[5] Art. IV (*Documents on Disarmament, 1967*, p. 395).
[6] Art. III-A (*ibid.*, p. 526).
[7] Art. II-A (*ibid.*, p. 546).
[8] *Ibid., 1945-1959*, vol. I, pp. 17-24.

which would put an end to the very existence of nuclear weapons. Accordingly it will be necessary to take measures to put a stop to all manufacture of nuclear weapons, destroy all their existing stockpiles and eliminate nuclear weapons and the means of their delivery from the arsenals of States.

10. The Soviet Union is prepared for such a radical solution of the question of nuclear disarmament, and expresses its firm intention to pursue negotiations on general and complete disarmament, as provided for by the non-proliferation treaty. We are prepared to seek a solution to this complex problem by instalments, and for this purpose to conduct negotiations on effective measures for ending the nuclear arms race and for disarmament. In accordance with the treaty on the non-proliferation of nuclear weapons, States will also undertake to pursue such negotiations.

11. In our opinion, after the solution of the non-proliferation problem the next important problem to be dealt with is the prohibition of all nuclear weapon tests. To supplement the Moscow Treaty banning nuclear weapons tests in three environments [9] by banning also underground nuclear tests would erect an important barrier to the replenishment of nuclear arsenals with more sophisticated types of weapons. The cessation of tests in all environments would thus be an important step on the way, which is being paved by the treaty on the non-proliferation of nuclear weapons, to the cessation of the nuclear arms race. The Soviet Union is prepared to conclude an agreement on the prohibition of underground nuclear tests, and has repeatedly put forward proposals to that effect.

12. The discussions which have already taken place in the Committee on this question will serve as a useful basis for the further consideration and positive solution of the very important international problem of the prohibition of all nuclear weapon tests. Many States are persistently raising the question of the prohibition of nuclear weapons. The Soviet Union has repeatedly put forward specific proposals aimed at a positive solution of this important international problem. At the twenty-second session of the General Assembly the USSR submitted a draft convention on the prohibition of the use of nuclear weapons.[10] The Conference of the Heads of Non-aligned States, the United Nations General Assembly and many other authoritative international forums have adopted specific resolutions on this problem. There can be no doubt that the prohibition of the use of nuclear weapons and the outlawing of such weapons would correspond to the vital interests of the peoples of the world.

13. The existence in the world of huge arsenals of nuclear weapons, which are being enlarged all the time, and the incessant complications and military conflicts in various parts of the world, make the prohibition of the use of nuclear weapons an urgently necessary and vitally important aim. Just as the Geneva Protocol of 1925 banned the use of chemical and bacteriological weapons,[11] a ban must now be imposed

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[9] *Ibid., 1963*, pp. 291–293.

[10] *Ibid., 1967*, pp. 419–421.

[11] Senate Foreign Relations Committee, Subcommittee on Disarmament, *Disarmament and Security: A Collection of Documents, 1919–55* (Com. print, 84th Cong., 2d sess.), pp. 169–170.

on that still more destructive means of warfare: nuclear weapons. The grip of international tension will weaken considerably and the curve of the arms race will steadily decline if important measures are carried out such as the establishment of nuclear-free zones in various parts of the world, the liquidation of military bases on foreign territory, above all in the countries of Asia, Africa and Latin America, and many other measures the implementation of which is being urged by the majority of the States of the world.

14. In speaking of the urgent problems to be solved in the field of nuclear and general disarmament, we cannot disregard such an urgent measure as the prohibition of flights by aircraft carrying nuclear weapons beyond the national boundaries of States. The Soviet delegation has repeatedly pointed out in this Committee the dangerous consequences for mankind which the continuation of such flights entails. The recent incident in the Greenland area, involving a United States bomber carrying hydrogen bombs, has once again very convincingly emphasized the need for the conclusion of an international agreement prohibiting such flights.

15. In stressing the importance of solving the many problems in the field of nuclear disarmament, we also deem it necessary to point out that inclusion in the text of the treaty of specific undertakings regarding nuclear disarmament measures, however desirable it may be, is extremely difficult. We note with satisfaction that among the delegations there is a clear understanding of the difficulties that would arise in drafting a non-proliferation treaty if we attempted to link the conclusion of such a treaty to the solution of other problems of nuclear disarmament. I may refer in this connexion to the statement made by the representative of Mexico, Mr. Castañeda, on 19 September 1967, when he said:

> . . . we are fully conscious of the obvious limits to the obligations which the nuclear Powers can assume in this respect in the present treaty. We are well aware . . . that to stipulate that the non-proliferation treaty should include specific disarmament measures to be implemented by the nuclear Powers in the immediate future, would be tantamount to opposing the very existence of a non-proliferation treaty.[18]

I should like to emphasize and to draw the attention of members of the Committee to the passage in that statement to the effect that it would be tantamount to opposing the very existence of a non-proliferation treaty.

16. It is impossible not to take into account the fact that on a number of questions of nuclear disarmament there is at present a considerable divergence in the positions of States. Therefore, an attempt to make more specific in article VI of the non-proliferation treaty obligations in regard to the solution of any particular disarmament questions could only create obstacles in the negotiations on the non-proliferation of nuclear weapons and make more difficult the achievement of an agreement on a non-proliferation treaty.

17. Of course, we do not hold the view that a treaty on the non-proliferation of nuclear weapons will have some sort of magic power and be a panacea against all the evils that the arms race entails. This specific agreement has a quite definite purpose—to prevent any further

[18] *Documents on Disarmament, 1967*, p. 400.

enlargement of the group of States possessing nuclear weapons. Although the scope of this purpose is smaller than that of many other nuclear disarmament measures, its achievement would benefit all countries and would have great positive consequences for the solution of other problems in the field of nuclear disarmament.

18. This point of view is shared not only by political leaders, but also by eminent scientific specialists in the nuclear field, who know perfectly well what nuclear weapons are, what the consequences of their use would be, and what would be the result of an increase in the number of nuclear States. In this connexion I should like to draw attention to the report submitted by the Secretary-General of the United Nations to the twenty-second session of the General Assembly on "The effects of the possible use of nuclear weapons on the security and economic implications for States of the acquisition and further development of these weapons." This document, as we know, was prepared by the scientific experts of twelve different States. It is pointed out in particular in the report that—

. . . any further increase in the number of nuclear weapons States or any further elaboration of existing nuclear arsenals would lead to greater tension and greater instability in the world at large.[13]

19. From this premise a conclusion is drawn which it would be difficult to refute; and I continue to quote from the report of the Secretary-General to which I have already referred:

The solution of the problem of ensuring security cannot be found in an increase in the number of States possessing nuclear weapons or, indeed, in the retention of nuclear weapons by the Powers currently possessing them. An agreement to prevent the spread of nuclear weapons as recommended by the United Nations, freely negotiated and genuinely observed, would therefore be a powerful step in the right direction, as would also an agreement on the reduction of existing nuclear arsenals.[14]

20. Supposing that we failed to conclude a treaty on the non-proliferation of nuclear weapons, it is easy to see what dangerous consequences for the whole world that failure would entail. Such an unfavourable outcome of our negotiations would above all render more difficult any further progress in the achievement of nuclear disarmament. As a result of such an outcome, in the first place public opinion would lose faith in the possibility of solving disarmament questions through negotiations; secondly, the position of those who oppose the achievement of an agreement to limit the arms race would be strengthened; and lastly, in a world in which the number of nuclear Powers would increase, it would be far more difficult than at present to reach agreement on any steps in the field of nuclear disarmament.

21. The Soviet delegation is profoundly convinced that the non-proliferation treaty is a good beginning on the difficult path to disarmament. The prospect of negotiations in a spirit of good will and of the conclusion of agreements on other disarmament measures should be an additional stimulus to our efforts aimed at the speediest positive solution of that important international problem, the problem of the non-proliferation of nuclear weapons.

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[13] *Ibid.*, pp. 507–508.
[14] *Ibid.*, p. 512.

Statement by the Romanian Representative (Ecobesco) to the Eighteen Nation Disarmament Committee: Nonproliferation of Nuclear Weapons, February 6, 1968 [1]

2. Before taking up the substance of the first statement by the Romanian delegation at this stage of our negotiations, I should like to extend to the new heads of the delegations of Brazil and India, Mr. de Araujo Castro and Mr. Husain, a most hearty welcome to our Committee. It is a pleasure for us to welcome to our midst once again Mr. Gomez Robledo and Mr. Blusztajn, the leaders of the Mexican and the Polish delegations. We are particularly gratified by the recent promotion of Mr. Porter and Mr. DePalma to the rank of Ambassador, and ask them to accept the congratulations of the Romanian delegation. We also welcome the Special Representative of the Secretary-General, Mr. Protitch, and the Deputy Special Representative, Mr. Epstein, on whose competent assistance our Committee can always rely.

3. On the resumption of the work of the Eighteen-Nation Committee on Disarmament on 18 January, the delegations of the Union of Soviet Socialist Republics and the United States of America submitted a revised text of the draft treaty on the non-proliferation of nuclear weapons.[2] At the present stage in our discussions the Romanian delegation would like to ask the sponsors of this text to clarify a number of questions of vital importance to the understanding of the text submitted to us and to elucidation of the many and varied aspects of the treaty on non-proliferation. That is the purpose of the questions which we put today to the sponsors of the draft.

4. First, the discussions which have taken place during the past few years in our Committee, in the United Nations General Assembly, and in other international bodies have brought out very clearly the special importance attached to the question of the security guarantees to be enjoyed by the non-nuclear States as one of the essential elements of the treaty on the non-proliferation of nuclear weapons. The revised text of the draft treaty contains no provisions concerning security guarantees but the same gap on this subject as in the first text (ENDC/192, 193).[3] Can one imagine that detailed analysis, discussion and negotiation can take place on the draft in the absence of a specific clause concerning guarantees? Is not the requirement fully justified that, until the complete elimination of existing nuclear weapons and consequently until the complete abolition of the nuclear threat, States not possessing nuclear weapons should enjoy greater security guarantees? We should like to know whether the nuclear Powers are prepared to assume a solemn obligation, through the treaty on non-proliferation, never in any circumstances to use nuclear weapons against States not possessing them, nor to threaten these States in any case or in any manner with their use.

5. Secondly, do the nuclear Powers agree that it is essential to place the treaty on non-proliferation in a set of measures designed to

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[1] ENDC/PV.362, pp. 4–7.
[2] *Ante*, pp. 1–6.
[3] *Documents on Disarmament, 1967*, pp. 338–341.

lead to cessation of the production of nuclear weapons, prohibition of underground tests for military purposes, and the reduction and, eventually, the elimination of existing stocks of nuclear weapons and the means of their delivery? If so, how can one justify the absence from the draft treaty of a firm legal obligation binding the nuclear Powers to undertake specific measures of disarmament and particularly nuclear disarmament? We should also like to know why no provision has been made in the draft for the convening of periodic conferences to consider how the obligations assumed by all parties to the treaty have been fulfilled.

6. Thirdly, we should like to know on what legal footing it is proposed in article X, paragraph 1, that the notice of withdrawal by a State from the treaty "shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests." As we know, the Treaty banning nuclear weapon tests in the atmosphere, in outer space and under water,[4] the Treaty on principles governing the activities of States in the exploration and use of outer space, including the moon and other celestial bodies,[5] and the Treaty for the prohibition of nuclear weapons in Latin America [6]—to mention only those international instruments bearing an obvious similarity to the treaty on non-proliferation—do not contain an obligation of that kind. Does this mean that the body to which a sovereign State will give notice should express comments and opinions on the content and justification of that notice?

7. Fourthly, what is the political, legal and ethical concept underlying the position of the sponsors on control? How does one explain that the draft treaty advocates the application of control solely in relation to the obligations which the non-nuclear States would have to assume under article II, whereas in relation to the obligations to be assumed by the nuclear Powers under article I no measure of control is proposed? Could it be acceptable that almost all the States of the world—generally speaking, the small and medium-sized States—should be subject to control and that only five countries, namely the nuclear Powers, should not be subject to any control measures? How could such a profoundly discriminatory concept be reconciled with the sovereign equality of States, a cardinal principle of contemporary international relations, to which all the States represented on this Committee have subscribed as members of the United Nations?

8. Fifthly, with particular reference to article I, what guarantee is there that the nuclear Powers will honour their undertakings not to transfer nuclear weapons to any recipient whatsoever, and not to assist, encourage or induce other States to manufacture or otherwise acquire nuclear weapons or control over such weapons? As we know, in the territories of many non-nuclear States there are nuclear weapons installed at military bases and on launching pads. What guarantee is there that the armed forces of such States, which take part in joint training exercises with the military personnel of the respective nuclear-weapon States in order to learn how to use nuclear weapons and the means of their delivery, will not have access to nuclear

[4] *Ibid.*, *1963*, pp. 291–293.
[5] *Ibid.*, *1967*, pp. 38–43.
[6] *Ibid.*, pp. 69 ff.

weapons and will not come into possession of them or acquire control over them?

9. Sixthly, passing on now to article III, we should like to know the exact meaning of the phrase "safeguards system" of the International Atomic Energy Agency (IAEA) in paragraph 1. Does it mean the present system, or a system which will be continually amplified? In the latter case, what are the reasons for doing so?

10. Seventhly, what is the relationship between the expressions "safeguards system" of the Agency, and "the safeguards required by this Article"?

11. Eighthly, what is meant by the formula "all peaceful nuclear activities"? In that regard, how are we to understand the provision that the safeguards required "by this Article" shall be applied "on all source or special fissionable material in all peaceful nuclear activities"?

12. Ninthly, what is the purpose of applying the safeguards to all "source or special fissionable material whether it is being produced, processed or used in any principal nuclear facility or is outside any such facility"? What is the meaning of the words "any principal nuclear facility" for the purposes of article III? Furthermore, what is the purpose of applying safeguards on all source or special fissionable material "outside any such facility"?

13. Tenthly, if the "exclusive purpose" of implementation of the IAEA safeguards is to prevent the diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices, as provided in paragraph 1 of article III, why is the application of controls advocated "on all source or special fissionable material in all peaceful nuclear activities"?

14. Eleventhly, seeing that under paragraph 1 of article III control will be exercised over all peaceful nuclear activities of non-nuclear States, how would it be possible to carry out the provisions of paragraph 3, which stipulates that the economic and technological development of the Parties to the Treaty must not be hampered? How could such control be reconciled with the principle of non-interference in the internal affairs of States?

15. Twelfthly, for what reasons does paragraph 2 of the same article apply only to deliveries of nuclear material and equipment to non-nuclear States, and why does it not also apply to exports to nuclear countries?

16. Those are the questions formulated by the Romanian delegation and submitted to the attention of the sponsors of the revised draft treaty. We are confident that the clarifications which the co-Chairmen will be so good as to give us will enable us to obtain a more complete picture of the draft treaty submitted for our consideration. There can be no doubt that once the Eighteen-Nation Committee on Disarmament, the body to which the United Nations has entrusted the negotiation of disarmament problems, including the non-proliferation of nuclear weapons, is in possession of all the necessary elements, it will be able to undertake a discussion in depth of the draft treaty on the non-proliferation of nuclear weapons.

Statement by the United States Representative (De Palma) to the Eighteen Nation Disarmament Committee: Non-proliferation of Nuclear Weapons, February 6, 1968 [1]

17. I should like to have an opportunity to study the statement just made by the representative of Romania [2] before I undertake to comment on it. Today I wish to speak on some more general aspects of the treaty.

18. When the complete text of the draft non-proliferation treaty is submitted to the United Nations General Assembly with the report of the Committee on or before 15 March, we shall be moving to the final stage of the consideration of this treaty.

19. If we take as the opening phase of the elaboration of the treaty the adoption by the General Assembly on 4 December 1961 of resolution 1665 (XVI), the "Irish resolution" as it came to be called, and if we assume that the treaty will be opened for signature following the resumed session of the General Assembly this spring, we find that the question of preventing the spread of nuclear weapons will have been under international discussion for over seven years.[3] Intensive discussions of actual treaty formulations have been underway since the first draft text was submitted by the United States on 17 August 1965.[4]

20. I cite this chronology to underscore two points. The first is that the text now before the Committee is the product of long, complex and intensive negotiation. It is the result of detailed and extensive exchanges of views between the co-Chairmen, within respective alliances, between the members of nuclear alliances and non-nuclear and non-aligned delegations represented at this Conference and with various individual governments not represented here. During these consultations a considerable part of the co-Chairmen's task was not the reconciliation of differences between themselves; it was rather the effort on their part, acting in their function as co-Chairmen, to draft agreed texts which would meet the variety of views expressed by a large number of non-nuclear States, among which were States whose adherence would be particularly important for the success of the treaty.

21. In any serious negotiations it is seldom possible to fix exact schedules or even to predict the point at which matters are likely to come to a head. But in all such negotiations a point is inevitably reached when all concerned recognize that the negotiation has, in fact, reached a decisive stage. I submit that we arrived at that point with the submission of the revised United States and Soviet texts on 18 January.[5] The delegation of the United States for its part is now convinced that this negotiation will succeed in producing a widely-acceptable treaty. It follows, therefore, that we believe we should now concentrate our efforts on the necessary final points which will facilitate its consideration by the General Assembly. It is now also incumbent on all of

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[1] ENDC/PV. 362, pp. 7–11.
[2] *Supra.*
[3] *Documents on Disarmament, 1961*, p. 694.
[4] *Ibid., 1965*, pp. 347–349.
[5] *Ante*, pp. 1–6.

us to expedite our work so that this treaty may enter into force in time to accomplish its purpose.

22. The second point which emerges from my brief review of the history of this effort is that it was initiated and inspired by a non-nuclear-weapon State on behalf of other non-nuclear-weapon States. The essence of the treaty we are now considering was embodied from the very beginning in the Irish resolution and was retained in the various resolutions of the Assembly which followed. It is the desire felt first and foremost by the overwhelming majority of non-nuclear-weapon States for assurance against the risk, to them, of the proliferation of nuclear weapons. This desire is strongly shared by the nuclear-weapon States which have been engaged in this effort; but this project would not have reached this decisive stage had it not accurately reflected the most widely felt needs and desires of the non-nuclear-weapon States.

23. During the past few months we heard a number of thoughtful comments on the draft non-proliferation treaty text then before this Committee.[6] Numerous suggestions for further improvements in the text were made, many of which have been incorporated in the revised texts of 18 January. Many of those suggestions were based on the premise that if, by this treaty, non-nuclear-weapon States are to renounce the production and acquisition of nuclear weapons, or control over such weapons, then the nuclear-weapon States should offer some equivalent compensation. It has been stated that this should take the form of a commitment to achieve reductions in existing nuclear arsenals or, at least, to stop their further growth.

24. The United States shares the prevailing view of the importance of provisions in this treaty dealing with a cessation of the nuclear arms race. However, this is not a question of making some compensating sacrifice; we believe it is in our national interest to halt the nuclear arms race and to begin reducing existing nuclear arsenals. Therefore we support the desire of those who wish to see this treaty serve as a catalyst to hasten agreement on effective measures to halt the nuclear arms race.

25. The tendency to view a commitment to nuclear disarmament by the nuclear-weapon States as a *quid pro quo* for the renunciation of nuclear weapons by other States fails to take into account the actual intention and situation of the overwhelming majority of non-nuclear-weapon States. As others have already pointed out in this Committee and elsewhere, the vast majority of such States have no intention, desire or indeed any early prospect of producing or acquiring nuclear weapons or other nuclear explosive devices. Moreover, those who look for a *quid pro quo* seem to consider this treaty as if it were a commercial contract in which each party seeks to trade off concessions in order to gain equal financial or trade benefits. However, the non-proliferation treaty is not that kind of agreement; its primary benefit accrues to all of us directly in the form of enhanced security and not as a result of balanced concessions.

26. Compared with commercial benefits, security gains are more difficult to measure or to put into exact balance. Nevertheless, if there

[6] *Documents on Disarmament, 1967*, pp. 338-341.

is any inequality in the security benefits accruing to parties to the non-proliferation treaty, it is surely weighted in favour of the non-nuclear-weapon States. It seems quite evident that the primary benefit conferred by this treaty is the assurance it provides, in the first instance, to the non-nuclear-weapon States that their non-nuclear neighbours or rivals will not produce or acquire nuclear weapons. As a result, they will not have to assume the enormous expenditures, and the serious security risk, of acquiring nuclear weapons.

27. That is the essence of this treaty, and if we are to achieve it we must be realistic about provisions relating to further measures of nuclear disarmament. Article VI in the present text serves its essential purpose of providing the desired impetus towards further measures to halt the arms race; but it does so without creating an obstacle to the early conclusion of the treaty.

28. I believe we must be candid in this Committee, which has accumulated so much knowledge and experience in this area. We all know the obstacles that have stood in the way of agreement on various measures proposed to halt the nuclear arms race. We also know that the most helpful action we can now take to curb the nuclear arms race is to expedite the conclusion of this treaty. The early entry into force of this treaty will serve that purpose because, more than any other single action now open to us, it is bound to create a more favourable atmosphere for progress in achieving limitations on nuclear arsenals. Anything which unnecessarily delays or further complicates the conclusion of the treaty will not serve our purpose.

29. I should now like to turn to another aspect of this treaty which, I believe, needs to be emphasized. It is the fact that it will serve as an instrument for promoting peaceful applications of nuclear energy, especially in the less-developed countries. Including as it does a practical and effective provision for safeguards, the treaty will prevent what could otherwise become a major hindrance to the widest possible co-operation in the development of peaceful uses of atomic energy in the non-nuclear-weapon countries.

30. We shall soon face the danger of having significant amounts of plutonium scattered throughout the world in the wake of the many nuclear electric power reactors that will be installed in many countries. Bilateral safeguards would not suffice to eliminate suspicions that could arise among third parties; neither would the continued voluntary and incomplete acceptance of international safeguards. Because one could never be certain that mounting quantities of plutonium could be accounted for in the future and placed under safeguards, a point would soon be reached when international co-operation in the development of peaceful uses of atomic energy could be seriously inhibited. The safeguards which would be established by this treaty would eliminate that hindrance to co-operation.

31. The peaceful uses provisions of the treaty thus underscore the advantages of its safeguards provisions. Such safeguards will facilitate the implementation of what, for the United States, has been an established policy of contributing to the widest possible spread of information and technology on peaceful uses. The time has come to recognize that one of the positive benefits of the treaty is the impetus it will give to co-operation in expanding the peaceful applications of atomic energy.

32. As the representative of Canada reminded us at our last meeting,[7] we have a relatively brief period remaining in which to prepare our report to the General Assembly. Speaking for the United States delegation, may I express the hope that further comments on the revised texts will be made as soon as possible and that they will take into account the decisive stage we have now reached?

33. The co-Chairmen have done their best to take into account the interests of all concerned. They have placed before this Committee a text which, they believe, will be effective in halting the threat of nuclear proliferation and which should be widely acceptable. But the draft before us is not, of course, merely the work of the co-Chairmen: all members of this Committee have made contributions to the progressive improvement of that text. As President Johnson stated on the occasion of the presentation of the revised draft treaty on 18 January:

> **We have worked long and hard in an effort to draft a text that reflects the views of other nations. I believe the draft presented today represents a major accomplishment in meeting these legitimate interests.[8]**

34. The United States delegation, for its part, appreciates the co-operative spirit that has prevailed in this Committee throughout this process. We are sure that the spirit will continue during the remainder of our work at this session, and that when we have achieved this significant step forward it will contribute to the further steps that must be taken to remove the menace of the nuclear arms race.

Spanish Memorandum to the Co-Chairmen of the Eighteen Nation Disarmament Committee, February 8, 1968 [1]

Nuclear energy is one of the aspects of technical progress that can contribute most decisively to the welfare of all countries; but if its use is not controlled it is capable of destroying man and his work on earth. Hence the imperative need to prevent its use for ends not wholly peaceful. Likewise, until such time as nuclear disarmament and the destruction of atom-bomb arsenals are achieved, an objective which cannot be overlooked in the context of general and complete disarmament, a treaty on the non-proliferation of nuclear weapons would bring the international community nearer to that end.

The mature stage reached by the work of the Eighteen-Nation Committee on Disarmament on the preparation of a draft treaty on non-proliferation of nuclear weapons, and the opportunities that its rules of procedure offer to non-member countries to set forth their ideas, have led the Spanish Government to address to the co-Chairmen some remarks on the text submitted on 18 January last,[2] containing its views on some aspects of the draft which Spain regards as most important.

For many years the Spanish Government has been interested in the peaceful uses of nuclear energy and in prospecting for its sources. As

[7] ENDC/PV.361, p. 10.
[8] *Ante*, p. 1.
[1] ENDC/219, Feb. 27, 1968.
[2] *Ante*, pp. 1–6.

a result Spain is now mining large uranium deposits with highly-favourable prospects of extension. It also has three atomic power stations under construction with an overall rating of more than 1,000 MW, and four others in an advanced stage of design which will certainly double that rating in the very near future.

The measures in the new draft concerning the right to participate as fully as possible in scientific and technical information for the peaceful uses of atomic energy are sound, and can have important effects on the development of non-nuclear countries. Nevertheless, the Spanish Government takes the view that this information should refer specifically to the entire technology of reactors and fuels.

In regard to the measures proposed in paragraph 2 of article X of the draft, the Spanish Government considers too long the period of 25 years which is specified before a conference would decide whether the treaty is thereafter to continue in force indefinitely or to be extended for a limited period. Likewise, the twenty years between the conference mentioned in paragraph 3 of article VIII and that mentioned in article X is too long a time for the treaty to be adaptable solely through the procedure laid down for introducing amendments, to any fresh circumstances that may arise in the international situation. Thus it seems advisable that conferences like that provided for in article VIII should be held every five years, and that the one mentioned in article X should be held twenty years after the treaty comes into force.

In the Spanish Government's view the vitality of the treaty will be directly proportional to the support it receives from the members of the international community. Thus the important question is not merely the number of ratifying countries, for the purposes both of putting it into force and of introducing amendments but the nuclear characteristics of the countries whose signature and ratification will help to put it into force. Hence this Government takes the view that the non-nuclear Powers which ratify the treaty and its amendments ought to include the largest possible number of countries having some development in this field. It would therefore be advisable to require that the ratifying countries should include at least twelve which possess power reactors in operation or under construction, or else possess within their territories uranium deposits which have been proved economically exploitable. Lastly, the number of forty for the countries ratifying the treaty seems too small, and should be raised to sixty at least.

In regard to the ratification of amendments, it would seem logical that the procedure for putting them into force should be similar to that proposed for ratifying the treaty, naturally subject to the provision of article VIII, paragraph 2, that amendments shall be binding solely on the parties that ratify them.

The Spanish Government attaches the greatest importance to the content of article VI of the draft. It is indeed essential that non-proliferation shall never be regarded as an end in itself. Actually it is only a stage—one of vital importance to mankind, certainly, but only a stage in the consummation we all seek to achieve: general and complete disarmament under effective international control. Hence this Government considers that the obligations set out in article VI should

be strengthened to the maximum by specially including in them the destruction of nuclear weapons and their vehicles, since disarmament will not have any effective reality except under a general scheme which covers nuclear armament. Though the undertaking to pursue negotiations is of the greatest importance, it seems advisable to specify more concretely the obligations which signatories of the Treaty undertake through this clause.

The Spanish Government attaches the greatest importance to the statements made by the President of the United States of America [3] and by the Government of the United Kingdom [4] to the effect that both these countries are ready to accept the application of the system of safeguards to all their peaceful activities, following the principle set forth in section (b) of paragraph 2 of the operative part of resolution 2028 (XX) of the United Nations General Assembly,[5] which is fundamental in all matters connected with the non-proliferation of atomic weapons. The Spanish Government thinks it necessary that an obligation of this kind should also be included in the text of the treaty, binding all the nuclear Powers, so as to reduce as far as possible the existing discrimination between them and those who do not possess atomic weapons.

Lastly, a feature which the Spanish Government misses in the text submitted to the Conference of the Eighteen-Nation Disarmament Committee on 18 January last is any measure relating to the guarantees which must be given to non-nuclear countries by signatories possessing nuclear weapons, first that they shall not be attacked or threatened with attack by nuclear weapons, and secondly that, if a nuclear Power or party to the treaty attacks or threatens to attack a non-nuclear signatory, all nuclear parties to the treaty shall react appropriately. The Government of Spain hopes that a formula will be found for a positive solution of this problem, the importance of which has been stressed by most countries and which is fundamental to this Government.

Swedish Working Paper Submitted to the Eighteen Nation Disarmament Committee: Suggestions in Regard to the Draft Nonproliferation Treaty, February 8, 1968 [1]

Preamble: after the tenth paragraph insert a new paragraph worded as follows:

"Recalling the determination expressed by the Parties to the Partial Test Ban Treaty of 1963 [2] in its preamble to achieve the discontinuance of all test explosions of nuclear weapons for all time and to continue negotiations to this end,"

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[3] *Documents on Disarmament, 1967*, pp. 613–615.
[4] *Ibid.*, p. 616.
[5] *Ibid., 1965*, pp. 532–534.
[1] ENDC/215, Feb. 8, 1968. The draft treaty appears *ante*, pp. 1–6.
[2] *Documents on Disarmament, 1963*, pp. 291–293.

Article VI: insert in the second line after the words "nuclear arms race" the following words: "at an early date," and insert in the third line before the word "disarmament" the word "nuclear".

The article would then read as follows:

"Each of the parties to this Treaty undertakes to pursue negotiations in good faith on effective measures regarding cessation of the nuclear arms race at an early date, and nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control."

Article VIII: add to the present wording of paragraph 3 the following sentence:

"At the interval of five years thereafter, a majority of the Parties to the Treaty may obtain, by submitting a proposal to this effect to the Depositary Governments, the convening of further conferences with the same objective of reviewing the operation of the Treaty."

Statement by the Swedish Representative (Myrdal) to the Eighteen Nation Disarmament Committee: Nonproliferation of Nuclear Weapons, February 8, 1968 [1]

2. The Swedish delegation wishes to associate itself with the previous speakers in this Committee, who have all hailed the presentation by the co-Chairmen of identical revised texts of a complete draft nonproliferation treaty [2] with expressions of relief and satisfaction. We are also deeply conscious of the fact that this agreement between the co-Chairmen has been arrived at only after long and difficult negotiations and that it rests on a delicate balance between different parts of the draft treaty text. Under these circumstances it must be considered imperative that proposals for formal changes in it which other delegations may feel compelled to put forward be few and well co-ordinated with the rest of the treaty text.

3. Another important consideration influencing the character of our statements in this Committee is the knowledge that we are still at a stage where we are negotiating on the best possible formulation of a treaty draft. The final position of our Governments with regard to the treaty as such belongs to a later stage. That was clearly indicated by the representative of the United States when he presented the revised draft treaty. Mr. Fisher said:

> As was the situation in the case of the initial draft treaty presented in August, the revised treaty draft is a recommendation for discussion and negotiation in this Committee and for the consideration of all governments.

Mr. Fisher went on to say:

> . . . we could not, of course, expect governments to be committed to this draft at this point, since we shall all want to discuss this draft in the session of this Committee which lies ahead.[3]

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[1] ENDC/PV.363, pp. 4–12.
[2] *Ante*, pp. 1–6.
[3] *Ante*, p. 11.

4. Guided by these considerations, my delegation has during the past few weeks been studying with the utmost care the revised treaty draft. We recognize that the co-Chairmen have come a considerable way by taking into account some of the well-argued and well-justified suggestions for changes in or amendments to their earlier texts, presented during the Committee's last session by several of the delegations around this table. On other points the co-Chairmen have apparently on their own found reasons to suggest changes. Finally, they have presented to us, for the first time, a proposal for the wording of a draft article III dealing with the control arrangements.

5. In several respects we are therefore faced with a much better basis for our deliberations now than last autumn. Mindful as we are of the need for self-discipline on the part of delegations and of the waste of time entailed in suggesting changes which we understand are doomed to be unacceptable, the Swedish delegation still finds that the revised text could greatly benefit from some further improvements on a few chosen points. On other points we must ask the authors of the draft for some clarifications, hoping that the answers will alleviate some if not all of our preoccupations.

6. In order not to tax the patience of the Committee with too long a speech I intend in my presentation today to deal only with those amendments which refer to general problems of the treaty structure; I also wish to raise some questions relating to article III, on the controls. Next week I wish to deal with some remaining points clustered around the very important desideratum of a systematic coherence, both substantially and constitutionally, between that partial nuclear disarmament measure which is now being discussed—the non-proliferation treaty—and those which are to be covered by ensuing treaties or are already covered by existing ones—above all, the Moscow Treaty on a partial test ban.[4]

7. None of the few formalized suggestions for changes in the text presented today in document ENDC/215 [5] or the few others to follow do, I think, interfere with any of the basic regulations contained in the present draft. On one or two points they rather emphasize the main principles. All together they should strengthen the treaty text, both in its acceptability and in its durability.

8. The one preoccupation overshadowing in importance all other ones, as so many speakers both here and in the United Nations have reiterated, is of course the one which can most simply be embodied in the question: Where do we go from here? How certain can we be that effective measures to stop the nuclear arms race, now escalating in a fearful spiral, will really be undertaken at an early date? How can we—the non-nuclear-weapon States—be expected to enter into an interminable obligation to remain non-nuclear if the nuclear-weapon States are engaged in an interminable nuclear escalation? This question is really not one, as has sometimes been said rather reproachfully, of seeking any quid pro quo. It is a question of the whole atmosphere, of perspective; and it cannot be concealed that the atmosphere of confidence was greater two years ago than it is today.

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[4] *Documents on Disarmament, 1963*, pp. 291–293.
[5] *Supra.*

9. It should be fully understood that the purpose of the Swedish initiative is not to stall our work in this Committee, not to counteract the endeavours to reach a ban on the spread of nuclear weapons, which we find desirable *per se*, but, on the one hand, as I have said, to assist in improving the present treaty text as much as possible, and on the other hand to work relentlessly for those further agreements which would ensure nuclear disarmament.

10. The present text does represent an improvement on the earlier one. Other representatives have already before me expressed their satisfaction with the inclusion in the new draft treaty text of an article, number VI, dealing specifically with the need—

> . . . to pursue negotiations in good faith on effective measures regarding cessation of the nuclear arms race and disarmament, and on a treaty on general and complete disarmament under strict and effective international control.

If, however, we compare that wording with the proposals made on this very matter last year by Mexico,[6] Romania[7] and Brazil,[8] with the support of other delegations, both non-aligned and others, we must recognize that the obligations incumbent on the nuclear-weapon States are considerably weaker in the present draft. From the Mexican proposal (article IV-C) has been deleted the notion that the negotiations shall be pursued "with all speed and perseverance" and further, the clear undertaking "to arrive at further agreements". Finally, the reference in the Mexican proposal to "the prohibition of all nuclear-weapon tests" has been omitted. A similar weakening of the text can easily be noted if one compares the present wording with the proposals made by Romania and Brazil.

11. Despite the fact that what corresponds to my Government's position would indicate the need for a much stronger commitment on the part of the nuclear-weapon Powers that they should proceed without further delay to steps of effective nuclear disarmament, I am mindful of the difficulties involved. As has been stated, it would hardly be feasible in legal terms to enter into obligations to arrive at agreements. Further, to enumerate some specific measures might be counterproductive, as agreements on certain other scores may come to present opportunities for earlier implementation.

12. For those reasons the Swedish delegation today will restrict to two its suggested amendments to article VI, both being of such a nature that they are not expected to create any difficulties in regard to the substance. We simply propose the inclusion of the words "at an early date", thus introducing once more the sense of urgency which we all feel presses for further measures to halt the nuclear arms race. We also propose, for the sake of making clear the main goal of these negotiations, the insertion of the word "nuclear" before the word "disarmament".

13. If one is to be able to keep the amendment of article VI to such very modest dimensions, it practically presupposes some strengthening of the preamble. In the present wording of the preamble there are three paragraphs—the last ones—which deal with further dis-

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[6] *Documents on Disarmament, 1967*, pp. 394-395.
[7] *Ibid.*, pp. 525-526.
[8] *Ibid.*, pp. 546-547.

armament measures. Even if it can be surmised that the comprehensive test ban is one of the measures implicit in the reference to "the cessation of the nuclear arms race", we urge that this important measure of disarmament be spelt out specifically somewhere in the treaty. This is all the more justified as we can rest this particular case on a previously-accepted commitment. As I said in my intervention on the non-proliferation issue on 3 October last year, the preamble would give a much greater emphasis to the need for an uninterrupted sequence in the disarmament negotiations, and to their urgency, if a new paragraph were introduced in connexion with the declaration of intent on cessation of the nuclear arms race.[9] It is sufficient to remind the parties of the pledge made in the preamble to the partial test-ban Treaty: that is, to seek to achieve the discontinuance of all test explosions of nuclear weapons for all time and to continue negotiations to that end. An amendment to that effect will be found in document ENDC/215.

14. I now turn to article VIII. We have found the new version of paragraph 2 of that article to be an improvement on the earlier text, even if it must be recognized that amendments to the treaty, when it is once finalized and brought into effect, will indeed be very difficult to obtain. A certain easing of a very tight situation could be achieved by offering an opportunity to review the situation, not only once after five years, but periodically, in order that the parties may be able to assure themselves "that the purposes and provisions of the Treaty are being realized".

15. With regard to paragraph 3 of article VIII, dealing with review, it will be noted from our document ENDC/215 that we suggest a simple addition to the present text to the effect that a majority of the parties to the treaty may decide that further such conferences shall be convened at intervals of five years.

16. In this connexion I wish to support very strongly the amendment to this paragraph put forward once again by the United Kingdom delegation on 23 January. The representative of the United Kingdom, Mr. Mulley, then upheld the view he had earlier expressed in a formal amendment to the effect that not only the purposes and provisions of the treaty but also the purposes of the preamble should be reviewed after five years.[10]

17. An open question remains: namely, what action is supposed to follow if the verdict of a review turns out to be "unsatisfactory"? It would seem reasonable that, if it is manifest at a review conference that the intentions of the treaty to achieve cessation of the nuclear arms race and to obtain nuclear disarmament have in reality been blatantly disregarded, parties to the treaty may come to regard this as an extraordinary event jeopardizing their own supreme interests, as mentioned in paragraph 1 of article X.

18. With those last few words I have already turned the corner from specific amendments to a set of questions on which, I am certain, most delegations are eager to obtain clarification. The majority of my queries, and the most technical of them, refer to article III, on

[9] *Ibid.*, p. 446.

[10] The British amendment appears *ibid.*, p. 595. For Mr. Mulley's statement, see ENDC/PV.358, p. 10.

that crucial matter of controls. My delegation has certainly noted with satisfaction that the co-Chairmen have finally been able to agree on a common proposal in this central sector. We especially appreciate that the International Atomic Energy Agency (IAEA) has been given the over-all responsibility for all treaty verification, while at the same time provisions are foreseen that would enable the utilization of the experience and the organizational arrangements of other international safeguard machinery. We trust that this compromise will be made watertight and tenable. That would give all safeguard activities the necessary credibility and would also remove from the safeguard field a large element of the commercial discrimination which exists today.

19. With our sense of satisfaction, however, is mingled a sincere disappointment that some important aspects of the control article proposed by my delegation in August 1967 [11] have not been accepted by the co-Chairmen. Two basic principles of great importance which were embodied in our proposal have not been retained. They both concern the question of mutual obligations on the part of both nuclear-weapon and non-nuclear-weapon States. I will deal with both of them briefly in order to demonstrate what the non-nuclear-weapon States have lost in the process of agreement between the two leading nuclear-weapon States.

20. The Swedish proposal did not establish a full sharing of obligations. We maintained that, as long as nuclear activities for non-peaceful purposes were not forbidden, only the non-nuclear-weapon States could be obliged, under our formula as well as under the proposal of the co-Chairmen, to accept IAEA safeguards on all their nuclear energy activities. That is sheer logic. According to our text the nuclear weapon States were, however, to undertake to co-operate in facilitating the gradual application of IAEA safeguards also to their own peaceful nuclear energy activities. In a highly-generalized form such a pledge is now to be found in the fifth preambular paragraph of the draft text, where it is said that the parties undertake "to co-operate in facilitating the application of International Atomic Energy Agency safeguards on peaceful nuclear activities." We should, of course, have much preferred to have this undertaking included in the control article itself and with a specific reference to the nuclear-weapon States.

21. We have duly registered as two major steps forward the unilateral undertakings made last December by the Governments of the United States and the United Kingdom,[12] which in fact will vastly increase the amount of nuclear activities under safeguards and undoubtedly facilitate considerably international trade in the nuclear field. The question remains: how complete will be the coverage of this pledge voluntarily to place nuclear activities under international safeguards in the countries mentioned and in other nuclear-weapon States? A similar pledge on the part of the Government of the third nuclear-weapon country present in this Committee, the Soviet Union, would naturally be of immense value as a proof of the sincere willingness of all States to apply international safeguards to their peaceful

[11] *Documents on Disarmament, 1967*, p. 368.
[12] *Ibid.*, pp. 613–616.

nuclear activities and to wipe out this quite unnecessary lack of equal treatment in regard to controls.

22. The Swedish proposal further contained a rule according to which no transfers of source or special fissionable material to any other State could take place unless the material were subject to IAEA safeguards. Such a clause would have a definite disarmament effect, as imports into nuclear-weapon States of fissionable material for weapon purposes would be forbidden.

23. That ambition to increase the non-discriminatory element in the treatment between the two categories of States has not been shared by the co-Chairmen. Their draft article III contains no conditions on the export to the nuclear-weapon States of fissionable material, equipment and so on for their military or peaceful nuclear programmes. We maintain that that is a serious limitation in the scope of the treaty; in fact it is a loop-hole by which non-nuclear-weapon States may, without even knowing it themselves, be aiding a military nuclear programme. We might even pose the question whether the treaty language of paragraph 1 of article III, which requires controls to follow all nuclear activities of non-nuclear-weapon States, does not allow an interpretation—at least as far as intentions are concerned—that to such activities belong also exports; that is, that material once controlled should never be diverted "from peaceful uses to nuclear weapons" in one's own or another country.

24. In real life the situation is somewhat more hopeful, because the supply policy of several States, including Sweden, already serves to some extent to close the loop-hole; it might be extended to do so completely by a policy requesting exclusively peaceful use and control as a condition for supply to nuclear-weapon States also. There are strong reasons for the suppliers to continue such a policy. It can easily be done by resorting to provisions for what is called a "continuation of safeguards", in accordance with paragraph 16 of the IAEA safeguards system of 1965,[13] and by including such provisions in the agreements which are to be concluded between IAEA and the non-nuclear-weapon States signatories to the treaty.

25. We very much regret that it turned out to be impossible to include in the draft article III a formalization of such supply policies, already established by several States. However, lacking such a provision, we think it will be of fundamental importance for States which recognize the necessity of continuing those policies in the interest of disarmament to keep in informal contact with each other in order to standardize their policies and to remove any possible fear that safeguards will be commercially negotiable; because if that could happen the whole scheme would quickly degenerate. The draft article III before us, in combination with the unilateral undertakings by nuclear-weapon States and with an informal "code of ethics" observed by all supplier nations—which are presumably unwilling to be connected with a nuclear-weapon production programme through any generation of special fissionable material originating from them—would, but only under those conditions, come rather close to what we intended to achieve by our previously-proposed wording of the control article.

26. Let me raise a final query in regard to article III. The time-

[13] *Ibid., 1965*, p. 448.

table suggested in paragraph 4, seen together with the rules for the entering into force of the treaty contained in paragraph 3 of article IX, causes rather serious anxiety. It is obvious that a considerable time will pass before the safeguards system will become universally applicable. Is there not a definite risk in the fact that during an interval which may extend to several years some countries may be subject to control and others not? All the present apprehensions, both political and commercial in nature, will persist for that period.

27. Furthermore, there seems to be a hiatus between paragraphs 2 and 4 in article III. According to paragraph 2, no source or special fissionable material or special equipment may be provided to non-nuclear-weapon States unless the IAEA safeguards are applied. Thus, for part or for the whole of the interim period when these new agreements are being negotiated, a general standstill in the transfers of such material must be feared. A clarification on that point by the co-Chairmen would be most welcome.

28. The discrepancy in the timing between the entering into force of the treaty as such and the entering into force of control arrangements may entail a further risk. We must all realize how attentively some States will, and must, follow what control rules are going to be applied to certain other States. Is there not a risk that that may cause a retardation of the decisive act of ratification—too many States watching the actions of others? At least we should from this very moment encourage States to enter immediately into the preliminary negotiations with IAEA, so that the finally-ensuing patterns of control can be clearly discernible as early as possible.

29. I have a final question referring to article IX, where we, as probably many other delegations, are quite concerned about how its regulations will work out in practice. According to the present wording, the treaty shall enter into force after its ratification by all nuclear-weapon States signatories to the treaty and by forty other States, likewise signatories to the treaty. This formula does not, however, take into account the special importance which some prospective parties to the treaty may attach to the more or less simultaneous adherence by another State or several other States. Regional preoccupations may come to play an important role in this process of decision-making, as well as fears of uneven commercial competition if some States adhere and some not, some under an inspection agreement already settled and some with that issue still open.

30. The problem was touched upon by the Swiss Government in its thoughtful aide-mémoire to this Committee of 17 November 1967. There it was said:

> Switzerland could only be a party to the treaty if most of the Powers likely to possess nuclear weapons acceded to it. So long as that condition is not fulfilled, the treaty will contain a gap endangering the security of the small States on which it would be binding. Moreover, the non-accession of important industrial Powers might be economically prejudicial to the competitive capacity of the atomic industry of the signatory States.[1]

The question that naturally poses itself is whether this problem could be taken care of by allowing a State to make a reservation in its instrument of ratification to the effect that the treaty shall not enter

[1] *Ibid.*, *1967*, p. 573.

into force or remain in force for its part until and unless it enters into force and remains in force for another State or States, which will then have to be specified in the same document. The possibility of reservation would undoubtedly increase the speed of the ratification process in a number of countries of special importance as parties to the treaty. Speaking for my own country, I am sure my Government will look very carefully at the attitude of our more important neighbour countries as well as that of other industrial States, weighing this as one of the elements when deciding on its position in regard to the treaty as such.

31. In summing up, I have no hesitation in expressing on behalf of the Swedish delegation our appreciation of the great Powers' having achieved a remarkable result in agreeing on a complete treaty text for barring the spread of nuclear weapons to additional countries. Still, this is certainly only one, and a woefully short, step forward on the road to disarmament. History, and we who presently live in this epoch of history, cannot fail to note that simultaneously giant steps towards rearmament are being taken. Many upward turns of the nuclear armament spiral are occurring this very year. When and how shall we be able to place in true perspective the real impact on the one hand of the proposed non-proliferation treaty and on the other hand of the terrifying reality of nuclear escalation, symbolized by the modern shibboleths of ABM, FOBS, MIRV and probably still further horrors which we can as yet not even name?

Statement by the Brazilian Representative (de Araujo Castro) to the Eighteen Nation Disarmament Committee: Nonproliferation of Nuclear Weapons, February 8, 1968 [1]

32. Before delivering my prepared statement I wish to extend a warm welcome to Mrs. Myrdal, the representative of Sweden. We are happy that in this round of meetings we shall be able to count on her wisdom, experience and idealism in the consideration of the important matter under discussion. We have listened with the utmost attention and consideration to her statement of today and will comment at a very early opportunity on the very important points she has raised before this Committee. Today I will only say that we are particularly impressed by her very pertinent remark to the effect that we are in the negotiation stage and that therefore all members of this Committee have not only the right but also the duty, under the relevant United Nations resolutions, to present any suggestions they may find to be necessary or advisable.

33. I was also particularly interested by the questions raised by Mrs. Myrdal on article III and by her emphasis on the necessity of more definite commitments by the nuclear Powers, because this affects the all-important question of the acceptable balance of obligations be-

[1] ENDC/PV. 363, pp. 13–22

tween nuclear and non-nuclear nations. All these questions, as well as the important points raised at our last meeting by the representative of Romania,[2] deserve the most attentive consideration. My delegation will also give thorough attention to the suggestions advanced in the working paper of the Swedish delegation which we have received today.[3]

34. My delegation has given full and careful consideration to documents ENDC/192/Rev. 1 and ENDC/193/Rev. 1, containing identical texts of a draft treaty on non-proliferation of nuclear weapons, presented on 18 January by the representatives of the United States of America and the Union of Soviet Socialist Republics.[4]

35. As the members of the Eighteen-Nation Committee on Disarmament are well aware, Brazil unequivocally supports the idea of a fair and equitable non-proliferation treaty that would effectively prevent the risk of the spread of nuclear weapons while encouraging the fullest use of nuclear energy, in all its forms, for the economic and social advancement of all peoples. Brazil has already evidenced its adherence to that ideal by signing and ratifying the Treaty of Tlatelolco, which embodies that objective.[5] The treaty we are now in the process of negotiating has to be conceived within the broad framework of measures aimed at securing "general and complete disarmament under effective international control", as contemplated in resolution 1722 (XVI) adopted by the General Assembly of the United Nations on 20 December 1961.[6]

36. My delegation, as well as many other delegations in this Committee, has repeatedly emphasized that in our present effort towards the negotiation of a non-proliferation treaty we are bound to observe the guiding principles set forth by General Assembly resolution 2028 (XX), which read as follows:

> (*a*) The treaty should be void of any loop-holes which might permit nuclear or non-nuclear Powers to proliferate, directly or indirectly, nuclear weapons in any form;
>
> (*b*) The treaty should embody an acceptable balance of mutual responsibilities and obligations of the nuclear and non-nuclear Powers;
>
> (*c*) The treaty should be a step towards the achievement of general and complete disarmament and, more particularly, nuclear disarmament;
>
> (*d*) There should be acceptable and workable provisions to ensure the effectiveness of the treaty;
>
> (*e*) Nothing in the treaty should adversely affect the right of any group of States to conclude regional treaties in order to ensure the total absence of nuclear weapons in their respective territories.[7]

37. It is thus perfectly obvious that any text or document presented to the Eighteen-Nation Committee on Disarmament should of necessity conform to those principles, which were adopted by the General Assembly by 93 votes to none, with 5 abstentions. Such principles are the expression of the views and desires of the international community; and before we agree on the text of a treaty on non-proliferation we ought to be satisfied that such a text is consistent with those principles,

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[2] *Infra*, pp. 33-35.
[3] *Infra*, pp. 41-42.
[4] *Infra*, pp. 1-6.
[5] *Documents on Disarmament, 1967*, pp. 69 ff.
[6] *Ibid., 1961*, pp. 741-742.
[7] *Ibid., 1965*, pp. 532-534.

which should be the basic criteria guiding the consideration of the different documents placed before this Committee.

38. We appreciate the fact that the revised texts submitted by the delegations of the United States of America and the Union of Soviet Socialist Republics do provide a better basis for discussion and negotiation than did the previous document [8] and we consider, moreover, that the mere fact that the super-Powers are in a position to reach an agreement on a major international issue is by itself a political event of great significance. We thank our co-Chairmen for the efforts they have made to reconcile the views of their respective nations and to meet some of the objections raised by members of this Committee. No matter how important and gratifying may be this understanding between the two super-Powers on a measure contributing to international peace and security, it is of course indispensable that it should not impair the scientific, technological and economic progress of other nations. If that condition is not met, any agreement, however laudable its intent and its purposes, will be neither effective nor lasting. Therefore we must now ascertain to what extent the changes introduced do preserve the fundamental interests and rights of the non-nuclear world.

39. As we have said, the task of the present round of meetings is, therefore, to ascertain whether the texts submitted conform to the principles laid down by resolution 2028 (XX). It is in the light of each one of those principles that we shall proceed with our analysis. Principle (*a*) states:

> **The treaty should be void of any loop-holes which might permit nuclear or non-nuclear Powers to proliferate, directly or indirectly, nuclear weapons in any form.**

Bearing in mind that basic principle, we should like to point out that the revised drafts contain no measure whatsoever aimed at preventing nuclear-weapon States from vertically proliferating, directly or indirectly, in spite of pertinent proposals submitted by some delegations in this Committee, notably by the delegation of India, and, what is still more cogent, in spite of the very words of the text we have just mentioned.

40. In addition, from a reading of the second part of article I we might gather that, although nuclear Powers are forbidden to assist, encourage or induce any non-nuclear-weapon State to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices, they are left free to assist, encourage and induce nuclear-weapon States in such activities, now or in the future. Does that mean that some of the present nuclear-weapon Powers which have attained a higher degree of sophistication in the development of nuclear technology for warfare are entitled to transfer, now or in the future, such knowledge and techniques at will to any nuclear-weapon Power which has not yet attained such levels of sophistication, be they parties or not to the treaty? That is a very important point. For us that is the only valid interpretation of those sections of the draft, since the first part of article I of the draft treaty refers to "any recipient whatsoever", whereas mention is made later in the same article of "any non-nuclear-weapon State".

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[8] *Ibid., 1967*, pp. 338-341.

41. We notice likewise that the first part of article I, which was left untouched in the revised draft in spite of relevant amendments proposed by some non-nuclear countries, including Brazil, goes far beyond the aforementioned principle (*a*) inasmuch as it includes nuclear explosive devices, even if they are meant for peaceful purposes—a prohibition which was not contemplated by the General Assembly and is not required by the purposes of the treaty. A philosopher might say that peaceful explosions have suddenly become more dangerous than military explosions.

42. As far as loop-holes are concerned, we might visualize a rather improbable situation which could theoretically arise. Paragraph 3 of article IX states that the treaty "shall enter into force after its ratification by all nuclear weapon States signatory to this Treaty". It states further:

> For the purposes of this Treaty, a nuclear-weapon State is one which has manufactured and exploded a nuclear weapon or other nuclear explosive device prior to January 1, 1967.

The United States of America, the USSR, the United Kingdom, France and mainland China are thus recognized and proclaimed as the only possible nuclear-weapon Powers to the end of time; for the draft treaty appears to be conceived under the sign of irreversibility. Now let us suppose, just for the sake of argument, that for political reasons one of those five countries were to sign the treaty and indefinitely delay its ratification. Would that mean that the treaty would never enter into force? I mention that rather improbable situation lest we forget, as we might easily do, that among those five nuclear-weapon countries there is one, mainland China, of whose peaceful sentiments we have every reason to be sceptical—and the feeling of scepticism in that regard is, to the best of my knowledge, rather widespread in this conference room.

43. We now come to principle (*b*), which states:

> The treaty should embody an acceptable balance of mutual responsibilities and obligations of the nuclear and non-nuclear Powers.

According to the language of the proposed article III, while non-nuclear-weapon States are asked to accept a blank system of control yet to be formulated, the text does not include a commitment to the effect that the nuclear-weapon Powers will likewise be subject to some kind of control over their nuclear activities for non-military as well as military purposes, so that the gap in obligations might be narrowed. Moreover, according to the present wording of the proposed article III, nuclear-weapon Powers may receive source or special fissionable material originally intended for peaceful applications and not subject to control, and later legitimately use such material for weapon purposes.

44. It is precisely with the intention of narrowing that gap in the obligations that we have suggested—and we are now insisting on—an obligation upon the nuclear weapon States to channel through a special United Nations fund for the benefit of the economic development of developing countries, in particular for their scientific and technological progress, a substantial part of the resources liberated by

the measures of nuclear disarmament. We shall refer later to numerous other instances of marked absence of that minimum acceptable balance in the revised text. In that regard suffice it to say for the moment that, in the view of my delegation, the alleged balance in the drafts under consideration is clearly unacceptable.

45. Let us take principle (*c*), which states:

The treaty should be a step towards the achievement of general and complete disarmament and, more particularly, nuclear disarmament.

The provision embodied in article VI does not specifically refer to obligations by nuclear Powers as such; it envisages a commitment by "Each of the Parties to this Treaty . . to pursue negotiations in good faith". As a matter of record, "good faith" has always consistently been a normal assumption in the negotiations that have been carried on in this Committee.

46. Article VI sets forth three objectives for the negotiations which must be pursued by all parties to the treaty: first, the cessation of the nuclear arms race; second, disarmament; and third, a treaty on general and complete disarmament under strict and effective international control. There is no specific commitment on the part of the nuclear-weapon Powers to speedily negotiate measures for nuclear disarmament, unless we consider that these measures are to be part of a treaty on general and complete disarmament. Thus there is no priority assigned to the negotiation of measures for nuclear disarmament, as compared with measures for conventional-weapon disarmament. Nevertheless, there is no doubt that the real danger to the survival of mankind in organized society lies primarily in the existing and still mushrooming arsenals of nuclear weapons and the means of delivery of such weapons.

47. In that connexion, I wonder whether the wording of paragraph 2 of article X, relating to a minimum initial period of twenty-five years for the duration of the treaty, abandons the hope of achieving the goal of "general and complete disarmament under effective international control" set forth in resolution 1722 (XVI). How can a committee with a mandate to negotiate a treaty on general and complete disarmament endorse a provision based on the assumption—or at least admission—that nuclear-weapon arsenals may increase and proliferate for a minimum initial period of twenty-five years and that vertical proliferation may go on unchecked? Is that not a confession of failure on the part of the Eighteen-Nation Disarmament Committee? Is it not a premature and uncalled-for admission of the possibility that in 1993 the Eighteen-Nation Disarmament Committee, or another body in Geneva or in another city, will still be groping for an agreement on this vital issue of nuclear disarmament? What is more serious and important, has the Eighteen-Nation Disarmament Committee the right to lose hope or to confess that it has lost hope?

48. We shall consider now principle (*d*), which states:

There should be acceptable and workable provisions to ensure the effectiveness of the treaty

In the view of the Brazilian Government, universality is a prerequisite for the effectiveness of the treaty. As far as participation is

concerned, we must not lose sight of the fact that the proposed non-proliferation treaty is to be signed by nuclear and non-nuclear-weapon Powers. Among the five existing nuclear Powers, two are not likely to become signatories; among the non-nuclear-weapon Powers, the draft requires ratification by as few as forty States, or one-third of the whole membership of the United Nations, as a condition for its entry into force. Under those circumstances it appears that the proposed number of ratifying States falls very short of what could be considered a sign of universal adherence to the treaty.

49. Now we come to the last guiding principle, principle (*e*), which states:

Nothing in the treaty should adversely affect the right of any group of States to conclude regional treaties in order to ensure the total absence of nuclear weapons in their respective territories

My delegation welcomes the acknowledgement, in the operative part of the draft, of the existence of regional treaties aimed at ensuring the absence of nuclear weapons from the territories of nations which are parties to such agreements, as is the case in Latin America. It would, however, be much more satisfactory to us, and to other Latin-American countries, if the draft specifically recognized the rights and obligations entered into by nations which have already concluded regional treaties of that kind.

50. In that regard we would again draw the attention of this Committee to the fact that the draft goes far beyond the general guiding principles, which do not mention nuclear explosive devices for peaceful purposes but aim specifically at ensuring "the total absence of nuclear weapons". In that connexion the Eighteen-Nation Disarmament Committee cannot ignore the existence and the implications of the Treaty for the Prohibition of Nuclear Weapons in Latin America, which was welcomed with special satisfaction by the United Nations General Assembly in its resolution 2286 (XXII).[9]

51. We have tried to point out some of the discrepancies between the revised draft and the principles set forth by the General Assembly as guidance and orientation for our proceedings. Fortunately, we know that the revised text agreed upon by our co-Chairmen in private bilateral meetings and negotiations, without the assistance and participation of all the members of the Eighteen-Nation Disarmament Committee, has been presented to us, as was pertinently stressed in a timely statement by the representative of the United States, not on a "take-it-or-leave-it" basis but as "a recommendation for discussion and negotiation in this Committee and for the consideration of all governments."[10] We welcome such a constructive attitude, and we understand the expression "all governments" as referring not only to the Governments of the States members of this Committee but to the governments of all States which will be called upon to assume obligations under the proposed treaty. It is obvious that States non-members of the Committee should not be taken for granted, and that they should be given free and unhampered opportunity to state their views on a matter affecting their destinies.

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[9] *Ibid.*, pp. 620-621.

[10] *Ante*, p. 11.

52. It is on the assumption that we are in the initial stages of a new round of negotiations in the Eighteen-Nation Disarmament Committee that we shall further state some views on several points of the treaty. A full account of such negotiations will be submitted to the United Nations General Assembly, together with the pertinent documents and records, after the Committee has given "all due consideration to all proposals submitted to the Committee and to the views expressed by Member States during the twenty-second session of the General Assembly", as specifically requested by resolution 2346A (XXII).[11]

53. Brazil, for its part, does not consider that its essential suggestions and proposals embodied in document ENDC/201/Rev. 2 have been satisfied by the new revised identical texts submitted by the delegations of the United States and the Soviet Union. Nor do we estimate that they were fully considered and taken into account in the negotiations preceding the presentation of the revised drafts. We are not prepared to renounce our essential points of view, such as the one relating to the necessity of ensuring—

> . . . the inalienable right of all the Parties to the Treaty to develop, alone or in co-operation with other States, research, production and use of nuclear energy for peaceful purposes, including nuclear explosive devices for civil uses, without discrimination.[12]

On that point the position of the Brazilian Government is very clear, straightforward and firm. It has been reiterated on several occasions before the Eighteen-Nation Disarmament Committee and the United Nations General Assembly and it was emphasized three days ago by Mr. Magalhães Pinto, Minister of External Relations of Brazil, before the nations represented at the second session of the United Nations Conference on Trade and Development.

54. In that connexion I should like to recall the words of President Costa e Silva in a major speech delivered shortly after taking office, in which the directives for Brazilian foreign policy were established:

> We repudiate nuclear armament and we are aware of the serious risks that the dissemination of nuclear weapons would bring upon mankind. It is imperative, however, that no actual or potential hindrances prejudice the full utilization by our countries of nuclear energy for peaceful purposes. Otherwise, we would be accepting a new form of dependence which is certainly inconsistent with our aspirations for development.[13]

At this stage we wish to reserve our right to proceed to an adaptation of the amendments embodied in document ENDC/201/Rev. 2 to the text of the new draft treaty and to submit other amendments, proposals and suggestions relating to points raised by the new formulation.

55. As we see it, the new draft has settled some problems but unfortunately it has given rise to new difficulties, among which I will mention the one relating to the not altogether harmonious interpretations that are being imparted to the all-important article III, dealing with the question of control and verification.

56. As far as international peaceful co-operation in the nuclear field is concerned, the provisions of articles IV and V of the new draft

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[11] *Documents on Disarmament, 1967*, pp. 732–733.
[12] *Ibid.*, p. 546.
[13] Address of Apr. 5, 1967.

amount to the institutionalization of the division of the world into two categories of nations: on the one hand, those which will have the monopoly of the technology of nuclear explosives for warlike and for peaceful purposes and, on the other hand, those which will be technologically dependent for a minimum initial period of twenty-five years. Despite the offer embodied in the draft treaty of the availability of the benefits from peaceful applications of nuclear explosions, the institutionalization of a status of dependence would be tantamount to freezing in non-nuclear weapon nations all technological development that might be connected, even remotely, with the specific technology of nuclear explosive devices intended for civil use. Moreover, the technological freeze imposed on non-nuclear-weapon nations would last for a minimum initial period envisaged as a quarter of a century, regardless of any technological breakthrough that might occur during all those years. We are aware of the amazing speed with which new and revolutionary discoveries are being made in this field; suffice it to say that twenty-five years ago, in 1943, the atomic bomb was not yet in existence.

57. My delegation thinks it appropriate to recall a recent statement made by Mr. Willy Spühler in the National Council of Switzerland:

(*continued in French*)

A viable draft treaty, that is to say, one to which the majority of States could accede, will be forthcoming only if it does not restrict the use of atomic energy for peaceful purposes.

(*continued in English*)

58. I hope I shall be allowed to come now to a rather technical observation related to article X, which includes among the requirements for withdrawal a notice containing a statement of reasons addressed to the United Nations Security Council. It may be pertinent to point out that the Charter of the United Nations entrusts the Security Council with functions specifically related to the maintenance of world peace and security and not with those of participating in the mechanism of withdrawal from any treaty. Moreover, among the members of the Security Council there may be some which will not be parties to the treaty, as will probably be the case with one of the permanent members. A country having decided to withdraw from the treaty might thus be placed, at least theoretically, in the strange situation of stating the reasons justifying its decision before a body composed of States a certain number of which are not parties to the non-proliferation treaty. With regard to the withdrawal provisions, my delegation maintains that the reference to circumstances prompting a State to withdraw from the Treaty should be extended to include circumstances which "may arise" and may affect the supreme interests of the country concerned.

59. Those are some of the preliminary observations my delegation wished to advance today, in a most constructive manner, for the consideration of the Eighteen-Nation Committee on Disarmament. We are determined to keep our minds open to any suggestion, any idea, any proposal likely to help in concluding a treaty on non-proliferation consistent with the principles set forth in resolution 2028 (XX). We do not believe that a "yes or no" approach is a sound basis for negotia-

tion between sovereign and equally responsible nations on matters affecting so deeply their future, their progress and their development.

60. We are bound to negotiate a treaty which will prove acceptable both to our Governments and to the peoples represented in our parliaments and, furthermore, a treaty which will be a lever for international peace and security and will embody, to use the very words of the Charter: "conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained".[14]

Swedish Working Paper Submitted to the Eighteen Nation Disarmament Committee: Further Suggestions in Regard to the Draft Nonproliferation Treaty, February 13, 1968 [15]

Preamble: in the seventh paragraph, second and third lines delete the words "by nuclear-weapon States".

Article V: delete in the third and sixth lines the words "non-nuclear-weapon", delete in the seventh line the words "so desiring" and "or agreements" and delete in the eighth line the words "on a bilateral basis or".

The Article would then read as follows:

"Each Party to this Treaty undertakes to cooperate to insure that potential benefits from any peaceful applications of nuclear explosions will be made available through appropriate international procedures to other States Party to this Treaty on a non-discriminatory basis and that the charge to such Parties for the explosive devices used will be as low as possible and exclude any charge for research and development. It is understood that States Party to this Treaty may, pursuant to a special agreement, obtain any such benefits through an appropriate international body with adequate representation of non-nuclear-weapon States."

Statement by the Swedish Representative (Myrdal) to the Eighteen Nation Disarmament Committee: Nonproliferation of Nuclear Weapons, February 13, 1968 [1]

2. The purpose of my intervention today is to scrutinize how the draft treaty before us [2] can be harmonized with agreements in regard to other partial disarmament measures. Such an examination will prove the need to undertake some minor adjustments to the present

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[14] Preamble to the Charter.

[15] ENDC/216. Feb. 13, 1968. The draft treaty appears *ante*, pp. 1–6.

[1] ENDC/PV.364, pp. 4–11.

[2] *Ante*, pp. 1–6.

text. Amendments to that effect are presented in document ENDC/216,[3] supplementary to the amendments submitted by my delegation in document ENDC/215.[4]

3. For many years now the non-aligned members of the Eighteen-Nation Committee on Disarmament have been clamouring for concrete results not only in the field of non-proliferation but also in regard to other steps to halt the nuclear arms race. Two additional measures have been foremost in the thinking of the Swedish delegation, which early included them in a so-called "package": a comprehensive test ban, and a cut-off of the production of fissile material for weapon purposes. Treaties to cover those two measures—and any other measure to follow—must be combined in a logical and systematic fashion with the non-proliferation treaty now under negotiation and with the partial test-ban Treaty,[5] the outer space treaty,[6] and treaties on nuclear-free zones already established.[7]

4. While we are at work on one of the treaty texts, as we are at present, we must consciously seek, as I stated last Thursday,[8] to establish and at least facilitate such a systematic coherence. It is imperative that we should not, by less careful wording of one text, erect barriers to completing in a logical fashion the whole sequence. The legal language must be such that we should not have to amend one treaty in order to conclude the next—unless we achieve a major breakthrough, say, about total nuclear disarmament, which would obviously supersede all earlier agreements.

5. Such a dovetailing of the non-proliferation treaty with a treaty on cutting off further production of fissile material for weapons would, as far as substance goes, be the most easily achieved. The great amount of work that has gone into establishing international control machinery for the purposes of non-proliferation would also directly benefit a cut-off treaty. The International Atomic Energy Agency (IAEA) safeguards system could be made immediately applicable to nuclear facilities which shut down their military production lines. From the point of view of treaty language, however, some difficulties do arise. It would be interesting to know whether the legal experts in the nuclear-weapon countries have foreseen any procedure for amendments or whether they believe that some form of additional protocol might suffice for the purpose.

6. It is, of course, of considerable interest to non-nuclear-weapon States that that treaty also should be an international one, inviting us all to be signatories and thus partake in the responsibility for the observance of the treaty obligations. If a cut-off agreement is to be directly combined with the non-proliferation treaty, amendments to several of its present articles would be necessary, encompassing all States and not only non-nuclear-weapon ones under its prohibitions. Thus the treaty would be brought much closer to what has for a long time been suggested by non-nuclear-weapon States: that is, making

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[3] *Supra*.
[4] *Ante*, pp. 41–42.
[5] *Documents on Disarmament, 1963*, pp. 201–203.
[6] *Ibid., 1967*, pp. 38–43.
[7] See *ibid.*, pp. 69 ff.
[8] *Ante*, p. 43.

controls applicable to all nuclear activities everywhere and to all transfers.

7. My intervention today is aimed at further clarifying the pattern of a complete triptych of treaties. Our suggested changes in the preamble and in article V would serve to keep open the option to conclude more specifically a comprehensive test ban treaty and a special agreement on the utilization of nuclear explosive devices for peaceful purposes without having to amend the treaty which is at present the subject of our negotiations.

8. For that purpose we propose that in the second and third lines of the seventh preambular paragraph the words "by nuclear-weapon States" be deleted. They are redundant, as it suffices to mention in general terms technological by-products which may be derived from development work. We must be very careful that we do not in this text indirectly give even a semblance of a blessing to the carrying out of unending explosion activities at the discretion of individual nations.

9. Further, in article V the references made in the draft treaty text to "non-nuclear-weapon" States should be deleted in the third and sixth lines, as the benefits in question should be permitted to be made available to all States. Finally, in the same article we most strongly recommend deletion of the reference to the possibility of making arrangements for the obtaining of benefits from nuclear explosions "on a bilateral basis". In order to improve the language of the article, we have also deleted as superfluous the words "so desiring" and "or agreements" in the second sentence, these latter changes being of a formal nature only and consequential to the one I have just mentioned. Our wording of the article would therefore be in accordance with the text rendered in document ENDC/216, which is now before the Committee.

10. Our reasons for suggesting these changes, which do not detract anything in substance from the present treaty text, are fundamentally very important. We sincerely want to warn against anything in the present treaty being construed in such a way that it may impede the conclusion of a comprehensive test ban treaty. Such a treaty must have as its scope a prohibition of all nuclear explosions in all States. Thereafter an exception should be made, but only one, and an explicit exception, in order to cope with the problem of peaceful nuclear explosions which might be authorized by an international body pursuant to a special agreement.

11. The close similarity, not to say identical character, of nuclear explosive devices, whether intended for military or civilian purposes, has so often been established in this Committee, not least by the representatives of the nuclear-weapon Powers, that it hardly calls for further elaboration today. We certainly have to take into account what the representative of the United States, Mr. Fisher, said at our meeting on 25 January, that it is an—

> . . . inescapable fact that the nuclear technology involved in producing nuclear explosive devices for peaceful purposes is indistinguishable from that involved in producing nuclear weapons.[9]

[9] *Ante*, p. 24.

Obviously, that fact creates a deep dilemma for us in our treaty-making. The intention on the part of all those States which have clamoured for a test ban has always been that testing should stop for all States and that further development of nuclear weapons should be forgone. This "qualitative" aspect of the cessation of the arms race was expressed in a concise fashion by the representative of the Soviet Union when on 1 February he entered a plea for urgent consideration of the test ban issue:

> In our opinion, after the solution of the non-proliferation problem the next important problem to be dealt with is the prohibition of all nuclear weapon tests. To supplement the Moscow Treaty banning nuclear weapons tests in three environments by banning also underground nuclear tests would erect an important barrier to the replenishment of nuclear arsenals with more sophisticated types of weapons. The cessation of tests in all environments would thus be an important step on the way, which is being paved by the treaty on the non-proliferation of nuclear weapons, to the cessation of the nuclear arms race.[10]

12. However, if the world is not to sacrifice the opportunities for using nuclear explosions for peaceful purposes, somebody must be allowed to conduct them. These technological realities must lead us to support the idea that the carrying out of peaceful nuclear explosions should be entrusted to the nuclear-weapon States, which already have developed nuclear devices and manufactured them in great numbers. However, that fact, which history has indelibly established, does entail a discrimination. Worse still, it is probably unavoidable that, when that activity is reserved for the nuclear-weapon States in the interests of non-proliferation, it will provide them with a military "spin-off", a result which is clearly contrary to the wishes for nuclear disarmament upheld by all States. Therefore it seems to be a minimum requirement, in order to redress the balance as fairly as possible, that the international licensing machinery envisaged for the implementation of the explosion services in non-nuclear-weapon States should apply also to such services in nuclear-weapon States and to development testing, if any is warranted.

13. There is a moral element involved in the demand that States entrusted with a monopoly in this field should consent to having their activities properly incorporated into an international framework established by the many States signatories to the treaty. No effort should be spared to prevent the possibility of suspicion arising that an explosion for peaceful purposes might, even in a single instance, be tantamount to a nuclear weapon test, which is to be formally prohibited in the test ban treaty.

14. For the present no decision is, of course, called for. The only action needed during this period—and I urge it as a crucial one—is to rid the present draft treaty of some "impure" elements.

15. The whole matter of peaceful explosions, in the perspective of the future, is one of great concern to all those who are interested in closing rather than widening the technology gap, and making it less easy for the advanced nations to gain commercial and economic advantages over the weaker ones. The Swedish Government has duly recognized that. At the current United Nations Conference on Trade

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[10] *Ante*, p. 30.

and Development in New Delhi the Swedish Minister of Commerce stated in his speech on 6 February that one aspect of the "technological gap" referred to—

. . . the peaceful use of atomic energy—both peaceful nuclear explosions, the free flow of scientific and technical information and the so-called 'spin-off' from a national nuclear-weapons programme. We believe that in a not very distant future nuclear explosions for peaceful purposes may well come to offer great economic advantages in certain development efforts such as very large civil engineering projects and the exploitation of otherwise inaccessible oil, ore and gas resources. In the discussions concerning disarmament at the United Nations in the Eighteen-Nation Committee on Disarmament, we have become convinced that countries without nuclear weapons should be able to exploit such possibilities through a non-discriminatory international procedure without danger of nuclear proliferation.[11]

16. The vast majority of delegations have obviously recognized that this matter of peaceful explosions must be covered by a separate international agreement. I noticed a reference to that opinion in the statement in which the representative of the Soviet Union introduced the revised treaty text.[12]

17. With regard to the reference to bilateral arrangements, which is found in the last sentence of the present wording of article V, I fully associate myself with the representative of Canada, who said in his statement on 23 January that it raised--

. . . the question of whether explosive services arranged bilaterally will be subject to the same criteria or controls as international arrangements. Might not the present language, which does not indicate any element of international supervision over bilateral arrangements, create apprehensions of possible clandestine nuclear co-operation for military purposes between nuclear and non-nuclear-weapon States under the guise of bilateral explosive services?[13]

That is an unnecessary ambiguity in the present text which can best be removed by deleting the whole reference to any possibility of bilateral arrangements in this context.

18. I reiterate that our purpose as regards the changes proposed, which do not touch upon the substance of the present treaty, either its preambular paragraph or its article V, should be quite clear: to leave the way open for the treatment of this issue in a comprehensive test ban treaty and to enhance further its international element by a separate agreement on the utilization of explosive devices for peaceful purposes.

19. I have so far dealt with the congruence needed between the non-proliferation treaty and the prospective test ban treaty mainly from the point of view of facilitating a constructive solution of the problem of peaceful nuclear explosions, which is truly a vexed one. But, of course, the whole issue of the speedy conclusion of a test ban treaty is at stake. I would recall to all representatives that the General Assembly has specifically charged this Committee—

". . . to take up as a matter of urgency the elaboration of a treaty"—and I emphasize "elaboration of a treaty"—"banning underground

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[11] TD/SR. 44 (prov.), p. 15.
[12] *Ante*, p. 8.
[13] ENDC/PV. 358, pp. 19-20.

nuclear weapon tests and to report to the General Assembly on this matter at its twenty-third session".[14]

20. We must therefore consider what the desirability for symmetry between the present treaty text and that of the Moscow Treaty requires. It seems mandatory to introduce into this treaty text, in which the non-nuclear-weapon States are asked to forswear for ever their right not only to nuclear weapons but also to their testing, a reminder of the solemn pledge contained in the preamble to the partial test ban Treaty. In the document submitted last week the Swedish delegation formulated to that end an amendment to the preamble.[15] We sincerely hope that that will be accepted by all delegations without any objections.

21. Objections would without doubt raise apprehensions that the super-Powers may not sincerely want a comprehensive test ban but that they tacitly take for granted that they will be allowed to continue underground testing for ever. Soon five years will have elapsed since the conclusion of the Moscow Treaty and since it was solemnly declared that all tests should cease for all time; but this does not seem to be taken very seriously. Underground testing continues at a seemingly increased rate. On 29 June last year I said in this Committee:

> . . . testing is continuing at an ever-accelerating tempo. According to figures I have available, nuclear explosions in the world numbered 36 in 1964 . . . 40 in 1965 and 60 in 1966.[16]

Today I can safely state that 1967 showed hardly any improvement. According to the notes we keep in the delegation, there were forty-seven tests conducted, among them five in the atmosphere. Several unpublished shots have to be added to that figure, as to those previously mentioned.

22. The tendency of increasing explosion yields also remains unchanged. There have been repeated reports that underground tests have led to leakages of radioactivity outside the territorial borders of testing nations, thus in effect causing infringements of the Moscow Treaty. Although these incidents could scarcely have been intentional, they may eventually lead to a weakened respect for the Moscow Treaty and even endanger its very existence. During this year, which has but begun, at least five shots have already occurred. According to information quoted in the Press, vast testing programmes are to be launched, including several shots that will be more powerful than any hitherto undertaken underground. It is as if the responsible authorities were unaware that testing nuclear weapons is an activity condemned by an overwhelming majority of United Nations Member States.

23. What I have just described amounts to a very sombre picture, especially as some of the test series scheduled for the near future seem to be connected with a development and deployment of anti-ballistic missiles which represents a take-off into a new and steeply-escalating phase of the arms race. Against this background it becomes evident that we must regard a comprehensive test ban as a key measure for putting the brake on nuclear arms competition. From all points of view

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[14] *Documents on Disarmament, 1967*, p. 731.
[15] *Ante*, pp. 41-42.
[16] *Documents on Disarmament, 1967*, p. 274.

a test ban would be indicated as the issue most immediately to be considered according to the commitments made in draft article VI of the present treaty text.

24. That brings me to my final point: namely our concern for the time-table and agenda of our continued work in the Eighteen-Nation Committee on Disarmament. I take it for granted that we should complete the deliberations on the draft treaty at present before us on the deadline set by the United Nations General Assembly, that is, 15 March.[17] Allowing some weeks for the study of our report by other delegations, the Assembly might be expected to reconvene, say, after Easter. Before we leave Geneva we should agree on a firm date for our renewed meetings, permitting us perhaps some two weeks of relaxation after the General Assembly. Before we leave Geneva in March we should also agree on at least some fixed points on our agenda, with the understanding that we have to deal in due turn with all the issues mandated to the Eighteen-Nation Committee on Disarmament by the United Nations, and perhaps with some others emanating from our own circle of delegations.

25. Without doubt the test ban is the next one on the United Nations priority list. On that issue we have also accumulated a vast fund of preparatory work during earlier deliberations. If you look back particularly to what I had occasion to expound on 17 August 1967 in relation to a test ban treaty [18] and to what Mr. Burns has repeatedly referred to, and in the most ample and detailed form in his statement on 12 September 1967, concerning permissions for nuclear explosive activities for peaceful purposes,[19] I think you will find that we already possess the outlines for drafts of the two important instruments of international legislation in this field. During the summer we would be justified in expecting very considerable strides forward, perhaps even celebrating a new agreement.

26. There are a few more arguments, derived from the foreseeable time schedule in regard to the processing of the non-proliferation agreement, which speak in favour of a certain optimism. My colleagues will recall that the Swedish delegation originally asked for simultaneous results, or at least simultaneous negotiations, in the three fields of non-proliferation, a comprehensive test ban, and a cut-off.[20] We ought as a minimum to be able to judge the prospects for the other two agreements when asked to conclude the first one.

27. Time seems to be on our side. As the signing and ratifying of the non-proliferation treaty, as well as the negotiating of safeguard agreements to implement its article III, will necessarily take a certain time, the willingness of the nuclear-weapon Powers to embark on serious negotiations on further disarmament measures in the nuclear field will during that interval be rather effectively tested. That willingness ought in fact to be demonstrated immediately, so that hesitat-

[17] See *ibid.*, pp. 732-733.
[18] *Ibid.*, pp. 333-338.
[19] ENDC/PV. 320, pp. 9-10.
[20] *Documents on Disarmament, 1966*, pp. 49 ff.

ing countries should not delay their acceptance of the non-proliferation treaty until a time when they have encountered more encouraging evidence of a brightening future than at present. That is one of the motives which have prompted the Swedish delegation here and in the United Nations so actively to probe the possibilities of a dynamic continuation of negotiations on further measures which would spell effective steps towards nuclear disarmament.

Brazilian Amendments to the Draft Treaty on Nonproliferation of Nuclear Weapons, February 13, 1968 [1]

Article I shall be amended to read as follows:

Article I Each nuclear-weapon state party to this treaty undertakes not to transfer to any recipient whatsoever nuclear weapons or control over such weapons directly or indirectly; and not in any way to assist, encourage or induce any non-nuclear weapon state to manufacture or otherwise acquire nuclear weapons or control over such weapons;

Article II shall be amended to read as follows:

Article II Each non-nuclear weapon State party to this Treaty undertakes not to receive the transfer from any transferor whatsoever of nuclear weapons or the control over such weapons directly or indirectly, not to manufacture or otherwise acquire nuclear weapons; and not to seek or receive any assistance in the manufacture, acquisition or control of nuclear weapons;

Article IV shall be amended to read as follows:

Article IV 1. Nothing in this Treaty shall be interpreted as affecting the inalienable right of all the Parties to the Treaty to develop, alone or in cooperation with other States, research, production and use of nuclear energy for peaceful purposes, including nuclear explosive devices for civil uses, without discrimination.

2. All the parties to the Treaty have the right to participate in the fullest possible exchange of scientific and technological information for, and to contribute alone or in cooperation with other States to, the further development of the applications of nuclear energy for peaceful purposes. Parties to the Treaty in a position to do so shall also cooperate in contributing alone or together with other States or International Organizations to the further development of the applications of nuclear energy for peaceful purposes especially in the territories of non-nuclear-weapon States Party to the Treaty.

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[1] ENDC/201/Rev. 2, Feb. 13, 1968. The draft treaty appears *ante*, pp. 1–6.

Article VI shall be amended to read as follows:

Article VI 1. Each of the Parties to this Treaty undertakes to pursue negotiations in good faith on effective measures regarding a treaty on general and complete disarmament under strict and effective international control.

2. Each nuclear-weapon State Party to this Treaty undertakes the obligation to negotiate at the earliest possible date a Treaty for the cessation of nuclear arms race and for the eventual reduction and elimination of the nuclear arsenals and the means of delivery of the nuclear weapons.

3. Each nuclear-weapon State party to this Treaty undertakes the obligation to channel, through a special United Nations fund for the benefit of the economic development of developing countries, in particular for their scientific and technological progress, a substantial part of the resources freed by the measures of nuclear disarmament.

Article VII shall be amended to read as follows:

Article VII Nothing in this Treaty affects or shall be interpreted as affecting, in any way, the rights or obligations of signatory States under regional Treaties on the proscription of nuclear weapons or the rights of any group of States to conclude regional Treaties, consistent with the objectives of this Treaty.

Paragraph 3 of Article IX shall be amended to read as follows:

Article IX 3. This Treaty shall enter into force after its ratification by all nuclear-weapon-States signatory to this Treaty, and _____ other States signatory to the Treaty, and the deposit of their instruments of ratification. For the purposes of this Treaty a nuclear-weapon-State is the one which has manufactured and exploded a nuclear weapon prior to January 1st, 1967.

Paragraph 1 of Article X shall be amended to read as follows:

Article X 1. Each Party shall in exercising its national sovereignty, have the right to withdraw from the Treaty if it decides that there have arisen or may arise circumstances related with the subject matter of this Treaty which may affect the supreme interests of its country. It shall give notice of such withdrawal to the Depositary Governments, three months in advance.

Statement by the Ethiopian Representative (Zelleke) to the Eighteen Nation Disarmament Committee: Nonproliferation of Nuclear Weapons, February 13, 1968 [1]

34. Before proceeding with my prepared statement, I should like to say that we have listened attentively to the very interesting statements made today and, if need be, we shall come back to them at a later stage.

35. We are in the happy situation of being able to welcome the revised identical draft treaties submitted to us by the United States and the Soviet Union at our opening meeting on 18 January.[2] In our opinion, the presentation of the revised draft marks another step forward to the final objective in our long and arduous negotiations, in this Committee and outside it, on the question of the non-proliferation of nuclear weapons. We are happy to note that the combined efforts of all the members of this Committee, as well as those of parties outside this Committee whose presence has always been strongly felt, should finally lead to the stage of great optimism in which we find ourselves at present.

36. Though it is true that all members of this Committee have spared no effort in good faith to bring about success in our common task, it must be admitted in the final analysis that much of the burden of the negotiations can be attributed to the two co-Chairmen of our Committee, whose silent but intensive activities behind the scenes have been subject to certain criticism and have worried many of us. As we come finally to the present stage of negotiations as a result of the presentation of the revised draft, we should like to join others in extending our congratulations to the co-Chairmen, the authors of the identical draft treaties that are now before us.

37. It seems to us that there are as many ways of looking at this treaty as there are member nations in this Committee, depending upon the political circumstances and the economic and technological stages in which each of our nations finds itself. For many of us, including my own country, Ethiopia, the question of producing nuclear weapons and hence proliferating them does not arise—at any rate not in any foreseeable future—and for very obvious reasons. The report of the Secretary-General of the United Nations on the effects of the possible use of nuclear weapons and on the security and economic implications for States of the acquisition and further development of these weapons, which the Secretariat was good enough to distribute to us, is very revealing in this respect.[3] Considering the degree of technological advancement required and the accompanying cost that would be incurred in order to acquire a minimum of meaningful nuclear force, it becomes a question in the realm of impossibility for many.

38. However, that does not make it any easier for those nations to make a decision on a treaty in which there is no sufficient guarantee

[1] ENDC/PV. 364, pp. 13-19.
[2] *Ante*, pp. 1-6.
[3] *Documents on Disarmament, 1967*, pp. 176 ff.

of a continuous endeavour to rid the world of the dreadful devastation of nuclear weapons and hence enhance their national security, as it is difficult to resist the temptation not to do what may appear to be impossible in the absence of a treaty and with the resulting multiplication of nuclear Powers.

39. What is at stake here and now is not a choice between having a treaty and not having a treaty. Indeed, that choice has already been made by the world community, when it approved resolution 1665 (XVI) at the sixteenth session of the General Assembly in 1961.[4] Nor is it a confrontation between the nuclear "haves" and "have nots". What is at stake now, and what we are entrusted by the rest of the world to resolve, is how best we can reconcile and synthesize our divergent views and the interests of each and every one of us with the wider and larger interest of world peace and security. In that regard we need no convincing that no treaty of a multilateral nature can be fully satisfactory to any of its parties, and that is all the more true in the case of a non-proliferation treaty which carries in its very concept a certain discriminatory appearance. Nevertheless we are certain that our diverse interests are not mutually exclusive. They are, on the contrary, dependent one upon the other. A treaty which fails to realize that fact may be poorly founded, for a treaty will be judged not by what it aims to do but by what it will be able to accomplish.

40. In offering our views on this revised draft treaty before us today, we should like to take as our point of departure what has already been said by the leader of the Swedish delegation, Mrs. Myrdal, at our meeting on 8 February: that we are here still at a stage of negotiation and that the final position of our Governments with regard to the treaty belongs to a later stage.[5] It is in that spirit that the Ethiopian delegation would now like to express views and raise queries on the different provisions of the draft treaty.

41. There is no denial that the new draft text of the treaty is a marked improvement on the previous text, both in form and in substance. For one thing it has become longer and more complete. In addition to the realization of article III, which has kept this Committee in suspense for a long time, it carries a few important additional articles. Equally undeniable is the fact that the new draft has drawn on the numerous suggestions and amendments submitted since last August and has, as a result, enriched some of its provisions. While we welcome these changes for the better in the new draft, we cannot pretend that the new text is in need of no improvement. Indeed, we find that this draft is amenable to certain changes and gives rise to questions of clarification which arise not so much from what it says as from what it leaves unsaid.

42. We are happy to see that the co-Chairmen have finally found a way of drafting article III. We are not unaware of the amount of labour, determination and spirit of compromise that were needed to realize the present draft of article III, which can be described as somewhat fragile. The appearance of this article has already given rise to talk of a cautious and inconclusive nature in the corridors outside this

[4] *Ibid., 1961*, p. 694.
[5] *Ante*, p. 42.

Committee. Also here in the Committee some pertinent questions have already been asked by some delegations. The Ethiopian delegation's view coincides with that of those who believe in a universal application of safeguards to peaceful nuclear activities of nuclear-weapon as well as of non-nuclear-weapon Powers.

43. Our belief in this non-discriminatory application of safeguards is based on our view that this treaty is a step towards nuclear disarmament, which in the final analysis we all desire. From that point of view, we feel that the manner in which this article is drafted fails to foresee that final objective, however distant and idealistic it may appear now. In addition, we should welcome further explanations and clarifications with respect to this article from the co-Chairmen. In particular, we wonder how the time taken to negotiate individual agreements with the International Atomic Energy Agency on safeguards, as stipulated in paragraph 4 of the same article, and the time of coming into force of this treaty will be reconciled.

44. An equally strong but silent force that is menacing world peace and security is the economic and technological backwardness of more than two-thirds of the world today. Much must be done, and in the shortest possible time, to bring about a change and betterment of the economic and technological standards of the developing nations. So far no known conventional means gives sufficient promise for a leap forward in this field. It is only natural, therefore, that as we are endeavouring to stop the spread of nuclear weapons we should at the same time be insisting on a clear and definitive commitment for better and intensified co-operation in the peaceful application of nuclear energy, lest we forget and unwittingly shelve this noble function of nuclear technology with that of the weapon itself.

45. That is why we welcome the new version of article IV, which meets some of our concerns in its revised form. Equally welcome is the addition of a new article V, which bears a promise of sharing the "potential benefits from any peaceful applications of nuclear explosions . . . on a non-discriminatory basis", as well as a promise of access to explosive devices for a price that is described as one that "will be as low as possible and exclude any charge for research and development". One may, however, wonder to what extent that price could be made to depart from conformity with the well-known principle of the monopolistic price mechanism.

46. Much as that worries us, we are nevertheless encouraged by the the continuous assurances maintained in this Committee by the nuclear-weapon Powers that they would do their utmost to see to it that all nations would have the possibility to draw on the benefits of the technology of peaceful nuclear explosive devices, in accordance with the provisions of this treaty. The statement made recently by Mr. Fisher at our 359th meeting on the preliminary stage of the peaceful application of nuclear explosives to extract natural gas from under the ground,[6] together with document ENDC/213 presented by the United States on "Project Gasbuggy",[7] is in that respect an encouraging sign of fruitful co-operation in the important field of peaceful explosive technology.

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[6] *Ante*, pp. 23–28.
[7] *Ante*, pp. 21–23.

47. My delegation was very much impressed by the statement of the representative of the United Kingdom, Mr. Mulley, when he said:

> If it is fair to describe the danger of proliferation as an obstacle to disarmament, it is equally fair to say that without some progress in disarmament the non-proliferation treaty will not last. Around this table there have sometimes been lone voices representing particular interests or points of view. On this issue—the need for the nuclear Powers to follow up this treaty with some further measures of disarmament the Committee has been unanimous.[8]

We have already had occasion at other times to state our convinced view that whatever we do now in drafting a treaty on the non-proliferation of nuclear weapons its end result will be judged by what it can do to contribute to and facilitate further measures of disarmament and, more particularly, nuclear disarmament. As long as nuclear weapons continue to be produced and as long as we shy away from a continued and realistic approach towards nuclear disarmament negotiations, the result of the non-proliferation treaty we aim to sign will be of minimal significance.

48. It is fitting that the new draft should include article VI, which aims to link the subject matter of the treaty with that of future disarmament. At our last session an important and carefully-worded draft article was submitted by the Mexican delegation for the consideration of the co-Chairmen. The article reads as follows:

> Each nuclear-weapon State Party to this Treaty undertakes to pursue negotiations in good faith, with all speed and perseverance, to arrive at further agreements regarding the prohibition of all nuclear weapon tests, the cessation of the manufacture of nuclear weapons, the liquidation of all their existing stockpiles, the elimination from national arsenals of nuclear weapons and the means of their delivery, as well as to reach agreement on a Treaty on General and Complete Disarmament under strict and effective international control.[9]

The Ethiopian delegation then had pleasure in supporting the same draft article to be incorporated as a separate article in the body of the treaty. We felt then, as we do now, that this article would have ensured a definite commitment on the part of the nuclear Powers to continue negotiations in the future on further measures of nuclear disarmament. The broad and generalized version of article VI as it appears in the new draft fails to ensure such a definitive commitment.

49. As it stands now, article VI appears to be much more generalized and less definitive than what has already been accepted in the preambular paragraph. In this respect we welcome the United Kingdom amendment contained in document ENDC/203, to the effect that the reviewing conference should consider the preamble together with the purposes and provisions of the treaty.[10] Furthermore, we recommended that the co-Chairmen reconsider the drafting of article VI in the light of previous as well as new amendments and views.

50. One of the least controversial provisions which now appears as a separate article, article VII, deals with the "right of any group of States to conclude regional treaties in order to assure the total ab-

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[8] ENDC/PV.358, p. 9.
[9] *Documents on Disarmament, 1967*, p. 395.
[10] *Ibid.*, p. 595.

sence of nuclear weapons in their respective territories." The Committee is well aware of General Assembly resolution 2033 (XX), containing the declaration on the denuclearization of Africa.[11] I have nothing new to add at this point except to indicate that, whatever the result of our negotiations on the non-proliferation treaty, it will no doubt bear heavy weight in our endeavours to negotiate and realize a convention declaring the continent of Africa a denuclearized zone.

51. With regard to article VIII, the Ethiopian delegation wishes simply to support the Swedish amendment contained in document ENDC/215, calling for further review conferences at intervals of five years whenever the need for such is felt by the majority of the parties.[12]

52. Earlier in our statement we pointed out that the question of proliferation of nuclear weapons in the case of the great majority of nations would not really arise in any foreseeable future. It is because of that conviction that I should now like to raise certain questions with regard to paragraph 3 of article IX of the draft treaty. That paragraph stipulates:

> This Treaty shall enter into force after its ratification by all nuclear weapon States signatory to this Treaty, and 40 other States signatories to this Treaty and the deposit of their instruments of ratification.

What we should like to know from the co-Chairmen is the significance of the number forty: whether we are to understand that that number includes non-nuclear nations which are at present considered to be potentially nuclear Powers or not. We fail to see the significance of any arbitrary number that might be adopted for the purpose of this treaty as long as it does not guarantee the securing of the signatures of those countries which are in a position potentially to proliferate nuclear weapons. We shall be very happy to hear the views and explanations of the co-Chairmen in that regard.

53. Finally, we cannot fail to note that the revised draft is again silent on the question of security guarantees, and this despite resolution 2153 (XXI), operative paragraph 3 of which calls upon all nuclear-weapon Powers to refrain from the use or threat of the use of nuclear weapons against States parties to a treaty on non-proliferation.[13] It would have been more appropriate for the co-Chairmen to include in the revised draft an article along the lines of that resolution. We are not unmindful, however, of the continuing consultations and negotiations that we are promised between the co-Chairmen on this question. We shall eagerly await the result of those consultations.

54. In closing my statement I should like to express once more the gratification of the Ethiopian delegation at the presentation of the revised draft, which brings us an important step forward towards the realization of the non-proliferation treaty. The draft treaty before us has survived a number of difficult issues which have at times caused despair and doubt. Given the will and time, what remains to be done is, in the opinion of the Ethiopian delegation, not insurmountable.

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[11] *Ibid.*, *1965*, pp. 624-626.
[12] *Ante*, pp. 41-42.
[13] *Documents on Disarmament, 1966*, pp. 748-749.

Statement by President Johnson on Protocol II to the Treaty for the Prohibition of Nuclear Weapons in Latin America, February 14, 1968 [1]

One year ago today, on February 14, 1967, the nations of Latin America gathered in Tlatelolco, Mexico, to sign a Treaty for the Prohibition of Nuclear Weapons in Latin America.[2] Twenty-one nations of the region have now joined in this historic undertaking.

The United States considers this treaty to be a realistic and effective arms control measure of unique significance—not only to the peoples of Latin America, but to all the peoples of the world.

Today I am pleased to announce that the United States will sign Protocol II to this treaty which calls upon the powers possessing nuclear weapons to respect the status of denuclearization in Latin America and not to use or threaten to use nuclear weapons against the Latin American states party to the treaty.[3] I have appointed Adrian S. Fisher, Deputy Director of the Arms Control and Disarmament Agency, as my emissary to sign the Protocol in Mexico with an appropriate statement.[4]

Upon ratification by the Senate, the United States will assume the obligations to those countries within the region which undertake and meet the treaty's requirements. I am pleased to note that the drafters of this treaty have indicated that transit by the United States within the treaty zone will continue to be governed by the principles and rules of international law.

The Treaty of Tlatelolco has been closely related to the long effort to reach worldwide agreement to prevent the further spread of nuclear weapons. It will create a nuclear free zone in an area of 7½ million square miles, inhabited by nearly 200 million people. Like the Nonproliferation Treaty, this treaty, in addition to prohibiting the acquisition of nuclear weapons, also prohibits the acquisition of nuclear explosive devices for peaceful purposes. However, it has been drafted in such a way as to make it possible for Latin American parties to the treaty to obtain peaceful nuclear explosion services.

It is indeed fitting that this giant step forward should have had its genesis in Latin America, an area which has come to be identified with regional cooperation. I particularly wish to congratulate our distinguished friend, President Diaz Ordaz of Mexico, for the initiative and leadership which his government has contributed to this treaty and thereby to the peace of this region and of the world.

In signing this protocol, the United States once again affirms its special and historic relationship with the peoples of Latin America and its stake in their future. The United States gives this affirmation gladly, in the conviction that the denuclearization of this region enhances the development of its peaceful nuclear potential.

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[1] *Weekly Compilation of Presidential Documents*, Feb. 19, 1968, pp. 288–289.
[2] *Documents on Disarmament, 1967*, pp. 69 ff.
[3] *Ibid.*, p. 83.
[4] Vice President Humphrey later replaced Mr. Fisher and signed the protocol on behalf of the U.S. (*post*, pp. 203–204).

Statement by the Soviet Representative (Roshchin) to the Eighteen Nation Disarmament Committee: Nonproliferation of Nuclear Weapons, February 16, 1968 [1]

2. The great scientific discoveries of our time in the field of nuclear physics have opened up vast prospects of using the forces of nature for the benefit of mankind. At the same time these discoveries have been the origin of the most devastating weapon of mass destruction: namely, the nuclear weapon, which represents in the event of its use a threat to all countries, large and small, nuclear and non-nuclear. That is why the most important task in regard to ensuring the security of the peoples is to eliminate the threat of nuclear war through the cessation of the nuclear arms race and the complete prohibition and abolition of such weapons. The importance of this task is as great as the difficulties involved in accomplishing it. But whatever the difficulties, there must be no giving up of efforts to ensure for the peoples the possibility of availing themselves of all the benefits connected with the use of nuclear energy in conditions of peace and security, precluding the possibility of nuclear war or any war at all.

3. An important step in precisely that direction would be the solution of the problem of the non-proliferation of nuclear weapons. This step, as we have repeatedly emphasized, though not a panacea against the threat of nuclear war, would nevertheless be an advance towards the ensuring of security and at the same time towards more extensive possibilities of using nuclear energy for the benefit of mankind.

4. The discussion here in the Committee of the problem of the non-proliferation of nuclear weapons shows that two questions connected with the draft treaty on non-proliferation [2] are attracting the greatest attention of the members of the Committee: namely the ways and means of slowing the arms race and the achievement of disarmament as a result of the conclusion of a treaty of this type; as well as the possibilities of widening the peaceful uses of nuclear energy and obtaining as many other benefits as possible from the peaceful use of the atom.

5. It was to the first question in connexion with the treaty and the link between this treaty and subsequent disarmament measures that we devoted our statement in the Committee on 1 February, in which we pointed out that the solution of the problem of non-proliferation should serve as a starting-point for the solution of other problems in the field of nuclear and general disarmament.[3]

6. In our statement today we should like to put forward our considerations concerning the prospects connected with the conclusion of such a treaty in regard to widening the peaceful uses of the atom and international co operation in this field. Turning to the subject of the peaceful use of nuclear energy within the context of the non-proliferation treaty, it is necessary to emphasize that this agreement provides for the limitation or prohibition only of those specific types of activities of States in the field of the use of atomic energy which are related to

[1] ENDC/PV.366, pp. 4–12.
[2] *Ante*, pp. 1–6.
[3] *Ante*, pp. 31–32.

the manufacture, transfer or acquisition of nuclear weapons; that is to say, in the military field. Articles I and II of the draft treaty on non-proliferation, which mention what is prohibited by the treaty, relate exclusively to the question of preventing the proliferation of nuclear weapons and other nuclear explosive devices, and contain no obligations that would hamper or restrict the activities of States in the peaceful use of nuclear energy.

7. The draft treaty on the non-proliferation of nuclear weapons is designed to create the most favourable conditions to enable non-nuclear-weapon States to enjoy the benefits of the peaceful use of the atom. The treaty contains very definite provisions to that effect. These provisions in respect of ensuring the conditions for the peaceful use of nuclear energy are contained in article IV, which specifically refers to the right of parties to the treaty to develop nuclear energy for peaceful purposes and to participate in a broad international exchange of scientific and technical information in this field.

8. Alongside these provisions, corresponding provisions in the preamble to the treaty confirm the principle that the benefits of peaceful applications of nuclear technology which may be derived by nuclear-weapon States from the development of nuclear explosive devices should be available to all States parties to the treaty, and that these States are entitled to participate in the fullest possible exchange of scientific information for, and to contribute alone or in co-operation with other States to, the further development of the applications of atomic energy for peaceful purposes.

9. The provisions of the treaty concerning the obligations and rights of parties to the treaty in the field of the peaceful use of atomic energy, and in particular article IV, correspond to the wishes expressed by non-nuclear States during the discussions which have taken place in the Committee. Allow me to refer in this connexion to certain statements. Thus at the Committee's previous session the representative of Mexico, Mr. Castañeda, mentioned on 19 September 1967 how important it was—

> . . . to establish the legal obligation of the nuclear Powers—the most advanced countries—to contribute to the technological development of the others, and to transfer and place at the disposal of those countries their scientific and technical knowledge of the peaceful use of nuclear energy.[4]

The representative of the United Arab Republic, Mr. Khallaf, supporting the representative of Mexico, expressed similar views on 26 September.[5] We note with satisfaction that the statements made by the representative of Ethiopia, Mr. Zelleke, on 13 February [6] and by the representative of Mexico, Mr. Gomez Robledo, yesterday [7] contained a favourable evaluation of article IV of the complete draft treaty. They emphasized that this article takes into account the wishes expressed previously by many representatives of non-nuclear States.

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[4] *Documents on Disarmament, 1967*, p. 397.
[5] *Ibid.*, pp. 424–425.
[6] *Ante*, p. 68.
[7] ENDC/PV.365, p. 4.

10. In this article it is stated, in particular, that parties to the treaty in a position to do so shall—

> . . . co-operate in contributing alone or together with other States or international organizations to the further development of the applications of nuclear energy for peaceful purposes, especially in the territories of non-nuclear-weapon States Party to the Treaty.

The purport of this provision is that States which have achieved the highest level of development in the use of atomic energy for peaceful purposes, and in the first place the nuclear Powers, shall contribute to the development of the peaceful atomic activities of non-nuclear-weapon States. Thus the non-proliferation treaty contains clear-cut provisions confirming the inalienable right of States to unimpeded development in the field of the peaceful use of atomic energy.

11. Some delegations here in the Committee have raised the question whether other provisions of the treaty, and specifically those concerning control, might not hamper the economic or technological development of States parties to the treaty in regard to the peaceful use of nuclear energy. Will not this control be tantamount in some way to interference in the internal affairs of States? That was in particular the meaning of certain questions raised by the representative of Romania, Mr. Ecobesco, at the meeting of the Committee on 6 February.[8]

12. The system of control provided for in the draft treaty will in no way prevent non-nuclear countries from developing their peaceful atomic activities and will not be a means of interference in the internal affairs of States. Under the draft treaty, control has only one purpose: namely to prevent diversion of nuclear energy from peaceful uses to the manufacture of nuclear weapons. This is stated in article III, paragraph 1. In paragraph 3 of this article it is directly stipulated that the safeguards shall be implemented in such a way as to avoid hampering the economic or technological development of parties to the treaty or international co-operation in the field of peaceful nuclear activities. In this connexion, reference must also be made to article IV of the draft treaty on non-proliferation, which states—and I venture once again to quote the text of this provision:

> Nothing in this Treaty shall be interpreted as affecting the inalienable right of all the Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with Articles I and II of this Treaty.

13. Thus there are no grounds for the conclusion that the non-proliferation treaty will create obstacles to the peaceful use of atomic energy as a result of the application of control. In this connexion reference may also be made to the experience already gained in applying the safeguards of the International Atomic Energy Agency (IAEA), since it is precisely safeguards of this kind that are concerned in the draft non-proliferation treaty. We note with satisfaction that the functioning of the IAEA control system has not created any obstacles or difficulties for any country in the field of the peaceful use of atomic energy. We know that there are at present 120 installations in 27 countries under IAEA safeguards. No complaints have come from any

[8] *Ante*, p. 35.

of these countries about any obstacles on the part of IAEA to the development of their peaceful atomic activities. The members of our Committee are apparently already acquainted with the positive experience obtained in the application of IAEA safeguards, because all of them represent States which are members of the International Atomic Energy Agency.

14. Closely connected with the question of nuclear explosions for peaceful purposes is the problem of the peaceful use of nuclear energy. It is quite natural that the non-nuclear countries, as a result of signing the non-proliferation treaty—that is, as a result of becoming parties to this treaty—should have no desire to create any complications for themselves in the future in regard to utilizing the benefits to be derived from the carrying out of such peaceful nuclear explosions. In the statements made by the representatives of some States, in particular in the statements made by the representative of Brazil in our Committee, Mr. de Araujo Castro, and his predecessor, fears have been expressed that the non-nuclear countries will not be able independently to carry out nuclear explosions for peaceful purposes. Thus at our meeting of 8 February Mr. de Araujo Castro expressed the view that the provisions of articles IV and V of the complete draft treaty on non-proliferation would divide the world into two categories of countries, and that in one category would be those which would be "technologically dependent" on the others in regard to the carrying out of peaceful nuclear explosions.[9]

15. The Soviet delegation has already repeatedly stated its point of view in connexion with the question of nuclear explosions for peaceful purposes as it appears in the light of the provisions of articles IV and V of the treaty. Our explanations concerning the substance of the question are contained in the statements we made at the 325th and 357th meetings of the Committee.[10] In our statement today we should like once again to emphasize that the approach to the problem of nuclear explosions for peaceful purposes, on which the relevant articles of the draft treaty are based, is determined by the fact that the nuclear devices for such explosions essentially in no way differ—and nobody has refuted this—from nuclear weapons or from explosions for military purposes. In proposing to prevent the proliferation of such devices, we are endeavouring to carry out exactly the stipulation of General Assembly resolution 2028(XX), to which many members of the Committee have repeatedly referred in their statements, that all loopholes for the proliferation of nuclear weapons should be closed.[11]

16. We should like to emphasize that the provisions contained in the draft treaty create the conditions for the broadest and most favourable economic use of nuclear explosions for peaceful purposes by non-nuclear countries. Through appropriate international procedures all countries which are parties to the non-proliferation treaty will be able to carry out such nuclear explosions. It follows that the potential benefits from the carrying out of such explosions will be available on extremely advantageous and favourable terms to the parties to the treaty. This important provision of the draft treaty should not be

[9] *Ante*, pp. 55-56.
[10] *Documents on Disarmament, 1967*, pp. 347-352; *ante*, pp. 6-11.
[11] *Documents on Disarmament, 1965*, pp. 532-534.

underestimated when analysing the problem of the peaceful use of nuclear energy in connexion with the conclusion of a treaty on the non-proliferation of nuclear weapons.

17. We must also point out the considerable economic advantage that the non-nuclear countries parties to the treaty will gain by having renounced the independent carrying out of peaceful nuclear explosions. They will not have to expend vast material and human resources on research and on the creation of the appropriate nuclear explosive devices. The conditions governing the carrying out of peaceful nuclear explosions for non-nuclear countries, as provided for in article V of the treaty, will enable these countries to utilize in a rational way the resources thus saved, which, in any particular State not a party to the non-proliferation treaty, would be allocated to the implementation of its exceedingly costly projects connected with such explosions.

18. The Soviet delegation has repeatedly stated that renunciation by the non-nuclear countries of military forms of the use of atomic energy will stimulate the development of extensive international co-operation in the field of scientific research and the peaceful use of nuclear energy. As we know, this co-operation began in the relatively recent past: its history is hardly more than ten years old. It is being carried out both on the basis of bilateral agreements and through various international organizations, and above all through the International Atomic Energy Agency in Vienna.

19. At present it is, in practice, extremely difficult and onerous to assimilate the achievements of world physical science and to use atomic energy for peaceful purposes exclusively within a national framework without having recourse to international co-operation. International co-operation in this field is assuming ever greater importance for the economic development of all or at least of a great many countries of the world. How important for non-nuclear States is the exchange of information with the scientists of other countries and particularly the nuclear Powers has been shown by the international conferences on the peaceful uses of atomic energy which have been held under United Nations auspices here in Geneva and which provided clear evidence of the development of international co-operation in the field of nuclear science and technology.

20. In this connexion we would also refer to the important role now played by the International Atomic Energy Agency, which has about a hundred member States, in the exchange of information and in assistance to the developing countries. The Soviet Union attaches great importance to its participation in the activities of IAEA. For a number of years the Soviet Union has been successfully co-operating with many countries in the peaceful utilization of atomic energy, providing extensive technical assistance for them and helping them in the training of national qualified personnel. With the participation of the Soviet Union, atomic reactors and power stations have been or are being built in the German Democratic Republic, Czechoslovakia, Bulgaria, Poland, the United Arab Republic, Iran, Indonesia and other countries. Work is being completed on the construction of two radiological centres in Morocco and Pakistan, which have been transferred by the Soviet Union to IAEA in pursuance of the policy of rendering technical assistance to developing countries. Every year the Soviet

Union allocates substantial sums to the technical assistance fund of IAEA for the rendering of technical assistance and the training of key personnel for the developing countries members of IAEA.

21. Contacts between Soviet scientists and the scientists of many other countries are being successfully expanded on the basis of appropriate agreements. As is well known, an agreement for co-operation was recently concluded between the Soviet Union and the European Organization for Nuclear Research (CERN).[12] And a few days ago, on 12 February, an agreement on co-operation in regard to the use of atomic energy for peaceful purposes was concluded between the USSR State Committee on the utilization of atomic energy and the Swedish Royal Academy of Engineering.[13] Such agreements exist between the USSR and many other countries. The Soviet Union intends to continue its efforts towards the development of broad and efficient co-operation in the nuclear field with many countries of the world, basing itself on the achievements of its science and technology.

22. The treaty on the non-proliferation of nuclear weapons will undoubtedly create the most favourable conditions and will to some extent be a stimulus to an even wider exchange in the various fields of nuclear science and technology. The conclusion of a non-proliferation treaty will contribute to the strengthening of confidence between States, and consequently will create a better and even more favourable atmosphere for the extension of co-operation between States. It cannot be overlooked that confidence is an important factor in respect of international co-operation in the exchange of scientific information in the nuclear field and in regard to the peaceful use of nuclear energy as a whole.

23. The conclusion of the treaty will also enhance the role of the International Atomic Energy Agency, which will not only exercise control over the activities of nuclear States in connexion with the non-proliferation treaty but will have wider links with them, which will enable it to obtain a better knowledge of their needs, interests and requirements, and also of the situation in regard to the peaceful use of nuclear energy as a whole and of the possibilities existing in that field. All this will make it possible to take further and even more effective steps to deepen, widen and make more specific the forms of co-operation between States in the peaceful use of nuclear energy and in rendering assistance in this field to many countries, including the developing and other non-nuclear States.

24. It is quite natural that States not parties to the non-proliferation treaty will not find themselves in so favourable a position from the point of view of participating in the international exchange of information and in other forms of international co-operation, since they will not be able to avail themselves of the opportunities which will be open to the parties to the non-proliferation treaty. It is natural that those who adopt a positive attitude towards the treaty and become parties to it will enjoy a greater degree of confidence in the development of co-operation in the nuclear field, in the field of the peaceful use of nuclear energy.

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[12] *The Times* (London), July 5, 1967, p. 4d.
[13] *New York Times*, Feb. 13, 1968, p. 2.

25. All of us are well aware that the concern about the development and proliferation of nuclear weapons arises not only from our knowledge of the disastrous consequences of the use of those weapons and the understanding of the threat to the whole world connected with an increase in the number of States possessing nuclear weapons. Another source of this concern is the realization that the manufacture of nuclear weapons requires vast material resources which could be successfully used for the promotion of the social and economic advancement of the peoples.

26. The report which the experts of twelve countries submitted to the Secretary-General of the United Nations on the consequences of the use and proliferation of nuclear weapons and to which we referred in our statement of 1 February [14] provides many examples which clearly and convincingly show the colossal expenditure which a State would incur by taking the path of nuclear armament. The report, for example, quotes estimates by the experts of the Polish People's Republic according to which a ten-year programme costing $5,600 million would be required for the creation of a small effective nuclear force.[15] Such a programme would withdraw hundreds of highly-qualified scientific experts and engineers from peaceful production. One cannot but agree with the view expressed in the experts' report that—

> To understand the economic implications of embarking on the development of a nuclear armoury it is necessary to become clear about the volume and kind of resources such a step demands. The evaluation needs to be in terms not only of the physical and financial resources absorbed but of the opportunities forgone through devoting these resources to destructive weapons.[16]

27. The conclusion of a treaty on the non-proliferation of nuclear weapons will enable these vast resources to be saved for peaceful development, for the economic and social advancement of States. Thus this agreement will be beneficial not only from the point of view of strengthening international security, but it will also yield direct material advantages to many States, in the first place to the parties to the treaty on the non-proliferation of nuclear weapons.

28. Those are some of our considerations concerning the question of the peaceful use of nuclear energy in connexion with the treaty on the non-proliferation of nuclear weapons.

Statement by the U.A.R. Representative (Khallaf) to the Eighteen Nation Disarmament Committee: Nonproliferation of Nuclear Weapons, February 20, 1968 [1]

2. As this is the first time my delegation has taken the floor since the beginning of the present session, I should like, perhaps a little late but nevertheless very sincerely, to welcome the presence among us of Mr. Husain, the representative of India, and also the return to this

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[14] The Soviet statement appears *ante*, p. 32.
[15] *Documents on Disarmament, 1967*, pp. 502–503.
[16] *Ibid.*, p. 497.
[1] ENDC/PV.367, pp. 4–15.

Committee of Mr. Castro and Mr. Gomez Robledo, the representatives of Brazil and of Mexico.

3. Turning now to the subject with which we are concerned at present, I should like to join those of my colleagues who have preceded me in conveying the congratulations of my delegation to our two co-Chairmen on the efforts they made to enable them to submit on 18 January the revised draft of the non-proliferation treaty.[2] It is only fair to point out that in more ways than one the new draft is better than the previous one.[3] Obviously the drafting of a satisfactory text for a non-proliferation treaty is by no means an easy matter, on account of its very particular importance and the need to take care to satisfy the often conflicting desiderata of the different States and to allay their various suspicions. Furthermore, this treaty must unite effectiveness with flexibility, the present with the future, and reconcile the requirements of security with those of progress in the peaceful use of the atom.

4. It can be said without undue optimism that a good part of this task has now been carried out. In this phase of our work—which we hope will be its last—we believe that there will be need for some more clearing of the ground, more clarification of matters, but above all a closer rapprochement between our positions. In fact, a good look at the situation will show plainly that there is within the Committee a fairly close similarity of views on several points of primary importance and that this similarity of views, even if it is sometimes only a general one, is not by any means confined to the principle of non-proliferation alone.

5. It is the principal points on which we believe we are in agreement that, during the time available to us—that is, in principle, between now and the middle of March—, we must try to make clearer and to develop, while also endeavouring to add other points. In this way we shall be able to submit to the General Assembly, if not a draft unanimously approved by the Eighteen-Nation Committee on Disarmament, at least a fairly solid and coherent draft treaty structure which will make the General Assembly's task easier and enable it to fulfil this as soon as possible.

6. It is in this spirit, meant to be both constructive and expeditious, that I should like today to set forth the results of a first examination by my delegation of certain conspicuous aspects of the revised draft treaty, reserving the right to revert to this matter should the need arise.

7. To begin with, I should like to say from the outset that in general we agree with the preamble as it now stands in the draft. However—and here we are prompted by the amendment submitted by the Romanian delegation [4]—we think it advisable to include in the preamble a special reference to General Assembly resolution 2028 (XX) [5], which is generally, and quite rightly considered to be in some sort the charter of non-proliferation, and the mention of which in the preamble will for this reason greatly contribute, we hope, to the proper implementation and sound interpretation of the treaty.

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[2] *Ante*, pp. 1–6.
[3] *Documents on Disarmament, 1967*, pp. 338–341.
[4] *Ibid.*, p. 525.
[5] *Ibid., 1965*, pp. 532–534.

8. In our opinion the fourth paragraph of the preamble should therefore read as follows:

In conformity with the resolutions of the General Assembly and notably resolution 2028 (XX) calling for the conclusion of an agreement on the prevention of any further proliferation of nuclear weapons and enunciating the general principles of such an agreement.

9. Furthermore, we shall suggest or support, as the case may be, certain other changes in the preamble concerning control and disarmament, as we shall indicate later on.

10. As for the draft text itself, the Committee will undoubtedly recall that my delegation had the honour to submit certain amendments to articles I and II. In particular we suggested the addition, at the end of article I, of a new paragraph obliging each nuclear-weapon State—

. . . to take appropriate measures to ensure that no person, company, enterprise or private, public or semi-public body that is subject to its jurisdiction and is engaged in nuclear activities participates in any act which is prohibited by this article.[6]

11. Clearly this new paragraph in no way changes the purport, still less the philosophy, of article I as advocated by the co-Chairmen, but must be regarded, on the contrary, as the natural and necessary complement to that article. Similar texts are often found in other treaties—even in treaties of lesser importance than the one we are now considering—and fulfil a very useful function: that of assuring the contracting State against any actions by nationals of another signatory State contrary to the text or the spirit of the treaty concluded between them. The text that we propose is intended to close a definite and practically important loophole. To do away with this loophole it is not enough to refer to the good faith that should prevail in the interpretation of treaties; because, however right it may be, this principle of good faith has never obviated the need for a precise written agreement, particularly in a matter such as the one we are now dealing with.

12. Similar reasons have led us to suggest another amendment, this time to article II, whereby the non-nuclear States signatories to the treaty would undertake not in any way to assist, encourage, or induce any non-nuclear-weapon State to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices.

13. At this Conference we have not heard so far the reasons why these amendments have not been included in articles I and II of the revised treaty. But we have heard that it was preferred not to touch these two texts, which are the result of very laborious negotiations. We have just seen that these two amendments in no way change the essence of the articles, to which on the contrary they are a natural complement. In any case the amendments can (in the very least) be included in separate articles or laid down in another appropriate text with binding force. In this connexion we have sometimes been given to understand that these two amendments are in an indirect but very

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[6] *Ibid., 1967*, p. 428.

definite way referred to in article III. For this reason, and although we shall press the amendments we have suggested until proof to the contrary is forthcoming, we shall be glad to hear from our co-Chairmen sufficient clarification on the scope of article III in this regard. In particular, we should like them to make clear to us to what extent a signatory State would be automatically obliged to take appropriate measures to extend the effect of the treaty, as far as the prohibitions laid down in articles I and II are concerned, to all individuals and bodies corporate subject to their jurisdiction.

14. I now turn to article III, which is expected not only to solve a very thorny problem—that of control—but also to inaugurate a new era of confidence and international co-operation. On 16 March 1967 I stated my delegation's position on the subject of control. I said:

> **The treaty must contain provisions clearly stipulating compulsory and uniform application of the single system of safeguards of the International Atomic Energy Agency to all non-nuclear States parties to the treaty. Moreover, the control system must be extended to the transfer of nuclear material and to all nuclear activities, past and present.**

I added:

> **In such a treaty the only inspection system acceptable in this respect is compulsory and not voluntary, international and not regional, effective and not fictitious.**[1]

15. To what extent does the text of article III meet those very legitimate aspirations? It is difficult to deny the merit of this text due to the enormous importance and divergence of interests connected with the application of control to nuclear activities. But, while taking into account the delicacy of this matter, we feel bound to express our apprehensions in regard to the text of article III. Of course, we shall be glad if the co-Chairmen give us the necessary information, clarifications or assurances concerning it.

16. First of all, we note that article III, paragraph 1, bases its safeguards on the agreements resulting from the negotiations that will take place between the International Atomic Energy Agency (IAEA) on the one hand and the States Parties to the treaty on the other. These agreements are left completely free by the text, which does not indicate that they will be subject to any common rules or that any common denominator will be applied. We are not at all opposed to flexibility in such agreements; on the contrary, we believe that a certain degree of flexibility is necessary in this field in order to cope with the diversity of situations. Nevertheless we fear that this excessive freedom will, in some cases at least, lead us in an unjust manner away from absolute uniformity of application of control over the various States, despite the similarity that may exist between their respective nuclear activities.

17. It is clearly in our common interest to set up an objective control in this field, which will vary only if its objective itself varies. It would not in our opinion suffice to say, in order to refute this argument, that in any case IAEA will have to be satisfied with each agreement it signs, and that that will be a sufficient guarantee against any unjustified

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[1] *Ibid.*, p. 156.

diversity between States; for the fact remains that the Agency's satisfaction would have to be based on, among other factors, objective factors which would guarantee as far as possible equal control in equal nuclear situations.

18. That brings us to paragraph 4 of the same article, which stipulates that non-nuclear countries shall negotiate with the Agency "either individually or together with other States in accordance with the Statute of the International Atomic Energy Agency". We note first of all that this text is somewhat ambiguous in more than one respect. In the first place, it seems to us that the French text which we have just quoted does not agree perfectly with the English text, which says "together with" other States, whereas the French text uses the words "*en coopération*".

19. Nevertheless, both the French and the English texts apparently wish to state that, if certain States formed a group among themselves, they collectively and not their organization as such would negotiate with the Agency. However, that interpretation, which thus follows from the text, does not appear to be the one adopted by Mr. Fisher, who told us that: "This provision"—that is, paragraph 4 of article III—"permits the IAEA to enter into an agreement concerning the safeguards obligations of the parties with another international organization the work of which is related to IAEA and the membership of which includes the parties concerned".[8]

20. However, apart from these legal considerations, one cannot help wondering whether the implementation of paragraph 4 will not end up by establishing indefinitely in this field plurality instead of unity, discrimination instead of equality, and the weakness of the system instead of its effectiveness. Indeed, it is to be feared that IAEA may in these cases have to adopt more or less different safeguards systems according to the groups of States with which it has to conclude agreements. Moreover, one may well ask what would be, in that event, the exact nature of the safeguards, and what real power IAEA would have to enforce them in practice.

21. Our misgivings in this regard were not allayed—quite the contrary—after we heard Mr. Fisher say in this connexion:

> **In order to avoid unnecessary duplication, the IAEA should make appropriate use of existing records and safeguards, provided that under such mutually-agreed arrangements IAEA can satisfy itself that nuclear material is not diverted to nuclear weapons or other nuclear explosive devices.[9]**

22. Besides, we should have preferred the text of article III, paragraphs 1 and 2, to follow as far as possible the terminology of article IIIA, paragraph 5, of the Agency's Statute, and its safeguards system (INFCIRC/66/Rev.1), in order to determine the object of its control. We should at least like to have confirmation of the sense which, to our mind, is evident in article III to that effect and ties in with the provisions of the Agency's Statute and safeguards system, especially paragraph 29 of the safeguards system,—and indeed with the requirements of any effective control system. In fact, we believe that the control mentioned in the present article III extends mainly to source

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[8] *Ante*, p. 13.
[9] *Ibid.*

and special fissionable materials in whatever form or state they may be found, and whether they are produced, imported or exported by the country. Control would also extend to all kinds of principal nuclear installations, whether they contain or are intended to contain nuclear materials.

23. Moreover, paragraph 4 of article III lays down, for various cases, certain deadlines for the commencement of negotiations between the States and IAEA, and other deadlines for the entry into force of the agreements concluded between them. But one might ask what would have to be done if these negotiations failed, for one reason or another, to lead to the desired agreement, or failed to do so within the specified time. Furthermore, we note with Mrs. Myrdal that—

It is obvious that a considerable time will pass before the safeguards system will become universally applicable. Is there not a definite risk in the fact that during an interval which may extend to several years some countries may be subject to control and others not? [10]

24. In any case there is hardly any point, we believe, in insisting on the necessity of proceeding as soon as possible after signature of the treaty to the re-examination, according to a well-prepared plan, of the Statute and present safeguards system of the Agency; because it will be necessary to re-organize the Agency, and more particularly its safeguards department, administratively and technically. These measures are in fact necessary to enable the Agency, without useless waste of time, to assume the duties which will be laid upon it by the treaty as soon as this has been concluded, and to apply the rules governing them as objectively and efficiently as possible. Moreover, the cost of applying the safeguards of the treaty will have to be borne for the most part by the rich countries, and naturally in the first place by the nuclear countries.

25. Moreover, and assuming that the text of paragraph 4 of article III will not be changed, it seems to us that it would be useful, indeed sometimes necessary, to make certain changes in the safeguards systems adopted by the organizations with which IAEA will be linked through agreements, in order to render them more suitable for achieving the objects of the non-proliferation treaty.

26. In addition we must note that, however legitimate may be the concern to defend the interests of commerce and industry in the international nuclear field, it is none the less true that this concern must in no way diminish the maximum efficien which the application of the present treaty requires.

27. Lastly, and still on the subject of control, we wonder whether it would not be better to modify somewhat the contents of the fifth paragraph of the preamble, especially by strengthening it and making it concord with the text of article III of the revised draft. This paragraph appears in fact to be based on the old United States draft treaty,[11] which did not contain any provisions comparable with those of the present article III.

28. Similarly, one may ask whether the preamble is really the most appropriate place for what appears in the last part of the sixth para-

[10] *Ante*, p. 48.
[11] *Documents on Disarmament, 1965*, pp. 347–349.

graph, seeing that this does not contain any general norms or directives, as preambles usually do, but deals rather with a somewhat special and rather technical point: namely the use of instruments and other techniques at certain strategic points. Such provisions would, we believe, fit more naturally in the text itself of the treaty rather than in the preamble.

29. We now come to article IV, the insertion of which in the treaty we welcome. But we should have preferred the adoption in this respect of the Mexican proposal, which speaks in fact of an obligation—not of a simple duty—incumbent on those parties to the treaty that would be in a position to do so to contribute to the development of the applications of nuclear energy for peaceful purposes.[12]

30. While we are on this subject, I should like to take the opportunity to refer to an aspect of nuclear development important for the non-nuclear countries, and especially for those which are in process of development: namely the peaceful applications of nuclear explosions, a subject which has given and still gives rise to much discussion in our Committee. Here again the Mexican delegation has proposed to us a text which my delegation has accepted as a working basis and which aims at affirming, in the provisions of the treaty, the principles of the obligation on nuclear-weapon States to enable non-nuclear-weapon States to enjoy the benefits of such explosions. Furthermore, we have expressed the desire to see the Vienna Agency undertake this activity.

31. Article V of the present text is certainly an important step forward in this direction. We must note, however, that according to this article such assistance may be provided either on a bilateral basis or through an appropriate international body and not, as the Mexican text requires, solely through an international body—or in the wording of the text, through appropriate international bodies. We must confess that we are not happy at this change of text which allows assistance to be provided bilaterally and without any international control. To express our concern on this point I cannot do better than quote the words of Mr. Burns, the representative of Canada, spoken at our meeting of 23 January:

> . . . the references in the final sentence to bilateral arrangements raise the question of whether explosive services arranged bilaterally will be subject to the same criteria or controls as international arrangements. Might not the present language, which does not indicate any element of international supervision over bilateral arrangements, create apprehensions of possible clandestine nuclear co-operation for military purposes between nuclear and non-nuclear-weapon States under the guise of bilateral explosive services? In other words, might there not be a loop-hole opened up here for forms of nuclear explosion co-operation leading to the further spread of nuclear-weapon technology and of nuclear weapons?[13]

32. We still believe that the task of controlling all activities in this field should be entrusted only to an appropriate international body, and that the IAEA would be best suited for this task. We consider it important to affirm this principle in the text of article V. On this last point

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[12] For the Mexican proposal, see *ibid.*, *1967*, pp. 394-395.
[13] ENDC/PV.358, pp. 19-20.

we share the opinion of the delegation of Nigeria. In fact, the second paragraph of article IV-A presented by that delegation states that—

> The nuclear weapon States Party to this Treaty shall make available, through the IAEA, to all non-nuclear weapon Parties, full scientific and technological information on the peaceful applications of nuclear energy accruing from research on nuclear explosive devices.[14]

Moreover, the Swiss Government, in its aide-mémoire to the co-Chairmen, states that the article on atomic explosions for peaceful purposes "could provide for the establishment of a special body"—a single body—"to determine the conditions in which nuclear explosions for peaceful purposes could take place." [15]

33. In this regard it is comforting to read the following passage in the statement made by the United States representative at our meeting of 6 February, in which he drew attention to the danger represented by the existence of substantial quantities of plutonium throughout the world. Mr. De Palma said:

> Bilateral safeguards would not suffice to eliminate suspicions that could arise among third parties; neither would the continued voluntary and incomplete acceptance of international safeguards. Because one could never be certain that mounting quantities of plutonium could be accounted for in the future and placed under safeguards, a point would soon be reached when international co-operation in the development of peaceful uses of atomic energy could be seriously inhibited. The safeguards which would be established by this treaty would eliminate that hindrance to co-operation.[16]

That is why my delegation is anxious that there should be no mention of bilateral agreements in article V. In this regard we welcome the suggestion made by Mrs. Myrdal at our meeting of 13 February that the words "on a bilateral basis" be deleted from article V.[17]

34. The delegation of the United Arab Republic is particularly happy that a separate article of the treaty has been devoted to the cessation of the nuclear arms race. In the statement I made on 3 March 1966 I pointed out the need for a separate article under which the nuclear Powers would assume—

> . . the legal obligation to halt the nuclear arms race, limit, reduce and eliminate stocks of nuclear weapons and delivery vehicles, and to that end continue and expedite negotiations in order to reach agreement on suitable concrete measures.[18]

However, in analysing article VI of the revised draft one cannot help noting that its effective scope is considerably weakened by the too general character of its text, which departs some distance from the proposal made in this regard by the Mexican delegation [19] and supported by several other delegations, both aligned and non-aligned.

35. It has always been asserted both here and elsewhere that, despite all its merits, the non-proliferation treaty cannot be an end in itself; that it will not be viable if nuclear weapons are to be banned

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[14] *Documents on Disarmament, 1967*, p. 558.
[15] *Ibid.*, p. 573.
[16] *Ante*, p. 38.
[17] *Ante*, p. 61.
[18] ENDC/PV.245, p. 15.
[19] *Documents on Disarmament, 1967*, p. 395 (art. IV-C).

solely for the countries not possessing them at present; that a world split indefinitely into two parts—nuclear and non-nuclear—is inconceivable and that it is time that urgent and adequate steps were taken to halt the arms race and proceed to general and complete disarmament.

36. We are convinced that we must not be too hasty in this very delicate matter, or try to overload article VI with too many details. But we share the opinion of many delegations that this article should be strengthened and specified in certain respects. In our view, the amendment to this text suggested by the Swedish delegation concerning the urgent need for disarmament, and the new paragraph proposed by the same delegation for insertion after the tenth paragraph of the preamble,[20] would be a favourable step in that direction.

37. Before I finish with this point: in view of the danger that could result from the flight of aircraft carrying nuclear or thermonuclear weapons over foreign territories—I refer to the recent accident in Greenland—my delegation expresses the hope that appropriate measures will be taken to halt these flights as soon as possible. It is certain that such measures would help to eliminate the danger facing each and every one of us, and to promote the cause of disarmament to which so many efforts, here and elsewhere, have been devoted.

38. Turning now to article VIII, paragraph 2, we note that it proposes that amendments shall enter into force for each Party that deposits its instrument of ratification of the amendment. Actually we still prefer the old wording of this paragraph, which provided that the amendment should enter into force for all Parties.[21] It is difficult to imagine a situation in which obligations stemming from a treaty of such importance would differ from one State to another according to whether it had or had not ratified the amendments to the treaty. Moreover, the double veto created by article VIII is a sort of guarantee that only the most generally acceptable amendments would have a chance of being introduced. That is why we should like the old formula to be reintroduced in paragraph 2 of article VIII.

39. On the other hand, article VIII, paragraph 3, is unfortunately silent about the principle of convening periodic conferences—the principle of the Romanian delegation's proposal.[22] In our opinion the object of such conferences would be, as laid down in the present text of the draft treaty, to review the operation of the treaty with a view to assuring that its purposes and provisions are being realized; or better still, as is suggested in the well-founded amendment submitted by the United Kingdom on 22 November 1967, "with a view to assuring that the purposes of the Preamble and the provisions of the Treaty are being realized";[23] but not to introduce amendments to the treaty, unless the requirements of paragraphs 1 and 2 of article VIII are fulfilled. We greatly hope that the principle of periodic conferences will find its place in the draft treaty.

40. One of the aspects of article IX continues to attract our attention. That is the definition of nuclear-weapon States at the end of its paragraph 3. As we stated at the meeting of 26 September 1967, this

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[20] *Ante*, p. 42.
[21] *Documents on Disarmament, 1967*, p. 340.
[22] *Ibid.*, p. 526.
[23] *Ibid.*, p. 595.

definition actually leads to a limitation of the five Powers which are at present the only ones known to have manufactured and exploded a nuclear weapon or other nuclear explosive device before 1 January 1967.[24]

41. On the subject of definitions, we believe that it would be useful to give thought here and now to the possibility of defining, especially in the fourth part of the safeguards system of the Vienna Agency, some of the technical terms used in the text of the draft treaty. That would contribute, we hope, to facilitating the work of the Agency.

42. Lastly, we still prefer a treaty of unlimited duration. At the meeting of 16 March 1967 we said:

> In order that the treaty may achieve a real advance over the present situation in a field so dangerous to peace, it must constitute an effective and permanent brake on the dissemination of nuclear weapons.[25]

Nevertheless, we are ready to accept paragraph 2 of article X if it is generally supported and cannot in any way make possible the termination of the treaty twenty-five years after its entry into force.

43. The right of withdrawal from the treaty should, we believe, be limited to very exceptional cases; in this regard the provisions in paragraph 1 of article X concerning notice to the Security Council of the reasons for the withdrawal from the treaty should be maintained. These limitations are imposed by the very particular nature of this non-proliferation treaty. It is inconceivable, in fact, to leave open the door to any withdrawal from such a treaty, because it would immediately lose its credibility. Moreover, these limitations will be appreciably lightened by the right of States to propose amendments to the treaty, and also by the rules governing its revision.

44. It now remains for me to mention the important question of security guarantees. The Committee will doubtless recall that we proposed for this purpose an amendment, largely based on General Assembly resolution 2153 (XXI), to the previous text of the draft treaty.[26] This proposal, however, has not—so far at least—found favour with the two co-authors of the new draft.

45. There is no need to repeat here the reasons, logical and practical, national and international, which have led and always will lead most countries, especially the non-aligned, to devote special attention to this problem. There is no need, we believe, to quote here again the General Assembly resolutions or the statements repeated on many occasions by heads of State, governments or delegations, all insisting on the need to find an adequate solution to this important problem. We do not deny the difficulties inherent in the problem, and we are sure that the two co-Chairmen are continuing to give it their attention, for which we should be grateful to them. But we firmly hope that the result of their efforts in this direction will be communicated to our Committee as soon as possible. Only thus will each of us be in a position to judge the proposed draft in a proper manner. At the same time, we also ask them to do everything possible to include our amendment, to

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[24] *Ibid.*, p. 427.
[25] *Ibid.*, p. 156.
[26] For the U.A.R. amendment, see *ibid.*, p. 428. The G.A. resolution appears *ibid.*, *1966*, pp. 748-750.

which I have just referred, in the proposed text. As for what is commonly called the positive security guarantee, we also await their suggestions.

46. Those are the few remarks on the proposed text which my delegation felt it necessary to put before the Committee at the present stage of our work, hoping thus to contribute to the speedy completion of our task of preparing a treaty which will be an instrument of both peace and progress.

Statement by the Italian Representative (Caracciolo) to the Eighteen Nation Disarmament Committee: Nonproliferation of Nuclear Weapons, February 20, 1968 [1]

47. The representative of the United States reminded us in his statement of 6 February that the treaty now before us is not "a commercial contract in which each party seeks to trade off concessions in order to gain equal financial or trade benefits".[2] That very pertinent comment is fully shared by the Italian delegation. The treaty which is before us is indeed a highly political treaty, the spirit of which goes beyond the letter itself. For a political treaty to be good—and the word "good" in this case is synonymous with "lasting"—it must be realistic; and we all want a treaty which will last, that is to say a treaty that sticks to reality.

48. This concern for realism leads me to another comment: there is no doubt that the sacrifices and the advantages will not be the same for all nations, and that some of us will, by the sheer force of events, be called upon to pay more dearly than others for this common good. It is necessary therefore to recall that one of the duties of our Committee, assigned to us by General Assembly resolution 2028 (XX),[3] is precisely to obtain in the text of the non-proliferation treaty the best possible balance between the responsibilities of the nuclear Powers and the obligations of the non-nuclear Powers.

49. The Italian delegation today is glad that the presentation of a complete text by the delegations of the United States of America and the Soviet Union [4] has enabled us to undertake an overall assessment. This examination has been made by my Government, and I should like to say at once that we feel more encouraged in the hope—which indeed we have always cherished—that we shall be able fairly quickly to sign a treaty on the non-proliferation of nuclear weapons.

50. Nevertheless, though aware of the difficulties encountered by the co-authors of the draft in settling the wording of these revised texts, we also know that many countries still have difficulties to overcome in order to arrive at a definitive approval. These difficulties must be taken into very careful consideration if we wish these texts to be acceptable to the greatest possible number of countries. We believe

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[1] ENDC/PV.367, pp. 16–20.
[2] *Ante*, p. 37.
[3] *Documents on Disarmament, 1965*, pp. 532–534.
[4] *Ante*, pp. 1–6.

that, far from delaying the progress of our work, the comments and suggestions of the various delegations will on the contrary accelerate its final approval by the United Nations General Assembly.

51. During previous meetings of our Committee several delegations have stated the points of view of their governments on the revised draft treaty. Many comments have been made on the problems which did not seem to them to have been satisfactorily solved in the new text, and amendments have been put forward to improve the text submitted for our consideration. The delegates of the United Kingdom, Canada, Czechoslovakia, Poland, Bulgaria, Romania, Sweden, Brazil, Ethiopia, Mexico and, this morning, the United Arab Republic have expounded the ideas of their governments on this subject; I shall confine myself to indicating rapidly some of their proposals which have seemed to us more significant.

52. I am thinking first of all of the suggestion to insert in the preamble a new paragraph referring to the determination expressed by the signatories of the 1963 Treaty on the partial cessation of nuclear tests [5] to bring about the complete cessation of nuclear weapon tests and to continue negotiations to that end.

53. Other comments were made concerning the need to prevent what we have agreed to call vertical proliferation, and to apply control measures to the transfer of nuclear fuel to any country. It has also been pointed out that article III discriminates against the non-nuclear countries, which alone are obliged to submit to control measures. In this connexion an appeal was addressed to the Soviet Union [6] inviting it to submit its peaceful nuclear activities, as has been done by the United States and the United Kingdom,[7] to the controls provided for by the treaty in relation to the non-nuclear countries. Concern has also been expressed that the possibility of delay in the conclusion of an agreement with the International Atomic Energy Agency might entail stoppage of supplies of fissionable materials.[8] The absence of a firm obligation on the nuclear Powers to undertake specific measures of nuclear disarmament has been the subject of comment as well as of some specific amendments.

54. A proposed amendment has been re-submitted in order that all the aims contained in the preamble of the treaty shall be examined by the review conference referred to in article VIII.[9] It has also been pointed out, in connexion with the level of the "quorum", that it would be essential to obtain the ratification of countries which are potentially in a position to produce nuclear weapons.[10] It has furthermore been stressed that the treaty must take due account of instructions given by the General Assembly of the United Nations, in particular in its resolution 2028 (XX).[11] Lastly, other remarks have been made regarding the right of withdrawal, the duration of the treaty, and peaceful nuclear explosions.

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[5] *Documents on Disarmament, 1963*, pp. 291–293.
[6] See *ante*, pp. 46–47.
[7] *Documents on Disarmament, 1967*, pp. 613–615.
[8] See *ante*, p. 48.
[9] *Documents on Disarmament, 1967*, p. 595.
[10] See *ante*, p. 70.
[11] See *ante*, p. 50. The G.A. resolution appears in *Documents on Disarmament, 1965*, pp. 532–534.

55. Among all these comments and proposals, to which I refer summarily in order to be brief, the Italian delegation would like to voice its special support today for the United Kingdom amendment, which would include among the questions to be examined by the conference referred to in article VIII all the aims indicated in the preamble of the treaty; for the appeal addressed by the Swedish representative to the Soviet Union that it should join the United States and the United Kingdom in submitting its peaceful nuclear activities to the control measures that will apply to the non-nuclear countries signatories to this treaty; and lastly for the request by Sweden for a formula to ensure, as rapidly as possible, on behalf of the non-nuclear countries signatories to the treaty, the right to benefit from the advantages arising from nuclear explosions for peaceful purposes.[12]

56. Having given its support to these proposals submitted by other delegations, the Italian Government wishes in its turn to draw the attention of the Committee to three special questions which it considers to be of particular general interest and for which a satisfactory solution is, in its opinion, fundamental if an effective, solid and long-lasting treaty is to be obtained. The proposals which I am going to set out refer to the clauses concerning the peaceful uses of nuclear energy (article IV), the periodic conferences for examination of the operation of the non-proliferation treaty (article VIII), and the duration of the treaty (article X).

57. First, article IV is the most significant innovation of the new revised draft. This article is very important because it is an attempt to codify a new human right. Men of our century, who are grouped in nations, must have the opportunity and indeed the right to integrate themselves in the process of change which is characteristic of our era. For this to be possible and for the good intentions expressed in article IV of the treaty to attain their full practical scope, the non-nuclear nations must be sure that they can rely at all times on access to a supply of raw materials—a supply which alone will in practice give them access to the world of modern science and technology. To the right to technological information which can be regarded as a spiritual conquest of our era, we must add the right to nuclear supplies, which are its material complement.

58. The Italian delegation, with the amendment which it will have circulated as a working paper, intends thereby to fill a gap and to affirm the right of all States signatories to the treaty to obtain supplies of source and special fissionable materials intended for peaceful purposes.[13] We consider that our proposed formula, which could appear as a second paragraph of the present article IV, will be of interest to a great number of States and will consequently ensure a wider participation in the non-proliferation treaty.

59. Secondly, article VIII in its present form provides for only one conference after five years. The Swedish representative has submitted an amendment to the effect that other conferences could be held at the request of the majority of signatories.[14] For our part, although in favour of the spirit of the Swedish amendment, we feel it would be

[12] *Ante*, pp. 57–64.
[13] *Infra*.
[14] *Ante*, pp. 41–42.

preferable, in the interest of the stability of the treaty, to provide an automatic periodicity—every five years—for such conferences. This would enable all signatories to the treaty to meet regularly, to examine all the disputes which might arise in applying the articles of the treaty and the paragraphs of the preamble and to seek for common solutions, and lastly, to examine and remedy any violations. In that way the periodic conferences would be the most effective instrument of guarantee for all nations of the proper working of the treaty in relation to its ultimate objectives. The amendment which the delegation of Italy would like to submit for this purpose for the approval of the Committee is contained in the working paper which I am having circulated.

60. Thirdly, in regard to the problem of the duration, we acknowledge the efforts made by the co-Chairmen to meet the concern expressed by several delegations and in particular by the delegation of Italy. A thorough examination of the revised text has nevertheless led us to the conclusion that in its present form it could give rise to misunderstandings which would be detrimental to the clarity of the treaty. In order to eliminate that drawback, the Italian Government deems it necessary to submit an additional amendment, contained in the working paper I have mentioned, which, while reiterating the formula already submitted by my delegation on 23 November 1967,[15] supplements it by indicating the twenty-five years' duration of the treaty stipulated by the present draft.

61. Before concluding its statement the Italian delegation feels bound, insofar as it represents a government which has for long been involved in a process of European economic as well as political integration, to define its position with regard to the treaty which we are negotiating at present, in the perspective of this fundamental aim of its foreign policy. Italy considers in this connexion that the conclusion of a non-proliferation treaty should in no way interfere with the successive stages whereby the objective of European unification may be achieved.

62. Lastly, I should like to state that the Italian delegation sincerely hopes that everything will be done by this Committee to bring to a satisfactory conclusion as quickly as possible these negotiations which are of the utmost importance for the fate of peace and for the whole of mankind.

63. Our task, indeed, is to indicate the best possible way to ensure that the treaty on non-proliferation will achieve its aims in conformity with the resolutions unanimously adopted by the General Assembly of the United Nations.[16] To that end we must give the greatest consideration to all the suggestions submitted to us and must make every possible effort to find the most appropriate formulas. It would indeed be regrettable if the harvest of ideas and suggestions which has been brought forth so generously in the course of our work and in the work of other organs of the United Nations were to be for ever lost or squandered.

64. On the contrary, we must ensure that this rich harvest may be used rapidly and effectively so as not to let slip this unique oppor-

[15] ENDC/PV. 350, p. 6; *Documents on Disarmament, 1967*, p. 529.
[16] *Ibid., 1965*, pp. 138-139; *ibid., 1966*, pp. 142-143; *ibid., 1967*, pp. 149-150.

tunity of achieving a treaty which conforms to the universal needs of peace and at the same time complies with the principle enunciated by the General Assembly of the United Nations in resolution 2153A (XXI),[17] to which reference was made by the Minister of Foreign Affairs of Italy in his statement on 1 August 1967 [18] and according to which it is necessary to reach an agreement which "would be acceptable to all concerned and satisfactory to the international community".

Italian Working Paper Submitted to the Eighteen Nation Disarmament Committee: Additions and Amendments to Articles IV, VIII, and X of the Draft Nonproliferation Treaty, February 20, 1968 [19]

Article IV: insert the following new paragraph after paragraph 1:

2. Nothing in this Treaty shall be interpreted as affecting the inalienable right of all the Parties to the supply of source and special fissionable materials or equipment for the use of source and special fissionable materials for peaceful purposes.

Article VIII: amend paragraph 3 to read as follows:

3. Every five years after the entry into force of this Treaty, a conference of Parties to the Treaty shall be held in Geneva, Switzerland, in order to review the operation of this Treaty with a view to assuring that the purposes of the preamble and the provisions of the Treaty are being realized.

Article X: amend paragraph 2 to read as follows:

2. The Treaty shall have a duration of 25 years. It shall be renewed automatically for periods equal to its initial duration for all governments which shall not have given, six months before the successive dates of its expiry, notice of their intention to withdraw.

Statement by the United States Representative (De Palma) to the Eighteen Nation Disarmament Committee: Nonproliferation of Nuclear Weapons, February 21, 1968 [1]

15. In order to expedite our work so that we shall be able to submit a complete draft treaty to the General Assembly with our report by 15 March I should like today to comment on several recent statements. I refer primarily to the statement made at our 362nd meeting

[17] *Ibid., 1966*, pp. 142–143.
[18] ENDC/PV. 318, p. 6.
[19] ENDC/218, Feb. 20, 1968, and Corr. 2, Feb. 22, 1968. The draft treaty appears *ante*, pp. 1–6.
[1] ENDC/PV.368, pp. 8–18.

by the representative of Romania and to portions of the statement of the representative of Sweden made at our 363rd meeting.

16. As I listened to the statement of the representative of Romania, I was struck by the forcefulness of his questions. I am certain that Mr. Ecobesco would not appreciate answers which were any less direct.

17. He asked first of all why the text of the draft treaty [2] did not contain a provision on security assurances and whether the nuclear Powers were disposed to undertake never to use or threaten to use nuclear weapons against States not possessing them.[3] The text does not contain a provision on security assurances, because, as we have said many times before, the question is too difficult and complicated to be reduced to a treaty provision. Not only do the security interests of allied and non-aligned nations differ, but the interests of various nations within each group also differ. Any attempt, therefore, to extend a guarantee by a treaty provision covering such a variety of interests and applying to unforeseen future circumstances would simply not be credible.

18. That is why it has been necessary to examine this matter in the context of action relating to the United Nations, outside the treaty itself but in close conjunction with it. It is the United Nations which is responsible for the maintenance of international peace and security, and it is under its Charter that each of our countries has assumed a solemn obligation to co-operate in the maintenance of peace. That matter is being discussed by the co-Chairmen. I hope that the co-Chairmen will soon be in a position to inform the Committee of the results of their talks. Until then. I believe members of the Committee will understand why I should prefer to reserve further comment on the substance of this matter.

19. In his second question the representative of Romania asked whether the nuclear Powers were disposed to put the non-proliferation treaty within the framework of a series of measures leading to the cessation of the production of nuclear weapons, to the conclusion of a comprehensive test ban treaty, and to the reduction and elimination of nuclear stockp s and delivery vehicles. He went on to ask how one could justify absence of such a legal obligation.

20. I believe that the United States delegation, as well as a number of others, has already made it abundantly clear why it has not been possible to formulate provisions setting forth a legal obligation to undertake such a series of measures. The representative of Sweden stated the general problem very well at our meeting of 8 February when she said:

> As has been stated, it would hardly be feasible in legal terms to enter into obligations to arrive at agreements. Further, to enumerate some specific measures might be counterproductive, as agreements on certain other scores may come to present opportunities for earlier implementation.[4]

We have, however, been able to agree to the inclusion of a legal obligation to pursue negotiations in good faith on effective measures

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[2] *Ante*, pp. 1–6.
[3] *Ante*, p. 33.
[4] *Ante*, p. 44.

regarding the cessation of the nuclear arms race, as now provided in article VI. Furthermore, we believe that the treaty itself will provide a major impetus for progress on such measures.

21. As part of his second question, the representative of Romania also asked why periodic review conferences were not included in the draft text. I can assure him that the matter remains under study.

22. The representative of Romania then asked why article X, paragraph 1, still required a statement of the reasons for withdrawal to be given in a notice to the Security Council. He asked what was the legal basis for that requirement, and whether it was the intention for the body to which the notice was submitted to issue a judgement on it.

23. We believe that withdrawal would be a step of such vital importance that other parties have a strong and legitimate interest in knowing why such action is being taken. It would also be important to have a situation which could affect international peace and security discussed in the Security Council. Each party will retain its sovereign right to make its own decision on withdrawal and to frame its statement of reasons in its own way. We do not understand why any question is raised about the legal basis for such a requirement. I might add, moreover, that, since it cannot be presumed that any party would wish to violate the treaty and withdraw for reasons other than those which could be justified under this article, there should be no difficulty in meeting this requirement, assuming that a decision has been made to withdraw.

24. In this connexion we do not see any difficulty arising from the fact, pointed out by the representative of Brazil at our meeting of 8 February, that there could be members of the Security Council who were not parties to the treaty.[5] The Security Council is not limited under the Charter to considering matters in which all its members are directly involved. One would assume that any non-parties to the treaty would observe some discretion in commenting on the treaty itself; but they have the same right as other members of the Security Council to express their views concerning matters affecting international peace and security.

25. As his fourth question, the representative of Romania asked what was the political, legal and ethical concept upon which rested the position of the authors on the subject of control. He wondered how we could reconcile with the concept of the sovereign equality of all States the fact that the draft treaty advocates the application of control solely in connexion with the obligations assumed by non-nuclear States.

26. In questioning the political, legal and even ethical concept underlying the present safeguards article, the representative of Romania seems to have overlooked the logic on which it is based. This is simply that, on the one hand, it would not be relevant to the purposes of this treaty to purport to safeguard nuclear materials against diversion to weapons on the territories of the nuclear-weapon parties, so long as they continue to produce such weapons. On the other hand, it is extremely important to provide the assurance which these safeguards provisions will bring, above all to the non-nuclear-weapon States, that

[5] *Ante*, p. 56.

their non-nuclear neighbours and rivals are in fact abiding by the terms of the treaty. That, in our view, is political, legal and ethical justification enough for the voluntary acceptance of such a provision by the non-nuclear countries. In addition to this "assurance" aspect of the safeguards article, there is, as I pointed out at an earlier meeting, the positive benefit of facilitating co-operation in the peaceful uses of nuclear energy.[6]

27. Despite these considerations, the United States has for several years been submitting four nuclear reactors to International Atomic Energy Agency (IAEA) safeguards. Furthermore, President Johnson offered on 2 December last to accept IAEA safeguards—when such safeguards are applied under this treaty—on all nuclear activities in the United States, excluding only those having direct national security significance.[7] This offer clearly demonstrates the sincerity of our conviction that acceptance of safeguards by any party would impose no industrial or economic burden on peaceful nuclear activities.

28. In her statement at our meeting of 8 February the representative of Sweden expressed appreciation for this offer but she wondered how complete the coverage would be under a voluntary pledge.[8] The answer is that the United States has offered to place under IAEA safeguards a greater range of peaceful nuclear activities, encompassing the most advanced technology, than would be placed under safeguards by any other party. Under the United States offer, IAEA will have the opportunity to apply its safeguards to nuclear materials in a broad range of activities, both governmental and private. The offer would be fulfilled by the negotiation of a formal implementing agreement between IAEA and the United States Government.

29. The agreement would identify those activities in which IAEA could apply its safeguards and would be expected to include, for example, the nuclear fuel in all utility-owned power reactors in the United States and the fabrication and chemical reprocessing of the nuclear fuel for these reactors. To date, more than eighty such reactors, with a total electrical generating capacity in excess of 56,000 megawatts, are already in operation, under construction or on order, or plans for their construction have been announced. The list would also be expected to include the nuclear fuel in test, research and university reactors and critical assembly facilities, of which there are currently more than 100 in the United States, as well as the fabrication and chemical reprocessing of their fuel. This offer, together with the similar offer made by the United Kingdom on 4 December,[9] should allay any sense of discrimination on the question of safeguards.

30. Mr. Ecobesco also asked what guarantee there was that forces of non-nuclear-weapon States on whose territories there were nuclear weapons and which participated in joint training with military forces of nuclear-weapon States would not have access to, possession of or control of these weapons. The answer is to be found in the provisions of article I which prohibit any transfer to any recipient whatsoever of nuclear weapons or other nuclear explosive devices, or control over

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[6] *Ante*, p. 14.
[7] *Documents on Disarmament, 1967*, pp. 613-615.
[8] *Ante*, p. 46.
[9] *Documents on Disarmament, 1967*, p. 616.

such weapons or devices, directly or indirectly. This article and the counterpart article II thus prohibit those activities which constitute nuclear proliferation. The treaty is not designed to deal with defence relationships or arrangements within alliances which do not involve nuclear proliferation. Any attempt to do so would take us back into the morass of theoretical argumentation over amorphous issues which too long frustrated our negotiations.

31. In his next question, the representative of Romania asked for the exact meaning of the phrase "safeguards system" of IAEA, appearing in paragraph 1 of article III. He asked: "Does it mean the present system, or a system which will be continually amplified?", and, if so, why.[10] Closely related was his seventh question, in which he asked about the relationship between the "safeguards system" of the Agency and the "safeguards required by this Article."

32. The safeguards to be applied under the non-proliferation treaty are those to be specified in agreements negotiated and concluded in accordance with the Agency's Statute [11] and safeguards system. As is the case with safeguards agreements presently in effect with IAEA, we expect that safeguards agreements pursuant to the non-proliferation treaty will incorporate by reference the relevant portions of the Agency's safeguards system documents. Should improvements in the safeguards system be made in the future, these could only be made in accordance with the Agency's established statutory procedures, the elaboration of which would involve the approval of the Agency's members.

33. We should note that the IAEA safeguards system document itself foresees the possibility of improvement. In its eighth paragraph it states:

> **The principles and procedures set forth in this document shall be subject to periodic review in the light of the further experience gained by the Agency as well as of technological developments.[12]**

In other words, the safeguards system established by IAEA is subject to possible changes which could not only strengthen the effectiveness of the safeguards but which could also apply advanced technology to simplify existing procedures. It is these technological developments which the fifth preambular paragraph of the draft treaty seeks to encourage.

34. To illustrate the improvements made in 1966, IAEA then adopted procedures for the safeguarding of chemical reprocessing plants. At its meeting which is currently in progress in Vienna, the IAEA Board of Governors is discussing the addition of specific procedures for safeguarding nuclear material in fuel fabrication facilities. Specific safeguards procedures will soon be available for the entire fuel cycle. But any such changes made after the negotiation of a safeguards agreement could be applied by IAEA only with the consent of the parties to the safeguards agreement, a consent to be given either through some general procedure agreed in advance or through subsequent modifications made in the agreements with the Agency.

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[10] *Ante*, p. 35.
[11] *American Foreign Policy: Current Documents, 1956*, pp. 915 ff.
[12] *Documents on Disarmament, 1965*, p. 417.

35. In his next question, the representative of Romania asked about the meaning of the formula "all peaceful nuclear activities". He asked:

> . . . how are we to understand the provision that the safeguards required 'by this Article' shall be applied 'on all source or special fissionable material in all peaceful nuclear activities'? [12]

The use of the phrase "all peaceful nuclear activities" is intended to cover all places and all activities where source or special fissionable material employed for peaceful purposes is located. It is such material which is the direct object of the safeguards.

36. The next question put by the representative of Romania dealt with the purpose envisaged in applying the safeguards to all "source or special fissionable material whether it is being produced, processed or used in any principal nuclear facility or is outside any such facility". He also asked what was understood by the implementation of safeguards with respect to source or special fissionable material "outside any such facility". The second sentence of article III is derived directly from the general safeguards procedures specified in paragraph 29 of the IAEA safeguards system document. This sentence specifies the scope of treaty safeguards procedures as applying to "source or special fissionable material" regardless of its mode of employ or of its location.

37. With regard to the meaning of the words "in any principal nuclear facility", we should note that paragraph 78 of the Agency's safeguards system document of 1965, as revised in 1966, defines such a facility as—

> . . . a *reactor*, a plant for processing *nuclear material* irradiated in a *reactor*, a plant for separating the isotopes of a *nuclear material*, a plant for processing or fabricating *nuclear material* (excepting a mine or ore-processing plant) or a facility or plant of such other type as may be designated by the Board from time to time, including associated storage facilities.[14]

Examples of the "associated storage facilities" would be the rooms in a nuclear reactor complex used for storing fuel to be inserted in the reactor and the pool of water used for storage of the highly radioactive fuel which has come out of the reactor. The words "or is outside any such facility", about which Mr. Ecobesco also asked,[15] come directly from paragraph 29 of the safeguards document.[16] They make it clear that the treaty safeguards procedures apply to source or special fissionable material in all locations.

38. In his tenth question Mr. Ecobesco asked why the application of controls was advocated "on all source or special fissionable material in all peaceful nuclear activities" if the "exclusive purpose" of the implementation of IAEA safeguards was to prevent the diversion of nuclear energy from peaceful uses to permit the manufacture of nuclear weapons or other nuclear explosive devices, as provided in paragraph 1 of article III.

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[12] *Ante*, p. 35.

[14] *Documents on Disarmament, 1965*, p. 459. The same provision appears in the revised doc. of 1966 (INFCIRC/66/Rev. 1).

[15] *Ante*, p. 35.

[16] *Documents on Disarmament, 1965*, p. 453.

39. To accomplish the exclusive purpose stated in the first sentence of article III, treaty safeguards must be applied on all source or special fissionable material in the peaceful nuclear activities of non-nuclear-weapon parties. Of course, this does not mean that all source or special fissionable material would be subject to the same degree of inspection. For example, paragraph 58 of the Agency's safeguards system document—regarding frequency of inspection for nuclear material in a reactor—states that the actual frequency of inspection shall take account of—

> (a) Whether the State possesses irradiated-fuel reprocessing facilities;
> (b) The nature of the reactor; and
> (c) The nature and amount of the nuclear material produced or used in the reactor.[17]

Paragraph 47, relating to general procedures for inspection, states:

> The number, duration and intensity of inspections actually carried out shall be kept to the minimum consistent with the effective implementation of safeguards, and if the Agency considers that the authorized inspections are not all required, fewer shall be carried out.[18]

40. It should also be noted that the IAEA safeguards document makes provision in paragraphs 21 through 23 for exempting from safeguards any quantities of source or special fissionable materials which are too small to be potentially significant from the standpoint of nuclear weapon manufacture.

41. I come now to the next question of the representative of Romania. He said:

> . . . seeing that under paragraph 1 of article III control will be exercised over all peaceful nuclear activities of non-nuclear States, how would it be possible to carry out the provisions of paragraph 3, which stipulates that the economic and technological development of the Parties to the treaty must not be hampered? How could such control be reconciled with the principle of non-interference in the internal affairs of States?[19]

42. The United States is convinced that treaty safeguards will not impose industrial, economic or any other burdens on treaty signatories and hence will not interfere with the internal affairs of the parties. We believe this conviction was clearly demonstrated by President Johnson's offer of 2 December 1967.

43. We see no contradiction between paragraphs 1 and 3 of article III. In fact, they are to some extent mutually reinforcing. As Mr. Fisher said when presenting the new treaty draft on 18 January, one of the two major and beneficial purposes he saw served by the new safeguards article was that—

> . . . the extensive application of treaty safeguards will reduce concern about providing source and special fissionable material, specialized equipment and information to non-nuclear-weapon States. It will thus provide a significant impetus for accelerated co-operation among all parties in the development of peaceful nuclear research and industry.[20]

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[17] *Ibid.*, p. 457.
[18] *Ibid.*, p. 455.
[19] *Ante*, p. 35.
[20] *Ante*, p. 14.

States will become parties to the treaty according to their own decisions taken in the light of their evaluation of their national interests. Surely we have reached the point where it is no longer necessary to raise the question of interference in internal affairs in connexion with a voluntary action by individual sovereign governments to enable the international community to avert a common danger.

44. In his last question, the representative of Romania asked why paragraph 2 of the same article, dealing with nuclear material and equipment, applied only to deliveries to non-nuclear States, and why this paragraph should not apply also to exports to nuclear countries. This question relates to the issue of the applicability of treaty safeguards to nuclear-weapon parties, to which I referred in connexion with his fourth question. While there is no treaty requirement for safeguards on exports to nuclear-weapon countries, parties are in no way precluded from requiring such safeguards as a condition for exports to nuclear-weapon States, if they wish to do so.

45. I should like now to deal with another question regarding article III raised by the representative of Sweden in her statement at our meeting of 8 February.[21] But first I should like to note with appreciation that Mrs. Myrdal expressed the view that the article III we are discussing will, in practice and taking into account the safeguards offers of the United States and the United Kingdom, come, as she put it, "rather close" to what was intended by the safeguards proposal suggested by the Swedish delegation in August 1967.[22] Again, I should like to state the view of the United States delegation that the safeguards article before us is not only realistic but also effective.

46. In her statement Mrs. Myrdal suggested that the time-table set forth in paragraph 4, taken together with the provisions for entry into force of the treaty contained in article IX, paragraph 3, raised possible problems. She said it was obvious that a considerable time would pass before the safeguards system would become universally applicable. Is there not a definite risk, she asked, that during an interval, which may extend to several years, some countries may be subject to control and others not?

47. Furthermore, she added, there seems to be a hiatus between paragraphs 2 and 4 in article III. She said that according to paragraph 2 no source or special fissionable material or special equipment may be provided to non-nuclear-weapon States unless IAEA safeguards are applied. Thus, she concluded, for parts of or for the whole interim period, a general standstill in the transfers of such material must be feared.

48. We expect that treaty safeguards will begin to apply at different times within the over-all period specified by article III, depending on when the parties conclude the prescribed agreements with the Agency. However, with respect to any possible "general standstill in the transfers" of nuclear material as a result of the provisions of para-

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[21] *Ante*, pp. 47–48.

[22] *Documents on Disarmament, 1967*, p. 368.

graphs 2 and 4, it is our interpretation that paragraph 2 does not prohibit such transfers of nuclear material during the transition period. Specifically, paragraph 2 of article III contains an undertaking not to provide materials or equipment "unless the source or special fissionable material shall be subject to the safeguards required by this Article." But the "safeguards required by this Article" are safeguards to take effect not later than at the end of the specified period. They are not safeguards required immediately upon entry into force of the treaty. Accordingly, paragraph 2 of article III does not contain an obligation to interrupt transfers during the transition period.

49. The United States expects to continue during the transition period its present policy of supplying materials and equipment under appropriate safeguards. We hope other States will follow a similar policy of requiring appropriate safeguards during this transition period. Of course, any such safeguards will, as necessary, later have to be brought into conformity with the safeguards required by the treaty when the party in question concludes its agreement with IAEA.

50. The representative of Sweden also commented on the fact that the formula for entry into force in article IX does not take into account the special importance some prospective parties may attach to more or less simultaneous adherence by other States. She wondered whether the problem could be taken care of by allowing a State to make a reservation in its instrument of ratification to the effect that the treaty shall not enter into force or remain in force for its part until and unless it enters into force and remains in force for another State or States specified in the same document. She felt this might increase the speed of ratification by a number of parties of special importance to the treaty.

51. We have recognized this problem in our approach to the treaty. Our view is that the potential parties sharing this concern have every right to time the deposit of their instruments of ratification or accession so as to take into account the actions of other States. This need not, therefore, delay action by governments in completing the process of ratifying the treaty in accordance with their constitutional procedures. Once these national decisions have been taken it should not be difficult to arrange through diplomatic channels for parallel deposits of the instruments of ratification by the governments concerned.

52. As for the question of continued adherence in the light of the continuing adherence of other States, we believe that the withdrawal clause will adequately protect the vital security interests of all parties in this regard.

53. In short, we do not see any necessity for attaching a reservation of the kind suggested—a procedure which, particularly if applied to other areas, could seriously complicate the treaty's entry into force and might even lessen its effectiveness.

54. I realize I have made a lengthy statement today. However, I did wish to clarify certain questions that have been raised, as part of my delegation's effort to facilitate the work of this Committee, and thus to enable us to fulfil our task of providing a complete treaty text for consideration by the General Assembly.

Statement by the British Representative (Porter) to the Eighteen Nation Disarmament Committee: Nonproliferation of Nuclear Weapons, February 22, 1968 [1]

22. On 23 January my Minister, Mr. Fred Mulley, made in this Committee a comprehensive statement [2] of my Government's views on the draft treaty tabled on 18 January.[3] I should like today to add a few comments in the light of the discussion which has since taken place.

23. Allow me first to resubmit what has become known as the United Kingdom amendment. During the last session we proposed [4] that article V of the draft treaty text presented on 24 August [5] should be amended so as to include the preamble in the purview of the review conference. The amendment was not adopted. However, since it seems to us to have merit and it has gained wide support, I should like to resubmit it today as an amendment to article VIII of the draft treaty text now before us.[6]

24. I shall submit no further amendments this morning. We feel that at this stage of our negotiations formal amendments should be kept to a minimum. However, I should like to comment briefly on the amendments already submitted by the Swedish delegation,[7] and also on an ambiguity which seems to us to have crept into article VIII. In doing so I shall give one or two illustrative suggestions for textual improvement.

25. We have studied with interest the thoughtful and constructive proposals made by the representative of Sweden. In our view they would help to secure agreement on a more widely acceptable treaty text, and they have our broad support. I should like to comment, however, on some of the points involved.

26. The Swedish delegation has proposed a new preambular paragraph referring to the need for progress on the comprehensive test-ban treaty. As one of the original parties to the partial test-ban Treaty,[8] we welcome the opportunity to reaffirm our determination to work to that end.

27. The Swedish delegation has also proposed that article VI should provide that negotiations on effective measures to end the nuclear arms race should be pursued at an early date. We agree wholeheartedly. However, the article as amended by the insertion of the word "nuclear" before the word "disarmament" in the third line should, in our view, make it clear that we are referring not merely to unspecific negotiations on nuclear disarmament but to effective measures of nuclear disarmament. As an illustration of what I mean, I would suggest replacing the word "regarding" by "relating to" and insert-

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[1] ENDC/PV.369, pp. 9–11.
[2] ENDC/PV.358, pp. 4–13.
[3] *Ante*, pp. 1–6.
[4] *Documents on Disarmament, 1967*, p. 595.
[5] *Ibid.*, pp. 338–341.
[6] ENDC/203 (Identical with the 1967 amendment).
[7] *Ante*, pp. 41–42, 57.
[8] *Documents on Disarmament, 1963*, pp. 291–293.

ing the word "to" before the words "nuclear disarmament". The article would then read:

Each of the Parties to this Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control.

28. The third Swedish amendment submitted on 8 February provides in article VIII for periodic review conferences. We have taken the view in the past that periodic review conferences could cause instability; but we concede that the Swedish proposal, which provides for a majority decision, avoids much of that danger while giving the treaty additional flexibility. We should like to suggest a small change in the wording of the Swedish amendment which, while not affecting its substance, would bring paragraph 3 of article VIII into line with the existing language of paragraph 1 of the same article. Paragraph 3 would then read:

At intervals of five years thereafter, if then requested to do so by a majority of the Parties to the Treaty, the Depositary Governments shall convene a further such conference at the same place and for the same purposes.

29. I need hardly say that the adoption of that Swedish proposal and the United Kingdom amendment resubmitted today would, taken together, bring the purposes of the preamble within the scope of successive review conferences.

30. While discussing article VIII, I should like to refer to the ambiguity in paragraph 2 mentioned at the beginning of my remarks. The membership of the Board of Governors of the International Atomic Energy (IAEA) changes every year. If the various depositary governments circulated an amendment on different dates and the membership of the Board changed between those dates, doubt might arise as to which parties to the treaty had to deposit their instruments of ratification to bring the amendment into force. A way of avoiding that difficulty might be to link membership of the Board of Governors to the date on which an amendment was first circulated by any of the depositary governments. As an illustration of the way this could be done, I should like to read the text of the first sentence of paragraph 2 as modified:

Any amendment to this Treaty must be approved by a majority of the votes of all the Parties to the Treaty, including the votes of all nuclear-weapon States Party to this Treaty and all other Parties which on the date the amendment is first circulated by any of the Depositary Governments are members of the Board of Governors of the International Atomic Energy Agency.

A similar modification would have to be made to the second sentence.

31. Turning now to the amendments proposed by the representative of Sweden on 13 February, we are happy to accept the omission of the words "by nuclear-weapon States" in the seventh preambular paragraph. The practical effect of this change is slight in view of the prohibition in article II of the acquisition of nuclear explosive devices by non-nuclear-weapon States parties to the treaty. However, we agree with the view that all unnecessary discriminatory references should

be deleted, and feel that from a presentational point of view the amendment would be an improvement.

32. The next Swedish proposal, to omit the words "non-nuclear-weapon" at two points in article V, has practical significance for us and is welcome.

33. The other Swedish amendments relate to the bilateral option in article V. We agree that this article must not prejudice or prejudge the requirements of the comprehensive test-ban treaty. Our own view, however, is that even in its present form it does not. If the co-Chairmen should wish to see whether the point could be made more clearly, then it might be possible, for instance, for the article to be prefaced simply by a phrase to the effect that nothing in the article would prejudice the subsequent conclusion of a comprehensive test-ban treaty.

34. If we are to meet the General Assembly's request for a report by 15 March, we still have a good deal of work to do in quite a short time. I hope that my suggestions this morning will help us towards that end.

Statement by the United States Representative (De Palma) to the Eighteen Nation Disarmament Committee: Non-proliferation of Nuclear Weapons, February 22, 1968 [1]

35. I should like today to discuss various aspects of the draft treaty [2] that have been raised by the representatives of Brazil, Canada, Ethiopia and Sweden.

36. I should like to turn first to article V, which has been the subject of numerous comments. We believe the present article provides the necessary assurance that the non-nuclear-weapon States parties to this treaty will receive the benefits of the peaceful applications of nuclear explosives on an equitable and non-discriminatory basis.

37. The representatives of Sweden and Canada have raised certain questions regarding the bilateral option contained in article V.[3] They have suggested that it might, in some unspecified but presumably clandestine manner, be used to transfer weapons or weapon technology. We have made it abundantly clear that peaceful nuclear explosions must be accomplished within the restrictions of articles I and II, which prohibit nuclear-weapon parties from transferring, and non-nuclear-weapon parties from receiving, nuclear explosive devices, control over such devices, or assistance in their manufacture. Accordingly, neither the device itself nor nuclear explosive device technology could be obtained by a non-nuclear-weapon State.

38. This would be the case whether the peaceful nuclear explosion service is obtained by the non-nuclear-weapon State through a bilateral arrangement or through an appropriate international body. In either case, the explosive device would remain under the custody and control of the nuclear-weapon State performing the service. Additionally, I

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[1] ENDC/PV. 369, pp. 11–19.

[2] *Ante*, pp. 1–6.

[3] *Ante*, p. 61; ENDC/PV. 358, pp. 19–20.

might point out in this connexion that the laws of the United States already prohibit any revelation of nuclear device design information or any transfer of nuclear explosive devices. I would further emphasize that private organizations or individuals in the United States are not permitted to develop, manufacture or acquire nuclear explosive devices. Therefore, we do not see how anyone could regard the carrying out of a project with nuclear explosions under the terms of this treaty as a means of subverting its basic purposes.

39. Nevertheless, a specific question has been raised as to whether bilateral arrangements would be subject to international observation. I should now like to answer that question.

40. International observation would apply to nuclear explosion services whether they are provided bilaterally or through an international body. As Mr. Foster stated on 21 March 1967:

> **Such a service would consist of performing the desired nuclear detonation under appropriate international observation with the nuclear device remaining under the custody and control of the State which performed the service.[4]**

There was no qualification in that statement with respect to the bilateral or international basis for providing the service as regards "appropriate international observation". The bilateral option or the international option will not provide, and cannot provide an opportunity for clandestine nuclear co-operation between nuclear and non-nuclear-weapon States. We believe that this assurance of "appropriate international observation", regardless of which option a non-nuclear-weapon State has utilized in obtaining these services, should further relieve any concern that the present article V would be inimical to the purpose of the treaty.

41. Some speakers have wondered about the possibility of a discriminatory practice through the bilateral option, arising from the possibility that the demands for nuclear explosion services could outweigh the available supply of nuclear explosive devices; and they ask how priorities would be determined. To this I can reply that the United States does not foresee that there will be any scarcity of nuclear explosive devices once the peaceful applications of nuclear explosions become feasible. A sufficient number of explosive devices should be available to meet all foreseeable needs for these services, domestically, bilaterally or through an international body.

42. Furthermore, the option of obtaining the service either bilaterally or through an international body with adequate representation of non-nuclear-weapon States is a further positive assurance against discrimination. This flexibility would not in any way restrict or deny the non-nuclear-weapon parties to this treaty access to the nuclear explosion services on a non-discriminatory basis. Moreover, while the primary intent of this article is to ensure that the non-nuclear-weapon States parties to this treaty could have such services available in a non-discriminatory manner, the article does not in any way preclude the availability of such services to nuclear-weapon States.

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[4] *Documents on Disarmament, 1967*, p. 173.

43. I turn now to another question which has been raised concerning the provisions of article V. I refer to the question raised by Mrs. Myrdal in her intervention of 13 February. She said:

> We sincerely want to warn against anything in the present treaty being construed in such a way that it may impede the conclusion of a comprehensive test-ban treaty.[5]

In our considered view, the present article V in no way poses a legal impediment to a comprehensive test-ban treaty. Whatever may be the system of rules or procedures that might be found desirable for the accommodation of the peaceful uses of nuclear explosions under a comprehensive test-ban treaty, these will not be, in our view, inconsistent with the present language of article V.

44. In the first sentence of article V it is stated that the—

> . . . benefits from any peaceful applications of nuclear explosions will be made available through appropriate international procedures to non-nuclear-weapon States Party to this Treaty . . .

I wish to emphasize the phrase "appropriate international procedures". These "appropriate international procedures", once established and whatever the particular form they might take, would apply to both bilateral and multilateral projects. If, under a comprehensive test-ban treaty, international approval were needed for the conduct of a nuclear explosion for peaceful purposes, such approval would constitute an "appropriate international procedure" applicable to services conducted bilaterally or through an appropriate international body.

45. I should now like to refer briefly to the important statement made by the representative of Ethiopia at our meeting of 13 February. We are gratified by his comments concerning the new article V and by his reference to—

> . . . the continuous assurances maintained in this Committee by the nuclear-weapon Powers that they would do their utmost to see to it that all nations would have the possibility to draw on the benefit of the technology of peaceful nuclear explosive devices, in accordance with the provisions of this treaty.[6]

46. On that occasion Mr. Zelleke did raise the question of the extent to which the price charged for peaceful nuclear explosive services could be made to depart from what he termed conformity with "the well-known principle of the monopolistic price mechanism". Regarding this question, I should like to emphasize two considerations that must not be overlooked. The first is that, in so far as "monopoly" means the exclusive provision by the present nuclear-weapon States of peaceful nuclear explosive devices, it is simply unavoidable if we are to achieve the treaty's purpose of halting proliferation. However, the mechanism for price setting will not be that of any "monopolistic price mechanism"; it is explicitly provided by article V that the explosive services should be non-discriminatory and that their cost should be as low as possible without any charge for research and development. I submit that it is difficult to envisage a more practical and effective method than this for meeting the concern to which the

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[5] *Ante*, p. 59.
[6] *Ante*, p. 68.

Ethiopian representative referred. I believe that the statement made yesterday by the representative of Canada underscored the economic advantages of the provisions of this article.

47. I should also like to inform this Committee that the guarantee of non-discrimination in the first sentence of article V means, among other things, that the charge for nuclear explosive devices provided by the United States for use internationally—either through bilateral or multilateral arrangements—will be as low as possible and will not in either case be any greater than the charge for the device to its own domestic users.

48. I should like now to turn to the statement of 8 February made by the representative of Brazil.[7] Before commenting on some of his specific suggestions for changes in the draft text, I want to discuss his general approach to the negotiation of this treaty. That approach seems at first glance to call in question the very basis on which most of us are proceeding in our efforts to achieve the early conclusion of the treaty.

49. I myself do not believe that that was his intention. Nevertheless, one possible interpretation of his remarks would suggest that we should be formulating a much more comprehensive instrument, which ideally and strictly meets all the desiderata that have at various times been recommended as goals for our work by the General Assembly, rather than the draft now before us, which realistically reflects the broadest area of agreement now attainable. It is, of course, open to any member to question the premises upon which we are working. But at this late stage in our work it would be a rather serious matter if we were asked to reopen the choice most of us have already made in deciding to pursue seriously and with all reasonable speed the conclusion of this treaty.

50. In reviewing the principles set forth in resolution 2028(XX) of the General Assembly, for example,[8] the representative of Brazil expressed the view that the revised draft texts submitted by the co-Chairmen were still deficient in that they did not prevent what has been termed "vertical" proliferation. That concept is one which only certain delegations have read into the Assembly resolution. However, the real question is simply whether we should delay the conclusion of the treaty until we can also reach agreement on certain measures of nuclear disarmament. That choice has already been made. Whilst we do not wish to delay the treaty, all of us wish to incorporate in it an unequivocal undertaking to pursue negotiations on measures to halt the nuclear arms race and to reduce nuclear arsenals. I recognize, of course, that differences remain as to how best to express this undertaking.

51. The representative of Brazil raised an additional point in that connexion. He wondered if nuclear-weapon parties were free to assist other nuclear-weapon States, whether or not parties to the treaty, in improving the sophistication of their nuclear weapon technology. We all know why it is not possible to include in this treaty actual limitations on the nuclear arms of the nuclear-weapon States. However, I

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[7] *Ante*, pp. 49–57.

[8] *Documents on Disarmament, 1965*, pp. 532–534.

believe we all know also why there is no real or significant danger of the kind to which he alluded.

52. We consider to be quite remote the other danger which the representative of Brazil mentioned: namely, that a nuclear-weapon State might sign the treaty and then prevent its entry into force by refusing to ratify it. I am certain that our collective ingenuity would enable us to deal with that contingency should it arise.

53. The representative of Brazil also described article III as asking the non-nuclear-weapon States "to accept a blank system of control yet to be formulated" while on the other hand it did not require the nuclear-weapon States to accept controls on their activities for "non-military as well as military purposes".[9] In my statement yesterday I discussed why article III requires safeguards only for non-nuclear-weapon States.[10] As I also explained yesterday, safeguards agreements would have to be concluded in accordance with the International Atomic Energy Agency (IAEA) Statute and safeguards system and would incorporate by reference pertinent parts of the Agency's safeguards system document. Therefore, I do not believe that it is a "blank system of control yet to be formulated".

54. Later in his statement the representative of Brazil portrayed the twenty-five-year initial duration period set out in the draft treaty as amounting to the abandonment—at least for that period—of the goal of general and complete disarmament and an admission that nuclear-weapon arsenals may increase during that period. We see no real basis for that view. On the contrary, we consider that this treaty will provide the greatest impetus and the most promising conditions possible for progress in limiting and reducing nuclear arsenals.

55. The representative of Brazil also asserted that the provisions of articles IV and V would, in effect, institutionalize the division of the world into a group of nations having a monopoly of the technology of nuclear explosives for warlike and peaceful purposes and others which would remain technologically dependent for a minimum initial period of twenty-five years. We are unable to accept this assessment of the draft treaty. Not only does the text make clear that its provisions must be applied so as not to hamper the technological development of the peaceful uses of atomic energy by all parties, but the very provisions which were cited, as well as the declarations of intention in the preamble, are designed to promote increased co-operation in the development of peaceful technology and will provide for the sharing of many benefits already developed by the nuclear-weapon States.

56. The treaty precludes technological co-operation only in so far as the design and production of nuclear explosive devices are concerned. For reasons which I feel I need not reiterate—and which, as others have noted, have never been refuted—this restriction is inherent in a treaty which is designed to prevent the proliferation of nuclear weapons.

57. I must stress again the fallacy of assuming that there is continued "spin-off", or peaceful technology, to be derived from the production of nuclear explosive devices—be they intended for warlike or peaceful purposes. The so-called peaceful "spin-off" was largely

[9] *Ante*, p. 52.
[10] *Ante*, pp. 92–100.

obtained long ago. Its civil applications have long since been, and will continue to be, made available to other countries.

58. Turning now to the specific amendments proposed by the representative of Brazil,[11] it is clear that most of them reflect the view of the Government of Brazil regarding the question of peaceful nuclear explosions. The reasons for incorporating in the treaty the prohibitions regarding peaceful nuclear explosive devices have been elaborated at great length already, and therefore I would not feel justified in taking the time of the Committee to repeat them. We continue to hope that in the end all will come to recognize the inescapable need for these provisions.

59. There has also been considerable discussion in the Committee as to why it has not been possible to include a more far-reaching undertaking in article VI, as was also suggested by the delegation of Brazil. Frankly, I do not see how it would be possible to consider a provision going beyond any other suggested here which would call for the negotiation of a treaty for the cessation of the nuclear arms race and for the eventual reduction and elimination of nuclear arsenals and the means of their delivery. Our experience with the difficulties involved in seeking step-by-step progress on individual measures of nuclear disarmament would hardly encourage us to try to deal with the matter in a general treaty.

60. The third paragraph of this amendment would include an undertaking to channel part of the savings from measures of nuclear disarmament through a United Nations fund, for the benefit of the scientific and technological development of developing countries. However praiseworthy its motivation may be, such a provision is really not germane to this treaty, and it raises complex issues which we have not discussed here.

61. I come to the amendment proposed by the representative of Brazil to article VII. Here we do not see the need for the change proposed, the main purpose of which is to incorporate a reference to the "obligations" of States parties to regional treaties on the proscription of nuclear weapons. The article already properly recognizes the right of States to conclude such treaties; but it is another matter to assert that "nothing in this treaty affects or shall be interpreted as affecting" rights or obligations under regional treaties. The problem which such language would pose is apparently recognized by the Brazilian delegation, because its amendment concludes with the phrase "consistent with the objectives of this treaty". It goes without saying that obligations undertaken in other treaties which are consistent with those under the present treaty would not be affected by this treaty. The language of this proposed amendment is therefore unnecessary and in our view it could create confusion.

62. The representative of Brazil also raised the question of the number of ratifications required under article IX to bring the treaty into force. This is a topic which, I recognize, is of concern to a number of delegations. For example, at our meeting of 13 February the

[11] *Ante*, pp. 64–66.

representative of Ethiopia asked for an explanation of the significance of the number forty which the co-Chairmen have inserted.[12] The number forty was selected in order to ensure that, when the treaty comes into force, it will begin without dangerous delay to achieve its purpose of halting proliferation. Our experience under the limited test-ban Treaty[13] is of considerable relevance. It required nine months to achieve thirty ratifications of that treaty, sixteen months for sixty ratifications, and two-and-a-half years to achieve eighty ratifications. Based on this experience, it is likely that, with forty ratifications required, at least one year will elapse between the time the non-proliferation treaty is opened for signature and the time it enters into force. We believe that an increase in the number would create an unnecessary delay, involving an unacceptable risk of further proliferation.

63. The United States has considered possibilities for establishing some qualitative rather than numerical standard for the countries whose ratification would be required for the treaty's entry into force. However, we have found no practical standard which would be free from controversy or ambiguity in its application. Moreover, the most serious difficulty often found in this type of approach is that it would provide a veto power over the treaty's entry into force to each and every one of the countries coming within the standard proposed. On the other hand, the merit of requiring accession by forty unspecified non-nuclear countries, as well as by the signatory nuclear Powers, is that this will give ample opportunity for most or all of the non-nuclear-weapon countries with advanced civilian nuclear industries to adhere before entry into force, but without creating additional vetoes. I wish to reiterate in this connexion that countries may of course take into account the actions of other countries in making their decisions as to when to deposit their instruments of ratification.

64. Finally, I come to the amendment proposed by the representative of Brazil to article X, on withdrawal. Here the intention is to delete the requirement to give notice to the Security Council and to incorporate a reference not only to circumstances that have arisen but also to those that "may arise" and which "may" affect the supreme interests of a party.

65. I discussed the desirability of retaining the requirement for giving notice to the Security Council in my statement yesterday. As for the reference to circumstances that "may arise", we believe this would be an undesirable change because it could be interpreted as justifying withdrawal decisions based upon remote or purely hypothetical contingencies. The treaty would consequently be deprived of its stability as a reliable instrument for deterring the proliferation of nuclear weapons.

66. I have spoken again today because only a relatively brief period remains before we are due to send our report to the General Assembly, and we do believe that comments and suggestions made in this Committee should be given careful consideration.

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[12] *Ante*, p. 70.

[13] *Documents on Disarmament, 1963*, pp. 291–293.

Statement by the Indian Representative (Husain) to the Eighteen Nation Disarmament Committee: Nonproliferation of Nuclear Weapons, February 27, 1968 [1]

3. I feel highly privileged to be able to participate in the deliberations of the Eighteen-Nation Committee on Disarmament at this important stage of its discussion of a non-proliferation treaty. I should like to take this opportunity of thanking my colleagues who have welcomed my association with this Committee, and I should like to assure them of my full and earnest co-operation in fulfilling the tasks entrusted to this Committee.

4. I should also like to take this opportunity of welcoming Mr. Foster, the representative of the United States, who has done much to promote the work of this Committee. We are glad to see him fully recovered and we wish him the best of health for the future.

5. The presentation of the revised and identical drafts of a treaty by the delegations of the United States and the Soviet Union marks an important development in our work.[2] These revised texts contain several new features. A number of changes have been made as a result of the negotiations which took place last year and the various memoranda and working papers presented to the Committee. We recognize that they represent an improvement on the earlier identical drafts of 24 August 1967,[3] and we wish to associate ourselves with the tributes which have been paid to the United States and Soviet Union delegations for their untiring efforts.

6. We recognize also the sincerity and the earnestness with which the Soviet Union and the United States have worked in drafting this treaty; just as we recognize the importance which this approach signifies for the future of international co-operation as a whole. We note, however, that the revised text does not meet some of the more fundamental and basic requirements of an acceptable treaty and does not incorporate many of the important ideas and suggestions put forward by a number of delegations, including my own.

7. The deep and abiding interest of my Government in the field of disarmament is well known. India took the initiative in 1964 in inscribing for the first time on the agenda of the General Assembly an item under the title of "Non-proliferation of Nuclear Weapons".[4] Unfortunately no discussion could take place during that year. It is a matter, however, of great satisfaction for my Government that this question has aroused the conscience of the international community, as evidenced by the fact that this item has continued to figure in the agenda of all subsequent sessions of the General Assembly.

8. I recall the inscription by India of the item "Non-proliferation of Nuclear Weapons" in 1964 because during the earlier years it was only the question of non-dissemination or a further spread of nuclear weapons which had been debated in the General Assembly and else-

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[1] ENDC/PV.370, pp. 4–14.
[2] *Ante*, pp. 1–6.
[3] *Documents on Disarmament, 1967*, pp. 338–341.
[4] *Ibid., 1964*, pp. 442–443.

where. The difference between dissemination and proliferation of nuclear weapons is, I submit, not a mere matter of semantics but one of substance and significance. Our persistent plea that the international community should concern itself with proliferation in all its manifestations rather than with mere dissemination, which is only one aspect of it, is in our view fully vindicated by past experience and the past history of attempts to prevent a spread of nuclear weapons.

9. I do not wish to go into details which are well known to all of us in this Committee, but will content myself with pointing out that the very fact that the number of nuclear-weapon Powers has increased from one in 1945 to two in 1949, three in 1952, four in 1960 and five in 1964 is proof of the failure of that limited approach. The urge to seek greater security—however imaginary or illusory this may eventually prove to be—by acquiring nuclear weapons cannot be curbed by a prohibition applied only to those that do not already possess them. It can be effectively controlled only by attacking the root of the evil: namely the state of insecurity caused in the world by the possession of these weapons of horror and mass destruction by a few Powers. The desire to emulate the example of those that have become nuclear-weapon Powers will be difficult to resist as long as the world lives in a state of imbalance. It can be eliminated only if we do away with the special status of superiority associated with power and prestige conferred on those Powers by nuclear weapons.

10. It is true that the nuclear menace can be eliminated only by nuclear disarmament; but it is also equally true that the first step that we take in this direction should be not only to prevent the spread of nuclear weapons but also and simultaneously to inhibit the further development and stockpiling of nuclear weapons. In other words, a way out of the present impasse can be found only through prevention of both the aspects of proliferation of nuclear weapons, which have been variously termed as present and future proliferation, or existing and further proliferation, or vertical and horizontal proliferation. Both these aspects of the proliferation of nuclear weapons form part of a single whole, and the problem cannot be dealt with by dealing with only one aspect of it. This element is essential and central to our concept of a non-proliferation treaty.

11. From what has been stated in this Committee during the current and the last session, my Government is aware that some delegations hold a somewhat different concept of the proposed treaty; but equally the position of the Government of India is well known and has been given expression to both here and in the General Assembly. At the last session of the General Assembly on 14 December 1967 our representative stated:

> . . . we should like to emphasize again that an acceptable and satisfactory treaty on non-proliferation should prevent three aspects of proliferation: first, an increase in nuclear arsenals; second, a spread of nuclear weapons over the world, and, third, an increase in the number of nuclear weapon Powers. An acceptable and effective treaty, therefore, is one which prohibits existing proliferation among nuclear-weapon Powers, the dissemination of nuclear weapons and weapon technology from one country to another, and further or possible proliferation among hitherto non-nuclear weapon Powers.[5]

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[5] *Ibid., 1967*, p. 697.

12. It is agreed on all sides in this Committee that, as laid down in General Assembly resolution 2028 (XX), which provides the guidelines to this Committee for drafting a treaty on non-proliferation of nuclear weapons,[6] there must be an "acceptable balance of mutual responsibilities and obligations of the nuclear and non-nuclear Powers". It has been the view of my delegation before—and it continues to be the view now—that certain basic features of the draft treaty before us do not conform to that principle. The first and most obvious and important lack of balance is that, while the non-nuclear-weapon Powers undertake not to proliferate, there is no comparable obligation placed upon the nuclear-weapon Powers, which would be free to continue to produce more weapons and to further improve such weapons.

13. In that connexion I may also recall that of the five principles enunciated in resolution 2028 (XX) the first requires:

> **The treaty should be void of any loop-holes which might permit nuclear or non-nuclear Powers to proliferate, directly or indirectly, nuclear weapons in any form.**

The reference here is to both nuclear and non-nuclear-weapon Powers, as is evident from the preamble to resolution 2153A (XXI) of the following year, which expressed apprehension about "an increase of nuclear arsenals".[7] The report of the Secretary-General on the effects of the possible use of nuclear weapons and on the security and economic implications for States of the acquisition and further development of these weapons also lays stress on this, when it says—

> **So far as international security is concerned, it is highly probable that any further increase in the number of nuclear weapons States or any further elaboration of existing nuclear arsenals would lead to greater tension and greater instability in the world at large. Both these aspects of the nuclear arms race are significant to world peace.[8]**

14. The United Nations having thus recognized that the proliferation of nuclear weapons in the nuclear-weapon countries is a matter of major preoccupation to be viewed with equal apprehension, it is clear that a non-proliferation treaty should have sought to meet that apprehension. The only effective way in which this could have been done was to include an obligatory provision in the treaty for a cessation of further production of nuclear weapons and what has been called in technical parlance a "cut-off" of production of fissionable material for weapon purposes. But there is no such provision in the draft treaty.

15. Further, articles I and II of the draft treaty do not prevent the deployment of nuclear weapons on the territories of non-nuclear-weapon States; nor do they prevent the training in the use of nuclear weapons of the armed personnel belonging to non-nuclear-weapon States. Also, while article I calls upon the nuclear-weapon States not to assist, encourage or induce any non-nuclear-weapon States to manufacture or acquire nuclear weapons, it does not prohibit one nuclear-weapon State from assisting another nuclear-weapon State, which may not have reached the same degree of sophistication in the development of its nuclear-weapon technology, by providing technical aid, say, in

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[6] *Ibid.*, *1965*, pp. 532–534.
[7] *Ibid.*, *1966*, pp. 142–143.
[8] *Ibid.*, *1967*, pp. 507–508.

the way of blueprints for the manufacture of more sophisticated nuclear weapons. These lacunae are a matter of deep concern to a large number of non-nuclear-weapon States.

16. It is even more disturbing when we find that one-sided prohibitions on non-nuclear-weapon States apply also in regard to nuclear explosive devices for purely peaceful purposes. In this connexion it has been stated in this Committee that non-nuclear-weapon countries should be prohibited from developing this technology or producing such explosives themselves because the technology for making nuclear explosives for peaceful purposes is the same as that for making nuclear weapons.

17. The Indian delegation has in the past expressed reservations about the view that there is no real difference between a peaceful nuclear device and a nuclear weapon. In this connexion I need not recall the serious and protracted discussions on the Plowshare in 1958 and 1960, when the need for and possibilities of peaceful nuclear explosions by all were recognized; but difficulties over modalities connected with the test-ban treaty made it difficult to come to an agreement. A possible solution is one which has been envisaged in article 18 of the Treaty for the Prohibition of Nuclear Weapons in Latin America.[9] It should not, therefore, be beyond the ingenuity of the negotiators around this table to provide in a generally-acceptable manner for an unhampered use of nuclear energy for peaceful purposes by non-nuclear-weapon Powers as by nuclear-weapon Powers. While India is fully in favour of the non-proliferation of nuclear weapons, it is equally in favour of the proliferation of nuclear technology for peaceful purposes.

18. We have been told that, as provided in article V, if the non-nuclear-weapon States were to deny themselves the technology of making peaceful nuclear explosions, any potential benefits from peaceful applications of nuclear explosions, as and when these become economically and technically feasible, would be made available to them, freely and at economically-attractive costs. We do not doubt that the nuclear-weapon Powers will wish to give generously of the benefits of the peaceful uses of the atom. However, the issue involved here is something more basic than the mere question of distribution of benefits.

19. Mankind everywhere should be free not only to share in the benefits but also to acquire the knowledge of extracting such benefits by itself and to have the freedom to use such knowledge. Since nuclear technology is the technology of the future and is likely to become the most crucial and potent instrument of economic development and social progress, it would obviously be invidious for a greater part of the world to become wholly dependent on a few nuclear-weapon States for the knowledge and application of this technology. When it is proposed that this should be done for an initial period of twenty-five years regardless of any technological break-through during that period, would this not widen the economic and technical gap which already exists and which the developing countries are striving hard to close, as is at present being attempted in the deliberations of the United Nations Conference on Trade and Development in New Delhi?

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[9] *Ibid.*, pp. 77–78.

20. There is yet another feature of the treaty which causes concern, and that relates to safeguards provided in article III, which apply only to non-nuclear-weapon States, making the obligation entirely one-sided. The Indian Government has been consistently of the view that the safeguards should be universally applicable and be based on objective and non-discriminatory criteria. The Indian delegation is aware that two nuclear-weapon States have made statements indicating their willingness to accept the safeguards provided in the draft treaty [10]; but this acceptance, apart from the fact that it is not agreed to by the other nuclear-weapon Powers, is subject to "national security", the scope of which presumably would be defined by the nuclear-weapon States themselves, making the application of the safeguards illusory in practice.

21. While on the subject of safeguards, apart from the feature of paragraph 2 of article III I have just mentioned, we note that in the application of the whole safeguards system a certain flexibility has been envisaged. Paragraph 4 of this article speaks of non-nuclear-weapon States party to the treaty concluding agreements with the International Atomic Energy Agency "either individually or together with other States". It is not stated that these agreements would be uniform, one not being more onerous than the other, whether negotiated by individual countries or by a group of countries. In regard to the application of safeguards, we hope it is not the intention that different standards should be applied to those who accede to the treaty.

22. I now come to the question of disarmament, which, according to successive General Assembly resolutions, is the raison d'être of this Committee. The mandate of our present deliberations is General Assembly resolution 2346A (XXII) of 1967.[11] That resolution reaffirmed resolution 2028 (XX) of 1965, of which paragraph 2 (*c*) required that the "treaty should be a step towards the achievement of general and complete disarmament and, more particularly, nuclear disarmament".[12] It also reaffirmed General Assembly resolution 2153A (XXI) of 1966, which viewed with apprehension not only "an increase in the number of nuclear-weapon Powers" but also "an increase of nuclear arsenals".[13] It is clear that these General Assembly resolutions refer to "nuclear disarmament" and stoppage of an "increase of nuclear arsenals". It was therefore logical that the joint memoranda of 1965 and 1966 presented by the eight non-aligned members of the Eighteen-Nation Committee on Disarmament should have stressed that the treaty should be designed to halt the nuclear arms race.[14]

23. Some members of this Committee have spoken of the draft treaty before us as a first step towards nuclear disarmament and the cessation of the nuclear arms race and hailed it as an important step in the chain of direct and indirect steps towards disarmament and the elimination of the threat of nuclear war. I submit that that view is not supported by the relevant paragraphs of the preamble or the new article VI of the draft treaty. While the addition of article VI is a most welcome development, the mere declaration of good intent

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[10] *Ibid.*, pp. 613–616.
[11] *Ibid.*, pp. 732–733.
[12] *Ibid.*, *1965*, pp. 532–534.
[13] *Ibid.*, *1966*, pp. 686–687.
[14] *Ibid.*, *1965*, pp. 424–425; *ibid.*, *1966*, pp. 576–579.

does not provide any credible commitment on the part of the nuclear-weapon Powers.

24. The preamble does mention the desire for "the liquidation of all their existing stockpiles, and the elimination from national arsenals of nuclear weapons and the means of their delivery"; but there is no commitment in the treaty itself regarding the stoppage of vertical proliferation as suggested by India; nor is there any time limit within which the objective of halting the nuclear arms race is to be achieved. In fact the quarter-century provided for in article X as the initial duration of the treaty appears to endorse and legitimize the present state of affairs and to legalize, if not encourage, the unrestricted vertical proliferation by the present nuclear Powers.

25. It has been stated in this Committee that article VI creates a juridical obligation of what was earlier only a declaration of intent in the preamble. Unfortunately that is not so; because, as at present drafted, the undertaking "to pursue in good faith", which nobody has ever doubted, does not create any definite or enforceable juridical obligation on the part of the nuclear-weapon States corresponding to the obligation undertaken under article II by the non-nuclear weapon States. It is an imperfect obligation with no sanction behind it. Even the areas within which the negotiations are expected to be pursued are not clearly defined. Apart from the fact that the draft treaty does not embody either a cessation of further production of nuclear weapons or a "cut-off" of production of all fissile materials for weapon purposes, there is no mention of some of the suggestions made in this Committee, such as (a) a comprehensive test-ban treaty or, to begin with at least, an immediate voluntary suspension of all underground nuclear weapon tests; and (b) a verified freeze of the production of delivery vehicles.

26. As against that, it has been stated—not without some degree of validity—that the non-proliferation treaty cannot be made a vehicle for measures of nuclear disarmament which need to be discussed separately and substantively and agreed upon, it being well known that there still remain serious differences between the nuclear-weapon Powers over those matters. If a non-proliferation treaty were to attempt to incorporate all or any of those measures, in view of the hitherto insuperable difficulties over the question of verification the conclusion of this treaty—so the argument runs—would be postponed indefinitely.

27. Even if that were conceded, it still remains to be stated that article VI does not give any tangible form to the declaration of good intent, there being no sense of compulsive obligation or even a sense of urgency to pursue negotiations for nuclear disarmament as a preliminary to general and complete disarmament. It was for this reason that the delegations of Brazil, Sweden, Mexico, Romania, Burma and the United Kingdom suggested importing into the draft treaty some sense of urgency, and that was not without good reason. As stated by the leader of the Brazilian delegation:

. . . the ultimate answer to the question of checking the proliferation of nuclear weapons is the creation and maintenance of conditions of world security so that no nation can have a motive for producing or otherwise acquiring nuclear weapons.[18]

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[18] *Ibid.*, *1967*, p. 370.

28. Various suggestions were therefore made to impart to it the sense of urgency and compulsiveness I have spoken of. Those suggestions, in addition to asking for negotiations to be undertaken at an early date, proposed that the question of the cessation of the nuclear arms race should be examined at the review conference or conferences due to be held after five years and, if satisfactory progress had not been made, parties should consider the situation created and decide on the measures to be taken. It was even suggested that the failure to fulfil in good faith what is now proposed in article VI should be regarded as an additional ground for withdrawal from the treaty.

29. We are all aware that there is no family planning among nuclear-weapon Powers: there are already four or five generations of increasingly more sophisticated nuclear weapons and their delivery systems. There is development in hand of MIRV, which is expected to increase the nuclear weapon power of a missile by a factor of ten or more. In addition to anti-ballistic missiles and Poseidons, there is talk also of the FOBS and the Space Bus. Each of these developments gives rise to the inevitable action-reaction phenomenon of the nuclear arms race, making even more difficult the halting of the nuclear arms race, as has been evident from the inability to make even the partial test-ban treaty [16] comprehensive.

30. India, it is well known, has pleaded for various collateral disarmament measures for two decades now, and has always regarded the non-proliferation treaty as one of those measures; but it still needs to be convinced that the draft treaty before us does amount to a collateral disarmament measure. In order to become generally acceptable the treaty must provide within itself a positive obligation with some degree of compulsiveness and within a reasonable time limit, indicative of a sense of urgency on the part of the nuclear-weapon States to move towards nuclear disarmament, thus paving the way for general and complete disarmament; otherwise this non-proliferation treaty, no matter who and how many sign it, will not be effective and will not last, and our labours will have been in vain.

31. If I have dwelt at some length on the disarmament aspect of the non-proliferation treaty, it is because I wish to emphasize the limitations of the kind of treaty now envisaged and the serious implications of those limitations, particularly for countries in Asia and in the Pacific. It is a matter of concern to India that across its border a major Power, China, not having acceded to the partial test-ban treaty, continues to conduct nuclear-weapon tests in the atmosphere in flagrant violation of the will of the international community and in total disregard of the grave dangers posed by such testing to the welfare of millions of people. In a little over three years it has had seven nuclear tests, including the testing of a thermonuclear device.

32. The growing nuclear-weapon capacity of China is thus a matter of concern not only to non-nuclear-weapon Powers but also to nuclear-weapon Powers. In our opinion this concern, so widely shared all over the world, only further emphasizes the urgency of early and effective implementation of measures of nuclear disarmament; and it further underlines the need, to which I have referred earlier, for an acceptable and balanced non-proliferation treaty to prevent further proliferation

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[16] *Ibid., 1968*, pp. 201-203.

of nuclear weapons by all nuclear-weapon Powers, including China, and to provide a more direct, juridical and compulsive link with further measures of nuclear disarmament.

33. While I have spoken of the basic features of the draft treaty, it does not mean that the procedural provisions of the draft treaty could not also be improved upon. I shall, however, not dwell on them, as they have already been dealt with at some length by several of my colleagues, some of whom have proposed amendments for the consideration of this Committee. It has been stated, for example, that the entry into force of the treaty has been made too easy, while its amendment has been made too difficult. It has been suggested that similar criteria should apply. It has been proposed that the review conference provided under paragraph 3 of article VIII should be enjoined specifically to consider the implementation of the provisions relating to peaceful uses of nuclear energy and the progress towards nuclear disarmament under article VI; also that further such periodic conferences to review the operation of the treaty should be convened; and, further, that the initial quarter-century duration of the treaty is too long, especially in the light of the tremendously rapid advance in the field of nuclear technology, and that this period should be reduced or made subject to consideration at each quinquennial conference designed to consider the realization of the purposes of the preamble and the provisions of the treaty. I have no doubt that those valuable suggestions will be given the most careful and serious consideration by the Committee and the sponsors of the draft treaty.

34. In conclusion, I should now like to come back to the point I made earlier. The danger to the security of the world arises not merely from the possible spread of nuclear weapons to non-nuclear-weapon States but also from the continued possession and further production of these weapons of mass destruction by the nuclear-weapon Powers. India shares the common anxiety that this danger and risk should be checked and eliminated; we share the sense of urgency that has persuaded all of us to negotiate so earnestly measures for achieving that end.

35. However, we cannot share the belief that the urgency for action is created solely by the possibility that a few of the States with present nuclear capacity may renounce their expressed decision not to acquire or to produce nuclear weapons, and that the only immediate step now required is to inhibit them. Surely such an inhibition should apply equally to all, including nuclear-weapon States. It is a question not of bargaining over rights and obligations, but of what is essential for ensuring the peace and safeguarding the security of the world.

36. I hope from what I have said it is clear where exactly India stands. We have always held that all proliferation of nuclear weapons is evil and we stand firmly by that conviction; we have maintained that this evil should be checked by common consent and international control. However, we are equally convinced that this common objective—which all of us here and mankind in general share—cannot be achieved except through a viable treaty, one which will take into account not only the fears of the few but the preoccupations of all, impose equal obligations on all, confer the same benefits of security and progress on all and therefore become acceptable to the international community as

a whole—a treaty which will endure, one that will not merely take cognizance of the undeniable realities of political fact and military power and technological superiority as they exist in the world of today but will also provide for the equally incontrovertible realities of the changes that will occur in these various fields in the years to come.

Statement by the Soviet Representative (Roshchin) to the Eighteen Nation Disarmament Committee: Nonproliferation of Nuclear Weapons, February 27, 1968 [1]

37. First of all, Mr. Chairman, permit me to associate myself with your words of welcome to the United States representative, Mr. Foster, on his return to the Eighteen-Nation Committee. He is a co-Chairman of the Committee and his active participation in the Committee's work is well known to us all.

38. We have listened with great interest to the very important statement which the representative of India, Mr. Husain, has just made.[2] We should like to assure him that his statement will be carefully studied by us. We intend to deal today with some of the points raised by him, in his statement, and to state our position in regard to them.

39. In our statement today we should like to put forward some considerations concerning individual provisions of the treaty on nonproliferation of nuclear weapons in the light of the remarks and proposals made by members of the Committee during the discussion of the draft treaty which is now before us.[3]

40. First of all, we should like to note the incontrovertible and, it seems to us, unanimous view of members of the Committee that the conclusion of a treaty to prevent the further spread of nuclear weapons would represent an important advance in the field of the adoption of effective measures for strengthening peace and the security of all countries. That view has been expressed in very convincing terms and with the support of weighty arguments by many representatives in the Committee.

41. Of course, in order to be an effective means of preventing an increase in the number of nuclear-weapon States, the non-proliferation treaty must preclude the possibility of any loop-holes by taking advantage of which any particular non-nuclear-weapon State party to the treaty could in fact set out to create its own nuclear arsenal. That requirement represents the corner-stone of the draft treaty now before the Eighteen-Nation Committee, which provides in particular a ban on the spread not only of nuclear weapons but also of nuclear explosive devices used for peaceful nuclear explosions; because such devices, whether for peaceful or military purposes, do not differ essentially and their proliferation would clearly mean not only an indirect but also a direct proliferation of nuclear weapons themselves.

42. We note with satisfaction that the measures provided in the draft treaty in regard to preventing the proliferation of nuclear explo-

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[1] ENDC/PV.370, pp. 15–24.
[2] *Supra.*
[3] *Ante*, pp. 1–6.

sive devices for peaceful uses have received definite support in the Eighteen Nation Committee. This clearly shows that the members of the Committee are fully aware of the real situation which has come about in solving the problem of non-proliferation of nuclear weapons in relation to the question of nuclear explosive devices, and that they are willing to accept a solution which fully corresponds with the provision of General Assembly resolution 2028 (XX), which various members of the Committee have repeatedly quoted in their statements, to the effect that "The treaty should be void of any loop-holes which might permit nuclear or non-nuclear Powers to proliferate, directly or indirectly, nuclear weapons in any form".[4]

43. In stressing our satisfaction at the position of many members of the Committee on the question of nuclear explosive devices used for peaceful purposes, we can nevertheless not overlook the fact that there is a point of view which holds that a non-proliferation treaty should recognize the right of the parties to the treaty to produce and use nuclear explosive devices for peaceful purposes. In this case we are referring to the position of Brazil, which, as is evident from the statement of its representative, Mr. de Araujo Castro, resolutely objects to the non-proliferation treaty prohibiting the production and use of nuclear explosive devices for peaceful purposes by States not possessing nuclear weapons.[5] In accordance with that position, nuclear explosions for peaceful purposes could be carried out by such States by means of devices similar to those used in nuclear weapons. The representative of India, Mr. Husain, also spoke in his statement today on the question of the proliferation of peaceful nuclear explosions.

44. Given the fact that nuclear explosive devices essentially do not differ in any way from explosive devices used for military purposes, that is from nuclear weapons, could we refuse to include in this treaty a ban on the proliferation of any nuclear explosive devices of any type, including those intended for peaceful purposes?

45. As for our reply, we say most emphatically that such a treaty would be in blatant contradiction of the aim of non-proliferation and would certainly not meet the requirement of General Assembly resolution 2028 (XX), to which we have referred, as have nearly all the members of the Eighteen-Nation Committee who have spoken here. If we agreed to the inclusion in the treaty of a provision which would allow for the proliferation of nuclear explosive devices for peaceful purposes, we should bury the very idea of concluding a treaty on non-proliferation and the solution of the non-proliferation problem as a whole. A treaty that allowed the creation of national nuclear arsenals by States not at present possessing nuclear weapons would serve the purposes of those who oppose the adoption of effective measures to prevent the proliferation of nuclear weapons.

46. In this connexion I should like to quote a remark made by the representative of Poland, Mr. Blusztajn: ". . . I hope that, after the long discussions we have had in this Committee they"—that is, those opposing a ban on the proliferation of nuclear explosive devices—"will appreciate that this is not a problem that can be solved by a simple yes or no, and that if we admitted the right of signatory countries to

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[4] *Documents on Disarmament, 1965*, pp. 532–534.

[5] ENDC/PV.367, pp. 20–21.

produce or possess nuclear devices for peaceful purposes, we should deprive the non-proliferation treaty of its substance." [6]

47. Speaking of the need for the non-proliferation treaty to contain a ban on the proliferation of nuclear explosive devices for peaceful purposes, we note that the renunciation under this treaty by non-nuclear-weapon countries of the production and use of such nuclear explosive devices will not cause them any prejudice should the need arise for them to carry out peaceful nuclear explosions for the implementation of any projects connected with the development of their national economy. Furthermore, the provisions of the draft treaty, which lay down the procedure for the use of nuclear explosive devices for peaceful purposes, stipulate that potential benefits from any peaceful nuclear explosions shall be made available to non-nuclear countries without hindrance on economically favourable and non-discriminatory terms.

48. During the discussion of the draft treaty on non-proliferation of nuclear weapons, the representatives of Canada,[7] Sweden,[8] and the United Arab Republic [9] expressed fears that the procedure provided for by the draft treaty for carrying out peaceful nuclear explosions might create loop-holes for the proliferation of nuclear weapons. We, of course, maintain the position that none of the provisions of the non-proliferation treaty should contain loop-holes for the proliferation of nuclear weapons. But in our opinion there is no reason to fear that the procedure laid down in the draft treaty for carrying out peaceful nuclear explosions might contain the possibility of a loop-hole for the proliferation of nuclear weapons.

49. In this connexion one should above all bear in mind the obligations which parties to the non-proliferation treaty assume under articles I and II of the treaty. The prohibitions laid down by the provisions of articles I and II extend also to those nuclear explosive devices which are intended for peaceful nuclear explosions, whatever the procedure whereby these explosions are carried out—whether on a bilateral basis or through an appropriate international body. The use of nuclear explosive devices for peaceful purposes should meet the requirements of articles I and II of the treaty, and should in no case serve as a means of direct or indirect proliferation of nuclear weapons.

50. As can be seen from article V of the draft treaty, that article contains the basic principles for carrying out peaceful nuclear explosions and lays down the main elements of the procedure for the use of nuclear explosive devices for peaceful purposes. It would hardly be possible within the framework of a non-proliferation treaty to cover all aspects of the procedure for carrying out peaceful nuclear explosions. The treaty confirms the principle that any use of nuclear explosive devices for peaceful purposes shall not serve as a means for the proliferation of nuclear weapons and lays down the basic provisions for putting this principle into practice. As for the more specific details connected with the embodiment of this principle in appropriate inter-

[6] ENDC/PV. 359, p. 6.
[7] ENDC/PV. 368, p. 8.
[8] *Ante*, pp. 59 ff.
[9] *Ante*, p. 84.

national procedures or in a special agreement or agreements of the kind referred to in article V, this is a question that will have to be considered on the practical level in due course in the future.

51. At the same time we should like to emphasize that, as regards the implementation of article V of the non-proliferation treaty and in particular of those provisions of that article which relate to the carrying out of peaceful nuclear explosions on a bilateral basis, the Soviet side will abide strictly by article I of the treaty which, in prohibiting both the direct and the indirect proliferation of nuclear weapons, also lays upon the nuclear-weapon States the obligation not to transfer to any recipient whatsoever nuclear explosive devices to be used for peaceful nuclear explosions. Appropriate international procedures for carrying out peaceful nuclear explosions should be worked out in such a way that parties to the treaty will have the assurance that the obligation concerning the non-proliferation of nuclear weapons will not be violated.

52. In connexion with article V on nuclear explosions for peaceful purposes, the representative of Sweden, Mrs. Myrdal, expressed the hope at the Committee's meeting of 13 February that no provision of the treaty on non-proliferation would be "construed in such a way that it might impede the conclusion of a comprehensive test-ban treaty".[10] We share this hope of the delegation of Sweden and, for our part, consider that the conclusion of a treaty on non-proliferation will contribute to the cessation of underground test explosions of nuclear weapons.

53. If, in connexion with an agreement on the prohibition of these tests, it becomes necessary to make certain additions to or changes in the international procedure for carrying out peaceful nuclear explosions provided for by article V of the non-proliferation treaty, this problem must be carefully considered and duly taken into account at the proper time. In any case the procedure for carrying out nuclear explosions for peaceful purposes must never serve as a loop-hole for the proliferation of nuclear weapons or for the violation of a future agreement on the prohibition of underground testing of nuclear weapons.

54. In our statement today we should like to dwell further on some of the observations made by the representative of the United Arab Republic, Mr. Khallaf, at the 367th meeting on articles I and II of the draft treaty on non-proliferation.[11] The delegation of the United Arab Republic again confirmed its amendments to the first two articles of the treaty submitted by it on 26 September 1967.[12]

55. The Soviet side has studied those amendments carefully and considers that, being designed to clarify and elaborate the provisions of articles I and II, they are prompted by a sincere desire to ensure that the treaty becomes a reliable obstacle to the proliferation of nuclear weapons in any form. The Soviet Union, in taking its stand in favour of the non-proliferation of nuclear weapons, has always endeavoured to ensure that the treaty on that subject should not contain any loop-holes that would open up channels—direct or indirect—for the proliferation on nuclear weapons. That was the aim it had in mind

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[10] *Ante*, p. 59.
[11] *Ante*, pp. 78–88.
[12] *Documents on Disarmament, 1967*, p. 428

in preparing the most important articles of the treaty, such as articles I and II on the basic obligations of parties to the treaty.

56. The Soviet delegation, while noting the positive motives underlying the United Arab Republic's amendments to articles I and II, would like at the same time to emphasize that in practice those articles in their present form close all paths to the proliferation on nuclear weapons in any form, that is, they achieve the purpose of the amendments submitted by the United Arab Republic. Thus the delegation of the United Arab Republic expressed the fear that persons, companies, enterprises or private, public or semi-public bodies subject to the jurisdiction of nuclear-weapon States parties to the treaty and engaged in nuclear activities might participate in the acts prohibited by article I of the treaty. We certainly do not deny that acts of that kind by such persons or organizations could represent a danger from the point of view of the indirect proliferation of nuclear weapons.

57. But if we turn to the text of article I, the conclusion to be drawn from it immediately is that in practice all ways of proliferation are prohibited by the treaty, since it mentions the obligation of the nuclear-weapon States not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices—I should like to draw the attention of members of the Committee to the words "to any recipient whatsoever"—or control over such weapons or explosive devices directly, or indirectly, and not in any way to assist in their manufacture. It follows from that provision that the nuclear-weapon States which accede to the treaty undertake to take appropriate measures to ensure the implementation of the aforesaid obligation.

58. Apart from the particular case of a possible indirect proliferation of nuclear weapons to which the United Arab Republic's amendment to article I relates, there may also be other cases, but they are all covered by the general provision of the prohibition contained in article I. Moreover, a similar provision to that of article I, to which I have just referred, a provision which states that nuclear weapons must not be transfered "to any recipient whatsoever" but is addressed to the recipients of objects and activities whose proliferation is banned, is contained in article II, which prohibits parties from receiving the transfer "from any transferor whatsoever". I should like to emphasize the words "from any transferor whatsoever". These general provisions of articles I and II are broad in scope and are well known to cover all possible recipients of nuclear weapons—non-nuclear-weapon States, multilateral organizations or associations, and any private individuals or associations.

59. As regards the amendment proposed by the United Arab Republic to article II concerning the obligation of each non-nuclear-weapon State not to assist or to encourage other non-nuclear-weapon States to manufacture or acquire nuclear weapons, in substance this amendment is covered by the meaning of article II and the preamble to the treaty. If a non-nuclear-weapon State party to the treaty were to assist another non-nuclear-weapon State to manufacture or acquire nuclear weapons, such a case—I repeat, according to the meaning of article II and the preamble to the treaty—would be regarded as a

violation of the treaty. Faced with such a case, each party to the treaty would regard such an act as violating the agreement on the non-proliferation of nuclear weapons, and creating a threat to the security of all States.

60. Moreover, the aims of the United Arab Republic's amendments to articles I and II are covered by the provisions of article III, which is designed to ensure the fulfilment of the basic obligations under the treaty. The aim of this article is to ensure that the source or special fissionable materials which serve as a basis for the manufacture of nuclear weapons are not diverted to the manufacture of such weapons.

61. Paragraph 2 of this article contains an important provision to the effect that all parties to the treaty—nuclear-weapon States as well as non-nuclear-weapon States—undertake not to provide any non-nuclear-weapon State with fissionable material or equipment for the processing or production of special fissionable material unless the fissionable material is subject to the safeguards required by the treaty. This provision is directly related to the closing of all those possible loop-holes for proliferation which are mentioned in the amendments of the delegation of the United Arab Republic to articles I and II of the treaty. The meaning of this provision is that no State party to the treaty has the right to transfer to any non-nuclear State fissionable materials or the appropriate equipment for the processing of such materials in circumvention of the safeguards laid down in the treaty, no matter in whose ownership—whether that of private individuals or the State—such materials or equipment may be.

62. This prohibition is a definite barrier to any attempts by non-nuclear States parties to the treaty to give any assistance whatsoever to other non-nuclear States in creating their own nuclear potential. The application of safeguards to the peaceful nuclear activities of non-nuclear States, based on the safeguards system of the International Atomic Energy Agency, will enable observation to be carried out to ensure that these countries, in their relations with other States in the nuclear field, do not infringe the obligations assumed by them under article II of the treaty. We consider that these provisions cover the questions of the delegation of the United Arab Republic and correspond to the objective of the non-proliferation of nuclear weapons.

63. Thus the Soviet delegation very definitely considers that in practice articles I, II and III of the draft treaty in their present form close those ways to the proliferation of nuclear weapons which have been mentioned in the statement and in the amendments of the representative of the United Arab Republic, and that they thus ensure the achievement of the aims of those amendments. From the statements made by those who have taken part in our discussion it can be seen that this conclusion is shared by other delegations, namely that the aforesaid articles fully correspond to the most important principle of General Assembly resolution 2028 (XX), which calls for the closing of all loop-holes for the proliferation of nuclear weapons.

64. We should now like to dwell on another very important question, on the settlement of which the successful conclusion of the work of drafting a treaty on the non-proliferation of nuclear weapons largely depends. We are referring to the question of the place to be occupied by the treaty on non-proliferation within the whole series of measures to eliminate the nuclear threat and to solve the problem of disarmament. A number of representatives who have spoken here have

made critical comments on article VI of the draft treaty, concerning further measures in this field. This question was referred to by the representative of India, Mr. Husain, in the statement he made today. The most detailed comments on this article were contained in the question raised by the representative of Romania, Mr. Ecobesco, in the statement he made on 6 February, namely:

> . . . do the nuclear Powers agree that it is essential to place the treaty on non-proliferation in a set of measures designed to lead to cessation of production of nuclear weapons, prohibition of underground tests for military purposes, and the reduction and, eventually, the elimination of existing stocks of nuclear weapons and the means of their delivery? If so, how can one justify the absence from the draft treaty of a firm legal obligation binding the nuclear Powers to undertake specific measures of disarmament and particularly nuclear disarmament? [18]

65. In this case it is proposed to link the non-proliferation treaty in a single package with the implementation of such extremely important and far-reaching measures in the field of nuclear disarmament as cessation of production of nuclear weapons, prohibition of underground tests, and reduction and elimination of existing stocks of nuclear weapons and the means of their delivery. That is to say, it is in fact proposed to link the aim of non-proliferation with the solution of the problem of complete nuclear disarmament.

66. Such an approach to the question, which goes far beyond the framework of the aims of a treaty on non-proliferation of nuclear weapons, is fraught with definitely negative consequences for the solution of the problem on which the Committee is now working. The experience over many years of the discussion of disarmament questions in the Eighteen-Nation Committee, in the United Nations Disarmament Commission and in the General Assembly has shown that the concept or an overall solution of the problems of nuclear disarmament should not be set against the possibility of achieving agreement on individual partial measures; otherwise all measures in the field of disarmament on which agreement can be achieved will be blocked by the requirement for the simultaneous implementation of overall disarmament measures.

67. We have pointed out on several occasions that the conclusion of a treaty on the non-proliferation of nuclear weapons is not only one of the most urgent problems of our times, but is also a question on which the fundamental positions of the overwhelming majority of the countries of the world, which are concerned at the threat of the proliferation of nuclear weapons, are in agreement. This is an urgent problem and we appear to have come close to solving it. But we are faced with two alternatives: either to continue the work on the non-proliferation treaty on the basis of the agreed provisions contained in the draft treaty, which have received wide support both within and outside the Committee, or to tie up the problem of non-proliferation of nuclear weapons in a single package with other unsettled disarmament problems and thereby put off the conclusion of a non-proliferation treaty for a long time.

68. In this connexion one cannot fail to take into account the fact that in regard to the questions of nuclear disarmament mentioned by the representative of Romania there are at present considerable

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[18] *Ante*, pp. 33-34.

divergencies in the positions of States and that the negotiations on these questions do not allow us to count on achieving successful results in the near future. The question arises: are we to defer our negotiations on non-proliferation, which are progressing successfully, until a solution is found to other problems of nuclear disarmament? We of course cannot agree to such an approach to the question. We cannot fail to realize that, if we were to take that course, we should have to abandon the solution of the problem of non-proliferation of nuclear weapons. To do so in the present specific circumstances would adversely affect the solution of other disarmament problems and the disarmament problem as a whole.

69. We note with satisfaction that many delegations in the Committee have also noted the difficulties which would arise in the preparation of a treaty if we were to link its conclusion with the solution of other disarmament problems. Thus, in analysing the comments on and amendments to article VI of the draft treaty, the representative of the United Arab Republic, Mr. Khallaf, said:

> We are convinced that we must not be too hasty in this very delicate matter, or try to overload article VI with too many details.[14]

The same idea was expressed by the representative of Bulgaria, Mr. Christov, on 30 January:

> But it was abundantly clear from the beginning of the discussion that any attempt to link the non-proliferation treaty to specific measures of nuclear disarmament would run into insurmountable difficulties at this stage of the negotiations. It was to be feared that they could delay the discussion and even cause it to break down.[15]

70. We have repeatedly stated that the Soviet Union is in favour of the most radical and speedy solution of the problem of disarmament, including nuclear disarmament, and is prepared to take any steps in this field, in regard to which there is any possibility of reaching agreement. That is precisely why the Soviet Union is prepared to assume the obligation in accordance with article VI and the preamble to the treaty to pursue negotiations in good faith on effective measures regarding cessation of the nuclear arms race and disarmament, and on a treaty on general and complete disarmament under strict and effective international control.

71. Those are the few comments we deemed it necessary to make in connexion with the discussion in the Committee of the draft treaty on the non-proliferation of nuclear weapons.

Statement by ACDA Director Foster to the Eighteen Nation Disarmament Committee: Nonproliferation of Nuclear Weapons, February 27, 1968 [1]

72. Thank you, Mr. Chairman, for your kind words on behalf of the Committee and on your own behalf welcoming me on my return.

[14] *Ante*, p. 86.
[15] ENDC/PV. 360, p. 8.
[1] ENDC/PV. 370, pp. 25-30.

I also thank the representative of India and my distinguished fellow co-Chairman for their kind words of welcome.

73. I have listened with great interest to the thoughtful statements by the Indian representative and by my fellow co-Chairman. We shall study both those statements and shall be prepared later to comment on some of the points that have been made in them.

74. It is with great pleasure that I resume my participation in the Committee's task of drafting a treaty to prevent the proliferation of nuclear weapons. My pleasure is enhanced by the work of the Committee during the past few weeks. Having followed the Committee's work closely, but from a considerable distance, during these weeks, I perhaps have had the advantage of a particularly good perspective for assessing our progress.

75. I would say that the Committee's discussions have been remarkable for the businesslike way in which they have tended to focus on the key issues to be resolved in this treaty and for the manner in which the concerns of various members are being considered. It seems to me that the recent discussions have clearly shown determination to achieve a non-proliferation treaty as a matter of urgency. They have reflected a broad consensus that the treaty should not only be effective in halting the threat of proliferation but should also facilitate international co-operation in the peaceful uses of atomic energy by all parties. This consensus also encompasses the view that the treaty should serve as a means of accelerating progress towards further measures to put an end to the nuclear arms race and to begin the process of reducing existing arsenals.

76. It remains for us now to expedite our work so that we can prepare a full report on these negotiations by 15 March in accordance with the recommendation of the last session of the General Assembly. We should be able to accomplish this task. I am sure that as we near the successful completion of years of negotiation we cannot but become more conscious of the political significance of what we are about to accomplish. During the years of slow progress, the justified demand voiced in this Committee and echoed in the General Assembly was for achieving a significant next step; that next step is now at hand. It is in that perspective that I know we will all approach our task during the remainder of this session.

77. Today I should like to comment on several of the issues raised by the representative of the United Arab Republic at our 367th meeting.[2] Some of Ambassador Khallaf's questions concern matters which have been discussed here in recent statements by the United States delegation and in the statement made today by the distinguished representative of the Soviet Union. Therefore I will limit my remarks today to those questions which still remain to be answered.

78. It is clear to me that the points advanced by the representative of the United Arab Republic are aimed essentially at making the treaty as strong and effective as possible. We share that aim. In particular, we share the desire, expressed as a principle in resolution 2028 (XX) that the treaty—

> . . . should be void of any loop-holes which might permit nuclear or non-nuclear Powers to proliferate, directly or indirectly, nuclear weapons in any form.[3]

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[2] *Ante*, pp. 78–88.

[3] *Documents on Disarmament, 1965*, pp. 532–534.

In this regard my delegation is convinced that the present draft treaty contains acceptable and workable provisions to ensure its effectiveness. I can assure the Committee that without this conviction the United States Government would not have found it possible to recommend the text now before us.

79. Mr. Khallaf has reaffirmed his delegation's desire for the type of amendments which he presented at our 333rd meeting. On that occasion he suggested the addition of the words "in any form whatsoever" to the first clause of article I for the purpose of ensuring that it prohibit all kinds of transfers of nuclear weapons.[4] We agree with him that the text of this article must effectively fulfil its purpose. I can assure Mr. Khallaf that it is to this end that the first clause of article I already states an undertaking on behalf of the nuclear-weapon States—

> . . . not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly, or indirectly.

It thus prohibits in a straightforward and comprehensive manner the transfer of nuclear weapons "directly or indirectly". Therefore we believe that the addition of words like "in any form whatsoever" would not strengthen the article, which is already free of loop-holes.

80. The representative of the United Arab Republic also proposed an addition to article I which would provide that—

> Each nuclear-weapon State undertakes to take appropriate measures to ensure that no person, company, enterprise or private, public, or semi-public body that is subject to its jurisdiction and is engaged in nuclear activities participates in any act which is prohibited by this article.[4]

81. We have examined that suggestion most carefully to assess whether it deals with any significant or practical possibility of proliferation which is not already covered by the present text. Such an examination must begin with consideration of the realities of the situation. Nuclear-weapon programmes in nuclear-weapon States are controlled by governments. Such control is essential because national security is so directly involved. No government that wishes to remain a government could let that control out of its hands. For example, as Mr. DePalma pointed out at our meeting of 22 February, the laws of the United States already prohibit any disclosure of nuclear explosive devices.[5] Furthermore, they prohibit private organizations or individuals in the United States from developing, manufacturing, acquiring or possessing nuclear explosive devices.

82. As these regulations in the United States illustrate, it is governments—not private companies or private individuals—that have been and will continue to be in control of work on nuclear weapons. Accordingly, it is the undertakings of governments with which we must be concerned in the treaty. These undertakings, as provided at present in article I, will effectively cut off all significant possibilities

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[4] *Ibid., 1967*, p. 428. The UAR amendments were offered to arts. I and II of the draft treaty of Aug. 24, 1967 (*ibid.*, pp. 338–341). These arts. remained unchanged in the draft treaty of Jan. 18, 1968 (*ante*, pp. 1–6).

[5] *Ante*, p. 104.

of assistance derived from a nuclear-weapon State programme from reaching a non-nuclear-weapon State.

83. The representative of the United Arab Republic also suggested that article II should provide that non-nuclear-weapon parties undertake—

> . . . not in any way to assist, encourage, or induce any non-nuclear-weapon State to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices.

Once again, it is essential to view that suggestion in the perspective of practical and realistic considerations prevailing in the relations among States. Viewed in this perspective, it seems clear that a non-nuclear-weapon State which accepts the treaty's restrictions on itself would have no reason to assist another country not accepting the same restrictions to gain advantage from this fact in the field of nuclear-weapon development. If a non-nuclear-weapon party did nevertheless attempt to provide such assistance in the territory of a non-party, the presumption would immediately arise that these acts had the purpose of developing nuclear weapons for itself, in violation of the treaty.

84. I should add that, while articles I and II of the revised draft deal effectively with the problems raised by the representative of the United Arab Republic, the new article III also has a direct bearing on them. It bears, for example, on Mr. Khallaf's question about the extent to which a signatory State would be obliged to adopt measures in order to extend the effect of the treaty, as far as the prohibitions enunciated in articles I and II are concerned, to cover any establishments, firms or persons that would be subject to the authority of the State in question.

85. Although it is not possible to legislate complete control over every act of a private person or organization which might conceivably relate to the objectives of the treaty, the safeguard provisions will realistically and effectively guard against nuclear proliferation. Thus it is clear that non-nuclear-weapon States would be obligated under article III to accept the safeguards required by the article:

> . . . on all source or special fissionable material in all peaceful nuclear activities within the territory of such State, under its jurisdiction, or carried out under its control anywhere.

86. The treaty therefore ensures that source or special fissionable materials in non-nuclear-weapon States are not diverted from peaceful uses to nuclear weapons or other nuclear explosive devices. In that connexion, I must emphasize that the treaty makes no distinction between privately or publicly owned nuclear materials. Thus there is a clear control in article III at the point where any significant danger would arise, that is, the point where source or special fissionable material is involved. Thus article III provides an effective and realistic way to meet this problem. While we fully appreciate the constructive purpose motivating the suggestions of the representative of the United Arab Republic, in our opinion they do not reveal significant or practical deficiencies in articles I and II as now drafted.

87. I am aware that the representative of the United Arab Republic, in his statement at our 367th meeting, raised other concerns

about article III, as well as about articles V and VIII. These, I believe, have already been dealt with in earlier statements, in particular by Mr. DePalma at our 368th and 369th meetings.[6] With regard to Mr. Khallaf's question about what would happen if safeguards agreements were not concluded within the time required by article III, we believe there is no reason why parties negotiating in good faith should not be able to conclude such agreements within the prescribed time periods.

88. Before concluding, however, I should like to comment on two questions which Mr. Khallaf raised regarding the preamble. First of all, he suggested—as the representative of Romania had done earlier—that the fourth paragraph of the preamble incorporate an explicit reference to General Assembly resolution 2028 (XX).[7] The co-Chairmen have made clear several times the importance which they attached to this resolution in formulating their drafts, and have also dwelt at length on the extent to which the present draft accords with its principles. As the Committee knows, however, the resolution has been subject to interpretations about which some controversy unfortunately has arisen. At this stage in our work, I am convinced that we should not risk transferring this controversy about interpretation to the treaty itself by making the changes which the representatives of the United Arab Republic and Romania proposed. In any event, the present fourth preambular paragraph encompasses this and other equally important General Assembly resolutions.

89. Mr. Khallaf's second question concerning the preamble involved the sixth paragraph, which he suggested might be more appropriately found in the body of the treaty because of its technical character. Regarding this point I should like to explain that the intent of this paragraph is to encourage the furtherance of safeguards techniques within the context of the International Atomic Energy Agency safeguards system, with the objective of increasing their effectiveness and their efficiency. As such, we regard the formulation as an expression of a principle and not as a technical detail. That is why we believe it is appropriately placed in the preamble.

90. Finally, since we wholly share the desire of the representative of the United Arab Republic to make this treaty as effective as possible, I want to assure him again that we believe it does deal in a realistic way with the practical and significant problems to which he alluded. However, while ensuring that the treaty does deal effectively with such problems, we must avoid encumbering the treaty with provisions designed to deal with largely hypothetical possibilities. Such provisions could pose unnecessary constitutional problems of implementation for some States. Here, as with other aspects of this treaty, we must strike a balance between what is essential and what might in ideal circumstances be desirable—between attempts to deal with remote or unlikely contingencies and what all of us consider to be proper and necessary obligations of the parties.

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[6] *Ante*, pp. 92–100, 103–109.

[7] For the Romanian proposals, see *Documents on Disarmament, 1967*, pp. 525–526, and *ante*, pp. 33–35.

Statement by the Nigerian Representative (Sule Kolo) to the Eighteen Nation Disarmament Committee: Non-proliferation of Nuclear Weapons, February 28, 1968 [1]

2. Permit me to take the opportunity of my first intervention at this session to welcome to our midst Mr. de Araujo Castro of Brazil, Mr. Husain of India, and Mr. Gomez Robledo of Mexico. I am sure that their experience and talents will be of immense value to the Eighteen-Nation Committee on Disarmament, particularly at this crucial stage in our negotiations. I should also like to welcome back our distinguished colleague and co-Chairman, Mr. Foster. We are happy to see that he is in excellent health and that we are going to have the benefit of his wealth of experience at this time.

3. The Nigerian delegation would like to congratulate the delegations of the Soviet Union and the United States on the presentation of their revised drafts of a treaty on the non-proliferation of nuclear weapons.[2] We think it is self-evident that some important improvements have been made in the new documents to meet some of the anxieties of the non-nuclear-weapon States. At the same time, it is indisputable that some critical problems remain unresolved. Indeed, as the representative of the United States himself said at our meeting of 18 January, the revised drafts do not deal with the important question of security assurances.[3] Although Mr. Fisher assured us that he and his Soviet counterpart were mindful of their pledge to provide this Committee with a recommendation to deal with that problem, it would be correct to say that the absence of such a recommendation, formula or provision, within or without the treaty, to take care of such a vital question at this stage, constitutes a serious gap in the revised drafts.

4. None the less, we would agree with the view that the present drafts provide a satisfactory basis for our negotiations. The Nigerian delegation believes that every effort should now be made to expedite the conclusion of the treaty. Accordingly, and as we are anxious to conserve the gains that have so far been made, the Nigerian delegation will do its best to work within the present drafts and present only those amendments which are considered indispensable and which should not pose serious basic or practical problems of acceptance. We should like to say at this juncture that the guiding principle for us is, as always, that the treaty should provide, as far as is possible, the answers to the problems raised by its principal aim: that is, non-proliferation.

5. The principal aims of the treaty we are negotiating can be found in articles I and II of the revised drafts submitted by the United States and the Soviet Union. Those articles seek to prevent certain States from acquiring nuclear weapons or nuclear explosive devices—two things which have certain advantages, real or potential, considerable or minimal. The problem, then, is how to guarantee to those who will be prevented from having direct control over these weapons

[1] ENDC/PV. 371, pp. 4–11.
[2] *Ante*, pp. 1–6.
[3] *Ante*, p. 12.

or devices all the benefits, military or peaceful, marginal or considerable, which would normally accrue to their possessors.

6. We are happy to note that the United States and the Soviet Union have made a commendable attempt in article V of their respective drafts to provide the necessary guarantees in respect of nuclear explosive devices. On the other hand, no such assurances have yet been given in respect of nuclear weapons, although, as the representative of the United Kingdom, the Right Honourable Fred Mulley, justly said at our meeting on 23 January:

> It seems reasonable for non-nuclear—particularly non-aligned—countries which forgo their option to acquire nuclear weapons to be given some kinds of guarantee against nuclear attack or nuclear threat . . .[4]

It was to that end that the Nigerian delegation proposed article IIA in its working paper submitted on 2 November 1967.[5] We do not intend today to reintroduce that amendment in its original or modified form, as we should like to give the co-Chairmen a free hand to produce a formula that will be acceptable to all.

7. With regard to the peaceful uses of nuclear energy, including nuclear explosive devices, it will be recalled that Nigeria presented a set of amendments the purpose of which was to obtain clear-cut obligations upon all parties, especially upon those who would under the treaty retain the privilege to develop nuclear explosive devices, to ensure that the prohibitions in the non-proliferation treaty would not serve to perpetuate, even widen, the technological, scientific and material disparities which already exist between the powerful and the weak. In order to translate those obligations into reality, it seemed to us indispensable to envisage in the treaty a highly-developed, centralized and open—I should emphasize "open"—system of international co-operation in the peaceful nuclear field.

8. Hence we welcome the promise contained in the statement made by the representative of the Soviet Union, Mr. Roshchin, at our meeting on 16 February, when he said:

> . . . renunciation by the non-nuclear countries of military forms of the use of atomic energy will stimulate the development of extensive international co-operation in the field of scientific research and the peaceful use of nuclear energy.[6]

We believe that that sentiment has been expressed by practically every delegation in this Committee. It is therefore surprising that the co-Chairmen did not find it possible to introduce in their article IV, paragraph 2, the notion of "undertaking" which is found in all the preceding articles. The Nigerian delegation does not quite understand the significance of the first sentence of that paragraph, which says: "All the Parties to the Treaty have the right to participate in the fullest possible exchange of scientific and technological information . . ." We should have thought that States already have the right to participate in any such peaceful activities if they can find interlocutors. Participation here postulates a dialogue, not a monologue.

9. Hence we fail to see how the right accorded in that clause to the parties who may want to ask questions can be exercised if the partici-

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[4] ENDC/PV. 358, p. 12.
[5] *Documents on Disarmament, 1967*, pp. 557-558.
[6] *Ante*, p. 76.

pation of those parties who will make the right meaningful is not guaranteed. It seems to us indisputable that what is needed in a non-proliferation treaty is not a restatement of every sovereign right of States but a specific assurance that those who will be prohibited by the treaty from certain activities have the means of knowing at any given moment the full sacrifice they are making in the interest of the non-proliferation of nuclear weapons. If we fail to secure that means in the treaty, we shall be committing a serious mistake which is almost certain to make it unstable. As Mr. Roshchin rightly said at our meeting on 16 February:

It cannot be overlooked that confidence is an important factor in respect of international co-operation in the exchange of scientific information in the nuclear field and in regard to the peaceful use of nuclear energy as a whole.[7]

10. By signing a non-proliferation treaty, non-nuclear-weapon Powers would in a way be manifesting their confidence in the good faith of the nuclear-weapon Powers. The nuclear-weapon Powers, in their turn, have a responsibility to be less secretive about their peaceful nuclear activities. The Nigerian delegation notes in this connexion that no mention has been made in article IV about passing on information obtained during research on nuclear explosive devices. While a special reference to this matter in the operative part of the treaty would have been desirable, we believe that the first sentence of paragraph 2 of article IV of the revised drafts of the United States and the Soviet Union can be said to cover the exchange of such information. We hope that the delegations of the United States and the Soviet Union share this view.

11. We shall therefore limit our suggestions for amendment of that article to the barest minimum. In consonance with the views we have already advanced, we suggest that the first sentence of paragraph 2 of article IV of the United States and Soviet Union drafts should be amended to contain a clear undertaking by all members. Thus the words "undertake to facilitate" should be substituted for the words "have the right to participate in". Further on in the sentence, the word "on" should replace the word "for" between "technological information" and "peaceful uses", to give the clause adequate scope.

12. With the amendments just suggested and our interpretation of article IV, paragraph 2, regarding information derived from research on nuclear explosions, article V of the United States and USSR drafts should be more meaningful. However, we share the anxiety of the Swedish delegation that the last sentence of that article could give rise to apprehensions about the true intentions of States entering into bilateral agreements to use nuclear explosive devices for peaceful purposes, particularly as the same agreements could be arrived at openly through appropriate international procedures.[8]

13. Indeed, it was to minimize the grounds for suspicion by parties to the treaty in respect of inter-State nuclear activities that the Nigerian delegation presented article IVB of its working paper of 2 November 1967. That amendment would seem to us to remain essential to cover the provisions of both articles IV and V of the revised USSR

[7] *Ante*, p. 77.
[8] *Ante*, pp. 59, 61.

and United States drafts. As we said in our statement in this Committee on 28 November 1967, the International Atomic Energy Agency (IAEA) itself has stated that the Agency "forms a channel for scientific co-operation, for exchange of knowledge and for co-ordination of research" in the nuclear field.[9]

14. Article IVB of the Nigerian working paper is therefore nothing more than a reaffirmation of an obligation which all members of this Committee and the overwhelming majority of States have already accepted vis-à-vis IAEA, to enable that organization to carry out its functions satisfactorily; and consequently all States should see their way clear to supporting the inclusion of that article in a treaty on the non-proliferation of nuclear weapons, as it would provide an additional safeguard against suspicion and minimize the causes of instability.

15. In reference to article VI of the USSR and United States drafts, the attention of the Nigerian delegation is drawn to the statement of the representative of the Soviet Union, Mr. Roshchin, in which he made an eloquent case for nuclear disarmament. Mr. Roshchin said that the utilization of nuclear weapons would constitute "a threat to all countries, large and small, nuclear and non-nuclear".[10] That view was firmly supported by the report of the Secretary-General on the effects of the possible use of nuclear weapons.[11] As we have every reason to believe the views to which we have just referred, we would agree entirely with what the representative of the Soviet Union said, very logically, in the statement I have just quoted:

> . . . the most important task in regard to ensuring the security of the peoples is to eliminate the threat of nuclear war through the cessation of the nuclear arms race and the complete prohibition and abolition of such weapons.

16. In accordance with that view, a non-proliferation treaty can in fact be regarded as the contribution which non-nuclear-weapon States are called upon to make to nuclear disarmament. To reciprocate that gesture, it is only reasonable to ask that nuclear-weapon States in their turn accept a clear-cut undertaking to start the process of real nuclear disarmament at an early date. If experience is any guide, negotiations towards that end are bound to be seriously compromised if they are too closely tied to general and complete disarmament. It is for that reason that we wholeheartedly support the amendments to article VI of the USSR and United States drafts proposed by the Swedish delegation on 8 February.[12]

17. I have just tried to show that the purpose of the treaty we are negotiating is to facilitate other agreements on nuclear disarmament. Article VI of the United States and USSR drafts which I have just been discussing prescribes that parties to the treaty should take active steps to ensure that that aim is realized. In our view that is the import of the United Kingdom amendment to article VIII.[13]

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[9] ENDC/PV. 351, p. 6.
[10] *Ante*, p. 72.
[11] *Documents on Disarmament, 1967*, p. 406.
[12] *Ante*, pp. 41–42.
[13] *Documents on Disarmament, 1967*, p. 595.

Needless to say, we support that amendment wholeheartedly, especially as there will be certain desirable clauses in the preamble which it may not be possible to translate into concrete terms in the operative part of the treaty.

18. On the other hand, neither the United Kingdom amendment nor any provision of the revised treaty texts says anything about how the review conference shall decide whether or not it believe the purposes of the preamble and the provisions of the treaty are being realized. Yet, for the review conferences to serve any purpose, they must have the facility to express the collective view of the majority of the signatories on the application of the treaty. The evidence that a provision is necessary for that is the fact that it exists in the revised drafts with regard to a review conference after twenty-five years, in the last sentence of article X.

19. Therefore the Nigerian delegation proposes that the following sentence be inserted after the United Kingdom and Swedish amendments to article VIII: "The findings of the review conferences shall be adopted by a majority of signatory States present." My delegation makes that proposal because it believes that the views of the majority of signatory States should be available to those Powers which alone can make the principal aim of the treaty—nuclear disarmament—realizable.

20. It is the opinion of the Nigerian delegation that the existence of article X in the USSR and United States drafts is to some extent proof that the problems of security, development and disarmament raised by a non-proliferation treaty will not disappear completely with the signature of the treaty. To that extent we consider that article to be essential. But we are not entirely clear about the meaning of the first sentence of that article. First of all, what exactly is meant by "extraordinary events"? Secondly, what is meant by "supreme interests"? Thirdly, should the whole sentence be construed as conferring the right to withdraw only when the extraordinary events have actually jeopardized the supreme interests of States? If so, what would be the purpose of withdrawal?

21. If, as we believe, it is not the intention that States should practice what would amount to medicine after death, some redrafting of that sentence would seem necessary. Are we to equate supreme interests to national interests, or is the article intended to limit the sovereign right of States to take the crucial step of withdrawal to defend national interests other than that of national survival? The Nigerian delegation believes that it would be unfortunate to give the impression that the sovereign right of States to decide their interest would be fettered by this treaty. It is our belief that a treaty freely contracted and voluntarily maintained is likely to be more dependable than one which is sustained through pressure.

22. On the other hand, we note with satisfaction that the revised drafts now contain an article on safeguards. We are particularly happy that the safeguards agreements provided for under the article are to be concluded in accordance with the Statute of IAEA. This condition presupposes that all such agreements shall be subject to approval by the Board of Governors of that Agency and that all members of the Agency will have access to the texts of the individual or collective agreements. Under such conditions, and given good will

on all sides, the present article III should meet the needs of non-proliferation.

23. Finally, we should like to refer to article IX, paragraph 3, of the revised drafts, which provides that the treaty should enter into force after the nuclear-weapon States and forty others have ratified it and deposited their instruments of ratification. I listened with great interest to the explanation of this clause given by the representative of the United States at our meeting of 22 February.[14] The reasons he gave for fixing the number at forty were, in our view, quite pertinent.

24. Nevertheless, it seems to us more important that the treaty should enter into force with a more substantial support than has been proposed. Such substantial support would give the treaty greater moral power. Furthermore, we believe it would be undemocratic and rather discourteous for this Committee to recommend to the United Nations General Assembly, from which it derives its mandate, a treaty which would not even require the support of at least a simple majority of its Members. For those reasons, I would propose that the number of signatories required under article IX, paragraph 3, of the revised drafts should be equivalent to a majority of the membership of the United Nations.

25. All we have said today is aimed at facilitating the conclusion of a non-proliferation treaty, a treaty which will undeniably place extraordinary responsibilities on non-nuclear-weapon Powers. We agree entirely with the following statement by the representative of the United States, Mr. DePalma, at our meeting of 6 February:

> . . . the vast majority of such States have no intention, desire or indeed any early prospect of producing or acquiring nuclear weapons or other nuclear explosive devices.[15]

However, it should also be realized that a treaty on the non-proliferation of nuclear weapons is certainly not directed principally at the vast majority of States which have no early prospects of producing or acquiring nuclear weapons or nuclear explosive devices; it is directed principally at those which are already, or will soon be, in a position to do so.

26. Furthermore, we should like to warn that the economic sacrifices of which the Secretary-General's report speaks could never constitute the principal disincentive for those who, because of what this Committee fails to do, decide that they would need nuclear weapons or nuclear explosive devices to defend their political or economic interests respectively.[16] In fact, many of the so-called less-developed countries today are already spending much more on their national defence than the $170 million which the Secretary-General's report says would be needed annually to build up a modest nuclear armoury over ten years. We must realize that it is not sufficient to point to the advantages of comparative cost which may be derived from using explosive devices to be provided cheaply by the nuclear-weapon States.[17] Students of the theories of economic development know that Ricardo's law has never solved all the problems of a balanced national development. Indeed, even the earlier physiocrats recognized that for certain reasons—for

[14] *Ante*, pp. 108-109.
[15] *Ante*, p. 37.
[16] *Documents on Disarmament, 1967*, pp. 497 ff.
[17] *Ibid.*, pp. 503-504.

example, national security—the State should ignore the superficial advantages of comparative costs.

27. The Nigerian delegation is fully convinced that the decision not to produce nuclear explosive devices for peaceful purposes by signatories to the treaty can be maintained only if the treaty ushers in an era of open and intensive international co-operation, based on confidence, in the use of the atom for the economic and technological development of all countries. That era cannot be sustained by unilateral declarations of intention; it will need firm obligations, some of which have been given in the revised United States and USSR drafts, so that the co-operation of which we speak will be removed from the realm of charity to that of mutual assistance to save man from himself.

28. I should be grateful if the working paper containing the amendments proposed today by the Nigerian delegation could be circulated as an official document of the Eighteen-Nation Committee on Disarmament.[18]

Nigerian Working Paper Submitted to the Eighteen Nation Disarmament Committee: Additions and Amendments for Inclusion in the Draft Nonproliferation Treaty, February 28, 1968 [1]

Article IV

The words "undertake to facilitate" should be substituted for the words "have the right to participate in". Further down the sentence, the word "on" should replace the word "for", between "technological information" and "peaceful uses".

Article V

Paragraph 2 Insert as paragraph 2:

"Each Party to the Treaty undertakes to communicate annually to the IAEA, full information on the nature, extent and results of its co-operation with any other Party or group of Parties, in the development of nuclear energy for peaceful purposes. The Reports so received by the IAEA shall be circulated by the Agency to all the Parties to the Treaty".

Article VIII

Paragraph 4 Insert after the amendments of the United Kingdom and Sweden:

"The findings of the review conferences shall be adopted by a majority of signatory states present." [2]

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[18] *Infra.*

[1] ENDC/220, Feb. 28, 1968. The draft treaty appears *ante*, pp. 1–6.

[2] The Swedish amendment appears *ante*, pp. 41–42. For the British amendment, see *Documents on Disarmament, 1967*, p. 595.

Report by the House Foreign Affairs Committee on Amendment to Arms Control and Disarmament Act, February 29, 1968 [1]

The Committee on Foreign Affairs, to whom was referred the bill to amend the Arms Control and Disarmament Act, as amended,[2] in order to extend the authorization for appropriations, having considered the same, report favorably thereon without amendment and recommended that the bill do pass.

Committee Action

The President sent to Congress on January 24, 1968, a communication requesting the extension of the life of the Arms Control and Disarmament Agency for three years and the authorization of the necessary appropriations.[3] A draft amendment, providing $33 million for the 3 fiscal years 1969 through 1971, was also submitted by the Executive.

A bill to amend the Arms Control and Disarmament Act, as amended, in order to extend the authorization for appropriations was introduced by Hon. Thomas E. Morgan, chairman, Committee on Foreign Affairs, on January 30, 1968. Identical bills were introduced also by Hon. Cornelius E. Gallagher [4] and Hon. Donald M. Fraser.[5] All these bills were referred to the Committee on Foreign Affairs.

Beginning on February 1, 1968, the committee held seven hearings, five of which were open. Witnesses included Hon. William C. Foster, Director of the Arms Control and Disarmament Agency; the Deputy Director of the Agency, Hon. Adrian S. Fisher; two Members of Congress, Hon. Paul Findley and Hon. Craig Hosmer; the former Chairman of the Atomic Energy Commission, Hon. Lewis L. Strauss; Gen. Alfred M. Gruenther, U.S. Army (retired); and Hon. John J. McCloy. The committee also heard testimony from Dr. James D. Atkinson, professor of government, Georgetown University; Dr. James McBride, Georgetown Center for Strategic Studies; and Mr. W. B. Hicks, Jr., executive secretary of the Liberty Lobby.

On February 27, 1968, the committee met to consider the bill, H.R. 14940, for amendment and ordered it favorably reported without amendment.

Purpose of Legislation

H.R. 14940 authorizes an appropriation of $33 million to finance the operation of the Arms Control and Disarmament Agency for a 3-year period. Although no allocation to specific years is specified, the Agency has programed $10 million for fiscal year 1969, $12 million for fiscal year 1970, and $11 million for fiscal year 1971.

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[1] H. Rept. 1140, 90th Cong., 2d sess., p. 1–13.

[2] The bill was H.R. 14940. For the Arms Control and Disarmament Act, as amended, see *Documents on Disarmament, 1961*, pp. 482–495; *ibid., 1963*, pp. 622–623; *ibid., 1965*, p. 206.

[3] *Ante*, pp. 17–19.

[4] H.R. 14941.

[5] H.R. 14942.

The previous authorization in 1965 was $30 million for the 3 fiscal years 1966, 1967, and 1968.

Except for the authorization of funds, the bill makes no change in the existing authority of the Arms Control and Disarmament Agency.

Agency's Functions

The Arms Control and Disarmament Agency is an independent agency which provides recommendations and advice to the President, the Secretary of State, and other officials of the executive branch on matters relating to arms control and disarmament.

An important aspect of its operations relates to servicing the representatives of the United States in the conduct of negotiations with other nations dealing with arms control and disarmament.

In order to perform these functions, the Agency must have the capacity to provide essential scientific, military, psychological and technological information.

Since 1961, when the Arms Control and Disarmament Agency began operations, the Agency has participated in more than 500 formal international meetings on arms control and disarmament. U.S. participation in such negotiations is a full-time operation requiring a staff of specialists.

Financial Requirements

The Agency is requesting $10 million for fiscal year 1969, of which $4,682,000 is to finance its program operations and $5,318,000 is for external research, including field tests.

Emphasis on research is specified by statute (Arms Control and Disarmament Act, sec. 31). The following research areas are enumerated:

(a) the detection, identification, inspection, monitoring, limitation, reduction, control, and elimination of armed forces and armaments, including thermonuclear, nuclear, missile, conventional, bacteriological, chemical, and radiological weapons;

(b) the techniques and systems of detecting, identifying, inspecting, and monitoring of tests of nuclear, thermonuclear, and other weapons;

(c) the analysis of national budgets, levels of industrial production, and economic indicators to determine the amounts spent by various countries for armaments;

(d) the control, reduction, and elimination of armed forces and armaments in space, in areas on and beneath the earth's surface, and in underwater regions;

(e) the structure and operation of international control and other organizations useful for arms control and disarmament;

(f) the training of scientists, technicians, and other personnel for manning the control systems which may be created by international arms control and disarmament agreements;

(g) the reduction and elimination of the danger of war resulting from accident, miscalculation, or possible surprise attack, including (but not limited to) improvements in the methods of communications between nations;

(h) the economic and political consequences of arms control and disarmament, including the problems of readjustment arising in industry and the reallocation of national resources;

(i) the arms control and disarmament implications of foreign and national security policies of the United States with a view to a better understanding of the significance of such policies for the achievement of arms control and disarmament;

(j) the national security and foreign policy implications of arms control and disarmament proposals with a view to a better understanding of the effect of such proposals upon national security and foreign policy;

(k) methods for the maintenance of peace and security during different stages of arms control and disarmament;

(l) the scientific, economic, political, legal, social, psychological, military, and technological factors related to the prevention of war with a view to a better understanding of how the basic structure of a lasting peace may be established.

The use of Arms Control and Disarmament Agency funds during recent years and as planned for the fiscal years 1969, 1970, and 1971 is as follows:

	1966	1967	1968	1969 [1]	1970 [1]	1971 [1]
Appropriation	$10,000,000	$9,000,000	$9,000,000	$10,000,000	$12,000,000	$11,000,000
Program operations	3,928,000	4,010,000	4,500,000	4,682,000	5,446,000	5,573,000
External research	5,809,000	4,765,000	4,500,000	5,318,000	6,554,000	5,427,000

[1] Estimated.

Three-Year Authorization

The previous authorization for the Arms Control and Disarmament Agency, enacted in 1965, was for three years. All previous authorizations for the Agency have been for more than one year.

Congressional control is, of course, assured because annual appropriations are required.

There is a danger that foreign nations would interpret an authorization for only one year as an indication that U.S. support for arms control and disarmament was in doubt.

In addition, since the Agency is small and limited in the scope of its operations, the quality and morale of its personnel is adversely affected if its continued existence appears to be on a year-to-year basis.

Relation of the Arms Control and Disarmament Agency Research to That of the Department of Defense and of the Atomic Energy Commission

The Department of Defense and the Atomic Energy Commission engage in extensive research relating to military weapons, including their detection.

Nevertheless, there are significant problems of arms control and disarmament requiring research which are not of direct concern to the Defense Department or the Atomic Energy Commission, and even in certain areas where they are engaged in research, it is necessary for

the Arms Control and Disarmament Agency to conduct research specifically related to its own requirements.

For example, although the detection of the existence and location of weapons in the hands of other nations is a major responsibility of the Defense Department and of the intelligence community, such detection makes extensive use of covert techniques.

The Arms Control and Disarmament Agency has found it necessary to conduct research as to the most effective techniques to be employed in detecting such weapons when open inspection is permitted.

Coordination

The executive branch has given a high priority to the establishment of effective procedures to assure that the interests of the departments and agencies most directly concerned with arms control and disarmament are represented and coordinated, and that duplication of research is avoided.

Policy recommendations are made to the President by the Agency's Director through the "Committee of Principals" whose members in addition to the Director of the Arms Control and Disarmament Agency are the highest ranking officials of each interested Government agency—the Secretaries of State and Defense, the Chairman of the Joint Chiefs of Staff, the Chairman of the Atomic Energy Commission, the Director of Central Intelligence, the Special Assistants to the President for National Security Affairs and for Science and Technology, the Administrator of the National Aeronautics and Space Administration, and the Director of the U.S. Information Agency.

Although there may be instances in which some duplication of research operations still exists, it appears that, in general, the interested executive agencies are aware of what each is doing and have approved the allocation of research projects among them.

Changes in Existing Law Made by the Bill, as Reported

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italic, existing law in which no change is proposed is shown in roman):

Section 49(a) of the Arms Control and Disarmament Act (22 U.S.C. 2589(a))

APPROPRIATION

SEC. 49. (a) There are hereby authorized to be appropriated not to exceed $10,000,000 to remain available until expended, to carry out the purposes of this Act. In addition, there is hereby authorized to be appropriated for the fiscal years 1964 and 1965, the sum of $20,000,000, and for three fiscal years 1966 through 1968, the sum of $30,000,000, *and for the three fiscal years 1969 through 1971, the sum of $33,000,000*, to remain available until expended, to carry out the purposes of this Act.

SUPPLEMENTAL VIEWS

We have serious reservations about the desirability of a 3-year authorization for the Arms Control and Disarmament Agency as well as the range of its research activities. We believe that each Congress should have at least one hard look at the Agency and its operations.

In our Government, legislative oversight is one of the most important responsibilities of the Congress. We regret that the Agency has not come under closer scrutiny by our committee. Whether the fault is that of the committee or the Agency is not the issue. The fact is that we on the committee have not kept abreast of the Agency's operations. That explains why hearings that were scheduled to last 1 or 2 days were extended to permit the committee to hear the views of other than executive witnesses. Their analysis of the Agency and its work provided the committee with insights that were not otherwise available.

There is another danger in the perfunctory congressional authorization of funds for the Agency. It encourages the dangerous belief that negotiation of arms control treaties with the Soviet Union is a foolproof step to world peace. History shows that treaties with Communist governments are paper promises with which they will comply only so long as they serve their purposes. With all due respect for the officials in the Agency we believe that they have convinced themselves of the good intentions of the Soviets. The time for Congress to scrutinize the work of the Agency is during the preparatory steps in negotiations—not after a treaty has been drafted. Only in that way can Congress make known its views before it becomes embarrassing to change final treaty drafts. This points up the necessity for more frequent meetings between the committee and Agency officials.

Three years ago, when the Agency last appeared to request an authorization, many members of the committee were disturbed about some of the external research projects funded by the Agency. A review of these projects this year also is a basis for misgivings. We mention only a few: a study of peacekeeping operations in the Congo ($100,404); a still uncompleted study of the fiscal and financial systems in Eastern Europe ($196,200 to date); and a study of the social and psychological aspects of verification, inspection, and international assurance ($63,500). During the next 3 years the Agency notes that "trial arms control measures appropriate to the Chinese cultural and historical background will be analyzed in the light of the data developed." Are these studies immediately relevant to the responsibilities of the Agency? Do they serve as a basis for furthering U.S. policy? Government agencies have available, or can readily secure, the basic materials necessary to do these studies—if they must be done. The former chairman of the Atomic Energy Commission, the Honorable Lewis L. Strauss, brought out another point when he suggested to the committee that "it might be useful for the committee to inquire of the Atomic Energy Commission how much of such research overlaps the statutory area of the responsibility of the Commission and the degree of duplication, if any, which therefore occurs."* More than a third of the

* *Arms Control and Disarmament Act Amendments, 1963: Hearings Before the Committee on Foreign Affairs, House of Representatives, Ninetieth Congress, Second Session*, p. 150.

Agency's funds have been, or are planned to be, used for external research. The Agency should not be the vehicle to finance research that may intrigue the researcher, but that either duplicates the work of other agencies or contributes little, or nothing, in advancing national security.

E. Ross Adair.
E. Y. Berry.
Edward J. Derwinski.
Vernon W. Thomson.
Paul Findley.
John Buchanan.
Robert Taft, Jr.

ADDITIONAL VIEWS[1]

The principal accomplishment of ACDA since its authorization was renewed 3 years ago has been—as testimony clearly showed—the negotiation with the Soviet Union of a draft treaty to prevent proliferation of nuclear weapons.

The cosponsors--the United States and the Soviets—have now laid the draft before the 18-nation Disarmament Conference at Geneva.[2]

It is therefore fitting and proper for the House of Representatives to consider the nuclear proliferation treaty in connection with the ACDA authorization bill now before us.

Like Eliot Ness and Capone Gang Teaming Up To Police Chicago

The prospect of the United States entering into a pact with the Soviet Union to share the worldwide job of nuclear policing is something of a shocker.

After all, the Soviet is the principal supplier of weapons to our enemy in Vietnam and is, therefore, fighting a war by proxy against the United States.

For the United States, under these circumstances, to team up with the Soviet Union to attempt to keep the rest of the world from getting nuclear weapons—a new Washington-Moscow Axis for world policing—is like Eliot Ness joining up with the Capone mob to police Chicago.

The basic draft treaty to effect this arrangement therefore deserves critical examination.

Presumably the treaty, if the other members of the Disarmament Conference agree to it, will be submitted to the United Nations and in turn will be presented to the Senate for ratification by the President. If we in the House wait until the treaty is initialed and presented to the Senate, we will be excluded from affecting its content. At the same time once the prestige of the President is committed formally to a particular draft then the Senate will be under pressure to protect the President's position.

Whatever influence or control the House wants to exercise over the Geneva negotiations must be exerted in the framework of this bill.

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[1] The additional views were submitted by Congressman Findley.
[2] *Ante*, pp. 1–6.

Certainly it is entirely proper for the House to influence what may be in a treaty through the authorization process. This tradition stretches back to early days of the Republic when the House failed to vote funds to implement the Jay Treaty.

Proposed Treaty Threatens United States Security

In my judgment, the draft treaty which has been proposed is a threat to the security of the United States and the free world. It contains the seeds for the final disruption of the Atlantic Ailiance. It will lead to involving the United States in dangerously vague guarantees of the security of almost every non-Communist country in the world, regardless of relative importance of each to our security. It may set the stage for another German–Soviet Rapallo. Since neither France nor China will sign the treaty, their own influence will increase enormously because of their ability to transfer nuclear weapons to those countries who need or desire them but cannot obtain them from the United States or the Soviet Union. As a preventative of nuclear proliferation this treaty has as little substance as the Emperor's nonexistent new clothes.

This treaty does not strengthen peace; it weakens it. In our zeal to reach a dubious agreement with the Soviet Union we have turned our backs on the legitimate defense needs of the Atlantic Alliance and at the same time have seriously damaged the prospects for peaceful use of nuclear energy.

Arguments Against the Treaty

The draft treaty (attached hereto as a part of my views) is ambiguous and uncertain in many respects, especially the inspection clause. The treaty as now written is susceptible to these criticisms.

1. *It will weaken and may completely destroy the North Atlantic Alliance.* A treaty denying the Federal Republic of Germany, Italy, and our other NATO allies an adequate deterrent in the future while U.S. troops stationed in Europe are cut back is bound to raise questions regarding the sincerity of our commitment. Compared with our six divisions in Germany—which will be reduced even further through "deployment" to the United States—it is estimated that the Soviet Union may have as many as twenty-two divisions in East Germany. Because of Soviet superiority in many aspects of weapon development and a larger standing army, nuclear defenses are absolutely necessary to Western Europe for deterrent purposes.

2. *It will have an undesirable effect on Germany.* Bonn is in a special situation. At the forward position in Europe it bears a heavy risk and burden in Europe's defense, yet is subjected to special restrictions concerning nuclear arms which were imposed in the early postwar years. To deny Germany an influence in nuclear strategy by preempting the NATO option—as would be the case in the draft treaty—may ultimately result in Germany being neutralized and malleable to Soviet interests because of her exposed and vulnerable position.

3. *It will not prevent the spread of nuclear weapons.* Nations follow the course which they deem in their national interest and will

manufacture or decide to manufacture nuclear weapons whether or not there is a nonproliferation treaty. The agreement on this treaty will not in and of itself directly or indirectly prevent the spread of nuclear weapons.

4. *It has no explicit inspection provisions.* The inspection clause in the proposed treaty is nothing but an agreement to agree. This obviously has no binding effect in international law. There is no compulsion to agree on inspection procedures. To approve a treaty such as has been submitted without knowing what inspection features may be ultimately specified is inviting the creation of a dangerous illusion.

5. *It may restrict peaceful development of atomic energy for peaceful purposes.* The draft treaty outlaws any "nuclear explosive device" regardless of whether it is detonated for peaceful or military purposes. A number of respected nuclear scientists believe the development of "plowshare" depends upon peaceful atomic explosives. Proposals have been advanced, for example, for atomic explosions for such massive excavation jobs as creating a new canal supplemental to the Panama Canal. It has been estimated, for instance, that the world's supply of natural gas can be doubled by nuclear fracturing of impervious gas formations.

6. *It would require the nonnuclear nations to sacrifice a nuclear weapon capability which might someday be imperative for their self defense without placing any counterbalancing limitation on the further acquisition of nuclear weapons by the nuclear powers.* The treaty in this respect has been criticized by Italy, Brazil, and Rumania. The very act of signing a nonproliferation treaty assumes significance even though the treaty does not change an existing de facto situation. The act can be interpreted as one of signing away future national security, in an age when balance-of-power politics still prevails, when nuclear weapons still appear the ultimate guarantee of security, when regional or international security organizations are far from being capable of taking over national responsibilities for defense, and when alliances do not appear to be guaranteed for all time, if at all. This treaty strikes at the very heart of national sovereignty without providing any substitute organization principle or any meaningful security guarantee.

7. *It will weaken the relative military position of the United States.* This treaty will impede the deployment of an anti-ballistic-missile defense system to protect countries such as Thailand from Communist aggression since a successful anti-ballistic-missile system requires nuclear warheads. In the future, countries such as Israel, Japan, India, and European allies may want to build such a defense system, but the nonproliferation treaty would prevent the United States from assisting them. The treaty will require the United States to accept new commitments to help defend the states which forgo the manufacture of nuclear weapons [9] or else leave these nations to face nuclear blackmail. Nonnuclear nations may demand U.S. nuclear guarantees

[9] On October 18, 1964, the President said, "The nations that do not seek national nuclear weapons can be sure that, if they need our strong support against some threat of nuclear blackmail, then they will have it," *Documents on Disarmament, 1964*, p. 468. The precise meaning of "strong support" has never been spelled out. Since the President's position is couched in sufficiently ambiguous terms not to disturb anyone, we should not expect it to have a measurable effect on the decisions of governments which possess the ability to develop nuclear weapons or on those which can use them. In this connection it is interesting to note that while

or some other form of protection against an attack requiring nuclear defenses. Such commitments may overextend the United States whereas if nations could acquire their own nuclear weapons or participate in regional systems, we would be relieved of responsibility.

8. *It will be a gain for the Soviet Union for these reasons—*

It will effectively keep Germany from participating in a nuclear defense either through a NATO-owned ABM system or a control or policy influence in nuclear strategy development.

It will aggravate differences within the Atlantic Alliance among Rome, Bonn, Paris, and Washington and weaken, perhaps destroy NATO, the destruction of which is a prime Soviet foreign policy objective.

China's refusal to sign the treaty will further isolate her from the world community and in particular the Communist movement.

It will help the Soviets keep Eastern European countries permanently in line (the Soviets might have thought twice about intervening in Hungary in 1956 if the Nagy government had possession of tactical nuclear weapons).

An amendment which I offered in committee and intend to offer on the floor would remove some of the most substantial and significant defects in this treaty. My amendment would reassert the official U.S. negotiating position on the treaty which was maintained consistently by three Presidents until October 1966. Prior to that date the United States insisted at Geneva that the treaty must not preclude the NATO option, that is to say, some form of nuclear sharing arrangement within the North Atlantic Treaty Organization. Since that time the United States modified its position. When I asked Mr. Fisher of the ACDA what had happened since October 1966 to cause a change in the U.S. position he stated, strange as it may seem, that the ACDA was convinced Congress would not amend the McMahon Act which he asserted prevented such a transfer. Another reason he gave was that the Administration had concluded that no such arrangement could, as a practical matter, be agreed upon.[10] As for the first explanation, it is highly debatable whether the McMahon Act precludes transfer of nuclear weapons to NATO defenses.

In any event, laws are subject to review and revision in light of changed conditions. Treaties ordinarily are much more difficult to change than laws.

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the President speaks of "strong support," the Chinese Communists use the equivalent expression which means "firm support" when describing their assistance to "peace-loving countries" threatened by "U.S. imperialism." But the Chinese do not mean "firm support" to mean anything more specific than moral support. If the Chinese have the same conception of "strong support" in the President's statement of October 18, 1964, that they place on their own expressions of "firm support," then our guarantee means absolutely nothing in the sense of deterrence. See *How Communist China Negotiates* by Arthur Lall, former Indian Ambassador to the United Nations, p. 24. The non-nuclear nations are not interested so much in defense as in deterrence. To be really dependable and effective, a U.S. guarantee must be automatic to have value. Nations are not interested in accepting a Hiroshima on their soil as the condition precedent to U.S. defense. [Footnote in original.]

[10] See *Arms Control and Disarmament Act Amendments, 1968: Hearings Before the Committee on Foreign Affairs, House of Representatives, Ninetieth Congress, Second Session, on H.R. 14940, a Bill To Amend the Arms Control and Disarmament Act, as Amended, in Order To Extend the Authorization for Appropriations*, p. 177.

As for the argument that no agreement could be reached, this line of argument confuses symbols for reality. It makes no sense to lock potentially useful doors permanently simply because their future use may seem remote or even uncertain.

Presumably for highly symbolic reasons we refuse to recognize Soviet incorporation of the Baltic Republics. This does not preclude the possibility of other arrangements in the future nor does it lessen the symbolic value of keeping the option alive.

At a time when the NATO alliance is heavily burdened with many unsolved problems it surely seems undesirable summarily to inform our allies that there is henceforth no possibility of the NATO option being utilized.

My amendment, which I will offer on the House floor is as follows:

Provided, That no funds authorized by this Act may be spent for salaries or other expenses connected with preparing, advancing or negotiating proposals which preclude the provision of nuclear materials for purely defensive purposes to the North Atlantic Treaty Organizations.

Its adoption hopefully would cause the United States to insist that the draft treaty be revised to include the NATO option. That would make the treaty far less objectionable from the standpoint of our own security and that of our allies.

The concept of nuclear sharing with regional defense alliances was firmly and consistently upheld by Presidents Eisenhower and Kennedy and until 1966 by President Johnson. Nothing has changed since 1966 to alter the basic soundness of this concept.

Certainly we should not bargain away interests of our friends and allies to get a world-policing deal with the Soviet Union.

Let's not team up with the Capone gang to the disadvantage of peaceable, freedom-loving members of the community.

Statement by the Swedish Representative (Myrdal) to the Eighteen Nation Disarmament Committee: Nonproliferation of Nuclear Weapons, March 5, 1968 [1]

2. We are now fast approaching the end of our deliberations in the Eighteen-Nation Committee on Disarmament on the draft nonproliferation treaty, and it is rather late to make further comments. However, before it is too late, I wish to take the floor once more in order to state our views on some of the points that have been raised by other delegations since I last addressed the Committee at our 364th meeting.[2] Naturally I will concentrate on suggestions and comments made in reference to the amendments that were submitted by my delegation in documents ENDC/215[3] and ENDC/216.[4]

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[1] ENDC/PV.375, pp. 4–10.
[2] *Ante*, pp. 57–64.
[3] *Ante*, pp. 41–42.
[4] *Ante*, p. 57.

3. All delegations are now beginning to have a rather clear picture of the positions of other delegations in regard to the draft texts submitted by the delegations of the Soviet Union and the United States on 18 January.[5] That is of great importance as we are now entering the last phase of the Committee's long labours on the non-proliferation issue: the transmittal of the resulting report to the General Assembly of the United Nations in accordance with the wishes of the Assembly as expressed in resolution 2346 A (XXII).[6]

4. We understand that the draft treaty text to accompany this report will be on the authority and under the signature of the originators of the text, our two co-Chairmen. We are, of course, eagerly looking forward to seeing the once more revised treaty language which they will recommend, hoping that it will incorporate the gist of our amendments and expressed desires. However, as several delegations have indicated before me, our final attitude to the text can, of course, only be crystallized during the forthcoming deliberations in the United Nations.

5. In the first series of amendments put forward by my delegation and introduced by me at our 363rd meeting, we suggested an additional paragraph in the preamble of the draft treaty referring to the urgency of concluding a comprehensive test ban; further, a strengthening of the wording of article VI on negotiations for further disarmament measures; and, finally, an additional sentence in paragraph 3 of article VIII explicitly providing for a possibility of periodic review conference every five years.[7]

6. The Swedish delegation has been much gratified by the support given to those various amendments by other delegations during the past weeks. As a matter of fact we have heard no dissenting voice in regard to that set of amendments, contained in document ENDC/215. Therefore I suggest that it is correct to assume that they have gained wide support and that they will find their place in the treaty text as revised by the co-Chairmen, to be annexed to our report to the General Assembly.

7. Some changes in the language of our amendments both to article VI and to paragraph 3 of article VIII were suggested by the United Kingdom delegation at the 369th meeting.[8] We have studied those changes of wording with care and wish to state that we gladly accept them. They do seem to us in both cases to be improvements to our texts.

8. We are also happy to note that the United Kingdom delegation on the same occasion formally reintroduced in document ENDC/203/Rev.1, its earlier amendment to paragraph 3 of article VIII,[9] in which I strongly supported in my intervention at the 363rd meeting. We have noted that that amendment has gained wide support in the Committee and therefore we trust it will likewise be included in the revised draft text of the treaty. We should have nothing against accepting the version of that same paragraph submitted by Italy[10] if it were to meet with general approval.

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[5] *Ante*, pp. 1–6.
[6] *Documents on Disarmament, 1967*, pp. 732–733.
[7] *Ante*, pp. 42–49.
[8] *Ante*, pp. 101–103.
[9] *Documents on Disarmament, 1967*, p. 595.
[10] *Ante*, p. 92.

9. In our second series of amendments we suggested some minor changes in the seventh paragraph of the preamble as well as in article V—both related to the subject of nuclear explosions for peaceful purposes. These amendments have not, it would seem, been as widely accepted as the previous set; some replies may still be forthcoming. Perhaps they have not been so well understood or judged to be as important as we are convinced they are and even more will prove to become, despite the fact that I argued their case at some length in my statement at our 364th meeting.

10. Our objections to the present wording of article V derive from three serious considerations: first, that a future comprehensive test-ban treaty must not be hampered by any wording in this treaty; secondly, that the possibility for the conclusion of bilateral arrangements between a nuclear-weapon State and a non-nuclear-weapon State for the purpose of nuclear explosions should be eliminated, as such arrangements might give rise to suspicion; and thirdly, that potential benefits from peaceful explosions must be shared by all countries and should not accrue predominantly to nuclear-weapon countries.

11. On the first score, our basic view has met with considerable approval. All delegations that have spoken on the subject seem to agree that the contents of article V must not prejudice or prejudge the requirements of a comprehensive test-ban treaty. However, if my fellow representatives and, more specifically, the co-Chairmen would once again study the rules in article VIII fettering the procedures for having amendments to the present treaty approved, everyone would, I believe, be eager, in view of the very cumbersome nature of such an undertaking, to rid the present treaty text of any wording that would need reformulation when the comprehensive test-ban treaty is agreed upon. The further fact that all countries that are defined as nuclear-weapon States and might at the time of such amendment be parties to this treaty have a veto right makes it still more imperative that we be circumspect. There does exist a connexion between the formal aspect—that of safeguarding the future test-ban treaty—and the substance—that is, the conflicting interests in regard to peaceful nuclear explosions—and I shall revert to that.

12. If it had not been for that intrinsic connexion between form and substance we might have acquiesced in the interpretation of the present wording of the article given by some delegations, including those of the co-Chairmen: that the article in its present form does not create any prejudice or prejudgement of the test-ban issue. We were *prima facie* particularly interested in the compromise language suggested by the United Kingdom delegation. In his speech of 22 February the representative of the United Kingdom, Mr. Porter, suggested that the article

> . . . be prefaced simply by a phrase to the effect that nothing in the article would prejudice the subsequent conclusion of a comprehensive test-ban treaty [108]

However, for the purpose of safeguarding true internationalization, such a caveat formula is not enough, I regret to say. Still less could we be ready to accept the wording as it now stands.

13. We come closer to the substantive issue involved when consider-

[108] *Ante*, p. 103.

ing our second point, regarding bilateral arrangements—or, rather, any arrangements but international ones—where some other delegations have rallied to the support of our thesis. The representative of the United Arab Republic, Mr. Khallaf, quoted very appropriately in his speech on 20 February a statement by the representative of the United States, Mr. DePalma, in regard to bilateral safeguards arrangements. Mr. DePalma in fact said on 6 February: "Bilateral safeguards would not suffice to eliminate suspicions that could arise among third parties . . ." [11] After his quotation from Mr. DePalma's statement Mr. Khallaf went on to say:

> That is why my delegation is anxious that there should be no mention of bilateral agreements in article V. In this regard, we welcome the suggestion made by Mrs. Myrdal at our meeting of 13 February that the words "on a bilateral basis" be deleted from article V . . .[12]

14. Furthermore, the representative of Canada has once more dealt with that question. On 21 February Mr. Burns, who had earlier expressed very strong criticism of the inclusion of the reference to bilateral agreements on the utilization of nuclear explosive devices, seemed perhaps to have restricted the requirements "to appropriate international observation",[13] which is also the formula repeatedly used by the United States.

15. I regret once more to have to beg to differ: international observation would not be enough. The solution which in the long run must be sought to this problem of non-discriminatory sharing of the potential for economic exploitation of these most advanced engineering methods must be some form of internationalization, and we can conceive of no better scheme than one to require licensing by an international organ of each project using nuclear explosives. That has also been strongly vindicated, for instance, by the representative of Nigeria at our 371st meeting.[14]

16. The news reaching us about plans for exploitation on a very different basis—making it international big business—is judged as disquieting, on the one hand by us who care about a test ban as an urgent disarmament measure and on the other hand by those countries which have the right to hope that their development should be promoted no less than that of rich countries if these methods turn out to be practicable. The creation of an international company, "Nobelpaso Geonuclear", as a follow-up to Project Gasbuggy, with American and French capital, together with some from Belgium and West Germany, places the future in a different light. The aim of this enterprise to sell services for the use of nuclear explosive devices "over the whole world" with the exception of the United States hardly tallies with the promises that such services will be made available on the basis of very low charges as a kind of technical assistance. The profit incentive is evidently not excluded.

17. Perhaps it would be good to remind everyone of the statement by the representative of Ethiopia, who wondered about the effects of a monopolistic system on the price.[15] We might even fear that vested

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[11] *Ante*, p. 38.
[12] *Ante*, p. 85.
[13] ENDC/PV.368, p. 8.
[14] *Ante*, pp. 130-136.
[15] *Ante*, p. 68.

interests, in the world of international commerce, could come to act as a pressure against the test ban. However, our rescue in regard to the present treaty text seems to be close at hand. In his statement on 22 February the representative of the United States, Mr. DePalma, made a reference on this point to the phrase in the first sentence of article V, "appropriate international procedures". He went on to say:

These 'appropriate international procedures', once established and whatever the particular form they might take, would apply to both bilateral and multilateral projects.

Here I would insert that they should, of course, apply also to unilateral ones. Mr. DePalma continued:

If, under a comprehensive test ban treaty, international approval were needed for the conduct of a nuclear explosion for peaceful purposes, such approval would constitute an 'appropriate international procedure' applicable to services conducted bilaterally or through an appropriate international body.[16]

18. That important statement of principle clearly shows the way out, which is exactly the one we have suggested in our amendment. The reference to bilateral arrangements can be deleted as redundant in this context. Any substantive prescription about this whole matter might be postponed until we deal with a text for the comprehensive test-ban treaty and/or a special agreement on the conduct of permitted explosions. It is certainly extraneous in this connexion, where we are only trying to legislate about conditions influencing the spread of nuclear weapons to other countries, encompassing a prohibition on their producing nuclear explosive devices for any purpose. That is our main goal, from which we should not deviate.

19. Special treatment for the nuclear-weapon Powers and the possibility of special bilateral arrangements for the benefit of some non-nuclear-weapon States are clearly elements which should be erased from the text as far as is possible. I have several times made that remark in connexion with the article on control, article III, as have many others. I feel that it is just as relevant in relation to article V. Therefore I wish to express the strong expectation that the co-Chairmen will heed these views in the careful study they are now making of the wording of this whole article. Should our point of view not be taken into account by the co-Chairmen in their new draft text, I feel that we shall have to raise this matter again during the debate in the United Nations. An important question of principle is involved. I am also sure that especially representatives of economically less-developed countries regard the form of this article as of very special importance to their interests.

20. Let me for one moment dwell on the even more general subject of international co-operation for the further applications of nuclear energy for peaceful purposes. We share the view, put forward by several delegations, that the non-proliferation treaty ought to have a stimulating effect in that regard and that the provisions in the preamble and in article IV dealing with the subject could be of genuine importance. In that connexion I wish to quote from a statement made by the representative of the Soviet Union, Mr. Roshchin, who said on 16 February, *inter alia*:

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[16] *Ante*, p. 105.

The conclusion of the treaty will also enhance the role of the International Atomic Energy Agency, which will not only exercise control over the activities of nuclear States in connexion with the non-proliferation treaty but will have wider links with them, which will enable it to obtain a better knowledge of their needs, interests and requirements, and also of the situation in regard to the peaceful use of nuclear energy as a whole and of the possibilities existing in that field. All this will make it possible to take further and even more effective steps to deepen, widen and make more specific the forms of co-operation between States in the peaceful use of nuclear energy and in rendering assistance in this field to many countries, including the developing and other non-nuclear States. [17]

21. It is well known, of course, that the International Atomic Energy Agency (IAEA), in accordance with its Statute, has been carrying out a wide programme of this kind for many years and that this programme is all the time extending in scope. With that fact in view, I wish—although it is probably unnecessary—to warn against interpretation of the new article IV in this treaty as an attempt to restrict in any way the free flow of information or the channels for co-operation in the nuclear energy field, which is part and parcel of the task of IAEA and, by and large, of our international strivings. The immense value of wide international co-operation in nuclear technology has been emphasized by many delegations, for instance, by those of India [18] and Bulgaria.[19]

22. No measures to restrict such benefits to the various countries in accordance with whether and when they ratify this particular treaty should be imputed to article IV of the text; and I do not believe that the continuation of the statement by Mr. Roshchin which I have just quoted should be interpreted in a negative way. Any regulation of the right to benefit from the developments in the nuclear energy field should, on grounds of logical and practical consistency, be related to the agreement to submit one's nuclear energy programme to IAEA safeguards, as is also stated in article III, paragraph 2. Article IV, on the other hand, should be read in a positive vein, indicating as it does that the treaty would serve as an inspiration and guidance for an ever-increasing participation in the vast current of international co-operation in regard to nuclear technology, taking place as hitherto through IAEA and in other forms, not least through open communication channels within the international republic of scientists.

23. Finally, I must voice a certain disquietude I have felt, when studying the statements so far made within the Committee, that there still seems to prevail an uncertainty about the inherent connexion between articles VIII and X—that is, between the reviewing of the implementation of the provisions of the treaty and the purposes of its preamble, on the one hand, and the right to withdrawal on the other. Any definite interpretation concerning what constitutes legitimate grounds for withdrawal is still lacking. I may mention in parenthesis that the case of the partial test-ban treaty [20] is clear-cut to quite a different degree. The delegation of Brazil has offered an amendment with some interesting language to article X.[21] I am not in a position today

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[17] *Ante*, p. 77.
[18] *Ante*, p. 113.
[19] ENDC/PV. 371, p. 16.
[20] *Documents on Disarmament, 1963*, pp. 291–293.
[21] *Ante*, p. 65.

to judge what formula would be both unambiguous and acceptable to prospective signatories. However, we certainly need to be more enlightened concerning what is the politically and procedurally correct basis for interpretation of the expression of misgiving, so frequently voiced, that "the treaty may not last" if there is no definite turn of the tide in regard to the nuclear armament race.

24. Those were the remarks I wanted to make today. I am sure all delegations are now awaiting eagerly, as mine is, the next revision of the draft text which is being prepared for us by the co-Chairmen. On the real purport of that text will depend the final action which the delegations around this table will take, together with the other Member countries of the United Nations, in a few weeks' time. We sincerely want to regard the treaty as an arrow pointing to a safer future, a future when nuclear disarmament will become a fact.

Memorandum From the Federal Republic of Germany to Other Governments: Draft Nonproliferation Treaty, March 6, 1968 [1]

A.

With the presentation on 18 January 1968 of identical drafts of a nuclear non-proliferation treaty by the two co-chairmen of the Geneva Disarmament Conference,[2] international efforts concerning this treaty have reached a new stage. The Government of the Federal Republic of Germany supports the principle of non-dissemination of nuclear weapons. This is in line with its policy of aiming at world-wide detente and the maintenance of peace. Therefore, it considers the outcome of the American-Soviet preliminary negotiations as a significant step in this direction. The Federal Government hopes that all the governments participating in the negotiations will succeed in their efforts to achieve as universal a non-proliferation treaty as possible which will take into account the manifold interests of the members of the family of nations in accordance with relevant UN resolutions.

Germany's view on the requirements for an effective, balanced and non-discriminatory arrangement to prevent the further dissemination of nuclear weapons has been expounded in detail in her memorandum of 7 April 1967 which was forwarded to all governments.[3] Compared with previous drafts, the two identical drafts of the nuclear non-proliferation treaty contain improvements in respect of important points which approach the conceptions of many non-nuclear-weapon states, among them the Federal Republic of Germany: The right to use nuclear energy for peaceful purposes is ensured; a restriction applies only to peaceful nuclear explosions while benefits from them shall be available without any discrimination and on optimal conditions. According to the present drafts the control provisions permit the con-

[1] Department of State files. The memorandum was informally transmitted to ENDC delegates at Geneva.

[2] *Ante*, pp. 1–6.

[3] *Documents on Disarmament, 1967*, pp. 179–182.

tinued existence of proven control systems and of international co-operation in the field of peaceful uses of nuclear energy. The basic idea that a limited non-proliferation treaty should merely be the first step towards a more comprehensive and, in particular, nuclear disarmament, has been introduced not only into the preamble but also into the operative provisions of the treaty; the procedural provisions are more in line than previous wordings with the concepts of non-discriminatory co-operation between all states in realizing the purposes of non-dissemination and disarmament of nuclear weapons.

B.

The present draft is essentially the result of prolonged negotiations between nuclear-weapon powers. It is true that it does not yet take due account of all the wishes of those non-nuclear-weapon states on whose co-operation the success of the treaty will essentially depend. However, the process of its adaptation to still unfulfilled wishes of non-nuclear-weapon states has not yet been completed and may well lead to further improvements. In the view of the Government of the Federal Republic of Germany every effort should be made to render the treaty universally acceptable, effective and lasting and to contribute to a detente and to the safeguarding of peace. It is in line with this objective if the following problems which are important to many non-nuclear-weapon states are taken into consideration.

1. *Linkage with Disarmament*

In its memorandum of 7 April 1967 the Government of the Federal Republic of Germany stated:

> At present a treaty is under discussion whereby the non-nuclear-weapon powers alone would be accepting substantial self-restrictions and obligations, i.e., initially just a partial solution of the actual problem . . . The world cannot stop at a limited non-proliferation treaty. It needs more comprehensive solutions. It is incumbent on the nuclear-weapon powers to stop the further development of increasingly more dangerous weapons, not to increase existing stocks, including the means of their delivery, to begin reducing them, to stop the production of fissionable material for military purposes, and to aim at a comprehensive test ban.

This desire is partly taken into account by the language of the preamble and of article VI of the draft. Unfortunately, the nuclear arms race is being contin[illegible] and increased irrespective of the current negotiations on the nuclear non-proliferation treaty. Therefore, it should be made clear to the world that this treaty is not meant to create two classes but to promote equality within the family of nations. It would be desirable that—in line with the demands of important non-nuclear-weapon states—the obligation to conduct disarmament negotiations contained in article VI should be expressed in more concrete terms, and that in the declaration of intent of the preamble, partial measures of nuclear disarmament should be listed separately from the ultimate aim of general, complete and controlled disarmament.

This would show the way to a realistic approach to the progressive reduction of the continuous threat presented to mankind by nuclear weapons.

Since progress in the direction of equal treatment of all states obviously meets with extraordinary difficulties, not even the faintest opportunity to make such progress should be disregarded. Such a point of departure for future partial measures of limitation of nuclear armament would be the inclusion of the civil nuclear industries of all states in the controls provided for in the non-proliferation treaty, and at any rate the inclusion of those branches whose activities require imports.

2. *Detente and Safeguarding of Peace*

A ban to use threats, political pressure, or political blackmail against non-nuclear-weapon powers should be incorporated in the treaty and should not only be the object of a declaration on the occasion of the conclusion of the treaty. Such a treaty provision would constitute a just and equitable counterweight to the non-nuclear-weapon states' nuclear renunciation.

In this respect the German memorandum of 7 April said: "No nuclear-weapon power should use its potential for purposes of political threats, political pressure or political blackmail against non-nuclear-weapon powers. This promise would have to be incorporated in a non-proliferation arrangement. In renouncing the nuclear option, the non-nuclear powers make a positive contribution to easing tension. They justifiably expect that the nuclear-weapon powers will undertake to act towards them with constructive courtesy."

Indeed, the thought would be unbearable that a country which has renounced nuclear weapons under the nuclear non-proliferation treaty would later be blackmailed by a nuclear-weapon power without such a behavior being considered a violation of the treaty. If by their progressive attitude the non-nuclear-weapon states make possible the conclusion of a nuclear non-proliferation treaty in spite of the continuing nuclear arms race, the treaty should at least contain a rule of conduct in respect of the political relations between nuclear and non-nuclear powers party to the treaty. This would serve the purpose of detente and of safeguarding of peace on a world-wide scale both within and outside the alliance systems. The Government of the Federal Republic of Germany further stated in its memorandum of 7 April 1967:

> The renunciation by non-nuclear-weapon powers of the nuclear option within a non-proliferation arrangement raises numerous security problems for them, although in various ways. The aim of these countries to safeguard themselves as far as possible against existing or potential security risks deserves understanding and sympathy. The renunciation of nuclear weapons should be so arranged that it does not become a source of particular danger but an advance on the way to a more stable, peaceful order. Those who are the first to contribute have the right to expect the community of nations to rectify any resultant one-sidedness.

The Government of the Federal Republic of Germany regrets that the efforts to find a satisfactory solution to this problem have not yet met with any success.

3. *Stability and Adaptability*

The possibilities of adapting the treaty to future political, economic and technological developments should be increased and be made more practicable. This would make it easier for non-nuclear-weapon states

to give their consent. At the same time, the treaty could become a more effective instrument of a progressive policy of armaments control and of disarmament.

The improvements required in this context include, in conformity with the wishes of numerous non-nuclear-weapon states, the automatic periodicity of the review conference and the explicit extension of its mandate to the preamble. It should be examined whether the procedural provisions are—in their form and substance—shaped in such a flexible way that they can safeguard the principle of non-dissemination also in the future and under changed circumstances. A long life and efficacy cannot be conferred upon the principle of non-dissemination of nuclear weapons—a principle combining political, economic, and technological elements—by rigidity but only by adaptability of the treaty.

For various non-nuclear-weapon states it is also important that the treaty should be binding on an adequate number of those countries whose participation is of particular significance in view of their state of development and their regional importance. This is in the interests of an early entry into force of the treaty. Without an appropriate treaty provision there is the risk that non-nuclear-weapon states which in terms of technology would be capable of developing nuclear armaments, hesitate to accede to the treaty.

C.

The German memorandum of 7 April 1967 closes with the following words:

The non-nuclear countries are not states with lesser rights, but pioneers of a progressive policy of peace. Their renunciation is made in the hope that it will lead to a balance between contribution and counter-contribution within the entire sphere of nuclear disarmament. The nuclear-weapon powers are called upon to take the next steps. The aim is, and will remain, the liberation of mankind from the fear for its very existence.

In accordance with its policy directed to the safeguarding of peace, the Federal Republic of Germany is determined to make every effort to further the international peace policy initiated by the test-ban treaty,[4] continued by the space treaty,[5] and now aiming at an effective nuclear non-proliferation treaty and progressive disarmament. From its inception, the Federal Republic of Germany has given a lead in pursuing a policy of renunciation regarding the production of nuclear weapons and of national control over such weapons. Germany now advocates the early conclusion of a non-proliferation treaty as universally acceptable as possible and meeting the following principles in accordance with the fundamental resolution No. 2028 of the General Assembly of the United Nations of 23 [19] November 1965:

—No loopholes for the dissemination of nuclear weapons,
—an acceptable equilibrium of reciprocal obligations,
—a step towards disarmament, and, in particular, nuclear disarmament,
—ensuring the effectiveness of the treaty.[6]

[4] *Ibid.*, *1963*, pp. 201–203.
[5] *Ibid.*, *1967*, pp. 38–43.
[6] *Ibid.*, *1965*, pp. 532–534.

Statement by ACDA Director Foster to the Eighteen Nation Disarmament Committee: Tripartite Security Assurances Proposal, March 7, 1968 [1]

4. Today I wish to speak on the question of security assurances, a subject of vital interest to many countries. The statements to be made today by the Co-Chairmen and the representative of the United Kingdom are, I believe, of historic significance, in terms of both their relationship to the non-proliferation treaty and, in the longer term, their contribution to international security and world order.

5. The United States fully appreciates the desire of many non-nuclear-weapon States that appropriate measures be taken to safeguard their security in conjunction with their adherence to the treaty on the non-proliferation of nuclear weapons. This is a difficult and complicated problem and we have searched for a solution that would be practical in a world in which nations have differing interests. We have searched for a solution which would be credible, and therefore effective, in the face of unforeseen circumstances.

6. We have therefore examined this matter in the context of action relating to the United Nations, outside the treaty itself but in close conjunction with it. This is proper, for it is the United Nations which is responsible for the maintenance of international peace and security, and it is under its Charter that each of our countries has assumed a solemn obligation to co-operate in the maintenance of peace.

7. Accordingly the United States, the Soviet Union and the United Kingdom have agreed to sponsor a draft resolution on security assurances for consideration by the United Nations Security Council, the organ of the United Nations bearing the primary responsibility for the maintenance of international peace and security. We would propose that the text of the draft resolution appear in an annex to our draft report to the General Assembly, on which report we expect to consult the Committee shortly. The text of the draft resolution is before you, in document ENDC/222.[2] I do not, therefore, propose to read it. This Security Council resolution will lay a firm political, moral and legal basis for assuring the security of non-nuclear countries.

8. In addition, Mr. Chairman, it will be noted that a key paragraph of this resolution envisages declarations of intention in support of the provision of assurances to parties to the treaty. Accordingly the Government of the United States will make a declaration of its intention in conjunction with Security Council action on the resolution.[3] This statement, together with declarations that will be made by other States, will give increased significance to the action of the Security Council.

9. In its statement the United States will take note of the desire of States adhering to the non-proliferation treaty to have appropriate actions undertaken to safeguard their security, and will affirm that

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[1] ENDC/PV.375, pp. 4–7.

[2] Identical with the resolution adopted by the Security Council on June 19, 1968 (*post*, p. 444).

[3] See *post*, pp. 439–440.

any aggression accompanied by the use of nuclear weapons would endanger the peace and security of all States. The United States will declare that aggression with nuclear weapons, or the threat of such aggression, against a non-nuclear-weapon State would create a qualitatively new situation. We will declare that in this situation the nuclear-weapon States which are permanent members of the United Nations Security Council would have to act immediately through the Security Council to take the measures necessary to counter such aggression or to remove the threat of aggression in accordance with the United Nations Charter. The Charter calls for taking "effective collective measures for the prevention and removal of threats to the peace and for the suppression of acts of aggression or other breaches of the peace . . ."

10. The United States will declare, therefore, that any State which commits aggression accompanied by the use of nuclear weapons, or which threatens such aggression, must be aware that its actions are to be countered effectively by measures to be taken in accordance with the United Nations Charter to suppress the aggression or remove the threat of aggression.

11. In addition, Mr. Chairman, the Government of the United States will in its declaration affirm its intention, as a permanent member of the United Nations Security Council, to seek immediate Security Council action to provide assistance in accordance with the Charter, to any non-nuclear-weapon State party to the treaty on the non-proliferation of nuclear weapons, that is a victim of an act of aggression or an object of a threat of aggression in which nuclear weapons are used.

12. The United States will reaffirm in particular the inherent right, recognized under Article 51 of the Charter, of individual and collective self-defence if an armed attack, including a nuclear attack, occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security.

13. The United States will also indicate that its vote for this resolution and its statement of the way in which the United States intends to act in accordance with the Charter of the United Nations are based upon the fact that the resolution is supported by other permanent members of the Security Council who are nuclear-weapon States and are also proposing to sign the non-proliferation treaty. The declaration of the United States will state that our vote for this resolution is based on the fact that these States have made similar statements as to the way in which they intend to act in accordance with the Charter.

14. Mr. Chairman, I believe it is fair to say that there have been few days in the life of this Committee as important as this one. The full significance of the Security Council action we are proposing must be seen in the light of the present world situation. It reflects the determination of the nuclear-weapon States which intend to become parties to the non-proliferation treaty to have assistance provided in accordance with the Charter of the United Nations to any party to the treaty which is a victim of an act of aggression or the object of a threat of aggression in which nuclear weapons are used. This action

will enhance the security of all parties to the treaty, and in particular of those who find themselves confronted by a direct nuclear threat to their security. It is in the light of these considerations that the Governments of all members of this Committee will want to give careful study to the statements made here today.

15. The action we contemplate for the Security Council will, we believe, constitute a heartening reaffirmation of the basic purpose of the United Nations and of the responsibility of the Security Council for the maintenance of peace. The achievement of a non-proliferation treaty and the implementation of the proposal on security assurances set forth today will mark a turning-point in man's efforts to achieve a firmer basis for lasting peace and international security in a world in which man will be the master, rather than the victim, of the atom.

East European Statement on the Nonproliferation of Nuclear Weapons, March 8, 1968 [1]

The People's Republic of Bulgaria, the Hungarian People's Republic, the German Democratic Republic, the Polish People's Republic, the Union of Soviet Socialist Republics, the Czechoslovak Socialist Republic in a spirit of complete unanimity give the following stand of their on the problem of the non-proliferation of nuclear weapons.

Proceeding from the policy followed by the socialist states in the struggle to consolidate international peace and security, the above-mentioned countries are of the opinion that the assignment to avert the further proliferation of nuclear weapons is an assignment whose implementation cannot be put off and is of present-day importance to the consolidation of peace. It is their conviction that the settlement of the problem of the non-proliferation of nuclear weapons and the conclusion of an international treaty in this respect will provide more favourable conditions to further struggle to put an end to the arms race, especially to the nuclear arms race, to take effective steps to ban and destroy the nuclear weapons. They express their determination to continue the struggle to attain these objectives.

The above-mentioned countries are of the opinion that the Draft Treaty on the Non-Proliferation of Nuclear Weapons introduced by the Soviet Union on January 18th, 1968 for discussion in the 18-Nation Disarmament Committee [2] and which was the subject of profound consultations between many states during the different stages of the negotiations, corresponds to this objective. They declare that they back this draft, they declare themselves in favour of completing the negotiations in the Committee of 18 by the date set (March 15, 1968), in favour of approving the Draft by the General Assembly of the United Nations, in favour of the signing and of the going into force of the Treaty on the Non-Proliferation of Nuclear Weapons.

The above-mentioned states expressed the hope that all countries will make their contribution to solving the important problem, the

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[1] Department of State files. The statement was issued at Sofia.

[2] *Ante*, pp. 1-6.

non-proliferation of nuclear weapons, and will thus contribute to the consolidation of world peace.

Romanian Proposal Submitted to the Eighteen Nation Disarmament Committee: Amendments to the Draft Nonproliferation Treaty, March 8, 1968 [1]

I. Article III

1. Introduce a new paragraph—paragraph 1—worded as follows:

"I. The control established by this Article shall have the exclusive purpose of preventing the use of special fissionable materials for the production of nuclear weapons or other nuclear explosive devices by non-nuclear-weapon States Party to the Treaty. Control shall be applied to such peaceful nuclear activities of non-nuclear-weapon States Party to the Treaty as, by their nature and the quantities of source and special fissionable materials which they produce, process or use, may lead to the proliferation of nuclear weapons."

2. Amend paragraph 1 of the present text, which becomes paragraph 2 in the proposed formulation, in the following way:

(a) Replace the words "assumed under this Treaty" by the words "assumed under Articles I and II of this Treaty".
(b) Replace the expression "required by this Article" by the expression "stipulated in the aforesaid agreement concluded with the International Atomic Energy Agency".
(c) Replace the last sentence, beginning "The safeguards required by this Article", by the following sentence: "The safeguards stipulated in the aforesaid agreement concluded with the International Atomic Energy Agency shall be applied on all source or special fissionable material which exceeds the qualitative and quantitative limits beyond which its use in peaceful nuclear activities within the territory of such State, under its jurisdiction, or carried out under its control anywhere may lead to the production of nuclear weapons or other nuclear explosive devices".

3. Amend paragraph 2 of the present text, which becomes paragraph 3 in the proposed formulation, by replacing the words "safeguards required by this Article" by the words "safeguards stipulated in the aforesaid agreement concluded with the International Atomic Energy Agency".
4. Amend paragraph 3 of the present text, which becomes paragraph 4 of the proposed formulation, in the following way:

(a) Replace the words "The safeguards required by this Article" by the words "The safeguards stipulated by the aforesaid agreement concluded with the International Atomic Energy Agency".

[1] ENDC/223/Rev. 1, Mar. 8, 1968. The draft treaty appears *ante*, pp. 1–6.

(b) Replace the words "in accordance with the provisions of this Article" by the words "in accordance with the provisions of the Statute of the International Atomic Energy Agency, the Agency's safeguards system".

5. Paragraph 4 of the present text becomes, as a result of the foregoing amendments, paragraph 5.

6. Insert at the end of the present text a new paragraph worded as follows:

"6. The States Party to the Treaty agree to establish through the Security Council an appropriate control to ensure that non-nuclear weapon States Party to the Treaty on whose territory there are foreign military bases shall not acquire in any form whatsoever access to nuclear weapons indirectly through such bases".

As a result of the proposed amendments Article III will have the following words:

"1. The control established by this Article shall have the exclusive purpose of preventing the use of special fissionable materials for the production of nuclear weapons or other nuclear explosive devices by non-nuclear-weapon States Party to the Treaty. Control shall be applied to such peaceful nuclear activities of non-nuclear-weapon States Party to the Treaty as, by their nature and the quantities of source and special fissionable materials which they produce, process or use, may lead to the proliferation of nuclear weapons.

"2. Each non-nuclear-weapon State Party to the Treaty undertakes to accept safeguards, as set forth in an agreement to be negotiated and concluded with the International Atomic Energy Agency, in accordance with the Statute of the International Atomic Energy Agency and the Agency's safeguards system, for the exclusive purpose of verification of the fulfilment of its obligations assumed under Articles I and II of this Treaty with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices. Procedures for the safeguards stipulated in the aforesaid agreement concluded with the International Atomic Energy Agency shall be followed with respect to source or special fissionable material whether it is being produced, processed or used in any principal nuclear facility or is outside any such facility. The safeguards stipulated in the aforesaid agreement concluded with the International Atomic Energy Agency shall be applied on all source or special fissionable material which exceeds the qualitative and quantitative limits beyond which its use in peaceful nuclear activities within the territory of such State, under its jurisdiction, or carried out under its control anywhere may lead to the production of nuclear weapons or other nuclear explosive devices.

"3. Each State Party to the Treaty undertakes not to provide: (a) source or special fissionable material, or (b) equipment or material specially designed or prepared for the processing, use or production of special fissionable material, to any non-nuclear-weapon State for peaceful purposes, unless the source or special fissionable material

shall be subject to the safeguards stipulated in the aforesaid agreement concluded with the International Atomic Energy Agency.

"4. The safeguards stipulated in the aforesaid agreement concluded with the International Atomic Energy Agency shall be implemented in a manner designed to comply with the provisions of Article IV of this Treaty, and to avoid hampering the economic or technological development of the Parties or international co-operation in the field of peaceful nuclear activities, including the international exchange of nuclear material and equipment for the processing, use or production of nuclear material for peaceful purposes in accordance with the provisions of the Statute of the International Atomic Energy Agency, the Agency's safeguards system and the principle of safeguarding set forth in the Preamble.

"5. Non-nuclear-weapon States Party to the Treaty shall conclude agreements with the International Atomic Energy Agency to meet the requirements of this Article either individually or together with other States in accordance with the Statute of the International Atomic Energy Agency. Negotiation of such agreements shall commence within 180 days from the original entry into force of this Treaty. For States depositing their instruments of ratification after the 180-day period, negotiation of such agreements shall commence not later than the date of such deposit. Such agreements shall enter into force not later than eighteen months after the date of initiation of negotiations.

"6. The States Party to the Treaty agree to establish through the Security Council an appropriate control to ensure that non-nuclear-weapon States Party to the Treaty on whose territory there are foreign military bases shall not acquire in any form whatsoever access to nuclear weapons indirectly through such bases".

II. Article VI

Replace the present text by the following formulation:

"1. Nuclear-weapon States Party to the Treaty undertake to adopt specific measures to bring about as soon as possible the cessation of the manufacture of nuclear weapons and the reduction and destruction of nuclear weapons and the means of their delivery.

"2. If, five years after the entry into force of this Treaty, such measures shall not have been taken, the Parties shall examine the situation thus created and decide on the measures to be taken".

III. Article VI-A

Insert a new article worded as follows:

"1. Nuclear-weapon States solemnly undertake never in any circumstances to use or threaten to use nuclear weapons against non-nuclear-weapon States which undertake not to manufacture or acquire nuclear weapons.

"2. The States Party to the Treaty agree to establish through the Security Council an appropriate procedure to ensure that the undertaking set forth in paragraph 1 of this Article shall be fulfilled".

IV. ARTICLE VIII

After paragraph 3, add a new paragraph:

"Such conferences shall be convened thereafter periodically every five years, to review the manner in which the obligations assumed by all Parties to this Treaty are carried out".

V. ARTICLE X

Delete the last sentence of the first paragraph of this Article: "Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests".

Joint American–Soviet Draft Treaty on the Nonproliferation of Nuclear Weapons, March 11, 1968 [1]

The States concluding this Treaty, hereinafter referred to as the "Parties to the Treaty",

Considering the devastation that would be visited upon all mankind by a nuclear war and the consequent need to make every effort to avert the danger of such a war and to take measures to safeguard the security of peoples,

Believing that the proliferation of nuclear weapons would seriously enhance the danger of nuclear war,

In conformity with resolutions of the United Nations General Assembly calling for the conclusion of an agreement on the prevention of wider dissemination of nuclear weapons,

Undertaking to co-operate in facilitating the application of International Atomic Energy Agency safeguards on peaceful nuclear activities,

Expressing their 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,

Affirming the principle that the benefits of peaceful applications of nuclear technology, including any technological by-products which may be derived by nuclear-weapon States from the development of nuclear explosive devices, should be available for peaceful purposes to all Parties to the Treaty, whether nuclear-weapon or non-nuclear-weapon States,

Convinced that in furtherance of this principle, all Parties to this Treaty are entitled to participate in the fullest possible exchange of scientific information for, and to contribute alone or in co-operation with other States to, the further development of the applications of atomic energy for peaceful purposes,

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[1] A/7072 and DC/230, Annex I. The draft treaty was submitted to the ENDC by the U.S. and the USSR.

Declaring their intention to achieve at the earliest possible date the cessation of the nuclear arms race,

Urging the co-operation of all States in the attainment of this objective,

Recalling the determination expressed by the Parties to the Partial Test Ban Treaty of 1963 in its preamble to seek to achieve the discontinuance of all test explosions of nuclear weapons for all time and to continue negotiations to this end,[2]

Desiring to further the easing of international tension and the strengthening of trust between States in order to facilitate the cessation of the manufacture of nuclear weapons, the liquidation of all their existing stockpiles, and the elimination from national arsenals of nuclear weapons and the means of their delivery pursuant to a Treaty on general and complete disarmament under strict and effective international control,

Have agreed as follows:

Article I

Each nuclear-weapon State Party to this Treaty undertakes not to transfer to any recipient whatsover nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly, or indirectly; and not in any way to assist, encourage, or induce any non-nuclear-weapon State to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices.

Article II

Each non-nuclear-weapon State Party to this Treaty undertakes not to receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly, or indirectly; not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices; and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices.

Article III

1. Each non-nuclear-weapon State Party to the Treaty undertakes to accept safeguards, as set forth in an agreement to be negotiated and concluded with the International Atomic Energy Agency in accordance with the Statute of the International Atomic Energy Agency and the Agency's safeguards system, for the exclusive purpose of verification of the fulfilment of its obligations assumed under this Treaty with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices. Procedures for the safeguards required by this Article shall be followed with respect to source or special fissionable material whether it is being produced, processed or used in any principal nuclear facility or is outside any such facility. The safeguards required by this Article shall be applied

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[2] *Documents on Disarmament, 1963*, pp. 201-203.

on all source or special fissionable material in all peaceful nuclear activities within the territory of such State, under its jurisdiction or carried out under its control anywhere.

2. Each State Party to the Treaty undertakes not to provide: (a) source or special fissionable material, or (b) equipment or material especially designed or prepared for the processing, use or production of special fissionable material, to any non-nuclear-weapon State for peaceful purposes, unless the source or special fissionable material shall be subject to the safeguards required by this Article.

3. The safeguards required by this Article shall be implemented in a manner designed to comply with Article IV of this Treaty, and to avoid hampering the economic or technological development of the Parties or international co-operation in the field of peaceful nuclear activities, including the international exchange of nuclear material and equipment for the processing, use or production of nuclear material for peaceful purposes in accordance with the provisions of this Article and the principle of safeguarding set forth in the Preamble.

4. Non-nuclear-weapon States Party to the Treaty shall conclude agreements with the International Atomic Energy Agency to meet the requirements of this Article either individually or together with other States in accordance with the Statute of the International Atomic Energy Agency. Negotiation of such agreements shall commence within 180 days from the original entry into force of this Treaty. For States depositing their instruments of ratification after the 180-day period, negotiation of such agreements shall commence not later than the date of such deposit. Such agreements shall enter into force not later than eighteen months after the date of initiation of negotiations.

Article IV

1. Nothing in this Treaty shall be interpreted as affecting the inalienable right of all the Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with Articles I and II of this Treaty.

2. All the Parties to the Treaty have the right to participate in the fullest possible exchange of scientific and technological information for the peaceful uses of nuclear energy. Parties to the Treaty in a position to do so shall also co-operate in contributing alone or together with other States or international organizations to the further development of the applications of nuclear energy for peaceful purposes, especially in the territories of non-nuclear-weapon States Party to the Treaty.

Article V

Each Party to this Treaty undertakes to co-operate to insure that potential benefits from any peaceful applications of nuclear explosions will be made available through appropriate international procedures to non-nuclear-weapon States Party to this Treaty on a non-discriminatory basis and that the charge to such Parties for the explosive devices used will be as low as possible and exclude any charge for research and development. It is understood that non-nuclear-weapon States Party to this Treaty so desiring may, pursuant to a special agreement or agreements, obtain any such benefits on a bilateral basis or through

an appropriate international body with adequate representation of non-nuclear-weapon States.

ARTICLE VI

Each of the Parties to this Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a Treaty on general and complete disarmament under strict and effective international control.

ARTICLE VII

Nothing in this Treaty affects the right of any group of States to conclude regional treaties in order to assure the total absence of nuclear weapons in their respective territories.

ARTICLE VIII

1. Any Party to this Treaty may propose amendments to this Treaty. The text of any proposed amendment shall be submitted to the Depositary Governments which shall circulate it to all Parties to the Treaty. Thereupon, if requested to do so by one-third or more of the Parties to the Treaty, the Depositary Governments shall convene a conference, to which they shall invite all the Parties to the Treaty, to consider such an amendment.

2. Any amendment to this Treaty must be approved by a majority of the votes of all the Parties to the Treaty, including the votes of all nuclear-weapon States Party to this Treaty and all other Parties which, on the date the amendment is circulated, are members of the Board of Governors of the International Atomic Energy Agency. The amendment shall enter into force for each Party that deposits its instrument of ratification of the amendment upon the deposit of instruments of ratification by a majority of all the Parties, including the instruments of ratification of all nuclear-weapon States Party to this Treaty and all other Parties which, on the date the amendment is circulated, are members of the Board of Governors of the International Atomic Energy Agency. Thereafter, it shall enter into force for any other Party upon the deposit of its instrument of ratification of the amendment.

3. Five years after the entry into force of this treaty, a conference of Parties to the Treaty shall be held in Geneva, Switzerland, in order to review the operation of this Treaty with a view to assuring that the purposes of the Preamble and the provisions of the Treaty are being realized. At intervals of five years thereafter, a majority of the Parties to the Treaty may obtain, by submitting a proposal to this effect to the Depositary Governments, the convening of further conferences with the same objective of reviewing the operation of the Treaty.

ARTICLE IX

1. This Treaty shall be open to all States for signature. Any State which does not sign the Treaty before its entry into force in accordance with paragraph 3 of this Article may accede to it at any time.

2. This Treaty shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of _____, which are hereby designated the Depositary Governments.

3. This Treaty shall enter into force after its ratification by all nuclear-weapon States signatory to this Treaty, and 40 other States signatory to this Treaty and the deposit of their instruments of ratification. For the purposes of this Treaty, a nuclear-weapon State is one which has manufactured and exploded a nuclear weapon or other nuclear explosive device prior to January 1, 1967.

4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Treaty, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or of accession, the date of the entry into force of this Treaty, and the date of receipt of any requests for convening a conference or other notices.

6. This Treaty shall be registered by the Depository Governments pursuant to Article 102 of the Charter of the United Nations.

Article X

1. Each Party shall in exercising its national sovereignty have the right to withdraw from the Treaty if it decides that extraordinary events, related to the subject matter of this Treaty, have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other Parties to the Treaty and to the United Nations Security Council three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

2. Twenty-five years after the entry into force of the Treaty, a Conference shall be convened to decide whether the Treaty shall continue in force indefinitely, or shall be extended for an additional fixed period or periods. This decision shall be taken by a majority of the Parties to the Treaty.

Article XI

This Treaty, the English, Russian, French, Spanish and Chinese texts of which are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of this Treaty shall be transmitted by the Depositary Governments to the Governments of the signatory and acceding States.

In witness whereof the undersigned, duly authorized, have signed this Treaty.

Done in _____ at _____ this _____ of _____.

Statement by the Romanian Representative (Ecobesco) to the Eighteen Nation Disarmament Committee: Non-proliferation of Nuclear Weapons, March 11, 1968 [1]

2. The time that has elapsed since our Conference has had before it a revised draft treaty on the non-proliferation of nuclear weapons [2] has already given the delegations here an opportunity to express their views on this draft. The Romanian delegation has analyzed the revised draft treaty with all the attention it merits, and associates itself with the expressed opinion that the draft represents a step forward on the way to the achievement of a draft conforming to the principles set forth in the resolutions of the United Nations General Assembly, which have been referred to many times in our discussions.

3. We appreciate the efforts made by the co-Chairmen and by all the delegations taking part in the negotiations, and also the progress made in improving the draft treaty by considering some of the many just and precisely-framed proposals put forward by the non-nuclear countries. It is undeniable that the improvement of the draft treaty by meeting some of the legitimate demands of the non-nuclear countries is a positive process which should be continued; there is every reason for this.

4. It is our profound conviction that all the possibilities are far from exhausted and there are still essential areas in which, through genuine negotiations conducted with due regard to the equality of the parties, with patience and with a spirit of continuity, further progress can be made in improving the draft treaty on non-proliferation. The Romanian delegation considers that the results so far achieved can and must be regarded as a stimulus towards further improvement of the present text of the draft treaty by taking into account those constructive proposals which have not yet been reflected in the new text, and by seeking and finding acceptable solutions to the questions which have not yet been resolved, in order to eliminate the gaps which still remain in the revised text of the draft.

5. The favourable assessments of the revised draft, the critical comments on it, and the suggestions and specific proposals put forward during our negotiations, together express sympathetically the constant concern of the delegations gathered around the Conference table to make a positive contribution to the solution of the important problem with which we are dealing. They share in common the desire of their sponsors to create, through the collective efforts of the participants in the negotiations, an international legal instrument which shall have every chance of being effective. Naturally, that desire calls for improvement of the draft along the lines of the paramount needs, the satisfaction of which justifies the conclusion itself of the treaty on non-proliferation: the increase in the degree of security of States, the advance towards nuclear disarmament and general human progress.

6. My delegation, guided by the desire to contribute effectively to the negotiation of the draft treaty, has had the opportunity to explain

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[1] ENDC/PV.376, pp. 4-10.
[2] *Infra*, pp. 1-6.

at length Romania's position in regard to the principal components which the non-proliferation treaty should comprise. In order to learn the exact meaning of the provisions of the revised draft treaty, and to elucidate its many and varied aspects—an essential condition of genuine and equal participation in the negotiations on the draft—the Romanian delegation has put to the authors of the revised text a few questions and asked them for certain clarifications.[3] We have listened with interest to the replies given by the representatives of the Soviet Union [4] and the United States [5] to these requests for clarification; they have given us a fuller idea of the draft treaty which has been submitted to us for examination and negotiation. We have likewise taken note of the interpretations given to some of the essential stipulations of the draft as well as other elements of detail that have been put before us.

7. It is generally recognized that an accurate knowledge of positions is an indispensable prerequisite for any genuine negotiation. It is from this point of view that the Romanian delegation appreciates the replies given by the co-Chairmen of our Committee as a contribution to a better understanding of the text of the draft treaty. They meet a need resulting from the very progress of the negotiations on the draft treaty.

8. It is in the same spirit of sincere collaboration, on which all my delegation's activity has been based during the debates that have taken place in this Committee, and in the firm decision to continue to make its contribution to the drafting of a treaty based on solutions that shall be both equitable and effective, that the Romanian delegation, on the instructions of the Government of the Socialist Republic of Romania, has the honour of submitting officially to the Committee a working paper containing amendments modifying and adding to the revised text of the draft treaty on the non-proliferation of nuclear weapons.[6] Our task is lighter because the paper has been circulated in advance and delegations have already been able to acquaint themselves with the contents of the amendments which it sets forth.

9. As our colleagues have no doubt already noted, the Romanian delegation's proposals deal with the question of control within the context of the non-proliferation treaty; with the relationship between this treaty and other measures aimed at achieving nuclear disarmament; with the security assurances which have to be given to the non-nuclear countries parties to the treaty; with the convening of periodic conferences; and with certain aspects of the conditions of withdrawal from the treaty.

10. In dealing with the question of control, we should like to make it clear that in our opinion the control measures must be confined to the basic objectives of the treaty, which are made quite evident by the obligations contained in articles I and II of the draft treaty. The essential purpose of these obligations is to prevent the proliferation of nuclear weapons. Precisely for that reason, it is quite natural that the provisions dealing with control should be strictly subordinated to the purpose laid down.

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[3] *Ante*, pp. 33–35.
[4] *Ante*, pp. 72–78.
[5] *Ante*, pp. 92–100.
[6] *Supra*.

11. In its present form, article III provides for an extension of the safeguards system of the International Atomic Energy Agency to fields which, by their nature, involve no danger of the proliferation of nuclear weapons. In order to ensure complete agreement between the scope of the safeguards and the purpose laid down by the treaty, the area of control must be defined in such a way as to cover only those activities of States which might enable nuclear energy to be diverted from its peaceful uses to the manufacture of nuclear weapons. Otherwise, control may put a brake on the activities of States devoted to the peaceful use of nuclear energy.

12. Those are the considerations underlying our proposal to include in article III, before the present paragraph 1, a new paragraph worded as follows:

The control established by this Article shall have the exclusive purpose of preventing the use of special fissionable materials for the production of nuclear weapons or other nuclear explosive devices by non-nuclear-weapon States Party to the Treaty. Control shall be applied to such peaceful nuclear activities of non-nuclear-weapon States Party to the Treaty as, by their nature and the quantities of source and special fissionable materials which they produce, process or use, may lead to the proliferation of nuclear weapons.

Consequently it will be necessary to make a series of changes in the first three paragraphs of the present text of article III, and the paragraphs will have to be re-numbered. Since all representatives have these proposals before them, we do not intend to repeat them.

13. Nevertheless, we should like to draw the attention of members of the Committee to the new paragraph 6 which we propose for inclusion in article III. It is worded as follows:

6. The States Party to the Treaty agree to establish through the Security Council an appropriate control to ensure that non-nuclear weapon States Party to the Treaty on whose territory there are foreign military bases shall not acquire in any form whatsoever access to nuclear weapons indirectly through such bases.

We have drafted that paragraph on the footing that article III contains a number of measures designed to control the technical means by which countries not possessing nuclear weapons may acquire them, through their own means or through outside assistance. But the draft treaty on non-proliferation does not offer any solution of control designed to prevent the danger of the proliferation of nuclear weapons indirectly through military bases equipped with nuclear weapons situated on the territories of certain non-nuclear States.

14. Nevertheless, in accordance with the obligations devolving on the Parties to the treaty under Articles I and II, it is necessary to set up a reliable barrier to preclude any form of proliferation of nuclear weapons. That is the requirement that prompts the Romanian delegation's proposal regarding paragraph 6, the effect of which would be to close a loophole whose consequences must not be under-estimated.

15. Turning now to other amendments, I should like to recall that they were fully presented during the interventions of the Romanian delegation at the 340th,[7] 342nd,[8] 344th [9] and 348th meetings.[10] That is

[7] *Documents on Disarmament, 1967*, pp. 521–524.
[8] ENDC/PV.342, pp. 4–12.
[9] ENDC/PV.344, pp. 11–18.
[10] ENDC/PV.348, pp. 4–10.

the exact reason why today we are merely reaffirming the reasons underlying our proposals, the foundations upon which they rest, and the considerations showing why we are repeating them. As we have pointed out on other occasions, the Romanian proposals—

. . . spring from the unshakeable desire and resolve of the Romanian Government and people to fight actively for the strengthening of peace and international security and to contribute to the solution of the international problems at present confronting mankind, including those of disarmament.[11]

16. Disarmament, this complex problem with implications decisively affecting the whole of international relations, can offer radical solutions to the triangle of contemporary requirements—peace, security and progress. Its unanimously-recognized urgency increases in direct proportion to the dangerous escalation of the arms race, and in the first place the nuclear arms race. It arouses interest in all countries, since the fulfilment of the peoples' deepest aspirations is linked to its solution. In order to meet these particularly important requirements the non-proliferation treaty must, in the opinion of the Romanian delegation repeatedly expressed in this Committee, form part of a chain of measures aimed ultimately at eliminating the nuclear danger for ever.

17. The objective of the Romanian delegation's amendment concerning disarmament is to give a perspective to the non-proliferation treaty, to offer the certainty that it does not constitute—and will not be interpreted by anyone as constituting—an end in itself, but will be accompanied by effective nuclear-disarmament measures. That is the meaning of our proposal concerning the undertaking of the nuclear-weapon Powers to adopt—

. . . specific measures to bring about as soon as possible the cessation of the manufacture of nuclear weapons and the reduction and destruction of nuclear weapons and the means of their delivery.

18. To ensure that this undertaking is respected and to enable the process of eliminating the nuclear danger to be followed, the Romanian proposal also provides that—

If, five years after the entry into force of this Treaty, such measures shall not have been taken, the Parties shall examine the situation thus created and decide on the measures to be taken.

In view of the imperative need to adopt effective measures of nuclear disarmament, we consider, as do other delegations, that article VI of the revised text of the draft treaty, in its present form, although it improves on the original wording, does not yet contain appropriate provisions in regard to the undertaking of the nuclear Powers to adopt specific measures in the field of nuclear disarmament as soon as possible.

19. The Romanian delegation's third amendment is intended to fill an important gap which also remains in the revised text of the draft: namely the absence of any provision in the treaty concerning security assurances for all non-nuclear-weapon countries parties to the treaty. It is our firm conviction that the non-proliferation of atomic weapons must be accomplished in conditions in which all nations that renounce these weapons will be assured that they will never be victims of atomic

[11] *Documents on Disarmament, 1967*, p. 523.

aggression or of the threat of the use of nuclear weapons. It is the lawful right of every State that renounces nuclear weapons to be certain that its national independence and sovereignty will not be jeopardized. This is the concern which is answered by the proposal contained in paragraph 1 of article VI-A of the document presented by the Romanian delegation, according to which—

Nuclear-weapon States solemnly undertake never in any circumstances to use or threaten to use nuclear weapons against non-nuclear weapon States which undertake not to manufacture or acquire nuclear weapons.

20. The second paragraph of the same article establishes a direct relationship between the undertaking concerning the non-utilization of nuclear weapons and the rôle incumbent on the United Nations Security Council to ensure that the undertaking is respected. We accordingly propose that the following provision be incorporated in the treaty:

The States Party to the Treaty agree to establish through the Security Council an appropriate procedure to ensure that the undertaking set forth in paragraph 1 of this Article shall be fulfilled.

21. The Romanian delegation once more submits to the attention of the Committee its proposals, not reflected in the revised draft, relating to the convening of periodic conferences and to the contents of the notice of withdrawal from the treaty.

22. To ensure that all provisions of the treaty shall be carried out in both the spirit and the letter, the Romanian delegation considers that the treaty ought to contain appropriate machinery for collective verification enabling the parties to review periodically the stage which the implementation of the treaty has reached, and to compare strictly the aims laid down with the specific achievements recorded. The most appropriate solution, which has been advocated by other delegations, is—as we have had occasion to state from the very outset of our negotiations—the convening at regular intervals of periodic conferences in which all States signatories to the treaty would participate.

23. The Romanian delegation proposes the deletion from the draft treaty of the clause relating to the content of the notice of withdrawal from the treaty because, as all know, every State is exclusively competent to decide which events jeopardize its supreme interests, and no other State or international body may open a discussion—still less take a decision—on a matter belonging to the State's sovereign right. Any other disposition runs counter to the principles governing relations between States and has no precedent in modern practice relating to international treaties.

24. Before concluding, the Romanian delegation would like to express the conviction that these proposals, together with the other proposals and suggestions put forward by other delegations, will contribute to the preparation of a treaty text which will enjoy wide international accession and will be an effective legal instrument worthy of the support of all peoples.

25. Lastly, I request you, Mr. Chairman, so to act that the document presented by Romania is mentioned in the communiqué of today's meeting. I should also like to express the hope that the Russian version of our document, which has not yet appeared, will be issued as soon as possible.

Statement by the Soviet Representative (Roshchin) to the Eighteen Nation Disarmament Committee: Joint Draft Nonproliferation Treaty, March 11, 1968 [1]

26. Since our Committee resumed its work on 18 January an animated discussion has been carried on in the course of which members of the Committee have put forward various wishes and remarks in regard to the draft treaties submitted by the delegations of the Soviet Union and the United States.[2] The Soviet side has considered more carefully the statements of members of the Committee, which were prompted mainly by the desire to ensure that the treaty we are discussing would become a reliable barrier against the further spread of nuclear weapons.

27. Among the considerations and wishes in regard to the draft non-proliferation treaty there is a whole number of proposals which have met with support among members of the Committee. In our opinion these proposals have been formulated in a summarized manner in the amendments put forward by the delegation of Sweden on 8 February.[3] In our statement today we should like to express on behalf of the Soviet side our agreement with these proposals of Sweden and to state that the Soviet side is prepared to include these amendments in the draft treaty on the non-proliferation of nuclear weapons.

28. As is known, the delegation of Sweden proposed that there should be included in the preamble to the draft treaty as its tenth paragraph a special provision recalling the determination expressed by the Parties to the partial test-ban Treaty of 1963 to achieve the discontinuance of all test explosions of nuclear weapons for all time.[4] This proposal of Sweden has been supported by many countries members of the Eighteen-Nation Committee, in particular by Bulgaria, Canada, Mexico, Poland and other States. Taking into consideration this desire of members of the Committee, the Soviet side is prepared to supplement the preamble to the treaty with the following paragraph:

> **Recalling the determination expressed by the Parties to the Partial Test Ban Treaty of 1963 in its preamble to seek to achieve the discontinuance of all test explosions of nuclear weapons for all time and to continue negotiations to this end.**

In other words, in this case we agree to reproduce in the text of the non-proliferation treaty the exact wording that appears in the partial test-ban Treaty of 1963, in accordance with what has been proposed in this respect by the delegation of Sweden.

29. One of the important questions to which the participants in our discussion have devoted great attention during the present session of the Committee has been that of linking the non-proliferation treaty with further negotiations on disarmament, in particular nuclear disarmament. The delegation of Sweden in our Committee has put forward a proposal which stresses the need to pursue negotiations on

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[1] ENDC/PV. 376, pp. 11–14.
[2] *Ante*, pp. 1–6.
[3] *Ante*, pp. 41–42.
[4] *Documents on Disarmament, 1968*, pp. 201–203.

effective measures to curb the nuclear arms race at an early date. The relevant amendments of Sweden have been supported by the delegations of the People's Republic of Bulgaria, Ethiopia, India, Nigeria, the United Arab Republic and other countries. The Soviet side declares its readiness to accept the proposal of Sweden and to include in the draft treaty the following wording of article VI:

Each of the Parties to this Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date, and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control.

Thus the text which it is proposed to include in the draft non-proliferation treaty corresponds to the text submitted by the delegation of Sweden on 8 February.

30. As we know, article VIII of the draft treaty contains a special provision regarding the holding of a special conference of the parties to the treaty five years after its entry into force in order to review the operation of the treaty. Many States participating in our discussions and other States not present at our conference table have expressed a wish that after the first conference further similar conferences may be held if the parties to the treaty so desire. This idea has also been expressed in one of the amendments put forward by Sweden on 8 February. During the discussion in our Committee this proposal was supported by the delegations of Italy, Mexico, the People's Republic of Poland, the United Arab Republic and other States.

31. As we know, the delegation of the United Kingdom has submitted a proposal to the effect that the review conference should discuss not only the question of how the provisions of the treaty are being carried out but also the question of how the purposes of the treaty, as set forth in its preamble, are being realized.[5] This idea, put forward by the delegation of the United Kingdom, has met with support in the Committee.

32. Taking into consideration the results of the discussion of this question in the course of our negotiations, the Soviet side expresses its agreement to supplement the provisions of paragraph 3 of article VIII in the light of the amendments proposed by the delegations of Sweden and the United Kingdom. The new paragraph 3 of article VIII will read as follows:

3. Five years after the entry into force of this Treaty, a conference of Parties to the Treaty shall be held in Geneva, Switzerland, in order to review the operation of this Treaty with a view to assuring that the purposes of the Preamble and the provisions of the Treaty are being realized. At intervals of five years thereafter, a majority of the Parties to the Treaty may obtain, by submitting a proposal to this effect to the Depositary Governments, the convening of further conferences with the same objective of reviewing the operation of the Treaty.

33. The Soviet delegation expresses the hope that its statement of today on the additions and amendments to the draft treaty, which are based on the proposals of many delegations, will be favourably received by the members of the Committee. These amendments, which have been included in the draft treaty on the non-proliferation of nuclear weapons, substantially supplement the changes which were made

[5] *Ibid.*, *1967*, p. 595.

in the draft treaty as a result of the discussion which took place during the previous session of the Committee, and which were based on the proposals of the delegation of Mexico and a number of other delegations which spoke in the Committee on this subject. As a result of the inclusion of additional amendments in the draft non-proliferation treaty, this document, which has been prepared on the basis of careful consideration of the points of view of various States, will be a document based on the positions of a wide range of States.

34. In connexion with the resolution adopted by the twenty-second session of the United Nations General Assembly on the initiative of the non-aligned States,[6] our Committee has to submit its full report to the resumed session of the General Assembly by 15 March—that is, next week. Basing themselves on this resolution, the co-Chairmen have today circulated the draft of the Committee's full report,[7] which has been drawn up with due regard to the opinions of the delegations in the Committee.

35. As one of the annexes to the report we are submitting to the Committee a draft treaty on the non-proliferation of nuclear weapons,[8] which is based on the drafts presented by the delegations of the USSR and the United States of America, and which includes additions and amendments put forward in the Committee by many delegations. The report of the Eighteen-Nation Committee to the General Assembly should contribute to the earliest solution of the problem of non-proliferation of nuclear weapons and to the conclusion of a treaty on this subject.

Statement by ACDA Director Foster to the Eighteen Nation Disarmament Committee: Joint Draft Nonproliferation Treaty, March 11, 1968 [1]

36. I wish to speak briefly on the draft of a final report to the United Nations General Assembly [2] and on a revised draft of the text of the non-proliferation treaty.[3] Before discussing the provisions of the report, I should like to comment on the changes incorporated in the new text of the treaty. Because of the short time remaining before 15 March, our suggestion is that the new text of the non-proliferation treaty and the final report be discussed concurrently. In view of the lateness of the hour I wish to limit my statement on the treaty to a discussion of those changes that the co-Chairmen have now incorporated in the texts of 18 January.[4] I intend at subsequent meetings to discuss the various other proposals and suggestions which have not been incorporated in the revised text.

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[6] *Ibid.*, pp. 732–733.
[7] ENDC/224.
[8] *Ante*, pp. 162–166.
[1] ENDC/PV. 376, pp. 14–17.
[2] ENDC/224.
[3] *Ante*, pp. 162–166.
[4] *Ante*, pp. 1–6.

37. The new draft treaty text, which is before the Committee as Annex A of the draft report, contains improvements which we believe are responsive to a broad and deeply-felt consensus. Throughout all our discussions in this Committee last year and again this year, there has been at least one theme on which all have been agreed. The non-proliferation treaty should be a step towards achieving further measures of nuclear disarmament and, indeed, a step towards our ultimate goal of general disarmament. Because of this widely and sincerely felt concern, it is natural that attention should have been focused at this session particularly on the articles of the treaty and the paragraphs of the preamble which relate to this question.

38. We appreciated the fact that the amendments of Sweden tabled on 8 February were responsive to that broad consensus.[5] We were, moreover, aware that these amendments contain realistic and practical formulations which do not complicate our objective of concluding a non-proliferation treaty as soon as possible. We are therefore pleased to be able to incorporate these ideas in the revised text.

39. As the Committee will recall, after the Swedish delegation had proposed its revised language for article VI the United Kingdom delegation made a helpful suggestion for improving the drafting of the Swedish proposal for this article, a suggestion the Swedish delegation found acceptable.[6] Accordingly, article VI of the new draft now reads:

Each of the Parties to this Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control.

Thus, as desired by Sweden, the article now makes clear that we will strive to end the nuclear arms race at an early date and that, specifically, we will also pursue negotiations on effective measures regarding nuclear disarmament.

40. In accordance with the suggestion of Sweden, we have also included a new preambular paragraph which reads:

Recalling the determination expressed by the Parties to the Partial Test Ban Treaty of 1963[7] in its preamble to seek to achieve the discontinuance of all test explosions of nuclear weapons for all time and to continue negotiations to this end,

The only change we have made in the Swedish proposal is the addition of the words "to seek to" before the word "achieve". This was done to bring this paragraph into strict conformity with the paragraph in the limited test-ban Treaty. This addition, together with the changes that have been made in article VI, will underscore our determination that this treaty should be a steppingstone to further measures of disarmament.

41. The provisions of article VIII concerning review of the treaty have also been changed in a significant way. A new provision permitting periodic review of the treaty at five-year intervals has been included. That provision reads:

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[5] *Ante*, pp. 41–42.
[6] See *ante*, p. 101.
[7] *Documents on Disarmament, 1963*, pp. 291–293.

At intervals of five years thereafter, a majority of the Parties to the Treaty may obtain, by submitting a proposal to this effect to the Depositary Governments, the convening of further conferences with the same objective of reviewing the operation of the Treaty.

42. The language which I have just read is exactly the amendment proposed by the representative of Sweden. However, we all recall that a suggestion for periodic review was first advanced in this Committee by the representative of Burma.[8] Subsequently, a proposal for periodic review was also advanced by the representative of Romania.[9] Most recently Mr. Caracciolo on behalf of the Italian delegation, also submitted a proposal for periodic review.[10] We are also aware of the importance attached to such a provision by the Government of Japan, among others.

43. In our view, the provision for periodic review serves several worth-while purposes. As many representatives have pointed out, a review conference provides an opportunity for non-nuclear-weapon parties to join with nuclear-weapon Powers in assessing the progress being realized towards one of the treaty's central purposes: that is, contributing to the halting of the nuclear arms race and to effective measures of nuclear disarmament. That is why the new article VIII also includes the amendment of the United Kingdom to add the words "of the Preamble" in describing purposes which may be considered at review conferences.[11] That amendment was also suggested by several others and has widespread support. We have included it because it is entirely proper for parties to consider and discuss the purposes of the treaty as stated in the preamble when they are gathered together to see how the treaty is working.

44. A number of representatives have pointed out that the non-proliferation treaty should not be a rigid or inflexible document. The treaty deals with fundamental security interests of the parties, and it is only natural that they should wish to have an opportunity at not-too-distant intervals to discuss the way the treaty is operating. Mr. Caracciolo, the representative of Italy, made a particularly eloquent statement on the need for flexibility.[12] We believe that the new provision for periodic review should satisfy that widely felt need.

45. In determining what would be the best way to frame a provision on periodic review, we have become convinced that flexibility should also be appropriately reflected in the procedures for determining the precise time for additional review conferences. A proposal was made by the Italian delegation that periodic review should take place automatically every five years.[13] However, we have felt it would be preferable to adopt the approach of permitting review to take place at five-year intervals whenever a majority of the parties so desires.

46. Although we have agreed to ensure that the first review conference will definitely take place five years after the treaty's entry into force, we did not think it would be desirable to limit ourselves inflexi-

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[8] *Ibid., 1967*, p. 464.
[9] *Ibid.*, p. 526.
[10] *Ante*, p. 92.
[11] *Documents on Disarmament, 1967*, p. 595.
[12] *Ante*, pp. 88–92.
[13] *Ante*, pp. 90–91.

bly to a review conference at precise five-yearly intervals after the treaty's entry into force. It might well be that the parties, after the first review conference, would not feel a genuine need for review precisely five years later. They might wish instead to hold open the possibility of a conference six, seven or even eight years later. Finally, the provision that we have included would also enable us to adjust the exact date for a conference in accordance with international circumstances at that time. In any event, conferences can be held at five-yearly intervals if the majority so desires.

47. We believe that the revised treaty text meets the concerns of many as expressed here and therefore reflects a wide area of consensus. The serious discussion in this Committee has, we believe, enabled us to produce a treaty text which will be acceptable to the international community and will be effective in halting the threat of nuclear proliferation. It is a fitting climax to the long and arduous negotiations in this Committee in which all delegations have played an important part.

48. Before concluding, I should like to say a few brief words about the draft final report. As the members of the Committee know, a draft text was informally discussed with all of them prior to the circulation of the present draft. We appreciated the opportunity for consultation at that stage of our work, and the present text does reflect the results of those consultations. The changes which have been made from the first draft will be apparent to members.

49. However, I might add with regard to annex E [of ENDC/224] that it is our understanding that each delegation will decide for itself whether it wishes to be listed. We suggest that any delegation which does wish to be listed should promptly inform Mr. Protitch as to which of its statements appearing in the verbatim records and which of its documents it wishes to have cited in that annex.

50. In conclusion, my delegation wishes to stress that the draft represents our best effort to recommend a report which is factual and responsive to General Assembly resolution 2346A and which takes into account varying interests within the Committee.[14] Therefore we earnestly hope that this draft may permit us to send to the United Nations promptly the full report which the General Assembly has asked us to submit.

Statement by the Soviet Representative (Roshchin) to the Eighteen Nation Disarmament Committee: Nonproliferation of Nuclear Weapons, March 12, 1968 [1]

2. In the discussion concerning the draft treaty on the non-proliferation of nuclear weapons [2] great attention has been given to the question of control over the fulfilment by the parties to the treaty of

[14] *Documents on Disarmament, 1967*, pp. 732–733.
[1] ENDC/PV. 377, pp. 4–12.
[2] *Ante*, pp. 1–6.

their obligations under the treaty to the question in what way and how effectively the provisions of the treaty, especially article III, ensure compliance with the treaty by the parties to it.

3. Some delegations, in particular the representative of the United Arab Republic, Mr. Khallaf, have expressed misgivings concerning whether article III provides to a sufficient extent the assurance that the basic obligations assumed under the treaty will be fulfilled and that the main purpose of the treaty—the non-proliferation of nuclear weapons—will be achieved.[3] In this connexion the following questions have been raised: is there any assurance that the agreements on control over the fulfilment of the obligations assumed under the treaty will be complied with in practice; and will control be applied in the same way to the different States?

4. In stating our views on the first of these questions, namely whether the treaty will be complied with in practice, we must first of all point out that, as is well known, under article III of the draft non-proliferation treaty the agreements on control are to be concluded with the International Atomic Energy Agency (IAEA) in accordance with the Agency's Statute[4] and safeguards system;[5] consequently the provisions of the Agency's Statute that ensure compliance with the agreements on safeguards will also be applied to the agreements concluded in accordance with article III of the non-proliferation treaty.

5. The Agency's Statute gives it considerable authority to observe how the safeguards agreements are complied with by States which have concluded such agreements with it. The rights and obligations of IAEA in this field are set forth in article XII of its Statute, which contains a whole set of measures designed to ensure the fulfilment of agreements on safeguards. Thus under this article, in the event of non-compliance by any State with the agreement on safeguards, IAEA is entitled to demand the immediate remedy of any non-compliance which it has discovered and to report this to all members of the Agency and also to the Security Council and the General Assembly of the United Nations.

6. In its activities over a period of more than ten years the Agency has acquired great experience in the application of safeguards. By October 1967 the Board of Governors of the Agency had approved 35 agreements on safeguards. Twenty-nine countries apply the safeguards which cover 65 reactors. Speaking of the possibilities of the Agency in regard to control functions under a non-proliferation treaty, the Director-General of the International Atomic Energy Agency, Mr. Eklund, stated at its eleventh General Conference in September 1967 that it was prepared to assume such functions. He said:

> The control organization which we have is capable of doing this; and we can say with conviction that the Agency is the best organization available for the implementation of such an important task.[6]

7. The experience of the International Atomic Energy Agency in applying safeguards has been recognized in the Treaty for the Pro-

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[3] *Ante*, pp. 81–88.
[4] *American Foreign Policy: Current Documents, 1956*, pp. 915 ff.
[5] *Documents on Disarmament, 1965*, pp. 446–456.
[6] Cf. IAEA doc. GC (XI)/OR.111, p. 4.

hibition of Nuclear Weapons in Latin America of 14 February 1967.[7] It is well known that the system of control provided for by this treaty includes the application of IAEA safeguards to the activities in the field of nuclear energy of the States parties to the Latin-American treaty.

8. In view of what we have just explained we consider that the control measures provided in article III duly ensure compliance with the treaty on the non-proliferation of nuclear weapons.

9. On the question whether control will be applied uniformly to different States, it is necessary above all to point out that article III, paragraph 1, states quite clearly that agreements concerning verification of the fulfilment of the obligations assumed under the treaty will be concluded with the International Atomic Energy Agency "in accordance with the Statute of the International Atomic Energy Agency and the Agency's safeguards system." In accordance with paragraph 5 of the document concerning IAEA safeguards,

> The Agency will not assume such responsibility [for administering safeguards] unless the principles of the safeguards and the procedures to be used are essentially consistent with those set forth in this document.[8]

10. Accordingly the agreements to be concluded with the Agency must provide for safeguards whose principles and the procedures to be used are in accordance with the principles and procedures laid down in the document concerning the Agency's safeguards. Thus article III of the non-proliferation treaty, the provisions of the Statute of IAEA and of the document concerning the Agency's safeguards will serve as a sound legal basis which should ensure that the agreements concluded with IAEA by parties to the treaty have the necessary degree of uniformity in applying control to the different countries.

11. No inconsiderable importance for ensuring the necessary uniformity of agreements on control attaches also to the fact that on the part of IAEA these agreements are to be approved by its Board of Governors, which is a sufficiently representative body to ensure that various points of view are taken into account in considering such agreements. Moreover, in accordance with the Agency's Statute, in case of need the question of any particular agreement may be referred to the General Conference of the Agency, in which all its members are represented; or this Conference may itself call for a report from the Board of Governors on any given matter.

12. In connexion with the question we have just touched upon, we would mention the statement made by the representative of Nigeria, Alhaji Sule Kolo, who explained the position of his Government in regard to article III as follows:

> We are particularly happy that the safeguards agreements provided for under the article are to be concluded in accordance with the Statute of IAEA. This condition presupposes that all such agreements shall be subject to approval by the Board of Governors of that Agency and that all members of the Agency will have access to the texts of the individual or collective agreements. Under such conditions, and given good will on all sides, the present article III should meet the needs of non-proliferation.[9]

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[7] *Documents on Disarmament, 1967*, pp. 69 ff.
[8] *Ibid., 1965*, p. 447.
[9] *Ante*, pp. 134–135.

13. Further, during the discussion the question was raised whether a procedure whereby control would be applied to atomic activities of the non-nuclear States parties to the treaty and would not be extended to the nuclear-weapon States, would not be contrary to the objectives of the treaty. In connexion with that question we should like to point out that the article on control has been so drafted as to ensure that fissionable materials in non-nuclear States shall not be diverted to the production of nuclear weapons. The non-proliferation treaty does not provide for the prohibition of nuclear weapons and their manufacture by the nuclear countries—although it is indeed a step towards that objective. Therefore, according to the sense of the non-proliferation treaty, there arises no question of control over the activities of the nuclear Powers in the atomic field.

14. At the same time article III of the treaty has a special provision the purpose of which is to ensure that in their relations with the non-nuclear States the nuclear Powers parties to the treaty do not infringe the purposes which this agreement sets before it. In accordance with paragraph 2 of article III, each State Party to the Treaty, whether nuclear or non-nuclear, undertakes not to provide source or special fissionable material, or equipment or material especially designed or prepared for the processing, use or production of special fissionable material, unless there is international control over such material or equipment.

15. The draft treaty on the non-proliferation of nuclear weapons has been drawn up with due regard to the reality of the existence of States possessing nuclear weapons and of States not possessing such weapons. Accordingly it is quite reasonable that the States possessing nuclear weapons and the States not possessing such weapons, in concluding a treaty on the non-proliferation of nuclear weapons, should assume obligations of a different character. This differentiation of the obligations assumed by States under the treaty derives from the purpose of the treaty and is necessary for the achievement of its aim—to prevent widening of the circle of States possessing nuclear weapons.

16. Despite the difference in character of the obligations of the nuclear and non-nuclear parties, the non-proliferation treaty serves the interests of both types of States, by setting itself the aim of restricting the number of States possessing nuclear weapons. Thereby the treaty reduces the risk of an outbreak of war with the use of atomic and hydrogen bombs. Under the treaty all States are provided with an important means of ensuring their security. Consequently the treaty is based on the common interest of the parties to it in the strengthening of international peace and security.

17. Thus article III, by ensuring the fulfilment of the main purpose of the treaty, meets the interests of all the parties to it. Moreover, where the non-nuclear States are concerned, these, by assuming the obligation not to acquire or to produce nuclear weapons, would like to have the assurance that work on the creation of nuclear weapons is not being carried on in other non-nuclear States in circumvention of the treaty. That is the purpose that will be served by the control system provided by the treaty.

18. Some delegations have raised the question whether the control system provided by the draft treaty on the non-proliferation of nuclear weapons would not create obstacles to the economic and technological development of States parties to the treaty in the matter of the peaceful application of nuclear energy, and whether this control would not lead to infringement of the sovereignty of States parties to the treaty and to interference in their internal affairs. We dealt with this question in our statement of 16 February.[10] In addition to what we then said, we deem it appropriate to draw attention to the provision of paragraph 9 of the document on IAEA safeguards, which lays down that "the Agency shall implement safeguards in a manner designed to avoid hampering a State's economic or technological development." [11]

19. As for the question of the sovereign rights of States, it may be pointed out in this connexion that Article III B.1 of the Statute of IAEA lays down that in carrying out its functions the Agency shall "conduct its activities in accordance with the purposes and principles of the United Nations". The provisions of the United Nations Charter concerning the purposes and principles of the United Nations forbid any intervention "in matters which are essentially within the domestic jurisdiction of any State . . .".[12] Moreover, observance of the principle of the sovereign rights of States in the implementation of the control system is guaranteed by the provision of Article III D of the Statute of IAEA which lays down that "the activities of the Agency shall be carried out with due observance of the sovereign rights of States."

20. Thus the provisions of the draft treaty on the non-proliferation of nuclear weapons relating to international control over the fulfilment of the obligations assumed under the treaty do not allow any interference in the internal affairs of the States parties to this treaty or any infringement of their sovereignty in connexion with the implementation of such control.

21. There is one more question to which we should like to devote attention namely the procedure for withdrawal from the treaty as set forth in paragraph 1 of article X, which provides for the right of a party to withdraw from the treaty if it decides that extraordinary events, related to the subject matter of the treaty, have jeopardized the supreme interests of its country. The State must give notice of such withdrawal to all other parties to the treaty and to the United Nations Security Council three months in advance, and must specify the extraordinary events which it regards as having jeopardized its supreme interests.

22. During the discussion of the draft non-proliferation treaty, critical comments have been made regarding the provisions of the aforesaid paragraph of article X. Thus the representative of Brazil, Mr. de Araujo Castro, questioned the appropriateness of the obligation laid down in that paragraph in regard to notifying the Security Council. He pointed out in particular that—

. . . the Charter of the United Nations entrusts the Security Council with functions specifically related to the maintenance of world peace and security and

[10] *Ante*, pp. 74–78.
[11] *Documents on Disarmament, 1965*, p. 447.
[12] Art. II of the Charter.

not with those of participating in the mechanism of withdrawal from any treaty.[12]

23. It has also been asked on what legal grounds the notice of withdrawal from the treaty to be sent to the parties to the treaty and to the Security Council must contain a statement of the extraordinary events which the State withdrawing from the treaty regards as having jeopardized its supreme interests.

24. Let us consider first of all the question whether the obligation to notify the Security Council corresponds to the United Nations Charter, and in particular to those provisions of the Charter which confer on the Security Council responsibility for the maintenance of international peace and security. In other words, would it be legal to include in the non-proliferation treaty an obligation to inform the Security Council of the facts leading to withdrawal from this treaty?

25. Any increase in the number of States possessing nuclear weapons is fraught with the grave danger of an outbreak of nuclear war. The further spread of nuclear weapons may jeopardize the peace and security of all States. The United Nations General Assembly has repeatedly drawn attention to this in its resolutions on the subject of the non-proliferation of nuclear weapons. Thus resolution 1576 (XV), adopted on 20 December 1960, recognizes—

. . . the urgent danger that now exists that an increase in the number of States possessing nuclear weapons may occur, aggravating international tension and the difficulty of maintaining world peace . . .[14]

Resolutions 1665 (XVI) of 4 December 1961,[15] 2028 (XX) of 19 November 1965[16] and 2149 (XXI) of 4 November 1966[17] stress that proliferation of nuclear weapons would endanger the security of all States.

26. Thus there can hardly be any doubt that the spread of nuclear weapons is fraught with danger to international peace and security. For this reason it is well-founded and logical to conclude that a treaty on the non-proliferation of nuclear weapons will be an instrument for eliminating the threat to peace created by an increase in the number of nuclear States. Consequently observance of a non-proliferation treaty and its effectiveness are bound to be related to the powers of the Security Council, which, according to the United Nations Charter, Article 24, has the primary responsibility for the maintenance of international peace and security.

27. It is in the light of this relationship between the non-proliferation treaty and the powers of the Security Council that we should consider the question of why, in the event of withdrawal from the treaty by any of the parties to it, notice of the withdrawal together with a statement of the reasons should be sent to the Security Council.

28. During the discussion in the Committee some delegations have referred to the necessity of giving such notice to the Security Council. Thus at the meeting of 2 November 1967 the representative of Nigeria

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[12] *Ante*, p. 56.
[14] *Documents on Disarmament, 1960*, p. 373.
[15] *Ibid., 1961*, p. 694.
[16] *Ibid., 1965*, pp. 532–534.
[17] *Ibid., 1966*, pp. 686–687.

spoke in favour of giving notice of withdrawal to the Security Council, such notice to include a statement of the reasons for withdrawal from the treaty.[18]

29. For this reason there appears to be every justification for including in the draft non-proliferation treaty the obligation to give notice of withdrawal not only to the other parties to the treaty but also to the Security Council, which, as I have already pointed out, has been entrusted by the States Members of the United Nations with the primary responsibility for the maintenance of international peace and security.

30. We deem it appropriate to recall that the idea of informing the Security Council in the event of the withdrawal of a State from the treaty has also been embodied in the Treaty for the Prohibition of Nuclear Weapons in Latin America of 14 February 1967, Article 30, paragraph 2 of which provides that the General Secretary of the Agency for the Prohibition of Nuclear Weapons in Latin America shall immediately communicate notification of a State's denunciation of the treaty to "the Secretary-General of the United Nations for the information of the Security Council and the General Assembly of the United Nations."[19]

31. It is interesting to note that the Statute of the International Atomic Energy Agency also provides for notification of the Security Council in its article XII on the Agency's safeguards. Article XII C states that—

"The Board [of Governors] shall report the non-compliance"—with the rules concerning IAEA safeguards—"to all members and to the Security Council and General Assembly of the United Nations."[20]

32. Now let us consider the question whether the sovereignty of States is infringed by the obligation laid down in article X to include in the notice of withdrawal to be sent to the other parties to the treaty and to the Security Council a statement of the extraordinary events which have jeopardized the supreme interests of the State withdrawing from the treaty.

33. The international legal basis in virtue of which, as provided in the draft treaty, the notice of withdrawal must contain a statement of the extraordinary events that have jeopardized the supreme interests of the State withdrawing from the treaty, is the voluntary agreement of the contracting States to assume that aforesaid obligation. For this reason no question arises of infringement of State sovereignty or of any other infringement of international law if a State withdrawing from the treaty on the non-proliferation of nuclear weapons notifies the other parties to the treaty and the Security Council of the reasons for its decision to withdraw, in accordance with the obligation it has voluntarily assumed.

34. The appropriateness of the inclusion of such an obligation in the treaty derives from the fact that in the event of the withdrawal of any State from the non-proliferation treaty the other parties to this treaty must receive an explanation of the reasons for withdrawal

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[18] ENDC/PV. 344, p. 8.
[19] *Documents on Disarmament, 1967*, p. 81.
[20] *American Foreign Policy: Current Documents, 1956*, p. 926.

from the treaty, not from any other source, but from the State itself that withdraws from the treaty. Receipt by the Security Council of such notice together with a statement of the reasons directly from the State concerned would help the Security Council to fulfil its functions more effectively. Who could explain better than the State concerned the reasons and events which have compelled it to withdraw from the treaty?

35. The obligation laid down in the treaty to state the reasons for withdrawal in the notices to be sent in such a case to the other parties to the treaty and to the Security Council will provide a certain element of restraint, since a State intending to withdraw from the treaty will have to ponder, before taking such a step, how it will be regarded by world public opinion. The reaction of the Security Council to such a notice will depend on the situation which has led to the withdrawal of a particular State from the treaty or which might come about in connexion with such withdrawal. In such cases the Security Council would fulfil the functions entrusted to it under the Charter of the United Nations.

36. Those are our considerations concerning some of the aspects of the draft treaty on the non-proliferation of nuclear weapons which have been touched upon in the statements made by delegations at meetings of the Eighteen-Nation Committee on Disarmament.

Chinese Communist Statement on Security Assurances to Non-Nuclear-Weapon Nations, March 13, 1968 [1]

On March 7 at the Geneva "disarmament" conference, U.S. imperialism and the Soviet revisionist clique, after prolonged secret scheming, and with the help of British imperialism, jointly dished up an agreement promising to provide so-called "nuclear protection" to "non-nuclear countries" that sign the so-called "treaty on the non-proliferation of nuclear weapons." [2] This is another grave step by U.S. imperialism and Soviet revisionism in forming an open nuclear-military alliance to intensify their global counter-revolutionary collaboration to oppose China, oppose communism and oppose the people.

Using the shameless trick of a thief crying out "Stop thief!", the U.S. imperialists and the Soviet revisionists in this agreement try to present U.S. imperialism, which has consistently blackmailed and threatened the people of the world with its nuclear weapons, as the "guardian" of world peace. And they vilify socialist China, which has developed nuclear weapons in order to defend itself and world peace, as the source of "nuclear threats." They also vainly hope to boost the morale of such anti-China flunkeys as the Indian reactionaries and incite them to oppose China even more rabidly by promising them "nuclear protection." By taking this counter-revolutionary move

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[1] *Renmin Ribao*, Mar. 13, 1968; *Peking Review*, Mar. 22, 1968, pp. 31–32.

[2] The Mar. 7 proposal was identical with the Security Council resolution of June 19 (*post*, p. 444). The draft treaty appears *ante*, pp. 162–166.

the Soviet revisionist renegade clique actually proclaimed in public that U.S. imperialism, the sworn enemy of the people of the whole world, is its closest "ally." Thus, the joint U.S.–Soviet pledge to give "non-nuclear countries" so-called "nuclear protection" once again shows up the ferocious features of the Soviet revisionist renegade clique as the No. 1 accomplice of U.S. imperialism.

What "nuclear protection"? In the past, imperialism and colonialism used gunboats to "protect" the small and weak nations, and now U.S. imperialism and Soviet revisionism want to "protect" countries not possessing nuclear weapons with nuclear weapons. Isn't this the policy of gangsterism typical of imperialism?

It is crystal-clear that it is U.S. imperialism and Soviet revisionism themselves which refuse to renounce the use of nuclear weapons and are working hand in glove to carry out nuclear blackmail and threats against the people of the whole world. But now they have come out to make a big clamour about giving "nuclear protection" to other countries. Isn't this the height of impudence?

Making use of the so-called "nuclear protection," U.S. imperialism and Soviet revisionism arbitrarily want to drag all countries without nuclear weapons into joining the "treaty on the non-proliferation of nuclear weapons" which they have cooked up. This is a sinister conspiracy to control and enslave the countries without nuclear weapons and turn the peoples of these countries into their nuclear slaves. Banking on the nuclear weapons in their hands, they vainly hope to reduce the "non-nuclear countries" in the world to their "protectorates." If this conspiracy succeeds, any country without nuclear weapons subscribing to the "treaty on the non-proliferation of nuclear weapons" will never be able to possess nuclear weapons to resist the nuclear threat from U.S. imperialism and Soviet revisionism and will be deprived of its right to oppose the development, stockpiling and use of nuclear weapons by U.S. imperialism and Soviet revisionism. Such countries can only meekly submit their destiny to the whims of U.S. imperialism and Soviet revisionism.

Countries, big or small and with or without nuclear weapons, should be treated as equals. The proposal for so-called "nuclear protection" is in itself an insult to the dignity of any country that has no nuclear weapons and an infringement on its sovereignty. Any country which cherishes its own independence and sovereignty will see through this plot hatched by U.S. imperialism and Soviet revisionism. The genuine peace-loving countries and people of the whole world firmly oppose the "nuclear protection" of U.S. imperialism and Soviet revisionism.

Our great leader Chairman Mao Tse-tung has pointed out: "Those who refuse to be enslaved will never be cowed by the atom bombs and hydrogen bombs in the hands of the U.S. imperialists." [3] Neither the nuclear weapons in the hands of the U.S. imperialists nor those in the hands of the Soviet revisionist clique can ever frighten the revolutionary people of Asia, Africa and Latin America or hinder the rising tide of the anti-imperialist revolutionary struggles of the people the world over. The policies of nuclear blackmail and nuclear threat pursued by U.S. imperialism and Soviet revisionism have fallen through and will certainly become completely bankrupt.

The Chinese people and the Chinese Government have always stood for the complete prohibition and thorough destruction of nuclear weap-

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[3] *Peking Review*, Jan. 17, 1964, p. 5.

ons and firmly opposed nuclear monopoly by big powers to menace other countries. China has been developing nuclear weapons precisely because it is opposed to U.S.–Soviet collaboration for nuclear monopoly, blackmail and threat, and precisely because its final goal is the thorough destruction of nuclear weapons. We have time and again solemnly declared that at no time and under no circumstances will China be the first to use nuclear weapons. The possession of nuclear weapons by China is a tremendous inspiration to all revolutionary people of the world and a great contribution to world peace. The Chinese people and the Chinese Government will, together with all the peace-loving countries and people of the world, carry through to the end the struggle for the lofty goal of smashing the nuclear blackmail and threat of U.S. imperialism and Soviet revisionism and for the complete prohibition and thorough destruction of nuclear weapons.

Statement by ACDA Director Foster to the Eighteen Nation Disarmament Committee: Nonproliferation of Nuclear Weapons, March 13, 1968 [1]

2. I wish to comment today on the proposals and suggestions of various delegations which have not been incorporated in the revised draft treaty which was circulated at our last meeting.[2]

3. Turning first to the important statement made by the representative of Nigeria at our meeting of 28 February, I must emphasize that we recognize the constructive spirit motivating his comments on that occasion. I can assure him that we have given careful attention to his proposals [3] for changes in the revised draft [4] and we appreciate his desire "to conserve the gains that have so far been made".[5] Ambassador Kolo questioned the wording of the first sentence of paragraph 2 of article IV of the revised drafts and suggested it be amended to provide a more definite undertaking to facilitate the exchange of scientific and technological information for the peaceful uses of atomic energy.

4. While it is true that the present sentence enunciates a right to participate in and not a commitment to facilitate the exchange, it should not be overlooked that the next sentence of the article does establish the obligation of the parties to co-operate in contributing to the further development of the applications of nuclear energy for peaceful purposes. We note that this new article has been welcomed by other members of the Committee. As other delegations have stated, the obligation expressed in a provision of this nature must of necessity be a general one. I am convinced, however, that the formal commitment provided in the article will ensure the widespread development of peaceful applications of nuclear energy which Ambassador Kolo

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[1] ENDC/PV. 378, pp. 4–10.
[2] *Ante*, pp. 162–166.
[3] *Documents on Disarmament, 1967*, pp. 557–558. Cf. *infra*.
[4] *Ante*, pp. 1–6.
[5] *Ante*, p. 130.

and all of us desire. We should also not forget in this connexion that a review of this aspect of the treaty will be possible at the review conferences.

5. The representative of Nigeria also asked whether we shared his view that the first sentence of paragraph 2 of article IV of the revised draft could be said to cover the exchange of information on the peaceful application of nuclear explosive devices. Mr. Chairman, my delegation does hold the view that this sentence of article IV of the revised draft covers the exchange of information on the peaceful applications of nuclear explosions. The United States is already committed to a policy of making available to other countries, as widely as possible, information concerning all aspects of the peaceful uses of nuclear energy, including information on the applications of nuclear explosions for peaceful uses. Article IV is in keeping with that long-standing United States policy and ensures that that policy will continue.

6. I might add that over 400 formal unclassified reports and articles have been published by United States authors on the subject of the application of peaceful nuclear explosions. Moreover, our continued publication of basic technical information on this subject permits other nations, including non-nuclear-weapon States, to make their own studies of specific peaceful applications.

7. In our view, the revised draft article IV also serves the purpose intended by Ambassador Kolo's proposed amendment to article V requiring annual reports to the International Atomic Energy Agency (IAEA) on international co-operation in developing nuclear energy for peaceful purposes. The present article IV establishes the right to participate in the fullest possible exchange of information and also provides for co-operation with international organizations. These provisions are realistic, widely-acceptable means for ensuring the type of broad international exchanges desired. They should encourage and facilitate the circulation of such information reports through IAEA and other international organizations and at periodic international conferences on the peaceful uses of atomic energy. Making the reports compulsory for each party could prove unnecessarily burdensome to many, as well as to IAEA, especially in view of the expected acceleration and expansion of such co-operation and exchanges.

8. Ambassador Kolo stated that his proposed amendment to article V was also intended "to minimize the grounds for suspicion by parties to the treaty in respect of inter-State nuclear activities", among which he cited peaceful nuclear explosion services under bilateral agreements.[6] Mr. Chairman, my delegation believes that the prohibitions enunciated in articles I and II and the safeguards provisions in article III already constitute effective means for achieving that purpose. With regard to bilateral agreements under the present article V, we have already spoken on this matter at our meeting of 22 February.[7]

9. An amendment was also suggested to article IV by the distinguished representative of Italy.[8] This is the proposal to add to article IV a sentence stating that nothing in the treaty shall be interpreted

[6] *Ante*, pp. 132-133.
[7] *Ante*, pp. 97-100.
[8] *Ante*, p. 92.

as affecting the inalienable right of all parties to acquire source and special fissionable materials, or equipment for the use of source and special fissionable materials for peaceful purposes.

10. On a number of occasions this Committee has been most appropriately reminded by the delegation of Italy of the great importance of fissionable materials in the development of peaceful nuclear activities. Most recently, on 20 February the distinguished representative of Italy, Ambassador Caracciolo, explained how access to nuclear raw materials was indeed an important means of participating in the world of modern science and technology.[9]

11. Earlier, on 1 August 1967, Mr. Fanfani, the distinguished Foreign Minister of Italy, made a proposal which included as one of its key elements the supply of fissionable material to non-nuclear-weapon countries.[10] We believe that the stress which Italy has placed on the vital problem of nuclear supply has contributed to both a realistic and a far-sighted appreciation of one of the important features of our work.

12. Concerns such as those expressed by the delegation of Italy have contributed to the formulation of article IV and article III. The second paragraph of article IV now contains a clear-cut undertaking by parties to co-operate in contributing alone or together with other States or international organizations to the future development of the applications of nuclear energy for peaceful purposes, especially in the territories of non-nuclear-weapon States parties to the treaty. This undertaking would include the supply of nuclear materials for peaceful purposes.

13. Some concern has been expressed in this Committee that perhaps in some way the requirement of safeguards pursuant to article III might detract from international co-operation in the supply of nuclear materials. However, it is important to note that the first sentence of the third paragraph of article III states clearly that the safeguards required by the article shall be implemented ... a manner designed to comply with article IV of the treaty. Moreover, paragraph 3 of article III prescribes that the safeguards shall avoid hampering the economic or technological development of the parties or international co-operation in the field of peaceful nuclear activities, including the international exchange of nuclear material and equipment—and I repeat: including the international exchange of nuclear material and equipment.

14. Mr. Chairman, in view of these two provisions, paragraph 3 of article III and paragraph 2 of article IV, we believe that the essential purpose of the Italian amendment to article IV, as we understand it, is achieved already in the draft non-proliferation treaty. That is why we do not believe that additional language is required.

15. With regard to article IX, the distinguished representative of Nigeria suggested that a number of non-nuclear-weapon States equivalent to a majority of the membership of the United Nations be required to ratify the treaty before it enters into force. On this point I can only reiterate our conviction that requiring so large a number could create a risk of further proliferation by delaying the treaty's entry into force,

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[9] *Ante*, pp. 190-192.

[10] *Documents on Disarmament, 1967*, pp. 312-315.

possibly by as much as two years after it was opened for signature. Naturally, the treaty's entry into force marks only a firm starting-point; over the long run we would hope for adherence to the treaty not only by a majority of the Membership of the United Nations but by virtually every nation.

16. The changes regarding periodic review of the treaty included in the revised draft have a bearing on other parts of the treaty to which other suggestions were addressed. In particular, they have a bearing on the provisions in article X for duration. No changes have been made in these provisions, in part because we believe that the present provisions already reflect a realistic compromise between divergent viewpoints. A number of countries have expressed a preference for indefinite duration, but have indicated their willingness to accept the provision for a twenty-five-year initial duration period in order to make the treaty more widely acceptable.

17. We have not felt it advisable to add the further amendment suggested by the representative of Italy, which would give parties a right to denounce the treaty at the end of twenty-five years without stating any reason therefor. But the provision for periodic review now included in the text does, we believe, encompass the essential element of flexibility which we understand was also in part the aim of the Italian delegation's proposal for amending the duration clause. In this connexion we do not see any need to specify, as suggested by the representative of Nigeria, that findings of review conferences should be adopted by a majority of signatories. There should be no difficulty for a majority of signatories, or for that matter any group of parties, making known at a review conference any collective views they may have.

18. Flexibility also appeared to be the motivation of the representative of Nigeria when he questioned the wording of the first sentence of article X and expressed concern that it might fetter the sovereign rights of States. We sincerely believe this concern is unfounded. I would only point out that the sentence is derived entirely from the Limited Test Ban Treaty.[11] That is to say, the formulation used already enjoys wide international acceptance.

19. At our 376th meeting the distinguished representative of Romania, Ambassador Ecobesco, presented several amendments to the draft Non-Proliferation Treaty texts of 18 January, then before the Conference.[12] We have reviewed these amendments, together with Ambassador Ecobesco's explanation of their purpose. I should first like to note that several of these proposed amendments were previously presented in the working paper offered to the Conference by the Romanian delegation on 19 October 1967[13] and have been thoroughly discussed in this Committee. Several of the Romanian suggestions in that earlier document were reflected in the draft text of 18 January. Also, the Romanian amendment relating to periodic review, presented at our meeting of 11 March,[14] was reflected in the revised draft treaty presented later in that same meeting.[15]

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[11] *Documents on Disarmament, 1963*, pp. 201–203.
[12] *Ante*, pp. 1–6.
[13] *Documents on Disarmament, 1967*, pp. 525–526.
[14] *Ante*, pp. 162–171.
[15] *Ante*, pp. 162–166.

20. With regard to the proposed Romanian amendments to article III, the substance of most of those amendments was discussed in Ambassador DePalma's statement of our 368th meeting, in reply to Ambassador Ecobesco's questions at our 362nd meeting.[16] For example, the proposed new paragraph 6 of article III, calling for Security Council control to—

> . . . ensure that non-nuclear-weapon States Party to the Treaty on whose territory there are foreign military bases shall not acquire in any form whatsoever access to nuclear weapons indirectly through such bases—

parallels the substance of one of Ambassador Ecobesco's earlier questions. In this instance I should like to reiterate the response given by the United States delegation to his earlier question:

> The answer is to be found in the provisions of article I which prohibit any transfer to any recipient whatsoever of nuclear weapons or other nuclear explosive devices, or control over such weapons or devices, directly or indirectly. This article and the counterpart article II thus prohibit those activities which constitute nuclear proliferation. The treaty is not designed to deal with defence relationships or arrangements within alliances which do not involve nuclear proliferation. Any attempt to do so would take us back into the morass of theoretical argumentation over amorphous issues which too long frustrated our negotiations.[17]

21. Similarly, we have previously treated the question of the degree to which peaceful nuclear activities of non-nuclear-weapon parties must be subject to treaty safeguards. We have already noted that the IAEA safeguards document[18]—particularly in paragraphs 47 and 58—already provides for varying degrees of inspection. Also we have pointed out that there are provisions—specifically in paragraphs 21 and 22—for exempting from safeguards any total quantities of source or special fissionable materials which are too small to be potentially significant from the standpoint of nuclear proliferation. Therefore I believe that the proposed Romanian amendments dealing with quantitative and qualitative limitations on the application of treaty safeguards are unnecessary. They are already covered in principle and as far as necessary in the IAEA safeguards document.

22. However, I should like to reiterate our conviction that, to accomplish the exclusive purpose stated in the first sentence of article III, treaty safeguards must in the first instance be applicable to all source or special fissionable material in the peaceful nuclear activities of non-nuclear-weapon parties. Any exemptions from such safeguards and relaxations in the degree of safeguards inspection would then be made as provided for in the safeguards agreements concluded with IAEA and in accordance with specific provisions of the IAEA safeguards document, such as those I mentioned earlier.

23. Finally, Mr. Chairman, we have given careful study to the important statement of the representative of India made at our 370th meeting.[19] I believe it is fair to say that the burden of his criticism of the draft treaty now before us is that it is not a full-fledged measure of nuclear disarmament.

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[16] See *ante*, pp. 92–100, 331–35.
[17] *Ante*, pp. 97–98.
[18] *Documents on Disarmament, 1963*, pp. 446–460.
[19] *Ante*, pp. 110–118.

24. The United States fully appreciates the consistently-expressed view of the delegation of India that the non-proliferation treaty not only should set the stage for actual measures of nuclear disarmament, but should itself embody such measures, or at least a specific undertaking regarding various measures. Nothing would please us more than to be able to draft and support such a treaty. The Committee is aware of the various measures the United States has proposed to halt the nuclear arms race and of its earnest desire to initiate a discussion leading to limitations and subsequent reductions of existing nuclear arsenals.

25. However, what any one of our countries may desire can only be a prelude to and a goal for negotiations. If any of us adopted the view that our desires must be fully satisfied before we could agree on any forward step, there would be no point in negotiation. The draft treaty in its latest revised form represents the maximum area of agreement now obtainable; but, more important, it constitutes what we are convinced is an essential and effective measure which must be taken now if we are to have a fair chance to make the further progress we all want.

26. That is why we believe that those who continue to have reservations about what they may feel to be the limited scope of this treaty should consider carefully the implications of their position. This is particularly true in the case of those delegations whose governments have over the years consistently urged the need to halt the nuclear arms race and to reduce nuclear arsenals. Such governments would, we believe, assume a heavy responsibility if they were now to withhold their support from this treaty—which is a major step—only because it does not go as far as they had wished. Progress in arms control and disarmament will always be difficult and, if it is to be realized, it will require the co-operation and encouragement of all nations which sincerely share this objective.

Nigerian Working Paper Submitted to the Eighteen Nation Disarmament Committee: Additions and Amendments for Inclusion in the Draft Nonproliferation Treaty, March 14, 1968 [1]

Article II

Insert as Article II, paragraph 2, the following:

"Each nuclear-weapon State Party to the Treaty undertakes, if requested, to come to the aid of any non-nuclear-weapon State Party to the Treaty which is threatened or attacked with nuclear weapons."

Article IV

The words "undertake to facilitate" should be substituted for the words "have the right to participate in". Further down the sentence,

[1] ENDC/229 Rev. 1, Mar. 14, 1968. The draft treaty appears *ante*, pp. 162–192.

the word "on" should replace the word "for" between "technological information" and "peaceful uses".

Article VIII

Insert at the end of last paragraph:

"The findings of the Review Conferences shall be adopted by a majority of Parties to the Treaty who are present."

Article X

Insert "after extraordinary events" (second line), "or important international developments" and after "have jeopardized" "or are likely to jeopardize", and instead of "supreme interests" insert "national interests", so that the paragraph reads as follows:

"Each Party shall in exercising its national sovereignty have the right to withdraw from the Treaty if it decides that extraordinary events, or important international developments, related to the subject matter of this Treaty, have jeopardized, or are likely to jeopardize, the national interests of its country. It shall give notice of such withdrawal to all other Parties to the Treaty and to the United Nations Security Council three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests."

Report of the Eighteen Nation Disarmament Committee to the General Assembly and the Disarmament Commission on the Nonproliferation Negotiations, March 14, 1968 [1]

1. The Conference of the Eighteen-Nation Committee on Disarmament submits to the United Nations General Assembly and to the United Nations Disarmament Commission a full report on the negotiations regarding a draft treaty on the non-proliferation of nuclear weapons, together with the pertinent documents and records.

2. Representatives of the following States continued their participation in the work of the Committee: Brazil, Bulgaria, Burma, Canada, Czechoslovakia, Ethiopia, India, Italy, Mexico, Nigeria, Poland, Romania, Sweden, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland and United States of America.

3. The Conference reconvened on 18 January 1968 and recessed on 14 March 1968.

4. In view of the urgency of concluding a treaty to prevent the proliferation of nuclear weapons and pursuant to General Assembly resolution 2346 (XXII),[2] the Committee has continued to give its

[1] A/7072 and DC/230, Mar. 19, 1968. The report was also distributed as ENDC/225. The annexes are not printed here.

[2] *Documents on Disarmament, 1967*, pp. 732–733.

primary attention to the negotiation of this treaty. Initially, the discussions and negotiations were conducted on the basis of texts of the treaty submitted for the consideration of the Committee by the delegations of the Union of Soviet Socialist Republics and the United States of America on 24 August 1967.[3] On 18 January 1968 the two delegations submitted revised texts incorporating a number of views and proposals presented by various members of the Committee.[4] The text reproduced as annex I includes changes incorporated on 11 March by the delegations of the United States and the USSR in the light of the Committee's subsequent discussion.[5]

5. During the Committee's discussions specific proposals were made by various delegations to amend the texts of the draft treaty presented by the delegations of the United States and the USSR. The proposals and working papers submitted by all delegations and by Governments not represented in the Committee are found in annex IV, which covers the session in 1968 and the two sessions in 1967. The views of individual delegations on the text of the treaty, to the extent they support or remain at variance with the text presented in annex I, are recorded in the verbatim records. For the convenience of members of the General Assembly, there is attached as annex III a listing which cites pertinent documents and verbatim records in which the views of various delegations are recorded.

6. Regarding the question of assurances to non-nuclear-weapon States, the delegations of the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America submitted on 7 March 1968 to the Conference of the Eighteen-Nation Committee on Disarmament a draft resolution for appropriate consideration by the United Nations Security Council. The draft resolution is attached as annex II.[6] These delegations also informed the Committee of statements their Governments intend to make at the time the draft resolution is considered by the Security Council.

7. The Committee agreed to reconvene this summer, following the resumed session of the General Assembly, the actual date to be established by the Co-Chairmen in consultation with all members.

8. This report is transmitted by the Co-Chairmen on behalf of the Conference of the Eighteen-Nation Committee on Disarmament.

Statement by the Department of State on Fuel Supply for Nuclear-powered Warships, March 14, 1968 [1]

We have had several inquiries on a story out of Geneva suggesting that it was the US view that the non-proliferation treaty would bar

[3] *Ibid.*, pp. 338–341.
[4] *Ante*, pp. 1–6.
[5] The Mar. 11 draft treaty appears *ante*, pp. 162–166.
[6] Identical with the Security Council resolution of June 19 (*post*, p. 444).
[1] Department of State files.

supply to non-nuclear nations of nuclear fuel or equipment for nuclear powered warships armed with conventional weapons. One wire service has supported this by quoting US Delegate William C. Foster to the effect that a nuclear powered submarine was "a weapon" thus implying that it was his opinion it would be barred under the treaty.[2] The inference which has been drawn is incorrect, and should be clarified for the record.

The treaty prohibits non-nuclear weapon states from manufacturing or acquiring of "nuclear weapons or other nuclear explosive devices."

For purposes of the treaty a nuclear powered submarine is not, in itself, "a weapon." The treaty does not deal with such military applications of nuclear energy as nuclear propulsion of warships. Therefore, nothing in the treaty would prohibit the provision of nuclear fuel for this purpose, nor would this activity be subject to safeguards prescribed in Article III of the draft treaty which provides for the application of safeguards on all source or special fissionable materials in all peaceful nuclear activities within the territory of any non-nuclear weapon party, under its jurisdiction or carried out under its control anywhere. These safeguards are for the exclusive purpose of preventing diversion of nuclear materials from peaceful activities to nuclear weapons or other nuclear explosive devices.

Statement by the Soviet Representative (Malik) to the *Ad Hoc* Committee To Study the Peaceful Uses of the Sea-Bed and the Ocean Floor Beyond the Limits of National Jurisdiction [Summary], March 20, 1968 [1]

Mr. Malik said that this country attached very great importance to the question of the exploration and use of oceans and their floors as was evidenced by the extent of the manpower and material which it devoted to that field. One hundred and ten USSR research ships were carrying out comprehensive oceanographic study. The Soviet Union's ships were engaged in the exploration of the various oceans, which was of great value to the solution of the major problems in oceanography and geophysics. More than three thousand Soviet specialists were involved in the sea exploration on board the research ships, in laboratories and relevant institutions. The efforts of Soviet scientists were aimed at solving the major problems of modern oceanography. The solution of many scientific and practical problems was directly related to the more effective use of the sea-bed and ocean floor by all States in future.

The Soviet Union was making efforts to promote international co-operation in the exploration of sea and ocean floor. It was participating in the implementation of certain international programmes concerning those areas. Under bilateral agreements the USSR was

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[2] The treaty appears *ante*, pp. 162–169. For the news report, see *New York Times*, Mar. 15, 1968, p. 9.

[1] A/AC.135/SR.1-9, pp. 14–16.

providing technical assistance to a number of countries of Africa and Asia in carrying out geophysical survey. It went without saying that the speedy solution of major problems in oceanography and the exploration of the ocean floor could be effected only on the basis of the broad co-operation of all States concerned with the study and use of the ocean and its floor.

The USSR's scientists and specialists and the Soviet research agencies took an active part in the activities of the international organizations engaged in the exploration of the ocean floor. The USSR had made considerable efforts to promote the successful co-operation of many States through the Inter-Governmental Oceanographic Commission of UNESCO which was now carrying out a comprehensive programme of studies.

As the work of the States with respect to the exploration of the sea-bed and ocean floor progressed, important political and juridical problems had to be dealt with to promote the study of the ocean floor, as well as international co-operation in those areas. After the detailed consideration by all States of the problems involved, the Soviet Union would favour the steps aimed at the speedy exploration and study of the ocean floor. His country considered that the prohibition of the use of the ocean floor for military purposes was the essential precondition for progress in the exploration and use of the ocean floor for the benefit of all mankind.

Dedicated to its policy of peace and disarmament the Soviet Union suggested that the Committee recommend the General Assembly to favour in principle the prohibition of the use of military purposes of the sea-bed and the ocean floor beyond the limits of national jurisdiction. There was no doubt that the measure proposed by the Soviet Union would serve the interests of both the sea States and those which did not have the access to the sea. His delegation believed that the question should be referred for detailed elaboration to the Eighteen-Nation Disarmament Committee as the most competent and authoritative body in that area.

The need for the international legal regulation of the rapidly expanding activity of States in the exploration and use of the ocean floor posed a number of other questions. Those questions were of practical value for many States.

However, the modern international law did not provide all the answers to the complicated legal questions posed by the progress made in oceanography and the present unprecedented revolution in technology and industry. It underlined the complexity of the problem involved and called for the need for a gradual and careful approach to its solution.

The Soviet Union believed that a solution to the problems relating to the international law which regulated the activities of States in regard to the sea-bed and the ocean floor might provide a sound basis for a further extension of co-ordination and co-operation between States as well as between the specialized agencies and other inter-governmental organizations in the exploration and development of the ocean floor and its resources. The Soviet Union considered it especially important that the legal rules governing the activities with respect to the ocean floor should promote friendly relations among all States, international peace and security of peoples. It was the view of his

country that in its study the Committee should above all take into account the existing international legal principles and standards relating to the sea-bed and ocean floor. It was common knowledge that the more general principles in that field had been laid down in the international conventions on the high seas and the continental shelf, in the partial nuclear test ban treaty, as well as in some other international agreements.

While considering legal aspects relating to the sea-bed and ocean floor the Committee should take into account all aspects of the generally recognized principles and standards of the international law. In formulating the legal problems that required a further and thorough study one must proceed from the fact that the formulation of legal rules governing the activities of States with respect to the use of the sea-bed should be based on the existing principles of international law; it should not restrict the principle of freedom on the high seas and other rights enjoyed by States under the international rules now in force.

The programme of work of the *Ad Hoc* Committee had been specified in General Assembly resolution 2340 (XXII) in pursuance of which the Committee was established.[2]

The Inter-Governmental Oceanographic Commission of UNESCO was one of the major international bodies engaged in the study of the sea-bed. Many Member States had learned from experience that the work done by the Commission was of great value. It had contributed to the international co-operation in the exploration and use of the resources of the oceans and seas.

The Inter-Governmental Maritime Consultative Organization, FAO, the World Meteorological Organization and many others were also engaged in the exploration and use of the ocean resources. Thus, the better co-ordination of the study carried out by the existing international bodies with regard to the sea-bed must be ensured to make the joint efforts in that area more effective. The Soviet Union considered it necessary to strengthen UNESCO's Inter-Governmental Oceanographic Commission and provide facilities for that organization which was the centre of the international co-operation of the States in the study of the ocean floor and its resources.

With that end in view his delegation proposed that the Committee, on the basis of a thorough analysis of the questions involved, work out and recommend to the General Assembly the concrete proposals concerning the further development of co-ordination and co-operation among States, the specialized agencies and other inter-governmental organizations in the exploration of the sea-bed and its resources.

United States Report to Secretary-General Thant on the Economic and Social Consequences of Disarmament, March 26, 1968 [1]

During 1966 and 1967 further substantial progress was made in the United States in the conduct of studies on the effects of the realloca-

[2] *Documents on Disarmament, 1967*, pp. 727–728.
[1] E/4494, pp. 21–30.

tion of national resources from military to civilian purposes. Many of the studies have been completed while others are in progress. Further studies are planned for the coming years. For the most part, the completed studies are available for public distribution and are used by public and private groups or individuals in connexion with actual economic planning for shifts from military to civilian activities or in connexion with the undertaking of new analytical studies of economic adjustment to such shifts.

Virtually all the studies mentioned in this report are or were conducted either directly by the Federal Government or by private scholars, universities, or other private research groups under Federal Govenment sponsorship. In addition, many states and localities are conducting research on economic development for their areas and several are known to be conducting studies specifically related to economic adjustment to the cessation of hostilities in Viet-Nam but those are not generally available in published form. There is, of course, a very large amount of independently conducted research in the United States on economic and social needs but it is not deemed feasible to list such research for purposes of this report.

Most of the studies mentioned in this report fall under category numbered II of the framework referred to in Economic and Social Council resolution 1087 (XXXIX),[2] although several might be deemed to fall under category III(a) (i), (ii) or (iii). Over-all planning, covered by category I, was undertaken initially by the President's Committee on the Economic Impact of Defense and Disarmament[3] mentioned in the last United States reply to the Secretary-General on this subject.[4] Additional and more comprehensive economic planning for disarmament is being carried on at the present time. The United States Government already has assembled a great deal of information on the requirements for the numerous economic and social welfare programmes which could be more adequately met if greater resources were available and the task of assembling still further information is a continuing one. There is much interest in and attention being given to new techniques of programme planning and cost-benefit analysis whereby the returns of government investments in economic and social welfare programmes may be evaluated and more appropriate allocation of resources to carry out national economic and social goals may be achieved.

On 1 March 1967 the President established a Coordinating Committee to integrate economic planning for the end of hostilities in Viet-Nam. The Committee consists of the Secretaries of the Treasury, Defense, Commerce, and Labor, the Director of the Bureau of the Budget, and the Chairman of the President's Council of Economic Advisers. The work of this Committee is still in progress; reports on its activities are not yet available for public distribution. The Joint Economic Committee of the Congress held hearings in the spring of 1967 on the impact of the hostilities on the American economy and on the problems of economic planning for the post-hostilities period. The two volumes of the hearings are being forwarded with this report, as

[2] *Documents on Disarmament, 1965*, p. 290.
[3] *Ibid.*, pp. 200–203.
[4] *Ibid., 1966*, pp. 60–63.

is a recently published report issued by the United States Chamber of Commerce entitled *After Viet-Nam; A Report of the Ad Hoc Committee on the Economic Impact of Peace after Viet-Nam.*

An important number of the studies still are directed toward developing methods for determining the kinds and numbers of persons in defense work whose jobs would be abolished under a particular kind of disarmament agreement and the distribution of such jobs losses by industry and geographic location. In the United States economy, as in other advanced economies, completed manufactured goods are very often the product of many firms contributing various parts, components, subassemblies and so forth at various stages of processing. This is particularly true of sophisticated defense equipment which utilizes thousands of small parts and components manufactured by a large number of plants in different locations. Since it is not feasible to maintain records of all the contributions of individual plants to the final product and of the employment at each plant associated with such contributions, various economic and statistical techniques have been used or especially developed for making estimates of economic impact by industry and region. The United States Census Bureau, for example, conducts an annual survey of shipments directly and indirectly for government account by firms in defense-related industries. The United States Arms Control and Disarmament Agency is a major sponsor of this effort. The United States Department of Defense, with the support of the Arms Control and Disarmament Agency, conducts semi-annually a survey of employment at the larger defense plants associated with military prime and subcontracts. The employment covered by this survey is estimated to be well over 50 per cent of all direct and indirect employment on defense work.

An important basis for estimates of the effects of economic change is the input-output table of the United States economy which shows the intermediate flow of goods between industries and the final flow of goods to consumers, business firms, and to governmental entities. The potential use of the input-output technique for estimating the economic effects of disarmament were covered in a well-publicized article by Wassily Leontief and Marvin Hoffenberg in the 1961 edition of the publication *Scientific American.* The table last was developed on the basis of interindustry relations prevailing in 1958 and is now being updated for relations prevailing in 1963. The new table, which is expected to be completed shortly by the Office of Business Economics of the United States Department of Commerce, will be greatly expanded in industry detail and will reflect specifically industry flows released to defense demands. It may be noted that the table can be used to show not only industry losses in sales or employment resulting from reductions in the defense programme but also the individual industry gains in sales or employment associated with the expansion in the economic and social programmes which would replace the defense programme. Thus, particular structural adjustment difficulties may be identified and appropriate policy solutions developed to deal with them. Through use of information on the location of industry, the table also can be employed with some success to develop estimates of the impact of disarmament by geographic area. Finally, through the use of data on labour skills in each industry, the table also may be

employed to develop estimates of changes in the demand for particular skills as the result of disarmament and thus indicate the broad dimensions of government programmes required to retrain defense workers for civilian-type work. Use of the input-output technique to derive defense employment data is illustrated by an article by Richard P. Oliver in the September 1967 issue of the *Monthly Labor Review*, entitled "The Employment Effect of Defense Expenditures".

The United States Government also has sponsored studies to develop information on industry contributions to special categories of defence goods, using one type of goods representative of all types in a category. For example, a particular type of tactical aircraft was chosen to represent all tactical aircraft types. Work has been completed on the aircraft and ship categories and the work on the strategic missile category will be completed shortly. This work has been carried out by the Research Analysis Corporation with funds contributed by the Arms Control and Disarmament Agency, the Department of Defense, and the Department of Labor.

The foregoing represent only a part of the total effort to improve the fund of knowledge of the impact of the defense programme on the economy. The Department of Defense, for example, has sponsored a number of studies which contribute to knowledge of which industries and which areas would be affected by reductions in the defense programme. One study conducted in 1966 by C.E.I.R., Inc. analysed the geographic patterns of subcontracting by Department of Defense prime contractors. Another by the same research group endeavoured to estimate defense-generated employment not picked by the Census Bureau survey of shipments by defense-related industries. A third study endeavoured to develop estimates of the industrial and geographic impact of defense-related research and development activities.

In accordance with its responsibilities for following the impact of Federal activities on regional economic development, the Economic Development Administration of the Department of Commerce undertook last year a major study of the impact of Federal procurement. The research was conducted by an Independent Study Board created by the Secretary of Commerce, using state input-output tables. Input-output tables are being developed for many state and local jurisdictions in the United States and these should be of considerable assistance in tracing the impact of the defense programme on regional economies. The construction of a very large input-output table for the Philadelphia metropolitan area has been proceeding for several years and is due for completion this year. The State of Washington has constructed an input-output table and, at the request of and with funding by the Arms Control and Disarmament Agency, the state university adapted the table to rather specific use for tracing the impact of the defense programme on the State economy. Work also is proceeding on interregional flow models and the Harvard Economic Research Project (HERP) at Cambridge is undertaking a major effort in this area under the general direction of Professor Leontief.

While the foregoing projects represent some of those with particular applicability to estimating disarmament impacts, it may be noted that these efforts cannot be divorced from the numerous other efforts by the United States Government and by other levels of Government to de-

velop statistics and statistical methods bearing on the levels of activity in the economy. Analysis of disarmament impact must be conducted within the framework of the total fund of knowledge of the operations of the economy. The national income and product accounts, for example, provide a systematic framework for analysing the impact of disarmament on major categories of income and product. Regularly prepared estimates of *per capita* personal income by subnational entities also are of considerable assistance.

Planning for the economic and social consequences of disarmament requires not only the use of data on the current economy but estimates of what the economy will be like in the future under varying assumptions. Long-term projections of GNP and its major components are part of the over-all analytical effort of the Government. Similar projections are made within and outside of Government for labour skill requirements, for the economic growth of regions, and other key aspects of economic activity and progress.

Developing data which tend to show the relative dependence of industries and areas on the defense programme is a first step toward analysing disarmament impact. A second step is to develop estimates of how dependent industries and regions would fare under alternative assumptions about spending in the economy after disarmament. The input-output table partially satisfies the needs for the second step. In some cases, however, it has been found helpful to evaluate particular defense-dependent industries and regions in depth. Earlier studies were made of the electronics and shipbuilding industries. A study is now in progress sponsored by the Arms Control and Disarmament Agency, on the impact of reductions in the defense programme on the machine tool industry in the United States, taking account of the expected demand for capital goods in the post-disarmament period. This study is expected to be completed this spring.

Numerous studies have been or are being made of the problems and processes of economic adjustment for communities or regions which may be particularly vulnerable. The National Planning Association of Washington, D.C. completed for the Arms Control and Disarmament Agency last year a study which developed a statistical methodology for use by community leaders in evaluating not only the vulnerability of their communities to reductions in defense spending but also the potential of their communities for carrying out a successful readjustment as well. The study permits the individual communities to organize the available information, in order to see the kind of role which defense activity plays in the economic growth of the area.

Another study also sponsored by the Arms Control and Disarmament Agency which will be completed in the fall of this year is evaluating the impact which the closings of certain military installations have had on the local communities.

Two other studies sponsored by the Agency are concerned (1) with the development of actual contingency and advance plans for economic adjustments to defense cutbacks at the local level, using south-eastern Connecticut as the "model" area, and (2) with an area whose defense activity is undergoing a sharp, but temporary, increase in order to develop insights into the kinds of readjustment problems which can

be anticipated from a sharp decline in defense activity. The study will be completed sometime in 1969.

Continued efforts are being made to identify skills in defense industry, to evaluate special problems of skill transfer to civilian work, to analyse the problems of labour mobility for defense workers after layoff, to consider the role of pensions and severance pay in mass layoffs, and to otherwise consider the numerous and broad problems of reallocating manpower resources from defense to non-defense purposes.

An article by Max A. Rutzik in the September 1967 issue of the *Monthly Labor Review* entitled "Worker Skills in Defense Employment" illustrates the type of work being carried out in identifying labour skills in the defense area. For purposes of assistance to employment offices in finding jobs for released defense workers, several studies have been conducted on the matching of specific occupations in defense work with those in non-defense work. An earlier study carried out this work for aircraft industry workers. The Department of Employment of the State of California is now in the process of completing a similar study for non-professional skilled and technical workers in missile plants. The two studies constitute potential tools for placing released workers and for determining the amount of retraining required for becoming employable in related non-defense occupations.

Three studies, sponsored by the Arms Control and Disarmament Agency, now have been completed on the re-employment experiences of defense workers laid off *en masse*, at plants in Seattle, Denver, and Long Island. Detailed questionnaires elicited information on the experiences of the released workers which were then related to particular personal and work characteristics of the workers. Since such information is particularly useful to the development of policies for re-employment, relocations, retraining, and income maintenance, the Arms Control and Disarmament Agency sponsored a further project, being conducted by the University of Colorado, which, using the data from the earlier studies, will provide a measure of "economic loss" to the individual worker from mass layoff. The University has incorporated the data from the three studies on a common card which will become available to researchers interested in further analysis of the labour implications of mass layoff. A related study also sponsored by the Arms Control and Disarmament Agency deals with pensions, severance pay, and related fringe benefits for defense workers. This study, which also will be completed this spring, is evaluating these non-wage aspects of defense employment in relation to the potential situation of the defense worker in the event of disarmament.

The problems and potentialities of military discharges also have been investigated by the Department of Labor. One study examined the transferability of military occupational skills, gained in the Air Force, to the civilian labour force. Another exploratory study is to review and analyse post World War II manpower research and policy experience in the conversion of military manpower to civilian occupations.

As was indicated in the July 1965 report of the President's Committee on the Economic Impact of Defense and Disarmament, "The research programmes of the Federal agencies take account of the

special importance of the employment of scientists and engineers in connexion with the defense effort".[5] For example, a study conducted for the Department of Labor by San Jose State College in California collected and evaluated information on the experiences in re-employment of engineers laid off in 1964 by aerospace companies in the San Francisco Bay area. A study recently completed for the Arms Control and Disarmament Agency by the Stanford Research Institute develops insights into the problems of transfer to civilian work by former defense-employed engineers through the use of interviews with some of those who have already transferred and of the new managers under whom they are working. A study on the skill obsolescence of scientists and engineers conducted by Columbia University for the Department of Labor is helpful to evaluation of the transfer problem. Several studies have been sponsored by the National Aeronautics and Space Administration on the utilization of scientists and engineering manpower and on factors affecting the demand for, supply of, and salaries prevailing for scientists and engineers.

Related to the broad matter of finding appropriate use for the special skills of defense-related scientific and engineering manpower in a disarmament environment is the question of facilitating the appropriate use of technology to solve the many economic and social problems, which are unrelated to national defense, and to contribute generally to the production of more and better goods and services for the average citizen. Numerous studies have been made or are being made in the broad area of encouraging technological innovation and technology utilization, furthering the use of research and development in the economy, and evaluating the adaptability of defense-related managerial and organizational talents to non-military endeavours.

One study recently completed for the Arms Control and Disarmament Agency analysed the institutional and other obstacles to technological innovation in the public sector, using case histories in regard to civilian atomic energy programmes, high-speed inter-city transport, and urban rapid transit systems. Another study being sponsored by the Agency and by the National Bureau of Standards is endeavouring to organize the total process of technological innovation into an analytic framework and to evaluate the role of government policy toward technological innovation in the event of disarmament. A third study sponsored by the Agency undertook to make a broad survey of the present and future climate for applying the special "systems techniques", now used in the defense economy, to the range of economic and social problems which are the concern of Federal, state and local governments in the United States.

In summary, problems related to the economic and social consequences of disarmament are being intensively studied. This research forms the factual and theoretical basis for actual economic planning for disarmament contingencies. One study being sponsored this year by the Arms Control and Disarmament Agency will collate the information from the existing studies and assess the information in regard to economic planning needs for disarmament contingencies. It is hoped

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[5] *Report of the Committee on the Economic Impact of Defense and Disarmament, July 1965* (Washington: U.S. Government Printing Office, 1965), p. 64.

that the results of this study will lead to more specific plans for disarmament economic adjustment at all levels of government and in the private sector and to improvement or expansion of existing programmes which would be especially helpful in a disarmament situation.

Some of the studies mentioned above which are readily available and which were not previously forwarded to the Secretary-General are forwarded herewith. Also transmitted are copies of certain studies which were (mentioned in the last United States reply to the Secretary-General but which were) not yet completed. Attached is a list of such studies.

List of documents submitted

1. Monthly Labor Review, September 1967, Vol. 90, No. 9; prepared for the United States Arms Control and Disarmament Agency.
2. A Study to Measure Direct and Indirect Impacts on an Economy by the Graduate School of Business Administration, University of Washington.
3. Defense Industry Diversification; an Analysis with Twelve Case Studies by the University of Denver Research Institute.
4. Defense Systems Resources in the Civil Sector by the University of Denver Research Institute.
5. Technological Innovation in Civilian Public Areas by Analytical Services Incorporated.
6. Reemployment Experiences of Martin Company Workers at Denver, Colorado, 1963–1964; Effects of Defense Employment Readjustments by the Martin Marietta Corporation.
7. The Post Layoff Labor Market Experiences of the Former Republic Aviation Corporation (Long Island) Workers by the State of New York, Department of Labor, Division of Employment.
8. The Transferability and Retraining of Defense Engineers by the Sanford Research Institute.
9. Community Information System: A Method for Evaluation of Community Dislocation Sensitivity and Adjustment Potential, Vol. I; Vol. VII.

Remarks by Vice President Humphrey on the Signature of Protocol II to the Latin American Denuclearization Treaty, April 1, 1968 [1]

On behalf of the Government of the United States, I am honored to sign protocol II to the Treaty for the Prohibition of Nuclear Weapons in Latin America.[2]

It is appropriate that we hold this ceremony here.

No nation has done more than Mexico to convert this hope into reality. And no leader has contributed more to the successful negotiation of this treaty than President Diaz Ordaz.

It is a special privilege for me to sign on behalf of my country.

Over a decade ago, while serving as chairman of the Disarmament Subcommittee of the Foreign Relations Committee of the United States Senate, I proposed that a regional arms agreement should be negotiated by the nations of our hemisphere.

Our support for this regional treaty parallels our support for a

[1] *Department of State Bulletin*, Apr. 29, 1968, pp. 534–535.
[2] *Documents on Disarmament, 1967*, p. 83.

worldwide treaty which would halt the dissemination of nuclear weapons.

The protocol which we sign today calls upon the powers possessing nuclear weapons to respect the statute of denuclearization in Latin America, not to contribute to violations of the basic provision of the treaty, and not to use or threaten to use nuclear weapons against the Latin American states parties to the treaty.

Upon ratification of protocol II, the United States is prepared to assume these obligations with respect to those countries in the region which undertake and meet the treaty's requirements.

I wish to emphasize the willingness of the United States to make nuclear-explosion services for peaceful purposes available to Latin American countries under appropriate international arrangements.

This offer will be reinforced under the proposed nonproliferation treaty, under which such countries as the United States will undertake to cooperate in contributing to the development by other states of the many other peaceful applications of nuclear energy.[3]

We hope this treaty will also give new impetus to the efforts of Latin American governments to reach agreement on other limitations on the acquisition of military equipment.

If Latin American nations could agree that there are certain costly and sophisticated nonnuclear weapons they do not need—and will not buy—this alone would be an important contribution to economic and social growth and political harmony.

For so long as such weapons are considered the best guarantee of security in any one nation, the security of all nations has no guarantee. And precious resources are diverted from the works of peace.

My own country is prepared to cooperate with its neighbors in meeting this problem.

With the successful negotiation of this treaty, the inter-American system, the oldest functioning regional system in the world, has once again demonstrated its capacity to advance the peace and security of the peoples of this hemisphere.

Our presence here today affirms our continued support for that cause.

United States Statement on Signature of Protocol II to the Latin American Denuclearization Treaty, April 1, 1968 [1]

In signing Protocol II of the Treaty of Tlatelolco, the United States Government makes the following statement:

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The United States understands that the Treaty and its Protocols have no effect upon the international status of territorial claims.

[3] *Ante*, pp. 1–6.

[1] *Department of State Bulletin*, Apr. 29, 1968, pp. 555–556. The treaty appears in *Documents on Disarmament, 1967*, pp. 69 ff. For the protocol, see *ibid.*, p. 83.

The United States takes note of the Preparatory Commission's interpretation of the Treaty, as set forth in the Final Act, that, governed by the principles and rules of international law, each of the Contracting Parties retains exclusive power and legal competence, unaffected by the terms of the Treaty, to grant or deny non-Contracting Parties transit and transport privileges.[2]

As regards the undertaking in Article 3 of Protocol II not to use or threaten to use nuclear weapons against the Contracting Parties, 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.

II

The United States wishes to point out again the fact that the technology of making nuclear explosive devices for peaceful purposes is indistinguishable from the technology of making nuclear weapons and the fact that nuclear weapons and nuclear explosive devices for peaceful purposes are both capable of releasing nuclear energy in an uncontrolled manner and have the common group of characteristics of large amounts of energy generated instantaneously from a compact source. Therefore we understand the definition contained in Article 5 of the Treaty as necessarily encompassing all nuclear explosive devices. It is our understanding that Articles 1 and 5 restrict accordingly the activities of the Contracting Parties under paragraph 1 of Article 18.

The United States further notes that paragraph 4 of Article 18 of the Treaty permits, and that United States adherence to Protocol II will not prevent, collaboration by the United States with Contracting Parties for the purpose of carrying out explosions of nuclear devices for peaceful purposes in a manner consistent with our policy of not contributing to the proliferation of nuclear weapons capabilities. In this connection, the United States reaffirms its willingness to make available nuclear explosion services for peaceful purposes on a non-discriminatory basis under appropriate international arrangements and to join other nuclear-weapon States in a commitment to do so.

III

The United States also wishes to state that, although not required by Protocol II, it will act with respect to such territories of Protocol I adherents as are within the geographical area defined in paragraph 2 of Article 4 of the Treaty in the same manner as Protocol II requires it to act with respect to the territories of Contracting Parties.

Note From the Federal Republic of Germany to the Soviet Union, April 9, 1968 [1]

The Federal Government has carefully examined the Soviet Government's memoranda of 12 October and 21 November, 1967, the draft declarations on the renunciation by the two sides of the use of force, of the same date,[2] and the Soviet reply of 29 January, 1968 to the Federal Minister of Foreign Affairs,[3] aide-mémoire of 14 December, 1967.[4] It has noted with gratification that the Soviet Government is

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[2] See COPREDAL/76, pp. 10–11.

[1] *The Policy of Renunciation of Force: Documents on German and Soviet Declarations on the Renunciation of Force, 1949 to July 1968* (Bonn, 1968), pp. 27–32. The Soviet reply appears *post*, pp. 478–488.

[2] *The Policy of Renunciation of Force*, pp. 7–15

[3] *Ibid.*, pp. 25–27.

[4] *Ibid.*, pp. 22–24.

aspiring to an improvement in its relations with the Federal Republic of Germany. The Federal Government also wishes to improve its relations with the Soviet Union and welcomes the Soviet Government's willingness "in a spirit of complete frankness to create clarity about the aims and intentions of the two sides in exchanging declarations on the renunciation of force". The Federal Government therefore deems it expedient and necessary for the purpose of this declaration to explain the principles and aims which have induced it to propose to the Soviet Union and other members of the Warsaw Pact an exchange of declarations on the use of force.

I.

In a world in which the fortunes of the nations are so closely interconnected, both for good and evil, nobody can escape the joint task of preserving peace and promoting international understanding. The Federal Government feels duty bound to preserve and strengthen peace. It is its particular wish that the nations and peoples of Europe who have suffered so much will unite in order to use their talents and their potential for peace and progress. As a precondition for this, the unhappy division into East and West and the resulting antagonisms must be overcome and a peaceful settlement created which is both just and permanent.

The Federal Republic of Germany has finally achieved a lasting reconciliation with her Western neighbors. It is determined to achieve a reconciliation with the East European countries and the Soviet Union, too, and to establish good neighbourly relations with them. It knows that this aim cannot be achieved from one day to the next. Many problems which exist between nations and peoples are not yet ripe enough for solution. Nevertheless, we can come closer to reconciliation and the fundament of a peaceful order if we continue to do our utmost in a purposeful and tenacious manner.

This is possible even today: The solemn, mutual renunciation of the use or threat of force in our endeavours to achieve a just solution of the problems.

The Federal Government proposes that suitable agreements should be made in the near future to create more favourable preconditions for the settlement of those matters which are still at issue between ourselves and our East European neighbours.

The certainty that war and force are excluded as a means of settling international disputes in Europe and that all questions will be exclusively settled by peaceful negotiations would be a substantial contribution towards overcoming mistrust and fear.

In the view of the Federal Government, a mutual renunciation of the use or threat of force is the appropriate point of departure for further steps in strengthening the security of Europe. It would recall in this connection the German proposals for agreements on a step-by-step reduction in atomic weapons and an exchange of observers at manoeuvres in the whole of Europe. The increase in security which would result from such joint steps and the growth in mutual trust could then facilitate not only the introduction of further measures

to reduce confrontation but also a solution of further political problems in the interest of Europe.

II.

Since its foundation, the Federal Republic of Germany has endorsed the principle of the renunciation of force and has accepted appropriate obligations in her constitution and international agreements with her allies. Pursuant to Article 25 of the Basic Constitutional Law of 23 May, 1949, the general rules of international law were incorporated into Federal Law. As the principles on the settlement of international disputes and the renunciation of the threat of force or the use of force which are contained in Article 2, Paras. 3 and 4 of the United Nations Charter belong to the general rules of international law, the Federal Government is constitutionally bound to observe these principles.

The Federal Republic formally confirmed in its agreement[s] with the USA, the United Kingdom of Great Britain and Northern Ireland and the French Republic of 26 May, 1952 [5] and 23 October, 1954 [6] on relations between the Federal Republic of Germany and the three Powers that its policy would adhere to the principles embodied in the United Nations Charter.

Pursuant to Article 1 of the North Atlantic Treaty Law of 4 April, 1949, the Federal Republic of Germany undertook upon her accession to the said treaty:

> to settle any international disputes in which they may be involved by peaceful means in such a manner that international peace and security and justice are not endangered, and to refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes of the United Nations.[7]

Moreover, the Federal Government made the following declaration, which is binding under International Law, on 3 October, 1954:

> the Federal Republic has declared that it will pursue a policy based on the principles of the United Nations Charter and that it accepts the obligations contained in Article 2 of the Charter. After its accession to the North Atlantic Treaty and the Brussels Treaty, the Federal Republic declares that it will refrain from any measures which are incompatible with the strictly defensive nature of these two agreements. The Federal Republic undertakes in particular never to attempt to reunite Germany or alter the present frontiers of the Federal Republic by the use of force and to solve any other disputes between the Federal Republic and other states by peaceful means.[8]

The Federal Government is also willing to conduct negotiations with the Soviet Government on drawing up mutual declarations on the renunciation of force.

In this way, the renunciation of force would also be confirmed in a direct relationship between the two Governments and the peoples and it would specifically refer to the problems of this relationship.

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[5] S. Execs. Q and R, 82d Cong., 2d sess., pp. 9–22.
[6] *American Foreign Policy, 1950–1955: Basic Documents*, vol. I, pp. 486 ff.
[7] Art. I of the North Atlantic Treaty (*ibid.*, p. 812). For the protocol on F.R.G. accession, see *ibid.*, pp. 871–873.
[8] *Ibid.*, pp. 980–981.

Moreover, the Federal Government is prepared to begin negotiations with each member state of the Warsaw Pact on the renunciation of the use of force. The Federal Government proceeds on the assumption that the governments concerned will decide in such negotiations on the content of any agreements or other questions about which they wish to achieve agreement in connection with a renunciation of force.

The Federal Government is willing to have talks with the other part of Germany about a binding renunciation of force as a step towards a détente and a rapprochement between the two parts of Germany, which do not regard each other as foreign countries. It specifically reaffirmed this willingness in the Federal Chancellor's report of 11 March, 1968 on the State of the Nation in the Divided Germany. The Federal Government holds the view that in the first instance clarity must be achieved about the form and content of the German and Soviet declarations of a renunciation of force. This should be done in the negotiations with the Soviet Government to which the Federal Government is aspiring. The date of direct bilateral talks with the other members of the Warsaw Pact should be mutually agreed.

III.

The Soviet Government has proposed that other questions should be discussed in connection with the talks on an exchange of declarations renouncing the use of force. As many of these questions are of a complex nature and affect the rights and interests of third states, the Federal Government believes that they should proceed step-by-step. It believes that in the first instance, an agreement on the renunciation of the use or threat of force would be desirable. In reply to the questions posed by the Soviet Government, the Federal Government wishes to point out its views as follows:

(1) The Federal Government, like the Soviet Government, regards an internationally acceptable non-proliferation treaty as a means of strengthening peace in Europe and facilitating a détente, especially if the prohibition of pressure, threats and blackmail were connected with it. It is the hope of the Federal Government that such a treaty will come into being and that all partners of the exchange of declarations on the renunciation of force under discussion will accede to it. Such a step must, in the German view, lead to a fundamental improvement in relations between the Federal Republic of Germany and the Soviet Union and the other East European countries. With this in mind, the Federal Government had the following to say about the disarmament negotiations in its memorandum dated 7 April, 1967:

an agreement on the non-proliferation of nuclear weapons ought to decrease the existing international tension and create one of the prerequisites of improving relations between all the states which are signatory thereto. Within the purview of this treaty, the states concerned should regard their relations between each other as more friendly, waive any mutual recriminations in this sector and apply themselves to the joint task of a general, comprehensive and supervised disarmament.[1]

[1] *Documents on Disarmament, 1967*, p. 180 (variant translation).

(2) The Federal Republic raises no "territorial claims" against anybody.

The Federal Government regrets that its policy which is based on granting to the German people the right of self-determination which is accorded to all nations and on a peaceful overcoming of the unhappy division of the German nation is misinterpreted as "territorial claims or revanchism".

(3) In its declaration of 13 December, 1966, the Federal Government defined its views on the question of the frontier with Poland:

> there is a keen wish in many segments of the German nation to achieve a reconciliation with Poland whose long history of suffering we have not forgotten and whose wish to live in a state with secure frontiers we now understand better than in former times because of the current fate of our own people. However, the borders of a reunited Germany can only be determined in a freely united settlement with an all-German government which will create the pre-conditions for a permanent, peaceful and good-neighbourly relationship between the two nations.[10]

(4) The Federal Government also states in the same declaration of 13 December, 1966:

> the German nation also wishes to reach agreement with Czechoslovakia. The Federal Government condemns Hitler's policies which set out to destroy the Czechoslovakian state. It agrees with the view that the Munich Agreement, which was signed under a threat of force, is no longer valid.[11]

(5) The Federal Republic respects the present status of Berlin and the rights and duties of the Four Powers. In his reply of 1 March, 1968, to the Soviet Government's statement of 6 January, 1968, the Federal Chancellor gave a detailed account of the legal bases of the relations between the Federation and Berlin and pointed out that it was not the Federal Government's intention to change this state of affairs "by circumventing allied resolutions".

(6) On 22 December, 1967,[12] the Federal Government replied to the Soviet Government's statement of 8 December, 1967 in which the Soviet Government again drew attention to the alleged strengthening of military and neo-Nazi forces in the Federal Republic of Germany.[13] The Federal Government will know how to protect the free and democratic basic order in the Federal Republic. Its policy, as the Soviet Government is aware, is based entirely on preserving and strengthening peace.

(7) As regards the re-iterated Soviet views on the significance of the Postdam Agreements of 1945,[14] the Federal Government believes that it is not for it to express a view on the validity, interpretation or purview of agreements in which it did not participate.

(8) The Government of the Federal Republic of Germany asks itself what the aim of the Soviet side is in stating that in the Soviet

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[10] *News From the German Embassy* (Washington), Dec. 16, 1966.
[11] *Ibid.*
[12] *The Policy of Renunciation of Force*, p. 24.
[13] *Ibid.*, pp. 16–22.
[14] *A Decade of American Foreign Policy: Basic Documents, 1941–49* (S. doc. 123, 81st Cong., 1st sess.), pp. 34 ff.

view Article 53, subparagraph 1 and Article 107 of the Charter of the United Nations still sanction today coercive measures against a former enemy state in order to accomplish the common war aims. The above-mentioned provisions of the Charter of the United Nations were considered appropriate as a direct consequence of the war for the then enemies of the victorious powers. If the Soviet Union agrees with the Federal Government in the desire to exclude the use of force or the threat of force from their mutual relations, then it would contradict the character and purpose of such an agreement if the Soviet Government, by referring to provisions of the Charter of the United Nations, nevertheless expressly reserved to itself the use of force against numerous peaceful European states, including the Federal Republic of Germany. Such a reservation would unilaterally deprive the renunciation of force of any practical meaning.

As the statement made after the Karlovy conference of 26 April, 1967 quite rightly points out, it is "high time to achieve new relations in Europe based on a real détente and mutual trust".[16]

IV.

The Federal Government would summarise its views as follows:

1. As it is in the common interest of the Soviet Union and the Federal Republic of Germany to regard the renunciation of force as a first essential step to a détente and security in Europe, it ought not to be burdened with pre-conditions which will make it more difficult.

2. The Federal Government is ready to take up negotiations with each member state of the Warsaw Pact about the exchange of declarations on the renunciation of force in binding form. It is also ready to speak with the other part of Germany about a binding renunciation of force.

3. It assumes that the German Soviet exchange of views between partners with equal rights will be conducted on the basis of recognition of sovereignty and non-intervention in internal affairs and that both sides will attempt to apply these principles and the ideas of equal conditions in the preparation of agreements or statements.

The Government of the Federal Republic of Germany is therefore willing to begin negotiations with the Soviet Government without delay on formulating mutual declarations on the renunciation of force. It regards its draft of 7 February, 1967, which is also mentioned in the Soviet memorandum of 21 November, 1967 as an appropriate point of departure.

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[16] *Documents on Disarmament, 1967*, p. 190 (variant translation).

Report by the Senate Foreign Relations Committee on Amendment to Arms Control and Disarmament Act, April 10, 1968 [1]

The Committee on Foreign Relations, to which was referred the bill (H.R. 14940) to amend the Arms Control and Disarmament Act, as amended,[2] in order to extend the authorization for appropriations, having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.

Provisions

As amended by the committee, the bill contains an authorization of appropriations for the fiscal years 1969 and 1970 of $17 million for the Arms Control and Disarmament Agency. External research, during these years, under another amendment recommended by the committee, would be limited to $7 million.

Background

The Arms Control and Disarmament Agency (ACDA) was established by act of Congress in 1961, to be responsible, under the direction of the President, for the acquisition of a fund of practical and theoretical knowledge about disarmament, the preparation for and management of U.S. States [*sic*] participation in international negotiations, the dissemination and coordination of public information concerning arms control and disarmament, and the preparation for U.S. participation in such control systems as may become a part of the U.S. arms control and disarmament effort.

For these purposes, Congress authorized the appropriation of $10 million no-year funds in 1961, $20 million for fiscal years 1964 and 1965, and $30 million for fiscal years 1966–68. There follows a table of these authorizations and the appropriations and obligations made pursuant to them since the establishment of the Agency.

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[1] S. Rept. 1088, 90th Cong., 2d sess.

[2] *Documents on Disarmament, 1961*, pp. 482–495; *ibid., 1963*, pp. 622–623; *ibid., 1965*, p. 206.

TABLE I.—*Analyses of authorization, appropriations and obligations, 1962–68*

	Authorization	Appropriation	Balance of authorization available	Balance of authorization lapsing	Obligations	Unobligated balance lapsing
Fiscal years 1962 and 1963, no-year limitation (Public Law 87–297)	$10,000,000					
Fiscal year 1962 activity [1]		[1] $1,831,000			[1] $1,831,100	
Program operation		(1,231,100)			(1,231,100)	
Contract research		(600,000)			(600,000)	
Fiscal year 1963 activity		6,500,000			6,108,569	−$391,431
Program operation		(2,500,000)			(2,548,560)	(+48,560)
Contract research		(4,000,000)			(3,560,009)	(−439,991)
Total, fiscal years 1962–63	10,000,000	8,331,100	$1,668,900		7,939,669	−391,431
Fiscal years 1964 and 1965 (Public Law 88–186)	20,000,000					
Fiscal year 1964 activity (Public Law 88–245)		7,500,000			7,375,217	−124,783
Program operation		(3,400,000)			(3,341,073)	(−58,927)
Contract research		(4,100,000)			(4,034,144)	(−65,856)
Fiscal year 1965 activity (Public Law 88–527)		9,000,000			8,966,130	−33,870
Program operations		(3,600,000)			(3,566,965)	(−33,035)
Contract research		(5,400,000)			(5,399,165)	(−835)
Total, fiscal years 1964–65	20,000,000	16,500,000		$3,500,000	16,341,347	−158,653

Fiscal years 1966, 1967, and 1968 (Public Law 89-27)	30,000,000					
Fiscal year 1966 activity (Public Law 89-164)		10,000,000			[2] 9,737,433	−262,567
(Program operations)		(4,072,000)			[2](3,928,269)	(−143,731)
(Contract research)		(5,928,000)			(5,809,164)	(−118,836)
Fiscal year 1967 activity (Public Law 89-797)		9,000,000			8,775,025	−224,975
(Program operations)		(4,165,000)			(4,010,457)	(−154,543)
(Contract research)		(4,835,000)			(4,764,568)	(−70,432)
Fiscal year 1968 activity		9,000,000				
(Program operations)		[3](4,500,000)				
(Contract research)		(4,500,000)				
Total, 1966, 1967, and 1968	30,000,000	28,000,000	1,668,900	2,000,000		
Cumulative through 1968	60,000,000	52,831,100	1,668,900	5,500,000		

[1] The breakdown is as follows:

Appropriated to Department of State	$1,017,000
Deduct amount obligated by State	−185,900
Balance transferred to ACDA	831,100
Supplemental appropriation to ACDA (Public Law 87-332)	1,000,000
Total available to ACDA	1,831,100
Available and obligated by State	185,900
Available and obligated by ACDA	1,831,100
Total, fiscal year 1962	2,017,000

[2] Includes appropriation transfer of $35,000 to GSA.
[3] Includes appropriation transfer of $16,000 to GSA.

The Agency expects to have very little if any of its funds unobligated at the close of fiscal year 1968. It does carry over an unutilized authorization of $1,668,900.

On January 24, 1968, the President transmitted to the Congress a recommendation for a 3-year extension of the Arms Control and Disarmament Agency and a request for an authorization of $33 million for fiscal year 1969–71. The ACDA's proposed appropriation request for these years, together with the breakdown between external research and program operations, follows:

TABLE II

	1969 [1]	1970 [1]	1971 [1]
Appropriation	$10, 000, 000	$12, 000, 000	$11, 000, 000
Program operations	4, 682, 000	5, 446, 000	5, 573, 000
External research	5, 318, 000	6, 554, 000	5, 427, 000

[1] Estimated.

While the House Foreign Affairs Committee approved this request, the House of Representatives, on March 6, by a vote of 305 to 96, amended it to provide instead for a 2-year authorization of $20 million.

COMMITTEE ACTION

The Committee on Foreign Relations held a public hearing on H.R. 14940 on March 19, 1968, at which it received the testimony of the Honorable William C. Foster, Director of the ACDA; Adrian S. Fisher, Deputy Director; Herbert Scoville, Jr., Assistant Director of the Science and Technology Bureau; Lt. Gen. John J. Davis, Assistant Director of the Weapons Evaluation and Control Bureau; and Archibald S. Alexander, Assistant Director of the Economics Bureau.

After further discussion in executive session on April 3, the committee voted to recommend a ceiling on external research of $7 million for the fiscal years 1969 and 1970. Inasmuch as this ceiling is almost $5 million less than the amount the ACDA was planning to expend on this activity, the committee also voted to recommend that the overall appropriation request for these 2 fiscal years of $22 million be cut by the amount expected to be saved as a result of the ceiling on external research back to $17 million.

COMMITTEE COMMENTS

External research

In its almost 6 years of operations, the ACDA has contracted with governmental and private institutions or persons for approximately 180 studies. As tables I and II show, except for the current fiscal year, more than half of the ACDA resources have gone and would have continued to go into its external research program. At the time, 3 years ago, of the committee's last consideration of ACDA operations, it raised the question "whether there might not be substantial savings by reducing dependence on outside contractors, by increasing the amount

of in-house research, and by utilizing more of the services and knowledge of the Department of State * * *".[3]

The committee recognizes and appreciates the fact that the ACDA has been moving in this direction, albeit slowly. It also recognizes that the projected increases in external research are largely due to having to assume the burden of funding all of a field test program which was formerly shared with the Defense Department. In this connection, the committee wishes to emphasize that its action in limiting external research in no sense reflects on the field test operations which are vitally necessary to any reliable control system which may someday be adopted. The ceiling, however, will compel the Agency to phase out other external research activities and to concentrate on more in-house research.

It is, of course, beyond the available resources and, in technical matters, beyond the competence of the Committee on Foreign Relations to review and analyze all the studies for which the ACDA has contracted. But a sampling of available studies during the committee's hearings raised sufficient doubts that all of them are either necessary or particularly useful. Operating under a ceiling will not only encourage but compel the ACDA to be very selective in its priorities for external research.

The committee also wishes to observe that considering the large number of studies completed and in process, the ACDA is well toward achieving one of its goals of acquiring the "fund of theoretical and practical knowledge concerning disarmament" that the law directs it to accumulate. A reduced external research program should have no appreciable effect on the Agency's basic function of providing the President, Secretary of State, and others in the executive branch and the Congress with recommendations concerning U.S. arms control and disarmament policy and the effect of these on our foreign policy and national security.

The ceiling on external research should also make it possible to increase the ACDA's in-house research program, as requested in 1965, since less supervision of contract research will be required.

Program operations

The Agency's activities other than external research are grouped under the heading of program operations and include policy formulation, the preparation for and participation in disarmament negotiations, in-house research, and coordination of arms control research within the Federal Government. The ACDA planned to allocate a little over $10 million to these activities in fiscal years 1969 and 1970 and the committee's recommendations involve no cutback in these funds. This is a clear indication that the committee has no criticism of these functions. Indeed, the committee wishes to commend Mr. Foster and Mr. Fisher and their colleagues for their patient, arduous efforts at Geneva and the United Nations, which are fully described in the Agency's seventh annual report.[4]

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[3] *Ibid.*, p. 23.
[4] *Ibid.*, *1967*, pp. 734 ff.

If the committee has any criticism of program operations it might wish that the ACDA assert itself more vigorously in its role as adviser to the President, the Secretary of State, and other Government officials on arms control and disarmament matters. The committee notes with approval the fact that the Agency has established an Arms Transfer Coordinating Group to deal with the problems of military sales and restrictions on the resale of arms which concerned the Congress last year. Greater emphasis on playing an effective role in policymaking is overdue.

Two-year authorization

The President and the Agency have made strong pleas for a 3-year authorization of appropriations, such as the currently expiring one. However, even 3 years ago, this committee and the Senate approved a 2-year authorization but a 3-year authorization was agreed to in conference between the House and the Senate. The committee felt then, and does now, that it welcomes the opportunity to review ACDA operations, particularly the external research program, at least once each Congress. Foreign governments by now must be familiar enough with the U.S. Congress authorization and appropriation procedures not to interpret this action as any reflection on the ACDA's negotiating efforts at Geneva and the United Nations and elsewhere.

Concluding comments

The Committee on Foreign Relations on the whole has been favorably impressed with the activities and accomplishments of the Agency. It is pleased that the Agency's growth has been held to an even level. As previously stressed, the ceiling on external research is not intended to detract in any way from the Agency's other operations. The committee urges the Senate, therefore, to authorize continuance of the Agency and the appropriation of $17 million for this purpose, subject to the limitation on research.

Changes in Existing Law

In compliance with subsection 4 of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law in which no change is proposed is shown in roman, new matter is printed in italic):

Section 49(a) of the Arms Control and Disarmament Act (22 U.S.C. 2589(a))

APPROPRIATION

Sec. 49. (a) There are hereby authorized to be appropriated not to exceed $10,000,000 to remain available until expended, to carry out the purposes of this Act. In addition, there is hereby authorized to be appropriated for the fiscal years 1964 and 1965, the sum of $20,000,000, and for the three fiscal years 1966 through 1968, the sum of $30,000,000, *and for the two fiscal years 1969 through 1970, the sum of $17,000,000,*

to remain available until expended, to carry out the purpose of this Act. *Notwithstanding any other provision of this Act, not more than $7,000,000 of the funds appropriated pursuant to the preceding sentence for fiscal years 1969 through 1970 may be used for the purpose of research, development, and other studies conducted in whole or in part outside the Agency, whether by other Government agencies or by public or private institutions or persons.*

INDIVIDUAL VIEWS OF MR. CLARK

I strongly and fully support the President's request for a 3-year, $33 million authorization for the Arms Control and Disarmament Agency (ACDA). I deplore the committee's action in reporting a 2-year, $17 million authorization with an incredibly shortsighted ceiling on research of $7 million, which I shall discuss later.

First, however, I want to call attention to the important contribution this Agency has made to our peace and security. President Johnson said this well in his message to the Congress:

> Just over five years ago the world looked over the brink of nuclear holocaust. The Cuban missile crisis brought home to every man and woman the unspeakable personal horror of nuclear war. It posed the problem, not in terms of megatons and megadeaths, but in terms of a man's home destroyed and his family wiped off the face of the earth.
>
> One year later, the world took the first great step toward nuclear sanity—the Limited Test Ban Treaty.[5]
>
> From that treaty was born a common spirit and a common trust. National agendas were revised. Priorities were rearranged. Nations around the world joined in the quest for freedom from nuclear terror.
>
> The United Nations passed a resolution against bombs in orbit. The United States and the Soviet Union installed a 'hot line' between Washington and Moscow which has already been used to protect the peace. Last year a new treaty went into effect to preserve outer space for the works of peace.
>
> The Arms Control and Disarmament Agency played a central role in all these important advances. Now the energy and perseverance of Director William Foster and his colleagues have brought us close to the next great step forward: a treaty banning the spread of nuclear weapons.[6]

The majority hardly refers to this imposing record. In my view the Agency not only "played a central role" in these important achievements but without the Agency's efforts they would not have come about. How, in the light of all this, can the Senate in good conscience vote a lesser amount for a shorter duration? Considering that the $33 million requested equals about the cost of one-third of a day's war in Vietnam, how can the Senate's perspective be so distorted as to deny this modest request?

I note that the majority states that it has no criticisms of the ACDA's program operations which include the area of international negotiations. How has the ACDA been enabled to back up these negotiations? The answer is—by the very research which the majority proposes to reduce so drastically. If we are to make further progress in this field, research to keep up with the growing technology of arming and disarming must be maintained. This was recognized by the

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[5] *Ibid.*, *1963*, pp. 201-203.
[6] *Ante*, p. 18.

Congress when it established the Agency and instructed it to undertake research in the following fields:

(a) the detection, identification, inspection, monitoring, limitation, reduction, control, and elimination of armed forces and armaments, including thermonuclear, nuclear, missile, conventional, bacteriological, chemical, and radiological weapons;
(b) the techniques and systems of detecting, identifying, inspecting, and monitoring of tests of nuclear, thermonuclear, and other weapons;
(c) the analysis of national budgets, levels of industrial production, and economic indicators to determine the amounts spent by various countries for armaments;
(d) the control, reduction, and elimination of armed forces and armaments in space, in areas on and beneath the earth's surface and in underwater regions;
(e) the structure and operation of international control and other organizations useful for arms control and disarmament;
(f) the training of scientists, technicians, and other personnel for manning the control systems which may be created by international arms control and disarmament agreements;
(g) the reduction and elimination of the danger of war resulting from accident, miscalculation or possible surprise attack, including (but not limited to) improvements in the methods of communications between nations;
(h) the economic and political consequences of arms control and disarmament, including the problems of readjustment arising in industry and the reallocation of national resources;
(i) the arms control and disarmament implications of foreign and national security policies of the United States with a view to a better understanding of the significance of such policies for the achievement of arms control and disarmament;
(j) the national security and foreign policy implications of arms control and disarmament proposals with a view to a better understanding of the effect of such proposals upon national security and foreign policy;
(k) methods for the maintenance of peace and security during different stages of arms control and disarmament;
(l) the scientific, economic, political, legal, social, psychological, military, and technological factors related to the prevention of war with a view to a better understanding of how the basic structure of a lasting peace may be established;
(m) such related problems as the Director may determine to be in need of research, development, or study in order to carry out the provisions of this Act.[7]

How can the Agency with the paltry sum allowed by the committee even begin to do an adequate job in one of its prime functions? This is where I believe the committee has been incredibly shortsighted.

The majority admits it took this action on the basis of "a sampling." While I, no more than the majority, have had the time or staff to read each of the finished contract studies, I have followed the work of the Agency closely and no criticism of its research program has come to my attention, other than that from the committee majority. Three years ago, the majority report of the committee stated:

To assist public scrutiny of these contracts, the committee recommends that all studies produced by the Agency which are not classified because of security reasons should be made available to the public * * *.[8]

The ACDA's compliance with the majority wishes is described in its seventh, and latest, annual report as follows:

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[7] *Documents on Disarmament, 1961*, pp. 485-487.
[8] *Ibid., 1965*, pp. 22-23.

*** * * Unclassified research reports prepared by Agency staff or by contractors are mailed to companies, academic institutions, libraries, and individuals, who have asked to be placed on the distribution list or who are known by the Agency to be particularly interested and concerned with the subject matter covered in the various reports. When limited Agency stock of this material is depleted, it may be obtained in most instances at moderate cost from the Department of Commerce Clearing House for Scientific and Technical Information in Springfield, Va., or (in the case of some economic studies) from the Government Printing Office. In addition, all unclassified research reports are maintained in 48 depository libraries listed in appendix XIII to this report.[9]**

With such widespread dissemination of ACDA-sponsored research, I consider it highly significant that not a single reader has made any criticism, any objection, any allegation that any study was a waste of time and money. This is far more revealing than the majority's "sampling."

In any endeavor, research or otherwise, there will be mistakes. Together with Mr. Foster I "do not maintain that every single research project produces 100 percent value."[10] But each research dollar of the ACDA is so vigorously competed for by its various bureaus that it is allotted only after a close scrutiny of the Agency's priorities. Under such a rigorous system, very few of these dollars are unwisely spent.

Three years ago the committee suggested that the ACDA increase the amount of in-house research and utilize more of the services and knowledge of the Department of State. This the Agency has been doing. In-house research has gradually increased. Of its external contracts, 28 percent have been with other Government agencies, in line with the committee's expressed desires. Yet, instead of showing confidence in the direction in which the ACDA is moving, the majority has voiced criticism.

I cannot help but state that the majority's action is both unjustified and unjustifiable. The ACDA is entitled to every research dollar it has asked. I hope very much that the Senate will bear this in mind when it votes on H.R. 14940.

JOSEPH S. CLARK.

INDIVIDUAL VIEW OF MR. PELL

I deeply regret the cut that has been made in the President's request for a 3-year $33 million authorization for the Arms Control and Disarmament Agency (ACDA).

I am particularly concerned that such steps should be taken at this time when there is no more important, long-range project of immediate interest to every man, woman, and child everywhere than the extension and enlargement of the work of ACDA.

My own hope would be that, until the scourge of war has been removed from our world, the ACDA should have the same permanent status in our governmental framework as do those agencies that are responsible for either the prosecution of war or the attainment of our

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[9] *Ibid.*, 1967, p. 774.

[10] *Arms Control and Disarmament Act Amendment, 1968: Hearings Before the Committee on Foreign Relations, United States Senate, Ninetieth Congress, Second Session, on H.R. 14940, an Act to Amend the Arms Control and Disarmament Act, as Amended, in Order To Extend the Authorization for Appropriations*, p. 13.

objectives by methods short of war; that is, the Departments of Defense and State.

Accordingly, it is my intention to support any efforts that may be made to increase the length of authorization and enlarge the potency of ACDA. It is an agency that has done an excellent, unsung job in nudging us a little bit along the road to peace.

CLAIBORNE PELL.

Note by Secretary-General Thant on the Economic and Social Consequences of Disarmament, April 19, 1968 [1]

At its twentieth session in 1965 the General Assembly, in resolution 2092 (XX), expressed the hope that Governments of Member States, particularly of those countries significantly involved, would make a serious effort to develop national studies of the economic and social aspects of disarmament.[2]

Between 1962 and 1966 the Secretary-General had reported annually to the General Assembly and to the Economic and Social Council on the status of national and international activity in this field. The Council, at its forty-first session, took note of his latest report [3] and in resolution 1154 (XLI) on documentation endorsed the Secretary-General's proposal that, in future, reports concerning the economic and social consequences of disarmament might be provided to the Council on a biennial basis "unless developments warrant additional reports".[4] The General Assembly endorsed this resolution of the Economic and Social Council in resolution 2171 (XXI).[5]

Accordingly, on 17 November 1967, the Secretary-General circulated a *note verbale* [6] inviting Governments to provide information regarding any national studies which might have been undertaken in connexion with the use for peaceful purposes of the resources released by disarmament. The replies received up to 5 April 1968 in response to the questionnaire are reproduced below.[7] A number of Governments, especially among those that are not major producers of armaments and do not maintain large armed forces, expressed the belief that the question was not applicable to their countries. Some Governments indicated that they had nothing further to add to what had previously been reported and that, in the absence of any significant disarmament activity, the opportunities to carry out empirical studies had been limited. A few countries submitted studies that had been conducted into the problems involved in redeploying resources released as a result of military cutbacks or change-overs.

While the replies indicate that most Governments remain keenly aware of the nature of the economic and social tasks that would have to

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[1] E/4404, Apr. 19, 1968.
[2] *Documents on Disarmament, 1965*, pp. 681–683.
[3] *Ibid., 1966*, pp. 304–306.
[4] *Ibid.*, pp. 505–506.
[5] *Ibid.*, p. 805.
[6] Not printed here.
[7] The U.S. reply appears *ante*, pp. 196–203. Other replies are not printed here.

be undertaken in conjunction with disarmament, the form of response does not lend itself to comparative analysis. It might be noted, however, that there were few references to the possibility of using resources released by disarmament to augment the flow of assistance to developing countries.

The following countries have indicated that the information submitted in their previous replies to the Secretary-General's inquiry on the economic and social consequences of disarmament remains valid:

Austria, see document E/3593/Rev. 1/Add. 1
Canada, see document E/3593/Add. 1 and E/3898/Add. 3
Denmark, see document E/4169
Japan, see document E/4169

Statement by Ambassador Goldberg to the First Committee of the General Assembly: Nonproliferation of Nuclear Weapons, April 26, 1968 [1]

This is indeed an important moment in the history of the United Nations. We are now about to consider what may prove to be one of the most significant and hopeful steps toward world peace that we have ever taken together: the draft treaty on the non-proliferation of nuclear weapons.[2]

This draft treaty has been negotiated in response to repeated and overwhelming mandates of the General Assembly. It will serve three major purposes:

First, it is designed to assure that control over nuclear weapons, with their catastrophic power of destruction, shall spread no further among the nations of the earth;

Second, it is designed to facilitate the way for all nations, particularly those in the early stages of economic development, to share in the peaceful blessings of nuclear energy, without arousing fear lest that energy be diverted to nuclear weapons;

And third, it is designed to establish a new and solemn treaty obligation, especially upon the nuclear-weapon Powers, to press forward the search for nuclear disarmament, and thereby to create a much more favourable atmosphere in which to progress toward our long-sought goal of general and complete disarmament.

This treaty will do more than any treaty of our time to push back the fearful shadow of nuclear destruction. It will brighten the hopes of all nations, great and small, for a more peaceful world.

I do not ask that these assertions be accepted uncritically by any delegation. The United States, as a major participant in the negotiations, is convinced that the substantial new obligations which we shall assume as a party to this treaty are far outweighed by the degree to which it will serve our national security and our national interests. We

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[1] A/C.1/PV. 1556, pp. 13-40.

[2] *Ante*, pp. 1-6.

fully expect that every sovereign State represented here, in deciding its own attitude, will measure the treaty by the same yardstick: its own enlightened national interest and its national security. And we expect that the draft treaty will pass the test of such a measurement, for the purposes it serves are common to the entire world: purposes of peace, with which the fundamental interests of every nation and people are deeply in harmony.

As this process of measurement and evaluation proceeds during the present debate, many points will undoubtedly be raised concerning the detailed provisions of the draft treaty, whose text is contained in the report that lies before us.[3] Other points will likewise be raised concerning the related matter of security assurances, which is also treated in the same report.

In this opening statement I shall concentrate on certain broad questions which are important to us all, and particularly important to the non-nuclear-weapon States which make up the overwhelming majority of the nations of the world. These questions are as follows:

(1) Does this treaty sufficiently reflect the participation and the ideas of both nuclear-weapon and non-nuclear-weapon States?

(2) Will this treaty increase the security of both nuclear-weapon and non-nuclear-weapon States?

(3) Will this treaty promote the application of nuclear energy for peaceful purposes, especially in the developing nations?

(4) Will this treaty help bring nearer an end to the nuclear arms race, and actual nuclear disarmament, by the nuclear-weapon States, and will it help achieve general disarmament?

(5) Does this treaty, in all its provisions, and in its historical setting, contribute to a fair balance of obligations and benefits as between the nuclear and non-nuclear States?

(6) Finally, will the interests of all nations be best served by prompt action on the treaty at this resumed session of the General Assembly?

In this statement I shall present in brief form the considered answers of my Government to these important questions. I start with the first one: Does this treaty sufficiently reflect the participation and the ideas of both nuclear-weapon and non-nuclear-weapon States? The answer is "Yes".

In tracing the origin of this treaty, the first point to recall is that the General Assembly itself gave us our first mandate for a non-proliferation treaty more than six years ago, in resolution 1665 (XVI), proposed by Ireland, and adopted unanimously on 4 December 1961.[4]

In that same year, the Assembly also endorsed the creation of a new negotiating forum for disarmament, the Eighteen-Nation Committee on Disarmament, or ENDC, comprising not only the then nuclear-weapon Powers and certain of their allies in NATO and the Warsaw Pact, but also eight nations which are not in these alliances, which do not possess nuclear weapons, and which represent every

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[3] I.e., the ENDC report of Mar. 14 (*ante*, pp. 192–193).

[4] *Documents on Disarmament, 1961*, p. 694.

region of the world.[5] That representative Committee, meeting in Geneva, became the main negotiating forum for disarmament measures, including the present treaty.

In 1964, after the successful conclusion of the limited Nuclear Test Ban Treaty,[6] non-proliferation became a principal subject of discussion in the ENDC. Despite wide differences of view among the nuclear-weapon Powers, the negotiators were encouraged to press on with this project by the widespread concern which a great many non-nuclear nations expressed over the danger of the further spread of nuclear weapons. That concern was manifested, for example, in the Declaration on the Denuclearization of Africa, adopted by the Summit Conference of the Organization for African Unity on 21 July 1964, which reads in part as follows:

> We, African Heads of State and Government . . .
>
> . . . . .
>
> 1. Solemnly declare that we are ready to undertake, through an international agreement to be concluded under United Nations auspices, not to manufacture or control atomic weapons;
>
> 2. Appeal to all peace-loving nations to accept the same undertaking;
>
> 3. Appeal to all the nuclear Powers to respect this declaration and conform to it;.[7]

The same concern was further manifested in the Declaration by the Second Conference of Heads of State or Government of Non-aligned Countries, issued in Cairo on 10 October 1964, which reads in part as follows:

> The Conference requests the Great Powers to abstain from all policies conducive to the dissemination of nuclear weapons and their by-products among those States which do not at present possess them. It underlines the great danger in the dissemination of nuclear weapons and urges all States, particularly those possessing nuclear weapons, to conclude non-dissemination agreements and to agree on measures providing for the gradual liquidation of the existing stock-piles of nuclear weapons.[8]

Then on 15 June 1965 the same concern was voiced by the United Nations Disarmament Commission when it recommended by a vote of 83 to 1 that the ENDC "accord special priority" to a non-proliferation treaty.[9]

When the General Assembly met in the fall of 1965, the non-aligned eight members of the ENDC offered a resolution calling on the ENDC to meet as early as possible to negotiate a non-proliferation treaty. It also set forth five basic principles to guide the negotiations:

> (a) The treaty should be void of any loopholes for the direct or indirect proliferation of nuclear weapons in any form;
>
> (b) It should embody an acceptable balance of obligations of nuclear and non-nuclear Powers;
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> (c) It should be a step towards disarmament, particularly nuclear disarmament;

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[5] *Ibid.*, pp. 741–742.
[6] *Ibid., 1963*, pp. 291–293.
[7] *Ibid., 1964*, pp. 291–295.
[8] *Ibid.*, p. 444.
[9] *Ibid., 1965*, pp. 261–262.

(d) There should be acceptable and workable provisions to ensure its effectiveness;

(e) It should not adversely affect the right of States to join in establishing nuclear-free zones.

This important General Assembly resolution 2028 (XX) was adopted by a vote of 93 to none.[10] My Government voted for it, and our representatives in Geneva have kept its principles in mind throughout these two and a half years of negotiation. We believe that the draft treaty fully embodies those principles.

Again in 1966 and 1967 the Assembly addressed itself to this subject in resolutions adopted with virtual unanimity. Most recently, on 19 December last, resolution 2346 (XXII) reaffirmed "that it is imperative to make further efforts to conclude such a treaty at the earliest possible date". For this purpose the resolution called on the ENDC "urgently to continue its work" and to report to the Assembly not later than 15 March, so that the Assembly could meet in resumed session to give further consideration to this important question.[11]

That time-table was met. On 14 March, six weeks ago, the ENDC submitted a full report on the negotiations regarding a draft treaty on the non-proliferation of nuclear weapons, together with the pertinent documents and records. That report lies before us in documents A/7072 and A/7072/Add.1, dated 19 March 1968.[12]

The report contains the text of a complete draft treaty jointly submitted by the United States and the Soviet Union as co-Chairmen of the ENDC. This treaty text incorporates a number of views and proposals made by various members of the Committee. The report also includes the specific proposals made by various delegations to amend the text, as well as a list of the verbatim records setting forth the views of various delegations, indicating the extent to which they support or remain at variance with the text presented. Finally, the report includes an important related proposal on security assurances, sponsored by the ENDC's nuclear-weapon participants.[13] It is to consider that report, *inter alia*, that the Assembly has now resumed its twenty-second regular session.

Thus it is clear that from its very beginning this treaty project has corresponded to the repeated, virtually unanimous, and increasingly urgent resolutions of the General Assembly, in which the non-nuclear States are of course in the overwhelming majority.

It is equally significant that the non-nuclear States have played a prominent part throughout the actual negotiation of this treaty. This is particularly true of the "non-aligned eight" members of the ENDC, whose ideas have at many points strengthened the treaty draft and ensured its proper balance of obligations and benefits. This is not to say that all of the suggestions those members made have been incorporated in the treaty text. Indeed, all participants, including the

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[10] *Ibid.*, pp. 532–534.

[11] *Ibid.*, *1967*, pp. 732–733.

[12] *Ante*, pp. 192–193.

[13] I.e., the tripartite proposal of Mar. 7, identical with the Security Council resolution of June 19 (*post*, p. 444).

nuclear weapon States, had to modify some of their concepts as the negotiations developed. The very important changes from the text submitted 24 August last by the United States and the Soviet Union,[14] to the extensively revised text of 18 January,[15] and finally to the text of 11 March which is now before us,[16] demonstrate that this is a compromise text to which all participants, nuclear and non-nuclear alike, made their contributions. In addition, many non-nuclear nations not members of the ENDC were able to make important contributions to the present text as a result of intensive consultations by the nuclear Powers.

Let there be no mistake: The non-proliferation treaty, in the form in which it lies before us in this Committee today, is not a creation of the United States. It is not a creation of the Soviet Union. It is not a creation of the United States and the Soviet Union. It is the creation of all nations, large and small, which share the knowledge and the determination that man can and must and will control these cosmic forces which he has unleashed.

I turn now to the second question: will this treaty increase the security of both nuclear-weapon and non-nuclear-weapon States? The answer is yes.

The main provisions of the treaty bearing on this question are articles I, II and III. The first two articles, taken together, are designed to lock the door to nuclear-weapon proliferation from both sides. To this end article I prescribes for each nuclear-weapon party, and article II for each non-nuclear-weapon party, certain corresponding prohibitions.

First, article I forbids each nuclear-weapon party to transfer nuclear weapons, or control over them, directly or indirectly, to any recipient whatsoever, whether that recipient be a party to the treaty or not.

Article II locks the same door from the other side by forbidding each non-nuclear-weapon party to receive the transfer of nuclear weapons, or of control over them, directly or indirectly, from any transferor whatsoever, whether that transferor be a party to the treaty or not.

Second, article I forbids each nuclear-weapon party to assist, encourage or induce any non-nuclear-weapon State, whether a party to the treaty or not, to manufacture or otherwise acquire nuclear weapons or control over them; and article II, conversely, forbids non-nuclear-weapon parties to manufacture or otherwise acquire these weapons or to seek or receive any assistance in doing so.

Finally, all that articles I and II forbid as regards nuclear weapons, they likewise forbid as regards other nuclear explosive devices. This provision is necessary and essential because every nuclear explosive device contains the same nuclear components as a nuclear weapon. I shall return to this point in discussing article V.

These prohibitions are so comprehensive that, in the judgment of

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[14] *Documents on Disarmament, 1967*, pp. 338–342.
[15] *Ante*, pp. 1–6.
[16] *Ante*, pp. 162–168.

my Government, they fully meet the criterion established by the General Assembly in its resolution 2028 (XX) of 1965, that:

The treaty should be void of any loop-holes which might permit nuclear or non-nuclear Powers to proliferate, directly or indirectly, nuclear weapons in any form.[17]

Having thus locked the door to nuclear-weapon proliferation from both sides, the treaty then proceeds in article III to make sure that that door will stay locked. It does this by prescribing international safeguards which have but one function: to verify the treaty obligation that nuclear material shall not be diverted to nuclear weapons; and these safeguards are to be governed by agreements to be negotiated and concluded with the International Atomic Energy Agency, which already operates an extensive safeguards system covering peaceful nuclear activities in over twenty-five countries and is in an excellent position to adapt that system to the requirements of this treaty.

Those are the essential provisions of this treaty in regard to the security of the parties. There are other provisions which are also important to this major goal—notably, article VII, which gives explicit recognition to the concept of nuclear-free zones in which the Latin American State have given the world such an important lead in the Treaty recently concluded.[18]

My Government believes that this strict and reliable ban on the proliferation of nuclear weapons will enhance the security of nations, and especially of non-nuclear-weapon States. Let me now submit to the judgement of the members of this Committee the essential reasoning by which we have reached this conclusion.

The reasoning is quite simple and in my view, incontrovertible. He who acquires nuclear weapons does not thereby gain any lasting security, because the situation which enables him to acquire them also enables his neighbour—perhaps his unfriendly neighbour—to acquire them also. In this way all the points of friction and hostility among nations, large and small, could, one after another, be escalated to the nuclear level. Thus, at enormous expense, the community of nations would purchase the most dangerous insecurity in human history.

No one knows these truths better than my country, which was the first to develop these awesome weapons. They were born in an age of global war—a tragic age on which, with the establishment of the United Nations, we hope and pray that man has turned his back for ever. It is not—I repeat: it is not—a privilege to be a nuclear-weapon Power. It is a heavy burden—one which my country has sought for twenty-two years to lay down in safety, by agreement with the other Powers that also carry it; and, as I shall show later in this statement, we believe this treaty will help us greatly to move in that direction—a direction which would be welcomed by the whole community of nations.

It would be idle to pretend that the non-proliferation treaty will in itself confer perfect security on any nation. But it will make all of us more secure than we would be in the absence of such a treaty.

If any non-nuclear Power still cherishes the theory that the option of some day "going nuclear" somehow gives it additional security, I

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[17] *Documents on Disarmament, 1965*, pp. 532–534.
[18] *Ibid., 1967*, pp. 69 ff.

suggest that that Power should consider the sobering report which our Secretary-General submitted last fall to the General Assembly "on the effects of the possible use of nuclear weapons and on the security and economic implications for States of the acquisition and further development of these weapons". That report of our Secretary-General makes eloquently clear, among other things, that the spread of nuclear weapons to still more States "would lead to greater tension and greater instability in the world at large", [19] and that these weapons require a very large and continuous technological and economic investment. And this, on behalf of my Government, I can verify with the greatest certainty. The Secretary-General also stated as follows:

> **It is hardly likely that a non-nuclear-weapon country, living in a state of hostility with a neighbour, could start to furnish itself with a nuclear arsenal without driving its neighbour either to do the same or to seek protection in some form or other, explicit or implicit, from an existing nuclear weapons Power or Powers.[20]**

Finally, I wish to refer to one other aspect of this matter: the security implications of the relation between non-nuclear and nuclear-Powers. The United States fully appreciates the desires of the many non-nuclear-weapon States that appropriate measures be taken to safeguard their security in conjunction with their adherence to the non-proliferation treaty. This is a difficult and complicated problem. It is one to which the three nuclear-weapon participants in the Eighteen-Nation Committee on Disarmament have given their most earnest attention, and as a result they have proposed a solution which we believe to be of major importance. This solution takes the form of a draft resolution on security assurances, to be sponsored in the Security Council by the United States, the Soviet Union, and the United Kingdom.[21] The text of this draft resolution can be found in the report of the Eighteen-Nation Committee on Disarmament which we have all received, and to which I have already referred.

The matter of security assurances is too important a subject for me to discuss definitively in this statement today. I do wish to emphasize, however, that, in the view of the United States, aggression with nuclear weapons or the threat of such aggression against a non-nuclear State would create a qualitatively new situation—a situation in which the nuclear-weapon States which are permanent members of the United Nations Security Council would have to act immediately through the Security Council to take measures necessary to counter such aggression or to remove the threat of aggression in accordance with the United Nations Charter. Later in the course of this debate my delegation expects to set forth in more detail the position of the United States on this highly important subject.

I now turn to the third question: Will this treaty promote the application of nuclear energy for peaceful purposes, especially in the developing nations? The answer is yes.

This aspect of the treaty is covered in articles IV and V, which reached their present form chiefly as a result of the efforts of several

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[19] *Ibid.*, pp. 507-508.
[20] *Ibid.*, p. 510.
[21] Identical with the Security Council resolution of June 19 (*post*, p. 444).

of the non-nuclear and non-aligned members of the Eighteen-Nation Committee on Disarmament. In addition, the safeguards provisions in article III have a most important and constructive bearing on this aspect of the treaty, as I shall show in a moment.

Perhaps the most significant provision of article IV is contained in paragraph 2, which lays a specific, positive obligation on parties to the treaty that are in a position to do so to contribute to the peaceful applications of nuclear energy, especially in the territories of the non-nuclear-weapon parties—among which are notably the developing nations. The promotion of such peaceful applications was one of the major considerations underlying our proposal, fifteen years ago, to establish the International Atomic Energy Agency.[22] We are very glad and pleased to see this obligation embodied in this multilateral treaty. We are well aware of what its implementation can mean for the building of new industries, the lighting of cities, the manufacture of chemical fertilizers, the desalting of sea water, and many other aspects of economic development requiring large inputs of energy.

On behalf of the United States and with the full authority of my Government, I pledge in this open forum and before this important Committee of the Assembly unreservedly that, in keeping with the letter and spirit of this treaty provision, we will appropriately and equitably share our knowledge and experience, acquired at great cost, concerning all aspects of the peaceful uses of nuclear energy, with the parties to the treaty, particularly the non-nuclear parties. This is not only a promise; when this treaty takes effect it will become an obligation under a treaty which, when approved by our Congress and President, will be, under our Constitution, a part of the supreme law of the land.

However, the importance of this treaty to the peaceful uses of the atom is by no means confined to article IV. Many people do not realize that there is an extremely practical reason why, when we close the door to the proliferation of nuclear weapons, we thereby also help to open wider the door to the benign use of the atom throughout the world—particularly as a source of peaceful power.

The reason for this is rooted in a basic fact of nuclear reactor technology. It has been established that before the end of this century nuclear power stations may be supplying as much as half of the world's fast-growing requirements for electrical energy. But these same power stations would produce as a by-product plutonium, which can be used in nuclear weapons. And it has been further estimated that long before the end of the century—by 1985, in fact, a date close at hand—the world's peaceful nuclear power stations alone will be turning out as a by-product enough plutonium for the production of twenty nuclear bombs every day.

Faced with this awesome prospect, we have only three choices. First we could allow this production of plutonium, with its terrible potential for destruction, to grow unchecked and unsafeguarded in nuclear power stations throughout the world. This is clearly an unacceptable choice to people everywhere.

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[22] *Ibid., 1945–1959*, vol. I, pp. 393–400.

Second, we could decide that the non-nuclear-weapon States of the world, despite their fast-growing energy needs, must do without the benefits of this extremely promising energy source, nuclear power—simply because we lack an agreed means of safeguarding that power for peace. This too is an unacceptable choice—indeed, it is unthinkable.

And third, we can agree on safeguards that will help ensure against the diversion of nuclear materials into nuclear weapons, yet will not impede the growth of peaceful nuclear power among nations that desire it for their development. On the contrary, it will create the very atmosphere of confidence that is so essential to that beneficial growth. This is precisely the course of action embodied in article III.

I have gone into this point at some length because there has been in some quarters an understandable concern lest the safeguards become an actual obstacle to peaceful nuclear development. As a matter of fact, paragraph 3 of article III directly meets this concern by stipulating that the safeguards shall not hamper peaceful development. As proof of my country's confidence in this provision, the President of the United States announced last 2 December that when safeguards are applied under the treaty,[23] the United States—above and beyond what the treaty will require of us as a nuclear-weapon Power—will permit the International Atomic Energy Agency to apply its safeguards to all nuclear activities in the United States except those with direct national security significance.

Moreover, for the reasons I have given, we believe the safeguards will prove to be a greater spur to the spread of nuclear power. We look forward to the day when the International Atomic Energy Agency not only will serve as the responsible agency for safeguards under this treaty but will also, while performing that function, make a vital contribution to the sharing of peaceful nuclear technology.

Turning to article V, we come to an aspect of peaceful nuclear technology which is still in the development stage: namely, peaceful nuclear explosions. This technique promises one day to yield valuable results in recovering oil, gas and minerals from low-grade or otherwise inaccessible deposits in the earth, and also for large-scale excavations. The problem, however, is how to make these benefits available to all parties without defeating the treaty's main purpose of non-proliferation—since there is no essential difference between the technology of peaceful nuclear explosive devices and that of nuclear weapons.

Article V solves this problem by requiring that benefits from this technology shall be made available to the non-nuclear-weapon parties without discrimination, through appropriate international procedures, and at the lowest possible charge—excluding any charge for the very costly process of research and development.

My country has a large and expensive research and development programme in the field of peaceful nuclear explosions. Again, on behalf of my Government and with its full authority, I state categorically to this Committee that the United States will share with the parties to the treaty, in conformity with article V, the benefits of this programme. Insofar as the United States is concerned, when this treaty

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[23] *Ibid., 1967*, pp. 613-615.

goes into effect this obligation too will become, under our Constitution, the supreme law of the land.

No country outside the United States, under this commitment, will be asked to pay one cent more for this service than our own nationals. Moreover, all indications are that when this technology is perfected there will be no scarcity of explosive devices and therefore that all requests can be handled without raising problems of priority.

Let me add that, whether such services are provided through multilateral or bilateral channels, the United States intends—in order to ensure compliance with articles I and II of the treaty—that they shall be provided under appropriate international observation.

This entire subject of "programmes for the peaceful uses of nuclear energy" is on the agenda of the scheduled Conference of Non-Nuclear States, which will convene this coming August. On 18 December last I gave in this very Committee a categorical assurance that the United States would support that conference.[24] I reaffirm that assurance in the same categorical terms.

Without prejudging any decision of that conference, in my view it could perform a useful service, among others, by giving consideration to the question of the best means of putting articles IV and V of the treaty into effect so as to meet the needs of the non-nuclear-weapon States which are the beneficiaries of them.

I turn to the fourth question: will this treaty help bring nearer an end to the nuclear arms race, and actual nuclear disarmament, by the nuclear-weapon States, and will it help achieve general disarmament?

Again the answer is yes. Once again, it was chiefly at the initiative of the non-nuclear States that this problem was directly addressed in the operative section of the treaty by the insertion of article VI. In that article all parties "undertake to pursue negotiations in good faith" on these further measures. This is an obligation which, obviously, falls most directly on the nuclear-weapon States.

Ideally, in a more nearly perfect world, we might have tried to include in this treaty even stronger provisions—even perhaps an actual agreed programme—for ending the nuclear arms race and for nuclear disarmament. But it was generally realized in the Eighteen-Nation Disarmament Committee that, if we were to attempt to achieve agreement on all aspects of disarmament at this time, the negotiating difficulties would be insurmountable and we should end by achieving nothing.

However, this treaty text contains, in article VI, the strongest and most meaningful undertaking that could be agreed upon. Moreover, the language of this article indicates a practical order of priorities—which was seconded in the statement read on behalf of the Secretary-General—headed by "cessation of the nuclear arms race at an early date" and proceeding next to "nuclear disarmament" and finally to "general and complete disarmament under strict and effective international control" as the ultimate goal.

Let me point out that further force is imparted to article VI by the

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[24] *Ibid.*, pp. 723-725.

provision in article VIII for periodic review of the treaty at intervals of five years, to determine whether the purposes of the preamble and the provisions of the treaty are being realized. My country believes that the permanent viability of this treaty will depend in large measure on our success in the further negotiations contemplated in article VI.

The commitment of article VI should go far to dispel any lingering fear that when the non-proliferation treaty is concluded the nuclear-weapon parties to it will relax their efforts in the arms control field. On the contrary, the treaty itself requires them to intensify these efforts. The conclusion of it will do more than any other step now in prospect to brighten the atmosphere surrounding all our arms control and disarmament negotiations. Conversely, its failure would seriously discourage and complicate those negotiations—especially if the number of nuclear-weapon Powers should increase still further.

Following the conclusion of this treaty, my Government will, in the spirit of article VI and also of the relevant declarations in the preamble, pursue further disarmament negotiations with redoubled zeal and hope and with promptness; and we anticipate that the same attitude will be shown by others.

As President Johnson told Congress last February, in discussing the significance of this pledge:

> No nation is more aware of the perils in the increasingly expert destructiveness of our time than the United States. I believe the Soviet Union shares this awareness.
>
> This is why we have jointly pledged our nations to negotiate toward the cessation of the nuclear arms race.
>
> This is why the United States urgently desires to begin discussions with the Soviet Union about the buildup of offensive and defensive missiles on both sides . . . .
>
> Our hopes that talks will soon begin reside in our conviction that the same mutual interest reflected in earlier agreements is present here—a mutual interest in stopping the rapid accumulation and refinement of these munitions.
>
> The obligations of the non-proliferation treaty will reinforce our will to bring an end to the nuclear arms race. The world will judge us by our performance.[25]

I should now like to deal with the fifth question: Does this treaty in all its provisions, and in its historical setting, contribute to a fair balance of obligations and benefits as between nuclear and non-nuclear States? The answer again is yes.

This question is sometimes asked in a way which seems to assume that the right of a State to possess and further develop nuclear weapons is something greatly to be prized, and that the giving up of that right or any part of it is a great loss. As I have already indicated, in view of the burdensome, perilous and almost self-defeating character of the arms race, and the very tenuous security that nuclear weapons confer, this is at best a dubious premise. But for the sake of argument let me for the moment grant it, and see whether even on that basis the obligations and benefits of this treaty are in or out of balance.

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[25] *Ibid.*, pp. 734–735.

The major obligation which this treaty will impose on the non-nuclear-weapon States is, of course, not to acquire nuclear weapons. A second obligation is to accept the safeguards procedures in article III.

Against those obligations by the non-nuclear Powers, the nuclear Powers will assume—or have already assumed by virtue of treaties already in force—the following obligations: first, not to carry out test explosions of nuclear weapons in the atmosphere, in the oceans or in outer space; second, not to place nuclear weapons in orbit around the earth, or on the moon or any other celestial body, or anywhere else in outer space, or in Antarctica.

Those obligations are already in force. Under the non-proliferation treaty the nuclear-weapon Powers will assume several further obligations, lengthening the list as follows: Third, not to transfer nuclear weapons, or control over them, to any recipient whatsoever. This is a most substantial restraint in both strategic and political terms, and in connexion with the sovereignty of the nuclear weapon States. Fourth, to contribute to the peaceful nuclear development of non-nuclear-weapon States. Fifth, to provide peaceful nuclear explosion services at prices far below their true cost. Sixth, to pursue negotiations to divest themselves of large arsenals of existing and potential nuclear and other armaments.

Such is the balance of obligations. But we should also bear in mind—indeed, it cannot be emphasized too strongly—that the benefits of articles IV and V, on the peaceful uses of nuclear energy, including peaceful nuclear explosive devices, will flow primarily to the non-nuclear-weapon States.

I have listed these items in order to show that even if we were to look on the negotiation of this treaty as some sort of adversary proceeding, with no element of common interest but only a balancing of opposing interests, then the balance in this text would not necessarily or obviously be in favour of the nuclear-weapon Powers. In fact, it would be to the contrary.

But that is not the way in which my country views this treaty. To be sure, the interests of all Powers are not identical, and where they differ some equitable balance must indeed be found; and we believe it has been. But in a larger sense the balance of opposing interests in this great enterprise is of quite minor importance when it is placed beside the overriding common interest of all nations in the sheer survival of the human race. Make no mistake, members of this Committee: sheer human survival is the elemental common interest that imperatively requires us all to work together to bring the nuclear arms race under control. This treaty is a great step in that vital effort. If we are to go forward toward the goal of general and complete disarmament, this step must be taken and taken now; and we can only take it together. Our common interest in doing this outbalances all other considerations.

I come now to the sixth and final question: Will the interests of all nations be best served by prompt action on the treaty at this resumed session of the General Assembly? Again my answer is yes, definitely yes.

Time is not on our side. As we at the United Nations well know, this is a dangerous world with many points of international tension and conflict. Many nations possess the technical expertise necessary to develop nuclear weapons—and in a world without treaty restraints and safeguards they may soon be tempted to do so—notwithstanding the extraordinary drain on their resources which this effort would impose.

There is a further reason which impels us urgently to endorse this treaty at this very session. At this moment this troubled world needs above all to be reassured that *détente* rather than discord, will be the prevailing atmosphere in world affairs, in order that other points of conflict may be resolved by the preferred Charter means of negotiated peaceful settlements. The endorsement of this treaty now will be a major contribution to this *détente* and will improve the atmosphere for peaceful settlement of other conflicts, the resolution of which brooks no delay.

Time indeed is not on our side. Every addition to the number of nuclear-weapon Powers will multiply once again the difficulties of stopping this step-by-step proliferation. The longer we wait, the more difficult our task will become—until perhaps a day arrives when it will have become impossible.

We must master our fate—or fate will master us.

My country is deeply convinced that this treaty will accomplish its great purposes—if we act in time. The immediate necessity is that we should take the next step—the endorsement of the treaty by the General Assembly at this session. In this resumed session, as I said at the beginning of my statement, we stand at an historic point of decision. From this point we survey not merely the immediate subject matter of this treaty but a much wider vista, embracing the long struggle of modern man to conquer the demon of fratricidal war among the nations of the earth. It is a point at which we cannot stand still, for events will not permit us to stand still. From this point we must move either forward or back.

If we insist upon a perfect treaty—each Member with its different ideas of perfection—then we shall be unable to move forward, for there is no perfection in this world. If after careful deliberation we insist that the last grain of uncertainty be removed, then we shall be unable to move forward, for there is no complete certainty in this world.

We are at a moment when all of us, united by our common interest in peace and sheer human survival, must together summon the courage to take this long stride forward. We must always remember the excellent advice given by the greatest of British poets, a poet who is the property of all mankind:

> There is a tide in the affairs of men,
> Which, taken at the flood, leads on to fortune;
> Omitted, all the voyage of their life
> Is bound in shallows and in miseries.

Fellow representatives, this fateful tide is at the flood now. Let us take it now while we have the opportunity. It may never recur.

Statement by First Deputy Foreign Minister Kuznetsov to the First Committee of the General Assembly: Nonproliferation of Nuclear Weapons, April 26, 1968 [1]

During recent years the attention of the United Nations General Assembly, of all Member States, indeed of all nations, has been focused on the problem of the non-proliferation of nuclear weapons.

The General Assembly has regarded the question of the non-proliferation of nuclear weapons as urgent and pressing and, in its resolutions, has underscored its great importance for the maintenance of universal peace. The Eighteen-Nation Committee on Disarmament has assigned the topmost priority to the question. Socialist States, many developing countries of Asia, Africa, Latin America and those States of North America and Europe whose Governments assess soberly the dangerous consequences of the further spread of nuclear weapons have joined their efforts in order to find a solution to the question, and to find it speedily before it is too late.

The relevant resolutions adopted by the General Assembly in 1961,[2] 1965,[3] 1966 [4] and 1967 [5] were major landmarks on the road leading to the solution of the problem of non-proliferation. The progress of negotiations on this issue has been facilitated by the appeal of the Cairo Conference of Heads of State and Government of non-aligned countries to refrain from a policy conducive to the spread of nuclear weapons and to conclude an appropriate international agreement,[6] and also by the decision of the Assembly of Heads of State and Government of African countries who solemnly pledged the willingness of African countries to assume obligations under an international agreement, concluded under the aegis of the United Nations, not to manufacture nuclear weapons and not to gain control over them.[7]

The Soviet Union and other socialist States have repeatedly expressed their determination to prevent the spread of nuclear weapons and have worked actively in this direction. In the statement published on 9 March 1968 in Sofia, the People's Republic of Bulgaria, the Hungarian People's Republic, the German Democratic Republic, the People's Republic of Poland, the Soviet Union and the Czechoslovak Socialist Republic pronounced themselves firmly in favour of a speedy solution of the question of the non-proliferation of nuclear weapons. They called upon all countries to make their contribution to the solution of this important problem, thereby strengthening universal peace.[8]

Numerous national and international public organizations—among them parliaments, trade unions, organizations of partisans of peace, and scientists participating in the Pugwash conferences—have raised

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[1] A/C.1/PV.1556, pp. 41–63.
[2] *Documents on Disarmament, 1961*, p. 604.
[3] *Ibid., 1965*, pp. 532–534.
[4] *Ibid., 1966*, pp. 686–687, 748–749.
[5] *Ibid., 1967*, pp. 732–733.
[6] *Ibid., 1964*, pp. 443 ff.
[7] *Ibid.*, pp. 294–295.
[8] *Ante*, pp. 158–159.

their voices in favour of taking effective measures to prevent the spread of nuclear weapons.

If one has to sum up the speeches, statements and utterances coming from representatives of governmental, political and public circles of various countries in favour of the conclusion of the treaty on the non-proliferation of nuclear weapons, if one has to summarize what many people are thinking on that score, then one may say that all those who cherish peace and progress regard the treaty on the non-proliferation of nuclear weapons as a kind of shield protecting against new threats and new dangers, threats and dangers which are bound to have the most adverse effect on the life of peoples should the solution of the problem of non-proliferation fail to materialize.

There are some basic facts due to which the problem of the non-proliferation of nuclear weapons assumes not only an extremely important but also a truly pressing character. One of them is that even now some States not yet in possession of nuclear weapons are approaching a level of industrial, scientific and technological development such as will enable them quickly to embark on the road of manufacturing weapons of mass destruction. Hence, if this process is not checked now, the spread of nuclear weapons will proceed uncontrollably, like a chain reaction. And it is above all the Governments of those States which are pursuing or have pursued in the recent past an aggressive policy that strive to enter the nuclear arms race. There are such States in Europe as well as in some other areas in the world. They would be the first to gain possession of nuclear weapons should the further spread of such weapons not be stopped.

One need scarcely dwell upon the consequences of such a development of events. They have been set forth explicitly in the Secretary-General's report on the effects of the possible use, acquisition and further development of nuclear weapons,[9] and they have been mentioned today by the Chairman of this Committee and in the statement which we have just heard by the representative of the United States.[10] No one could fail to be impressed by the basic conclusion of this report prepared by eminent scientists of many countries, namely, that the further spread of nuclear weapons would confront mankind with a real threat of incalculable disaster. In a precise language of figures the report of the Secretary-General has shown also the scale of tremendous expenditures that non-nuclear States would have to bear if they embarked on the road of manufacturing their own nuclear weapons, thus obviously jeopardizing their plans of economic development.

Thus the question of the non-proliferation of nuclear weapons is, as it were, a focal point of peoples' hopes that in a world of tomorrow the nuclear threat will diminish rather than increase and that the arms race, which is a heavy burden on the shoulders of the working people, will be restricted and then stopped altogether.

The negotiations on the draft treaty were complicated and did not always proceed smoothly. It was a matter of working out the very responsible obligations of States affecting their most sensitive interests, including those of security. Therefore, each provision of the

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[9] *Documents on Disarmament, 1967*, pp. 476-513.

[10] The U.S. statement appears *supra*.

draft treaty required the most exacting scrutiny, pondering and consideration. In addition, the negotiations were conducted among States with differing social systems, with varying foreign policies, with positions on many international issues which, far from coinciding, sometimes sharply diverge. All this certainly made the negotiations on the non-proliferation of nuclear weapons particularly involved. It should be added here that throughout the negotiations certain forces—and the members of the Committee know what kind of forces, for the Soviet Government has repeatedly unmasked their plans and activities—incessantly attempted to exert their influence on the course of the work, to hamper the possibility of reaching agreement and to complicate the situation.

The negotiations have now been completed. Overcoming all difficulties, the Eighteen-Nation Committee on Disarmament has fulfilled the mandate of the United Nations General Assembly [11]; the draft treaty on the non-proliferation of nuclear weapons has been prepared.[12] This draft is the outcome of the collective efforts of many countries, a sort of fusion of opinions and wishes, suggestions and specific proposals advanced during the negotiations by various States, both nuclear and non-nuclear, party to this or that alliance, and non-aligned States of various continents and geographical areas.

It is only natural that the draft treaty on the non-proliferation of nuclear weapons prepared on such a broad basis should bear a certain imprint of compromise. But this is not a compromise reached by sacrificing the heart of the matter. With due allowance for the complexity and the variety of the questions which had to be resolved in the process of the preparation of the draft treaty, it is a document with clear substance and precise wording, embracing all the aspects of the problem of the non-proliferation of nuclear weapons.

The uppermost and, in our opinion, the predominant feature of the draft treaty is that it blocks all forms of access to nuclear weapons to those who do not possess them now and closes all channels, both direct and indirect, leading to the possession of weapons of mass destruction.

Article I of the draft treaty provides that "Each nuclear-weapon State party to this treaty undertakes not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly, or indirectly; and not in any way to assist, encourage or induce any non-nuclear-weapon State to manufacture or otherwise acquire nuclear weapons or other nuclear devices, or control over such weapons or explosive devices." This means that the nuclear Powers solemnly renounce thereby any possibility of transferring nuclear weapons to anyone whatsoever, of giving access to such weapons to anyone whatsoever, whether individual non-nuclear States or groups of States.

Article II of the draft treaty provides that non-nuclear States party to the treaty on their part assume a similar, reciprocal undertaking not to receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or other nuclear explosive devices directly or indirectly, not

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[11] *Documents on Disarmament, 1967*, pp. 732–733.
[12] *Ante*, pp. 162–166.

to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices.

It was this requirement—the requirement to close all the loopholes for the proliferation of nuclear weapons, directly or indirectly, in any form whatsoever—that was brought to the foreground by the General Assembly when it formulated three years ago the guidelines for negotiations on the question of the non-proliferation of nuclear weapons. This requirement has been fulfilled.

An important place in solving the question of non-proliferation should obviously be given to problems of control over the fulfilment by the States party to the treaty of their obligations. The General Assembly has also emphasized that the draft treaty on the non-proliferation of nuclear weapons should contain acceptable and realistic provisions in order to ensure its efficacy. The draft treaty as formulated by the Eighteen-Nation Committee on Disarmament gives an answer to that question as well. Article III provides that control for the purpose of verification of the fulfilment of the obligations assumed by non-nuclear States will be exercised by the International Atomic Energy Agency as the most representative and authoritative international organization for co-operation in the field of the peaceful uses of the energy of the atomic nucleus, within the framework of which highly qualified experts from different countries have evolved a scientifically substantiated system of safeguards. The whole experience of the IAEA in applying safeguards relating to almost 120 nuclear installations in twenty-nine countries will now be used in exercising control over the fulfilment of the provisions of the treaty on the non-proliferation of nuclear weapons.

This will be a dependable control, a control to be relied upon in view of its efficacy and from the point of view which found its specific expression in article III of the draft treaty to the effect that such control should not in any way infringe upon the sovereignty of States which will place their atomic installations for peaceful purposes under the control of the IAEA. The statute of the IAEA provides that it should carry out its activities with due respect for the sovereign rights of states.[13] This means that control will be exercised for the exclusive purpose of verification of the fulfilment by States party to the treaty of their obligations with respect to the non-proliferation of nuclear weapons and will in no way be accompanied by any interference in their internal affairs, including their peaceful activities in the field of atomic energy. Indeed, in the preamble to the treaty there is, in accordance with the wishes of a number of non-nuclear States which participated in the negotiations, a special expression of support for the efforts of the IAEA aimed at carrying out such verification with the assistance, if possible, of automatic means of control in conformity with the present level of modern science.

Of great importance in connexion with solving the problem of the non-proliferation of nuclear weapons is another aspect of this

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[13] Art. III(D) of the Statute (*American Foreign Policy: Current Documents, 1956*, p. 917).

matter. What will the conclusion of the international treaty in question signify? An isolated step restricting the armaments race, a step which will constitute the beginning and the end of the whole effort? Or will it signify a certain stage on the road to the discontinuation of the armaments race and the liquidation of nuclear weapons? Or, lastly, will it be an integral part of a wide complex of disarmament measures? The General Assembly has clearly stated that a non-proliferation treaty should be a step towards the achievement of universal and complete disarmament, especially nuclear disarmament. Allow me to dwell at some length on this aspect.

There is no denying that the best solution would be to resolve all the problems of disarmament in one stroke: the problems of the non-proliferation of nuclear weapons; the problems of discontinuing their manufacture and destroying their stockpiles; the problems of the complete banning of nuclear weapons. The Soviet Union would be prepared for such a solution. Moreover, our country is prepared to agree without delay to universal and complete disarmament. Several years ago the Soviet Government submitted to the Eighteen-Nation Committee on Disarmament, for its consideration, a draft treaty on general and complete disarmament under strict international control.[14]

However, the many years of experience in discussing disarmament questions in the General Assembly of the United Nations, in the United Nations Commission on Disarmament and in the Eighteen-Nation Committee on Disarmament have shown that the concept of a "package" solution of nuclear-disarmament questions should not exclude the possibility of reaching agreement on individual partial measures. Attempts to tie, at the present time, the question of the non-proliferation of nuclear weapons to other measures restricting the nuclear arms race could result only in an impasse and create a situation in which neither the question of non-proliferation nor that of disarmament could be solved.

Thus, the most rational course of action now would be to accomplish what is possible of accomplishment, that is, to conclude the treaty on the non-proliferation of nuclear weapons as a separate measure restricting the nuclear arms race, but not to stop at that.

The conclusion of the treaty on the non-proliferation of nuclear weapons should signify not the completion but the continuation, without delay and in good faith, of what has already been begun with rather good results beneficial to the peoples of the world. The 1963 Moscow Treaty on the banning of nuclear weapon tests in the atmosphere, in outer space and under water has restricted, to a certain extent, the possibility of further development of nuclear weapons.[15] The Treaty on the principles governing the activities of States in outer space has blocked the possibility of placing nuclear weapons in orbits around the earth and in space, on the moon and on other celestial bodies.[16] The treaty on the non-proliferation of nuclear weapons should constitute the next, and more essential, step restricting the nuclear arms race—the next, but not the last. The conclusion of the

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[14] *Documents on Disarmament, 1965*, pp. 77-102.
[15] *Ibid., 1963*, pp. 291-293.
[16] *Ibid., 1967*, pp. 38-43.

treaty on the non-proliferation of nuclear weapons should promote more favourable conditions for a further struggle to discontinue the armaments race and to implement effective measures for banning and destroying nuclear weapons.

It is just such an approach—realistic and promising—that is reflected in the draft treaty. Article VI thereof, in a direct and categorical form, makes it binding upon the parties to the treaty to pursue, in a spirit of good faith, negotiations on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control.

This is a serious and important step. The obligations that will be assumed by States parties to the treaty will demand of them, and primarily of the nuclear Powers, certain practical measures. On the instructions of the Soviet Government, the Soviet delegation declares from this rostrum that our country, which has steadfastly been working for the prohibition and elimination of nuclear weapons ever since their emergence, is prepared for such actions. The Soviet Union is ready, in a spirit of good faith to pursue negotiations on a broad range of disarmament questions and to seek constructive agreement on such questions, as was the case during the negotiations on banning nuclear-weapon tests, on the non-orbiting of nuclear weapons in outer space, and on the non-proliferation of nuclear weapons.

In what direction are we to proceed in the disarmament talks? The Soviet Union sees a whole range of such directions promising fruitful results, provided, of course, that the other participants as well as the talks strive to achieve them. First and foremost, we deem it necessary to mention the conclusion of an international convention banning the use of nuclear weapons. This question is long overdue for solution. In September 1967 the Government of the USSR, as is well known, submitted for consideration at the twenty-second session of the United Nations General Assembly the draft of such a convention which is currently being examined by all Member States of the United Nations in keeping with the decision of the General Assembly.[17] We believe that the interests of strengthening world peace and lessening the threat of nuclear war would be served by the conclusion of an international convention banning the use of nuclear weapons soon after the signing of the treaty on the non-proliferation of nuclear weapons.

The Soviet Union is prepared to proceed to talks on the implementation of other measures as well, including such measures as stopping the manufacture of nuclear weapons; reducing their stockpiles and, eventually, banning completely and scrapping such weapons, under appropriate international control; limiting and, pursuant to this, reducing strategic means of delivery of nuclear weapons; banning flights by bombers with nuclear weapons on board beyond national borders; limiting the zones of navigation for rocket-carrying submarines; banning underground nuclear-weapon tests; banning chemical and bacteriological warfare; eliminating foreign military bases on the territory of other countries; and formalizing, in an appropriate form, such a régime for the sea-bed and ocean floor as would ensure their

[17] *Ibid.*, pp. 419-421

use solely for peaceful purposes. The Soviet Union, as always in the past, is ready actively to promote the implementation of practical measures of regional disarmament, including the creation of nuclear-free zones in different regions of the world.

The implementation of these and other measures on limitation and termination of the arms race would bring the peoples much closer to a situation when general and complete disarmament, that is, disbanding of all armed forces and destruction of all armaments of States, would turn from a distant though attractive aim, into a feasible undertaking which, at last, can and should be dealt with in practice.

The Soviet delegation calls upon all participants in the forthcoming negotiations to display goodwill in achieving an accord and concluding new constructive agreements on measures to limit and stop the arms race. We consider that the Eighteen-Nation Committee should resume its work at the earliest possible date and put in a maximum of effort to achieve already in the near future progress in solving the disarmament problem.

The conclusion of the treaty on the non-proliferation of nuclear weapons unfolds new vistas not only for disarmament talks but also for the development of international co-operation in the peaceful uses of atomic energy which promises an unparalleled progress of civilization. In keeping with the wishes of non-nuclear States, which our country understands and shares, article IV was included in the draft treaty: on the one hand, this article states, in a clear-cut manner, the inalienable right of all the parties to the treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination, to participate in the fullest possible exchange of scientific and technical information in this field; on the other hand, under this same article the nuclear Powers are obliged to develop co-operation in contributing to the further development of the applications of nuclear energy for peaceful purposes, especially with those countries which do not possess nuclear weapons.

This, to our mind, creates favourable prerequisites for elaborating new extensive programmes of co-operation between nuclear and non-nuclear States in the peaceful uses of atomic energy. In this way, the treaty on the non-proliferation of nuclear weapons also becomes a treaty on the proliferation of benefits from the peaceful applications of nuclear energy for a maximum number of States.

Of particular significance, in our opinion, is the fact that this is also related to such a specific form of the peaceful application of nuclear energy as the use of nuclear blast energy for large-scale engineering works: excavation of canals and building of tunnels, opening up of ore deposits, etc. Even now, when the technology of application of nuclear energy in carrying out such explosions for peaceful purposes is still being elaborated by nuclear Powers, one can confidently say that in future such operations will acquire great significance in the economic advance of many States. It is obvious that every State is entitled to reserve for itself the possibility of using nuclear explosions for the purposes of economic development.

The participants in the talks proceeded precisely from the recognition of this inalienable right when they were considering the question

of peaceful nuclear blasts. It is known, however, that this question is not at all simple. From the point of view of their aims, a nuclear blast carried out to improve a new warhead for an intercontinental rocket, and a nuclear blast carried out to excavate a large irrigation canal are not, of course, one and the same thing. But from the point of view of technology, there exist no differences between nuclear blasts effected by devices used in nuclear weapons and those which can be used in explosions for peaceful purposes. This means that States carrying out nuclear explosions for peaceful purposes become, at the same time, nuclear-weapon States.

Inasmuch as such development of events would basically contradict the very nature of the treaty on the non-proliferation of nuclear weapons, and would create in it considerable loop-holes for those who, under the pretext of carrying out nuclear blasts for peaceful purposes, would embark on the road of manufacturing their own nuclear weapons, it was necessary to find a solution which would create a real possibility for non-nuclear States to use nuclear blast energy for their economic development, and at the same time, would not undermine the treaty on non-proliferation. Much effort was required to find such a solution for this complex question but ultimately it proved possible.

The draft treaty provides for the creation of a system of international co-operation in the utilization of nuclear explosions for peaceful purposes and specifies that there must be no discrimination within the framework of this co-operation irrespective of whether that co-operation is effected on a bilateral basis or through an appropriate international body. Provision has also been made that the charge for the nuclear devices used should be as low as possible and exclude any charge for research and development of the technology of nuclear explosions. We believe that this is practicable and advantageous both from the viewpoint of non-nuclear nations having access to the utilization of nuclear explosions for peaceful purposes and also because non-nuclear nations will be given considerable material advantages.

In dealing with the problem of the non-proliferation of nuclear weapons we come up against the question of strengthening the security of non-nuclear nations. A solution to that problem is provided to a large extent by the treaty itself because it prevents any further proliferation of nuclear weapons. The greater the number of non-nuclear nations signing the non-proliferation treaty the greater will be the confidence that nuclear weapons will never be used by any party in a conflict between States, whether in Asia, Africa, Latin America or any other part of the world. They will simply have no nuclear weapons.

In the course of the negotiations certain non-nuclear nations drew attention however to the fact that there was one more aspect to the problem of security of non-nuclear nations in a situation that would be created after the conclusion of the non-proliferation treaty. The problem is what would be the best way of safeguarding the non-nuclear nations which have signed the non-proliferation treaty against the threat of nuclear attack by countries which already possess nuclear weapons. With due regard for the importance of this question the Soviet Union submitted to the Eighteen-Nation Committee its pro-

posals on how, in its opinion, this problem could be solved in the most effective manner.[18]

Eventually it was agreed that supplementary measures for strengthening the security of non-nuclear Powers party to the non-proliferation treaty would be taken outside the framework of the treaty. Those measures would take the form of a special resolution of the Security Council, a draft of which has been agreed upon among three nuclear Powers—the Soviet Union, the United States of America, and the United Kingdom. It is proposed to state in that resolution, on behalf of the Security Council, that aggression with nuclear weapons or the threat of such aggression against non-nuclear-weapon States would create a situation in which the Security Council—above all, its permanent members which possess nuclear weapons—would have to act immediately in accordance with their obligations under the United Nations Charter.[19]

On adoption of that resolution by the Security Council, the Soviet Union proposes to state specifically that any State which commits aggression accompanied by the use of nuclear weapons or which threatens such aggression must be aware that its actions are to be countered effectively by measures to be taken in accordance with the United Nations Charter to suppress that aggression or remove that threat of aggression. As far as we know, the United States and the United Kingdom, two other permanent members of the Security Council, intend to make similar statements.[20]

Such a resolution of the Security Council, supplemented by similar special statements of the three nuclear Powers permanent members of the Council, will be a new, important element in safeguarding the security of non-nuclear nations, an action the like of which the United Nations has never taken before.

I should like to say a few words about the forthcoming Conference of Non-Nuclear Powers. In December 1967 the Soviet delegation voted for the resolution of the General Assembly fixing the date for the Conference of Non-Nuclear Powers,[21] and we support that resolution now too. We expect that the Conference, which will be held in August and September, will aim, just like the non-proliferation treaty, at closing all loop-holes to the proliferation of nuclear weapons throughout the globe, doing its utmost to ensure the use of nuclear energy exclusively for peaceful purposes, for the progress of mankind, and that prompt efforts will be exerted to achieve agreement among States on concrete disarmament measures. We can say with confidence that the conclusion of the non-proliferation treaty provides a good frame of reference for the successful work of the Conference of Non-Nuclear Powers.

Now that the Eighteen-Nation Committee on Disarmament has completed its work on drafting the non-proliferation treaty, the question is often asked: Who profits more from this treaty—nuclear or non-nuclear nations? Admittedly, this question is sometimes asked without any ulterior motive, but on other occasions it is clearly

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[18] See *ibid.*, *1966*, p. 11.
[19] See Security Council resolution of June 19 (*post*, p. 444).
[20] The U.S. statement appears *post*, pp. 439-440.
[21] *Documents on Disarmament, 1967*, p. 733.

prompted by the desire to oppose non-nuclear nations to those which possess nuclear weapons and thereby to complicate the atmosphere, pending the conclusion of the non-proliferation treaty, and to hinder that conclusion. If one considers this question calmly and soberly, one cannot fail to admit that both nuclear and non-nuclear nations, all the nations of the earth, and the whole of mankind will profit in many ways from the conclusion of the non-proliferation treaty.

In whose interest, for example, is such an implication of the treaty on the non-proliferation of nuclear weapons as prevention of the mounting threat of nuclear war? In the interest of all peoples, of course; of all States, regardless of whether or not they have nuclear weapons. In whose interest is the lessening of international tension and the strengthening of international confidence to be achieved as a result of conclusion of the non-proliferation treaty? Of course, it is in the interest of all States which adhere to positions of maintaining and strengthening peace. Which are more interested—the nuclear or non-nuclear Powers—in taking, through conclusion of the non-proliferation treaty, a new and important step towards restricting the nuclear arms race and in providing a new stimulus for disarmament negotiations? In our view, both are equally interested.

Summing up, we can say that the conclusion of the treaty on the non-proliferation of nuclear weapons will give non-nuclear nations some tangible additional advantages which they do not have now and will not gain if the non-proliferation treaty is not concluded. These include increased opportunities for using nuclear energy for peaceful purposes, the prospect of utilizing nuclear explosions for peaceful purposes, and great security for non-nuclear nations, compared to the position in which they find themselves today.

All that fully embodies the General Assembly's appeal that the treaty on the non-proliferation of nuclear weapons should strike an acceptable balance of mutual responsibilities and obligations between nuclear and non-nuclear Powers.

All States stand to gain from the treaty on the non-proliferation of nuclear weapons. It is essential not only to some individual countries or separate groups of States united on a geographical, social, military or political basis, but to the whole of mankind.

Who does not profit from the non-proliferation treaty? Who stands to lose from its conclusion? Only the forces which are reaching for the possession of nuclear weapons to carry out their lunatic aggressive plans; those, also, which place a stake on nuclear weapons as a means of blackmailing and bringing pressure to bear on their neighbours, on increasing international tensions and aggravating relations among States, and on realizing their insane plans of revanchism.

But those objectives are alien to peoples of all countries of the world. They crave for peace; they need conditions of tranquillity for solving the economic and social problems with which their countries are confronted, and for effecting radical transformations which will change the face of our planet in the coming decades and pave the way to a bright future for all of mankind. The treaty on the non-proliferation of nuclear weapons serves these lofty purposes.

The Soviet delegation calls upon the delegations of all Member States of the United Nations to approve the draft treaty on the non-proliferation of nuclear weapons.

Military Posture Statement by Secretary of Defense McNamara to the House Committee on Armed Services [Extract], April 30, 1968.[1]

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II. STRATEGIC FORCES

The forces and programs included under this heading, i.e., the strategic offensive forces, the strategic defensive forces, and the civil defense program, constitute the foundation of our general nuclear war capabilities and are accordingly treated in this section of the Statement as an integrated whole.

A. The general nuclear war problem

Over the past seven years, in my annual appearances before this Committee, I have attempted to explore with you in a systematic way all of the major elements of the general nuclear war problem—the nature of strategic nuclear war; the size and character of the forces likely to be involved: the technical feasibility, cost and probable outcomes of alternative strategies; and the principal policy and program choices opened to us and our allies. I have done so because I believe a common understanding of all of these factors is essential to an informed and reasoned discussion of the crucial decisions which we in the Executive Branch and you in the Congress must make each year in this most vital area of our defense program.

This is not to say that the need for consideration of the general nuclear war problem had been overlooked prior to 1961, or that I and my associates clearly understood, or even perceived, all of the multifaceted aspects of this vastly complex problem from the very outset. Quite the contrary, many of the fundamental concepts and insights which underlie our nuclear policies and programs today were developed prior to 1961, and my own views have matured and become more precise since that time. Indeed, many of the issues which came to a head in 1961 had been debated for years. All needed to be resolved so that we could get on with the job of reshaping our strategy and our forces for the decade of the 1960s.

It seemed to us in 1961 that one of the first things we had to do was to separate the problem of strategic nuclear war from that of all other kinds of war. Although the matter had long been debated, the fact that strategic nuclear forces, no matter how versatile and powerful they

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[1] *Hearings on Military Posture and an Act (S. 3293) To Authorize Appropriations During the Fiscal Year 1969 for Procurement of Aircraft, Missiles, Naval Vessels, and Tracked Combat Vehicles, Research, Development, Test, and Evaluation for the Armed Forces and To Prescribe the Authorized Personnel Strength of the Selected Reserve Component of the Armed Forces, and for Other Purposes Before the Committee on Armed Services, House of Representatives, Ninetieth Congress, Second Session*, no. 56, pp. 8498–8516. This prepared statement was read into the record on Apr. 30, 1968, by Mr. McNamara's successor, Secretary of Defense Clifford. See also statement prepared by Mr. McNamara Jan. 22, 1968, for the Senate Armed Services Committee (Department of Defense, *Statement by Secretary of Defense Robert S. McNamara on the Fiscal Year 1969–73 Defense Program and the 1969 Defense Budget*).

may be, do not by themselves constitute a credible deterrent to all kinds of aggression had still to be squarely faced.

There was, of course, a deep and vivid awareness from the very beginning of the nuclear era that a war in which large numbers of atomic bombs were employed would be far different, not only in degree but in kind, from any ever fought before. In such a war the potential battlefield would be the entire homelands of the participants.

Furthermore, because of the enormous destructive power of nuclear weapons and the great speed and diverse ways in which they can be delivered, nothing short of a virtually perfect defensive system would provide anything approaching complete protection for populations and cities against a determined, all-out attack by a major nuclear power. This is not simply a matter of technology, it is inherent in the offensive-defensive problem. A nuclear-armed offensive weapon which has a 50/50 chance of destroying its target would be highly effective. But a defensive weapon with the same probability of destroying incoming nuclear warheads would be of little value.

This point was well understood by many who had closely studied the problem, even at the beginning of the nuclear era. In late 1945, for example, General Arnold noted that ". . . measures intended for protection against an atom bomb attack must be highly efficient from the very start of a war if they are to be any good at all. Our experience in this war has shown that it is most difficult to attain this goal." [2] I might add, all of our experience since that time has conclusively demonstrated that a defense of such a high order of perfection is still technically unobtainable.

But the point to note here is that throughout the 1950s, and indeed since the end of World War II, it has always been our capacity to retaliate with massive nuclear power which was considered to be the deterrent against Soviet attack. It was this tendency to rely on nuclear weapons as the "universal deterrent" that helped contribute to the decline in our non-nuclear limited war forces, first during the late 1940s, and then during the second half of the 1950s. And yet by 1961, it was becoming clear that large scale use of nuclear weapons by the West as a response to Soviet aggression, other than an all-out attack, was not desirable. Therefore, other types of forces would have to be provided both to deter and, in the event deterrence failed, to cope with conflicts at the middle and lower end of the spectrum.

Thus, the time was ripe for a major reassessment of our military forces in relation to our national security policies and objectives.

With regard to our strategic nuclear war capabilities as such, our initial analysis impressed us with the need for prompt action in three related areas. First, while our strategic offensive forces were then fully adequate for their mission, it was apparent that our soft missiles and bombers would become exceedingly vulnerable to a nuclear surprise attack once our opponent had acquired a large number of operational ICBMs. Second, when that potential threat became a reality, reliable warning and timely response to warning of a missile attack would be of crucial importance to the survival of our bomber forces. Third, considerable improvements would have to be made in our com-

[2] *Third Report of the Commanding General of the Army Air Forces to the Secretary of War* (1945), p. 67.

mand and communication systems if the strategic offensive forces were to be kept continuously under the control of the constituted authorities—before, during, and after a nuclear attack.

Essentially, there appeared to be two approaches available to us at the time: (1) we could provide offensive forces which could be launched within the expected period of tactical warning from the Ballistic Missile Early Warning System which was then still under construction, or (2) we could provide forces which would be able to survive a massive ICBM attack and then be launched in retaliation. As a long-term solution for the protection of our missiles, the first approach was rejected because of its great dependence on timely and unambiguous warning. While the timeliness of warning was reasonably assured, we could not be completely certain that the warning would be unambiguous. In the case of the manned bombers, this uncertainty presented serious, but not necessarily critical, problems. The bombers could be launched upon warning and ordered to proceed to their targets only after the evidence of an attack was unmistakable. But once launched, a ballistic missile could not be recalled. Yet, unless it is deployed in a mode which gives it a good chance of surviving an attack, it, too, would have to be launched before the enemy's missiles strike home, or risk destruction on the ground.

Obviously, it would be extremely dangerous for everyone involved if we were to rely on a deterrent missile force whose survival depended on a hair-trigger response to the first indications of an attack. Accordingly, we decided to accelerate the shift from the first generation ICBMs, the liquid fuel ATLAS and TITAN, to the second generation solid fuel missiles, POLARIS and MINUTEMAN, the former types being very costly and difficult to deploy in hardened underground sites and maintain on a suitable alert status. We knew that the MINUTEMAN would not only be less expensive to produce and deploy in protected sites (and, thereby, provide more aim points per dollar expended), but would also be considerably easier and less costly to keep on alert. Because of its unique launching platform, the submarine-carried POLARIS missile inherently promised a high likelihood of surviving a surprise attack, due to its mobility and concealment.

As these more survivable and effective POLARIS and MINUTEMAN missiles entered the operational forces in large numbers during FY 1964–65, the older REGULUS, ATLAS and TITAN I types were phased out. And over the years as advancing technology produced new models of the MINUTEMAN and POLARIS ("models" which represented as great an advance over their predecessors as the B–52 over the B–47), these too have been promptly introduced. Concurrently with the deployment of the strategic missile force, we conducted an unprecedented testing program in order to assure ourselves that they could be relied upon to perform their mission. Finally, a very large missile penetration aids effort was undertaken to make certain that we could overcome any enemy defensive measures designed to stop our missiles. Yet, notwithstanding the retirement of all of the ATLAS and TITAN Is, the number of land-based ICBMs increased from 28 at end FY 1961 to 1,054 by end FY 1967. And, all of the

planned 41 POLARIS submarines have now become operational, most with advanced model POLARIS missiles.

With regard to the manned bombers, it was clearly evident in 1961 that the number that could be maintained on alert status was far more important than the total in the inventory, which was then very sizable. Accordingly, until the MINUTEMAN and POLARIS forces could be deployed, we increased by 50 percent of the proportion of the force being maintained on 15-minute ground alert, the warning time we could expect from BMEWS.

The build-up of the strategic bomber force to 14 wings of B–52s and two wings of B–58s was completed in FY 1963. During this same period the medium bomber force of older B–47s was phased down, eventually being retired completely in 1966 on essentially the same schedule planned by the previous Administration. In addition, a large and very expensive B–52 modification program was placed underway in order to extend the useful life of the later models of these aircraft well into the 1970s and to enable them to employ low-altitude tactics in order to improve their penetration capabilities against enemy defenses.

As a result of these changes, and notwithstanding the retirement of the ATLAS, TITAN I and B–47s, the number of nuclear weapons in the alert force increased over threefold during the period. Now that the MINUTEMAN and POLARIS forces have been deployed, we can reduce somewhat the proportion of the bomber force on alert.

Not much could be done in 1961 to improve the continental air defense system which had been designed against bomber attack. However, recognizing the vulnerability of the SAGE ground control system sites to missile attack, we did start deployment of a backup system which has since been greatly expanded and made more effective. And because adequate warning of ballistic missile attack was so important to the survival and ultimate effectiveness of our strategic bomber force, we pressed forward the construction of BMEWs and somewhat later began the deployment of the Over-the-Horizon radars. As the weight of the threat continued to shift from bombers to missiles, we began to modify the air defense system, phasing out those elements which became obsolete or excess to our needs.

We also closely considered in 1961 the advisability of deploying an active defense against ballistic missile attack. However, there were widespread doubts even then as to whether the NIKE–ZEUS system, which had been under development since 1956, should ever be deployed. Aside from outstanding questions as to its technical feasibility and our concern over operating problems which might be encountered, we were convinced that its effectiveness could be critically degraded by the use of more sophisticated warheads screened by multiple decoys or chaff. Weighing all the pros and cons, we concluded in 1962 that the best course was to shift the development of the system to a more advanced approach and to take no action to produce and deploy it at that time. We stepped up the pace and scope of our efforts to expand our knowledge of the entire problem of detecting, tracking, intercepting and destroying ballistic missiles. It was from these efforts that we have since drawn much of the technology incorporated in our present ballistic missile defense concepts.

Finally, we undertook an extensive program to improve and make more secure the command and control of our strategic offensive forces. Among the measures taken was the establishment of a number of alternate national command centers, including some which would be maintained continuously in the air so that the direction of all our forces would not have to depend upon the survival of a single center. Steps were also taken to enhance the survivability, reliability and effectiveness of the various command and communications systems, including, for example, provision for the airborne control of bomber, MINUTEMAN and POLARIS launchings. These were all forged into a new integrated National Military Command System. To guard against accidental or unauthorized firings, new procedures, equipment and command arrangements were introduced to ensure that all nuclear weapons could be released only on the positive command of the national authorities.

Many of the tasks we set out for ourselves seven years ago have been successfully accomplished. But, the situation which we foresaw then is now well upon us. The Soviets have, in fact, acquired a large force of ICBMs installed in hardened underground silos. To put it bluntly, neither the Soviet Union nor the United States can now attack the other, even by complete surprise, without suffering massive damage in retaliation. This is so because each side has achieved, and will most likely maintain over the foreseeable future, an actual and credible second strike capability against the other. It is precisely this mutual capability to destroy one another, and, conversely, our respective inability to prevent such destruction, that provides us both with the strongest possible motive to avoid a strategic nuclear war.

That we would eventually reach such a stage had been clearly foreseen for many years. Five years ago I pointed out to this Committee that: "We are approaching an era when it will become increasingly improbable that either side could destroy a sufficiently large portion of the other's strategic nuclear force, either by surprise or otherwise, to preclude a devastating retaliatory blow."

In January 1956, Secretary of Defense Wilson noted that, ". . . independent of what year it might happen, within a reasonable number of years we are almost bound to get into a condition sometimes described as 'atomic plenty' or a condition where the two parties could, as a practical matter, destroy each other."[3] In the following month, Secretary of the Air Force Quarles was even more explicit. He said, "I believe it will mean that each side will possess an offensive capability that is so great and so devastating that neither side will have a knockout capability, and, therefore, a situation in which neither side could profitably initiate a war of this kind. . . . This has been frequently referred to as a position of mutual deterrence, and I believe we are moving into that kind of a situation."[4]

Indeed, as far back as February 1955, a distinguished group of scientists and engineers, frequently referred to as the Killian Committee, had concluded on the basis of a comprehensive study of our continental

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[3] *Department of Defense Appropriations for 1956: Hearings Before a Subcommittee of the Committee on Appropriations, House of Representatives, Eighty-fourth Congress, Second Session*, p. 31.

[4] *Ibid.*, p. 830.

air defense that within probably less than a decade a nuclear attack by either the United States or the Soviet Union would result in mutual destruction. "This is the period," the Committee's report stated, "when both the U.S. and Russia will be in a position from which either country can derive a winning advantage, because each country will possess enough multimegaton weapons and adequate means of delivering them, either by conventional or more sophisticated methods, through the defenses then existing. The ability to achieve surprise will not affect the outcome because each country will have the residual offensive power to break through the defenses of the other country and destroy it regardless of whether the other country strikes first."

Clearly, nothing short of a massive pre-emptive first strike on the Soviet Union in the 1950s could have precluded the development of the situation in which we now find ourselves. This point, too, was noted by Secretary McElroy in 1958. Indeed, the hearings of the Congressional Committees concerned with national defense during that period are replete with references to this crucial issue.

Be that as it may, the problem now confronting the Nation is how best to ensure our safety and survival in the years ahead, in an era when both we and the Soviet Union will continue to have large and effective second strike strategic offensive forces and when the Red Chinese may also acquire a strategic nuclear capability.

I believe we can all agree that the cornerstone of our strategic policy must continue to be the deterrence of a deliberate nuclear attack against either the United States or its allies. But this immediately raises the question, what kind of level of forces do we need to ensure that we have such a deterrent, now and in the foreseeable future?

Having wrestled with this problem for the last seven years, I am convinced that our forces must be sufficiently large to possess an "Assured Destruction" capability. By this I mean an ability to inflict at all times and under all foreseeable conditions an unacceptable degree of damage upon any single aggressor, or combination of aggressors—even after absorbing a surprise attack. One can add many refinements to this basic concept, but the fundamental principle involved is simply this: it is the clear and present ability to destroy the attacker as a viable 20th Century nation and an unwavering will to use these forces in retaliation to a nuclear attack upon ourselves or our allies that provides the deterrent, and not the ability partially to limit damage to ourselves.

This is not to say that defense measures designed to significantly limit damage to ourselves (which is the other major objective of our strategic forces) might not also contribute to the deterrent. Obviously, they might—if an increase in our "Damage Limiting" capability could actually undermine our opponent's confidence in his offensive capability. But for a "Damage Limiting" posture to contribute significantly to the deterrent in this way, it would have to be extremely effective, i.e., capable of reducing damage to truly nominal levels—and as I will explain later, we now have no way of accomplishing this.

As long as deterrence of a deliberate Soviet (or Red Chinese) nuclear attack upon the United States or its allies is the vital first objective of our strategic forces, the capability for "Assured Destruction" must receive the first call on all of our resources and must be provided

regardless of the costs and the difficulties involved. That imperative, it seems to me, is well understood and accepted by all informed Americans. What is not so well understood, apparently, is the basis upon which our force requirements must logically be determined—in other words, how much "Assured Destruction" capability do we need and what is the proper way to measure that need?

The debate on how much is enough, I suspect, is as old as war itself, but it acquired a new and very special significance with the advent of the atomic bomb. As one observer, Bernard Brodie, noted in 1946, at the very beginning of the nuclear era:

> Superiority in numbers of bombs is not in itself a guarantee of strategic superiority in atomic bomb warfare . . . it appears that for any conflict a specific number of bombs will be useful to the side using it, and anything beyond that will be luxury. What that specific number would be for any given situation it is now wholly impossible to determine. But we can say that if 2,000 bombs in the hands of either party is enough to destroy entirely the economy of the other, the fact that one side has 6,000 and the other 2,000 will be of relatively small significance . . . the actual critical level could never be precisely determined in advance and all sorts of contingencies would have to be provided for. Moreover, nations will be eager to make whatever political capital (in the narrowest sense of the term) can be made out of superiority in numbers. But it nevertheless remains true that superiority in numbers of bombs does not endow its possessor with the kind of military security which formerly resulted from superiority in armies, navies, and air forces.[5]

A decade later, in a speech appropriately entitled "How Much Is Enough," Secretary of the Air Force Quarles took up the same theme in a somewhat more elaborate and sophisticated manner. He presented the case as follows:

> The advent of atomic weapons in great numbers and variety, and now in megaton yields, has brought us to the point where the airpower we now hold poised is truly powerful beyond the imagination of man. But there comes a time in the course of increasing our airpower when we must make a determination of sufficiency. . . . Sufficiency of air power, to my mind, must be determined period by period on the basis of the force required to accomplish the mission assigned. Because technological changes are constantly occurring, which alter the power of any force to execute its mission . . we must constantly review our mission requirements and tailor our concept of sufficiency to the current and foreseeable needs.
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> . . . the build-up of atomic power in the hands of the two opposed alliances of nations makes total war an unthinkable catastrophe for both sides. Neither side can hope by a mere margin of superiority in airplanes or other means of delivery of atomic weapons to escape the catastrophe of such a war. Beyond a certain point, this prospect is not the result of *relative* strength of the two opposed forces. It is the *absolute* power in the hands of each, and in the substantial invulnerability of this power to interdiction.
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> Under such circumstances, each potential belligerent in total war could possess what might be called a 'mission capability' relative to the other. So great is the destructive power of even a single weapon that these capabilities can exist even if there is a wide disparity between the offensive or defensive strengths of the opposing forces. . . . It is crucially important that we maintain the level of strength constituting a 'mission capability.' It is neither necessary nor desirable in my judgment to maintain strength above that level.

Although the technology of strategic nuclear war has undergone dramatic changes since 1956, the general principle laid down by Secre-

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[5] *The Absolute Weapon: Atomic Power and World Order* (New York: Harcourt, Brace, and Co., 1946), pp. 46–47.

tary Quarles is as valid today as it was then. The requirement for strategic forces must still be determined on the basis of the "mission capability" we are seeking to achieve. That, in turn, must be related to our overall policy objective, i.e., deterrence of a deliberate nuclear attack on ourselves or our allies. Thus, the first quantitative question which presents itself is: What kind and amount of destruction must we be able to inflict upon the attacker in retaliation to ensure that he would, indeed, be deterred from initiating such an attack?

As I have explained to the Committee in previous years, this question cannot be answered precisely. Some people have argued that the Soviet or Red Chinese tolerance of damage would be much higher than our own. Even if this were true (which is debatable), it would simply mean that we must maintain a greater "Assured Destruction" capability. For example, if we believe that a ten percent fatality level would not deter them, then we must maintain a capability to inflict 20 or 30 percent, or whatever level is deemed necessary. In the case of the Soviet Union, I would judge that a capability on our part to destroy, say, one-fifth to one-fourth of her population and one-half of her industrial capacity would serve as an effective deterrent. Such a level of destruction would certainly represent intolerable punishment to any 20th Century industrial nation.[6]

The next question which has to be answered is: What kind and how large a force do we need to ensure at all times and under all forseeable conditions that we can inflict the desired level of damage on the attacker? Obviously, the number of strategic missiles and aircraft we need cannot be determined solely on the basis of some fixed ratio to the number our opponents might have, or for that matter, to the number of nuclear warheads or the gross megatonnage those weapons could carry. Certainly, these are very important factors, each in its own right, and they must be and are taken into account in our calculations. But these are not the only or even most important factors. The requirement for "Assured Destruction" forces can be determined logically only on the basis of the size and character of the target system they may be called upon to destroy, taking account of all of the other relevant factors involved. Among these are: the number of our weapons which at any given time are ready to be launched toward their targets; the number of these which could be expected to survive a Soviet surprise first attack; and the number of the "ready", "surviving" weapons which can reasonably be expected to reach the objective area, survive the enemy defenses and detonate over or on their intended targets.

Thus, a logical determination of strategic force requirements in-

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[6] Red China represents a somewhat different problem. Today Red China is still far from being an industrial nation. What industry it has is heavily concentrated in a comparatively few cities. We estimate, for example, that a relatively small number of warheads detonated over 50 Chinese cities would destroy half of the urban population (more than 50 million people) and more than one-half of the industrial capacity. And, as I noted last year, such an attack would also destroy most of the key governmental, technical, and managerial personnel, as well as a large proportion of the skilled workers. Since Red China's capacity to attack the U.S. with nuclear weapons will be very limited at least through the 1970s, the ability of even so small a portion of our strategic forces to inflict such heavy damage upon them should serve as a major deterrent to a deliberate attack on us by that country. [Footnote in original.]

volves a rather complex set of calculations. You may recall that when I appeared here six years ago in support of our first Five Year Defense Program, I described the steps of this process in some detail. In view of the misunderstandings which have arisen over the issue, I believe it might be useful to restate them here.

The first step is to determine the number, types, and locations of the aiming points in the target system.

The second step is to determine the numbers and explosive yields of weapons which must be delivered on the aiming points to ensure the destruction or substantial destruction of the target system.

The third step involves a determination of the size and character of the forces best suited to deliver these weapons, taking into account such factors as: size of warhead, system reliability, delivery accuracy, ability to penetrate enemy defenses, and cost.

Since we must be prepared for a first strike by the enemy, allowances must also be made in our calculations for the losses which our own forces would suffer from the initial enemy attack. This, in turn, introduces additional factors:

1. The size, weight, and effectiveness of a possible enemy attack.
2. The degree of vulnerability of our own strategic weapon systems to such an attack.

Clearly, each of these factors involves various degrees of uncertainty. But these uncertainties are not unmanageable. By postulating various sets of assumptions, ranging from optimistic to pessimistic, it is possible to introduce into our calculations reasonable allowances for these uncertainties. For example, we can use in our analysis both the higher and lower limits of the range of estimates of the number of enemy ICBMs and long-range bombers. We can assign to these forces a range of capabilities as to warhead yield, accuracy, reliability, etc.

With respect to our own forces, we can establish, within reasonable limits, the degree of reliability, accuracy and vulnerability of each type of offensive weapon system and its ability to penetrate the enemy defenses under various modes of operation. The last factor also involves an estimate of the size and character of the enemy's defenses.

Obviously, a change in any major element of the problem necessitates changes in many other elements. For example, the Soviet's deployment of a very extensive air defense system during the 1950s forced us to make some very important changes in our strategic bomber forces. The B–52s had to be provided with penetration aids—i.e., standoff missiles, decoys, electronic countermeasure equipment, etc. In addition, the B–52's airframe had to be substantially strengthened to permit sustained low-altitude operations.

Now, in the late 1960s, because the Soviet Union *might* deploy extensive ABM defenses, we are making some very important changes in our strategic missile forces. Instead of a single large warhead, our missiles are now being designed to carry several small warheads and penetration aids, because it is the number of warheads, or objects which appear to be warheads to the defender's radars, that will determine the outcome in a contest with an ABM defense.

Gross megatonnage is not a reliable indicator of the destructive power of an offensive force. For example, one missile carrying ten 50-kiloton warheads (a total yield of ½-megaton) would be just as effec-

tive against a large city (2,000,000 people) as a single 10-megaton warhead with 20 times the total yield. Against smaller cities (100,000 people) ten 50-kiloton warheads would be 3½ times as effective as the single 10-megaton warhead, and against airfields 10 times as effective. Even against hard ICBM sites, the ten 50-kiloton warheads would (given the accuracy we anticipate) be more effective than a single 10-megaton warhead. And, of course, it would take 10 times as many ABM interceptors to defend a city against ten 50-kiloton warheads as it would against a single 10-megaton warhead.

It is clear, therefore, that gross megatonnage is an erroneous basis on which to compare the destruction capability of two forces. And as I pointed out to the Committee last year, the number of missiles on launchers alone is not a much better measure. Far more important is the surviving number of separately targetable, serviceable, accurate, reliable warheads. But the only true measure of relative effectiveness of two "Assured Destruction" forces is their ability to survive and to destroy the target systems they are designed to take under attack.

In terms of numbers of separately targetable, survivable, accurate, reliable warheads, our strategic forces are superior to those of the Soviet Union. But I must caution that in terms of national security, such "superiority" is of little significance. For even with that "superiority", or indeed with any "superiority" realistically attainable, the blunt, inescapable fact remains that the Soviet Union could still effectively destroy the United States, even after absorbing the full weight of an American first strike.

We should be under no illusion that "Damage Limiting" measures, regardless of how extensive they might be, could, by themselves, change that situation. This is so for the same reason that the deployment by the Soviets of a ballistic missile defense of their cities will not improve their situation. We have already taken the necessary steps to guarantee that our strategic offensive forces will be able to overcome such a defense. Should the Soviets persist in expanding what now appears to be a light and modest ABM deployment into a massive one, we will be forced to take additional steps. We have available the lead time and the technology to so increase both the quality and the quantity of our strategic offensive forces—with particular attention to more sophisticated penetration aids—so that this expensive "Damage Limiting" effort would give them no edge in the nuclear balance whatsoever. By the same token, however, we must realistically assume that the Soviet Union would take similar steps to offset any threat to their deterrent that might result from our deploying an ABM defense of our own cities.

Under these circumstances, surely it makes sense for us both to try to halt the momentum of the arms race which is causing vast expenditures on both sides and promises no increase in security. The logic of discussions to limit offensive and defensive strategic weapons is even more compelling than it was a year ago when the President proposed such discussions to the Soviet Union. We are continuing our attempt to persuade the Soviets to agree to our proposal for discussions.

It is important to distinguish between an ABM system designed to protect against a Soviet attack on our cities and an ABM system designed for other purposes. One such purpose would be to provide

greater protection for our strategic offensive forces; another would be to protect our cities against an attack by Red China. The first is not a "Damage Limiting" measure, but rather an action designed to strengthen our "Assured Destruction" capability by ensuring the survival of a larger proportion of our retaliatory forces. The second is a "Damage Limiting" measure, but one against a small force—because of the size and character of the attacks involved, a good defense becomes feasible.

As I noted last year, Red China may achieve an initial ICBM operational capability in the early 1970s and a modest force in the mid-1970s. Depending upon the rate of growth thereafter, a thin ABM deployment, with some additions and improvements, could be highly effective through the mid-1980s. The ability of the thin ABM to limit damage to our Nation in the event our offensive force failed to deter an "irrational" aggressor was the basis for our decision to deploy such a force.

Before I discuss the analytical basis for these conclusions and our specific program proposals, I would first like to present the latest estimates of the strategic threat.

B. The size and character of the threat

Each year in presenting our projections of the strategic nuclear threat to the United States, I have cautioned that while we have reasonably high confidence in our estimates for the closer-in period, our estimates for the more distant years are subject to considerable uncertainty. This is still the case with regard to our current projections. The estimates through 1969 are reasonably firm. Beyond that point they become progressively less firm, especially where they deal with the period beyond the production and deployment leadtimes of the weapons systems involved.

1. The Soviet Strategic Offensive-Defensive Forces

Summarized in the following table are the Soviet strategic offensive forces estimated for October 1, 1967. The programmed U.S. forces for those same dates are shown for comparison.

United States versus Soviet intercontinental strategic nuclear forces

	Oct. 1, 1967	
	United States [1]	U.S.S.R.
ICBM launchers [2]	1,054	720
SLBM launchers [3]	656	30
Total, intercontinental missile launchers	1,710	750
Intercontinental bombers [4]	697	155
Total force loadings, approximate number of warheads	4,500	1,000

[1] These are mid-1967 figures.

[2] Excludes ICBM test range launchers which could have some operational capability against the United States. Soviets also have medium range IRBM's capable of striking Eurasian targets.

[3] In addition to the SLBM's on nuclear-powered submarines the Soviets also have SLBM's on diesel-powered submarines whose primary targets are believed to be strategic land targets in Eurasia. The Soviets also have submarine-launched cruise missiles whose primary targets we believe to be naval and merchant vessels.

[4] In addition to the intercontinental bombers, the Soviets have a force of medium bombers/tankers capable of striking Eurasian targets.

a. Intercontinental Ballistic Missiles.—Over the past year, the Soviets have continued their build-up of hardened and dispersed land-based missiles. We estimate that as of 1 October 1967 they had a total of 720 ICBM launchers operational compared to 340 a year earlier. We believe the Soviet ICBM force will continue to grow over the next few years, but at a considerably slower rate than in the recent past.

As you may recall, I announced last November that the Soviets were intensively testing what we believe to be a Fractional Orbit Bombardment System (FOBS). Such a system—which is really an ICBM of different trajectory—could be launched on a very slow trajectory across the northern approaches of the United States, thus reducing the possibility of timely detection by the Ballistic Missile Early Warning System (BMEWS); or, alternatively, around the southern approaches which are not covered by BMEWS. In either event, the weapon would not have a very high order of accuracy and would have to pay a heavy penalty in payload. It would, therefore, be useful primarily against soft targets. Although years ago we considered and rejected such a system for our own use, the Soviets may believe it to be useful in a surprise nuclear strike against our bomber bases or as a penetration tactic against ABM systems. Later, in my discussion of the defensive programs, I will touch on some of the measures we have taken in anticipation of that type of threat.

b. Anti-Ballistic Missile Defense.—Last year I noted that in addition to the GALOSH system around Moscow, the Soviets were deploying another type of defensive system elsewhere in the Soviet Union. I cautioned, however, that the weight of the evidence at the time suggested that this system was not intended primarily for anti-ballistic missile defense. Now, I can tell you that the majority of our intelligence community no longer believes that this so-called "Tallinn" system (which is being deployed across the northwestern approaches to the Soviet Union and in several other places) has any significant ABM capability. This system is apparently designed for use within the atmosphere, most likely against an aero-dynamic rather than a ballistic missile threat.

Although construction of the GALOSH ABM system around Moscow is proceeding at a moderate pace, no effort has been made during the last year to expand that system or extend it to other cities. It is the consensus of the intelligence community that this system could provide a limited defense of the Moscow area but that it could be seriously degraded by sophisticated penetration aids. Nevertheless, knowing what we do about past Soviet predilections for defensive systems, we must, for the time being, plan our forces on the assumption that they will have deployed some sort of an ABM system around their major cities by the early 1970s.

2. Red Chinese Nuclear Threat

Our current estimates of the Red Chinese nuclear threat are essentially the same as those I presented here last year. The Chinese have the technical and industrial capabilities required for the deployment of ballistic missiles and we believe that they are making an intensive effort to develop a medium range missile. We estimate that the first

of these missiles could be deployed as early as 1967–68 and that by the mid-1970s, they could have a modest force operational.

With regard to ICBMs, we continue to believe that the Chinese nuclear weapons and ballistic missile development programs are being pursued with a high priority. However, it is now clear that they failed to conduct either a space or a long-range ballistic missile launching before the end of 1967, as we thought possible last year. We still believe such a launching could be made on relatively short notice. In any event, our estimate last year that it appeared unlikely the Chinese could achieve an IOC with an ICBM before the early 1970s, or deploy a significant number of operational ICBMs before the mid-1970s, still holds. And, of course, those ICBMs would not have a very high degree of reliability, speed of response or protection against attack.

The Red Chinese also have several types of aircraft which could carry nuclear weapons, but most of them have a limited operational radius and none have an intercontinental radius. It is highly unlikely on the basis of cost alone that they would undertake the development, production and deployment of an intercontinental bomber force. If they chose to do so, it would take them a decade or more before they could deploy such a force.

C. Capabilities of the proposed U.S. forces for "assured destruction"

As I noted earlier, the only true measure of the effectiveness of our "Assured Destruction" forces is their ability, even after absorbing a well-coordinated surprise first strike, to inflict unacceptable damage on the attacker. In this next portion of my statement, I would like to examine with you our latest analyses of how well our strategic forces can be expected to accomplish that mission: first, against the "highest expected threat" projected in the latest National Intelligence Estimates and, second, against a Greater-Than-Expected Threat.[1]

1. Capability Against the "Highest Expected Threat" in the NIE

Even if the Soviet strategic forces by 1972 reach the higher end of the range of estimates projected in the latest NIEs and even if they were to assign their entire available missile force to attacks on our strategic forces (reserving only refire missiles and bomber-delivered weapons for urban targets), about one-half of our forces programmed for 1972 would survive and remain effective. If the Soviets expand the Moscow ABM defense and deploy the same or a similar system around other cities at the highest rate projected in the latest NIEs, about three-quarters of our surviving weapons would detonate over their targets. The destructive potential of such a U.S. retaliatory attack is illustrated by the following table.

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[1] The "highest expected threat" is actually composed of the upper range of NIE projections for *each* element of the Soviets' strategic forces. In many cases, these represent alternatives and it is highly unlikely that all elements would ever reach the top end of the quantitative range simultaneously. Therefore, the "highest expected threat" is really a greater threat than that projected in the NIE [Footnote in original].

Soviet population and industry destroyed

[Assumed 1972 total population of 247,000,000; urban population of 116,000,000]

	Total population fatalities		Industrial capacity destroyed (percent)
	Millions	Percent	
1 megaton equivalent delivered warheads:			
100	37	15	59
200	52	21	72
400	74	30	76
800	96	39	77
1,200	109	44	77
1,600	116	47	77

Even if the Soviets deploy a substantial number of ABM interceptors by 1972, our strategic missile forces alone could still destroy more than two-fifths of their total population (more than 100 million people), and over three-quarters of their industrial capacity. As the foregoing table demonstrates, beyond 400 one-megaton equivalents optimally delivered, further increments would not meaningfully change the amount of damage inflicted because we would be bringing smaller and smaller cities under attack.

These results, of course, reflect the decisions we have taken in recent years to enhance the future capabilities of our "Assured Destruction" forces, including:

1. The production and deployment of the POSEIDON missile with MIRVs.
2. The production and deployment of improved missile penetration aids.
3. The increase in the proportion of MINUTEMAN IIIs (with MIRVs and a new improved third stage) in the planned force.
4. The initiation of development of new small reentry vehicles in order to increase substantially the number of warheads (or penetration aids) which can be carried by a single missile.
5. The development and production of SRAMs for our strategic bombers.

These and other measures will not only enhance the survivability of our strategic missile forces but will also greatly increase the number of weapons which we could place over the Soviet Union in 1972. As I stated earlier, numbers of weapons will be much more important in the future than gross megatonnage. Our calculations show that, even if the Soviets deploy a substantial number of ABMs by 1972, our offensive forces (after absorbing a surprise attack) would still be able to inflict about the same percent fatalities on the Soviet population in a second strike in 1972 as they could have in 1966.

Indeed, if the Soviet offensive-defensive threat does not increase beyond the highest level now projected through 1972 in the latest National Intelligence Estimates, we will have more "Assured Destruction" capability than we will probably need. However, I have repeatedly cautioned that our "Assured Destruction" capability is of such crucial importance to our security that we must be prepared to cope with Soviet strategic threats which are greater than those projected in the latest intelligence estimates. Accordingly, we must continually reexamine the various actions, beyond those which now seem

probable, by which the Soviets might seek to strengthen their strategic forces and take appropriate steps in a timely manner to hedge against them.

2. Capability Against "Greater-Than-Expected Threats"

As was the case last year, the most severe threat we must consider in planning our "Assured Destruction" forces is a Soviet deployment of a substantial hard target kill capability in the form of highly accurate small ICBMs or MIRVed large ICBMs, together with an extensive, effective ABM defense. A large Soviet ICBM force with a substantial hard target kill capability might be able to destroy a large number of our MINUTEMAN missiles in their silos. An extensive, effective Soviet ABM defense might then be able to intercept and destroy a large part of our residual missile warheads, including those carried by submarine-launched missiles. In combination, therefore, these two actions could conceivably seriously degrade our "Assured Destruction" capability.

Again, I want to remind you that both of these threats are quantitatively far greater than those projected in the latest intelligence estimates. Moreover, we believe that the accuracy of Soviet ICBMs is still substantially inferior to that of our own missiles. Nevertheless, even though such a threat is extremely unlikely, we have taken account of the possibility in our longer range force planning.

Our calculations show that against either *one* of the Soviet Greater-Than-Expected Threats, the offensive or the defensive threat, the presently programmed forces could still perform their mission through the mid-1970s.

Against the massive and highly unlikely combined Greater-Than-Expected Offensive and Defensive Threats, these same forces with POSEIDON missiles carrying a full load of warheads and with bomber penetration aids (options which we could exercise in FY 1970) could still destroy in a second strike (depending upon how we target our forces) about 18 to 25 percent of the population and two-thirds to three-quarters of the industrial capacity of the Soviet Union, even after absorbing a surprise attack. The prospect of having to absorb losses of this magnitude from a U.S. retaliatory strike should, in itself, pose a very substantial deterrent to the Soviet Union. Nevertheless, for the purpose of planning our forces so far ahead, this level of damage may become too low for complete confidence in our deterrent. Accordingly, prudence dictates that we act now to place ourselves in a position to strengthen our "Assured Destruction" capabilities in the unlikely event that both of the Greater-Than-Expected Threats actually begin to emerge.

Fortunately, we have a large number of additional options from which we can draw to strengthen those capabilities by the mid-1970s. We can convert the entire force to MINUTEMAN III, increase the number of warheads each MINUTEMAN could carry, emplace the entire MINUTEMAN III force in superhard silos, and/or protect the MINUTEMAN force with an ABM defense.

There are, of course, still other options available, such as the construction and deployment of more POSEIDON submarines, and the development and production of a new land-based missile. Although a new land-based ICBM does not appear to offer any particular advan-

tage over the MINUTEMAN III in superhard silos, I believe we should keep that option open by starting development now of a silo which could be used for either the MINUTEMAN III or a new ICBM. The options of defending MINUTEMAN with the ABM and of constructing more POSEIDON submarines will continue to be available for some time into the future and neither requires a commitment at this time.

As I noted in previous years, under certain circumstances there may be some advantage in maintaining a mixed offensive force of missiles and a limited number of bombers. By having a capability to attack some cities with missiles only, and others with bombers only, we can force the Soviet Union to maintain defenses against both. But to do this, we do not need either a very large bomber force or a new bomber. The present program provides for a mixed force of missiles and bombers into the later part of the 1970s, and the options open to us will permit extending the life of the bomber force and increasing its capability, and/or the addition of a new bomber, should threats greater than that projected by the NIE develop.

Against the Greater-Than-Expected Threat, any bomber force ought to be equipped with improved penetration aids to cope with the kind of anti-bomber defense systems postulated in this threat. We have no evidence the Soviets are actually deploying such systems, although they are developing new high performance fighter aircraft. Nevertheless, we should keep the options open to upgrade our presently programmed bomber force and to deploy a new bomber if one should eventually be required. But the pacing items at the present time are the penetration aids, particularly those needed to counter the improved interceptors the Soviets may deploy in the future, and these are the programs which should receive our first attention regardless of which option we may ultimately choose to exercise.

Again, may I remind you that all of these missile and bomber options are directly related to the combined Greater-Than-Expected Threat, and until we have some evidence that this threat is actually beginning to emerge, we need not and should not decide to deploy any of these systems. Instead, we should carefully time our actions on all of them in step with the development of the threat, keeping in mind the various development, production and deployment leadtimes involved.

D. Capabilities of the proposed forces for damage limitation

There are two major issues this year in the Damage Limitation portion of the Strategic Forces Program. The first concerns the deployment of an anti-ballistic missile defense and, the second, the future size and composition of the anti-bomber defense forces.

1. Anti-Ballistic Missile Defense

Last year I presented to you in considerable detail our analysis of the anti-ballistic missile defense issue. I described the three major purposes for which we might want to deploy an ABM system, the kinds of radars and missiles which would be involved, the technical uncertainties which still remained to be resolved, and the costs and benefits of some of the alternative deployments. With regard to the three purposes, I concluded that:

1. The deployment of an ABM defense for MINUTEMAN might offer a partial substitute for the further expansion of our offensive forces in the event the Greater-Than-Expected Soviet threat began to emerge.

2. The deployment of an austere ABM defense against a Red Chinese ICBM threat might offer a high degree of protection to the entire Nation, at least through the 1970s.

3. The deployment of an ABM defense for the protection of our cities against the kind of heavy, sophisticated missile attack the Soviets could launch in the 1970s would almost surely cause them to react by increasing the capabilities of their offensive forces, thus leaving us in essentially the same position we were before.[8]

Further study of this issue during the last year has served to confirm these conclusions. Since I have already touched on the first purpose in connection with the analysis of our "Assured Destruction" capabilities against the Greater-Than-Expected Soviet threat, I will limit my discussion at this point to the other two purposes.

a. Defense Against the Red Chinese Nuclear Threat.—As I noted earlier, there is mounting evidence that the Red Chinese are devoting very substantial resources to the development of both nuclear warheads and missile delivery systems. Within a period of 39 months, they detonated seven nuclear devices. The first, in October 1964, was an all U–235 fission test with a low yield; the second, in May 1965, was a similar test with a low-intermediate yield. In May 1966 they detonated their first device involving thermonuclear material. Then, in October 1966, they tested their first missile-delivered device with a low yield fission warhead, thus demonstrating sufficient engineering skill to conduct a missile-warhead systems test. In December 1966, they detonated their second device involving thermonuclear material. In June 1967, they detonated a device with a yield of a few megatons dropped from an airplane. Finally, last December, they detonated another device, but this test was apparently a partial failure.

These seven nuclear tests, taken together with their continuing work on surface-to-surface missiles, lead us to believe that they are moving ahead with the development of an ICBM. Indeed, if their programs proceed at the present pace, they could have a modest force of ICBMs by the mid-1970s.

In the light of this progress in nuclear weapons and missile delivery systems, it seemed both prudent and feasible to us last September to initiate the deployment of an austere Chinese-oriented ABM defense. We knew from our continuing study of this system that it could be deployed at an investment cost of about $5 billion, and could be highly effective against the kind of threat a Chinese force might pose in the 1970s.

As presently defined, the SENTINEL ABM system (i.e., the system specifically designed against the Chinese threat) would consist of Perimeter Acquisition Radars (PARs), Missile Site Radars (MSRs), long range SPARTAN area defense missiles and, later, some SPRINT local defense missiles for certain special purposes. The effectiveness of this deployment in reducing U.S. fatalities from a Red Chinese attack in the 1970s is shown in the table on the following page.

It is apparent from the foregoing table that the SENTINEL system, facing a relatively "primitive" attack, could probably hold U.S.

[8] See *Documents on Disarmament, 1967*, pp. 12–18.

U.S. fatalities from a Chinese first strike, 1970's

[In millions]

	Number of Chinese ICBM's		
	X	2.5X	7.5X
U.S. fatalities:			
Without Sentinel	7	11	15
With Sentinel	(1)	(1)	1

[1] Fewer than 1 million U.S. dead with some probability of no deaths

fatalities below one million. Obviously, if and when the Chinese ICBM force grows, quantitatively and qualitatively, beyond the levels shown in the foregoing table, additions and improvements would probably have to be made in the SENTINEL system. We believe, however, that for relatively modest additional outlays the system could be improved so as to limit the Chinese damage potential to low levels into the mid-1980s. The SENTINEL system would also have a number of other advantages. It would provide an additional indication to the people of Asia that we intend to support them against nuclear blackmail from China, and thus help to convince the non-nuclear countries that acquisition of their own nuclear weapons is not required for their security. Furthermore, this initial deployment would serve as a foundation to which we could add a defense for our MINUTEMAN force if that later becomes desirable. Finally, it could protect our population against the improbable, but possible, accidental launch of a few ICBMs by any one of the nuclear powers.

b. Deployment of NIKE–X for Defense of Our Cities Against Soviet Attack.—Nothing has occurred during the last year to change my conviction that the deployment of the NIKE–X system for the defense of our cities against a Soviet attack would, under present circumstances, be a futile waste of our resources. I believe it is clear from my earlier discussion of the trends in the nature of the threat, as evaluated by our intelligence community, that the Soviets are determined to maintain a nuclear deterrent against the United States. If this is true, as I believe it is, any attempt on our part to reduce their "Assured Destruction" capability below what they might consider necessary to deter us would simply cause them to respond with an offsetting increase in their offensive forces. It is precisely this process of action and reaction upon which the arms race feeds, at great cost to both sides and benefit to neither. This point is illustrated in the table on the following page which is based on nuclear strike capabilities as they might be viewed by the potential adversaries.

"Posture A" is a light defense against a Soviet missile attack on our cities. It consists of an area defense of the entire continental United States, providing redundant (overlapping) coverage of key target areas, and, in addition, a relatively low-density SPRINT defense of 25 cities to provide some protection against those warheads which get through the area defense. "Posture B" is a heavier defense with the same area coverage, but with much greater sophistication in its electronics and a higher-density SPRINT defense for 52 cities.

Postures A and B would also require some improvement in our defense against manned bomber attack in order to preclude the Soviets

Numbers of fatalities in an all-out strategic exchange, mid-1970's [1]

[In millions]

U.S. program	Soviet response	Soviets strike first against military and city targets, United States retaliates against cities		United States strikes first at military targets, Soviets retaliate against U.S. cities, United States retaliates against Soviet cities	
		U.S. fatalities	Soviet fatalities	U.S. fatalities	Soviet fatalities
No antiballistic missiles	None	120	120	120	80
Sentinel	None	100	120	90	80
	Pen-Aids	120	120	110	80
Posture A	None	40	120	10	80
	MIRV, Pen-Aids	110	120	60	80
	+100 mobile ICBM's	110	120	90	80
Posture B	None	20	120	10	80
	MIRV, Pen-Aids	70	120	40	80
	+550 mobile ICBM's	100	120	90	80

[1] At fatality levels, approximating 100 million or more, differences of 10 to 20 million in the calculated results are less than the margin of error in the estimates.

from undercutting the ABM defense; we would also want to expand and improve our anti-submarine warfare forces to help defend against Soviet missile-launching submarines. The "current" estimates of the investment cost of the total "Damage Limiting" package are at least $13 billion for Posture A and at least $22 billion for Posture B. On the basis of past experience, however, actual costs would more likely be $40 billion by the time the system had been completed.

Cost, however, is not the problem. If we could actually build and deploy a genuinely impenetrable shield over the United States, we would be willing to spend $40 billion. But, if after spending these tens of billions of dollars, we could still expect to find ourselves in a position where a Soviet attack could inflict unacceptable damage on our population because of their response to our defensive efforts, I do not see how we would have really improved our security or freedom of action. And neither can I see how the Soviets will have improved their security and freedom of action if after all their additional expenditures for offensive and defensive systems, we can still inflict unacceptable damage on them, even after absorbing their first strike. For this reason we have come to the conclusion that both sides would be far better off if we can reach an agreement on the limitation of all strategic nuclear forces, including ABMs.

In any event, there is no point whatever in our responding to a massive ABM deployment on their part with a massive ABM deployment of our own. Instead, we should act realistically and further strengthen our offensive forces, if and when necessary, to preserve our "Assured Destruction" capability.

2. Anti-Bomber Defense

Three years ago, when I appeared before this Committee in support of the FY 1966 Defense Budget, I said:

> One of the major issues we face in the Strategic Defensive Forces is to determine the proper overall level of the anti-bomber defense program. Our present system for defense against manned bomber attack was designed a decade ago when it was estimated that the Soviets would build a force capable of attacking

the United States with many hundreds of long range aircraft. This threat did not develop as estimated. Instead, the major threat confronting the United States consists of the Soviet ICBM and submarine launched ballistic missile forces. With no defense against the ICBM and only very limited defenses against the submarine launched ballistic missiles, our anti-bomber defenses could operate on only a small fraction of the Soviet offensive forces in a determined attack. Moreover, the anti-bomber defense system itself is vulnerable to missile attack.[9]

It is clear, therefore, as it has been for some years, that a *balanced* strategic defense posture requires a major reorientation of our efforts—both within anti-bomber defense and between anti-bomber and anti-missile defenses.

Now that the anti-ballistic missile defense issue has been resolved, we are in a position to move forward intelligently on the solution of the anti-bomber defense problem. As you know, we have had this matter under study for quite some time, and in all of the various alternative force structures examined we have found that the indispensable element is a new Airborne Warning and Control System (AWACS). The reasons AWACS is so important are: (a) its ability to track aircraft at low altitudes; (b) its ability to provide detection at great distances from the U.S.; and (c) its low vulnerability to missile attack compared with the existing ground-based surveillance, warning and control network.

The feasibility of AWACS, however, depends upon the successful development of a "downward-looking" airborne radar which can provide detection coverage of aircraft over land at any altitude. Last year I told you that we had a test program underway to examine three proposed solutions to the problem of developing such a radar which would be able to overcome the problem of ground clutter, and that we hoped to have sufficient data available by the end of the year to demonstrate the feasibility of the concept. Only then, I pointed out, would we be in a position to decide on the future composition of the anti-bomber defense forces. This work has, in fact, been progressing very well, and we now believe the required technology is within our reach. In fact, at least two of the possible solutions I mentioned last year look extremely promising, and we will eventually have to choose between them. Accordingly, the time is ripe for a comprehensive examination of the entire air defense problem.

There are six possible purposes that our air defense system might serve in the 1970s:

1. Peacetime identification to prohibit free access over North America from the air. This purpose requires only a thin area-type defense plus a high quality surveillance capability.

2. Nth country defense to prevent damage from an attack by such countries as Cuba, Red China, etc. This purpose would require a relatively thin but leak-proof area-type defense and a good surveillance capability.

3. Discouraging the Soviet Union from developing and introducing new bomber threats which would be costly to neutralize. This purpose would require that we have the capability to deploy within a reasonable period of time an upgraded air defense capable of countering both quantitative and qualitative improvements in the Soviet strategic bomber force, and that the Soviets be aware of our capa-

[9] *Department of Defense Appropriations for 1966: Hearings Before a Subcommittee of the Committee on Appropriations, House of Representatives, Eighty-ninth Congress, First Session*, pt. 3, p. 48.

bility. Thus, this purpose places requirements on our research and development program but does not, in itself, demand the actual deployment of modernized air defenses at the present time.

4. Limiting damage to our urban/industrial complex from a Soviet manned bomber attack in the event deterrence fails. The contribution which air defense can make to achieving this objective is highly dependent on the overall effectiveness of our ABM capability. Air defense can make a major contribution in saving lives only if the U.S. deploys a strong missile defense and the Soviets do not respond effectively.

5. Precluding an attack on our withheld strategic missile forces. This purpose requires a capability to prevent bombers from making serial attacks on a large number of missile targets with multiple gravity bombs. The current air defense system has already forced the Soviets to change their aircraft payloads to the extent that their bomber threat to our Minuteman force has been reduced to minor proportions.

6. Providing a complete mobile "air defense package" which would include a transportable control system and a refuelable or long-range interceptor, preferably one which is capable of close combat under visual identification rules.

The Soviet heavy bomber force is expected to decrease gradually as their ICBM force continues to grow. (Medium bombers are not expected to play an important part in any attack on the continental U.S.) Moreover, as previously noted, we have no evidence that the Soviets are developing a new advanced intercontinental bomber. Nevertheless, as in the case of the missiles, we cannot preclude the possibility of greater Soviet manned bomber threats by the mid-1970s. And, no matter how unlikely, we must also guard against a fighter/bomber attack from Cuba and possibly other nations.

For purposes of analysis, we examined a number of alternative forces, three of which I would like to discuss with you now. These three pretty well cover the range of choices available to us. The first alternative would be to continue the current air defense forces at least through the mid-1970s. The second would be to modernize the forces with AWACS for warning and control and the F–12 for interception. The third alternative lies midway between the other two, and would provide for AWACS and the upgrading of the F–106 with an enhanced fire control system (including a "look-down" capability to engage low-altitude targets) and a new air-to-air missile. These forces and their costs are summarized in the table below.

Alternative area air defense forces, 1976

	Alternative No. 1	Alternative No. 2	Alternative No. 3
Interceptors	F–101, 2, 4, 6	F–12 [1]	F–106X.
Airborne Command and Control.	EC–121	AWACS	AWACS.
Ground-based Command and Control.	Sage/Buic	FAA radars	FAA radars.
10-year program costs.[2]	$11,700,000,000	$13,700,000,000	$12,300,000,000.
Annual level-off cost.	$1,120,000,000	$750,000,000	$690,000,000.

[1] Plus some F–106's for training and peacetime identification.
[2] Total fiscal years 1968–77 costs, including elements of the current force until phased out.

Under Alternatives 2 and 3 the entire SAGE/BUIC ground environment would be phased out, leaving only the FAA operated radars for peacetime air surveillance. However, some Over-the-Horizon (OTH) "back-scatter" radars would be added to provide an *aircraft* early warning capability.

We have tested the three alternative forces against both the expected Soviet bomber threat and a number of different greater-than-expected threats which the Soviets could mount in the 1976 time period. The results fully corroborated the basic conclusion we have drawn from all our air defense studies conducted to date, namely, that AWACS is of the first order of importance, the fire control/missile system is second and the interceptor aircraft's performance is third.

The F–12 would be superior in discouraging such future threats as very long range ASMs and supersonic bombers, whereas the F–106X would be superior in discouraging SRAMs, decoys and self-defense missiles. The F–106 would be best in the mobile air defense role. No air defense system can provide significant "Damage Limiting" capabilities against the U.S.S.R. unless accompanied by a strong, effective ABM, a capability which is presently unattainable. Our analysis also showed that alternatives 2 and 3 provide a good capability against Nth countries. On balance, the AWACS/F–106X force seems to be the proper choice at this time.

I would now like to turn to our specific proposals for the Strategic Forces in the FY 1969–73 period.

E. Strategic Offensive Forces

The force structure proposed for the FY 1969–73 period is shown on a classified table provided to the Committee.

1. Missile Forces

In overall terms the missile forces we are proposing for the FY 1969–73 period are essentially the same as those I discussed last year—1,000 MINUTEMEN, 496 POSEIDON and 160 POLARIS, plus 54 TITAN IIs. Within these overall numbers, however, we are proposing some changes in mix and payload.

a. MINUTEMAN.—Last year I told you that in order to increase the capability of our offensive forces against a possible strong Soviet ABM defense, we proposed to increase the number of MINUTEMAN IIIs in the force. I also pointed out that by FY 1973–74 it would probably become necessary to replace the earliest MINUTEMAN II missiles, and that we could then add more MINUTEMAN IIIs if that should appear desirable.

Although the Soviet ABM deployment is not moving forward as fast as anticipated last year, we now believe it would be desirable to increase the number of MINUTEMAN IIIs. And, as I indicated earlier, we have included funds in the FY 1969 Budget for the development of dual-purpose super-hard silos for the MINUTEMAN or a new land-based ICBM. Because the development program for the MINUTEMAN III is taking longer than we had planned, and because we want to pursue a more efficient overall MINUTEMAN modernization schedule, initial deployment of the MINUTEMAN III will slip some months behind the schedule envisioned last year. The phase out of MINUTEMAN I will be slowed down to compensate for the slip in the MINUTEMAN III program.

b. TITAN II.—Although the TITAN II will decline in importance as the MINUTEMAN III and the POSEIDON are deployed, it may be advisable to retain the present force of 54 missiles on launchers. Its heavy payload would be useful against large soft targets which are not defended by ABMs. On the basis of a recent review of the TITAN II follow-on test program, we now believe that four tests per year, instead of six, will be enough to ensure that the missiles in the force are operationally reliable. Thus, with the procurement of a small number of missiles in FY 1969–70, we can maintain the present force of 54 TITAN missiles on launchers throughout the program period, instead of allowing it to decline after FY 1970 as we planned last year.

c. POLARIS–POSEIDON.—The POLARIS–POSEIDON program is essentially the same as the one I presented here last year. Thirty-one of the 41 POLARIS submarines, all of which have now become operational, will be refitted with the POSEIDON missile. The other ten (five 598-Class and five 608-Class) cannot be refitted without replacing the center section of their hulls. The cost would be about equal to that of a new submarine, and even then they would not be as good as the other 31. Accordingly, these submarines will continue to carry the POLARIS missile. The five 598–Class ships, which originally carried the A–1, have already been refitted with the A–3. The five 608-Class ships, which now carry the A–2, will be refitted with the A–3 during their second overhaul. The proposed FY 1969 shipbuilding and conversion program includes funds for six POSEIDON conversions and advance procurement for nine more.

d. New Strategic Missile Systems.—Last year I told you that we are making a comprehensive study of new strategic missile systems. This study was completed last summer, and on the basis of its findings we have included $56 million in the FY 1969 Budget for advanced ICBM technology.

2. Strategic Bomber Forces

The manned bomber forces which we propose to maintain through FY 1973 are the same as those I presented here last year for the FY 1968–72 period.[10] The B–52C–Fs and the B–58s will be phased out as planned leaving an authorized active inventory of 281 B–52G/Hs and 253 FB–111s. (The comparable UE figures are 255 and 210, respectively.) The phase-in of FB–111s will slip slightly, so the phase-down of B–52s will be slowed to keep the same total force as previously planned.

As I indicated earlier, the principal problem in this area of the program is the ability of the manned bomber forces to penetrate a much more advanced Soviet air defense system in the mid-1970s. Repeated examination of this problem has convinced us that what is important here is not a new aircraft but rather new weapons and penetration devices. Since the new FB–111s will be entering the bomber

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[10] Aircraft inventory data used in this statement reflect the Authorized Active Inventory (AAI), i.e., unit equipment (UE), pipeline, training and other support aircraft but not advance attrition aircraft. [Footnote in original.]

force during FY 1969–72, and the B–52G/Hs can be maintained in a suitable operational condition well into the 1970s, there is no urgency for a decision on the production and deployment of a new bomber. Much more important at this time is the development of the new subsystems which old or new aircraft may require to penetrate the Soviet air defenses in the 1970s, and we have included funds in the FY 1969 Budget for this purpose.

First, we plan to modify a number of B–52s so that they, as well as the FB–111s, can carry the SRAM missile. Second, we will continue work on a wide range of electromagnetic warfare devices, drawing on our most recent experience in Southeast Asia. Third, we will continue advanced development work on the engine and avionics systems integration for possible AMSA application. Last, we will continue studies of more advanced bomber peneration aids.

These subsystems will be designed so that they could be used both on our existing heavy bombers (B–52s) or on a new AMSA-type bomber, as well as on the FB–111 where feasible.

F. Strategic Defensive Forces

The strategic defensive forces proposed for the FY 1969–73 period are shown in a classified table provided to the Committee. The Civil Defense program for FY 1969 is shown separately in Table 2.

1. Bomber Defense

The principal elements of the proposed anti-bomber defense program for the 1970s were discussed earlier. The precise phasing and details of the force levels beyond FY 1969 are still subject to change.

a. Surveillance, Warning and Control.—As I noted earlier in my analysis of the anti-bomber defense problem in the 1970s, much of the existing U.S. surveillance, warning and control network can be phased out when the new AWACS and Over-the-Horizon radar become available. At that time, I believe we could phase out all but one of the SAGE Combat Centers, all the SAGE Direction Centers, about half of the search radars, all of the Gap Filler and DEW Line radars, and all of the AEW/ALRI aircraft, while retaining the NORAD Combat Operations Center, the manually operated Combat Center in Alaska, ten BUIC III Control Centers, some of the search radars and the SAM Fire Coordination Centers required for the NIKE–HERCULES batteries. The elements eliminated from the program would be replaced by AWACS aircraft and new Over-the-Horizon (backscatter) radars. (We have consulted with the Canadian Government, which has already indicated that it intends to continue its cooperation in the air defense of the continent.)

b. Manned Interceptors.— The ultimate U.S. manned interceptor force will consist of modified F–106Xs (supported by C–130s which would be used to move ground crews and equipment to the dispersal recycle bases), plus an Air National Guard F–102 squadron in Hawaii. This squadron, together with the search radars, will continue to provide a local air defense capability for that remote state. We plan to start the phase-down of the interceptor forces in FY 1969.

c. Surface-to-Air Missiles.—On the basis of our present plans, all of the BOMARC force would be phased out when the full F–106X force becomes operational. Most of the HERCULES and all of the HAWKS, however, will be retained.

2. Missile and Space Defense

The decision to deploy a Chinese-oriented ABM defense system will undoubtedly have an important impact on other strategic defensive programs. For example, we already know that the Perimeter Acquisition Radar (PAR) planned for the SENTINEL system could also be made to handle some of the long-range acquisition and tracking functions presently performed by the three BMEWS sites. Conversely, the Over-the-Horizon (back-scatter) radars planned for the anti-bomber defense could also be used to provide limited detection and tracking of ballistic missiles launched from submarines. Moreover, in order to provide a backup for BMEWS, we have already deployed several Over-the-Horizon (forward-scatter) radar transmitters and receivers, and we have had under active development for a number of years a satellite-borne missile warning system which now appears to be capable of providing earlier warning than BMEWS. (The forward-scatter OTH and the satellite-borne missile warning system are two of the measures I alluded to in my earlier discussion of the Soviet FOBS.) Clearly, the time has come when we must systematically examine all of these warning systems in relation to one another, with a view to eliminating unnecessary redundancy and ensuring that the remaining systems are truly integrated into a workable whole. Accordingly, I have recently asked the Joint Chiefs of Staff to establish a Joint Continental Defense System Integration Planning Staff to study this entire problem in depth, including the functioning of all defensive systems in a wartime environment.

a. Missile Warning.—Pending the completion of the aforementioned study, we are not proposing any changes in the BMEWS program. However, we are making certain changes in the siting of the Over-the-Horizon (forward-scatter) radar program. These radars have demonstrated a very high order of capability. Although originally designed to detect ICBM launches (including FOBS), these radars have demonstrated a good capability to detect smaller ballistic missiles.

As I indicated earlier, we are developing a back-scatter OTH radar for use in the anti-bomber defense. In this system, echo signals from the target are returned directly to the transmitter, thereby eliminating the need for separate receiver stations. It is also more effective than the forward-scatter system in locating and tracking vehicles moving through and below the ionosphere, for example, aircraft or SLBMs. We presently plan to begin installing the first back-scatter OTH radar in the near future. While the chief function of this radar will be research and development, we hope that it will also provide some useful operational data. It will also give us an opportunity to test the back-scatter system in the ICBM warning role.

b. Anti-Ballistic Missile Defense (SENTINEL).—As previously mentioned, the SENTINEL system will consist of PAR and MSR radars and SPARTAN and SPRINT missiles.

The PAR is a low frequency phased-array radar used for long-range surveillance, acquisition and tracking. The presently planned characteristics of this radar place its design well within the "state-of-the art", and for this reason the first PAR can be installed directly at its tactical site rather than at a field test site. Its performance can be simulated by an ARPA Altair radar already at Kwajalein, for purposes of the full systems tests.

The MSR is a phased-array used to control the SPRINT and SPARTAN interceptors. It can perform much the same functions as the larger MAR, which is not required in a limited deployment, but on a smaller scale. The MSR was tested at the contractor's plant before being sent to Kwajalein, where it is currently being installed for the full systems tests. The MAR, which is the most sophisticated component of the NIKE–X system, will remain in an R&D status. A TACMAR (a smaller version of the MAR) will be installed at Kwajalein for final design and testing.

The SPARTAN missile, as presently designed, will have three stages and utilize an advanced warhead, and should be able to intercept objects at ranges in excess of several hundred miles and at exo-atmospheric altitudes. However, we now plan to make some further improvements in the SPARTAN to enhance its capability against a FOBS. The SPARTAN will also be included in the full systems tests planned at Kwajalein.

The SPRINT missile is designed to attack incoming warheads after the atmosphere has helped to separate out the accompanying decoys, chaff, etc. The missile is capable of climbing thousands of feet in a few seconds to make intercepts between 5,000 and 100,000 feet at ranges between 15–25 miles. It uses a "pop-up" launch technique in which the missile is ejected from its tube by the generation of gas pressure on the piston upon which it rests. Actual ignition does not take place until after the missile has left the tube. This technique conserves propellant, allows the missile to "get away" sooner and reduces the missile size. Initial flight tests are currently being conducted at the White Sands Missile Range, and beginning in early 1969 the missile will be tested at Kwajalein, where the overall systems tests against actual ICBMs fired from Vandenberg Air Base will be conducted.

Although, as stated earlier, ABM systems to protect population centers against large sophisticated attacks do not appear practical we will continue to explore new technical approaches to this objective. The NIKE–X development program will be used for this purpose. In addition, we will continue to support a number of other ABM related programs, particularly ARPA's Project DEFENDER.

In total, the FY 1969 Budget request includes about $1,232 million for ABM defense: $651 million for the deployment of SENTINEL (in addition to $229 million in FY 1968); $313 million for SENTINEL development; $165 million for ABM advanced development

(NIKE–X); and $103 million for DEFENDER. In addition, the AEC's FY 1969 budget includes funds for ABM warhead development and production.

c. Anti-Satellite Defense.—As described in previous years, we have a capability to intercept and destroy hostile satellites within certain ranges. This capability will be maintained throughout the program period.

SPASUR and SPACETRACK are our satellite tracking and identification systems in the NORAD SPADAT system. The SPASUR system is designed to give a warning when a new space object passes through its field, and the SPACETRACK system detects, tracks and computes the orbits of objects in space. Both systems are tied to the North American Air Defense Command.

One of the projects that the Joint Continental Defense Systems Integration Planning Staff will undertake is the development of a master plan for the evolution of these two systems. The ever-growing population of space objects and "junk" that must be identified and tracked means that we will have to make major improvements in these systems in the near future. In the case of the SPACETRACK system, we have included funds in the FY 1969 Budget for the modification of the data processing and communications equipment at existing sites and for some new construction at these sites. Any further improvements or expansion will be delayed pending a full study of the requirement for electro-optical sites in addition to the camera and radar sites, the links with the SENTINEL systems, the need for a separate data processing center, etc.

G. Civil Defense

The Civil Defense program proposed for FY 1969 contemplates no important change in basic objectives from which I discussed last year. However, we have held the FY 1969 program to the lowest possible sustaining rate, pending the end of the Vietnam conflict.

The major objective of the Civil Defense program since 1961 has been the establishment of a comprehensive nation-wide shelter system to help protect our population from radiological fallout in the event of a nuclear attack. Most of this shelter is inherent in existing buildings but needs to be identified, marked and stocked with survival supplies before it can be considered truly useful. By the end of the current fiscal year we expect to have identified about 170 million spaces with a standard protection factor of 40 or more, of which about 101 million will have been marked and 55 million stocked with an average 14 days of supplies. Total shelter capacity should continue to grow in the future as a result of the continuing survey and design assistance efforts being conducted as part of the Civil Defense program. In total, we can probably expect an additional 55 million spaces from these sources over the next five years.

A financial summary of the Civil Defense program, for which $77.3 million is requested for FY 1969, is provided on Table 2.

. . . . . .

Twenty-power Draft Resolution Introduced in the First Committee of the General Assembly: Nonproliferation of Nuclear Weapons, May 1, 1968 [1]

The General Assembly,

Recalling its resolutions 2346 A (XXII) of 19 December 1967,[2] 2153 A (XXI) of 17 November 1966,[3] 2149 (XXI) of 4 November 1966,[4] 2028 (XX) of 19 November 1965 [5] and 1665 (XVI) of 4 December 1961,[6]

Convinced of the urgency and great importance of preventing the spread of nuclear weapons,

Having considered the report of the Eighteen-Nation Committee on Disarmament dated 14 March 1968,[7] and deeply appreciative of the historic work of the ENDC on this subject,

Convinced that the non-proliferation treaty,[8] the draft of which is attached to the ENDC's report, will be an effective measure to halt the spread of nuclear weapons,

Convinced further that an agreement to prevent the further proliferation of nuclear weapons must be followed by effective steps on cessation of the nuclear arms race and on nuclear disarmament and that the non-proliferation treaty will contribute to this aim,

1. *Endorses* the treaty on the non-proliferation of nuclear weapons, the text of which is annexed to the present resolution; [9]

2. *Requests* the depositary Governments to open the treaty for signature and ratification at the earliest possible date;

3. *Expresses* its hope for the widest possible adherence to the treaty;

4. *Requests* the ENDC urgently to pursue negotiations on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control;

5. *Requests* the ENDC to report on the progress of its work to the General Assembly at its twenty-third session.

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[1] A/C.1/L.421, May 1, 1968. The resolution was cosponsored by Austria, Bulgaria, Canada, Czechoslovakia, Denmark, Finland, Hungary, Iceland, Iran, Iraq, Ireland, Mongolia, Morocco, the Netherlands, Norway, Poland, Syria, the U.S.S.R., the U.K., and the U.S. A second version, submitted May 3, differed from the original in placing a specific citation to the Mar. 11 draft treaty after a preambular paragraph rather than after the operative provision endorsing the treaty. The second version was also cosponsored by Afghanistan, the Byelorussian S.S.R., Lebanon, Mauritius, Somalia, Sudan, the Ukrainian S.S.R., the U.A.R., and Yemen. A revised version, tabled May 28, had the following additional cosponsors: Barbados, Belgium, Bolivia, Colombia, Costa Rica, Dominican Republic, Ecuador, Guatemala, Italy, Liberia, Mexico, New Zealand, Nicaragua, Nigeria, Paraguay, Peru, Philippines, Somalia, Uruguay, Venezuela. The revised version was approved by the General Assembly on June 12 (*post*, pp. 431–443).

[2] *Documents on Disarmament, 1967*, pp. 732–733.

[3] *Ibid., 1966*, pp. 748–749.

[4] *Ibid.*, pp. 686–687.

[5] *Ibid., 1965*, pp. 532–534.

[6] *Ibid., 1961*, p. 694.

[7] *Ante*, pp. 192–198.

[8] *Ante*, pp. 162–166.

[9] *Ibid.*

Report by Congressional Conference Committee on Amendment to Arms Control and Disarmament Act, May 2, 1968 [1]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14940) to amend the Arms Control and Disarmament Act, as amended,[2] in order to extend the authorization for appropriations, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 1 and agree to the same with an amendment as follows:

On the first page, line 2, of the Senate engrossed amendments, strike out "$17,000,000" and insert *$18,500,000;* and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2 and agree to the same.

THOMAS E. MORGAN,
CLEMENT J. ZABLOCKI,
EDNA F. KELLY,
WAYNE L. HAYS,
W. S. MAILLIARD,
PETER H. B. FRELINGHUYSEN,
Managers on the Part of the House.
J. W. FULBRIGHT,
JOHN SPARKMAN,
MIKE MANSFIELD,
WAYNE MORSE,
GEORGE D. AIKEN,
BOURKE B. HICKENLOOPER,
FRANK CARLSON,
Managers on the Part of the Senate.

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14940) to amend the Arms Control and Disarmament Act, as amended, in order to extend the authorization for appropriations, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate amended the House bill in two respects: (1) The House authorization of $20 million for the 2 fiscal years 1969 through 1970 was reduced to $17 million for the same period and (2) a limitation of

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[1] H. Rept. 1347, 90th Cong., 2d sess.

[2] *Documents on Disarmament, 1961*, pp. 482–495; *ibid., 1963*, pp. 622–623; *ibid., 1965*, p. 200.

$7 million (not including funds for field testing) as imposed on the amount of such funds which could be spent for research conducted outside the Arms Control and Disarmament Agency.

Funds Authorized

The managers on the part of the House agreed to a figure of $18,500,000 for the 2-year period, a reduction of $1,500,000 below the House figure and an increase of $1,500,000 above the Senate figure.

Limitation on Research

The managers on the part of the House accepted the limitation of $7 million on the funds which may be spent for external research (research conducted outside the Agency whether by other Government agencies or by public or private institutions or by persons) provided this limitation does not apply to field test activities.

The managers on the part of the House concurred in the position taken by the Senate that the research program being financed by the Arms Control and Disarmament Agency included projects which could be curtailed or eliminated without detriment to the effectiveness of the Agency's operations.

Thomas E. Morgan,
Clement J. Zablocki,
Edna F. Kelly,
Wayne L. Hays,
W. S. Mailliard,
Peter H. B. Frelinghuysen,
Managers on the Part of the House.

Address by Secretary of State Rusk to the Fordham University Club of Washington, May 2, 1968 [1]

I am deeply honored to receive this award commemorating a man of unusual vision. Although he was a useful public servant in many other ways, Brien McMahon made his most enduring contributions as a pioneer statesman of the atomic age. When the awesome force of the atom brought the Second World War to an end in 1945 he was a 41-year-old lawyer serving his first term as a Senator from Connecticut. He had little scientific knowledge. But he immediately grasped the momentous implications of the atomic age and was the first Senator to outline policies and propose legislation to deal with them.

The central problem, as he saw clearly, was how to assure that this revolutionary new source of energy would be used for the betterment of man rather than for his destruction. He introduced the bill which under his persistent guidance developed into the basic law which bore his name: the Atomic Energy Act of 1946, which established our nuclear programs under civilian control.[2]

[1] *Department of State Bulletin*, May 20, 1968, pp. 632–634.
[2] 60 Stat. 755.

At the same time, Senator McMahon proposed that we make available through the Security Council of the United Nations all that we knew about atomic energy on condition that other nations likewise make available all they knew about weapons of war. And he proposed that the Security Council should have the power to inspect all plants and laboratories and operations in every country in the world.

For he was among those who realized, first, that our atomic monopoly would not last long, and secondly, that any attempt to use our momentary superiority "as a club" would, as he put it, "develop those very prejudices and passions and hates which would burst into flame as soon as the war-making power became equalized by other nations' application of the secret."

Therefore he urged that we follow a third course: of leading the way in "turning atomic energy to the production of higher living standards for the peoples of the world. . . ."

These sound perceptions, which he was one of the first to articulate, underlay the Acheson-Lilienthal proposals [3] and, in turn, the Baruch plan: [4] the comprehensive plan to share atomic knowledge and, by international control of all atomic enterprises throughout the world, to assure that this knowledge would be used only for peaceful purposes. The submission of this proposal to the United Nations was a monumental act of farseeing statesmanship. After extensive study and debate and some modification, that plan won the approval of all the members of the United Nations except the Soviet bloc.[5] Failure to adopt the Baruch plan was an appalling tragedy. Had it been accepted, there would have been no atomic arms race—and mankind today would not have to worry about the possibility of a holocaust which in a few hours could wipe out much of the civilized world and perhaps endanger the human species itself.

Steps Toward Control of Nuclear Weapons

Under four successive Presidents it has been the policy of the United States to control the use of nuclear energy for weapons purposes while promoting its use for the benefit of mankind.

In 1953 President Eisenhower proposed the formation of the International Atomic Energy Agency with the dual task of promoting peaceful nuclear programs and providing safeguards against these programs being used as steppingstones to nuclear-weapons systems.[6] This Agency came into being in 1957. It now has 98 members. Although initially skeptical, the Soviet Union has become a strong supporter of the IAEA and its safeguards system.

The United States has bilateral arrangements with 30 countries for cooperation in the civil uses of atomic energy. Initially the safeguards for these were also bilateral, but this function is gradually being transferred to the International Atomic Energy Agency. Indeed, for several years the IAEA has been safeguarding several nuclear facilities in the United States. And last December President Johnson

[3] *A Report on the International Control of Atomic Energy, Mar. 16, 1946* (Department of State pub. 2498, 1946).
[4] *Documents on Disarmament, 1945–1959*, vol. I, pp. 6–16.
[5] *Ibid.*, pp. 178–179.
[6] *Ibid.*, pp. 393–400.

offered to place IAEA safeguards on nearly 200 of our nuclear facilities when such safeguards come into effect under the nonproliferation treaty.[7] Only nuclear activities directly connected with our national security would be excluded. The United Kingdom has made a similar offer.[8]

A first step toward controls on nuclear weapons was taken in the limited test ban treaty, which prohibits all nuclear tests in the atmosphere, under water, and in outer space. More than 100 countries have adhered to this treaty.[9]

We also negotiated two treaties to prevent the spread of nuclear weapons into new environments: Antarctica [10] and space. The Space Treaty, which was concluded last year, is especially important because it prohibits a potential arms race in space, with all the added tension and fear that could cause.[11]

In addition, through the commendable initiative of our Latin American neighbors, a treaty has been negotiated to prevent the spread of nuclear weapons in that part of the world.[12]

The Nonproliferation Treaty

The next step, we hope, will be the nonproliferation treaty. Early this year, after long and arduous efforts, the United States and Soviet Cochairmen of the Eighteen-Nation Disarmament Committee at Geneva submitted a complete draft treaty to prevent the further spread of nuclear weapons.[13] This draft was forwarded by the Committee to the General Assembly of the United Nations, which is now discussing it in New York at a special session.[14] This treaty would not only curb the spread of nuclear weapons but would also extend international safeguards for peaceful atomic facilities to many additional countries.

We regard the nonproliferation treaty as extremely important, for several related reasons:

—Already five nations are producing nuclear weapons. Many more have, or could quickly acquire, the technical capabilities for making them.

—Nuclear proliferation could add a dangerous dimension to existing disputes between nations. The decision of one country to acquire nuclear weapons could stimulate an adversary to "go nuclear" or to take hostile action to destroy in their infancy the nuclear facilities of the first country.

—Every additional nation with the capacity to make and use nuclear weapons would add greatly to the difficulty of preserving peace. We can all think of nations which, in our time, have had leaders who were reckless, if not mad. And we can think of others which have not enjoyed stable governments.

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[7] *Ibid.*, *1967*, pp. 613–615.
[8] *Ibid.*, p. 616.
[9] *Ibid.*, *1963*, pp. 291–293.
[10] See *ibid.*, *1945–1959*, vol. II, pp. 1550–1556.
[11] *Ibid.*, *1967*, pp. 38–43.
[12] *Ibid.*, pp. 69 ff.
[13] *Ante*, pp. 162–166.
[14] *Ante*, pp. 192–198.

—Each additional nuclear arsenal would increase the difficulty of negotiating international agreements to control nuclear arms.

—Each additional nuclear arsenal would increase the chances of accidents or of unauthorized use.

—The spread of nuclear weapons would aggravate our difficulties in maintaining friendly relations with parties to a continuing dispute. If one party "went nuclear" we might have to decide whether to help the other party, directly or through security assurances, whether to sever economic aid to the country acquiring atomic weapons, or whether to stand aside even though the result might be a war which would be hard to contain.

—Finally, the building of nuclear arsenals by developing countries would divert major resources needed for economic growth.

So we hope most earnestly that the nonproliferation treaty will receive widespread support.

What next?

We attach very great importance to achieving an understanding with the Soviet Union to halt the strategic missile arms race. President Johnson has proposed meetings with the Soviets to discuss control of both offensive vehicles and antiballistic missiles. While expressing interest, the Soviets to date have not indicated a specific time for such a meeting. But we have not given up hope.

Among other next steps which we would favor are these:

—A cutoff on the production of fissionable materials for weapons. We have proposed such a treaty for many years and have offered to transfer fissionable material from weapons now in existence to peaceful uses.

—A comprehensive nuclear test ban.

We must continue to work incessantly and resourcefully toward a supreme essential: the control, reduction, and eventual elimination of atomic weapons.

Progress in Peaceful Applications

Meanwhile, peaceful applications of atomic energy are expanding at accelerating speeds. In the United States alone more than 60 nuclear powerplants representing more than 50 million kilowatts of electrical energy are either built, under construction, or on order. At present, however, the United Kingdom is still the number-one nation in production of electricity by nuclear power.

Sizable nuclear power programs are underway in other countries, including Canada, France, Germany, Italy, Japan, Sweden, Switzerland, Spain, and the Soviet Union.

It has been estimated that, by the end of the century, half the electricity in the United States—and much of the electricity elsewhere—will be generated by the atom.

One of the most important future applications of nuclear energy on a world scale is likely to be in desalting water. This is already economic in some cases. I have been told that, when more advanced

nuclear powerplants come into operation, it may be possible to lower the cost of desalted water to the point where it would be economic for irrigating farmlands. This might make possible the production of crops on coastal desert lands where temperatures and soil conditions are favorable but rainfall is inadequate.

The importance of peaceful nuclear explosive devices in the exploitation of hitherto untapped earth resources is still undetermined. However, the potential is great. Moreover, the vast explosive power of these devices may give man an earthmoving capability that will make possible projects beyond the scope of conventional technology.

The scientists tell us that nuclear power will play an important role in space: in operating the equipment in space capsules and perhaps someday in propelling rockets.

The scientists see an indispensable role for nuclear energy in weather forecasting and worldwide communications. They tell us of synchronous earth satellites, powered by small nuclear reactors, becoming part of a worldwide television system that would send signals directly into homes throughout the globe. They foresee thousands of nuclear-powered sensing devices located on land and sea, together with nuclear-powered weather satellites in space, all feeding their information into computerized forecasting centers that would make accurate long-range weather predictions for any place on the globe—a service that would probably save billions of dollars each year.

They tell us nuclear energy will also probably be an invaluable source of power for transportation, scientific investigations, and many supporting activities in exploring and developing the vast resources of the oceans.

They see radiation and radioisotopes continuing to make significant contributions to alleviating hunger and suffering. Tracer studies using radioisotopes and mutations induced by radiation could lead to the development of improved strains of agricultural plants. Losses of food crops will be avoided by using radiation to eradicate pests, and many types of fresh foods will be saved from spoilage by irradiation. In medicine, a growing variety of radioisotopes are being used to study, diagnose, and treat diseases and disorders.

These applications of nuclear energy, together with many many more than I have the time or the expert knowledge to discuss, offer an almost unimaginable potential for economic progress and human well-being.

The potentialities of nuclear energy have fired the hopes of people all around the world. And I am glad to say that the United States is trying to play its full part in helping to turn these vaulting hopes into realities. In addition to agreements for cooperation with 30 countries and two international organizations, we have:

—received more than 4,500 scientists and engineers in our laboratories for visits and assignments;

—established and maintain 78 complete nuclear libraries in 60 countries:

—committed ourselves to the transfer abroad of about half a million kilograms of U-235 contained in enriched uranium.

But to gain the full measure of the benefits of the atom, the world must make certain that it will be used only for peaceful purposes. So, I accept your award with the fervent hope that the work begun by Brien McMahon at the beginning of the nuclear age will some day liberate the human race from the dread of a nuclear holocaust.

Statement by the Brazilian Foreign Minister (de Magalhães Pinto) to the First Committee of the General Assembly: Nonproliferation of Nuclear Weapons, May 3, 1968 [1]

Brazil has unequivocally taken its place among those countries which have consistently committed themselves to the cause of the banning of nuclear weapons, as called for by several General Assembly resolutions, dating back to the so-called Irish resolution of 1960.[2] This has been a steadfast position of our foreign policy, whether at this Assembly, at the Geneva meetings of the Eighteen-Nation Disarmament Committee or at the councils on the regional level. By signing and ratifying the Treaty of Mexico,[3] Brazil, moreover, gave witness to its determination to fight for the banning of nuclear weapons in Latin America.

The Brazilian delegation feels prompted to set forth its views on the important question of non-proliferation of nuclear weapons in the light of the report submitted on 14 March by the Eighteen-Nation Disarmament Committee and of the Soviet–American draft treaty, appended to that report as annex A.[4]

Seldom has the United Nations been called upon to express its views on a topic with such a direct bearing on peace and security, mutual understanding and the progress and development of all peoples. From our deliberations here there may very well emerge consequences and results likely to mould the future of international relations.

Hence Brazil deems it necessary, and even imperative, that the widest debate should be held on this issue, so that all Governments may have the opportunity to give expression to both their hopes and their apprehensions. We know that the matter is an urgent one, requiring prompt action, but likewise we are aware of the fact that less than mature solutions and less than equitable measures may well aggravate the very inconveniences and dangers that we are seeking to forestall. The question is too important for us to make it contingent upon circumstances of a procedural nature, either of time or of place. The future of our peoples and of all nationalities is the very essence of our debate and thus we must carefully weigh the measures as well as the recommendations to be adopted. The non-nuclear world is squarely confronted with a dilemma and a choice.

The Government of Brazil considers the debates carried out at the Eighteen-Nation Disarmament Committee to have been both useful

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[1] A/C.1/PV.1560, pp. 37–46.
[2] *Documents on Disarmament, 1960*, p. 373.
[3] *Ibid., 1967*, pp. 69 ff.
[4] For the ENDC report, see *ante*, pp. 102–103. The draft treaty appears *ante*, pp. 162–166.

and rewarding. Not only have they allowed for progress in the evaluation of problems and questions entirely without precedent for world public opinion, but they revealed in addition an increasing degree of awareness as regards the peaceful use of nuclear energy as one of the main resources to be applied to the process of economic development. Thanks to the work done by the Disarmament Committee, the General Assembly has today at its disposal more positive and comprehensive data for a new evaluation of the subject.

Despite the undeniable progress that has been secured, Brazil regrets that the formal necessity of the presentation of the report prior to 15 March 1968, as requested in resolution 2346 A of 19 December 1967,[5] did not permit a detailed consideration of all the important proposals, amendments and suggestions advanced by the majority of the countries sitting in the Committee at Geneva.

The draft contained in Annex A was submitted to the Disarmament Committee by the delegations of the United States of America and the Soviet Union on 11 March, three days prior to the closing of the Committee session. The Committee as a whole was thus unable to pass judgement of any kind on the draft. Although it has incorporated four of the twenty-seven amendments submitted to the Disarmament Committee, the text of Annex A basically represents a bilateral understanding between the two super Powers as to the maximum of reciprocal concessions which could be made in order to meet some of the claims and suggestions of the non-nuclear nations.

The task now falling upon the Assembly of the United Nations is one of enlarging this maximum area of agreement to such a point that it will no longer fall short of the minimum requirements of resolution 2028 (XX), adopted by a unanimous vote of the Members of the United Nations.[6]

The negotiations in which we are now engaged should be directed towards a true and lasting understanding between the nuclear weapon Powers on the one side and the non-nuclear nations on the other, so that we can actually proceed towards an acceptable balance of reciprocal rights and obligations. Only this understanding will characterize negotiations. The non-nuclear Powers are called upon, in the interests of international peace and security, to accept the limitation of some of the rights inherent in their sovereignty. The least that can be expected in the negotiations involving this multilateral act is therefore, that these countries be given the opportunity to plead for measures which would preclude the possibility that a desirable renunciation of the manufacture and possession of nuclear weapons imply an undesirable renunciation of the beckoning promises of advanced technology, progress and development.

In the course of the Disarmament Committee meetings in Geneva, the delegation of Brazil endeavoured to make it clear that the Soviet-American draft does not satisfactorily observe the principles enunciated in resolution 2028 (XX). By way of example, the proposed draft does not establish an acceptable balance in the mutual obligations of the five nuclear Powers and of the non-nuclear nations, and it fails

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[5] *Documents on Disarmament, 1967*, pp. 732–733.
[6] *Ibid., 1965*, pp. 532–534.

to include any real and tangible commitment on the part of the five nuclear Powers to proceed with either total or partial nuclear disarmament.

On the other hand, it fails to recognize the rights and obligations of countries, such as the Latin Americans, which have already concluded a regional treaty banning nuclear weapons, reaffirming the inalienable right of all its participants to make unrestricted use of nuclear energy for peaceful purposes and most particularly for economic and social progress. In Article 18, the Treaty of Tlatelolco specifically permits the signatories to carry out nuclear explosions for peaceful purposes under international inspection, either with their own resources or in co-operation with third parties.[7]

The enforcement and observance of the draft treaty under its present form would have the result of widening considerably the scope of the Charter of the United Nations which entrusted the five permanent members of the Security Council with special powers and responsibilities. This was done with sole and exclusive reference to the problem of the maintenance of peace and international security. New prerogatives are now conferred, in a field which extends into economics, science and technology, upon the five Powers which carried out nuclear explosions prior to 1 January 1967, namely, the United States of America, the Union of Soviet Socialist Republics, the United Kingdom, France and the People's Republic of China. Restrictions which the Charter of the United Nations envisaged only in matters of international security would now encompass the field of scientific research.

The world is thus called upon to repose unlimited confidence in those five Powers, regardless of the undeniable fact that an absolute mutual trust does not as yet prevail among those five self-same Powers. It should be noted moreover that one of these five nuclear Powers so proclaimed and identified by the draft treaty under consideration is not a Member of the United Nations and is not bound therefore by the duties and obligations assumed under the Charter which, parenthetically, is not mentioned either in the preamble or in the operative part of the draft. This confidence would have to be reposed in them for an initial period of twenty-five years.

The General Assembly of the United Nations must not forego its grave responsibilities towards this problem and must endeavour to secure compliance with the basic principles set forth in resolution 2028 (XX). The General Assembly will have to seek to avoid the practical consequences of what might amount to an oligopoly of science and technology.

In the field of atomic co-operation, the non-nuclear States would be subjected to the obligatory control of the International Atomic Energy Agency, while the nuclear Powers would be exempted from this obligation and enjoy a quite different and privileged status.

On the other hand, the system of security assurances proposed by the three nuclear weapon Powers does not represent a valid and balanced counterpart to what the non-nuclear countries are entitled to expect when they renounce the possession of nuclear weapons. The formal obligation on the part of nuclear weapon States not to employ their

[7] *Ibid., 1967*, pp. 77-78.

nuclear weapons against the signatories of the treaty and not to threaten them with the use of such weapons would be the indispensable follow-up to the obligations imposed upon the non-nuclear nations. It should be pointed out that a similar commitment has already been undertaken, in so far as the Latin-American countries are concerned, by two of the nuclear Powers when they signed the second additional protocol to the Treaty of Mexico which states under article 3 that

> . . . 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.[8]

I believe that the very least we can expect from the world-wide treaty on non-proliferation is that it should recognize the rights and commitments already accepted as a part of their positive international law by the Latin-American countries in their regional pact. On the other hand, the system of security assurances as envisaged in the draft resolution to be tabled before the Security Council does not create any commitment or obligation on the part of the nuclear Powers which are not already contained in the San Francisco Charter.

For all these reasons, the delegation of Brazil would appreciate hearing the opinions and views of the States which did not participate in the Geneva proceedings. In a statement, on 8 February 1968, before the Eighteen-Nation Disarmament Committee, Brazil emphasized the over-riding need for consulting all the Governments since all of them will be expected to assume rights and obligations and to accept a strict system of controls under the terms of the treaty.[9]

During the last round of meetings of the Eighteen-Nation Disarmament Committee at Geneva the Brazilian delegation drew attention to several points of the draft which call for some observations.

We should now like to raise a new point. The draft treaty, as has already been pointed out, characterizes as a nuclear weapon Power a country which has exploded a nuclear weapon or device before 1 January 1967. Let us suppose that at any given moment a new State succeeds in carrying out this type of explosion. What would happen then? In becoming a party to the treaty, would this new nuclear State be admitted as a non-nuclear weapon State, exempted from any of the rights and obligations assumed by the nuclear weapon Powers? And, to be more specific, could this State transmit to other States data and elements of nuclear technology for belligerent purposes? In this connexion, from the reading of part II of article I, we conclude that, although the nuclear weapon States are prohibited from assisting, encouraging or inducing any non-nuclear weapon State to manufacture or in any other way to acquire nuclear weapons or other nuclear explosive devices, or control over such explosive arms and devices, at the same time they are left surprisingly free to "assist", "encourage" or "induce" other nuclear weapon States now and in the future.

The Brazilian delegation would like to reiterate here a question it raised in Geneva in general terms on the provision of article X, paragraph 2, which sets an initial minimum period of twenty-five years for the duration of the treaty. Does this not discourage all hope for

[8] *Ibid.*, p. 83. The protocol was signed by the U.S. and the U.K.
[9] *Ante*, p. 54.

the attainment of the objectives of "general and complete disarmament, under effective international control", as set forth in resolution 1722 (XVI)[10]? How can the General Assembly of the United Nations, which adopted norms for the negotiation of a treaty on general and complete disarmament, endorse a provision which is based on the admission, or at least on the assumption, that the arsenals of nuclear weapons can still grow and proliferate for an initial period of twenty-five years and that vertical proliferation can be allowed to proceed unchecked?

These few examples indicate that the text, in its present form, falls short of meeting the interests and rights of non-nuclear weapon countries and contains serious deficiencies. It is incumbent upon the General Assembly of the United Nations in this or in other stages of discussion to seek, with the aid and assistance of the nuclear Powers, a valid alternative which will enable us to evade the painful dilemma which confronts the non-nuclear countries: either to accept the status of permanent technological dependency or to accept the risk of being deprived of scientific and technological co-operation in the development of nuclear research.

This task calls for patience, imagination, courage and determination. Above all, it requires frankness and objectivity, moderation and prudence, since the subject, given its importance and magnitude, transcends by far the domain of political propaganda and peremptory statements. The non-nuclear countries are here to defend rights which are assured them by the Charter of the United Nations and by principles universally recognized by international law. We realize that a perfect and absolute balance is not easily attainable in negotiations between nuclear and non-nuclear countries. The United Nations General Assembly, with its realism and political experience, does not require, in this particular, more than an acceptable balance. Concern with our progress and our future does not permit us to renounce this minimum objective.

Brazil reaffirms its support for the idea of a non-proliferation treaty which, fair and equitable, will effectively avert the risk of the dissemination of nuclear weapons while, at the same time, encouraging the widest possible use of nuclear energy in all its forms for the economic and social development of all peoples. The treaty which bans nuclear weapons in Latin America is responsive to this two-fold objective.

We shall now have occasion to hear the comments and suggestions of over a hundred countries which have not as yet voiced their opinions on the merits and shortcomings of the draft. If its co-authors intend the treaty to be in force for a period of twenty-five years, we should not start out upon such a long road in too short a time. In this connexion, we believe that the forthcoming Conference of Non-Nuclear Weapon States which the General Assembly has scheduled to be held within four months will provide a natural forum for clarifying the positions of the non-nuclear countries with regard to the commitments they are called upon to undertake. The important thing is not to close the doors to negotiation prematurely.

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[10] *Documents on Disarmament, 1961*, pp. 741-742.

Brazil firmly expresses the hope that the nuclear countries, on the one hand, and the non-nuclear countries, on the other, will succeeed in reconciling their positions and points of view. This understanding is not only necessary it is altogether feasible, provided the fundamental rights of nations are safeguarded. We should thus have found the wisdom to place the interests of peace far above our existing differences of opinion.

Statement by the Irish External Affairs Minister (Aiken) to the First Committee of the General Assembly: Non-proliferation of Nuclear Weapons, May 6, 1968 [1]

On behalf of the Irish delegation—which is not an automatic admirer of great Powers—I wish to express our heartfelt gratitude to the Soviet Union and the United States for having overcome their differences and produced this draft treaty to stop the spread of nuclear weapons.[2] We are also grateful to them and to Great Britain for giving assurances to defend against attack or threat of attack by a nuclear Power the non-nuclear-weapon States which ratify this treaty.[3]

I feel sure the draft treaty would have been less acceptable if it had not been for the work of the fourteen non-nuclear members of the Eighteen-Nation Committee on Disarmament who wrestled with the problem in Geneva for over six years. My delegation offers to them our best thanks for their patience and endurance in representing the points of view of the near-nuclear and other members of the United Nations.

The wisdom displayed by the two super-Powers in drafting the terms of the treaty and of the assurances constitutes a turning point in history. The 11th March 1968 deserves to be remembered as the date on which the rival super-Powers first formally committed themselves to co-operate in a joint effort to repress nuclear aggression against a non-nuclear State party to the treaty, and moreover announced their readiness to foster the peaceful instincts of all States party to the treaty by making available all their latest scientific and technological information on the peaceful uses of nuclear energy.

The clauses in the draft treaty relating to the dissemination of information on the peaceful uses of nuclear energy should give a powerful impetus to progress in dealing with the fundamental problem of this marvellous but very dangerous nuclear age. That problem, as I identified it in our intervention in the General Assembly in 1958, is "how to hold our destructive powers in check, how to avoid destruction and anarchy while we evolve and perfect the art of living in peace, of using our skill and resources co-operatively for our common welfare".[4] The treaty as drafted deserves success in corralling nuclear weapons and the promise of American–British–Russian nuclear aid for peace-

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[1] A/C.1/PV. 1561, pp. 2–10.
[2] *Ante*, pp. 162–166.
[3] See *post*, p. 444.
[4] General Assembly *Official Records: Thirteenth Session, 751st Meeting*, p. 30.

ful purposes may well be a first step in doing for the world what Marshall aid did for Europe.

All in all, Mr. Chairman, this draft treaty is, I believe, as satisfactory an instrument as it was possible to negotiate in the harsh political climate of the last ten years. I sincerely trust it will be endorsed and ratified with all possible speed by the overwhelming majority of States. By getting the strong support to which it is entitled the treaty will, with God's help, act as a powerful barrier to the production of nuclear weapons by additional Governments which, for various reasons, feel they must keep ahead of their neighbours in weaponry no matter at what cost to the living standards of their peoples or to the evolution of collective security.

As I see it, the draft treaty and the assurances demonstrate acceptance of principles which are essential for world peace and development. Not surprisingly, however, the wording of some of the clauses is not fully satisfactory to all Member States; and it would be natural if some delegations were tempted to make support conditional on the inclusion of amendments. But I would strongly urge that in a vital matter such as this, which affects fundamentally the peace and safety of mankind, all of us should eschew any such temptation. We should not forget that it was only after ten long years of laborious discussions that this agreed treaty was produced by the nuclear Powers at Geneva. Let us therefore heed the advice given us in this debate by Mr. Sharp, the distinguished Foreign Minister of Canada, and "put progress before perfection" [5] as the combination of circumstances which enabled the nuclear-weapon Powers to reach agreement last March may not persist if the treaty is not speedily ratified by all, or nearly all, States. And mankind may never again get as good an opportunity to restrict the nuclear arms race. Moreover, the ratification of the treaty as it stands, without any alteration or amendment, will help greatly to create a favourable climate for the negotiation of many other desirable—and to my mind necessary—agreements which can of course be negotiated later and incorporated in separate instruments or in protocols to the present treaty. Indeed the forthcoming Geneva Conference of non-nuclear-weapon States will provide a suitable forum for the consideration of matters which might form the subject of such additional agreements.

In the dangerous world in which we live we have rarely any option but to choose between risks. Some of us may fear that under the treaty as it stands the economic advantages of the use of nuclear energy for peaceful purposes may be unfairly distributed. This fear is, I hope and believe, unfounded. But at any rate it is wiser to take the risk of ratifying the treaty now and amending it later, than to take the risk of having an ever increasing volume of the world's resources and skills diverted from social and economic development to the production of nuclear arms and their ancillary equipment.

In short, this draft treaty is, I am convinced, a practical and vital step away from war and towards that peaceful co-operative world which all reasonable men desire. For all States large and small it is, I believe, an infinitely more effective shield against a nuclear holocaust than the most costly armoury of offensive and defensive equipment.

[5] A/C.1/PV. 1557, p. 7.

There is no need in this third decade of the nuclear age to argue the case for a vigorous collective effort to prevent these terrible weapons becoming the conventional equipment of national armies, and ultimately, I believe, of revolutionary groups. Ten years ago in this Committee the then Permanent Representative of Burma, U Thant, put it in a nutshell when he said:

There is no end to this process [of dissemination] until almost every sovereign State is in a position to inflict incalculable destruction. If all sovereign States were governed by rulers possessed of even the rudiments of sanity, they would be restrained from committing such colossal crimes by the fear that their citizens also would perish. But experience has shown that from time to time power in this or that country falls into the hands of rulers who are not sane.[6]

It would be a grave oversight, I submit, if this Committee were to ignore the fact, well known to all of us, that some near-nuclear-weapon States are busily developing nuclear weapons technology and assembling fissionable material. In some cases, as we know, there is growing pressure on the Governments of these States to embark on the production of nuclear weapons. The pressure arises, I believe, from one or more of three main reasons: fear of defeat in a military conflict; desire for prestige; understandable, and indeed laudable, ambition that their scientists should be entirely familiar with the nature and behaviour of the atom and its use in research and industry.

It seems to me that among many of the non-nuclear States there is a growing realization that today to embark on the production of nuclear weapons, instead of adding to their security, would in fact intensify the risk, and might indeed precipitate the very attack they fear. Most of them realize also, I believe, that today all but a few nuclear States can best seek national safety by helping to organize and support a reliable United Nations system of collective security.

The case for such a system was cogently argued by the Permanent Representative of Finland, Ambassador Jakobson, in his brilliant and constructive speech in this Committee on 2 May.[7] It will be remembered that he stressed the point that the ratification of the non-proliferation treaty and the assurances given by three of the nuclear Powers carry the promise that the collective security system of the Charter can be revitalized. Let us hope that the remaining two nuclear Powers will soon see their way to subscribe to the treaty and the assurances. By doing so they would make a vital contribution to stopping the spread of nuclear weapons and to promoting world peace and economic development, thereby earning the profound gratitude of this very disturbed world.

But the sure key to the avoidance of "uncontrollable anarchy"—as the late Dr. Sydney Smith, Foreign Minister of Canada, put it in 1958[8]—is a firm determination to co-operate in developing our rich God-given resources of intellect and material for our common welfare.

The three nuclear Powers that have co-sponsored the draft resolution before us[9] have wisely and generously offered freely to share with the non-nuclear States that ratify the treaty all the wealth of sci-

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[6] A/C.1/PV. 960, p. 4.
[7] A/C.1/PV. 1559, pp. 2-21.
[8] General Assembly *Official Records: Thirteenth Session, 954th Meeting*, p. 59.
[9] *Ante*, pp. 162-166.

entific nuclear skills which they have accumulated at astronomical cost. It would be the greatest tragedy in history if the non-nuclear States did not now meet them half way and seek true prestige, the respect of mankind, by our contributions to the art of living in peace.

There is no State however small, or however lacking in economic development, which has not a significant contribution to make in reducing international tension. We can all, in the words of Ambassador Amadeo of Argentina in 1958, help to localize the fire until we can put it out.[10] It was indeed, as we all recall, the African States which first sought and secured in 1961 formal action by the General Assembly to respect the denuclearization of Africa.[11] And it was the Latin American States which first concluded a solemn comprehensive treaty to keep nuclear weapons out of their area.[12] It was therefore Africa and Latin America which translated a somewhat utopian idea into practical politics, thereby blazing the trail for this treaty to stop the spread of nuclear weapons and for the assurances we have been given by Great Britain, the Soviet Union and the United States.

It was fitting that the good example should have been given by the enlightened statesmen of Africa and Latin America. For it is in these regions that the economic shoe pinches most severely.

The excellent report submitted by the Secretary-General last October is a solemn warning not only of the danger but of the enormous cost of "going nuclear".[13] And one cannot estimate the true cost of the arms race on earth and in outer space by calculating it simply in terms of roubles or dollars spent by the nuclear Powers on research and military equipment. For we must take into account also that every cent so spent creates further tension and fear, depresses the spirit of national and international generosity, turns the minds of men inwards on their day-to-day grievances, and generates social disruption. And in the end the arms race is paid for in full with compound interest by the underprivileged at home and abroad.

Let me conclude by appealing to the non-nuclear States, big, medium and small, to approve and ratify this treaty without delay, and thus prove worthy of the opportunity of rearing their families in peace and contentment. Let us lock the door on "uncontrollable anarchy" and open the way to a better world.

Statement by the Ethiopian Representative (Makonnen) to the First Committee of the General Assembly: Nonproliferation of Nuclear Weapons, May 6, 1968 [1]

It is with a sense of responsibility and concern that I venture today to seize this opportunity in our debate to express the views of my Government with regard to the draft treaty on the non-proliferation of

[10] Cf. General Assembly *Official Records: Thirteenth Session, 957th Meeting*, p. 78.
[11] *Documents on Disarmament, 1961*, pp. 647–648.
[12] *Ibid., 1967*, pp. 60 ff.
[13] *Ibid.*, pp. 476–513.
[1] A/C.1/PV.1561, pp. 8–27.

nuclear weapons submitted by the co-Chairmen of the Eighteen-Nation Disarmament Committee.[2] Let me hasten to add from the very outset that Ethiopia possesses no special credentials to speak on this vital matter. My country is certainly not on the threshold of becoming a nuclear Power. Nor is it in a position in the foreseeable future to benefit directly and alone from the application of nuclear energy for peaceful uses.

If we are anxious to register our voice today in these discussions on the draft treaty, it is because, together with the rest of mankind, we feel acutely and with particular anguish the incalculable danger to which mankind is exposed as a result of the development, proliferation, continuous sophistication and accelerated stockpiling of nuclear weapons. For my country, this concern has also an added poignancy. As a victim of the unrestricted use of gas warfare on the eve of the Second World War we know only too well the horrors of modern means of warfare, and we have since emerged from that experience stronger in our conviction that the use of all weapons of mass and indiscriminate destruction should be for ever outlawed.

It is therefore understandable that we should have actively endeavoured to make a modest contribution to all United Nations efforts towards disarmament. As far back as the thirteenth session of the General Assembly we suggested in this Committee that the Assembly declare the use of nuclear weapons to be against the laws of humanity. At the fifteenth session we submitted formal proposals to that end,[3] and our efforts were well rewarded when the General Assembly adopted at its sixteenth session the Declaration on the Prohibition of the use of nuclear and thermo-nuclear weapons.[4]

Ever since the adoption of that historic Declaration we have spared no effort in our endeavour to raise the legal and moral norms established by the Declaration to the level of legally binding norms by making successive proposals for the convening of an international conference for the purpose of signing a convention on the prohibition of the use of nuclear and thermo-nuclear weapons.

Our efforts in Geneva also speak for themselves. While supporting the necessity for the urgent conclusion of a treaty on the non-proliferation of nuclear weapons, and working to that end with all deliberate speed, Ethiopian representatives in the Geneva discussions have been forthcoming with constructive proposals on ways and means of making a non-proliferation treaty more effective and more responsive to the needs of the international community both politically and from the point of view of technological and economic development.

Within the framework of the Organization of African Unity, we have likewise endeavoured to make tangible contribution to the cause of disarmament by taking an active part in the efforts at present under way to elaborate a convention for the denuclearization of Africa.

Such in fact has been the concern aroused by the spectre of nuclear destruction that it is stating the obvious to say that the nations of the world, whatever their other differences, are unanimous in their desire

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[2] *Ante*, pp. 162–166.
[3] *Documents on Disarmament, 1960*, pp. 343–345.
[4] *Ibid., 1961*, pp. 648–650.

to quarantine and eventually destroy existing stockpiles of nuclear weapons from the face of the earth. On this the evidence is overwhelming. Statements of leaders have converged on the necessity to rid the world once and for all of the horrors of the most destructive weapons ever made by man.

Among the many statements and declarations, mention must be made in this respect of the declarations of African Heads of State of 21 July 1964 [5] and of the Governments of the non-aligned nations of 10 October 1964,[6] both of which categorically affirmed the imperative need to control the spread of nuclear weapons with the eventual aim of eliminating them altogether.

Moreover, on every opportune occasion, the Secretary-General has eloquently and persuasively articulated the great concern and preoccupation of mankind with the possibility of a nuclear war. Nowhere has this concern been lately more forcefully expressed than in his report on the "effects of the possible use of nuclear weapons and on the security and economic implications for States of the acquisition and further development of these weapons".[7] By depicting the magnitude of the destruction that could befall mankind in the event of atomic war, as well as the enormous resources required to develop a nuclear armoury, the Secretary-General has rendered an invaluable service to the international community. On both scores his prognosis is staggering to the human mind to comprehend.

It is against the background of such universal concern that the Eighteen-Nation Committee on Disarmament has laboured for the last few years and that we have now started our work in this Committee. With respect to the draft non-proliferation treaty which we are now considering, we have the desire of each and every nation, nuclear and non-nuclear alike, to check the spread of nuclear weapons. This mutual desire affords us a point of common departure which is a great asset that we should exploit to the maximum.

However, through years of uncontrolled production and uncontrolled proliferation, nuclear weapons have gained sufficient time to spread their tentacles into the major political actualities of our troubled world so that good intentions and declarations of accord are not sufficient by themselves to stop the proliferation and to bring about the eventual elimination of the nuclear weapon from the world. Nor could it be said that any type of treaty language would in itself suffice to guarantee a complete prohibition of proliferation and multiplication of nuclear weapons in a world in which diverse political, ideological and economic standards orchestrate apparent discord of interests.

It is these and similar formidable political realities that have made negotiations on the non-proliferation treaty a long and arduous task. Those of us who participated in the negotiations in Geneva can testify to the amount of labour and delicate balance of political compromises that finally made possible the emergence of the present draft text. My delegation has had other occasions to commend the efforts of the parties primarily concerned and we wish to reiterate our congratulations

[5] *Ibid.*, *1964*, pp. 294–295.
[6] *Ibid.*, pp. 443–448.
[7] *Ibid.*, *1967*, pp. 476–513.

to the two Chairmen of the Eighteen-Nation Committee on Disarmament in this regard. As I repeat these same words of commendation and congratulations, may I also reaffirm my delegation's unwavering determination to continue to co-operate in good faith in order to expedite the finalization of the draft in such a manner as will make it generally acceptable to the membership of our Organization.

With these few remarks, I now come to the consideration of the most important issues involved in the draft non-proliferation treaty before us. It seems to us very important that these issues be discussed and clarified so that we may proceed with our work with full understanding of the issues and responsibilities involved.

The first question that naturally comes to mind is to determine what is and what is not non-proliferation within the context of the present draft treaty.

Ideally, as some delegations have persistently and consistently maintained both here at the General Assembly and at the Eighteen-Nation Committee on Disarmament in Geneva, a non-proliferation treaty should have been one which aims at stopping all forms of proliferation be it horizontal in the sense of multiplication of nuclear Powers or vertical in the sense of continued production and accumulation of nuclear weapons in the arsenals of the present nuclear-weapon Powers themselves. This is an ideal, no doubt, we all hope to achieve. For the moment, however, it is clear that the prevailing absence of political will and courage on the part of the nuclear-weapon Powers, coupled with the difficulties and complications that would ensue from any attempt to lump together other measures of nuclear disarmament, prevents us from taking the bold and comprehensive approach to non-proliferation and compel us to consider the present approach as a partial and practical course, short of the ideal goal.

The present draft represents an arrangement whereby non-nuclear-weapon nations continue to refrain from acquiring nuclear weapons in any form whatsoever. As such it could in a sense be qualified as a treaty of non-proliferation of nuclear States and not of nuclear weapons, since at least for the time being it implies the preservation of the status quo in the field of nuclear armoury. In saying this I am only stating the obvious and do not intend to minimize the importance of the present draft treaty, whose significance is unquestionable even when it is regarded as a partial and practical arrangement intended to remove certain political roadblocks to realistic and meaningful step-by-step progress towards the ultimate objective of general and complete disarmament and, more particularly, of nuclear disarmament.

With that understanding of non-proliferation in mind, let me now proceed to deal briefly with some of the main provisions of the draft treaty. It seems to me the best way to go about the investigation of this important document is to examine it in relation to, or rather in approximation with, the principles set out in resolution 2028 (XX) of the General Assembly.[8]

Those principles have, in the main, guided the position of my delegation in the discussions of the Eighteen-Nation Committee on Disarmament, and indeed they have already formed the basis for the

[8] *Ibid.*, *1965*, pp. 532–534.

joint memorandum of 1 August 1966 of the non-aligned members of the Eighteen-Nation Committee on Disarmament—a memorandum to which my country has fully subscribed.[9]

I shall now proceed to the consideration of these principles, relating them as far as possible to the relevant provisions of the draft treaty.

The first principle—that the treaty should be devoid of any loop-holes which might permit nuclear or non-nuclear Powers to proliferate, directly or indirectly, nuclear weapons in any form—raised such far-reaching problems of political consequence, particularly in the present military alliance structures, that negotiations upon it were long, difficult and frustrating, oftentimes casting a shadow of despair on the prospect of ever arriving at any agreed text on articles (I) and (II). In the end, the presentation of identical but separate draft treaty texts on 24 August 1967 by the United States and the Soviet Union—texts contained, respectively, in documents ENDC/192 and ENDC/193 [10]—marked an achievement of great political significance to the whole process of negotiations on the non-proliferation treaty. The articles leave no leeway, either directly or indirectly, through military alliance or otherwise, for the dissemination of nuclear weapons or nuclear-weapon technology in any form whatsoever. It goes without saying that we interpret this to exclude any possibility of transfer of nuclear-weapon technology by a non-nuclear-weapon country signatory to the treaty to any other non-nuclear-weapon countries or territories.

The requirement of this first principle, which aims at making the treaty devoid of any loop-holes, has also raised the issue of peaceful nuclear explosive devices, the production and development of which, as everyone is aware, are equally prohibited by the first two articles of the treaty. Although it may appear ironical and be a matter of great regret and concern to non-nuclear-weapon countries, particularly to those of us in developing nations whose priorities of economic development necessitate the application of all forms of technology, including nuclear explosive devices, it must be admitted that it is the hard core of present scientific reality that the technology of this peaceful device is inseparably identified with that of the weapon itself. It becomes, therefore, a matter of hard choice between this present reality and the principle which we ourselves have set down in order to work out a treaty to stop the spread of nuclear weapons.

The time may well come when peaceful explosive devices can be clearly identified. It should then be possible to review the situation so that maximum benefit is derived from the technological breakthrough that this would represent. But until such time as science and technology may succeed in differentiating the peaceful from the destructive, we shall have to content ourselves with the provision of the draft treaty which stipulates that the benefits of peaceful explosive devices and their technological by-products shall be made available by the present nuclear-weapon Powers only in accordance with the provisions of the present treaty. These provisions are found in the seventh preambular paragraph and in article V, both of which have

[9] *Ibid., 1966*, pp. 576–579.
[10] *Ibid., 1967*, pp. 338–341.

been repeatedly elaborated upon by the nuclear Powers in an attempt to dispel apprehensions with regard to this important question.

In this respect we attach great importance to the repeated assurances given by the representatives of the nuclear-weapon Powers; and we wish to refer in particular to the recent statement in this Committee by the representative of the United States, Ambassador Goldberg, who expressed in clear and unequivocal terms the determination of his Government, in accordance with the provisions of the treaty, to share equitably with other nations parties to the treaty, particularly non-nuclear-weapon countries, all the technological benefits that might be derived from the development of nuclear explosive devices for peaceful uses.[11] In this connexion we express the fervent hope that nuclear technology will be made available, particularly to the developing countries, under reasonable conditions that are within their means.

When it comes to the consideration of the second principle, which requires that the treaty should embody an acceptable balance of mutual responsibilities and obligations on the part of the nuclear and non-nuclear Powers, the present draft has obvious shortcomings. It cannot be denied that the provisions of the present draft do not fully meet the requirement of this principle. Nor should it be expected at the present moment, given the prevailing conditions, that the draft treaty could contain a symmetrical balance of obligations. As I have already attempted to show, the experiences of the complications involved in the nuclear disarmament negotiations and the apparent lack of bold political decisions, at least for the moment, lead us to believe that attempts to solve other nuclear disarmament matters within the present draft will only be met with perhaps long-drawn-out discussions and negotiations resulting in an inevitable postponement of the settlement of the present issue indefinitely. Yet, in a very important sense, this draft treaty is a political harbinger for a series of accompanying nuclear disarmament measures to be negotiated and settled immediately following the treaty's coming into force. The choice we have to make in this respect is no different from those we confront in our every-day life, in making decisions between what is ultimately desirable and what is practically possible at any given moment. In such circumstances we should do what is possible while continuing to strive for a fuller realization of our ultimate goals.

This leads me to the third principle, which requires that the treaty should be a step towards the achievement of general and complete disarmament and, more particularly, nuclear disarmament. My delegation has consistently maintained and has unequivocally stated, both here at the General Assembly and throughout the negotiations in the Eighteen-Nation Committee on Disarmament, its view that the draft treaty on non-proliferation should be a step for further nuclear disarmament measures to be negotiated in good faith immediately after its settlement. We hold this to be the *raison d'être* of the present treaty. That is why, as one of the non-aligned members of the Eighteen-Nation Committee on Disarmament, my delegation fully subscribed to that group's joint memorandum contained in document ENDC/178, which

[11] See *ante*, p. 228.

stated, *inter alia*, that the treaty should be a step towards general and complete disarmament and, more particularly, nuclear disarmament.[12] This is one view which, as the records will show, has enjoyed a unanimous acceptance in the entire negotiation process of the draft treaty. It is fitting, therefore, that this view should find expression in both the preamble and article VI of the draft, which link the present treaty with other disarmament issues. With regard to article VI, my delegation has already stated in the Eighteen-Nation Committee on Disarmament the view, which we still maintain, that a clearer and more concrete enumeration of the nuclear disarmament measures to be negotiated upon would greatly improve the text of that article and would ensure a definitive commitment on the part of the nuclear-weapon Powers to continue negotiations immediately on definite nuclear disarmament measures.[13] In that connexion the suggestions presented by the delegation of Mexico, to be found in document ENDC/196,[14] are worthy of our serious consideration. It is our view that such consideration and clarification of the relevant articles would fully meet our common concern in that respect.

Another of the principles of resolution 2028 (XX) requires that there should be acceptable and workable provisions to ensure the effectiveness of the treaty—and here we come to one of the most important and highly sensitive issues of article III, commonly known as the safeguard article. We are not unaware in this respect of the long and difficult negotiations and calculated compromises that have eventually made possible the agreed text as we find it in the draft treaty. Nevertheless, the Ethiopian delegation has maintained and continues to maintain the desirability of a uniform and universal safeguard system based on mutuality of obligations and sacrifices. Although the voluntary decisions and declarations by the United States and the United Kingdom that they will submit their peaceful nuclear establishments to an IAEA safeguard system outside the framework of the present draft treaty is a welcome gesture in that respect, it is to be admitted that the present drafting of article III is based on less than universal application of safeguards. We express our concern lest such a provision undermine the very purpose of the present draft treaty and endanger its viability as a lasting international instrument.

The last but not least principle of resolution 2028 (XX) provides that nothing in the treaty should adversely affect the right of any group of States to conclude regional treaties in order to ensure the total absence of nuclear weapons from their respective territories. I have already referred in my introductory remarks to the efforts in progress within the framework of the Organization of African Unity for a convention on the denuclearization of the continent of Africa. I wish to pay in this connexion a special tribute to the Latin American countries for the lead they have given by signing the treaty for the denuclearization of their continent.[15] My country and, I am sure, many countries on the continent of Africa and elsewhere are watching very closely developments in this historic treaty of the Latin American

[12] *Documents on Disarmament, 1966*, pp. 576–579.
[13] *Infra*, p. 69.
[14] *Documents on Disarmament, 1967*, pp. 394–395.
[15] *Ibid.*, pp. 67 ff.

region. We believe that the extension of denuclearized zones to other areas, including areas of major military confrontation, would substantially contribute to our endeavour to control the spread of nuclear weapons by containing them in their present breeding areas.

Finally, we have the all-important question of security guarantees. This is an old issue which has been inseparable throughout from any discussion of non-proliferation of nuclear weapons.

Ever since the idea of a non-proliferation treaty was conceived—and here I pause to pay a warm tribute to the Government of Ireland for having taken an imaginative lead in that regard—the question of security assurances for non-nuclear-weapon countries which forswear the acquisition of nuclear weapons has been uppermost in the thinking of participating nations. There is no doubt that the most effective way of providing security assurance would have been the total and complete elimination of nuclear weapons from the face of the earth. Since that has not been achieved and is not likely to be achieved in the near future, we are obliged to address ourselves to the examination of the other proposals for security guarantees that have been advanced so far. My country for one, as I have said earlier, remains convinced that the signing of a convention to outlaw the use of nuclear weapons would greatly contribute to enhancing the security of all nations and, more particularly, of non-nuclear-weapon States. We still feel and remain convinced that such a convention would also create an atmosphere of trust and mutual confidence conducive to nuclear disarmament negotiations. While thus we maintain and continue to insist upon such a convention to ban the use of nuclear and thermonuclear weapons, we deem it essential for the purposes of the present treaty that it should contain in its provisions appropriate assurances along the lines of resolution 2153 (XXI), which calls upon nuclear-weapon countries *inter alia* to refrain from the use or the threat of use of nuclear weapons against non-nuclear-weapon States which may conclude treaties of non-proliferation of nuclear weapons.[16]

It is only right that the provisions of resolution 2153 (XXI) be sustained and supplemented by the respective declarations that the United States, the Soviet Union and the United Kingdom have promised to make before the Security Council.[17] Those declarations have not yet been made, and therefore I shall not discuss them in anticipation. The question is to what extent the proposed resolution and declarations will advance and readapt the existing collective security system of the United Nations Charter in a manner capable of responding immediately to the exigencies of nuclear threat or aggression. As a member of the Security Council, my delegation will have occasion to comment on that aspect of the problem when the draft resolution is presented and the declarations are made. We shall certainly examine the resolution and the text of the declarations with all the care and the attention that they deserve.

Those are the main issues of the draft treaty. There are also other issues which perhaps are not of such decisive importance but which nevertheless are of sufficient significance to warrant close examination.

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[16] *Ibid., 1966*, pp. 748–749.

[17] See *post*, pp. 439–440.

I need only mention here the review and withdrawal clauses of the draft treaty to be found in articles VIII and X. A non-proliferation treaty, involving as it does a delicate balance of national interests, has to be tested as to whether it is meeting the purposes for which it is designed and as to whether or not it fulfils the needs of the international community. It is obvious that it is only if nations of the world feel that their security need is continually being met by this arrangement that there can be hope for it to succeed. This is as much a psychological problem as it is a problem connected with the subsequent disposition of the nuclear-weapon countries vis-à-vis each other and towards non-nuclear Powers. Thus the paramount responsibility of the nuclear-weapon countries in sustaining a continued climate of mutual confidence cannot be too strongly emphasized.

It was, therefore, inevitable that a non-proliferation agreement would have to tackle the twin problem of withdrawal and review—withdrawal because the overriding consideration of the security of the would-be signatory, and review because of the imperative necessity of making the whole arrangement capable of a self-sustaining read-aptation in order to meet the changing needs of the international community.

After everything is said and done, we will have to assess this draft treaty in all of its aspects—be they shortcomings or strong points. In doing so we should not tire of looking at the draft critically. It is true that we have cause for self-congratulation, but we should not allow such exultation to lead us into the paradox of not seeing the tree for the forest or the forest for the tree.

Certainly this treaty is only the beginning. It is a choice between the perfect and the impossible and between the less than perfect and the attainable. The shortcomings in the treaty are but a reflection of the world situation in which we live. To say that the treaty is not all-embracing is to understate the obvious. After all it could hardly be otherwise when out of the five members of the nuclear club only three support the treaty while the fourth is an outsider and the fifth is much less than enthusiastic.

And so the realities of our complicated world make it impossible for us to achieve a fully satisfactory arrangement. But what we should realize is that our options are fast running out. The choice that is available to us is not the ideal nor is it anything approximating it. It is a choice between making a little progress or no progress at all. I do not believe that we should opt for immobility and stagnation.

In the view of my Government, the viability of a non-proliferation agreement lies in what will happen in the future, perhaps in the immediate future: it depends first on the speed with which the nuclear-weapon Powers will follow this agreement with real measures of nuclear disarmament. Secondly, it depends on how soon nuclear technology will become the technology of the day and to what extent a non-proliferation arrangement will meet the demands for non-discriminatory technological co-operation. Thirdly, the viability of this agreement will depend on the extent to which the nuclear Powers can co-operate to create a world atmosphere in which nuclear energy will become the means for human development and progress and not the

device for mutual self-destruction. These are the imponderables whose significance we cannot now foresee.

The most important thing to remember, however, is that the present treaty on non-proliferation is an experimental innovation and, like all experiments, this too has to be watched carefully and continuously so that we may surely move towards the final goal of general and complete disarmament. The momentum that this agreement can generate must therefore be maintained, accelerated and guided to new areas of mutual endeavour. To this endeavour, my Government pledges its loyal co-operation.

Statement by the Dutch Representative (Eschauzier) to the First Committee of the General Assembly: Nonproliferation of Nuclear Weapons [Extract], May 6, 1968 [1]

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The Netherlands Government, for its part, is willing to accept the present draft treaty [2] as a first, realistic step, acting in good faith on the understanding that the nuclear-weapon States will spare no effort to achieve tangible results in the field of arms control and disarmament, as stipulated in the last paragraphs of the preamble and in article VI of the treaty.

Articles I and II of the draft treaty could be considered two sides of the same coin. On the one side, the nuclear-weapon States parties to the treaty undertake not to transfer nuclear weapons or other nuclear explosive devices to any recipient whatsoever or to assist any non-nuclear-weapon State in acquiring or manufacturing them. Conversely, the non-nuclear-weapon States pledge not to receive such weapons or explosives and to refrain from acquiring or manufacturing them or from seeking any assistance for that purpose. The text of both articles is clear-cut and much simpler than that of previous versions which have been considered by the Eighteen-Nation Committee on Disarmament and by this Committee. This is a positive improvement. Of course, it would be even more reassuring if it were certain that the treaty would be universally signed and ratified by all States. The same observation, in more explicit terms, has already been made by the representative of Finland,[3] and by the representatives of Ireland and Ethiopia today.

The purpose of the draft treaty is to prevent the present non-nuclear-weapon States from manufacturing or otherwise acquiring nuclear weapons and other nuclear explosive devices. The provisions of the treaty should therefore aim exclusively at achieving this objective. In no way should these provisions result in a restriction of the use of nuclear energy for other purposes by the non-nuclear Powers

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[1] A/C.1/PV.1561, pp. 31–36. The Belgian and Luxembourg representatives later endorsed the Dutch statement (A/C.1/PV. 1571, p. 51; A/C.1/PV. 1578, p. 11).

[2] *Ante*, pp. 162–166.

[3] A/C. 1/PV.1559, pp. 2–21.

which undertake to forswear the manufacture or acquisition of nuclear weapons and other nuclear explosives.

It is gratifying to note that the principle of the further development of peaceful uses of atomic energy is clearly expressed in the eighth paragraph of the preamble and in article IV of the draft treaty.

Article IV of the draft treaty recognizes the "inalienable right" of the parties to promote the application of nuclear energy for peaceful purposes and to share to the fullest possible extent in the exchange of scientific and technological information in this field. My delegation sincerely hopes that these inherent rights of the non-nuclear-weapon States will be matched by pledges by all nuclear Powers to pool their knowledge and experience with the other parties to the treaty—a pledge already given by the Government of the United States.[4]

My delegation interprets article I of the draft treaty to mean that assistance by supplying knowledge, materials and equipment cannot be denied to non-nuclear-weapon States until it is clearly established that such assistance will be used for the manufacture of nuclear weapons or other nuclear devices. In other words, in all cases where the recipient parties to the treaty have conformed with the provisions of article III, there should be a clear presumption that the assistance rendered will not be used for the manufacture of nuclear weapons and other explosive devices.

This basic principle implies that any non-nuclear-weapon State party to the treaty, co-operating with other countries in the application of nuclear energy for purposes other than for the manufacture or acquisition of nuclear weapons or other nuclear explosives, shall be able to continue such co-operation.

In this connexion I wish to remind the Committee of the fact that in the field of peaceful application of nuclear energy the Netherlands already participates in a special form of co-operation, namely, the European Community for Atomic Energy, better known as Euratom. The Netherlands Government attaches great importance to this co-operation. It wishes fully to continue this co-operation after having acceded to the non-proliferation treaty.

For that reason the Netherlands and other Euratom countries which wish to adhere to the treaty have a common interest in ensuring that the obligations deriving from the non-proliferation treaty will be no obstacle to the fulfilment of their obligations under the Euratom Treaty.[5] That is one of the reasons why extensive discussions have taken place during the past year concerning the formulation of the text of article III regarding safeguards on peaceful activities.

In the opinion of the Netherlands Government the present draft treaty is compatible with its obligations under the Euratom Treaty. The Netherlands Government is therefore prepared, with due observance of the relevant procedures provided for in the Euratom Treaty, to sign the non-proliferation treaty in its present form as soon as possible.

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[4] *Ante*, p. 228.

[5] *American Foreign Policy: Current Documents, 1957*, pp. 318 ff.

Euratom was the first organization to establish its own multilateral safeguards. From my preceding remarks it will be clear that my Government wishes to keep intact these safeguards which have now functioned for a number of years.

In view of the existing co-operation within Euratom and in accordance with the possibility offered in article III, paragraph 4 of the draft treaty, the Netherlands Government is of the opinion that the European Commission ought to conduct the negotiations with the International Atomic Energy Agency with respect to the safeguards which the Euratom partners desiring to become parties to the treaty will have to accept in accordance with article III, paragraph 1.

A basic tenet of good management is to avoid unnecessary duplication. As a matter of principle the IAEA should therefore make appropriate use of existing records and safeguards, on the understanding that the Agency can satisfy itself that nuclear materials are not diverted to nuclear weapons or other nuclear explosive devices. In other words, the agreement with the IAEA should be based on the principle of the verification of Euratom safeguards.

The Netherlands Government is confident that, spurred by the common political purpose to halt the spread of nuclear weapons, it will not prove to be difficult to conclude the required agreement within a relatively short time and to clear the way for ratification of the treaty.

Several other speakers have referred to the privileged position of the nuclear-weapon States. As I pointed out before, the Netherlands Government has from the beginning recognized that a distinction between the position of nuclear Powers and that of non-nuclear Powers is inescapable, at least in the initial stage. At the same time, it is worthwhile to note that article III, while it is binding upon non-nuclear-weapon States, in no way precludes the nuclear-weapon States from voluntarily accepting the same obligations. I concede that such a step cannot be regarded as a measure having a direct bearing on non-proliferation. Nevertheless, the fact that many non-nuclear-weapon States have urged the nuclear-weapon Powers to assume the same obligations shows the considerable psychological impact and political importance of that step.

It is heartening that two nuclear-weapon States, the United Kingdom and the United States of America, have responded favourably and have offered to submit their peaceful nuclear activities to International Atomic Energy Agency safeguards, when such safeguards are applied under the treaty.[4] My delegation continues to hope that other nuclear Powers will follow suit in due course.

The full implications of article III can only be assessed in the context of the two preambular paragraphs dealing with safeguards and of articles I and II of the treaty.

If one considers all these provisions as a whole it becomes abundantly clear that:

First, safeguards shall only be applied to prevent the illicit manufacture of nuclear weapons or other nuclear explosive devices.

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[4] *Documents on Disarmament, 1967*, pp. 613-616.

Second, the actual safeguards procedures shall be devised and implemented in a manner designed to avoid hampering the economic or technological development of the parties.

Lastly, recognizing the progress of technological development, a co-operative effort shall be made for research on the development of effective methods of safeguarding the flow of nuclear materials by the use of instruments and other techniques at certain strategic points.

The second principle is already being applied by the Vienna Agency and is embodied in practically identical terms in its safeguards procedures, drawn up in 1965.[7]

These safeguards procedures also require the Agency to review them in the light of further experience as well as technological developments. In my view the sixth preambular paragraph of the treaty may therefore be regarded as an instructive "forward look" and as a guidepost, entirely in keeping with the Agency's ultimate objectives.

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Statement by the Nigerian Representative (Ogbu) to the First Committee of the General Assembly: Nonproliferation of Nuclear Weapons, May 8, 1968 [1]

Mr. Chairman, I should like to seize this opportunity to offer you my personal congratulations on your election to guide the deliberations of this Committee, and I hope that with your proven wisdom in directing the affairs here we shall be able to achieve excellent results.

Since Hiroshima, almost a quarter of a century ago, a race against time has been under way between the technological capability of destroying civilization and the political skill to save it. It is a mark of man's undying hope and a tribute to the United Nations that out of this race emerged first the partial test ban Treaty [2] and then the agreement not to place nuclear weapons in vehicles orbiting in outer space.[3] The next logical step, of course, was the proposal to curb the proliferation of nuclear weapons.

Commencing with the Irish proposal which was unanimously adopted in General Assembly resolution 1665 (XVI) of 1961 [4]—and at this point I wish to pay an unstinted tribute to the far-sighted wisdom and statesmanship of the Deputy Prime Minister and Foreign Minister of Ireland, Mr. Aiken, for his initiative—the United Nations has been preoccupied persistently and urgently with the desire to elaborate a treaty on the non-proliferation of nuclear weapons. Several resolutions bear testimony to its efforts in this direction.

When this subject was again discussed at the twentieth session of the General Assembly, the eight non-aligned members of the Eighteen-

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[7] *Ibid., 1965*, pp. 446–460.
[1] A/C.1/PV.1563, pp. 27–35.
[2] *Documents on Disarmament, 1963*, pp. 291–293.
[3] *Ibid., 1967*, pp. 38–43.
[4] *Ibid., 1961*, p. 694.

Nation Committee on Disarmament submitted a draft resolution which the General Assembly finally adopted, without dissent, as resolution 2028 (XX).[5] That resolution sets out the five widely acclaimed principles on which a non-proliferation treaty should be based. We are now here assembled in this important political forum to examine and consider how far the basic principles spelt out in resolution 2028 (XX) have been translated into the draft treaty which is before us now as annex I to the report of the Eighteen-Nation Committee on Disarmament.[6]

Nigeria is privileged to be a member of the Eighteen-Nation Committee on Disarmament, and our contributions during the negotiations, which we believe were constructive, were characterized by our firm belief that a balanced and effective non-proliferation treaty would certainly be a progressive step towards general and complete disarmament. In this connexion the relevant records of the Eighteen-Nation Committee on Disarmament on the negotiations speak for themselves.

On the question, therefore, whether the draft treaty meets the five principles mentioned earlier, the Nigerian delegation is of the view that, as far as is practicable the draft treaty before us would go a long way toward preventing any loop-holes to proliferation even between nuclear and non-nuclear defence treaty countries. The treaty includes, in specific terms, the need for further negotiations "in good faith" to achieve general and complete disarmament. It also provides for ensuring its effectiveness, and does not restrict the rights of States signatory to the treaty to conclude regional treaties in order to make their areas nuclear-free zones.

Indeed articles I and II constitute the basic structure of the treaty. The provisions of the first would forbid any nuclear sharing even within military alliances, as well as arrangements which could facilitate the manufacture or acquisition of nuclear weapons or nuclear explosive devices by non-nuclear States. The second article would forbid non-nuclear States to acquire or seek help to acquire nuclear weapons or nuclear explosive devices, which include devices that could be needed for economic development. Here again, my delegation at the Geneva negotiations had suggested constructive amendments aimed at making the articles more reliable and non-discriminatory.

Under article III, non-nuclear-weapon States parties to the treaty shall develop nuclear energy for peaceful purposes only, and there shall be no diversion of the energy of fissionable material to military purposes. To enforce that obligation there is to be established a strict system of International Atomic Energy Agency control of all nuclear activities of non-nuclear-weapon States. Most delegations, including Nigeria, felt that the same international safeguards should be applied to the peaceful installations of nuclear-weapon States.

It is apparent that this article advocates the application of control solely in relation to the obligations which the non-nuclear-weapon States would have to assume under article II.

Objective analysts of international agreements and treaties all over the world hold the same view in regard to the responsibility and obliga-

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[5] *Ibid., 1965*, pp. 532-534.

[6] For the ENDC report, see *ante*, pp. 192-193. The draft treaty appears *ante*, pp. 162-166.

tion aspects of the treaty. In fact the eminent United States Ambassador-Designate to the United Nations, Mr. George Ball, expressing his views in that respect wrote—and I quote, with your kind permission, Mr. Chairman, from page 212 of his book entitled "The Discipline of Power".

> The critical provisions of the treaty are not therefore to be found in the obligations assumed by the nuclear Powers, but in the other set of commitments—the undertaking by the non-nuclear Powers not to produce or acquire nuclear weapons. This undertaking is what the treaty is all about, and the willingness of non-nuclear Powers to accept it as a continuing restraint on their freedom of national action will determine its success or failure. We can, I am certain, assume that a number of non-nuclear Powers will be reluctant to give such a commitment, particularly those Powers that now have—or have a reasonable hope of developing—the ability to produce nuclear weapons within a reasonable time. Such a self-denying ordinance committing a nation, for an indeterminate period, not to build or acquire particular types of weapons is a national decision of critical importance, and no responsible Government is going to sign on the dotted line without a cold hard look to see, as the lawyers say, what consideration it receives under the contract.

And again, at page 213, Mr. George Ball continues:

> Happy though the non-nuclear powers might be with fresh evidence that the Soviet Union and the United States could sometime make common cause, this would not in any way eliminate the basic defect in the treaty, which is the asymmetry in its commitments. Unless this asymmetry is corrected the treaty will not achieve any useful purpose. Many non-nuclear powers will refuse to sign or, if they sign, will not continue long to abide by its engagements. For what the treaty requires is that the non-nuclear nations accept serious restraints on their future conduct without imposing any significant limitation on the actions of the nuclear powers.

The effect of article IV is that every State signatory to the treaty would be free to develop nuclear energy for peaceful purposes within the limits imposed by articles I and II—that is, there should be no national production of nuclear explosives, even for peaceful purposes. On the other hand, nuclear-weapon Powers do not accept any obligation to furnish non-nuclear States with full scientific and technological information in their possession on the peaceful uses of nuclear energy, following the renunciation by non-nuclear weapon States of their legitimate rights to seek and develop this technology. Because of this we feel that this article does not deal adequately with the problem of bridging the intellectual gap which would be created by the restrictions imposed by articles I and II on development of nuclear energy for peaceful purposes.

Article V provides for non-nuclear weapon countries signatory to the treaty to obtain nuclear explosive services in a sort of "black box" for their economic development, through an appropriate international body or bilaterally. Along with other non-aligned members at the negotiations we had argued that bilateral arrangements involving nuclear explosives should not be permitted by a treaty. However, Nigeria submitted that whenever bilateralism was allowed full information on it should be made available to all parties as an additional safeguard against wilful or inadvertent violation of the treaty. We do lend our full support to the aspirations expressed in article VI, particularly as it accords priority to the nuclear arms race question, nuclear disarmament and general and complete disarmament.

I now turn to the important question of security guarantees. We are all agreed that no country would be happy to surrender its sovereign rights to acquire or develop such weapons as it considers appropriate for its defence, unless it is sure that those countries which already possess such weapons would not use their military superiority to blackmail it.

There were two kinds of security assurances advocated by a majority of the non-nuclear States, particularly the non-aligned States at the negotiation table in Geneva. The two assurances were commonly described as the positive and negative guarantees. The positive guarantee envisaged that nuclear-weapon States party to the treaty would be obliged to come to the aid of any non-nuclear State signatory to the treaty, should it be threatened or attacked by a nuclear-weapon State. The negative guarantee, on the other hand, would be a pledge by the nuclear-weapon States party to the treaty never to use nuclear weapons as a means of settling international disputes.

As we all have seen, the response to these two proposals has been the draft Security Council resolution jointly sponsored by the three nuclear Powers that have actively participated in the negotiations preceding the treaty.

I will recall the Declaration on the Denuclearization of Africa, adopted by the Summit Conference of the Organization of African Unity on 21 July 1964, which reads in part as follows:

"We, African Heads of State and Government . . .

"(1) Solemnly declare that we are ready to undertake, through an international agreement to be concluded under United Nations auspices, not to manufacture or control atomic weapons;

"(2) Appeal to all peace-loving nations to accept the same undertaking;" and

"(3) Appeal to all nuclear Powers to respect this Declaration and conform to it." [7]

The same concern over this deadly weapon in our midst was further manifested in the Declaration by the Second Conference of Heads of State and Government of Non-Aligned Countries, issued in Cairo on 10 October 1964, the pertinent part of which reads as follows:

"The Conference requests the Great Powers to abstain from all policies conducive to the dissemination of nuclear weapons and their by-products among those States which do not at present possess them. It underlines the great danger in the dissemination of nuclear weapons and urges all States, particularly those possessing nuclear weapons, to conclude non-dissemination agreements and to agree on measures providing for the gradual liquidation of the existing stockpile of nuclear weapons." [8]

It is therefore clear from these Declarations that Nigeria, as an African country and as a non-aligned country, is deeply committed to nuclear non-proliferation and general and complete disarmament; and we have seized every opportunity here in the United Nations and

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[7] *Documents on Disarmament, 1964*, pp. 294-295.
[8] *Ibid.*, p. 444.

in other forums where these international issues are discussed to work towards this meaningful goal.

We clearly realize that no man-made treaty could be regarded as perfect, and we know that in any bargain of this nature a second-best may suffice. The treaty before us, we feel, could prevent what is generally described as horizontal proliferation of nuclear weapons, but we would have also liked to see it prevent vertical proliferation, as well. We note that the treaty offers, even if this is not mandatory, co-operation in the economic field between nuclear and non-nuclear Powers. The importance of this is that it offers an opportunity to those countries not at present in a position to participate in a nuclear race an opportunity to benefit from the results of research into the peaceful uses of atomic energy. In this connexion we have in mind the fact that the manpower requirements and high cost of research place the acquisition of nuclear know-how, at least for the next few decades, beyond the reach of most countries, including some of the richer nations of the world today.

In conclusion, I would state, as I stated earlier, that the treaty before us leaves a lot of room for improvement. We have, during the deliberations in Geneva, put forward a number of suggestions which we felt would constitute improvements to the present draft text before us. Nevertheless, we are not unaware of the fact that the draft treaty represents, perhaps, the maximum area of agreement that could be attained at the moment, given the present world political climate. Furthermore, we can take consolation and comfort in the fact that both in its preambular provision and its article VIII, the treaty envisages five-yearly review conferences at which the "good faith" of the nuclear-weapons States can be adjudged, on the one hand, and the asymmetry in its commitments with respect to the non-nuclear weapon States measured, on the other hand. For unless it creates the political *détente* which quickly leads to viable settlement of outstanding burning international issues such as the war in Viet-Nam and the colonial problems in Africa, and unless it is a purposeful and charted step towards ending the nuclear arms race and general and complete disarmament, the treaty will not long endure. What is of utmost importance now, however, is that we ensure the attainment of a non-proliferation treaty as urgently as possible if its objectives are not to be defeated. We consider the danger to the world that would result from any further proliferation of such urgency that it is imperative that we act quickly. These are the considerations that should, we believe, guide us in our present efforts.

Statement by the Swedish Representative (Myrdal) to the First Committee of the General Assembly: Nonproliferation of Nuclear Weapons, May 9, 1968 [1]

It is with a certain hesitation that I take the floor today. Through our membership of the Eighteen-Nation Committee on Disarmament

[1] A/C.1/PV.1564, pp. 2–20.

in Geneva, Sweden has had ample opportunities to state its views on the matter before this Committee. In annex 111 to the report of the Eighteen-Nation Committee on Disarmament[2] we have listed references to documents and verbatim records which reflect the positions the Swedish delegation has taken during the negotiations on a non-proliferation treaty in Geneva. As this important debate is now unfolding in the wider forum of the United Nations, it might nevertheless be useful to pinpoint a few of the lines of thought which seem to us to remain valid with reference to the steps which are to be taken here and now in order finally to bring these negotiations to a close.

Our fundamentally positive attitude to an international outlawing of the spread of nuclear weapons has been known for a long time. May I recall that in the same year as the so-called Irish resolution on non-proliferation was adopted by the General Assembly[3] the then Foreign Minister of Sweden, Mr. Undén, submitted a plan aiming at voluntary regional denuclearization.[4]

The Swedish Government also made a public statement on the very day the United States and the Soviet Union initially presented separate but identical draft texts of a non-proliferation treaty, on 24 August 1967.[5] In that statement my Government greeted with the greatest satisfaction the fact that the draft texts had emerged. We duly recognized that behind the drafts there already lay, even then, a long and difficult period of preparatory work.

We hoped that it would be possible for the negotiators within the Eighteen-Nation Committee on Disarmament to reach agreement on a final draft text for presentation to the United Nations General Assembly. We declared ourselves ever ready to co-operate constructively in order that the treaty that finally ensued would be as perfect as possible and therefore acceptable to the largest number of States, particularly those of immediate interest with regard to their potential capacity to produce nuclear weapons. We also expressed our trust that while a non-proliferation treaty would be one step forward, it would be followed without delay by other and more effective steps on the road towards actual disarming of nuclear weapons capabilities, senseless instruments of mass destruction as they are.

Supporting the goal of barring the spread of nuclear weapons does not, however, free us from obligations to subject the proposed text to conscientious scrutiny. This is particularly important when we are faced with a treaty intended to prescribe far-reaching obligations on nations. While the draft treaty text before us today[6] is a definite improvement if compared with the original versions presented by the United States and the Soviet Union last August, some further improvements could no doubt be made and may prove profitable from the point of view of the acceptability and the stability of the treaty.

Before proceeding to indicate some specific changes which even at this late stage seem to us to be not only widely desired but also practically possible to incorporate without in any way upsetting the treaty

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[2] The report appears *ante*, pp. 192–193. The annex is not printed here.
[3] *Documents on Disarmament, 1961*, p. 694.
[4] *Ibid.*, pp. 632–634, 693.
[5] For the draft treaty, see *ibid., 1967*, pp. 338–341. The Swedish statement may be found in ENDC/PV.325, pp. 19–20.
[6] *Ante*, pp. 162–166.

structure already established, let me first emphasize that the positive attitude towards an effective non-proliferation treaty which was reflected in the statement by the Swedish Government I just quoted is of course very much present in our minds also today. We continue to consider such a treaty to be an important achievement in itself. We also judge it to be important as a promise that the corner may now be about to be turned in disarmament negotiations, from painfully slow groping to a self-generating thrust towards ever-more-decisive measures.

Only in that sense would it seem justified to speak without exaggeration of the great historical importance of the step which the Committee and the world Organization as a whole is about to take. The barrier which the treaty will erect against the spread of nuclear weapons will not stem any dangerously on-rushing tide. No non-nuclear-weapon country is to our knowledge actually preparing to manufacture or otherwise acquire nuclear weapons. The dangerous sequence of events proceeds elsewhere. One might look back to the time when nuclear disarmament negotiations were started in earnest some ten years ago, or to the five-year period since they last registered some success, in the Moscow Treaty of 1963,[7] and measure how steeply the rate of nuclear megamurder capabilities has increased since then. But no realistic picture of the situation would place the risk centre in the non-nuclear-weapon countries. That place belongs uncontestedly to the frightful escalation of nuclear weapons and their means of delivery which is going on in the nuclear weapon countries, along with our deliberations on disarmament.

This is the fact which has moved so many countries, both in Geneva and here, to voice impatience and anguish: the treaty before us does not really deal with the most urgent matters, if we want to achieve nuclear disarmament. The word "urgency", so often reiterated in this context, is an ambiguous one. One sense is—and I subscribe wholeheartedly to that interpretation—that it is urgent to get the text of the non-proliferation treaty rapidly finalized. But the reason for this attitude is not that this treaty constitutes the most "urgent" measure for curbing the nuclear arms race. In the somewhat longer run there admittedly exists a danger that the desire as well as the capacity to produce nuclear weapons might spread to more countries, and it is of course *per se* worthwhile to seek to forestall this by means of an international convention. But the reason for the present "urgency" in completing the non-proliferation treaty is rather—and here I want to use the words employed by the representative of the United Kingdom, Mr. Mulley, in his speech on 1 May—that it has become necessary as ". . . a bridge we must cross before any further progress on disarmament can be made".[8] In that respect the world is truly in a hurry. In order to take advantage of that favourable climate for reaching real disarmament measures for which the conclusion of this treaty should pave the way, my delegation is most anxious that there should be no delay in our reaching a decision here. There should be no postponement of the consideration of the draft non-proliferation treaty to any later time.

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[7] *Documents on Disarmament, 1963*, pp. 291–293.

[8] A/C.1/PV.1558, p. 11.

The treaty itself, in its important article VI, contains the pledge that further negotiations on major issues will follow. The emphasis on this point, contained in the statements made on 26 April by the representatives of the main Powers, has without doubt fortified the credibility of that pledge. The representative of the United States, Ambassador Goldberg, said that his Government will "pursue further disarmament negotiations with redoubled zeal and hope and with promptness".[9] And the representative of the Soviet Union, Mr. Kuznetsov, gave a whole list of concrete disarmament measures on which the Soviet Union, to quote him, ". . . is ready, in a spirit of good faith to pursue negotiations . . ." [10]

In view of these pledges the Swedish delegation is prepared to go ahead with a "stepwise" procedure: that is, at this session of the General Assembly completing the partial task of a treaty on non-proliferation. We would then expect that this summer's session of the Eighteen-Nation Committee on Disarmament would bring one or two more measures through the mill of detailed negotiations. It cannot be stressed enough how important it is for the rapid implementation also of the non-proliferation treaty that concrete steps on further disarmament measures in the nuclear field should be taken in the very near future.

At this hour, however, we should all do our utmost to complete the non-proliferation treaty. For this purpose I have to return—as I stated at the beginning of my intervention here and also predicted in my final one in Geneva [11]—to the improvements which Sweden wants to have incorporated in the text of the draft treaty.

One group of amendments, put forward by the Swedish delegation to the revised draft treaty texts as presented by the United States and Soviet delegations in the Eighteen-Nation Committee on Disarmament on 18 January 1968,[12] was approved by the main Powers and included in the version of the draft treaty now before us—and, of course, we deeply appreciate this. Some further amendments, presented in document ENDC/216 on 13 February 1968,[13] dealing with the matter of nuclear explosions for peaceful purposes, have however, so far, not been given their place in the draft treaty. Perhaps I should add, for the sake of clarity, that my Government agrees that all nuclear explosive devices must be included under prohibitions against manufacturing nuclear weapons. Technologically, they are identical. But we have sought to suggest a creative compromise for dealing with peaceful explosions so as to satisfy both disarmament and development interests.

In article V—which centers on that subject of nuclear explosions for peaceful purposes—we have suggested (a) that the words "non-nuclear-weapon" in the third and sixth lines should be deleted, thus making it possible for all States, incidentally also nuclear-weapon States, to benefit from explosion services. Further, we have suggested (b) that the words "so desiring" and "or agreements" in the seventh

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[9] *Ante*, p. 231.
[10] *Ante*, p. 239.
[11] *Ante*, pp. 150–151.
[12] *Ante*, pp. 1–6.
[13] *Ante*, p. 57.

line should be deleted, as well as the words "on a bilateral basis or" in the eighth line—this for the purpose of not explicitly sanctioning in a non-proliferation treaty that such important decisions are, for all time, to be taken unilaterally or in a bilateral context by States which possess nuclear weapons.

Representatives will find these proposals, as well as a rendering of the amended article V in full, in document ENDC/216, which is annexed to the report of the Eighteen-Nation Disarmament Committee.[14]

In repeating these proposals here, I want to express the hope that the originators of the draft treaty—the United States and the Soviet Union—will see their way to accept these changes, which are truly minor in relation to the major issues in the draft treaty.

Our insistence that those or equivalent changes would amount to rather crucial improvements rests on two main reasons—one concerned with streamlining the legal provisions, the other concerned with substance.

First, it is imperative to remove from the text of this treaty any wording which would otherwise create difficulties when negotiating further treaties. Those which we suggest for deletion would have to be removed in any event when the comprehensive test ban treaty comes to be negotiated in practical detail—which, in our view, should be during this summer. All nuclear explosions would, of course, be forbidden. The conduct of any explosions desirable for peaceful purposes would have to be dealt with as exceptions, which could be granted only by an international body.

The same difficulty with the present text will, as a matter of fact, become apparent the very moment we start negotiations on the special agreement concerning those international procedures which are foreseen to ensure the application of the undertakings mentioned in article V. The vast majority of delegations in the Eighteen-Nation Committee on Disarmament have recognized the need for such a separate international agreement. The delegation of Canada has even outlined in considerable detail the possible contents of such an agreement.[15]

Our second consideration when proposing these minor textual changes in the draft treaty is that a reassurance should be given to all nations, and particularly to the nations in dire need of more speedy economic development, that the opportunities of all nations to avail themselves of the possible benefits of such a new technology as the application of nuclear explosions to major civil engineering projects would in fact be equal. Only a truly international régime, allowing for international decision-making in regard to permission to undertake explosions and for executive supervision of them in whatever country they occur, would give such an assured equality. It is not possible to admit as a permanent feature of the world's future that some countries, because they are militarily advanced, would also have direct access to important economic and technical benefits of new technologies that others would be able to obtain only in an indirect way.

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[14] *Ante*, pp. 192-193.
[15] ENDC/PV. 329, pp. 9-10.

The international agency indicated for the purpose of administering nuclear explosions for peaceful use would have three main functions: (1) to decide if a certain project is sound, technically and economically, and therefore eligible for an exception from the total test ban; (2) to observe and control the execution of the project in order to make sure that it would not be contrary to existing international treaties; (3) to help finance—if the project were to take place in an underdeveloped country—the vast and probably very expensive civil engineering work, prospecting and execution, necessary for the successful application of the nuclear device which is the only part promised to be made available at low charge.

It seems unlikely that any one existing international agency would be capable of undertaking all three of these main functions. The IAEA would probably be the most suitable organ for the first two tasks mentioned, while agencies like the UNDP and the World Bank might assume a new great responsibility for the aid aspect.

We do need today a bolder conception of such revolutionary technological possibilities than has been envisaged hitherto. Whenever at all possible, major technological advances should, in the view of my country, lead to internationalized exploitation of new resources. The plans for nuclear Powers' management of nuclear explosions as outlined in the present treaty text can only too easily be interpreted as a freezing of existing monopolistic positions.

Let us remember for a moment the spectacular scheme for an internationalization of the whole field of nuclear energy which was outlined in the early days of the United Nations by the United States and which became known, under the name of its spokesman, as the Baruch Plan.[16] This plan came to nothing. Now there is a new possibility of taking up the noble idea in at least one segment of nuclear-energy exploitation with great promises for the future.

I have wanted to indicate, at the cost of some length, the challenging prospect of international action which we want to facilitate with our proposed changes in the text of the non-proliferation treaty, article V.

An endorsement of those changes by the nuclear-weapon countries would serve as an important proof of their good intentions, while—it would seem to us—implying only minor concessions on their part.

Before concluding, I wish to refer briefly to one more aspect of the present draft treaty to which my delegation has always paid considerable attention. I am referring to the issue of controls, covered by article III in the draft-treaty text. It was, as representatives may remember, only after troubles and delays that the United States and the Soviet Union were able to agree on a controls formula. The main cause was the difficulty of harmonizing the safeguard systems of the universal IAEA and the regional Euratom, a matter which I am not going to deal with today, trusting that it will be worked out to the satisfaction of all concerned.

Although the Swedish delegation is disappointed that the present wording of article III does not extend controls to all transfers of source or special fissile material, including exports to nuclear-weapon coun-

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[16] *Documents on Disarmament, 1945-1959*, vol. I, pp. 9-16.

tries, as we had suggested in an amendment last autumn, there are, we must acknowledge, some fairly encouraging signs that the element of discrimination may be decreasing.

Partial satisfaction has thus been obtained in respect of peaceful nuclear programmes of some nuclear-weapon States. The Governments of the United States and the United Kingdom have declared that they will open up all their nuclear installations without military functions, for inspection by the IAEA. We greet this attitude with satisfaction and earnestly hope that the example thus set will soon be followed by other nuclear-weapon States.

Partial satisfaction may also be derived from the fact that several States, including Sweden, when it comes to exports of fissionable material, equipment, etc., envisage, as a matter of policy, making it a condition that the material exported should be used exclusively for peaceful purposes and subjected to IAEA control. It is imperative for the success of the whole idea of non-proliferation that such voluntarily accepted supply policies be maintained, widened and strengthened.

The most immediate task for reducing discrimination in the atomic-energy field is to ensure that all of what we must call the "key countries" sign and ratify the non-proliferation treaty. Some of these are highly industrialized countries which, under factual criteria, must be said to be close to being "potential" nuclear-weapon States. Another group, partly identical with them, comprises countries which are important as exporters of source or special fissionable material. It is not difficult to draw up a list showing which these "key countries" are in relation to a non-proliferation treaty. I will, however, refrain from doing so and state only that the world will be following with solicitude the actions of these States as to the present treaty.

The most important aspect of the control provisions as outlined in the non-proliferation treaty remains to be mentioned. It is one free from any overtones of apprehension or dissatisfaction. On the contrary, we have obtained one real mortgage on a promising future. It lies in the fact that we have in the arrangements selected for controlling a non-proliferation policy a ready-made pattern for controlling also a complete cessation of all production of nuclear weapons. The IAEA system of safeguards will serve as well for the comprehensive task as for the partial one, for checking to see that nuclear-energy programmes in all countries are not diverted to weapon production. Thus, work on a future treaty or a complete cut-off of production of fissile material for weapon purposes can proceed on a firm basis and without any delay on technical grounds.

Several further disarmament measures are likewise maturing in so far as their technical practicality and their legal shape are concerned. I have already mentioned the comprehensive test ban in addition to the comprehensive cut-off. Progress need not be slow if only political tension and mistrust can be dissipated. Cessation of the nuclear arms race should not be an impossible goal, and not even a distant one, if the world will only allow itself to act rationally. This is the spirit in which countries should be able to trust that the non-proliferation treaty is a safe bridge to cross.

Statement by the Japanese Representative (Tsuruoka) to the First Committee of the General Assembly: Nonproliferation of Nuclear Weapons, May 10, 1968 [1]

We have before us the draft text of a treaty on the non-proliferation of nuclear weapons which was presented to the Eighteen-Nation Committee on Disarmament on 11 March this year by the delegations of the Soviet Union and the United States.[2] This draft is the outcome of long negotiations, in which the Union of Soviet Socialist Republics and the United States jointly played a leading role. I should like to express our appreciation to the representatives of those two countries. We also appreciate the substantial contributions made by other countries, in particular the members of the Eighteen-Nation Committee on Disarmament.

The Japanese Government has stressed in various forums during the past several years the importance it attaches to the conclusion of a treaty to prevent the spread of nuclear weapons, and continues to believe that the early conclusion of an equitable non-proliferation treaty, acceptable to as many countries as possible, would be an important step forward in the effort to halt the nuclear arms race and to achieve nuclear disarmament.

The Japanese Government subscribes to the spirit of a treaty on the non-proliferation of nuclear weapons. It also notes that substantial improvements have been made in the present draft over previous ones. However, there are still several points with regard to the draft treaty which, the Japanese Government believes, require the most thorough consideration. I should now like to set forth our views on these points.

Let me begin by quoting the following passage from paragraph 2(b) of General Assembly resolution 2028 (XX):

> **The treaty should embody an acceptable balance of mutual responsibilities and obligations of the nuclear and non-nuclear Powers.**[3]

In other words, one-sided obligations should not be imposed upon the non-nuclear-weapon countries.

Several aspects of the problem of acceptable balance should be considered. I have in mind, specifically, the following questions: first, the question of the security of States; second, the question of nuclear disarmament; and third, the question of the peaceful uses of nuclear energy.

It may be said that the draft text sets the stage, so to speak, but it does not by itself provide, with regard to the questions I have just mentioned, what we would consider an equitable balance of responsibilities and obligations between nuclear-weapon States and non-nuclear-weapon States. The over-all problem, as we see it, is how such a balance can best be achieved in a realistic and practical manner. This problem is of great importance because it will have a direct bearing upon the number of States adhering to the treaty.

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[1] A/C.1/PV.1565, pp. 27–41.
[2] *Ante*, pp. 162–166.
[3] *Documents on Disarmament, 1965*, pp. 532–534.

Permit me to take up, first, the question of the security of States.

Under the draft treaty the nuclear-weapon States will be allowed to retain and continue to manufacture nuclear weapons. On the other hand, the non-nuclear-weapon States will assume the obligation not to manufacture or otherwise acquire nuclear weapons. They are being asked to do so at least for a period of twenty-five years, a very long period indeed.

This is a very serious matter for the non-nuclear-weapon States, to which, we hope, due attention will be paid by the nuclear-weapon States. It is all the more serious in view of the fact that we dare not be optimistic, much less sure, that all five of the nuclear-weapon States will adhere to the proposed treaty, although we certainly pray that they will. Furthermore, there is no way of telling how many of the non-nuclear-weapon States will adhere to the treaty, particularly those with a nuclear-weapon capability.

Taking these factors into account, what is required in order to bring into balance the obligations and responsibilities of the non-nuclear-weapon States and the nuclear-weapon States in this field?

It is essential that the nuclear-weapon States should assume the obligation of assuring the security of non-nuclear-weapon States which subscribe to the treaty. Measures are required to protect from nuclear aggression, or the threat of such aggression, those non-nuclear-weapon States which renounce the right to defend themselves by nuclear armament.

The Japanese Government has long thought that some form of United Nations resolution might be an answer to this question of security assurances that would satisfy non-nuclear-weapon States. The Security Council draft resolution proposed by the Soviet Union, the United Kingdom and the United States [4] is a step in this direction to which we attach considerable significance from the political point of view, but it cannot be considered that this measure will altogether eliminate the fears of non-nuclear-weapon States regarding their security problems.

I should like next to dwell upon the second question, the overriding importance of nuclear disarmament. While the non-nuclear-weapon States will renounce their present nuclear option, the nuclear-weapon States, for their part, will undertake, under the draft treaty,

> . . . to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a Treaty on general and complete disarmament under strict and effective international control.

Unless the nuclear-weapon States keep their part of the bargain, the balance of obligations will be upset and the treaty will lose its moral basis.

There are certain specific points in this regard which require attention.

I wish to emphasize, first, how strongly the Japanese people feel, having suffered the effects of atomic explosions, with regard to the earliest possible conclusion of an agreement banning the underground testing of nuclear weapons.

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[4] Identical with the Security Council resolution of June 19 (*post*, p. 444).

Next, I wish to draw attention to article I of the draft treaty, which provides in its second half that nuclear-weapon States undertake

> . . . not in any way to assist, encourage, or induce any non-nuclear-weapon State to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices.

Thus, these restrictions are not at all applicable to the nuclear-weapon States in their relations among themselves. This lack of restriction should by no means be taken as an implicit authorization that the nuclear-weapon States may assist, encourage, or induce each other to manufacture or otherwise acquire nuclear weapons. As the representative of a non-nuclear-weapon State, I feel that we are entitled to expect the nuclear-weapon States to refrain from taking advantage of this lack of restriction. Such self-restraint by the nuclear-weapon States would only be in accordance with the spirit of the draft treaty.

It is clear to all of us that the non-proliferation treaty will legalize the present distinction between the five nuclear-weapon States and all other States. Even if considerable progress is made towards nuclear disarmament by nuclear-weapon Powers, the distinction I mention will not be wholly dissolved so long as nuclear arms remain in the hands of nuclear weapon States. This distinction will be dissolved only when all nuclear weapons are eliminated from the national arsenals of all States.

In the meantime, the present monopoly of nuclear weapons by nuclear-weapon countries will continue. We must regard this situation as a transitional one and, during this transitional period, all nuclear-weapon States should be urged to refrain from using, or threatening to use, their nuclear weapons in any manner inconsistent with the principles prescribed in the Charter of the United Nations. The Japanese delegation and, I am sure, a number of other delegations feel that this responsibility on the part of nuclear-weapon States should be affirmed by the General Assembly.

It is apparent to us, as it must be to everyone, that the tasks to be accomplished in the field of nuclear disarmament are enormously difficult and complex. But we would urge upon all the nuclear-weapon States a continuous, vigorous and determined effort to solve the problems involved and, through progressive steps, lead mankind forward towards general and complete disarmament and a more harmonious and peaceful world.

Now I turn to the question of the peaceful uses of nuclear energy, which is the third question requiring very careful consideration. In addition to the purpose of preventing the further spread of nuclear weaponry, it should be emphasized that the draft treaty equally involves the purposes of furthering the peaceful uses of nuclear energy through international co-operation and, thereby, of contributing to the advancement of human welfare. Clearly, the purposes of the treaty in this regard will not be achieved if the provisions of the draft treaty concerning international co-operation in the peaceful uses of nuclear energy and the sharing of potential benefits from peaceful applications of nuclear explosions turn out to be empty promises. The Japanese Government, therefore, urges all States to make every effort to the end

that the peaceful uses of nuclear energy may be further developed through international co-operation.

In order to achieve this purpose, there should be no discrimination between the non-nuclear-weapon and the nuclear-weapon States in the application of international safeguards to peaceful nuclear activities.

If, as must be assumed, the genuine motive in presenting this draft treaty is really to achieve nuclear disarmament, the principle that nuclear materials for peaceful uses should not be diverted to the manufacture of nuclear weapons or other nuclear explosive devices should apply to all countries alike. The Japanese Government firmly believes, therefore, that the nuclear-weapon States should also accept the application of the International Atomic Energy Agency safeguards to their peaceful nuclear activities as a first step towards nuclear disarmament.

We note that the United States and the United Kingdom declared, towards the end of last year, that when such safeguards are applied under the treaty, these two nations will permit the International Atomic Energy Agency to apply its safeguards to all nuclear activities in their countries, excluding only those with direct national-security significance.* We would strongly urge other nuclear-weapon States to declare their intention to the same effect.

There is a strong concern among non-nuclear-weapon States that the application of international safeguards might hinder, in one way or another, their peaceful nuclear activities. The seriousness of this problem, in terms of the national interests of non-nuclear-weapon States, can never be understood by the nuclear-weapon States unless they themselves accept such safeguards.

In order to minimize adverse effects on the efficient and economical functioning of nuclear industries, safeguards should be simplified and mechanized as much as practicable. I feel I can speak on behalf of all non-nuclear-weapon States in stressing the need for making efforts towards the realization of this objective through the International Atomic Energy Agency.

I have one further point to make on the question of safeguards. When agreements are concluded between the non-nuclear-weapon States and the International Atomic Energy Agency, pursuant to the treaty, it is the understanding of the Japanese Government that the peaceful nuclear activities of all non-nuclear-weapon States party to the treaty, including those which are at present under a regional safeguards system, will be subject to international safeguards of identical standards.

An adequate supply of nuclear materials is, of course, an essential requirement for the peaceful uses of nuclear energy. There is really no need to say that the non-nuclear-weapon States, which undertake not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, should not thereby be placed in a less advantageous position regarding access to such materials. The Japanese Government deems it essential, therefore, that when all nuclear materials under the control of non-nuclear-weapon States are placed under International Atomic Energy Agency safeguards, the international flow of such materials should be further liberalized. Thus life would be given

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* *Documents on Disarmament, 1967*, pp. 613–616.

to the intention of the treaty to promote peaceful nuclear activities through international co-operation.

Freedom of research and development are also essential in order to advance the peaceful uses of nuclear energy, and it is clear to us that the treaty should never be interpreted or applied in such a way as to hamper or inhibit research and development in this field. The problem of nuclear explosive devices is a particularly important one in the field of research and development.

We accept the thesis that at the present stage of nuclear knowledge it is virtually impossible to distinguish between nuclear explosive devices for peaceful purposes and nuclear weapons. However, if and when the advance of nuclear knowledge makes such a distinction possible, then it is only logical to believe that the restrictions concerning nuclear explosive devices contained in the draft treaty will no longer be applicable.

Meanwhile, the Japanese Government interprets nothing in the draft treaty as restricting in any way freedom of research regarding the peaceful application of nuclear explosive devices. Furthermore, we understand that nuclear explosive devices are those designed to release, in microseconds, a large amount of nuclear energy accompanied by shock waves. Accordingly, such devices as fast critical assemblies, reactor excursion experiment facilities, and thermonuclear fusion reactors, which are not designed to produce energy in an uncontrolled manner, would not come under the prohibitions of the draft treaty.

Having stated the views of the Japanese Government with regard to the important questions of the security of States, nuclear disarmament, and the peaceful uses of nuclear energy in relation to the draft treaty, I should now like to state our views on the question of review conferences, another matter which we consider to be very important.

Since the non-proliferation treaty must not be an end in itself, but one step forward in a series of arms control and disarmament measures to be taken following its conclusion, it will be crucially important to review its operation periodically, and, we think, at fairly frequent intervals. It is for this reason that Japan has always attached great importance to the review clause on the same level as other substantive clauses of the treaty.

The international situation is subject to change; unforeseen developments may occur in the field of science and technology. That is why we think it most important to make full use of the review conference procedure to ensure the effective and adequate operation of the treaty. This is all the more so because the treaty is to be in force for at least twenty-five years, with the possibility of further prolongation for an indefinite period.

The operation of the treaty must at all stages meet the realities of the moment. If it is found at the review conference that it is not meeting those realities and that the provisions of the treaty as well as its purposes, including nuclear disarmament, are not being fully realized, then I am afraid States party to the treaty might be obliged to re-examine its whole value and reconsider their positions.

I should like to state once again that the Japanese Government considers the question of arms control and disarmament to be a key issue in the universal effort to ease international tensions and strengthen

trust among States, and we desire to participate and co-operate fully, and in a constructive spirit, in all international endeavours to achieve these objectives.

We believe, and I think that all right-minded people would agree, that the prevention of the spread of nuclear weapons is an important step to be taken towards arms control and disarmament. This resumed session is the first opportunity that all Member States have had to discuss together the concrete text of a draft treaty on the non-proliferation of nuclear weapons. We should take advantage of this opportunity and seek to achieve a treaty which embodies an acceptable balance of mutual responsibilities and obligations between the nuclear-weapon and non-nuclear-weapon States so that the participation of as many States as possible can be assured. As I have tried to make clear, the proposed treaty will have serious effects on the national interests and security of all States. I cannot emphasize too strongly, therefore, that the draft treaty requires full deliberation; and I venture to hope that in the course of our deliberations due consideration will be given to the views of the Japanese Government as I have expressed them today.

Before I conclude, permit me to quote from the statement made in the General Assembly last September by our Minister for Foreign Affairs, Mr. Miki. Mr. Miki said—and his words fully express the feelings of the Japanese Government and people:

> Should a new world war break out in the last third of this century, it would inevitably be a nuclear war spelling the destruction of all mankind. The great and solemn responsibility that we, the living, bear to future generations is to save the last third of the twentieth century from nuclear tragedy and to ensure that the doors to the twenty-first century, which holds out unlimited possibilities for the well-being of mankind, will open to an era of true world peace.[6]

Mr. Chairman, my delegation earnestly desires to co-operate wholeheartedly with you and the entire membership of the Committee with the aim that our work at this resumed session of the General Assembly may be brought to a fruitful and harmonious conclusion.

Statement by the Italian Representative (Vinci) to the First Committee of the General Assembly [Extract]: Nonproliferation of Nuclear Weapons, May 10, 1968 [1]

. . . . . .

I shall now try to give the contribution of the Italian delegation to this debate and state the position of my Government on the item before us.

The non-proliferation treaty can be considered from two quite different angles: as a collateral disarmament measure—such a definition was given a few minutes ago by the representative of Hungary, if I understood him correctly—and as an instrument for building up the

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[6] A/PV.1563 (prov.), p. 22.
[1] A/C.1/PV. 1565, pp. 43–48.

new international community of the nuclear age. Were the treaty to be considered solely from the first angle, its significance and the hopes placed in it would be accordingly diminished and debased. It follows that the treaty should be viewed, in any case, in the larger context of general disarmament to which it would constitute a major prerequisite. However, our ambitions—and in such a matter as disarmament I feel that ambition is not only allowed but compelling—suggest an even greater and higher framework for the non-proliferation treaty, more consistent with the second of the alternatives I have just mentioned: the establishment of a new international society of the nuclear age. The magnitude of the task we are setting should not discourage us—because we consider it our duty further to reduce the dangers resulting from international tension and because we are certain of working in the right direction. At the same time, however, the magnitude of the task demands that we take this first and fundamental step with an awareness of the purpose we are aiming at and of the necessity of an adequate prior assessment of its consequences and effects.

A new international society should be a community based upon peace, co-operation, equality and abolition of all technological, economic and social disparities.

The principles upon which the new international community of free and equal States should rest could, in the view of my Government, be stated as follows: first, removal of all risks of both nuclear and conventional wars; second, access for all to all land and sea resources; third, freedom of exchanges in all fields, including that of nuclear energy for the peaceful development of all countries; fourth, close international co-operation to eliminate technological, scientific, economic, social and cultural disparities, thus enabling all peoples to enjoy the benefits of technological progress and the general increase in economic and social standards.

The non-proliferation treaty must plant the seed and become the premise of a new international society of the sort we are advocating.

In that perspective the Italian Government has concentrated its attention—tenaciously, consistently and firmly—on the basic objective of attaining general acceptance of the non-proliferation treaty.

The Italian Government has been actively striving to contribute to that end by taking a series of initiatives. May I recall in this connexion the proposal for a moratorium and the one concerning the supply of fissionable materials. By the first initiative, taken on 14 September 1965, we suggested a nuclear moratorium for the non-nuclear Powers, a moratorium which, by eliminating the immediate danger of nuclear proliferation, would have allowed, and would still allow if the need arose, negotiations far from the pressure and the concern of possible negative developments.[2]

In accordance with those aims and in pursuance of the above-mentioned principles, the Italian Minister for Foreign Affairs put forward on 1 August 1967 in Geneva the proposal concerning the supply of fissionable materials. The essence of that idea was that nuclear Powers,

[2] *Documents on Disarmament, 1965*, pp. 411–412.

in order to strike a balance with the obligations imposed by the non-proliferation treaty on the non-nuclear-weapon States, should commit themselves to transfer to the non-nuclear Powers certain amounts of fissionable material—to be taken from military stockpiles—at a reduced price, it being understood that part of the amount paid would devolve to a United Nations fund for the progress of developing countries.[3]

Finally, having in mind the prospect of possible improvements, we made three suggestions in the Eighteen-Nation Committee on Disarmament on 10 [20] February 1968, which can be found in document ENDC/218 annexed to the Committee's report.[4]

The first suggestion is to include in the draft treaty,[5] where it deals with the peaceful uses of nuclear energy, an acknowledgement of the principle that all nations are entitled to have access to the supply markets of nuclear fuel and equipment for nuclear plants.

The second is to hold review conferences automatically every five years with a view to facilitating the attainment of the purposes of the treaty.

The third is to specify in a precise way the duration of the treaty.

The proposals I have mentioned are aimed at removing reasons that would prevent some States from adhering to the treaty and consequently at strengthening the impact of the treaty by enlarging the number of adherents, as also advocated today by the representative of Japan, who has just spoken.[6]

An extraordinary opportunity is given us today to lend decisive impetus to the attainment of a great design. It is important to reach a conclusion and even more important to have the widest possible support and acceptance. This result depends upon the measure to which all countries, non-nuclear- and nuclear-weapon States, will be ready to accept their share of sacrifices in adopting all possible improvements, without delaying the attainment of the great goal of the signature of the treaty.

If each one of our Governments is prepared, in the paramount interest of peace and of future generations, to lend its co-operation, we will no doubt succeed in getting closer to that measure of balances which, although not the optimum desirable, will in any event make it an adequate and effective instrument for meaningful advances in the way of *détente*, of disarmament and of harmonious progress.

The present Assembly is the most qualified and authoritative body to bring our labours to a successful conclusion, giving our peoples and Governments the conviction that we have done everything within our power to produce a valid international instrument.

Allow me to express the fervent hope that the outcome of our important deliberations—through the goodwill and the contribution of all—will win the approval in this forum of all the Members of our international community, paving the way to the adherence, in the near future, also of those States which are not here represented.

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[3] *Ibid., 1967*, pp. 312–315.
[4] *Ante*, p. 92.
[5] *Ante*, pp. 162–166.
[6] *Supra*.

Statement by the Pakistani Representative (Shahi) to the First Committee of the General Assembly: Nonproliferation of Nuclear Weapons, May 13, 1968 [1]

Mr. Chairman, it is a matter of satisfaction to Pakistan that you, a distinguished representative of the United Arab Republic, are presiding over the deliberations of the First Committee at this resumed session. Your hope that our debate would be fruitful and meaningful is already being borne out by the excellent statements that have been made on the text of the draft non-proliferation treaty.

Ten years ago, the Foreign Minister of Ireland, Mr. Frank Aiken, alerted us to the danger of a further spread of nuclear weapons which would interpose insuperable obstacles to disarmament and the quest for peace. If today we have at last been able to reach the stage of considering the text of a treaty which would effectively prevent the further spread of nuclear weapons to States which do not yet possess them, it is in no small measure due to the initiative he took in 1958.[2] The world owes a debt of gratitude to him.

The Pakistan delegation welcomes the submission of the text of a draft treaty on the non-proliferation of nuclear weapons by the United States and the Soviet Union—the two co-Chairmen—on behalf of the Conference of the Eighteen-Nation Committee on Disarmament.

We wish to associate ourselves with the other delegations which have paid a tribute to the two super-Powers and also to the United Kingdom for their will to reach agreement and their readiness to consider the amendments submitted by the non-nuclear States members of the Eighteen-Nation Committee on Disarmament in Geneva for improving the text of the draft treaty. We do recognize that the text submitted by the United States and the Soviet Union on 11 March [3] is a marked improvement on that submitted by them on 24 August 1967 [4] and also on the revised text of 18 January.[5]

The draft treaty is a landmark in the history of negotiations on measures of arms control and disarmament. It is by far the most important agreement yet reached on this question of questions. As the Foreign Minister of Brazil has stated it "may . . . well . . . mould the future of international relations".[6]

General Assembly resolution 2028 (XX) set forth certain guidelines to the Eighteen-Nation Committee on Disarmament in negotiating the text of a draft non-proliferation treaty.[7] The question is: to what extent does the text before us articulate the principles set forth in that resolution?

First, we agree that the draft treaty is designed effectively to prevent any further spread of nuclear weapons to States other than the existing five nuclear Powers, namely, the United States, the USSR, the United

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[1] A/C.1/PV.1566, pp. 76–91.
[2] *Documents on Disarmament, 1945–1959*, vol. II, pp. 1185–1186.
[3] *Ante*, pp. 162–166.
[4] *Documents on Disarmament, 1967*, pp. 338–341.
[5] *Ante*, pp. 1–6.
[6] *Ante*, p. 278.
[7] *Documents on Disarmament, 1965*, pp. 532–534.

Kingdom, France and the People's Republic of China. Three of the nuclear Powers are satisfied that the treaty is without any loop-holes for the proliferation, direct or indirect, of nuclear weapons. The representative of the United States has said that the door to proliferation is locked on both sides and the provisions of the treaty relating to safeguards ensure that it will stay locked.

True, the treaty does not provide against vertical proliferation. In principle, Pakistan shares the views and anxieties of the non-nuclear-weapon States that vertical proliferation also, and not only horizontal proliferation, must be ended. However, as the representative of Ethiopia, a non-nuclear-weapon State which is a member of the Eighteen-Nation Committee on Disarmament, has pointed out, the acute differences among the nuclear Powers:

> . . . prevent us from taking the bold and comprehensive approach to non-proliferation and compel us to consider the present approach as a partial and practical course, short of the ideal goal.[8]

At the twentieth session of the General Assembly, speaking in this Committee I expressed apprehension that if we waited until agreement was reached among the nuclear Powers against vertical proliferation, which is attendant with complex problems of verification and control, and over which the United States and the Soviet Union have been deadlocked for nearly twenty years, horizontal proliferation would proceed unchecked. At the moment we are faced with this unattractive choice: either to put an end to horizontal proliferation now or to pursue the goal of ending vertical proliferation as well, exposing ourselves in the meantime to the grave risk of uncontrollable horizontal proliferation. My delegation agrees completely with the representative of the Soviet Union, Deputy Foreign Minister Kuznetsov, who stated in this Committee on 26 April that to tie the question of non-proliferation of nuclear weapons to other measures restricting the nuclear arms race could only result in an impasse.[9]

The second principle of General Assembly resolution 2028 (XX) is that a treaty should embody an acceptable balance of mutual responsibilities and obligations of the nuclear and the non-nuclear Powers. I have already expressed the views of my delegation in regard to vertical proliferation. We readily concede that the treaty would provide some tangible benefits to the non-nuclear-weapon States to assist them in developing nuclear energy for peaceful purposes. The treaty would also open the prospect for the provision of nuclear explosive devices for peaceful purposes at the lowest possible cost. However, that the basic defect in the treaty is the "asymmetry in its commitments" is all too clear. The non-nuclear-weapon States are undoubtedly required to undertake heavier responsibilities and obligations than the nuclear Powers. At the same time, we must confess to being sceptical that an even balance can be struck, given the realities of power in the world, and the great disparity in the strength and resources of the non-nuclear-weapon countries on the one hand and the super-Powers on the other. We do not think that it would be realistic to impose obligations on the nuclear Powers similar in all respects to those that the

[8] *Ante*, p. 289.
[9] *Ante*, p. 238.

treaty places on the non-nuclear-weapon States. Rather, we should consider what other kinds of obligations could be placed on the nuclear Powers in order to strike a more equitable balance than is envisaged in the draft treaty.

We share the views of those delegations which maintain that the text is susceptible of improvement. It is true that article III of the text does not reflect the principle of balancing the mutual responsibilities and obligations of the nuclear Powers and non-nuclear Powers. That article would impose inspection on the nuclear establishments of the non-nuclear-weapon States parties to the treaty, but not on the nuclear-weapon States. However, even if all the nuclear-weapon States were to accept inspection by the International Atomic Energy Agency of such of their nuclear installations as are devoted to civil uses, the principle of balance of responsibilities and obligations would still remain unrealized. For, as long as the nuclear-weapon States are permitted, as is the case under the treaty, to remain nuclear Powers, it will be impossible to place obligations on them equal to those imposed on non-nuclear-weapon States in the matter of safeguards against the diversion of nuclear energy from peaceful purposes. This will become possible only when the stage can be set for total nuclear arms control. At present this stage is beyond our reach.

For these reasons, the Pakistan delegation is of the view that an acceptable balance of mutual responsibilities and obligations of the nuclear and non-nuclear Powers must be sought not by imposing obligations on the nuclear Powers equal to those prescribed for the non-nuclear Powers with regard to measures of nuclear arms control, but by providing the latter—that is, the non-nuclear Powers—with adequate security guarantees against the threat or use of nuclear weapons from any quarter.

In regard to the third main principle of resolution 2028 (XX)—that the treaty should be a step towards the achievement of general and complete disarmament and, more particularly, nuclear disarmament—we consider that the present text falls short of this goal. We welcome the inclusion of article VI in the text, for which the credit must be given to the non-nuclear-weapon States that are members of the Eighteen-Nation Committee on Disarmament. But, as was so aptly observed by the representative of Ceylon, an undertaking to pursue negotiations is no more than a declaration of intent, and much less convincing than a definite commitment.[10] In this context, my delegation considers that the text could have been greatly strengthened by an undertaking to ban underground nuclear weapon tests within the shortest possible time and to pursue negotiations on the cut-off of production of fissionable materials for weapons purposes. In these fields we believe that the area of disagreement between the nuclear Powers is not too wide.

The major nuclear Powers have given us a solemn assurance in this debate that they will seriously press forward the search for nuclear disarmament, as pledged in article VI of the text of the draft treaty. We do not question their good faith, and we look forward to tangible results on a wide spectrum of disarmament problems, beginning with

[10] A/C.1/PV.1565, p. 7.

a complete cessation of underground tests. We would hope that progress is registered by them by the end of August this year, when the Conference of Non-Nuclear-Weapon States is due to convene.

The treaty provides for a review, under paragraph 3 of article VIII, five years after the treaty enters into force. The object of the review is to assure that the purposes of the treaty are being realized. We hope that the provision of this long interval will not diminish the urgency of achieving agreements on effective measures to end the nuclear arms race and on measures of nuclear disarmament.

The fourth guiding principle of resolution 2028 (XX) is that there should be acceptable and workable provisions to ensure the effectiveness of the treaty. We note that article III of the text provides for comprehensive safeguards to prevent the diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices. The safeguards are to be set forth in an agreement to be negotiated with the International Atomic Energy Agency in accordance with the Agency's safeguards system. In this regard, the Pakistan delegation lends its full support to the representative of Japan's views that the agreements concluded between the non-nuclear-weapon States and the International Atomic Energy Agency pursuant to the treaty should provide for international safeguards of identical standards to govern the peaceful nuclear activities of all non-nuclear-weapon States party to the treaty.[11]

The fifth main principle of resolution 2028 (XX) is also met in the text. Article VII declares that the treaty will not affect the right of any group of States to conclude regional treaties in order to ensure the total absence of nuclear weapons in their respective territories.

Here I would wish to offer our felicitations to the Heads of African States who adopted a Declaration on the Denuclearization of Africa in 1963.[12] May I also reiterate our warm appreciation to the Latin American countries which, with foresight and courage, concluded the denuclearization Treaty for their region last year.[13] We hope that this Treaty will provide a further impetus for the conclusion of similar arrangements for other regions of the world.

Turning again to the benefits of peaceful uses of nuclear energy without endangering non-proliferation, the Pakistan delegation welcomes the inclusion of articles IV and V. The representative of the United States has said that paragraph 2 of article IV lays a positive obligation on the nuclear Powers to contribute to peaceful application of nuclear energy, especially in the territories of the non-nuclear parties. He has also pledged that in accordance with the treaty the United States will share its knowledge and experience concerning all aspects of the peaceful uses of nuclear energy with the non-nuclear parties. For his part, the representative of the Soviet Union stated that by the inclusion of articles IV and V the Treaty on non-proliferation becomes the Treaty for the proliferation of benefits of peaceful uses of nuclear energy for the maximum number of States. We would hope that the nuclear Powers party to the treaty will respond affirmatively

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[11] See *ante*, p. 312.
[12] *Documents on Disarmament, 1963*, p. 195.
[13] *Ibid., 1967*, pp. 69 ff.

and promptly to the request of any non-nuclear party which desires co-operation in accordance with article IV.

The representative of Italy has suggested an acknowledgement of the principle that all signatory nations are entitled to access to the supply of nuclear fuel and equipment for nuclear plants.[14] We support his suggestion.

Explosions of nuclear devices for peaceful purposes are completely banned under the Treaty. Instead, under article V, the potential benefits from any peaceful applications of nuclear explosions are to be made available to non-nuclear-weapon States party to the Treaty through appropriate international procedures and on a non-discriminatory basis. Furthermore, it is stipulated that the charge to such parties for explosive devices used would be as low as possible and would exclude any charge for research and development. We also note that under article V such benefits can be obtained on a bilateral basis or through an appropriate international body pursuant to special agreements.

The representative of Sweden has proposed that there should be no bilateral provision of nuclear explosive devices and that such devices should be supplied only through an appropriate international body, whether to non-nuclear-weapon States or to the nuclear Powers.[15] The view has also been expressed in the Eighteen-Nation Committee on Disarmament, as well as in this Committee in the present debate, that signatories should be permitted to carry out nuclear explosions for peaceful purposes under international inspection, either with their own resources or in co-operation with third parties. The question is of surpassing importance to the non-nuclear-weapon States in the field of scientific and technological co-operation, not only for nuclear research but also for economic development. This is a question which could be carefully examined in the Conference of Non-Nuclear-Weapon States.

Article IX provides that the treaty shall enter into force after its ratification by all nuclear-weapon States signatory to the treaty, and forty other signatories, and the deposit of their instruments of ratification. Speaking in the General Assembly on 10 October last year, the Foreign Minister of Pakistan observed that the value of the treaty would largely depend on the extent of the unqualified adherence that it commands.[16] In this context the attitude of the potential nuclear-weapon States will be of crucial importance. Even if almost all the non-nuclear-weapon States signed and ratified the treaty and the near-nuclear-weapon States did not, the main purpose of the treaty would be defeated. As the representative of Sweden stated:

> . . . the world will be following with solicitude the actions of these States as to the present treaty.[17]

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[14] *Supra.*
[15] *Ante*, pp. 57, 305–307.
[16] A/PV. 1584 (prov.), p. 62.
[17] *Ante*, p. 308.

In his statement to this Committee on 26 April the representative of the United States, Justice Goldberg, said:

> We fully expect that every sovereign State represented here . . . will measure the treaty by the same yardstick: its own enlightened national interest and its national security.[18]

It is by this yardstick that Pakistan measures the treaty.

Several representatives have pointed out that there is a serious omission from the treaty. The omission is of an undertaking on the part of nuclear-weapon States to refrain from the use or threat of use of nuclear weapons against the signatories.

The representative of Ethiopia has drawn our attention to the formulation of such an undertaking in General Assembly resolution 2153 (XXI).[19] The representatives of Ceylon, Japan, Kenya and Nepal have also highlighted this omission from the text of the treaty. The Pakistan delegation shares their concern.

Let me now turn to the draft Security Council resolution on security assurances in the name of the Union of Soviet Socialist Republics, the United Kingdom and the United States, in document ENDC/222 of 7 March.[20] We are awaiting the promised explanations and clarifications of its provisions by the three nuclear Powers and also the statements they intend to make to supplement the draft resolution.

We have listened with close attention to what has so far been said by the representatives of the three nuclear Powers and Canada, commending the draft resolution. We note the evaluation of the representative of Finland that the willingness of the three nuclear Powers to reaffirm the Charter obligation to counter or remove the threat of aggression, in accordance with the Charter, is of immense political significance.[21] We have also listened to the comments of the representatives of Brazil, Ceylon, Ghana, Iran, Japan, Kenya, Malaysia, Nepal and Nigeria that the draft resolution on security assurances is inadequate and that its provisions would need to be revised. Several of those representatives have made careful and incisive analyses of its limitations and its failure to go beyond the existing provisions of the Charter of the United Nations. The representative of Iran asked: "Who will feel safer because of these words?" and went on to say:

> Here is no guarantee, no assurance, in form or words, of obligation to anyone. This is a declaration of intention, not an assurance.[22]

The representative of Austria, which is a European and a neutral country, suggested that the nuclear Powers should dispel the apprehensions of non-nuclear-weapon States on this complex problem.[23]

The representatives of the United Kingdom and Canada have stated that stronger security assurances cannot be given except under a military alliance with the nuclear Powers. That thesis requires careful examination.

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[18] *Ante*, pp. 221–222.
[19] *Documents on Disarmament, 1966*, pp. 748–749.
[20] Identical with the Security Council resolution of June 19 (*post*, p. 444).
[21] A/C.1/PV. 1559, pp. 2–21.
[22] A/C.1/PV. 1562, p. 31.
[23] A/C.1/PV.1564, p. 26.

The question arises why the possibility of envisaging a system of universal collective security which would be free from the built-in limitations of the United Nations and its present composition should be inconceivable.

In their statements on 26 April,[24] the representatives of the United States and the Soviet Union have reaffirmed the categorical assurances given to this Committee in December last, of support to the Conference of Non-Nuclear Weapon States. The representative of the United Kingdom has also welcomed the Conference.[25] On behalf of my delegation I thank them for the reaffirmation of their support, which I have no doubt would be welcome to non-nuclear-weapon States.

The nuclear Powers have pledged that regardless of the outcome of this resumed session, regardless of whether the text of the draft non-proliferation treaty is endorsed or not, that Conference will be held. Speaking in the General Assembly on 10 October last, the Foreign Minister of Pakistan said:

> Last year the General Assembly, in resolution 2153–B (XXI), decided to convene a conference of non-nuclear-weapon States to consider how best their security can be guaranteed against nuclear threat or blackmail. Pakistan had made it clear that the proposal was conceived to complement, not duplicate; to supplement, and not compete with, the work of the Eighteen-Nation Disarmament Committee on the non-proliferation treaty . . . . It is apparent from the report of the Preparatory Committee that it has tried its best to ensure that the non-nuclear-weapon States Conference will deliberate essentially on those questions which arise directly from the conclusion of the non-proliferation treaty but are outside the scope of the treaty.[26]

That approach continues to guide my delegation in regard to the non-proliferation treaty and to the Conference of Non-Nuclear-Weapon States. Whatever decision the present session of the General Assembly may take in regard to the treaty, it cannot derogate from the necessity and importance of that Conference.

The representative of Austria has stated that on the question of security assurances, as well as in regard to further measures, outside and complementary to the treaty, which will in due course establish an acceptable balance of mutual responsibilities and obligations of nuclear and non-nuclear Powers, it will be a challenging task for the Conference of Non-Nuclear-Weapon States to make constructive proposals. Other representatives have also made suggestions in regard to the work of the Conference. Mr. Goldberg has stated that the Conference could consider the subject of peaceful uses of nuclear energy.[27] Deputy Foreign Minister Kuznetsov has said that the conclusion of the non-proliferation treaty "provides a good frame of reference for the successful work of the Conference of non-nuclear Powers."[28] Mr. Mulley, Minister of State of the United Kingdom, considers that the Conference can make a positive contribution to consideration of the procedures for international control of civil uses of nuclear energy, including peaceful nuclear explosions, as well as further steps towards

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[24] *Ante*, pp. 221 233, 234–243.
[25] *Documents on Disarmament, 1967*, pp. 716, 724.
[26] A/PV.1584 (prov.), p. 62.
[27] *Ante*, p. 230.
[28] *Ante*, p. 242.

disarmament.[29] Similar views have been expressed by other representatives, and I should like to quote from the statement made by the Deputy Prime Minister and Foreign Minister of Ireland on 6 May:

Moreover, the ratification of the treaty as it stands, without any alteration or amendment, will help greatly to create a favourable climate for the negotiation of many other desirable—and to my mind necessary—agreements which can of course be negotiated later and incorporated in separate instruments or in protocols to the present treaty. Indeed the forthcoming Geneva Conference of non-nuclear-weapon States will provide a suitable forum for the consideration of matters which might form the subject of such additional agreements.[30]

The imperfections of the text of the draft treaty have been pointed out by several delegations that have spoken in the debate. Suggestions and proposals have been made for changes in the treaty to improve it. So far the super-Powers have not given any indication of whether they are prepared to consider changes in the text at this resumed session. They have called for action by the General Assembly to endorse the treaty and open it for signature at this session and they have emphasized that time is not on our side and that we should ride on the present wave of opportunity. Other delegations have stated that the endorsement of the treaty should await the twenty-third session in order to enable the non-nuclear-weapon States to recommend improvements in the text.

It is undoubtedly true that amendments will be more difficult of adoption once the treaty is approved. The procedure set forth in article VIII of the treaty makes that only too clear.

If the nuclear Powers were to give an indication that in the event the Treaty is endorsed at this session and opened for signature they would be prepared to consider the negotiation of additional agreements which might form the subject of consideration by the Conference of Non-Nuclear-Weapon States, it might be possible to pave the way for a reconciliation of the divergent views that have been expressed on the question of the endorsement of the text of the draft treaty at this resumed session.

We seek not a confrontation between the nuclear and non-nuclear Powers but co-operation; not division but unanimity. The Deputy Prime Minister and Foreign Minister of Ireland has pointed out a way by which this can be achieved. If we follow his counsel, the work of the Conference will be doubly fruitful.

Some representatives have underlined how the absence of the People's Republic of China from the world Organization will seriously limit the effectiveness of the treaty. Effective nuclear disarmament requires the full participation of the People's Republic of China and France in the negotiations. So also a universal system of collective security which would assure the security of all non-nuclear and nuclear-weapon States predicates that France and China must be enabled to play their rightful roles.

More than ever it has become urgent and imperative to restore the lawful rights of the People's Republic of China in the United Nations.

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[29] A/C.1/PV.1558, p. 11.
[30] *Ante*, p. 284.

Statement by the Indian Representative (Husain) to the First Committee of the General Assembly: Nonproliferation of Nuclear Weapons, May 14, 1968 [1]

In discussing the report of the Eighteen-Nation Disarmament Committee concerning the draft of a treaty on the non-proliferation of nuclear weapons [2] the resumed twenty-second session of the General Assembly is engaged on an urgent and important task to which the Government of India has given the most careful consideration and attaches great significance. The deep and abiding interest of the Government of India in the field of disarmament is well known. India has been firmly and consistently of the view that all nuclear weapons, being weapons of mass destruction, must be completely eliminated. The idea of an immediate cessation of nuclear and thermonuclear weapon tests pending their complete prohibition under a comprehensive test-ban treaty was first mooted by the late Prime Minister Nehru.[3] India was one of the first countries to sign the Moscow partial test-ban treaty.[4] Ever since then the Government of India has expressed the hope that the Treaty would be signed by all countries and has urged that the prohibition be extended to underground tests as well. Further, India has supported efforts to prohibit the use of nuclear and thermo-nuclear weapons.

My delegation has taken an active part in the deliberations of the Eighteen-Nation Disarmament Committee. In that forum we have pleaded for various collateral measures—in particular, in relation to nuclear disarmament—as an integral part of the basic and ultimate objective of general and complete disarmament.

It was in keeping with this approach and policy that in 1964 India took the initiative in inscribing for the first time on the agenda of the General Assembly an item under the title of "Non-proliferation of Nuclear Weapons",[5] and not—if I may repeat the words—under the title of "Prevention of the wider Dissemination of Nuclear Weapons", as had been the case in 1959 and in 1961.[6] And it is in this new and modified form that the item has continued to figure in the agenda of all subsequent sessions of the General Assembly.

I recall the wording of the inscription by India in 1964 of the item "Non-proliferation of Nuclear Weapons" because it was done after due deliberation and forethought. The difference between dissemination and proliferation is, I submit, not a matter of mere semantics but one of substance and significance. There are two facets to the problem of the proliferation of nuclear weapons: the first is that of dissemination, that is, of transfer and receipt of weapons and weapon technology; and the second is that of production, that is, manufacture of nuclear weapons. Our persistent plea that the international community should concern itself with proliferation in all its manifesta-

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[1] A/C.1/PV.1567, pp. 56–82.
[2] *Ante*, pp. 162–166.
[3] *Documents on Disarmament, 1945–1959*, vol. I, pp. 408 ff.
[4] *Ibid., 1963*, pp. 291–293.
[5] *Ibid., 1964*, pp. 442–443.
[6] I.e., the Irish items (A/4125 and 4845).

tions rather than with only one aspect of it has, in our view, been fully vindicated by the past history of the efforts to prevent proliferation. Those efforts were designed to stop only dissemination, without imposing any curbs on the continued manufacture, stockpiling and sophistication of nuclear weapons by the existing nuclear-weapon Powers. The fact that the number of nuclear-weapon Powers increased from one in 1945 to two in 1949, three in 1952, four in 1960 and five in 1964 is proof enough of the failure of this limited approach. I may also recall that in the Sub-Committee on Disarmament the representatives of the United Kingdom and France repeatedly warned the international community that unless the existing nuclear-weapon Powers stopped further production of these weapons themselves there would be additional countries which would decide to develop their own nuclear deterrent. And, indeed, that is what has happened.

The urge to seek greater security—imaginary or illusory though it may prove to be—by acquiring nuclear weapons cannot be curbed by a prohibition applied only to those who do not possess them. It can be effectively controlled only by attacking the root of the problem—namely, the state of insecurity caused in the world by the possession of those weapons of horror and mass destruction by a few Powers. The desire to emulate the example of those who have become nuclear-weapon Powers will be difficult to resist as long as the world lives in a state of imbalance. It can be eliminated only if we do away with the special status of superiority associated with power and prestige conferred on those possessing nuclear weapons.

It is evident that the nuclear menace can be eliminated only by nuclear disarmament, but it is equally evident that the first step that we take in this direction should be not only to prevent the further spread of nuclear weapons but also and simultaneously to inhibit the further development and stockpiling of nuclear weapons. In other words, a way out of the present impasse can be found only through a simultaneous prevention of both aspects of the proliferation of nuclear weapons, vertical as well as horizontal. Both these aspects of the proliferation of nuclear weapons form part of a single whole, and the problem cannot be successfully dealt with by tackling only one aspect of it. This consideration is basic and central to our concept of a non-proliferation treaty.

In this connexion, it may be recalled that of the five principles enunciated in resolution 2028 (XX) which provide the guidelines for the negotiation of a non-proliferation treaty, the first principle requires that "the treaty should be void of any loopholes which might permit nuclear or non-nuclear Powers to proliferate, directly or indirectly, nuclear weapons in any form".[7] The reference here is to both nuclear-weapon Powers and non-nuclear-weapon Powers. General Assembly resolution 2153 A (XXI) of the following year, which expressed apprehension equally about the possibility of "an increase in the number of nuclear-weapon Powers", and about "an increase of nuclear arsenals", again underlined this principle.[8]

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[7] *Documents on Disarmament, 1965*, pp. 532–534.
[8] *Ibid., 1966*, pp. 748–749.

The report of the Secretary-General, which has been so frequently referred to and quoted here, also lays stress on this when it states:

So far as international security is concerned, it is highly probable that any further increase in the number of nuclear-weapons States or any further elaboration of the existing nuclear arsenals will lead to greater tension and greater instability in the world at large. Both these aspects of the nuclear arms race are significant to world peace.[9]

The Secretary-General's report has made no distinction between the two aspects of the nuclear arms race. Wherever it has talked of the evils of a further spread of nuclear weapons it has simultaneously warned us of the dangers of the further development and stockpiling of nuclear weapons.

The United Nations having thus recognized that the actual proliferation of nuclear weapons in the nuclear-weapon countries was a matter of major preoccupation to be viewed with equal apprehension along with the possible or likely increase in the number of nuclear-weapon countries, it is clear that a draft non-proliferation treaty should have sought to meet this apprehension. In our view, the only effective way in which that could have been done was to include an obligatory provision in the treaty for a cessation of any further production of nuclear weapons. In respect of nuclear-weapon countries this would have meant writing into the treaty itself what has been called a "cut-off" of production of fissionable material for weapon purposes. I should like to stress that this would not involve nuclear disarmament, since it would not require the destruction of a single nuclear weapon. The question of nuclear disarmament—in other words, the reduction or destruction of existing nuclear arsenals—would be a matter to be dealt with subsequently and in stages. It is a well-known fact that the present stockpiles of nuclear weapons possessed by the nuclear-weapon States have long since reached an over-kill capacity. Where is, then, the justification for the nuclear-weapon Powers continuing to produce more weapons, when they can kill each one of us not once but several times over, and a man dies only once? The argument of differences over the question of control preventing an agreement on the stoppage of further production of nuclear weapons is not convincing. The same system of controls, which may be prescribed for non-nuclear-weapon States, could be applied to nuclear-weapon States, because, once a cut-off in production has been agreed to, all facilities at present producing fissile material for weapon purposes would be switched over to production for peaceful purposes. With the stoppage of further production of nuclear weapons, no risk to national security would be involved—because, so far as the existing stockpiles of nuclear weapons are concerned, there would be no reduction or diminution in them or control over them, and, so far as the extension of safeguards to nuclear-weapon States is concerned, again there would be no risk to national security, because all their facilities would have become peaceful. Under those circumstances there would be no room for any fear of industrial espionage or unfair commercial competition, about which concern has been expressed in certain quarters.

[9] *Ibid., 1967*, pp. 507–508.

When the General Assembly resolution 2028 (XX) speaks of a balance of obligations and responsibilities of the nuclear-weapon and non-nuclear-weapon States, it does not suggest or imply the idea of a compensation or a quid pro quo. It means that, while the nuclear-weapon Powers undertake not to transfer nuclear weapons to anyone, the non-nuclear-weapon Powers should undertake not to receive such weapons. Similarly, while the non-nuclear-weapon Powers undertake not to produce nuclear weapons, the nuclear-weapon Powers in their turn should undertake not to produce any further nuclear weapons. Indeed, the joint statement of agreed principles for disarmament negotiations formulated by the United States and the Soviet Union in September 1961, which have guided all disarmament negotiations, required that all measures towards

> **disarmament should be balanced so that at no stage of the implementation of the treaty could any State or group of States gain military advantage and that security is ensured equally for all** [10]

but that unfortunately, is not so in the case of this treaty.

It has been claimed that this treaty will do more than any treaty of our time to push back the fearful shadow of nuclear destruction and that it will make all of us more secure than we would be in the absence of such a treaty. It is not clear to us how that is so, for, apart from the possible danger from an increase in the number of nuclear-weapon Powers, the draft treaty does not—I repeat, does not—concern itself with the existing stockpiles of nuclear weapons or their augmentation or their further sophistication. It does not in any way curb the nuclear-weapon Powers; and, since only nuclear-weapon Powers can cause nuclear destruction, the fearful shadow of nuclear destruction is not being pushed back, and we are, therefore, not likely to be any more secure tomorrow than we are today without the treaty.

It has been said that if we were to attempt to achieve agreement on all aspects of disarmament at this time, the negotiating difficulties would be insurmountable and we would end by achieving nothing. Agreement on all or even on some aspects of disarmament, if I may say so, is not what many countries within and without the Eighteen-Nation Committee on Disarmament—and certainly not my country—have urged. It has not been suggested that we seek either a full-fledged measure of nuclear disarmament or no nuclear disarmament at all. My Government has been a firm believer in the validity of the step-by-step approach towards nuclear disarmament and we do recognize that it is not possible for a perfect treaty on nuclear disarmament to emerge immediately. We have never put perfection before progress, nor have we adopted an "all or nothing" approach. Furthermore, the delegation of India has never suggested that a non-proliferation treaty should in itself become a vehicle or a measure of full-fledged nuclear disarmament. But we do feel that so long as the augmentation and sophistication of nuclear weapons by the existing nuclear-weapon Powers continues unchecked the interests of the security of the world will not be advanced. Measures which do not involve an element of self-restraint on the part of all States—nuclear-weapon States as well

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[10] *Ibid., 1961*, pp. 439–442.

as non-nuclear-weapon States—cannot form the basis for a meaningful international agreement to promote disarmament.

There is another feature of the treaty which causes us concern even within the limited scope of non-dissemination of nuclear weapons. The treaty does not prohibit the deployment of nuclear weapons on the territories of non-nuclear-weapon States, nor does it prevent the training in the use of nuclear weapons of the armed personnel belonging to non-nuclear-weapon States. Also, while article I calls upon the nuclear-weapon States not to assist, encourage or induce any non-nuclear-weapon State to manufacture or acquire nuclear weapons, it does not prohibit one nuclear-weapon State from assisting another nuclear-weapon State, which may not have reached the same degree of sophistication in the development of its nuclear-weapon technology, by providing technical aid, say, by way of blueprints for the manufacture of more sophisticated nuclear weapons. These loop-holes, being contrary to the very first principle enunciated in General Assembly resolution 2028 (XX), are a matter of deep concern to a large number of non-nuclear-weapon States.

This leads me to the question of the link between a non-proliferation treaty and disarmament. Principle 2(c) of General Assembly resolution 2028 (XX) requires that

> **The treaty should be a step towards the achievement of general and complete disarmament and, more particularly, nuclear disarmament.**

Some of the members of this Committee have spoken of the draft treaty before us as a first step towards nuclear disarmament and have hailed it as an important step in the chain of direct and indirect steps towards disarmament and the elimination of the threat of nuclear war. I beg to submit that this view is not supported by the relevant preambular paragraphs or article VI of the draft treaty, which deal with this question. They contain a mere declaration of intent, which cannot provide any credible commitment on the part of the nuclear-weapon Powers.

The preamble mentions the desire for

> **the liquidation of all their existing stockpiles, and the elimination from national arsenals of nuclear weapons and the means of their delivery . . . ,**

but there is no provision in the treaty itself regarding the stoppage of vertical proliferation, as suggested by India and certain other countries. There is also no time limit within which the objective of halting the nuclear arms race is to be achieved. In fact, the quarter of a century provided for in article X as the initial duration of the treaty appears to endorse and legitimize the present state of affairs and to legalize, if not encourage, the unrestricted vertical proliferation by the present nuclear-weapon Powers, which—it is now claimed—it is not reasonable to curb in the present world situation.

It has been stated that article VI creates a juridical obligation, but this is not so, because the undertaking "to pursue in good faith" does not create any definite or enforceable juridical obligation on the part of the nuclear-weapon States corresponding to the obligations undertaken under article II by the non-nuclear-weapon States. It is an imperfect obligation with no sanction behind it. Even the areas within

which the negotiations are expected to be pursued have not been defined. It has been argued that it would not be wise to specify at this stage in the treaty itself the measures of disarmament on which negotiations are to be undertaken, because agreement might well become possible on other measures. This view is not convincing. We all know from our experience of past negotiations that agreements in the field of disarmament are difficult to negotiate because of the complexity of the issues involved and their vital connexion with the security of nations. If even the areas of disarmament on which agreements are to be sought cannot be defined now, how could there be any hope of such agreements being reached? The unfortunate fact is, as has been mentioned by several delegations, that certain areas like a comprehensive test ban on which agreement seemed possible at one time are eluding us now because of the development of newer weapon systems and the intensification of the arms race.

Article VI does not give any tangible form to the declaration of good intent, there being no sense of compulsive obligation or even a sense of urgency to pursue negotiations for nuclear disarmament as a preliminary to general and complete disarmament. What is required is something in the nature of a nuclear moratorium, as was suggested in 1965, of which the essential element was that if nuclear disarmament was not achieved within a specified time limit, the non-nuclear-weapon Powers, as an instrument of persuasion and pressure, would reserve to themselves the resumption of their freedom of action.[11]

In order to introduce a sense of urgency and compulsiveness and to exercise pressure and persuasion on nuclear-weapon Powers to take early steps towards nuclear disarmament, various suggestions have been made which the sponsors of the draft treaty have not found acceptable. Some of the suggestions which deserve to be mentioned here are:

(a) A review conference should be held automatically after every five years; (b) the failure to move towards nuclear disarmament within a reasonable period should be an additional ground for withdrawal from the treaty; (c) if specific nuclear disarmament measures are not taken within five years, the situation thus created should be examined and the necessary action taken; (d) article VI should make specific mention of urgent negotiations for the suspension of underground tests, a freeze in the production of nuclear delivery vehicles and an agreement on the eventual reduction and elimination of nuclear arsenals and their means of delivery.

We are all aware that there is no family planning among nuclear-weapon Powers, that there are already four or five generations of increasingly more sophisticated nuclear weapons and their delivery systems. There is a development in hand of MIRVS which is expected to increase the nuclear weapon power of a missile by a factor of ten or more. In addition to anti-ballistic missiles and Poseidons, there is talk also of FOBS, MOBS and the Space Bus. Each of these developments gives rise to the inevitable action-reaction phenomenon, making even more difficult the halting of the nuclear arms race, as has been evident from the inability to make even the partial test ban Treaty comprehensive.

[11] See *ibid.*, *1965*, pp. 111-112.

India, as is well known, has pleaded for various collateral disarmament measures for two decades now and has always regarded the non-proliferation treaty as one of those measures. But we still need to be convinced that the draft treaty before us does amount to a collateral disarmament measure. In order to become generally acceptable the treaty must have a provision for some degree of compulsiveness and a reasonable time limit, indicating a sense of urgency on the part of the nuclear-weapon States to move towards nuclear disarmament, thus paving the way for general and complete disarmament; otherwise, this non-proliferation treaty—and it does not matter by whom or by how many it is signed—will not be effective and will not last and our labours will have been in vain. Let us not, therefore, provide a false sense of security to the world.

If I have dwelt at some length on the disarmament aspect of the non-proliferation treaty, it is because I wish to emphasize the limitations of the kind of treaty now envisaged and the serious implications of those limitations, particularly for countries in Asia and in the Pacific, which arise from the fact that, whatever the reasons, all the nuclear-weapon Powers are not associated with our deliberations. It is a matter of concern to India that across its border a major Power—the People's Republic of China—continues to conduct nuclear-weapon tests in the atmosphere in flagrant violation of the will of the international community and in total disregard of the grave dangers posed by such testing to the health and welfare of millions of peoples and their future generations. In a little over three years China has conducted seven nuclear tests, including that of a thermonuclear device. The People's Republic of China is not subject to the discipline of the international community, nor does it accept the generally accepted norms of international behaviour, nor could it be depended upon to observe the restraints needed for the maintenance of international peace and security.

It is therefore understandable that the growing nuclear-weapon capacity of the People's Republic of China is a matter of deep concern not only to non-nuclear-weapon Powers but also to nuclear weapon Powers. This concern, so widely shared all over the world, only further emphasizes the urgency of an early and effective implementation of measures of nuclear disarmament and it further underlines the need, to which I have earlier referred, for an acceptable and balanced non-proliferation treaty to prevent proliferation of nuclear weapons by all nuclear-weapon Powers, including the People's Republic of China, and to provide a more direct juridical and compulsive link with measures of nuclear disarmament.

The other disturbing and discriminatory feature of the draft treaty concerns the one-sided prohibitions on non-nuclear-weapon States in respect of the peaceful utilization of nuclear energy. It prevents them from conducting nuclear explosions for peaceful purposes. In this connexion I need hardly recall the serious and protracted discussions on Plowshare in 1958 and 1960, when the need for and possibilities of peaceful nuclear explosions by all was recognized, but the problem of modalities connected with the test-ban treaty made it difficult to come to an agreement. I also need not recall that the drafts of the treaty

presented by the United States and the Soviet Union in 1965 and 1966 made no mention of nuclear explosive devices.[12]

We have been told that, as provided for in article V, if the non-nuclear-weapon States were to deny themselves the technology of carrying out peaceful nuclear explosions, any potential benefits from peaceful applications of nuclear explosions, as and when these become economically and technically feasible, would be made available to them at economically attractive costs. We do not doubt that the nuclear-weapon Powers wish to give generously of the benefits of the peaceful uses of the atom, but, under the treaty, there is no binding commitment or a positive juridical obligation to provide the assistance since the undertaking is only to "co-operate". However, the issue involved here is something more basic than the mere question of distribution of benefits. Nations everywhere should be free not only to share in the benefits, but also to acquire the knowledge to extract such benefits by themselves and to have the freedom to use such knowledge.

Since nuclear technology is the technology of the future and is likely to become the most crucial and potent instrument of economic development and social progress, it would obviously be invidious for a greater part of the world to become wholly dependent on a few nuclear-weapon States for the knowledge and application of this technology. The proposed treaty creates a juridical discrimination between States according to whether they possess nuclear weapons or not, regardless of the fact that it is unwise to divide the world into a few "haves" and a lot of "have-nots", who would become dependent on the goodwill of the "haves" in regard to development in the vital area of nuclear energy, thereby making them subject to pressures. And when it is proposed that this should be done for an initial period of twenty-five years regardless of any technological breakthrough during this period, would this not widen the economic and technical gap which already exists and which the developing countries are striving so hard to close? The only just solution would seem to be that instead of dispensing "benefits on a bilateral basis", which gives to the nuclear-weapon Powers full latitude for discriminatory treatment by making available benefits on their own terms and to whomsoever they like and for whatever purposes they like, peaceful nuclear explosives should be institutionalized under international control for the benefit of all nations.

As regards the question of controls, the solution, in our view, should be sought on the basis that their scope is clearly defined and that their implementation would not hinder in any way the peaceful utilization of nuclear energy by all countries. Prime Minister Nehru, speaking in the Indian Parliament in 1954, said that India was willing to accept controls in common with other countries:

> . . . provided we are assured that it is for the common good of the world and not exercised in a partial way and not dominated by certain countries, however good their motives.[13]

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[12] *Ibid., 1965*, pp. 347–349, 443–446; *ibid., 1966*, pp. 159–160.

[13] Indian Publications Division, Ministry of Information and Broadcasting, *Jawaharlal Nehru's Speeches* (Calcutta and Delhi, 1958), vol. III, pp. 254–257.

The Indian Government has been consistently of the view that the guiding principle that should be followed in regard to safeguards is that they should be universally applicable and be based on objective and non-discriminatory criteria. The draft treaty places all safeguards and controls on the non-nuclear-weapon States and none whatsoever on the nuclear-weapon States. We are aware that two nuclear-weapon States, the United States and the United Kingdom, have made declarations indicating their willingness to accept safeguards, but this acceptance, apart from the fact that it is not agreed to by other nuclear-weapon Powers, is subject to reservation about national security, the scope of which would be defined by the nuclear-weapon States themselves, making in practice the application of the safeguards illusory.

There is another feature of the proposed system of safeguards which is unsatisfactory, as it could create discrimination among the non-nuclear States themselves. Paragraph 4 of article III speaks of non-nuclear-weapon States, parties to the treaty, concluding agreements with the International Atomic Energy Agency "either individually or together with other States". Since it is not stated that these agreements would be uniform, one not being more onerous than another, the interpretation which is being given by interested countries would suggest that different criteria might be established, which is objectionable.

I should now like to refer to the question of the security implications of the relationship between non-nuclear and nuclear-weapon Powers. The problem of the security of the non-nuclear-weapon Powers from the use or the threat of use of nuclear weapons arises from the possession, the continued stockpiling and the further sophistication of nuclear weapons and the means of their delivery. Any real and credible guarantee of security to non-nuclear-weapon States against the use or the threat of use of such weapons could be provided only through nuclear disarmament when nuclear weapons had been completely eliminated. Hence India's insistence on the importance of making progress towards nuclear disarmament.

It is, however, obvious that action in this field of genuine and lasting security would take time and would have to be sought through stages. Till such time, and as an interim measure, so long as nuclear weapons remain in the armouries of a few countries, the nuclear-weapon States have an obligation to assure the non-nuclear-weapon States that their security would not, in any way, be threatened by the use or the threat of use of such weapons, and also that these weapons would not be used as an instrument of pressure, intimidation or blackmail. It is in this context that we have to consider the question of security assurances.

Almost at the end of the last session of the Eighteen-Nation Committee on Disarmament the Soviet Union, the United States and the United Kingdom proposed the draft of a Security Council resolution.[14] But, for lack of time, there was no opportunity to consider the proposed draft which we now need to discuss in this Committee.

My Government would welcome any steps that might be taken by the nuclear-weapon States in concert with non-nuclear-weapon States to make more effective the role of the United Nations for the purpose

[14] Identical with the Security Council resolution of June 19 (*post*, p. 444).

of providing effective security. The hopes of mankind rest on this. The obligations cast by the Charter on Member States, and more particularly on the permanent members of the Security Council, make it necessary for them to discharge their responsibilities in strict conformity with the Charter to ensure peace in the world.

But any security assurances that may be offered by nuclear-weapon States could not and should not be regarded as a *quid pro quo* for the signature of a non-proliferation treaty. The draft of a non-proliferation treaty should be judged by itself and on its own merits. As I have already stated, the threat of nuclear weapons to non-nuclear-weapon States arises from the possession of such weapons by certain States. This threat has nothing to do with the signature or non-signature of a particular non-proliferation treaty, as the threat has existed in the past and will remain, even after a non-proliferation treaty has been concluded, until such time as the nuclear menace has been eliminated altogether.

The assurance of the security of non-nuclear-weapon States is an obligation and not something which the nuclear-weapon States could or should demand as a price for the signature of a non-proliferation treaty. The linking of security assurances to the signature of a non-proliferation treaty would also be contrary to the Charter because in respect of the maintenance of international peace and security the Charter of the United Nations does not discriminate between those who may adhere to a particular treaty and those who may not do so. Specifically, it violates the principles of equal rights of all nations mentioned in paragraph 2 of Article I and the principle of sovereign equality of all its Members enshrined in paragraph 1 of Article 2. The Charter aims at providing security in an equal manner to all nations. The proposed draft Security Council resolution, therefore, goes against the basic principle which should govern the problem of the security of non-nuclear-weapon States. It is the view of my Government, therefore, that the whole question of security assurances should be dealt with separately and independently of the non-proliferation treaty now under consideration.

I have not commented on the draft of the resolution on security assurances proposed to be introduced in the Security Council, nor have I expressed the view of the Government of India about what would be regarded as credible security assurances for the entire international community. On the credibility or otherwise of the assurances offered, our views will be expressed at the appropriate time.

Having stated the views of the Government of India with regard to the basic features of the treaty and the question of security assurances, I should now like to reiterate the policy of my Government about the utilization of nuclear energy. It is well known that many years ago, and after a most careful national evaluation of all aspects of the problem, the Government of India made a statement of policy that it intended to utilize nuclear energy exclusively for peaceful purposes. This policy of the Government of India was based in its firm belief in disarmament, which made it necessary not to do anything to escalate the nuclear arms race.

As early as 1957, Prime Minister Nehru, referring in Parliament

to the programme of development of nuclear energy for peaceful purposes, reiterated his Government's policy by saying:

We have declared quite clearly that we are not interested in making atom bombs, even if we have the capacity to do so, and that in no event will we use atomic energy for destructive purposes. I am quite sure that when I say this I represent every Member of this House. I hope that will be the policy of all future Governments.[15]

Prime Minister Indira Gandhi, speaking in Parliament on 14 March 1968, reiterated this policy. She said:

India has repeatedly announced that she is not making an atom bomb and that she is developing her nuclear energy programme exclusively for peaceful purposes.[16]

The Government of India has continued to adhere firmly to this national decision. Let me add that this decision was taken at a time when the international community was not seized of the question of a non-proliferation treaty. It is, therefore, a national policy, unrelated to the present consideration of the draft treaty on non-proliferation of nuclear weapons. Prime Minister Indira Gandhi, speaking in parliament as recently as 24 April 1968, said:

The choice before us is not only the question of making a few atomic bombs, but of engaging in an arms race with sophisticated nuclear warheads and an effective missile delivery system. Such a course, I do not think would strengthen national security. On the other hand, it may well endanger our internal security by imposing a very heavy economic burden which would be in addition to the present expenditure on defence. Nothing will better serve the interests of those who are hostile to us than for us to lose our sense of perspective and to undertake measures which would undermine the basic progress of the country. We believe that to be militarily strong it is equally important to be economically and industrially strong. Our programme of atomic energy development for peaceful purposes is related to the real needs of our economy and would be effectively geared to this end.[17]

In conclusion, I should like to stress again that the danger to the security of the world arises not merely from a possible spread of nuclear weapons to non-nuclear-weapon States, but equally from the continued possession and further production and sophistication of these weapons of mass destruction by the existing nuclear-weapon Powers. India shares the common anxiety that this danger and risk should be checked and eliminated. We share the sense of urgency that this end should be achieved as early as possible by common consent and international control. To quote again from a statement made by Prime Minister Indira Gandhi:

Mankind today is at the crossroads of nuclear peace and nuclear war. There can be no doubt we should take the road to nuclear peace.

We are convinced that this common objective—which all of us here and mankind in general share—cannot be achieved except through a viable treaty, one which will take into account not only the fears of a few but the preoccupations of all, impose equal obligations on all,

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[15] *Jawaharlal Nehru's Speeches*, vol. III, p. 518.
[16] Indian Embassy (Washington), *Weekly India News*, Mar. 29, 1969.
[17] *Ibid.*, May 3, 1968.

confer the same benefits of security and progress on all, and will, therefore, become acceptable to the international community as a whole; a treaty which will endure—one that will not merely take cognizance of the undeniable realities of political fact and military power and technological superiority as they exist in the world of today, but also provide for the equally incontrovertible realities of the changes that will occur in these various fields in the years to come.

A treaty of this kind, with its far-reaching political and economic implications for all the nations of the world, must not be based on a discriminatory approach. We have been opposed to the division of the world in terms of ideologies and military alliances, or in terms of rich and poor nations. The proposed treaty adds one more category to the divisive forces which have bred fear and distrust and have generated tensions. A non-proliferation treaty, therefore, if it is to be effective, viable and generally acceptable, should prevent both nuclear-weapon and non-nuclear-weapon Powers from proliferating. It should contain an acceptable balance of obligations and responsibilities. It should be a real and meaningful step towards disarmament. It should not in any way hamper the utilization of nuclear energy for peaceful purposes. These are all principles which have been embodied in General Assembly resolution 2028 (XX).

After most serious and careful consideration, it is the view of the Government of India that the draft treaty before us does not conform to these principles and therefore my Government cannot subscribe to it. Our vote on the draft resolution endorsing the draft treaty [18] will be determined accordingly.

Statement by Ambassador Goldberg to the First Committee of the General Assembly: Security Assurances and the Nonproliferation of Nuclear Weapons, May 15, 1968 [1]

In my statement of 26 April, at the very outset of our discussions, when I touched upon the important question of security assurances, I said my delegation would further detail the position of the United States on this matter later in our debate, after we had had the opportunity to hear the views of various delegations.[2] I should like to make that presentation now and at the same time to comment on several other questions which have been raised as we have listened carefully to the statements of our colleagues in this Committee. First I shall deal with the matter of security assurances.

On 7 March of this year in Geneva, the United States joined with the Soviet Union and the United Kingdom in outlining a course of action which they propose to take in the Security Council to provide appropriate security assurances. That action which we outlined is

[18] See *ante*, pp. 162–166.
[1] A/C.1/PV.1568, pp. 15–35.
[2] See *ante*, pp. 221–223.

designed to enhance the security of all parties to the treaty, and in particular of those non-nuclear Powers which may find themselves confronted by a direct nuclear threat.

The formulation of this security proposal was not easy; the problem is a difficult and complicated one. Effective assurances must address themselves to circumstances and events that cannot be foreseen in detail. They must be practical and credible under a wide range of possible circumstances in a world in which allied, non-aligned and neutral nations have different interests. The conclusion reached was that the best solution was to be found in the context of the United Nations. Under its Charter, as we all well know, every one of our countries has assumed a solemn obligation to co-operate in the maintenance of peace.

The United States, the Soviet Union and the United Kingdom therefore agreed to sponsor a draft resolution on security assurances in the Security Council, the organ of the United Nations which bears the primary responsibility for the maintenance of international peace and security. The text of that draft resolution has been circulated to each Member of the United Nations as annex B of the Eighteen-Nation Committee's report, document A/7072.[3] My Government believes that this draft resolution will lay a firm political, moral and legal basis for assuring the security of non-nuclear parties to this treaty.

A key paragraph of the draft resolution envisages declarations by the nuclear-weapon sponsors giving assurances to the non-nuclear-weapon States that will enhance their security against the threat of nuclear attack. Accordingly, the Government of the United States will make such a declaration in conjunction with the Security Council consideration of this draft resolution.[4] Similar declarations will be made by the Soviet Union and the United Kingdom. We believe that these declarations will reinforce the Security Council's action on the draft resolution.

In its declaration the United States will affirm that any aggression accompanied by the use of nuclear weapons would endanger the peace and security of all States. The United States will declare that aggression with nuclear weapons, or the threat of such aggression, against a non-nuclear-weapon State would create a qualitatively new situation. We will declare that in this situation the nuclear-weapon States which are permanent members of the United Nations Security Council would have to act immediately through the Council to take the measures necessary to counter such aggression or to remove the threat of aggression in accordance with the United Nations Charter. The Charter calls for taking

> . . . effective collective measures for the prevention and removal of threats to the peace and for the suppression of acts of aggression or other breaches of the peace.[5]

The United States will further declare that any State which commits aggression accompanied by the use of nuclear weapons, or which

[3] Identical with the Security Council resolution of June 19 (*post*, p. 444).
[4] See *post*, pp. 430–440.
[5] Art. 1 of the Charter.

threatens such aggression, must be aware that its actions are to be countered effectively by measures to be taken in accordance with the United Nations Charter to suppress the aggression or remove the threat of aggression. We will affirm the intention of the Government of the United States, as a permanent member of the Security Council, to seek immediate Security Council action to provide assistance in accordance with the Charter to any non-nuclear-weapon State party to the treaty that is a victim of an act of aggression, or the object of a threat of aggression, in which nuclear weapons are used.

The United States will reaffirm in particular the inherent right, recognized under Article 51 of the Charter, of individual and collective self-defence if an armed attack, including a nuclear attack, occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security.

In voting for this draft resolution, the United States will indicate that its vote and its statement of the way in which it intends to act in accordance with the Charter are based on the fact that the draft resolution is also supported by the Soviet Union and the United Kingdom, the other permanent members of the Security Council which are nuclear-weapon States and are proposing to sign the non-proliferation treaty. We will further state that our vote for this draft resolution is based on the fact that these States have made statements similar to that of the United States as to how they intend to act in accordance with the Charter.

If the full significance of this proposed Security Council action is to be grasped, it must be seen in the light of the present world situation. It reflects the determination of the United States, the Soviet Union and the United Kingdom, to have assistance provided in accordance with the Charter of the United Nations to any party to the treaty which is a victim of an act of aggression or the object of a threat of aggression in which nuclear weapons are used.

I note that questions have been raised by several delegations as to how the machinery of the Security Council and the provisions of the Charter would function in the event of aggression, or of the threat of aggression, with nuclear weapons. These are legitimate questions and deserve a serious answer. In attempting to answer them I would make several points.

My first point is that with the joint support of the United States, the Soviet Union and the United Kingdom, there is a firm foundation for an effective response by the Security Council to any challenge requiring immediate action.

Second, I would emphasize a point of the very greatest political significance: namely, the identity of the three nuclear-weapon Powers which have joined in supporting the nuclear non-proliferation treaty and in agreeing to present this Security Council draft resolution. It is no secret that these Powers command the overwhelming preponderance of nuclear-weapon power in the world today. That these major nuclear Powers, whatever their respective views on other matters, have now united in this proposal is a political fact of the first order. It means that they consider that their respective vital national interests demand that there shall be no nuclear aggression, and no threat of nuclear aggression, from any quarter; and that those countries that forgo

nuclear weapons by adhering to the non-proliferation treaty should not thereby feel any loss of security.

Thus, the sponsorship of this Security Council draft resolution by these three nuclear-weapon Powers introduces a powerful element of deterrence against nuclear aggression or the threat of such aggression. It also is a fact of history, as we who represent our countries in the United Nations well know, that where the three nuclear nations which have developed this Security Council draft resolution have joined in support of proposed action by the Council, such action has usually been forthcoming and effective.

Furthermore, as we have already pointed out, Article 51 of the Charter recognizes the inherent right of individual and collective self-defence. This right is reaffirmed in the Security Council draft resolution which the United States, the Soviet Union and the United Kingdom would submit and is also reaffirmed in the declaration which my Government would make accompanying this resolution and which the other Governments would likewise make.

I urge all members to consider thoughtfully the value to them, from the standpoint of their own national interests, of these proposed security assurances sponsored by the principal nuclear-weapon Powers. And I suggest that in so considering them each State should ask itself not "Will this treaty, combined with the security assurances, give my country perfect security?"—because there is, of course, no perfect security in this world—but should rather ask itself: "Will this treaty, combined with the security assurances, give my country more security than it would otherwise enjoy?" And, as I said in my opening statement, the United States is confident that a careful appraisal, in the light of this pertinent question will result in an overwhelmingly affirmative answer in support of the treaty before us.

Finally, the treaty itself, independent of any other consideration, will enhance the security of non-nuclear-weapon States.[6]

What will the world be like if, due to failure on the part of the Assembly to endorse the treaty on time—which I trust and hope will not happen—further proliferation should take place? In July 1963, upon the initialling of the limited test ban Treaty,[7] the late President Kennedy noted that within a few years a small but significant number of nations would possess the resources to produce both nuclear weapons and the means of delivering them. President Kennedy went on to say:

> . . . In time, it is estimated, many other nations will have either this capacity or other ways of obtaining nuclear warheads, even as missiles can be commercially purchased today.

President Kennedy continued as follows:

> I ask you to stop and think for a moment what it would mean to have nuclear weapons in so many hands, in the hands of countries large and small . . . scattered throughout the world. There would be no rest for anyone then, no stability, no real security, and no chance of effective disarmament. There would only be the increased chance of accidental war and an increased necessity for the great Powers to involve themselves in what otherwise would be local conflicts.[8]

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[6] The draft treaty appears *ante*, pp. 162–166.
[7] *Documents on Disarmament, 1963*, pp. 201–203.
[8] *Ibid.*, p. 254.

This treaty will prevent such a nightmare world of the future. By halting the spread of nuclear weapons, the treaty itself will lessen the danger of nuclear war, reduce tensions, and improve the prospects for nuclear disarmament and for general disarmament.

Having dealt with the matter of security assurances, I should now like to refer to views that have been expressed in this debate concerning other aspects of the question before us.

The view has been expressed that, despite the urgency and importance of prompt action on the treaty, the Eighteen-Nation Committee on Disarmament did not have sufficient opportunity for a detailed consideration of all proposals submitted by the members of that Committee and other countries prior to the transmission of its report to the General Assembly on 15 March, and consequently it has been suggested that we should now consider *ab initio* all aspects of the treaty.

It should not be supposed, however, that the treaty text before us, when it was submitted in Geneva on 11 March last, was a brand new text. Rather, it was the culmination of the Eighteen-Nation Committee on Disarmament's four years of consideration of this treaty project. It contains formulations reflecting a broad area of agreement, evolved over a long period of negotiations during which many members and non-members of the Eighteen-Nation Committee on Disarmament made extensive and detailed contributions to it.

It is a matter of record that I should now like to recall that negotiations on a non-proliferation treaty began in the Geneva Committee in 1964. Extensive debate, in which all participants took part, went on virtually continuously, with only intermittent recesses, throughout the ensuing four years. Many proposals were made and discussed, emanating both from members of the Eighteen-Nation Committee on Disarmament and from non-members. As is usual in international negotiations, as we well know, along with public debate intensive private negotiations took place. It is an open secret that many of these private negotiations took place during recesses of the Eighteen-Nation Committee on Disarmament, as well as during sessions of that body.

Then, on 24 August 1967, in light of these discussions and negotiations, the United States and the Soviet Union, in discharge of their responsibilities as co-Chairmen, submitted a draft treaty text.[9] Following the submission of this text, all members of the Committee participated in intensified negotiations, in the course of which major suggestions and counter-proposals were submitted by various members. Thereafter, on 18 January 1968, a revised and complete treaty draft was submitted, incorporating many of these suggestions and proposals.[10] There then followed nearly two months of even more intensified negotiations, pursuant to the mandate of the General Assembly in resolution 2346 (XXII) which called upon the Eighteen-Nation Committee on Disarmament "urgently to continue its work".[11]

The result was the final draft of 11 March 1968, incorporating further substantive changes suggested by various Governments.[12]

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[9] *Ibid.*, *1967*, pp. 338–341.
[10] *Ante*, pp. 1–6.
[11] *Documents on Disarmament*, *1967*, pp. 732–733.
[12] *Ante*, pp. 102–106.

It is, of course, a matter of record that three days after this final text was submitted the Eighteen-Nation Committee on Disarmament adjourned. However, we should recall that the 15 March date for submitting the report of the Eighteen-Nation Committee on Disarmament was set by the General Assembly after intensive consultations between the nuclear-weapon States participants and non-nuclear-weapon States, which culminated in resolution 2346 (XXII) of 19 December 1967. I hope it is not amiss for me, as a co-Chairman, to observe that the Eighteen-Nation Committee on Disarmament is to be commended for having met that date set by the General Assembly.

This record demonstrates that the draft treaty that lies before us is the result of four years of detailed negotiations in which the views of many Governments, nuclear and non-nuclear, are reflected. This is not to say that every specific proposal or amendment that was put forward by one or more Governments was, or could be, adopted. Some of these proposed amendments cancelled out others. Some aroused no interest or support from other Governments. Often, several related proposals aimed at reaching the same general goal by somewhat different means.

Thus, there were large areas of overlapping or congruent interest. The obvious and necessary course, indispensable in negotiating an agreement, was to reconcile divergent interests and to fix those elements which were most likely to make the treaty as widely acceptable as possible. That task was performed by the co-Chairmen in consultation with members of the Committee and with other Governments which had displayed a keen interest in its work. No other procedure was or is possible.

By way of illustration, I believe that it would be useful if I were to list the changes made in the successive texts on the basis of the suggestions and proposals offered at Geneva and elsewhere. Incorporated into the present text are the following important and vital amendments which were not part of the initial text of 24 August:

Article IV—an extremely vital part of this draft treaty—was subsequently strengthened, to meet the requests of many Governments for strong and positive provisions protecting and promoting the peaceful uses of nuclear energy.

Article V was added in order to remove concern that non-nuclear parties might be dependent merely on the goodwill of the nuclear Powers for the performance of nuclear explosive services for peaceful purposes. It assures that such services will be available under appropriate international procedures and that the charge for the device used will be at low cost—in fact, below the cost of perfecting those devices by the nuclear Powers.

Article VI was added, and subsequently strengthened, to give further effect to the principle that the treaty should embody an acceptable balance of obligations. It binds the parties to seek to end the nuclear arms race at an early date and to seek effective nuclear disarmament.

A new preambular paragraph concerning a comprehensive test ban was added for the same purpose.

Article VII was added to amplify the importance of the principle that nothing in this draft treaty affects the rights of the parties to

establish nuclear-free zones, and thus to accord appropriate recognition of the first such zone established by the Treaty concluded by the Latin American countries.

The provisions in Article VIII for amending the treaty were changed to meet the concern expressed by several Governments that parties might later find themselves unwillingly bound by unforeseen amendments ratified by a majority of the parties.

The provisions in article X regarding the treaty's duration were changed in order to meet the concern expressed about the treaty's having no limit in time.

Finally, article VIII was amended, in response to proposals put forward by a number of nations within and outside the Eighteen-Nation Committee on Disarmament, to provide for review conferences every five years, and to provide further that, in reviewing the operation of the treaty, periodic review conferences should examine the purposes of the preamble as well as the provisions of the treaty.

Six of the nine major changes which I have listed were incorporated in the draft of 18 January 1968. They were made after consideration of some twenty written proposals, plus innumerable oral comments. Specifically, there were six written proposals on article IV, four on article V, four on article VI, two on article VII, and two each on amending the treaty and on its duration. The further changes incorporated in the text of 11 March were derived from three new written proposals concerning article VI and four concerning article VIII, as well as several less formal suggestions.

In the history of international diplomacy it is hard to recall a treaty more painstakingly negotiated, in due recognition of the interests of so many Governments and of its world-wide impact and importance.

It is nevertheless true, as I have said, that not every suggested alteration was incorporated in the draft treaty. During this debate we have heard arguments in favour of a number of the suggestions and proposals which were put forward by certain delegations in the Eighteen-Nation Committee on Disarmament but were not adopted.

However, it is the impression of my delegation, after listening carefully to and reviewing these arguments, that the adoption of all the suggested amendments would not cure the more fundamental difficulty that seems to be troubling some of those who now argue in favour of them. It has been stated, for instance, that the desire to emulate the example of those which have become nuclear-weapon Powers can be eliminated only if we do away with the special status of superiority associated with the power and prestige conferred on those Powers which possess nuclear weapons. The logical and inescapable conclusion to be drawn from this is that the world should do nothing about the proliferation of nuclear weapons until all of us here, and communist China as well, are able to do far more in the direction of nuclear disarmament than most of us believe can be done practically in the immediate future.

In this, as in other courses of international action open to Governments, we are not faced with a choice between good and evil, or between what is possible and what would be ideal. Rather, the choice is between what is helpful and possible and what, although ideal, could only lead

to inaction, disagreement and frustration. In Geneva that choice was made in favour of what is possible, practicable and helpful. I submit that this was the wise choice and that we in the Assembly should reaffirm it. And I strongly hope that those delegations which may still remain in doubt on this question will decide, after careful consideration of all that has been said and will be said here, that this draft treaty deserves their full support. It is a cliché, but it deserves repeating, that the perfect should never be the enemy of the good.

I now turn to a particular provision of the draft treaty on which there has been considerable discussion in this debate: the prohibition against the development by non-nuclear States of nuclear explosive devices for peaceful purposes. In my initial intervention of 26 April I dealt with the reasons for this prohibition, and other speakers have also addressed themselves to this point.

But I should like now to deal with one particular assertion, an important one, namely, that this prohibition would retard the scientific and technological development of the non-nuclear parties to the treaty. This is not the case. This treaty will in no way limit the freedom or capacity of its signatories to develop peaceful applications of nuclear energy—apart from nuclear explosive devices, the technology of which is essentially indistinguishable from nuclear weapons. Indeed, the treaty binds those parties in a position to do so to co-operate with developing countries in the peaceful applications of nuclear energy; and it further obligates the nuclear Powers—and I wish to emphasize this once again—to make available to treaty signatories nuclear explosions for peaceful uses on a non-discriminatory basis and at a cost for the devices used which excludes any charge for research and development, which is the major charge of any nuclear Power that has experimented in this area.

While this treaty was still in the process of negotiation, the President of the United States, President Johnson, gave the following instructions to the United States negotiators, and I should like to share them with the members of this Committee:

> I have instructed our negotiators to exercise the greatest care that the treaty not hinder the non-nuclear Powers in their development of nuclear energy for peaceful purposes. We believe in sharing the benefits of scientific progress and we will continue to act accordingly. Through IAEA, through EURATOM, and through other international channels, we have shared—and will continue to share—the knowledge we have gained about nuclear energy. There will be no barrier to effective co-operation among the signatory nations.[18]

The United States negotiators followed that directive faithfully. I emphasized in my last statement the importance which we attach to article IV in furthering international co-operation in the field of nuclear energy. In pursuance of our obligation under this treaty, the United States will appropriately and equitably share its technological knowledge and experience, acquired at great cost, with the parties to the treaty, and particularly the non-nuclear parties, in the important areas of the peaceful uses of nuclear energy. This treaty does not ask any country to accept a status of technological dependency or to be deprived of developments in nuclear research. On the contrary, this treaty

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[18] *Documents on Disarmament, 1967*, pp. 98–99.

opens the way for greater knowledge and greater opportunity for the non-nuclear Powers to share information and move forward in the field of knowledge related to nuclear development.

Thus, under this treaty, the great, wide and varied field of research and development in nuclear science and technology for peaceful uses will not only remain open, but will be opened wider to all parties that wish to engage fully their talents and capabilities in this field. I could not hope to set forth in this presentation all the facets of this modern science—that would take many volumes and would be beyond my capacity. As examples, however, and to remind us all of the depth and breadth of this science and technology, let me mention just a few of these areas of nuclear science.

The whole field of nuclear science associated with electric power production is accessible now, and will become more accessible under the treaty, to all who seek to exploit it. This includes not only the present generation of nuclear power reactors, but also that advanced technology, which is still developing, of fast breeder power reactors which, in producing energy, also produce more fissionable material than they consume.

Many nations are now engaged in research in an even more advanced field of science, that of controlled thermonuclear fusion. The future developments of this science and technology may well lead to the nuclear reactor of the future, in which the fission process of uranium or plutonium is replaced by the fusion reactions of hydrogen isotopes as the source of energy. Controlled thermonuclear fusion technology will not be affected by the treaty, but, on the contrary, will be accelerated by it.

The same will be true of the development and use of research reactors for specialized application in science and engineering; the development, for example, of reactors for desalting sea water; and the very important uses of radioisotopes in agriculture, medicine and the physical sciences.

This list could be elaborated at great length. The point is that there is no basis for any concern that this treaty would impose inhibitions or restrictions on the opportunity for non-nuclear-weapon States to develop their capabilities in nuclear science and technology. On the contrary, under the express provisions of the treaty they stand to gain greater assistance through an expanded exchange of information in these areas.

In this context some further comments are in order on the subject of peaceful nuclear explosions. The specialized technology involved in the production of nuclear explosive devices is not such a crucial element in other aspects of nuclear science that its absence would retard progress in their peaceful application. In any case, the limited amount of "spin-off" for such peaceful applications from the development of nuclear explosive devices has long since been made available by the United States to all countries that might wish to use it.

It should also be realized that the treaty does not forbid anyone to engage in research and development in the conventional engineering for peaceful applications of nuclear explosions. It is only the production or acquisition of the explosive device itself that is precluded; and it is precluded for the reason I have stated, that the device is indis-

tinguishable from a nuclear weapon. There exist hundreds of reports available to all, for those who wish to begin now to study peaceful applications of nuclear explosions.

In conclusion, I wish to emphasize again that several years of arduous negotiations have gone into achieving the treaty text that is before this Committee. This complete and carefully balanced text embodies the widest area of agreement that we believe, and have found from the experience of the last four years, is possible. We are convinced that the treaty will be effective and will accomplish its purpose—if we act in time. But if we continue merely to support non-proliferation in principle, while delaying the achievement of a treaty to accomplish it in practice—if we lose precious time in prolonging the quest for a broader or more perfect text—I express the gravest concern lest we find that we acted too late and that our efforts were futile and wasted.

My Government strongly believes that the moment has arrived for decisive action on this treaty. The time is now. The place is here. History will have every reason to judge us harshly if we miss this opportunity to create a more stable, secure and peaceful world order.

Statement by the Mexican Representative (Garcia Robles) to the First Committee of the General Assembly: Non-proliferation of Nuclear Weapons, May 16, 1968 [1]

At the very outset, my delegation would like to express its appreciation to those who have contributed most directly to the shaping of the draft treaty on the non-proliferation of nuclear weapons [2] which the Eighteen-Nation Committee on Disarmament has referred to the General Assembly as an annex to its report of 19 March of this year, which we are now studying.

In this respect I should like to make specific mention of the Minister for Foreign Affairs of Ireland, Mr. Aiken, who almost ten years ago, in the fall of 1958,[3] submitted the suggestion which on 4 December 1961 formally became resolution 1665 (XVI), unanimously adopted by the Assembly.[4] I should also like to mention the two co-Chairmen of the Disarmament Committee, who were largely responsible for the preparation of the text now before us: and I am particularly pleased to mention here Ambassadors Foster and Fisher of the United States, and Ambassador Roshchin of the Soviet Union, who, with great ability and dedication, laboured for long years in Geneva to that end. I should like to mention also the two Ministers of State who successively represented the United Kingdom, the third nuclear Power participating in the work of the Eighteen-Nation Committee on Disarmament; and I refer, of course, to Lord Chalfont and Mr. Mulley, who also lent their invaluable co-operation to the success of that work. Likewise, I would mention the Secretary-General of the United Nations, who

[1] A/C.1/PV.1569, pp. 18–51.
[2] *Ante*, pp. 162–166.
[3] *Documents on Disarmament, 1945–1959*, vol. II, pp. 1185–1186.
[4] *Ibid., 1961*, p. 694.

has ceaselessly highlighted the importance and urgency of the work entrusted to the Committee, and who has constantly endeavoured to give that Committee all possible co-operation and assistance to ensure the success of its undertaking.

The fact that Mexico has the privilege of being one of the members, both of the Eighteen-Nation Committee on Disarmament and the group of eight non-aligned nations within that Committee should not stand in the way, we believe, of our expressing our sincere congratulations also to all the other members of both bodies for their valuable contribution.

Finally, I should like to express our particular gratification at the many statements that were made in the course of the debate regarding the inspiration and stimulus which the work in Geneva undoubtedly provided for the conclusion of the treaty on the prohibition of nuclear weapons in Latin America, which is known as the Treaty of Tlatelolco.[5]

I shall now take up the substantive part of my statement, and it might be helpful if in doing so I mention briefly the main points that I shall endeavour to explain to the Committee. Thus from the outset it may be possible to have an over-all view which will allow my statement to be properly judged as it proceeds and also make clear the consistency of Mexico's position on the question of non-proliferation of nuclear weapons and the constructive attitude that has guided us in our conduct.

The points I refer to, formulated as questions, are the following three: first, what has been the position of Mexico with regard to non-proliferation of nuclear weapons?; second, what is the position of the delegation of Mexico with regard to the draft treaty presented to the Assembly by the Disarmament Committee?; third, what conclusions can be drawn from a comparison between the Treaty of Tlatelolco and the draft treaty before us?

To reply to the first of those questions, we are justifiably proud to be able to say that from the outset Mexico has definitely and unreservedly been in favour of non-proliferation of nuclear weapons and it has shown constantly, not only by words but by deeds, the conviction of its position, not only on the regional but on the world scale. With regard to the former, it will suffice to recall the contribution of my country to the preparation and elaboration of the Treaty of Tlatelolco, a contribution which was such that the Preparatory Committee decided to honour my country by unanimously designating the Mexican Government as the depositary Government for the Treaty and Mexico as the site for the headquarters of the Agency for the Prohibition of Nuclear Weapons in Latin America, established by the Treaty. On the world level, the delegation of Mexico not only gave its support to and voted in favour of all the draft resolutions of Ireland that have been adopted since 1959 on non-proliferation but also, together with Ghana, Japan and Morocco, co-sponsored the Irish draft resolution which in 1960 became resolution 1576 (XV).[6]

Thus, too, my delegation supported without hesitation the draft resolution presented by Sweden during the sixteenth session, which called for the establishment of what was at that time referred to in the

[5] *Ibid.*, *1967*, pp. 69 ff.
[6] *Ibid.*, *1960*, p. 373.

words coined by the Foreign Minister of Sweden, Mr. Undén, "a non-nuclear club".[7] It was that resolution which ultimately became resolution 1664 (XVI).[8] In 1963 my delegation submitted to the General Assembly the draft which ultimately became resolution 1884 (XVIII), which was designed to prevent proliferation of nuclear weapons in outer space.[9]

Following that, my delegation has always endeavoured to contribute as much as it could to the success of the work entrusted to the Disarmament Committee. The same applies to the statements it has made year after year in this Committee, and it has also participated actively in the work in Geneva and in the preparation of the memoranda and draft resolutions—such as the one that was to serve as the basis for the adoption of the historic resolution 2028 (XX)[10]—which have constituted some of the most outstanding aspects of the contribution of the non-aligned countries.

Even more recently, during the past year, the participation of Mexico in the work of the Disarmament Committee received special impetus. At the inaugural meeting of the 1967 session, the Mexican delegation officially submitted to the Committee on 21 February the Treaty for the Prohibition of Nuclear Weapons in Latin America.[11] In a statement made one month later, on 21 March, we set forth a series of general comments[12] with regard to the contents that we considered the draft treaty then being negotiated by the two co-Chairmen should contain. At that time we made a number of specific suggestions, some of which—such as the one indicating that the desire of one-third of the States parties should be sufficient to enable the convening of a conference to examine any proposed amendments—were incorporated in the draft treaty of 24 August 1967.[13] On 19 September my delegation presented to the Committee the first four amendments to the draft treaty,[14] and, of these, one completely and the other three partially found adequate reflection in the revised draft of 18 January,[15] thus strengthening and improving considerably the original text.

The brief recapitulation that I have just made, which might usefully be completed by a reading of the observations and comments of the Mexican delegation in the seven statements it made in the Disarmament Committee, from 21 February 1967 to 6 March 1968, which are enumerated on page 2 of annex III of the report before us,[16] makes it unnecessary for me to add any judgement with regard to the realistic, moderate, conciliatory and constructive contribution it has always made to the effort to prevent by means of a treaty the proliferation of nuclear weapons.

To reply to the second question that I posed at the beginning of my

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[7] *Ibid.*, *1961*, pp. 632-634.
[8] *Ibid.*, p. 694.
[9] *Ibid.*, *1963*, p. 538.
[10] *Ibid.*, *1965*, pp. 532-534.
[11] *Ibid.*, *1967*, pp. 69 ff.
[12] *Ibid.*, pp. 162-168.
[13] *Ibid.*, pp. 338-341.
[14] *Ibid.*, pp. 394-396.
[15] *Ante*, pp. 1-6.
[16] Not printed here.

statement, I shall now endeavour to make clear our position with regard to the subject we are now examining.

In order to do so, I shall begin by stating with special emphasis that the delegation of Mexico, true to its traditional position, considers it its duty to contribute to the decision of the present session of the General Assembly to open for signature a treaty on the non-proliferation of atomic weapons which would enjoy general acceptance or at least as broad an acceptance as possible.

What I have just said indicates quite clearly that we feel that it would not be appropriate to postpone until the next regular session the adoption of a resolution to that end, although this also carries within it implicitly the fact that the Committee, as the Chairman recalled at the beginning of our work, must nevertheless, without haste, use all the necessary time to come to "a correct decision".

We believe that, in order to do this, it is imperative that we should not lose sight of the fact that the draft resolution to be adopted is one of an exceptional nature whose success depends not on obtaining the minimum number of votes required for adoption but on the votes cast in its favour being as large in number and as spontaneous as possible to serve as a happy augury which would lead to further signatures and ratifications to the treaty. We know that such signatures and ratifications will not depend on the votes that are cast here but on the free and sovereign will of Member States. It is for that reason that we believe that we should try to fulfil two conditions which we judge to be fundamental.

On the one hand, the delegations of the two countries that jointly share the chairmanship of the Eighteen-Nation Committee on Disarmament must show that they have receptive minds regarding the points of view of all the other delegations. They must also be ready at the time when the vote is about to take place to include in a third and last revision of the treaty the modifications that have been proposed in the debate which, while not in any way affecting the essence and structure of the treaty, will nevertheless improve it. Furthermore, all the other delegations must endeavour to work with the fullest sense of responsibility, refraining from proposing modifications which regardless of their theoretical merit and value, might in practice appear exaggerated or, in the light of the work at Geneva, impossible of achievement.

If we act in that manner, our work will then have been started on the road which would best lead us to the goal that I am sure we all desire. A body composed of 124 Members is very far from being an ideal organ for negotiation, to say nothing of drafting. But at the same time it would hardly be healthy for us to say, for example, that in a matter of such great importance as the treaty on non-proliferation the General Assembly should reduce itself to playing the role of the chorus in a Greek tragedy. But between these two extremes, and without running the risk of choosing either possibility, there is a rich variety of fruitful possibilities.

It is for that reason that the delegation of Mexico in the Eighteen-Nation Committee on Disarmament in Geneva, in its statements made on 15 February and 6 March last, unequivocally stated that its country—and I will quote almost word for word what was said

then—reserved its entire freedom to submit or support any suggestions which might improve the text of the draft treaty because we feel that in a truly world forum negotiations must culminate in

. . . a treaty which by its very nature is the concern of the entire world.[17]

It is also for that reason that, in December 1967, my delegation was among those that co-sponsored draft resolution A/C.1/L.416 in which the General Assembly requested the Eighteen-Nation Committee on Disarmament to submit its report to it by 15 March 1968 at the latest [18] since, as we clearly stated then, we thought that by that date all possibilities for general agreement in that forum would have been explored and that it would be appropriate for the Committee to have a period of grace in order to hear what were then 106 and what are now 107 States that had not been able to speak at the Eighteen-Nation Committee on Disarmament.

In fulfilling that criterion, but abiding by the restrictive norms whose convenience I outlined earlier, I am limiting myself in this statement to making three very modest suggestions that we consider to be particularly constructive, having chosen them as examples from among those which, in the light of the consultations held with other Latin American delegations, we believe might contribute most to strengthening the draft treaty and assuring for it the widest possible acceptance. Those suggestions were as follows:

First, the draft treaty in its preamble mentions the General Assembly and the International Atomic Energy Agency. However, in the preamble no reference is made to the basic instrument of our Organization, namely, the United Nations Charter. To fill that gap, which to us seems inexplicable, we suggest that, immediately after the first preambular paragraph, a new paragraph be inserted whose text would reproduce almost word for word the provisions contained in Articles 2(4) and 26 of the Charter, which we deem to be particularly pertinent in the light of the contents of the future treaty, and we feel that the paragraph could read as follows:

Recalling that, in accordance with the Charter of the United Nations, all States shall refrain from the threat or the use of force in their international relations, and that international peace and security shall be promoted with the least possible diversion to armaments of the human and economic resources of the world.

That is my first suggestion.

Our second suggestion is designed to make more precise the meaning that we attribute to the first sentence of paragraph 2 of article IV, and is this: we suggest that the concept of right of access to the scientific and technological information referred to in that article should be mentioned explicitly, so that the phrase in question would read as follows:

All the Parties to the Treaty have the right to access to and to participate in the fullest possible exchange of scientific and technological information for the peaceful uses of nuclear energy.

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[17] ENDC/PV. 365, p. 8.

[18] Identical with G. A. resolution 2346 A (XXII) (*Documents on Disarmament, 1967*, pp. 782–783).

The last of the specific suggestions that I should like to make is that serious consideration should be given to the possibility that article V as it stands at present be amended in the following way: (a) that instead of "co-operate to ensure" in the first line, it should say "apply the pertinent measures to ensure"; (b) that after the words "ensure that", it should read "in conformity with the Treaty"; (c) that immediately afterwards there be added the words "under appropriate international observation and"; (d) that the last sentence of the article be divided into two sentences and that they be so drafted, and very precisely, to indicate:

(i) that the special international agreement which doubtless will have to contain the statute of the "appropriate international organ" to be set up according to this article shall be drafted "as soon as possible";

(ii) that regardless of the procedure deemed most effective in the preparation of such an agreement, it must be approved by a body representing the world community, such as, for example, the General Assembly, and

(iii) that the procedure of multilateral assistance be given pride of place in the article, without thereby excluding the resort to bilateral procedures if necessary.

The acceptance of the above suggestions would mean that article V would be drafted as follows:

> Each Party to this Treaty undertakes to adopt the pertinent measures to ensure that, in conformity with the Treaty, under appropriate international observation and by the appropriate international procedures, the potential benefits of any peaceful applications of nuclear explosions will be made available to non-nuclear-weapon States Parties to this Treaty on a non-discriminatory basis and that the charge to such Parties for the explosive devices used will be as low as possible and exclude any charge for research and development. It is understood that the non-nuclear-weapon States Parties to this Treaty so desiring may, pursuant to a special agreement or agreements, which shall be approved by the General Assembly of the United Nations as soon as possible, obtain such benefits from an adequately representative international organization where all non-nuclear States are adequately represented. The States Parties that may so desire may obtain any such benefits subject to special agreements of a bilateral nature.

My delegation attaches specific importance to this matter for reasons which I made known, on behalf of Mexico, in the Disarmament Committee on 21 February 1967, more than a year ago. At that time I said the following:

> Unless technological progress one day makes it possible to distinguish clearly between nuclear explosives for peaceful and for warlike purposes, it will be necessary to seek a solution which precludes the spread of nuclear weapons and at the same time ensures that States which, like all the Latin-American countries, do not possess them are not deprived of the immense benefits which their economic development might derive from the use of nuclear explosions for peaceful purposes.
>
> As an immediate remedy, we believe that the possibility should be explored at world level, within one of the existing international organisations such as the United Nations or the International Atomic Energy Agency or independently, a special programme similar to that which already exists for economic development, with the specific aim of helping all States in need of such assistance to carry out on their territories nuclear explosions for peaceful

purposes—once it has been shown, of course, that absolutely no danger is involved. With such help those countries would not have to squander their limited resources unnecessarily in themselves manufacturing the essential explosives.[19]

A short time later the representatives of the Soviet Union and the United States, in their respective speeches of 14 and 21 March of that same year, 1967, spoke in favour of the concerting of a special international agreement, separate from the treaty of non-proliferation, so that States not possessing nuclear weapons might have at their disposal the benefits of peaceful nuclear explosions.

Ambassador Roshchin stated the following on 14 March 1967:

The Soviet Union understands the interest of the non-nuclear countries in the use of nuclear energy in the future for implementing such major projects in the field of economic development as may require the carrying out of nuclear explosions. We firmly maintain the position that an agreement on the non-proliferation of nuclear weapons cannot and should not prevent non-nuclear countries from using nuclear energy for the purposes of peaceful economic development. In doing so we bear in mind that the question of the procedure and conditions governing the carrying-out of nuclear explosions is a separate question that can be settled only on the basis of a separate international agreement.[20]

On the twenty-first of that same month, Ambassador Foster said:

My delegation agrees that this is a separate issue to be settled by a separate agreement. The purpose of my remarks today is to outline briefly the present thinking of the United States on how the sharing of any potential benefits of peaceful nuclear explosions might be organized. We propose the following general principles to deal with this problem.

Then the Ambassador listed a series of principles, but I have merely selected the first two.

First, if and when peaceful applications of nuclear explosives that are permissible under the test-ban Treaty[21] prove technically and economically feasible, nuclear-weapon States should make available to other States nuclear explosive services for peaceful applications. Such a service would consist of performing the desired nuclear detonation under appropriate international observation with the nuclear device remaining under the custody and control of the State which performed the service.

Second, there should be a means provided for non-nuclear-weapon States wishing to do so to request nuclear explosive services from the nuclear-weapon States through an international body in which the non-nuclear-weapon States would participate.[22]

Later, both co-Chairmen of the Committee as well as representatives of other members of the Committee, including the United Kingdom, Sweden and Nigeria, also dealt with this question in their statements. However, it was the representative of Canada who dealt with it most thoroughly and extensively. At the 329th meeting of the Committee on 12 September 1967, General Burns, after having stressed the interest of his Government in this matter and after having mentioned the studies that had been made on the question, in general terms explained what might be the contents of the special international agreement to

[19] *Ibid.*, p. 101.
[20] *Ibid.*, p. 147.
[21] *Ibid.*, *1963*, pp. 201–203.
[22] *Ibid.*, *1967*, p. 173.

be established. So far as the preamble was concerned, the Canadian representative said, *inter alia:*

> There should be a preambular paragraph stating that nuclear Powers are carrying out studies and experiments in the use of nuclear explosives for peaceful purposes such as engineering works, facilitating the exploitation of natural resources and so forth.

Mr. Burns also stated:

> . . . a further preambular paragraph might recite the recognition of the nuclear Powers that some means to make these benefits available to States not possessing nuclear weapons should be created without at the same time creating the possibility of their acquiring nuclear weapons under cover of peaceful nuclear activities.

Then, referring to the possible contents of the agreement itself, the representative of Canada said the following, among other things:

> A State not possessing nuclear weapons which desires to carry out a project of an engineering or other nature through the use of nuclear explosives should submit a request to an international agency with authority to assess and negotiate such projects . . .
>
> The nuclear Powers would agree to provide on request through the specified international authority the explosive devices, technical advice and assistance for the carrying out of nuclear explosions required by non-nuclear States to effect engineering works, exploitation of natural resources or any other use of nuclear explosives for economic development. The charges to such non-nuclear States for the explosive devices used should be as low as possible and exclude any charges for research and development.
>
> Finally, the nuclear Powers should undertake to make available to non-nuclear States full information in regard to the possibilities for using nuclear explosives for peaceful purposes, as developed in their studies and experiments.[*]

Therefore, it becomes obvious that in this case we have all the elements that dictate that we should endeavour to elaborate and urgently to approve a draft international agreement to fulfil the provisions set forth in article V of the draft treaty we are now examining. Manifestly, there is a great interest in this being done, and this has been shown by the non-nuclear-weapon States. More than a year ago, the nuclear Powers expressed their support of the drafting of such an agreement, and the representative of Canada, more than six months ago, submitted to the Eighteen-Nation Committee on Disarmament what might justifiably be considered as a rough first draft of such an agreement. We therefore do not believe that there can be any difficulty or obstacle to our saying clearly in article V that the corresponding international agreement shall be approved as soon as possible, nor do we believe that there should be any difficulty in our making it very clear that such approval shall be through the General Assembly of the United Nations, since we know that it is the General Assembly that has to pronounce itself now on the treaty on non-proliferation, and the further agreement obviously has to be linked to the present draft treaty.

As can be gathered from what my delegation stated in Geneva on 21 February 1967, to which I have referred today, generally speaking we share the opinion expressed here last week by the representative of

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[*] ENDC/PV.320, pp. 9–10.

Sweden, Mrs. Myrdal,[24] on the principal functions to be fulfilled by the appropriate international organ, as outlined in article V, and also on the need for that organ to carry out a more important role than that which seems to be defined in article V. That is why, in the four amendments submitted by my delegation to the Eighteen-Nation Committee on Disarmament on 19 September 1967, which were published in document ENDC/196, we included an amendment that sought similar ends.[25] Since, however, that amendment was not accepted by the co-Chairmen of the Committee, we have at the present time limited ourselves to a much more modest suggestion, which we trust this time will be accepted and which might to a large extent dissipate some of the legitimate concern which was expressed here by the Swedish delegation.

I would not wish to conclude this part of my statement without making it very clear that the three suggestions I have just explained to the Committee obviously are not couched in the form of formal amendments that could be put to a vote. I would stress, however, our hope that the delegations of the two States that are the main co-sponsors of the draft treaty will be good enough to consider these suggestions with sympathy and in due course include them in a final revision of the draft treaty.

I now come to the third and last part of my statement, in which I shall endeavour to sum up the conclusions that might be arrived at from a comparison between the Treaty of Tlatelolco—to which a number of preceding speakers in this Committee have referred and the entire text of which appears in annex IV of the report before us—and the draft treaty on non-proliferation.

I shall begin by stating clearly that, as far as peaceful nuclear explosions are concerned, there is no conflict and could be no conflict between article 18 of the Treaty of Tlatelolco and article II of the draft treaty so long as the provisions of both articles are correctly interpreted.

The interpretation of article 18 of the Treaty of Tlatelolco which Mexico considers to be the right one has already been reiterated by my delegation at a number of meetings and is included in the records of the 287th, 296th, 297th and 374th meetings of the Eighteen-Nation Committee on Disarmament, as well as in the records of the 1504th meeting of this Committee and the 1587th plenary meeting of the Assembly. Basically, our interpretation is this: we are convinced that paragraph 1 of article 18 as the text reads is clearly subject to articles 1 and 5 of the Treaty of Tlatelolco, and this means that for one of the States party to the Treaty to carry out a peaceful nuclear explosion, it will have to prove previously that a nuclear weapon will not be required for that explosion—that is to say, in accordance with the objective definition contained in article 5 of the Treaty, "any device which is capable of releasing nuclear energy in an uncontrolled manner and which has a group of characteristics appropriate for use for warlike purposes".

Since the consensus of the experts in the matter was that this differentiation is at present impossible, it must obviously be concluded that

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[24] *Ante*, pp. 302–308.

[25] *Documents on Disarmament, 1967*, pp. 394–395.

the States parties to the Treaty will not be able to manufacture or acquire nuclear explosive devices, even though they may be intended for peaceful purposes, unless and until technological progress has made possible the development of devices for such explosions which cannot be used for nuclear weapons.

My delegation places an identical interpretation on the pertinent provisions of the draft treaty on non-proliferation since, as we said on 6 March last in the Eighteen-Nation Committee on Disarmament, we understand the term "nuclear explosive devices" as used in the draft, and especially in article II, as synonymous with "explosive nuclear devices appropriate for use for warlike purposes". Furthermore, this interpretation is precisely in accordance with that given by the representative of the United States, Mr. Foster, at the Eighteen-Nation Committee on Disarmament meeting of 14 September 1967, when he said—and there was no objection or observation with regard to his words by the other Co-Chairman of the Committee, Mr. Roshchin, representative of the Soviet Union:

> In order to avoid any loopholes, the draft deals with other nuclear explosive devices just as it does with weapons. This represents no change in policy on our part from earlier United States drafts. We have always felt that nuclear explosive devices which could be used as nuclear weapons should be treated as such, and we so interpreted our earlier drafts. The change in language resulted because others made different interpretations. In any event it is absolutely clear that, if there are to be no loopholes for the proliferation of nuclear weapons, the treaty cannot permit the proliferation of devices which could be used as nuclear weapons.[26]

Therefore, again in this case, as in the case of the Treaty of Tlatelolco, we share the views expressed by the representative of Japan in this Committee last Friday, 10 May, that if devices were to be discovered tomorrow which could be used for peaceful nuclear explosions and which could not be used for nuclear weapons purposes, the restrictions on the manufacture or acquisition of such devices, as set forth in article II of the draft treaty, would automatically cease to be applicable.[27]

Another conclusion which follows from a comparison between the Treaty of Tlatelolco and the draft treaty on non-proliferation and which, for Mexico—and, we believe, for all other States signatories to that Treaty—is of specific importance is that the special conditions of the region have made it possible to prepare a multilateral instrument that, from the standpoint of disarmament and of the laws of treaties, is far superior to the draft on non-proliferation and much more complete than the latter. To prove the truth of this statement, it would be sufficient to examine some of the main aspects of both instruments in parallel form. Let us look first at the purposes.

The Treaty of Tlatelolco has as its basic purpose to guarantee the total absence of nuclear weapons from Latin America, regardless of the State under whose dominion or control such weapons can be found.

The draft treaty on non-proliferation only tends to guarantee that the number of States having dominion and control over nuclear weapons shall not be increased; but it in no way limits the capacity of

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[26] ENDC/PV. 330, p. 5.
[27] *Ante*, pp. 312-313.

the present nuclear Powers to install or set up nuclear weapons on the territories of other States.

With regard to the definition of nuclear weapons, the Treaty of Tlatelolco contains an objective definition of what, for the effects of the Treaty, shall be understood as a "nuclear weapon". The draft treaty, on the other hand, contains no definition whatsoever of nuclear weapons.

If we go on from this to the matter of organization, the Treaty of Tlatelolco sets up an autonomous Latin American agency known as the "Agency for the Prohibition of Nuclear Weapons in Latin America", with headquarters in Mexico, the principal organs of which will be a General Conference, a Council, permanent in nature, and a Secretariat headed by a Secretary-General.

In the draft treaty, on the other hand, no agency whatever is established; there is provision only for the holding of a conference five years after the entry into effect of the Treaty for the purpose of examining the functioning of the treaty, and possible meetings at five-year intervals of similar conferences for the same purpose.

Let us now go on to the question of control.

The Treaty of Tlatelolco establishes a control system that is very complete and that will include, apart from the application of the safeguards of the International Atomic Energy Agency, the submission by the parties to the Latin American Agency of half-yearly reports and special reports; and also, the Council of the Agency will be empowered to carry out special inspections. All the States parties to the Treaty are equally subject to the system of control.

In the draft treaty on non-proliferation, the control system lies solely in the application of the safeguards of the International Atomic Energy Agency to States not possessing nuclear weapons. The nuclear Powers are subject to no control whatsoever, although in this regard it should be noted that the Governments of the United States and the United Kingdom have set an example most worthy of imitation by declaring that they will voluntarily submit their nuclear installations without military function to inspection by the Vienna Agency.

From the summary comparison I have just made, it becomes eminently clear that the régime or statute for denuclearization laid down in the Treaty of Tlatelolco is, as I said earlier, much superior to that envisaged in the draft treaty on non-proliferation. Moreover, it is quite natural that this should be so, since the exceptionally favourable circumstances that prevail in Latin America are not those, unfortunately, that exist in other parts of the world.

It was doubtless for this reason that the General Assembly, in resolution 2153(XXI)A, of 17 November 1966, called upon—and here it should be emphasized that it was with the affirmative vote of all the nuclear Powers participating in the work of the Disarmament Committee—

> . . . all nuclear weapon Powers to refrain from the use, or the threat of use, of nuclear weapons against States which may conclude treaties of the nature defined in paragraph 2(e) of General Assembly resolution 2028(XX),[3]

[3] For G.A. resolution 2153(XXI)A, see *Documents on Disarmament, 1966*, pp. 748–749. G.A. resolution 2028(XX) appears *ibid., 1965*, pp. 532–534.

that is, those defined in the said paragraph as "regional treaties in order to ensure the total absence of nuclear weapons in their respective territories", as is the case in the Treaty of Tlatelolco.

For that reason also, doubtless, the Assembly itself, in resolution 2286(XXII), of 5 December 1967, after declaring that the Treaty of Tlatelolco

". . . constitutes an event of historic significance in the efforts to prevent the proliferation of nuclear weapons and to promote international peace and security", invited

". . . Powers possessing nuclear weapons to sign and ratify Additional Protocol II of the Treaty as soon as possible." [30]

Recalling the foregoing, I believe this to be the right moment to inform the Committee that the United Kingdom, in fulfilment of what its representative announced to us right here in October of last year, signed Additional Protocol II on 20 December 1967, and that the United States did likewise on 1 April of this year. I also would like to express to the Government of both those countries the great appreciation felt by the Government of Mexico for these two proofs that have been given of co-operation in contributing to the greater effectiveness of the Treaty of Tlatelolco.

Of the nuclear Powers at present represented in the United Nations, only two, therefore, have yet to sign that Protocol, and we trust that their signatures will very soon be added to those already affixed to that instrument by the two States I have just mentioned. Our hope is based on the following.

The Government of one of those two nuclear Powers, as of 26 July 1966—it will soon be two years ago—communicated officially to the Preparatory Commission that was at the time drafting the Treaty of Tlatelolco that it welcomed "all efforts aimed at limiting the dissemination of nuclear weapons when such efforts arise from the free will of the countries concerned".[30] The Treaty of Tlatelolco fulfils that prerequisite, since it is the result of a spontaneous, genuine and exclusively Latin American undertaking, and is, with no room for doubt, a Treaty that arises "from the free will of the countries concerned".

The Government of the other nuclear Power that has yet to sign the Protocol has for more than three years been reiterating what its own Minister for Foreign Affairs communicated to the General Assembly on 7 December 1964, namely, that his country

". . . considers that, in the interests of strengthening and barring the spread of nuclear weapons, not only groups of States embracing whole continents or large geographical regions but also more limited groups of States and even individual countries may assume obligations for the establishment of denuclearized zones", and that, consequently, his country ". . . is prepared to undertake an obligation to respect the status of all denuclearized zones that may be established, if the same obligation is assumed by the other nuclear Powers as well." [31]

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[30] *Ibid., 1967*, pp. 732–734.

[30] See French note of July 26, 1966 (COPREDAL/47).

[31] *Documents on Disarmament, 1964*, p. 514.

I am drawing to the close of this statement and in concluding I should merely like to make three comments of a general character.

The first is that the interest of Mexico in the treaty on non-proliferation of nuclear weapons does not affect nor in any way diminish the priority of interest that my country has shown in the Treaty for the Prohibition of Nuclear Weapons in Latin America, or the Treaty of Tlatelolco, because we believe—and I would dare to state that this belief is shared by all other signatories of the Treaty—that it is the Treaty of Tlatelolco which best meets the needs and interests of the region to which we belong and the desires of our people. Thus we must continue to advocate first of all the urgent adoption of all those measures which will tend to strengthen the Treaty of Tlatelolco and ensure its greatest effectiveness.

My second comment is that we must bear very much in mind that the main objective of the Assembly in the subject we are discussing should not lie in a routine approval of just one more resolution, but rather in a contribution to what the Secretary-General correctly called "the successful conclusion" of a treaty on non-proliferation—and it is that word "successful" that we must stress. The responsibility to achieve this lies equally with the delegations of the two main co-sponsors of the draft treaty and with those of all the other States composing our Assembly. Of the first we expect understanding and a receptive and open mind; of the second we expect moderation and a constructive spirit.

My third and final comment is that however fortunate the conclusion of the treaty may be, its success will finally depend on the nuclear-weapon States proving by their conduct in the immediate future that they truly do consider this draft treaty as a "first step" to the adoption of concrete disarmament measures, beginning with nuclear disarmament, and as an effective contribution to the development of research in and the production and utilization of nuclear energy for peaceful purposes in the territories of the non-nuclear States. We must in fact consider very carefully what the President of Mexico once said—that the determination of our peoples to abstain from the use of the unknown powers of the atom for death is matched by their desire to leave all doors open to a better and more effective use of that same precious source of life energy.

Statement by the Chilean Representative (Uribe) to the First Committee of the General Assembly: Nonproliferation of Nuclear Weapons, May 16, 1968 [1]

The subject before us, the non-proliferation of nuclear weapons, has been and is considered by Chile to be of major importance. It is also of primordial interest in itself and because it constitutes a most important step toward nuclear and general and complete disarmament.

In the recent past Chile has participated in four treaties which included measures of great importance connected to nuclear disarma-

[1] A/C.1/PV.1569, pp. 66–77.

ment, each of which is an important milestone in the history of our international relations. In 1959, together with eleven other nations, we signed the Antarctic Treaty which we later ratified.[2] Some time later we signed the well-known Moscow test ban treaty,[3] and then the Treaty on the Prohibition of Nuclear Weapons in Latin America, better known as the Treaty of Tlatelolco.[4] At the beginning of last year Chile signed the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space.[5] With that we became one of the few countries that have had the opportunity thus far to sign these four important international treaties.

Furthermore, we might also mention the role played by Chile in the approval by the General Assembly of important resolutions on the question of the non-proliferation of atomic weapons and on general and complete disarmament. We are aware that the achievement of such objectives is still far away, but we believe that, with the active and determined participation of the international community, those goals can well become a reality. With this in mind we have struggled to give meaning and importance to the work which must be done in this field by the non-nuclear-weapon States, work which to a large extent was made manifest in the approval of three resolutions: 2028 (XX),[6] 2153 (XXI)[7] and 2346 (XXII).[8] Later we participated most actively in the Preparatory Committee for the Conference of Non-Nuclear-Weapon States, and we shall act accordingly when that Conference is held in August and September of this year.

My Government has followed with interest the course of events in the Eighteen-Nation Committee on Disarmament in Geneva, which has submitted its report and other documents to us. In that Committee, as in this Committee, a wide spectrum of opinions was given regarding the historic stage through which we are now passing. Especially we greatly appreciate the work done by the two Co-Chairmen, the United States and the Soviet Union, which culminated in the draft treaty on non-proliferation that we are now considering.[9] This agreement represents a significant advance in understanding between those two great Powers, and principally in the conversations on nuclear disarmament. We hope that the framework of understanding will be maintained and broadened, and that it will lead to other steps or effective efforts which will lead to both nuclear and general and complete disarmament.

Non-proliferation is only one of the collateral measures of nuclear disarmament, and as such it constitutes a limited part of the general picture of disarmament. This step may be a previous step, but in order for it to be effective it must be followed rapidly by other steps.

We understand, furthermore, that this is a stage which must in no way hinder the universal peaceful development and progress of nu-

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[2] *Documents on Disarmament, 1945–1959*, vol. II, pp. 1550–1556.
[3] *Ibid., 1963*, pp. 201–203.
[4] *Ibid., 1967*, pp. 69 ff.
[5] *Ibid.*, pp. 38–43.
[6] *Ibid., 1965*, pp. 532–534.
[7] *Ibid., 1966*, pp. 748–750.
[8] *Ibid., 1967*, pp. 732–733.
[9] *Ante*, pp. 102–106.

clear energy, and it must not be an obstacle in the way of the development of any State.

There is one first point that applies to all treaties and on which the effectiveness of the instrument depends. I am referring to the greater acceptability of the treaty; in other words the document must be capable of being approved in the General Assembly by a sufficient number of countries which are significant because of their degree of development and balanced with regard to their mutual geographic, military and political situations. And it is not only the Assembly that should be able to approve the Treaty under those circumstances: the treaty should be signed and ratified without delay, without advantage to the countries which meet those conditions.

The sponsors of the draft resolution [10] have sought to avoid, and to a large extent have succeeded in avoiding, many of the potential gaps or flaws in this treaty on non-proliferation. However, the coherence of this document disappears in part with the possibility of important geographical gaps or flaws. Since with some exceptions the treaty cannot affect countries not party to it, its precepts, however timely they may seem to the countries to which they apply, do lose their coherence if they are broken down in the areas of their application. And I must add that the assurances and safeguards to meet an aggression or the threat of an aggression, even though sufficient in both cases, are not so with respect to a basic fact; that when such an event occurs it may alter the international relationship between countries party to the treaty and countries not party to the treaty—and I refer to the mere possession of nuclear weapons by a country not party to the treaty.

In the international picture of today and the foreseeable future, some cases of possession or control of nuclear weapons, without the threat to use or the actual use of such weapons, can constitute a certain danger to international stability. Some representatives in their statements have already pointed out that it is both desirable and necessary that the text be approved, signed and ratified by all or by the largest possible majority of the members of our international community—some representatives, including Ambassador Vinci of Italy,[11] have even spoken of countries not represented here—or at least, at this stage, by all the key countries, which are not only the most highly industrialized countries today, as Mrs. Myrdal of Sweden said in this debate.[12]

In the same positive spirit, we stress this need for a balance in adherences to the treaty. This need may for some be a condition, so that an appropriate number of significant countries, perhaps different in each case and not always quasi-nuclear, will confirm the geographical viability of non-proliferation. I was saying that the treaty—only as an exception—affects even countries not parties to it. This is reflected basically—by elimination—in articles IV and V of the draft, which set forth a system of peaceful development of nuclear energy, of exchanges of information, of co-operation in and contribution to the

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[10] *Ante*, p. 271.
[11] *Ante*, pp. 314-316.
[12] *Ante*, p. 308.

application of the benefits of peaceful nuclear explosions, all subjects to which I shall revert in a few moments.

The system envisaged in articles IV and V applies only to the States parties to the treaty on a non-discriminatory basis among them except as concerns co-operation in the greater development of the applications of nuclear energy to peaceful purposes, in which case the flow of the co-operation and contribution will be from the parties "in a position to do so", particularly to "the territories of non-nuclear-weapon States party to the treaty". I shall return to this point later.

But here I think we should say that non-discrimination among the parties must mean to us that the less developed—precisely to avoid a grave imbalance in nuclear progress—should receive, not less assistance than those countries advanced in the field, but proportionately more. It is thus that we interpret articles IV and V.

We also referred a short while ago to the adequacy of the Security Council draft resolution proposed by the United States of America, the United Kingdom and the Soviet Union,[18] which contains a commitment to ensure the security of States parties to the treaty. We would like to suggest that on this proposal, on the substance of which we do not pronounce ourselves, we share the view of the representative of El Salvador, for in it we see a type of implicit renunciation by the Powers submitting this document of the possibility of using their right of veto.

The original statement that acceptance by a majority of States party to the treaty is necessary has led a large number of States present to make comments, to highlight problems, and finally, informally to suggest modifications they deem viable. The main motive which leads those countries to do so—and among those countries I would single out Sweden, Italy, Yugoslavia, Ceylon and certain Latin American countries—is, if I am not mistaken, an endeavour to improve the text of the treaty and thus make it more generally acceptable. In this way these countries doubtless feel that they are seeking advantages for the international community, and only secondarily for themselves.

Finally—and this we must consider when we are judging intentions—some of these countries feel that giving a more general character to the treaty will make it possible for a larger number of countries to approve, sign and ratify it. The central articles that have been the subject of the majority of comments and suggestions are, we feel, article IV, paragraphs 1 and 2, and article V.

What is there in those articles of such interest? Without generalizing on the opinions that have been expressed, I might sum up the intention of article IV as an endeavour to clarify the rights of the parties to access to and participation in these exchanges of information on the subject, and, perhaps with greater stress, the duty that will fall to States parties to the treaty in a position to do so to co-operate in and contribute to a greater development of peaceful nuclear uses. To that, as I announced, we would add the possibility of a proportionately greater flow of that co-operation and contribution toward the countries less developed in the field, for surely this is the natural way of avoiding discrimination among the parties to the treaty, discrimination

[18] Identical with the Security Council resolution of June 19 (*post*, p. 444).

which is banned by the treaty, for, if such discrimination were applied, those countries which already have the most would get even more.

In turn, on article V, in regard to which the representative of Sweden repeated in her statement the amendment originally submitted by her country to the Eighteen-Nation Committee on Disarmament, a suggestion which was also taken up a few days ago by the representatives of Yugoslavia and Ceylon in their statements, my delegation sees two possible roads: either to share the opinion of Sweden based on a clear concept of peaceful explosions, and also for practical and juridical reasons, or else to underline the possibility of obtaining, through a special international agreement to be approved as soon as possible by the General Assembly and through an appropriate international organ, the benefits of all peaceful nuclear explosions. This, again, was recently stressed by our colleague from Mexico.

Finally, paragraph 3 of article VIII has been referred to by some representatives who have expressed desires or coinciding views that the revision conferences should be held periodically. This periodicity, on which much has been said, would be justifiably important if these conferences of revision, according to the treaty, were held specifically to deal with the implementation of articles IV, V and VI of the treaty.

A number of countries, including the co-sponsors of the draft resolution annexed to the treaty, have interpreted the mention already made in paragraph 3 of article VIII of the aims of this revision conference as meaning to ensure that the purposes of the preamble and the provisions of the treaty are being realized, and they linked this directly with article VI and negotiations on the cessation of the nuclear arms race and the measures for nuclear and general and complete disarmament.

That interpretation, which seems to be just, would, however, be stronger if it were expressly mentioned by citing article VI together with articles IV and V. The acceptability of the treaty would thereby be enhanced.

At the beginning of my statement, I spoke of the Treaty for the Prohibition of Nuclear Weapons in Latin America. The experience of the Latin American countries in the matter we are discussing in this Committee is based specifically on our general participation in that treaty. The highly important role of the nuclear Powers within the framework of the Treaty and its annexed Protocols has allowed Latin America to take into account many of the factors alluded to here in the defence made of the treaty on non-proliferation. It is for this reason that when we mention the improvements that we feel would be viable in this text, we do so with the same good faith as that spoken of in article VI, where it speaks of the future negotiations on disarmament.

It is therefore with these views in mind that we urge the need specifically to increase the acceptability of the treaty and to improve the international atmosphere in which its signature and ratification is to take place. As a French writer has said, it is with a spirit of geometry and, we prefer to believe also, it is with an "*esprit de finesse*" that we weigh this question.

In order not to end my statement by a quotation from someone

other than a Spanish writer, I should like to quote a pertinent paragraph from a statement made by the Head of the Chilean Government:

> In the councils of nations, where the future of thousands of millions of human beings is being decided, for example, in matters of disarmament, the prerogative lies with only a few countries that have assumed the right to pronounce themselves on problems affecting all nations.
>
> Such a state of things has a two-fold consequence. It is an important cause of anarchy in international relations and it prevents due attention from being given to the interests of the weaker nations, that are also the more numerous.

I would add, although that is the end of the quotation, that this council of nations, we are convinced, is now open.

Statement by the Australian Representative (Shaw) to the First Committee of the General Assembly: Nonproliferation of Nuclear Weapons, May 17, 1968 [1]

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

For many years the General Assembly has had on its agenda an item relating to the non-proliferation of nuclear weapons. The Assembly has repeatedly adopted by very large majorities resolutions calling on the Eighteen-Nation Committee on Disarmament urgently to pursue work on this subject, and in its resolution 2028 (XX) it laid down five principles to govern those negotiations.[2] The submission of the Eighteen-Nation Committee on Disarmament's report by 15 March of this year [3] and the convening of this resumed session of the General Assembly for the purpose of considering the report have both followed the specific request of the General Assembly. It is because of those resolutions and the spirit of urgency in which they were passed that we are here today. The Australian Government supported those resolutions.

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

> The Australian Government has consistently seen the dangers inherent in the proliferation of nuclear weapons and in the increase in the number of nations possessing such weapons. We therefore fully share the hope that effective measures will be found to prevent such further spread of nuclear weapons. We also share the hope that this proposed treaty may become such an effective measure.

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[1] A/C.1/PV.1570, pp. 2–17.
[2] *Documents on Disarmament, 1965*, pp. 532–534.
[3] *Ante*, pp. 192–193.

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

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

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

In this regard it is relevant to refer to the statement by the Governments of the United States, the Soviet Union and Britain that they will propose a resolution to the Security Council which will offer assurances of assistance to non-nuclear countries that sign the treaty if they are subjected to nuclear attack or the threat of nuclear attack.[5] It has to be recognized, of course, that this resolution will not constitute a watertight guarantee for any nation that any or all of the three nuclear-weapon States will come to their assistance or take action in their aid through the Security Council in the event of nuclear attack or threat of attack. Nevertheless, the Australian delegation considers that the agreement of the three States to join together in this assurance would in itself be a notable political act and a not insignificant contribution to the security of nations. The nuclear-weapon States are best able to deter nuclear attack by nuclear Powers outside the community of the treaty. The Australian delegation attaches great importance, therefore, to the continuing resolve of the nuclear-weapon States to take action in the event of nuclear attack or threat of attack. In this respect, it notes specifically the proposed reaffirmation by the three nuclear-weapon States and the Security Council of the inherent right, recognized under Article 51 of the Charter, of individual and collective self-defence. This is important, as the Australian Government relies upon mutual security arrangements, into which it has entered with its allies, as the firm basis of Australian security against both conventional and nuclear aggression.

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

First, and obviously, the treaty will need to attract support well beyond the forty States required under article IX to bring the treaty

[4] The draft treaty appears *ante*, pp. 162–166.
[5] Identical with the Security Council resolution of June 19 (*post*, p. 444).

into effect. In particular, it will be important that the treaty be adhered to by those non-nuclear-weapon States that have already achieved, or have the means to achieve, a significant measure of nuclear development. Australia's judgement as to whether the treaty will indeed be an effective one will be very much influenced by the attitude of those countries.

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

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

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

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

Another important criterion that the Australian delegation considers essential to the successful operation of the treaty relates to the requirement, also contained in General Assembly resolution 2028 (XX), that the treaty should in no way impede or burden nuclear research, development, production or use for peaceful purposes. This

requirement is of paramount importance to my country, and the Australian delegation has been much heartened to note the emphatic assurances in this respect given by the Soviet Union and the United States delegations. We endorse also and in particular the positions expressed in this debate by the delegations of the Netherlands[6] and Japan.[7]

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

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

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

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

Let it be said, first, that Australia's views on this matter have been affected by the announcements last December by the United States and United Kingdom Governments that they would accept safeguards on all their nuclear activities subject to exclusion only on the grounds of military security.[8] We welcome these decisions, which should give these two Governments a substantial interest in working for a simple safeguards system that operates with minimum intrusion and burden on parties to the treaty. The Australian delegation urges the USSR also to place its peaceful nuclear activities under safeguards and all three nuclear weapon States to restrict to the greatest possible extent the activities excluded from safeguards.

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

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

The Australian Government noted the statement by the United States State Department on 14 March 1968 regarding the legitimacy under the treaty of the use of nuclear energy for non-explosive military purposes.[9] The Australian delegation states its understanding

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[6] *Ante*, pp. 295–298.
[7] *Ante*, pp. 309–314.
[8] *Documents on Disarmament, 1967*, pp. 613–616.
[9] *Ante*, pp. 193–194.

that the use of nuclear energy for non-explosive military purposes, such as naval propulsion, is legitimate and permitted under the treaty.

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

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

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

Some delegations have referred to the significance of article V of the draft treaty relating to the potential benefits from the peaceful application of nuclear explosions. As a continent with a low rainfall, a poorly indented coastline and little topographical relief, Australia has a special interest in the possible use of nuclear explosions for major engineering projects.

The Australian Government accepts that, at this stage of technological development, an effective non-proliferation treaty cannot permit the production of any nuclear explosive devices whatsoever by a non-nuclear weapon State party to the treaty. At the same time the Australian Government holds strongly to the view that a non-proliferation treaty must not impede progress in the development and application of the technology of peaceful applications of nuclear explosives. Experience with the limited test-ban Treaty [10] has shown that if it is to avoid doing so, a non-proliferation treaty must deal positively with the requirement for peaceful nuclear explosions. The Australian delegation hopes that article V of this draft treaty would lead to the development of such a positive approach.

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[10] *Documents on Disarmament, 1963*, pp. 291–295.

The Australian Government believes that all States must have access to nuclear explosives for peaceful purposes. It is the Australian Government's view that this article and the international arrangements made under it should interfere with the rights of States to carry out projects involving peaceful nuclear explosions only to the extent necessary to protect the interests of all parties against dangers arising from the specific subject matter of the treaty. Accordingly, it does not accept the view expressed in the intervention of the representative of Sweden that technical and economic judgements on projects should be the responsibility of an international body and not of the State directly concerned.[11] International arrangements under the treaty need go no further than to provide appropriate assurances on safety and an adequate demonstration that the explosions will not be used for nuclear weapons development.

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

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

As several delegations have already pointed out, the non-proliferation treaty has come to be regarded as a bridge that must be crossed before there can be any further progress in the disarmament field. The Australian delegation considers that this Committee must face the fact that a non-proliferation treaty is the only agreement that is in immediate prospect, and that it is not practical politics at this time to seek to couple other, more far-reaching measures to it. The Australian delegation therefore believes that the Committee has to consider the treaty for what it is, a limited measure only, confined to the non-proliferation of nuclear weapons among States other than the present nuclear-weapon States—what has been called horizontal proliferation. The Australian delegation reminds the Committee that Communist China will stand outside the treaty, and we cannot expect that it will accept any additional measures that the Committee might agree to urge upon the nuclear-weapon States sponsoring the treaty. France also has not joined the other three nuclear Powers. Let it be said plainly, Australia would be bound to oppose any moves which it considered could increasingly expose it and its neighbors in Asia and the Pacific to the unrestrained nuclear capacity of Communist China.

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

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[11] *Ante*, pp. 306–307.

Statement by First Deputy Foreign Minister Kuznetsov to the First Committee of the General Assembly: Non-proliferation of Nuclear Weapons, May 20, 1968 [1]

The Soviet delegation wishes today to make some additional remarks flowing from considerations expressed in the course of the discussion in the First Committee on the draft treaty on the non-proliferation of nuclear weapons.[2]

In the first place, we are most gratified to note that practically all preceding speakers have emphasized the tremendous significance of finding a successful and timely solution to the problem of the non-proliferation of nuclear weapons in the interests of peace and security of nations. One after another, in one form or another, delegations are voicing their agreement with the basic provisions contained in articles I, II and III of the draft treaty which are designed to secure the non-proliferation of nuclear weapons. As has been quite rightly stressed in a number of statements, these provisions do in fact close all the loop-holes for the proliferation of nuclear weapons and thus ensure the achievement of the primary goal of the non-proliferation treaty. Many other provisions of the draft treaty have also met with a favourable response from participants in the discussion.

In the course of the discussion certain delegations have raised questions and have put forward various considerations, and have made suggestions both with regard to the individual provisions of the draft treaty and to the possible implications of its conclusion. In our view, this is entirely legitimate and understandable. The solution of the non-proliferation problem involves the fundamental interests of States, namely, the safeguarding of their security, the promoting of their economic development, the improving of the well-being of nations and the broadening of international co-operation. The solution of this problem is linked with the hopes of nations for a general improvement of the international climate and a growth of mutual understanding and trust in relations between States. It is natural, therefore, that delegations of States, participating in the discussion of the draft non-proliferation treaty want to make quite sure that this draft meets the requirements which are required from it.

The Soviet delegation studies and analyses most attentively the considerations and suggestions advanced by the representatives of States during the discussions in the Committee and during the process of exchanging views outside this Conference room. It is our desire to achieve a deeper and clearer understanding of each suggestion.

In an attempt to sum up the thoughts and wishes expressed by various delegations in respect of the individual provisions of the draft treaty, one can say that, fundamentally, they are concerned with how successfully the draft treaty provides for solution of three problems: the interrelation between non-proliferation and disarmament; ways of strengthening the security of non-nuclear countries; and arrangements for ensuring an opportunity for non-nuclear Powers to use for

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[1] A/C.1/PV.1571, pp. 2-27.
[2] *Ante*, pp. 162-166.

peaceful purposes the fruits of progress in the field of nuclear energy. In substance, the discussion on the draft of the non-proliferation treaty revolves actually around these three problems. In its first statement the Soviet delegation touched on each of these problems[3]; we now deem it necessary once again to draw the Committee's attention to them and to analyse them in greater detail.

To begin with the first problem. Representatives of some countries have expressed the view that the question of nuclear non-proliferation should be resolved not separately, but in conjunction with certain disarmament measures, in particular the cessation of all nuclear tests and nuclear arms manufacture, and the reduction and destruction of stockpiles of such armaments. In this connexion, the question was raised here of whether the conclusion of the treaty on the non-proliferation of nuclear weapons would, of itself, result in a limiting of the nuclear arms race. Such figurative expressions as "horizontal" and "vertical" nuclear proliferation were used here, and ideas were put forward for combining measures for preventing "horizontal" proliferation with measures for stopping "vertical" proliferation.

Now, what can be said in this respect? One would imagine that it is clear to everyone that, in examining this question, it would be wrong to confuse real possibilities of making progress at the present time, on the one hand, with the final objective that peoples are striving for, on the other hand.

It is indisputable that it would be better to settle all questions of nuclear disarmament at once: the question of the non-proliferation of nuclear weapons, that of the cessation of their manufacture, the destruction of stockpiles of them, and the complete prohibition of all nuclear weapons. The Soviet Union's position in this matter is well known. It has advocated and continues to advocate resolutely the idea that nuclear weapons should be outlawed, should be brought to naught both "horizontally" and "vertically", in all directions, and destroyed completely, and that the energy of the atomic nucleus should be employed exclusively for peaceful purposes. If it were possible to reach an agreement on all this in a single stroke, the Soviet Union would join in such an agreement.

However, the experience of many years of negotiation on nuclear disarmament suggests the contrary. It shows that progress in limiting the nuclear arms race is to be achieved as the result of a step-by-step process, moving from one measure to another: from the banning of nuclear weapon tests in the three environments to the prohibition on placing them in orbit or on celestial bodies; then on to the non-proliferation of nuclear weapons, and later still to further measures. We would not wish at this time to go into a detailed account of our view on why the situation with regard to nuclear disarmament negotiations is developing in one way and not in another. We shall confine ourselves to saying that this is not the fault of the Soviet Union or of the socialist countries. The fact remains, however, that it is unrealistic to make the demand for a radical solution of the problem of nuclear disarmament and general and complete disarmament a precondition for implementation of separate measures for limiting the arms race.

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[3] *Ante*, pp. 234–243.

Since this is the case, any attempts to link the non-proliferation problem to other measures on limiting the nuclear arms race and to nuclear disarmament measures can have only the most negative result: that the non-proliferation problem will not be settled, and no nuclear disarmament measures will be taken. A situation will arise in which nuclear weapons will spread unhindered all over the world and the nuclear arms race will continue at a faster pace because of the emergence of new nuclear Powers, while at the same time the threat of thermonuclear war will increase.

Is this the wish of those who now suggest that the nuclear non-proliferation question should be linked to matters of nuclear disarmament? We are confident that those who seek to put an end to the arms race and to unrestrained squandering of resources for its intensification cannot really desire to see such a development of events.

It would be wrong, of course, to think that once the non-proliferation treaty is concluded, it will then be possible to make progress automatically in the settlement of the major questions of nuclear disarmament. No, the opponents of disarmament will not yield their positions without a difficult and stubborn struggle. But this struggle would be waged under more propitious conditions and, consequently, with better prospects for success. It would also be facilitated by a firm, agreed commitment on the part of States, in the words of article VI of the draft treaty,

> . . . to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control.

Never before in history have States undertaken such a commitment. The Soviet Union intends to adopt the most responsible attitude toward its fulfilment.

In its first statement, the Soviet delegation mentioned furth measures on limiting the arms race for which, in our opinion, the struggle should be begun following the conclusion of the non-proliferation treaty. Various delegations have asked us to be more concrete concerning at least some of those measures. In this connexion, we should like to add the following to what we have already said.

In the opinion of the Soviet delegation, a whole series of problems involved in limiting and stopping the nuclear arms race is now quite ripe for solution. Take, for example, the question of banning underground nuclear-weapon tests. The Soviet Union sees no reason why the solution of this question of banning underground nuclear-weapon tests should be postponed, and is prepared to pursue negotiations on the matter in the Eighteen-Nation Committee on Disarmament.

As has already been stressed in our first statement, the Soviet Union is prepared to negotiate also on many other measures for limiting the arms race. We think it necessary to make a special point of the fact that the Soviet Union is prepared to agree on concrete steps aimed at limiting and, subsequently, reducing strategic means of delivery of nuclear weapons. The destruction of the entire arsenal of strategic means of delivery or at any rate, reduction of this arsenal to the absolute minimum while preserving on a provisional basis only a strictly

limited number of such means would undoubtedly constitute a step towards the removal of the threat of nuclear war. Our country would be ready to exchange views with States concerned on mutual limitation and subsequent reduction of strategic means of delivery of nuclear weapons.

In our view, after the non-proliferation treaty is concluded, we may with a greater hope of success tackle the problem of the destruction of nuclear bombs, charges and warheads as such. The Soviet Union would be prepared to start, together with all nuclear Powers, negotiations on stopping the manufacture of nuclear weapons, reducing the stockpiles of these weapons and the subsequent complete banning and scrapping of nuclear weapons under appropriate international control. In the course of such negotiations our country would seek to reach agreement both on the entire complex of measures leading to the destruction of nuclear weapons and on some of them designed to achieve that aim.

The Soviet Union is still prepared to conduct serious business-like negotiations on general and complete disarmament under strict international control. We also support the efforts of States which are in favour of implementing regional disarmament measures and, in particular, of the establishment in their regions of zones completely free of nuclear weapons—both their own and foreign.

We have no doubt that if all interested parties showed an appropriate desire it would not be difficult to find the most suitable forms of negotiations for agreeing upon further measures for limiting the arms race and disarmament. In particular the Soviet Union proposes both to make the work of the Eighteen-Nation Committee more active and to implement the decision of the United Nations General Assembly concerning the convening of a world disarmament conference.[4]

Representatives of the Soviet Union will spare no effort to achieve the first practical results as early as immediately after the conclusion of the treaty on the non-proliferation of nuclear weapons, and it is our sincere desire to move unswervingly, step by step, towards the final objective: that of general and complete disarmament under effective international control. Life itself will show what it will be possible to achieve. But we can already say with certainty now that if there is no non-proliferation treaty it will be much more difficult to achieve success on any disarmament question. That has been pointed out by the representatives who have spoken in this Committee—and we agree with them.

Let us turn now to another question on which there has been an exchange of views in the course of the discussion in the First Committee, namely, the question of strengthening the security of non-nuclear States in connexion with the conclusion of the treaty on the non-proliferation of nuclear weapons. All delegations which have spoken in the First Committee have in one way or another touched upon this problem. This is only natural since there is no State which is not concerned with its security.

As many delegations have noted here in connexion with the non-proliferation treaty, there is and there can be no question of giving

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[4] *Documents on Disarmament, 1965*, p. 585.

an absolute guarantee of security, of giving a one hundred per cent guarantee against any attack, against any threat of war. Such a guarantee cannot at present be given by anyone to anyone. Nor can one give an absolute guarantee against a nuclear threat until nuclear weapons are destroyed.

What are the real possibilities then? What can be the scope of the question of the security of non-nuclear States in connexion with the conclusion of the treaty on the non-proliferation of nuclear weapons? If we approach this question with all seriousness and responsibility we must point out that it would be realistic to say that the security of non-nuclear countries in the conditions of the non-proliferation treaty would undoubtedly be better ensured than it is now.

The proposals concerning the non-proliferation of nuclear weapons prepared by the Eighteen-Nation Committee are intended precisely for that purpose. Indeed, articles I, II and III of the non-proliferation treaty contain effective provisions which close all the loop-holes for the emergence of new nuclear Powers and, in general, for the gaining of access to nuclear weapons by non-nuclear Powers. Consequently, if the treaty enters into force it will remove a threat to the security of non-nuclear countries resulting from the proliferation of nuclear weapons. Furthermore, the non-proliferation treaty will serve to strengthen the security of non-nuclear countries as compared with the present situation by opening up new prospects right away for a further struggle aimed at lessening the threat of nuclear war. From this point of view many non-nuclear countries, as was convincingly confirmed in their statements by the representatives of Ethiopia, Nepal and others, attach special importance to such a further step as the prohibition of the use of nuclear weapons. As has been stated before, the Soviet Union fully agrees with them.

But this is far from being all. The report of the Eighteen-Nation Committee [5] provides, as is well known, in connexion with the conclusion of the non-proliferation treaty for adoption by the Security Council of a special resolution on safeguarding the security on non-nuclear countries, while, three of the permanent members of the Council—the Soviet Union, the United States and the United Kingdom—intend to make clear statements of their determination to act in accordance with the resolution.[6]

It is true that some delegations in the course of discussions have taken the position that the proposed resolution of the Security Council does not contain anything new, it does not contain anything which has not already been provided for in the United Nations Charter and therefore it does not add anything essential to that level of security which already exists for non-nuclear countries.

But this appraisal overlooks the main points: the fact that the provision in the proposed draft resolution of the Security Council for immediate action on the part of the permanent members of the Security Council possessing nuclear weapons—which in accordance with the United Nations Charter would have to take the measures necessary to counter aggression accompanied by the use of nuclear weapons or to

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[5] *Ante*, pp. 192–193.
[6] See *post*, p. 444.

remove the threat of such aggression—constitutes a new and very important element of that draft resolution. Adoption by the Security Council of a resolution which places such an obligation upon the nuclear Powers will give more substance to those provisions of the United Nations Charter which are concerned with the actions of the United Nations in the interests of maintaining and strengthening peace, especially with regard to a threat of nuclear attack.

Of no less significance is another factor. As has been rightly pointed out by some delegations, we must do everything in our power to prevent the use of nuclear weapons and to prevent a nuclear attack, for if these weapons are used the victim of a nuclear attack will sustain incalculable losses in a matter of minutes. The draft resolution of the Security Council is expressly intended to prevent a nuclear attack and to put a potential aggressor in such a position that he must be aware that his actions will be effectively countered and that the Security Council will act immediately to provide the necessary assistance, in accordance with the Charter, to the victim of aggression. Is this not a new step on the part of the United Nations aimed at strengthening the security of non-nuclear countries?

And there is yet another aspect to the matter which we deem it necessary to mention here in connexion with the problem of strengthening the security of non-nuclear States—namely, a new confirmation in a Security Council resolution of the inherent right of States, recognized under Article 51 of the United Nations Charter, to individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken the measures necessary to maintain international peace and security. This provision of the draft resolution of the Security Council which is proposed for adoption in connexion with the conclusion of the treaty on the non-proliferation of nuclear weapons contains a reply to the ideas of those delegations which have raised the question of what is to be done if the Security Council, for one reason or another, fails to take an immediate decision on effective measures to counter nuclear aggression against a non-nuclear State or to remove the threat of such aggression. We draw the attention of those delegations to the fact that the provision concerning the confirmation of Article 51 of the United Nations Charter in connexion with the question of the security of non-nuclear countries has been submitted by three nuclear Powers: the Soviet Union, the United States and the United Kingdom. This fact, we believe, speaks for itself.

Of course, the proposed solution to the problem of strengthening the security of non-nuclear countries in connexion with the conclusion of the non-proliferation treaty cannot be considered as one which takes into account all possibilities which may arise in the future, especially in the case of a reduction of international tension and the implementation of further steps designed to limit the nuclear arms race. This solution embodies the maximum measure of agreement which it has been possible to achieve at the present time.

In any event, the conclusion is indisputable that if the non-proliferation treaty is not concluded the security of non-nuclear countries will be substantially undermined as the result of the further proliferation of nuclear weapons.

The Soviet delegation would now like to deal with the third question which has been widely discussed in our debate: the question of the effect of the conclusion of the treaty on the non-proliferation of nuclear weapons on the prospects for the utilization by non-nuclear countries in the interests of their economic development, of the greatest scientific and technological advances in the field of nuclear technology. Non-nuclear countries wish to be assured that the renunciation of the manufacture or acquisition of nuclear weapons will not deprive them of the possibility of the wide use of nuclear energy for peaceful purposes. Such an approach to the question is quite understandable and natural.

In this connexion, I should like to stress the following points. As for the total effect of the non-proliferation treaty, as drafted by the Eighteen-Nation Committee, on the economic development of non-nuclear countries, it will undoubtedly promote their economic, scientific and technological progress. In this sense the treaty will have a special significance for those developing countries in Asia, Africa and Latin America which do not at the present time have the necessary resources or facilities to undertake on their own large-scale work in the field of the use of nuclear energy for peaceful purposes, and which, therefore, are in need of assistance from Powers which have attained a higher level of development in the use of nuclear energy.

It has been repeatedly pointed out in the course of the discussion that this purpose is served, above all, by articles IV and V of the draft treaty. In effect, these articles provide that the nuclear Powers should assume the direct obligation under an international agreement to help non-nuclear nations use the know-how and experience they have amassed in the field of nuclear energy for the scientific, economic and social progress of the non-nuclear countries, including such a promising area as the application of nuclear explosions in implementing large-scale engineering and geological projects. The conclusion of a treaty containing commitments of this kind provides a completely new international legal basis for the speedy establishment of comprehensive co-operation between nuclear and non-nuclear countries, between States that have made great progress in nuclear research and the application of nuclear energy, and developing countries. On the basis of this co-operation, the developing non-nuclear nations in Africa, Asia and Latin America would have ample opportunity to enjoy the benefits of scientific and technological progress in the use of atomic energy for peaceful purposes.

We can say with confidence that for the overwhelming majority of non-nuclear nations this is the shortest, most rational and economically advantageous road to the treasure-chest of benefits that people are enjoying and will continue to enjoy on an increasing scale through the use of nuclear power for peaceful purposes.

True, in the context that the treaty would ban the carrying out of any nuclear explosions by non nuclear nations for peaceful purposes and, by way of compensation, provide them with the opportunity to use, on easy terms, that type of nuclear technology under bilateral or multilateral agreements with nuclear Powers, one sometimes hears arguments to this effect: would it not signify, as it were, the perpetua-

tion of the technical dependency of the non-nuclear nations on the nuclear Powers?

I should like to make it as clear as I possibly can that there is no justification for drawing such a conclusion, direct or indirect, from the draft treaty.

By renouncing their right to develop their own nuclear explosive devices for carrying out explosions for peaceful purposes, the non-nuclear nations do not assume any additional commitment over and above the obligation not to acquire or manufacture nuclear weapons. The obligation is the same. Why? Because, technically speaking, there is absolutely no difference between nuclear weapons and those devices which are used for peaceful explosions. Thus, no renunciation of the right to manufacture one's own nuclear weapons would be genuine if it provided, as an exception, for the manufacture of nuclear explosive devices to be used for peaceful purposes.

In other words, if one really wants to make a contribution to the solution of the problem of the non-proliferation of nuclear weapons, one cannot renounce their development and acquisition without renouncing at the same time the development of nuclear explosive devices for peaceful purposes. This fundamental fact cannot be altered by any amount of juggling with words. There is no getting away from the fact that the demand to have the right to carry out peaceful nuclear explosions, far from closing all the loop-holes, leaves the door wide open to the proliferation of nuclear weapons.

While that is all very true, something else is also true. Non-nuclear nations, in renouncing the development of their own nuclear weapons, have a right to hope that arrangements will be made enabling them to enjoy the benefits of atomic energy without placing them in a position of dependence. Does the draft treaty meet that wish? It surely does. Allow me in this connexion to draw the attention of my colleagues, particularly those who have raised this question, to some details of article V of the draft treaty which, in our opinion, are very important.

Firstly, article V states that peaceful explosions for non-nuclear countries should be carried out by nuclear Powers on a non-discriminatory basis; in other words, this cannot be used by this or that nuclear Power as a subject of bargaining or as an instrument of pressure upon its non-nuclear partners.

Secondly, the article stipulates that non-nuclear countries party to the treaty may obtain potential benefits from the peaceful applications of nuclear explosions either on the basis of bilateral agreements with nuclear Powers or through an appropriate international body. The possibility of a free choice in itself makes irrelevant the question of dependence on nuclear Powers in respect of peaceful nuclear explosions. This is further confirmed in article V by the fact that this article specifically stresses the adequate representation of non-nuclear States in the said international body.

Thirdly, article V specifically stipulates that the charge for the explosive devices used for carrying out peaceful explosions in the territories of non-nuclear countries will be as low as possible and will exclude any charge for research and development of nuclear devices. This provision makes it impossible for any nuclear Power in any way

to manipulate prices for the purpose of gaining a profit from the carrying out of peaceful explosions in non-nuclear countries.

To sum up, we must admit that so far as the question of peaceful nuclear explosions is concerned the non-nuclear countries would enjoy reliable protection in the treaty against any attempts to put them in a position of dependence.

We should bear in mind yet another side of the matter. Any non-nuclear State which ventured on an independent programme for the development of nuclear devices for peaceful explosions would have to spend for this purpose tremendous sums of money and vast material and manpower resources. On the contrary with the entry into force of the treaty all benefits from nuclear explosions could be obtained without incurring these expenditures which would be, as a matter of fact, not necessary.

The Soviet delegation has tried to analyse those questions which have been touched upon particularly often by the delegations of different countries in the course of the discussion of the draft treaty on the non-proliferation of nuclear weapons. In connexion with this analysis, we should like to make yet another observation.

Many delegations have put forward, one after another, considerations, suggestions and hopes with regard to various provisions of the draft treaty. They are motivated, as we see it, by a sincere desire to gain a more profound understanding of the treaty and its implications, to help to find the optimum solution to the problem of the non-proliferation of nuclear weapons. However, we could not fail to note that some observations and doubts relating to the draft treaty which have been expressed by these delegations have coincided with statements which have been made by the circles which clearly are not interested in an early solution of the problem of the non-proliferation of nuclear weapons, and even seek to block the conclusion of this treaty.

In this connexion, we should like to stress that there exists an iron logic of political struggle, and in this particular case it is being expressed in that the opponents of the non-proliferation treaty, who are well known, just as are their aggressive plans, which spell danger for nations, do not dare to come out openly against the treaty but are engaging in all possible manoeuvres and, in particular, playing up the doubts and suggestions which have been expressed by some delegations supporting the treaty. In this case the latter, objectively, whether they like it or not, may find themselves in the same company as the violent opponents of the treaty.

In this connexion, the Soviet delegation deems it necessary also to say a few words with regard to the suggestion submitted by some delegations that no decision on the non-proliferation of nuclear weapons be adopted at this resumed twenty-second session of the United Nations General Assembly, and that this question be referred to the twenty-third session. What might be the result if such a proposal were accepted? We are sure that it would be negative.

There is no doubt that all those who would like to prevent the conclusion of the non-proliferation treaty would rejoice at such a postponement. There is nothing they would like more than to delay a solution of the problem of the non-proliferation of nuclear weapons,

whether it be for several months or for half a year, so that in this way they might bring the matter to a complete failure.

It would be wrong, in our view, to postpone the solution of the non-proliferation problem because this might also mislead world public opinion and all those who support the solution of the question of the non-proliferation of nuclear weapons. People would simply fail to understand what had really happened and why the General Assembly, which has proclaimed the urgency of a solution of the non-proliferation problem and has repeatedly called for an early completion of the relevant talks in the Eighteen-Nation Committee on Disarmament, should—now that those talks have been successfully completed and a draft treaty on the non-proliferation of nuclear weapons has been prepared—suddenly adopt a decision to halt the progress towards the conclusion of the treaty and to postpone the whole matter.

We consider that to be inadmissible, and the more so since there is no reason to transfer the question of the non-proliferation of nuclear weapons to the twenty-third session of the General Assembly. All delegations have full knowledge of this question. As a matter of fact, there has not been one session of the General Assembly in the past ten years at which the problem of non-proliferation has not been included in the agenda as one of the main items. During that time the Governments of all countries have had an opportunity to give comprehensive and thorough consideration to all aspects of this complex international question and to reach the inference of the necessity of the early conclusion of a non-proliferation treaty. This inference is reflected in a number of resolutions of the General Assembly. Furthermore, all delegations are sufficiently well acquainted with the draft treaty elaborated by the Eighteen-Nation Committee on Disarmament on the instructions of the Assembly. This draft treaty represents the sum total of many years of talks and discussions in which a large number of States have participated. It embodies the ideas, provisions and specific proposals submitted by many countries, including those submitted to the General Assembly.

As for the attempts to connect a decision by the General Assembly on a draft treaty on the non-proliferation of nuclear weapons with the possibility of this draft's being discussed at the forthcoming Conference of Non-Nuclear-Weapon States, such an approach—advocated by some delegations in support of the proposal to transfer the whole matter to the twenty-third session—also seems to us ill-founded.

The General Assembly is a forum in which the non-nuclear States have a full opportunity to express even now their views concerning the draft treaty on non-proliferation. Many have already done so; others have inscribed their names on the list of speakers. Why, then, transfer consideration of the draft treaty to the forthcoming Conference, which offers more restricted participation? Why, in this way, set non-nuclear countries against nuclear countries?

Furthermore, the Conference of Non-Nuclear-Weapon States does not propose to consider a draft treaty on non-proliferation of nuclear weapons. Evidence of this is the preliminary agenda which has been prepared for the Conference.[1]

[1] *Documents on Disarmament, 1967*, pp. 410–411.

The same fact is shown in the statements of the representatives of the sponsoring countries, in particular that of the Minister for Foreign Affairs of Pakistan, who pointed out that the Conference should discuss the problems proceeding "from the conclusion of the non-proliferation treaty", going beyond the framework of the present draft treaty.[8] The delegation of Pakistan, in its statement in the Committee on 13 May, once again precisely confirmed that approach to the Conference of Non-Nuclear-Weapon States.[9] With this understanding, the Soviet Union, as is known, at the first part of the twenty-second session of the General Assembly voted in favour of the draft resolution on the Conference of Non-Nuclear-Weapon States.[10] The approval of the draft treaty on non-proliferation by the twenty-second session of the Assembly would offer a good basis for the fruitful work of the Conference of Non-Nuclear-Weapon States.

Taking into account all those circumstances, the Soviet delegation expresses its firm conviction that the General Assembly should not postpone the adoption of a decision endorsing the draft treaty on the non-proliferation of nuclear weapons.

The entire course of social-historic development has posed for the nations the following urgent problems whose solution would greatly affect the future destiny of mankind: the strengthening of international peace, the independence and security of States, and the ensuring of the economic development of States. The draft treaty on the non-proliferation of nuclear weapons will help to resolve the problems. Hence, it is the duty of all States, the duty of the General Assembly of the United Nations, to do all in their power so that the treaty on the non-proliferation of nuclear weapons may be signed, ratified and implemented as soon as possible.

Statement by the South African Representative (Botha) to the First Committee of the General Assembly: Non-proliferation of Nuclear Weapons, May 20, 1968[1]

We have followed the debate on this question in the First Committee with the keenest interest and the closest attention. It has been said that this debate is one of the most momentous that the United Nations has yet embarked upon. Very few will disagree with such an assertion. Certainly, no one will dispute the fact that it is being conducted in response to as critical and frightening a threat to its future existence as mankind has yet had to face; and no one will dispute the imperative need of finding an effective answer to this threat.

One does not require special insight or foresight to realize the dangers to the security of the world inherent in the proliferation of countries possessing atomic weapons. It was indeed this realization which motivated South Africa in deciding many years ago, as one of

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[8] A/PV.1581 (prov.), p. 62.
[9] *Infra*, pp. 317–324.
[10] *Documents on Disarmament, 1967*, p. 733.
[1] A/C.1/PV.1571, pp. 52–62.

the major producers of uranium in the Western world, to do absolutely nothing in the context of uranium sales to foreign buyers which might conceivably contribute to an addition to the ranks of the nuclear-weapon States. Formal assurances on this point were given in number of quarters, *inter alia*, to the General Conference on the International Atomic Energy Agency, when the leader of the South African delegation said, on 22 September 1966:

> **South Africa is acutely conscious of her special responsibilities as a major uranium producer in relation to the problem of nuclear proliferation, and I should like here to repeat the assurance we have given elsewhere that it is South African policy, in the context of uranium sales, to do nothing which might conceivably add to the number of Powers with nuclear-bomb capability.[2]**

This was our policy in the past, and it remains our policy. Our conscience as a producer of uranium is clear on this issue; our record is unblemished. The international community will readily acknowledge this. And, so far as our own atomic-energy programme is concerned, this programme, as we have so often stated in this Committee is devoted to peaceful purposes exclusively.

It follows from what I have said that South Africa fully supports in principle the objective of preventing the spread of nuclear weapons, and we would be ready at any time to play our part in an international effort to produce an effective and equitable treaty which meets this objective. The draft treaty before us [3] has been presented to the Committee as one which conforms to this ideal. Certainly the Co-Chairmen of the Eighteen-Nation Committee on Disarmament deserve this Committee's commendation for the sincere and dedicated manner in which they have sought to implement the injunctions of the General Assembly concerning the non-proliferation of nuclear weapons. Having said this, I am bound to add, however, that we are not persuaded that the draft treaty fully meets all the requirements laid down by the General Assembly, nor indeed does it take into account the legitimate interests of those non-nuclear-weapon countries which have a major economic interest in the development of their own nuclear technology and nuclear resources.

As far as the General Assembly's requirements are concerned, we are not persuaded that the draft treaty contains sufficiently positive and effective provisions concerning the reduction and eventual elimination by the nuclear-weapon States of their existing stockpiles of nuclear weapons. Nor does it place any ban on the use of such weapons or the continued manufacture of them. Thus the draft treaty does not, in our view, create the "acceptable balance of mutual responsibilities and obligations of the nuclear and non-nuclear Powers" which General Assembly resolution 2028 (XX) of the twentieth session requires under paragraph 2(b) of its operative part.[4] Other delegations have spoken in detail of the discriminatory features of the treaty and the arguments which they have advanced need not be repeated. I would, however, point out that there is no obligation of a really compelling nature

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[2] IAEA General Conference *Official Records: Tenth Session, 103rd Plenary Meeting*, p. 7.

[3] *Ante*, pp. 162–166.

[4] *Documents on Disarmament, 1965*, pp. 532–534.

on the nuclear-weapon States to pursue negotiations, in accordance with article VI of the draft, designed to end the nuclear arms race. We accept that there is every intention, indeed a determination, on the part of the nuclear-weapon States, to proceed to such negotiations without delay; but the draft treaty does not seem to us really to have introduced any vital new element into the situation calculated to ensure that the negotiations to be undertaken in the future will be any more successful than those undertaken in the past. This seems to us to be a serious defect in the draft.

There are other serious omissions and ambiguities as well as vagueness to be found in the text. May I quote a few examples.

There is no provision whereby the necessary supervision and control may be exercised with respect to the implementation of the undertaking on the part of nuclear-weapon States in article I not to transfer nuclear weapons or other nuclear explosives to any recipient whatsoever, if such recipient happens to be a non-party to the treaty.

What precisely is to be understood by the terms "nuclear weapon" or "nuclear explosive device"? So far there has been inadequate consensus on how they should be defined. In this context, for example, I may mention, although it does not concern South Africa, the discussion on whether the provision of a nuclear reactor for a submarine—normally a weapon of war—would fall within the ban imposed by article I.

Article IV recognizes the inalienable right of all parties to the treaty to develop research, production and use of nuclear energy for peaceful purposes, but this is subject to the provisions of articles I and II, and the terms of articles I and II could, on some interpretations, largely nullify the "inalienable right" referred to in article IV.

Article V promises that "potential benefits from any peaceful applications of nuclear explosions will be made available through appropriate international procedures . . . on a non-discriminatory basis", but there is no guarantee that these benefits will in fact be made available without discrimination. Indeed, our experience of many international bodies shows that discrimination is exercised—on political or other grounds—to deprive certain members of rights to which they regarded themselves as legitimately entitled when they originally became parties.

We are, however, particularly concerned with article III of the treaty. To a greater extent than is the case in the rest of the text, this article is vague, its meanings and ambit are obscure, and there is an absence of clear definitions of the terms used.

May I enlarge a little at this stage on the difficulties of interpretation.

First of all, what is meant by "the Agency's safeguards system" referred to in paragraph 1 of that article? Does it mean the system as it exists today or as it may be amplified and developed in the course of the next twenty five years?

For a country like South Africa this is an issue of major importance. At present mines and ore-processing plants are specifically excluded from the Agency's system. South Africa's uranium is a by-product of its gold mines, and for this reason we are not prepared to place our mines and ore-processing plants under international

inspection. But if the Agency's safeguards system were to be altered at some future date, to include mines and ore-processing plants, would we be bound to accept Agency inspection? In terms of some explanations which have been given, acceptance of article III, paragraph 1, as at present drafted, implies an open-ended commitment to accept whatever changes may be made in the safeguards system at any time during the validity of the treaty. Moreover, unfortunately, the wording of article III, paragraph 1, certainly constitutes an encouragement to the International Atomic Energy Agency to extend the present safeguards system considerably beyond its present confines.

To explain: Paragraph 1 of article III provides for acceptance of safeguards "in accordance with . . . the Agency's safeguards system", but later in the same paragraph it is stated that:

"Procedures for the safeguards required by this article shall be followed with respect to source or special fissionable material whether it is being produced, processed or used in any principal nuclear facility, or is"—and I emphasize these words—"outside any such facility."

Furthermore, it is stated that these safeguards shall be applied on: "all source or special fissionable material . . . within the territory" of the party to the treaty.

These provisions go considerably beyond the limits under which the present Agency safeguards system operates. This is an opinion we can express with some authority since South Africa is one of less than a dozen countries which have, from the outset, been intimately concerned with the elaboration of the Agency's safeguards system. Moreover, South Africa is one of the minority of the countries represented in the General Assembly which have had practical experience of the application of the Agency's safeguards system.

Against this background I must emphasize that the obvious inference to be drawn from the terminology of article III is that its implementation would require a considerable extension of the safeguards system as presently applied by the International Atomic Energy Agency.

Contrary to the situation at the moment, a country which produces uranium, even if this uranium is for internal peaceful use only and not for export, would incur an obligation to subject that uranium to constant international inspection. Not only would the uranium be subject to inspection apparently in the form in which it is mined, that is, as uranium ore, but it would remain under inspection while passing through the various extraction, refining and processing stages, thus requiring inspection also of the various extraction, refining and processing facilities which may be in operation in the country concerned—again contrary to the situation which now prevails under the International Atomic Energy Agency system. In short, all nuclear material produced locally or imported, and all nuclear facilities, whether self-erected or erected with outside assistance, would be subject to safeguards and thus international inspection. The implications are far-reaching; the inroads into the sovereignty of non-nuclear-weapon States are serious. This is particularly true of those non-nuclear-weapon States which are producers of uranium, and the greater their produc-

tion of uranium the more extensive and stringent the safeguards to which they become subjected. As one of the two major non-nuclear-weapon producers of uranium in the Western world, South Africa is understandably deeply concerned about the implications and consequences of the commitments which article III of the draft imposes. We ask ourselves for instance:

What guarantee is there that the economic and technological development of the peaceful uses of nuclear energy will be unhampered by these extensive international controls, as required by article III, paragraph 3?

What guarantee is there that the control arrangements will not be used as a mantle for interfering in the economic and commercial aspects of nuclear energy and nuclear materials?

What guarantee is there that the control arrangements will not be misused for purposes of industrial espionage?

I must emphasize that South Africa is not averse to safeguards and inspection. As already mentioned, we have had practical experience of Agency safeguards and inspection in terms of the present system, and we have experienced no special difficulties. But those members of the Committee which are also members of the Board of Governors of the International Atomic Energy Agency will know that it took years of painstaking negotiation to produce the existing International Atomic Energy Agency safeguards system which is in essence a delicate blend of what the International Atomic Energy Agency considered technically advisable and politically feasible. Yet, it seems as if we are now to bring about a significant amendment of the system without seriously having considered the implications and consequences.

The non-nuclear-weapon States are required to make considerable sacrifices in the interests of achieving the objectives of the treaty. They are required to throw open all their nuclear activities to international scrutiny—in many instances to continuous international scrutiny—and there is little doubt that hard-earned technological advances in such innocent activities as refining processes, uranium oxide extraction processes, which have given some countries some small commercial and economic advantages will be largely lost to them—and no one will deny the commercial and economic importance of uranium and uranium research today.

Many of us would be more than willing to make these sacrifices, since the end product would be a more secure world; but equity and a fair division of responsibilities are important in this process too. We shall all share in the benefits of a more secure world; we should share equally in the obligations which this imposes.

In return for the restrictions and impositions which we as non-nuclear-weapon States are required to accept and which we would normally accept willingly, we are offered promises by the nuclear-weapon States of technical co-operation in the further development of the applications of nuclear energy for peaceful purposes. Promises seem hardly adequate. Experience has shown that technical information and material required for peaceful purposes are sometimes withheld, even when specific agreements make their provision contractually obligatory. We are offered security assurances in the context of Security Council actions—assurances which, as many representatives have

pointed out here, have basic weaknesses and limitations. In saying this, I do not in any way wish to belittle the offer of the three nuclear-weapon States. We accept that their offer represents the maximum obligation which they feel able to assume at this stage; and certainly it has considerable value. But it is neither a guarantee, nor does it represent a firm assurance that the security of a particular country subject to a nuclear threat or nuclear attack will be preserved.

It will be clear from what I have said that South Africa's attitude towards the objective of the treaty is not one of indifference. Indeed I have emphasized, and I wish to reiterate, that South Africa strongly supports the objective of non-proliferation—a support which we have demonstrated amply by our past actions. Whether there is a treaty or not, South Africa will continue to do everything possible in the exercise of its responsibilities as a major producer of uranium to ensure that the dangers of nuclear proliferation are adequately guarded against.

I have set out our present misgivings about certain aspects of the draft treaty and I have dealt with the obscurity which surrounds others. In view of these difficulties, and pending further study of the treaty also in the light of clarifications which may still be forthcoming, South Africa cannot at this stage undertake any firm commitments vis-à-vis the treaty.

The South African position on the treaty will therefore be determined only after a detailed study has been undertaken of its provisions as finally opened for signature and in the light of the relevant safeguards provisions which are decided upon. It is our sincere hope that this will make it possible for South Africa to sign the treaty and so to demonstrate further our wish to co-operate in the objective of non-proliferation.

As to the draft resolution, we would examine its provisions as they emerge in the light of clarifications and the extent to which these provisions take cognizance of our position as set out by me—a position which seems to be shared by some other delegations.

Statement by the Romanian Representative (Ecobesco) to the First Committee of the General Assembly: Nonproliferation of Nuclear Weapons, May 22, 1968 [1]

An objective analysis of contemporary realities leads one to the conclusion that the elimination of war as a means for resolving conflicts among States is the cardinal point dominating the whole problem of organizing world peace. Peoples and nations of the whole world are keenly interested in their economic and social development and in the creation of living conditions properly corresponding to the advances that science and technology have achieved in our time. The essential precondition for the bringing about of this broad process of raising man to the very summit of civilization and progress is the strengthen-

[1] A/C.1/PV.1572, pp. 41-51.

ing of international peace and security. It is only in such a context that the headlong development of science and technology at the present time can be fully exploited for the benefit of all countries.

In our day, when the existence and ever-increasing effectiveness of the most destructive weapons ever known—nuclear weapons—confront humanity with dangers of unprecedented gravity, there is no more categorical imperative than the achievement of disarmament. General disarmament, and particularly its principal subdivision, nuclear disarmament, responds fully to the need of guaranteeing to all countries like conditions of peace and security, and of enabling the peoples of the world to devote their efforts and resources to the tasks of peaceful development and construction.

The Socialist Republic of Romania has always resolutely and consistently sought to bring about the achievement of nuclear disarmament and the liquidation of atomic weapons and their stockpiles, and to put a stop to the production of such weapons, which is a sure means of removing once and for all the danger of nuclear war. At the same time, the Government of Romania is in favour of partial, transitional measures such as the conclusion of a treaty on the non-proliferation of nuclear arms. This latter measure is such as to show favourable effects in all problems of nuclear disarmament, a subject which at the present time occupies the centre of world public opinion.

The twenty-second resumed session of the General Assembly is called upon to study the draft treaty on the non-proliferation of nuclear weapons [2] which is contained in the annex to the report of the Conference of the Eighteen-Nation Committee on Disarmament, submitted to the General Assembly and to the Disarmament Commission on 14 March 1968.[3] The text before us is based upon similar drafts submitted by the Soviet Union and the United States, on 24 August 1967, to the Eighteen-Nation Committee on Disarmament.[4] In those two drafts certain suggestions and proposals made by different States during the negotiations have been incorporated in various ways.

At the present time, the discussion concerning the draft treaty has moved from the purview of that body specializing in the problems of disarmament—the Eighteen-Nation Committee in Geneva—and is now continuing in the world Organization which is most representative, the body whose task it is to deal with the problems of peace and security, namely the United Nations itself.

The Romanian delegation regards as both encouraging and useful the fact that the negotiations have evoked a very wide response and a lively interest on the international level, and we see in this testimony to the very great importance that all are agreed in assigning to the problem under discussion. This interest is entirely natural, in view of the implications and significance of a treaty designed to govern a field of major importance—that of nuclear energy—and affecting the fundamental interests of all countries in terms of their security, their economic development and their technological progress.

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[2] *Ante*, pp. 162-166.
[3] *Ante*, pp. 192-193.
[4] *Documents on Disarmament, 1967*, pp. 338-341.

The Romanian delegation considers that the arduous negotiations that have been going on in the Eighteen-Nation Committee on Disarmament, concerning the question of the non-proliferation of nuclear weapons, constitute a necessary stage on the road to the conclusion of an international agreement that will be both useful and viable.

Romania, in a constructive spirit, has frequently set forth its views on both the content of the draft treaty and the character and course of the negotiations involved in its elaboration. We are continuing to work for the conclusion of a treaty that will satisfy the primary interests of States in the field it governs, specifically that of nuclear energy.

Convinced that, by its very nature, a non-proliferation treaty should not only serve to erect a solid barrier against the dissemination of nuclear weapons, but should as well make certain that practical steps are taken toward nuclear disarmament; that it should offer real guarantees for security to those States that renounce the acquisition of atomic arms, and give all parties to the treaty free access to the conquests of science and technology in the realm of the peaceful uses of nuclear energy—convinced of all this, Romania, in the Eighteen-Nation Committee on Disarmament, has offered certain proposals for strengthening the draft treaty in the fields I have just mentioned.

The draft treaty submitted originally for discussion in the Committee in Geneva was improved by the inclusion of certain proposals put forward by various participant States, including Romania.

This demonstrates how right and useful were the efforts to prepare a treaty in keeping with the interests of international peace and security.

We are convinced that the possibilities of improving the text have not been exhausted and that the present discussions in the United Nations constitute a propitious opportunity for a careful and multilateral examination of the draft treaty, reflecting the common aspirations of nations to find the most appropriate solutions for the most important problems in the world today: peace, security, and progress.

In view of the positive effects which humanity is expecting from the implementation of the non-proliferation treaty, it is quite natural that in tackling this important question one should proceed from certain fundamental premises which, in the view of the Romanian Government, should ensure that the treaty actually entails concrete steps towards nuclear disarmament, confers security guarantees on States which renounce the acquisition of nuclear weapons, and in no way impedes scientific research on and the use for peaceful purposes of nuclear energy by all countries, in conditions of equitable control.

Romania, together with other States participants in the negotiations of the Eighteen-Nation Committee on Disarmament, has maintained the point of view that the non-proliferation treaty should be a link in a chain of measures whose ultimate purpose would be the final elimination of the nuclear danger.

In that sense the question of the place to be given to non-proliferation within the over-all framework of measures designed to bring about nuclear disarmament assumes great importance. In the view of the Romanian delegation—a view which has often been expressed—

all measures which affect nuclear weapons, whether they be partial measures or of a wider scope, should be subordinated to this central objective.

A precise indication of this fundamental requirement in the non-proliferation treaty is contained in the well-known resolution of the General Assembly which stipulates that the treaty:

> . . . should be a step towards the achievement of general and complete disarmament and, more particularly, nuclear disarmament.[5]

The conclusion of a non-proliferation treaty, although it would not be, properly speaking, a disarmament measure, none the less would be likely to create propitious conditions for the achievement of such steps, by the incorporation of a commitment to undertake measures affecting the progression to nuclear disarmament, such as the stopping of the production of nuclear weapons, the liquidation of existing stockpiles of these weapons and the elimination of nuclear weapons and their means of delivery from national arsenals.

That is why we find particularly relevant the thesis—which our discussion here has brought out very clearly—that the treaty will be really durable if it is accompanied or followed by concrete disarmament measures.

Another essential prerequisite for the non-proliferation treaty concerns security guarantees which should be given to States not possessing nuclear arms.

Romania has consistently been in favour of the banning of the use of nuclear weapons and all other weapons of mass destruction. The position of our country in this respect is based upon the conviction that the outlawing of all weapons of mass destruction, and in the first place of nuclear weapons, will have the most favourable consequences for the problem of disarmament and the over-all international situation.

It is therefore entirely legitimate that until such time as existing nuclear weapons are totally eliminated and, hence, until the nuclear threat is totally eliminated, States not possessing nuclear weapons should be able to rely on adequate security guarantees.

That is why we share the view—which has been brought out very clearly in the discussion in the Committee—that it is important for the non-proliferation of nuclear weapons to be brought about in conditions in which all the nations which renounce the use of these arms will be assured that they will never fall victim to atomic aggression or be the object of a threat of aggression involving the use of nuclear weapons. The nuclear States should solemnly undertake never, and in no circumstances, to use nuclear weapons and not to threaten to use them against States which do not possess them and which have undertaken not to produce or to acquire such weapons.

The dual character of nuclear energy—on the one hand a destructive force, the source of incalculable perils, and on the other hand a source of energy and of economic and scientific progress—has been constantly stressed during the negotiations. States, whatever the level of their

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[5] *Ibid., 1965*, pp. 532-534.

economic development, display an ever-growing interest in the use of nuclear weapons for peaceful purposes. That is an entirely legitimate concern, in view of the fact that access to the peaceful use of nuclear energy in the most diverse fields of activity constitutes an indispensable instrument of decisive importance for economic, scientific and technical development in general in any State whatsoever.

That explains the concern of all countries not to have any impediments placed in the way of their opportunities to use nuclear energy for peaceful purposes, both with regard to their own resources and with regard to their access to sources of materials fissionable, special fissionable products and nuclear equipment, as well as scientific and technological information on the peaceful uses of atomic energy—in a word, that explains their concern that the non-proliferation treaty should ensure a solid legal basis for fruitful and necessary international co-operation in this field.

In those circumstances, we must therefore erect a solid barrier to the proliferation of nuclear weapons, but we must do nothing whatsoever to impede the peaceful use of atomic energy, by means of which we have the duty to ensure development freed from all political or economic conditions or impediments involved in methods of verification of the application of clauses of the treaty.

In view of this major concern of all States, it has been felt necessary to ensure that the control measures provided for in the treaty and motivated by the need for effective verification of the fulfilment of the obligations assumed by the contracting parties should be limited to the treaty's objective, namely, the non-proliferation of nuclear weapons.

Control should not be extended unjustifiably to areas which, by their very nature, entail no risk of proliferation of nuclear weapons. We share the view that if this principle is not respected the exercise of control could be transformed into a curb on the activities of States in the field of the peaceful uses of nuclear energy.

A treaty designed to establish juridical relations in a field so fluid as that of nuclear energy, a field which has been registering evermore spectacular developments, must provide for a system that can accommodate any changes that occur and for a machinery that can always assure that the treaty is in good working order.

With these particular features, designed to provide it with great strength, together with other indispensable elements already reflected in its content, the treaty will prove to be a necessary measure, in keeping with the interests of the countries of the world, an element for the strengthening of the security of States, and an open door to other disarmament measures, primarily nuclear disarmament.

Romania is in favour of the conclusion of a treaty on the non-proliferation of nuclear weapons, and to that end, together with other States, has been trying to make its contribution. We see this international instrument as an efficient means to counter the atomic danger and relax international tension, and as a contribution to the strengthening of international peace and the security of peoples, something capable of increasing confidence and co-operation among States and of opening new prospects for the efforts towards nuclear disarmament.

Statement by the Canadian Representative (Burns) to the First Committee of the General Assembly: Nonproliferation of Nuclear Weapons, May 23, 1968 [1]

The Canadian delegation has noted arguments brought forward by certain delegations in their statements to this Committee, calling for amendments to the draft non-proliferation treaty before it,[2] or even suggesting that the draft is unacceptable to their Governments in its present form and requires drastic revision. The Canadian Government's position, as will be seen in the statement made by the Secretary of State for External Affairs, Mr. Sharp, on 30 April, is that it believes that the treaty in its present form will achieve substantially what it was intended to achieve, that is to say, to prevent additional nations from gaining possession of nuclear weapons and the power to employ them to initiate a nuclear war.[3] I shall now examine some of the arguments brought forward against the draft treaty in its present form.

We have heard a certain version of the development of the collateral measure—a non-proliferation treaty—which we are now discussing. It has been pointed out that in 1964 an item was placed on the General Assembly agenda—"Non-proliferation of nuclear weapons"—and it was argued that the resolution which was adopted at that time superseded the resolutions previously adopted on the "Prevention of the wider dissemination of nuclear weapons".[4] This 1964 resolution, it has been claimed, linked together what had previously been discrete and separate measures of partial disarmament or arms control; that is to say, on the one hand non-dissemination, and on the other hand measures which would impose limitations on the liberty of countries already possessing nuclear weapons to continue to manufacture them and to increase their stockpiles.

It has also been said that past efforts were designed to stop only dissemination, without imposing any curbs on the continued manufacture, stockpiling and sophistication of nuclear weapons by the existing nuclear weapon Powers. This assertion would seem to ignore the fact that since 1946, in various Committees of the United Nations, in the Ten-Nation Disarmament Committee and the Eighteen-Nation Committee on Disarmament, attempts have been made to agree on measures of nuclear disarmament as part of a broader plan for general and complete disarmament which would include stopping the development and production of nuclear weapons by the nuclear Powers, and eventually, their reduction in an elimination from those nations' arsenals. The statement also seems to be a contradiction of facts set forth in chapter 6 of the official publication, *The United Nations and Disarmament, 1945–1965*. On page 128 of this document one may read the following:

> On 21 January 1964, the United States submitted proposals on the cut-off of fissile material production for military purposes and the transfer of stocks of such material to peaceful uses.[5] For about five years prior to the beginning of the

[1] A/C.1/PV.1573, pp. 11–30.
[2] *Ante*, pp. 162–166.
[3] A/C.1/PV.1556, pp. 2–9.
[4] See *ante*, p. 325 ff.
[5] *Documents on Disarmament, 1964*, pp. 7–9.

Conference of the Eighteen-Nation Committee on Disarmament, the United States had been proposing, as a first step towards nuclear disarmament, the cut-off in the production of fissile material for weapons purposes. This measure figured prominently in its list of collateral measures that might be agreed upon by the Eighteen-Nation Committee on Disarmament outside the framework of general and complete disarmament.

The next paragraphs in chapter 6 of this official United Nations publication state in detail the proposals of the United States as to how such a cessation of the production of fissile material for weapons purposes could be put into effect and verified. It also states the objections advanced at that time by the Soviet Union against the United States proposals, objections which resulted in no further progress being made on this subject.

I would point out that this historical fact shows that the cut-off has for many years been considered as a distinct and separate collateral measure. So, of course, was the cessation of nuclear tests, partly achieved by the Moscow Treaty of 1963 [6]; and, as mentioned in the penultimate paragraph in the preamble to the draft treaty on non-proliferation, it is hoped to complete that treaty by a further agreement to prevent the carrying out of underground tests.

The long history of direct attack on the possession of nuclear arms by the nuclear Powers, and its failure up to now to achieve results, will give to any delegation which troubles to study the record—given in brief in the official publication, *The United Nations and Disarmament, 1945–1965*—the answer to why it is impossible, at the present time, to include provisions against the increase of the nuclear-weapon stocks of the nuclear Powers in the treaty under which those nations not possessing nuclear weapons will forgo acquiring them.

"Cut-off", "cessation of nuclear tests", and "non-dissemination" are three different measures of arms control—measures preliminary to true disarmament, steps along the way towards general disarmament.

The question is, should we be more likely to arrive at a halt in the arms race if the States not possessing nuclear weapons refuse to become party to a non-proliferation treaty which does not include a clause under which the nuclear Powers would commit themselves to stop further production of fissile material, and to stop underground tests? If such a commitment were to be effective, a date by which this would be accomplished would have to be stated in the relevant article—otherwise, the nuclear Powers could delay compliance indefinitely. But in view of the history of disarmament negotiations, could we really credit an undertaking in a treaty article by the nuclear Powers to come to an agreement to stop production of nuclear armaments in one or two years' time? Is it reasonable, in the present world situation, to expect the nuclear Powers now to make any stronger commitment than the one they have made in article VI of the present draft treaty?

Could they be expected to give such a positive undertaking in view of the refusal of France and China to take part in disarmament negotiations? At the least, the nuclear Powers that are proposing to sign the treaty would insist on an escape clause which would reduce the value of the undertaking to about the same as that of the present article VI.

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[6] *Ibid., 1963*, pp. 291–293.

If we wait for the nuclear Powers to make a commitment to reduce nuclear arms—a commitment of the kind that some countries have suggested—agreement to stop dissemination, that is, the spread of nuclear weapons to other nations, will be indefinitely postponed. There will then be no legal impediment to any State's acquiring nuclear weapons, whether they are so named or they are called devices to be used for peaceful nuclear explosions. We should then indeed have dissemination of nuclear arms. It would follow that the nuclear Powers would increase production of nuclear armaments to keep ahead of those aspiring Powers that were bent on acquiring them.

The delegation of Canada agrees with the views of New Zealand:

the prospect of relying on the varying degrees of responsibility of five nuclear-weapon States is still a good deal more attractive than relying on similarly varying degrees of responsibility of fifteen or twenty.[7]

The strongest nuclear Powers, the United States and the Soviet Union, have agreed on the text of a non-proliferation treaty, and they are prepared to give certain assurances for the security of the States parties to it which do not possess nuclear arms. These assurances do not provide an iron-clad 100 per cent certainty of protection. But what agreement or treaty—even military alliances as we know them—could possibly give 100 per cent assurance in the present world? Should not those nations not possessing nuclear weapons accept the minimal risk that, in spite of the assurances proffered by the United States, the Soviet Union and the United Kingdom, they might be threatened or attacked with nuclear weapons? Should they not do so rather than persist in retaining the theoretical "option" to make or acquire nuclear weapons as a means of defending themselves? What in fact would non-possessing States really be giving up? They would be giving up the right to bankrupt themselves in an attempt to create a credible deterrent—an attempt whose cost and probable futility are made clear in the Secretary-General's report. Moreover, there would be much more political instability in a world in which there would be several more nuclear Powers.

Very many nations not possessing nuclear weapons voted for resolution 1653 (XVI) which branded the use of nuclear weapons as a crime against humanity.[8] Now some of their representatives here say they are hesitating to commit themselves not to receive or make the nuclear weapons so condemned. This shows a strange inconsistency. If use of nuclear weapons is so violently condemned, why should any nation that voted for resolution 1653 (XVI) want to retain an option to possess them?

If the States not possessing nuclear weapons refuse to renounce the right to possess nuclear arms, they lose the moral basis for pressing the nuclear Powers to reduce and eliminate their armament. If, on the other hand, the States without nuclear weapons renounce for a period the right to acquire them, they have a strong position from which to continue to press the nuclear Powers to reduce and finally eliminate their nuclear weaponry. Moral pressure, as expressed in numerous resolutions of this Assembly, undoubtedly has had some

[7] A/C.1/PV.1597, p. 21.
[8] *Documents on Disarmament, 1961*, pp. 648-650.

effect in helping to prevent the use of nuclear weapons. However, signature of the non-proliferation treaty would enable States not possessing nuclear weapons to exert more effective political pressure through operation of the amendment, review and withdrawal provisions.

What is likely to happen if a few States which do not now possess nuclear weapons but which consider they have the ability to make them refuse to surrender the "option", even with the protection and means of pressure of the amendment, review and withdrawal clauses in the draft treaty? It is quite possible that that example would be followed by many other non-nuclear-weapon States. Such a widespread refusal to sign and ratify would mean the failure of the attempt to establish a check to the spread of nuclear weapons and would mean acceptance of their legitimacy.

If the draft non-proliferation treaty fails of acceptance, it will show a general disinclination by States not possessing nuclear weapons to agree to any step to prevent nuclear war if they think such a step would affect their interests or prestige. Such an attitude might be summed up as: "Disarmament is for somebody else—not us."

It is easy to see that the nuclear Powers would react immediately to such a general attitude. There would be a reversal of the tendencies for co-operation and progress towards nuclear disarmament, evidenced by the agreement of the United States and the Soviet Union on the text of the draft non-proliferation treaty and their promise, recorded in the draft, to negotiate in good faith on further measures leading to a cessation of the arms race and the reduction of their nuclear arsenals.

If a majority of the membership of the United Nations refused to adhere to a treaty on non-proliferation, they would certainly lose what moral authority they have to restrict or prevent the use of nuclear weapons in war. Put another way, nations taking part in such a mass refusal would in fact be acknowledging that such weapons were legitimate and would be acquiescing in their use in warfare, some day, by the nations which might possess them.

Furthermore, the proposed agreement of the three leading nuclear Powers—the United States, the Soviet Union and the United Kingdom—to act through the Security Council to protect nations not having nuclear weapons against nuclear attack or the threat of it would never come into being.[9] The proposed security assurances are to be for signatories to a non-proliferation treaty, and if there were no non-proliferation treaty there would be no assurance.

Several delegations have cast doubt on the validity of the assurances which the United States, the Soviet Union and the United Kingdom propose to give through a Security Council resolution. These doubts should have been dispelled by the statements made by the representative of the Soviet Union on 26 May.[10] The Canadian delegation must admit it is astonished at the lack of impression which seems to have been made on certain other delegations by that really unprecedented agreement of the two super-Powers, so often at odds in the past, to co-operate together to protect smaller and less powerful nations and

[9] See *post*, p. 444.
[10] *Ante*, pp. 368-378.

in effect the world--from the dangers of a nuclear war. Moreover, the resolution reaffirms the right of individual or collective self-defence in the event of armed attack until the Security Council has taken the necessary measures to maintain peace and security, thus reasserting the validity under the United Nations Charter of security assurances already offered unilaterally by the United States through Presidential statements. To ignore this offer of the great Powers permanent members of the Security Council solemnly to rededicate themselves in accordance with their responsibilities to the preservation of world peace—and the security of smaller nations—seems to the Canadian delegation to show a blindness to reality, an indifference to the chance to take a giant step in the direction of a truly peaceful world and towards the elimination of the threat of nuclear war.

Some delegations have called for a clause in the treaty under which nuclear Powers would bind themselves never to use nuclear weapons against a non-nuclear-weapon State not having nuclear weapons on its territory. Such an undertaking could not be made in respect of those non-possessors of nuclear weapons which are allied to nuclear Powers unless there were elaborate and positive verification arrangements.

But there can be a difference when such assurances could cover territories of a number of contiguous States not possessing nuclear weapons, in circumstances similar to the Tlatelolco Treaty. That Treaty has provisions (articles 12–15) for verifying that the parties adhere to their obligation not to have nuclear weapons on their territory. Protocol II of the Treaty provides:

"The Governments represented by the undersigned Plenipotentiaries"—that is the nuclear Powers—"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."[11]

The United Kingdom and the United States have signed this Protocol.

Several delegations have referred to resolutions of the Organization of African Unity calling for the establishment of a nuclear-free zone in Africa.[12] If such a zone were established—and widespread adherence of African States to the non-proliferation treaty could facilitate this—then there would seem to be no reason why assurances similar to those provided to Latin American States in the Protocol cited should not be given.

Several delegations have suggested that to have a non-proliferation treaty to which France and the Peoples' Republic of China—the fourth and fifth nuclear Powers—were not parties would be useless. It has been made clear very often in the Eighteen-Nation Committee on Disarmament that it is hoped that some day France may decide to take the place reserved for it in that Committee and to participate in the debates and negotiations. In the meantime, there is nothing to suggest that France is opposed to the principles of the draft treaty before us. French spokesmen have said more than once that France has no intention of transferring control of nuclear weapons to other States.

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[11] *Documents on Disarmament, 1967*, pp. 69–83.
[12] *Ibid., 1963*, p. 195; *ibid., 1964*, pp. 294–295.

As for participation of the Peoples' Republic of China, it will be recalled that in 1965 a General Assembly resolution was adopted calling for a world conference on disarmament [13]—mainly so that the People's Republic of China and other States not Members of the United Nations could participate in it. The delegations here charged with approaching the People's Republic of China in this matter met with a refusal. We understand that the Peoples' Republic of China would have nothing to do with any conference under the auspices of or in any way connected with the United Nations. This is regrettable, but nevertheless the Canadian delegation is not aware of any evidence to suggest that the People's Republic of China will act in a manner—that it will distribute nuclear weapons, to be precise—which would upset the basis of the draft treaty before us.

Canada, like many other countries with resources still to be developed, has an interest in and is watching the progress being made in the development of peaceful applications of nuclear explosions. And as a strong supporter of the non-proliferation treaty, the Canadian Government has studied no less carefully the relation between the treaty and the regulation or otherwise of so-called peaceful nuclear explosions. We have concluded, based on advice from our scientific sources, that there is not now any way to distinguish the technology involved in the production of a nuclear device for peaceful purposes and a nuclear weapon. It therefore follows that until such future time as it may become possible to distinguish between these two technologies, the treaty, if it is to be in accord with that principle of resolution 2028 (XX) which states that the treaty must close all loop-holes to further proliferation, must prohibit the development of peaceful nuclear explosions by national means by non-nuclear-weapon States.[14] We consider that the provisions of article V will permit non-nuclear-weapon States to have the benefits of nuclear explosives on favourable terms, if and when the technology is developed to the stage of practical use.

It has been asserted that the provisions of article II prohibiting the manufacture of nuclear explosive devices intended for peaceful engineering developments are contrary to the provisions of article 18 of the Treaty of Tlatelolco. The authoritative statement of the representative of Mexico, at our meeting on 16 May made it very clear to this Committee that in fact there is no such contradiction. Nuclear explosive devices of whatever kind must be considered as being the same as nuclear weapons, and must be prohibited if the non-proliferation treaty is to be effective.

One objection to the draft treaty which has been expressed by a few delegations has been very difficult for the Canadian delegation to agree with. The arguments are, in general, to the effect that the provisions of articles III, IV and V taken together would keep the non-nuclear-weapon States in a condition of permanent scientific dependence on the nuclear-weapon States, would maintain and enlarge the technological gap between these two groups of States, would seriously impede the scientific and technical progress of non-nuclear-weapon States, would confer on the permanent members of the

[13] *Ibid.*, *1965*, p. 585.
[14] *Ibid.*, pp. 532–534.

Security Council powers in the economic sphere never contemplated by the Charter and, some say, would even constitute a form of neo-colonialism.

The scientists and engineers who have placed and kept Canada in the forefront of the development of nuclear energy for peaceful purposes have not found that Canadian progress has been impeded by lack of information regarding nuclear weapons or lack of information which might be derived from testing nuclear weapons. Canadian scientific and industrial teams have been able to design, produce and market nuclear reactors for the generation of electric power which are competitive internationally with those designed by the nuclear-weapon Powers.

Our national facilities for nuclear research and development, our universities and a number of industrial laboratories, find ample scope for their time and talents and ample data on which to base their efforts without wondering whether they might somehow have found some short-cut through familiarity with the narrow field of weapons technology. It is difficult for us, in the light of our own experience, to understand the fear that renunciation of weapons manufacture will have adverse effects on the ability to develop in the science, technology and utilization of nuclear energy.

As a major producer of uranium and as a member of the Eighteen-Nation Committee on Disarmament and of the Board of Governors of the International Atomic Energy Agency, Canada has given close attention to the way in which the provisions of article III would affect the nuclear fuel production cycle. It may therefore be appropriate for me to comment on the concern expressed by the representative of South Africa concerning the relationship of the safeguards system to mines and ore-processing plants.[15] We feel this comment should be made since we regard the accession of South Africa to the treaty as very important.

As Ambassador Botha has stated, the present IAEA safeguards system specifically excludes mines and ore-processing plants. Although the precise stage at which safeguards should be applied within a uranium-producing State may require further clarification, there has been no suggestion in IAEA discussions that uranium ores or unrefined ore concentrates should be subject to safeguards. We see no reason to expect that this situation will change or that a non-proliferation treaty would require any change. However, within uranium-producing States safeguards would be applied at a later stage of the nuclear fuel production cycle, as at present required under the IAEA safeguards system. Moreover, under paragraph 2 of article III of the non-proliferation treaty, each party to it would be required to apply safeguards to source or special nuclear materials, which include uranium ore and unrefined ore concentrates, when these are exported to non-nuclear-weapon States.

I do not wish to take up the time of the Committee with quotations from the proceedings of the Eighteen-Nation Committee on Disarmament. However, I venture to invite the representative of South Africa and others who may be concerned about the application of safeguards to materials production or about the safeguards system in gen-

[15] *Ante*, pp. 378-383.

eral to consult the record of the 378th meeting of the Eighteen-Nation Committee on Disarmament, on 13 March where we set out our views on article III. I would also draw attention to the interpretations given to article III by one of its drafters, the representative of the United States, at the 357th meeting on 18 January, when the article was introduced,[16] and again at the 368th meeting on 21 February.[17] The latter statement clarifies a number of points which have been raised by other delegations in this Committee.

The nuclear-energy industry in Canada covers the whole range from mining to nuclear-power plants. When the treaty enters into force, we would expect therefore to be subject to safeguards over an extensive range of nuclear activities in Canada. We believe that the treaty and the IAEA safeguards system are suitably designed to minimize any possible adverse effects.

Before concluding, I should like to touch on one more point concerning how and when we should deal with the draft non-proliferation treaty before us. The Canadian delegation has noted a feeling in certain other delegations that if a resolution is adopted by the General Assembly approving the draft treaty and recommending that it be opened for signature, this will detract from the value of the Conference of Non-Nuclear-Weapon States which is to be held in Geneva in September. Canada, which expects to participate in that Conference, does not believe that this is so. On the contrary, we think that once the non-proliferation treaty has been endorsed by the United Nations General Assembly, the Conference of Non-Nuclear-Weapon States will have a very valuable role to play in considering matters which arise out of the treaty. The representative of Pakistan, in his statement at our 1566th meeting on 13 May,[18] has indicated several questions which would arise out of the implementation of the draft treaty, which would be of great importance to nations not possessing nuclear weapons, and which the Conference ought to deal with. In particular, the question of the further measures of nuclear disarmament which the nuclear Powers should take, in pursuance of the pledge they would make under article VI of the draft treaty, should be thoroughly discussed. So should the assurances to be offered by the nuclear Powers under a Security Council resolution against nuclear attack on or blackmail of the nations without nuclear weapons. The Conference of Non-Nuclear-Weapon States should discuss ways of strengthening the effect of these assurances. In so doing, and in several other ways, the Conference of Non-Nuclear-Weapon States will be able to be very useful indeed.

Statements have also been made criticizing other provisions of the draft treaty before us. The Canadian delegation does not claim that the treaty is perfect, and, of course, improvements are possible to nearly every international agreement. We do not exclude the possibility that any amendments which are generally acceptable could be made to the present draft before a vote is taken. But, as I said in the beginning, we are convinced that the acceptance of this treaty, substantially as it stands, by a large majority of the States represented here would be

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[16] *Ante*, pp. 11–17.
[17] *Ante*, pp. 92–100.
[18] *Ante*, pp. 317–324.

a major step towards disarmament and peace, and would not be contrary to the interests of any party to it.

In concluding, I should like to suggest a parallel between the present situation of this Committee regarding the draft treaty, and the well-known fable of Aesop about the dog with a piece of meat in his mouth. The dog was crossing a bridge and, looking down at the water, saw the reflection of the piece of meat, looking far larger than the actual piece in his mouth. Opening his mouth to seize the illusory bigger piece, he lost the meat he actually held.

We in this Committee should not, in seeking apparently greater advantages, fail to hold on to the real advantages.

Amendment to Arms Control and Disarmament Act, May 23, 1968 [1]

AN ACT

To amend the Arms Control and Disarmament Act, as amended, in order to extend the authorization for appropriations.

Arms Control and Disarmament Act, amendment. 79 Stat. 118.[2]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second sentence of sections 49(a) of the Arms Control and Disarmament Act, as amended (22 U.S.C. 2589(a)), is amended by inserting immediately after "$30,000,000", the following: ", and for the two fiscal years 1969 through 1970, the sum of $18,500,000,".

(b) Section 49(a) of such Act is amended by inserting at the end thereof a new sentence as follows: "Notwithstanding any other provision of this Act, not more than $7,000,000 of the funds appropriated pursuant to the preceding sentence for fiscal years 1969 through 1970 may be used for the purpose of research, development, and other studies conducted in whole or in part outside the Agency, whether by other government agencies or by public or private institutions or persons: *Provided*, That this limitation shall not apply to field test activities conducted pursuant to the authority of this Act."

Approved May 23, 1968.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 1140 (Comm. on Foreign Affairs) and No. 1347 (Comm. of Conference).[3]

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[1] Public Law 90-314; 82 Stat. 129.

[2] *Documents on Disarmament, 1965*, p. 206.

[3] *Ante*, pp. 137–146, 272–273.

SENATE REPORT No. 1088 (Comm. on Foreign Relations).[4]
CONGRESSIONAL RECORD, Vol. 114 (1968):
Mar. 6: Considered and passed House.
Apr. 19, 22: Considered and passed Senate amended.
May 9: House agreed to conference report.
May 10: Senate agreed to conference report.

Statement by the U.A.R. Representative (El Kony) to the First Committee of the General Assembly: Nonproliferation of Nuclear Weapons, May 28, 1968 [1]

It is to be recalled that the United Arab Republic has always advocated and endorsed all efforts aiming at the prohibition and elimination of nuclear weapons. This line of policy stems from our belief that the fate of humanity is in jeopardy so long as national arsenals continue to be augmented and to be replete with ever-increasingly sophisticated weapons of devastating destruction. The future of mankind cannot be effectively safeguarded unless we go through the long process of nuclear disarmament. This should be the common objective which all States, nuclear and non-nuclear alike, should earnestly strive to achieve. Though this highly important goal has not yet been reached, it should be acknowledged that several steps on the right path have successfully been taken during the last decade. The 1959 Antarctic Treaty [2] was followed by the Moscow partial test-ban treaty in 1963,[3] and in 1966 the General Assembly unanimously adopted resolution 2222 (XXI),[4] commending the outer-space treaty [5] which, in our view, still requires further perfecting. We fully realize that our task is an arduous one; we therefore welcome all steps that serve to move us nearer to our ultimate goal.

The question of nuclear non-proliferation is of the utmost importance and urgency. In this regard, I should like to pay special tribute to the Deputy Prime Minister of Ireland, Mr. Aiken, for his commendable initiative in putting the matter before the General Assembly.[6]

The deep concern of the non-nuclear States was amply demonstrated by the Declaration adopted by the assembly of Heads of State and Government of the Organization of African Unity, held in Cairo in July 1964, in which they declared their willingness to undertake, by virtue of an international treaty to be concluded under United Nations auspices, not to manufacture or acquire control of atomic weapons.[7] In

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[4] *Ante*, pp. 211–220.
[1] A/C.1/PV.1575, pp. 51–62.
[2] *Documents on Disarmament, 1945–1959*, vol. II, pp. 1550–1556.
[3] *Ibid., 1963*, pp. 291–293.
[4] *Ibid., 1966*, pp. 809 ff.
[5] *Ibid., 1967*, pp. 38–43.
[6] *Ibid., 1945–1959*, vol. II, pp. 1185–1186.
[7] *Ibid., 1964*, pp. 294–295.

addition, the Second Conference of Heads of State or Government of Non-Aligned Countries, held in Cairo in October 1964, requested the great Powers to forgo all policies conducive to the proliferation of nuclear weapons.[8] The non-aligned countries, moreover, declared their readiness not to produce, acquire or test any nuclear weapons. It is a matter of record that my delegation had the privilege of participating in those international gatherings and fully endorses this line of policy. It is also a matter of record that the United Arab Republic had consistently supported all the General Assembly's previous resolutions which aimed at preventing proliferation and outlawing nuclear weaponry in general.

It is with this background that we approach the question of non-proliferation.

Regarding the treaty under discussion,[9] the delegation of the United Arab Republic had ample opportunity to address itself to its substance at the meetings of the Eighteen-Nation Committee on Disarmament. We fully realize the inherent difficulties that circumscribe the conclusion of a treaty which, in the words of our representative at Geneva, "must unite effectiveness with flexibility, the present with the future, and reconcile the requirements of security with those of progress in the peaceful use of the atom".[10]

In assessing our position with respect to the draft treaty, we were guided by the basic principles contained in General Assembly resolution 2028 (XX), which my delegation had the honour of introducing to this Committee on 8 November 1965.[11] We consider:

First, that a treaty on the non-proliferation of nuclear weapons is not an end in itself. We envisage the treaty as a further stride along the still long path of general and complete disarmament.

Second, that the draft should contain no loopholes which might permit the proliferation of nuclear weapons.

Third, that the draft should embody an acceptable balance of reciprocal responsibilities and obligations of the nuclear and non-nuclear States.

Fourth, that there must be acceptable provisions to ensure the effectiveness of the treaty.

We believe that the yardstick that should be used in evaluating the efficacy and adequacy of such a treaty is whether, by its adoption, the proliferation of nuclear weapons would be prevented. This was the fundamental premise on which resolution 2028 (XX) was based.

We believe that a thorough scrutiny of the relevant provisions of the draft treaty would reveal that horizontal proliferation of nuclear weapons would in fact be effectively halted. This, in our opinion, is the real test by which the treaty ought to be assessed. The draft treaty is to be considered only as an immediate and urgently needed preliminary step on the long road to the achievement of general and complete disarmament. It should be recalled that even the most ardent advocates of the treaty do not claim that it goes beyond that point.

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[8] *Ibid.*, p. 444.
[9] *Ante*, pp. 162–166.
[10] *Ante*, p. 79.
[11] *Documents on Disarmament, 1965*, pp. 532–534.

And this basic fact must be present in our minds when we formulate our attitude towards the text before us. By stopping the horizontal spread of nuclear arms, the treaty must be regarded as a step forward which merits our endorsement.

It has been argued by several delegations that the draft treaty contained in annex I of document A/7072 [12] falls short of meeting the requirements of General Assembly resolution 2028 (XXII), which is universally considered as embodying the basic, requisite principles which any treaty aiming at preventing nuclear proliferation should contain. Certainly it is an accepted premise that the treaty, besides preventing the proliferation of nuclear arms, should also contain a balance of reciprocal obligations and responsibilities of the nuclear and the non-nuclear States. The mutual balance of obligations which is a natural prerequisite ought to be tackled in an acceptable way. The success of any treaty depends largely on acceptance of the obligations emanating from its provisions and on fulfilment of those obligations in good faith. We have heard with keen interest and unlimited sympathy the objective arguments that have been raised here and during the deliberations of the Eighteen-Nation Committee on Disarmament. The United Arab Republic acknowledges that certain provisions in the draft treaty require perfecting. Our delegation at the Eighteen-Nation Committee on Disarmament meetings proposed several amendments which, in our opinion, would have improved the text.[13] Some of the proposals made at Geneva have been incorporated in the text; however, some have not. Yet we are inclined to believe that the treaty is but an initial step which should be followed by other steps. We are of the opinion that it is important to focus the current debate on the treaty's central issue and *raison d'être*, which is its efficacy in preventing the spread of nuclear weapons. It should be kept in mind that its provisions have been perceived and meticulously drafted primarily so as to ensure against horizontal proliferation.

The events of the last two decades, marked as they have been by unprecedented technological advances, have proved that the passage of time will accentuate rather than attenuate the difficulties which should be surmounted before we can achieve a world free from the persistent nuclear threat. The dilemma of this stage of our deliberations lies precisely in our conception of what might be called our priority list. To put it more bluntly, should all efforts to halt the dissemination of nuclear weapons be suspended pending the conclusion of a more comprehensive disarmament arrangement, or should we endorse what is within our reach now and continue, preferably at an accelerated pace, towards our ideal solutions? The logic of the situation, it is suggested, seems to indicate, if not to dictate, that we should give primary consideration to what is feasible and practicable right now. The collateral measures, desirable as they are, could be more vigorously pursued after adoption of this preliminary measure. For, despite imperfection in certain provisions, it is nevertheless essential that it be adopted. This is based on the assumption, whose validity has not been contested, that the risk of nuclear catastrophe

[12] I.e., the draft treaty of Mar. 11 (*ante*, pp. 162-166).
[13] *Documents on Disarmament, 1967*, p. 428.

is bound to increase automatically with every new addition to the nuclear club. Even with the treaty's limitations, it is rightly assumed that the impact of concluding the treaty would have a favourable and far-reaching implication on all future disarmament negotiations.

We fully agree with those who believe that the cause of world peace would have been immensely served had the draft treaty contained concrete provisions prohibiting the use of nuclear weapons and enjoining nuclear States not to manufacture or test these deadly arms. However, it seems appropriate to recall that we do not live in an ideal world and our present shortcomings can always be rectified. It is essential in this regard to take note of what the Co-Chairmen of the Eighteen-Nation Committee on Disarmament had to say on this very subject.

My delegation noted with appreciation that on the first day of our deliberations here Mr. Kuznetsov, the Deputy Foreign Minister of the Soviet Union, stated that:

> The Soviet Union is prepared to proceed to talks on the implementation of other measures as well, including such measures as stopping the manufacture of nuclear weapons; reducing their stockpiles and, eventually, banning completely and scrapping such weapons, under appropriate international control; limiting and, pursuant to this, reducing strategic means of delivery of nuclear weapons; banning flights by bombers with nuclear weapons on board beyond national borders; limiting the zones of navigation for rocket-carrying submarines; banning underground nuclear-weapon tests; banning chemical and bacteriological warfare; eliminating foreign military bases on the territory of other countries; and formalizing, in an appropriate form, such a régime for the sea-bed and ocean floor as would ensure their use solely for peaceful purposes.[14]

It was with equal satisfaction that we heard Ambassador Goldberg, the representative of the United States, assuring us that:

> Following the conclusion of this treaty, my Government will, in the spirit of article VI and also of the relevant declarations in the preamble, pursue further disarmament negotiations with redoubled zeal and hope and with promptness; and we anticipate that the same attitude will soon be shown by others.[15]

My delegation is happy to note that the preamble to the draft treaty recalls:

> . . . the determination expressed by the Parties to the Partial Test Ban Treaty of 1963 in its preamble to seek to achieve the discontinuance of all test explosions of nuclear weapons for all time and to continue negotiations to this end.

The ultimate goal which should be strived for is also stated in the preamble to the draft treaty to be the desire:

> . . . to further the easing of international tension and the strengthening of trust between States in order to facilitate the cessation of the manufacture of nuclear weapons, the liquidation of all their existing stockpiles, and the elimination from national arsenals of nuclear weapons and the means of their delivery pursuant to a Treaty on general and complete disarmament under strict and effective international control.

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[14] *Ante*, p. 239.
[15] *Ante*, p. 231.

In the light of the above-mentioned statements by the Co-Chairmen of the Eighteen-Nation Committee on Disarmament, my delegation would interpret the provisions stipulated in article VI as constituting a solemn legal undertaking obligating the two States to embark on urgent negotiations:

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

I should like now to discuss briefly the very important question of security assurances. It is apparent that if all the nuclear Powers did not sign the treaty, the security assurances which are being offered to compensate and protect the non-nuclear signatories would be brought into sharper focus. It could even be argued that the non-nuclear Powers that signed the treaty without a firm guarantee from the major nuclear Powers would be undermining and even jeopardizing their very existence as sovereign States.

My delegation would therefore whole-heartedly welcome a security pledge against the threat or use of nuclear weapons which would be a solid commitment by the nuclear guarantors to take clear and precise military action to deter or repel all future nuclear aggression. It is noteworthy that the Soviet Union, the United Kingdom and the United States would agree to:

> . . . provide or support immediate assistance, in accordance with the Charter, to any non-nuclear-weapon State Party to the Treaty . . . that is a victim of an act or an object of a threat of aggression in which nuclear weapons are used.[18]

This is in conformity with Article 26 of the Charter, which stipulates that:

> . . . the Security Council shall be responsible for formulating . . . plans to be submitted to the Members of the United Nations for the establishment of a system for the regulation of armaments.

However, one cannot help but wonder whether the adoption of such a resolution by the Security Council would suffice to dispel the wide scepticism about its credibility which has detrimental repercussions on the future success of the treaty as a whole. This is not to suggest that the Security Council is not the right forum to enunciate such assurances. On the contrary, perhaps it is the course dictated by the Charter. However, it springs self-evident that the crux of the security assurances is not who issues the assurance but what are its contents. It is a matter of confidence which should come from within. The Council's unfortunate reluctance and failure to take action to fulfil its Charter obligations and repel aggression is amply present in our minds. Experience has shown that it is no easy matter to repress a conventional armed attack, let alone a threat or use of nuclear weapons to wage war in ill-defined circumstances whose precise dimensions cannot possibly be assessed in advance.

I would venture to suggest that the whole predicament might radi-

[18] See *post*, p. 444.

cally be rectified if the security assurances were to be in the form of a pledge by the nuclear Powers to consider the threat or use of nuclear weapons against a non-nuclear party to the treaty as sufficient to prevent and even retaliate against nuclear aggression as a measure of collective self-defence. Ambassador Goldberg stated on 15 May that:

> **The United States will reaffirm in particular the inherent right, recognized under Article 51 of the Charter, of individual and collective self-defence if an armed attack, . . . occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security.[17]**

Could that statement be construed as meeting the legitimate expectations of the non-nuclear parties? Would the three co-sponsors categorically prevent nuclear aggression? I am sure that any anxiety would be allayed if solid assurances were given that nuclear attack would be deterred and that the sponsoring Powers would provide immediate assistance as a measure of collective security.

It is of utmost importance that the treaty include the potential nuclear States—States which are on the threshold of becoming nuclear—in order to be meaningful. Most of these States have manifold valid reasons to be susceptible when it concerns their national security. Some have even voiced apprehensions regarding the inadequacy of the proposed draft resolution. The representations they rightly make reveal an acute dilemma that should be seriously taken into consideration. Non-nuclear States would be induced to join if the security assurances were to be formulated in a more precise and unambiguous way which would commit the co-sponsors to take the immediate and prompt measures which are commensurate with the requirements of the situation.

I should like to conclude by expressing our sincere hope that our deliberations here will be successfully concluded by endorsement of the treaty and that humanity will soon benefit from the results of halting the spread of nuclear weapons.

Statement by the Israeli Representative (Tekoah) to the First Committee of the General Assembly: Nonproliferation of Nuclear Weapons, May 29, 1968 [1]

Ever since the problem of nuclear armaments was raised at the United Nations, the Government of Israel has consistently supported resolutions aimed at preventing the proliferation of nuclear weapons. The fact that the draft treaty on the non-proliferation of nuclear weapons has now been submitted jointly by the United States and the Soviet Union [2] marks an important landmark in international relations and in the quest for world peace. The two Powers are to be commended on this historic effort. Special appreciation must be extended

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[1] *Ante*, p. 338.
[2] A/C.1/PV.1576, pp. 31-36.
[3] *Ante*, pp. 162-166.

also to all members of the Eighteen-Nation Committee on Disarmament who have made significant contributions to the draft treaty now before us.

My Government, like many others, has always regarded a non-proliferation treaty as an important part of the universal effort towards general disarmament. At the First Committee meeting of 2 November 1966, the Israel representative declared:

> . . . a non-proliferation treaty cannot be an end in itself. It has to serve a number of objectives of overriding importance. It must, above all, advance and accelerate general and complete nuclear disarmament.[3]

The draft treaty is a significant step in this direction. We hope that agreement on non-proliferation will stimulate all concerned to seek agreement on other disarmament problems. Indeed, the dissemination of conventional weapons poses dangers no less grave and frequently more immediate than that of nuclear arms. In his message to the Geneva Conference on 27 January 1966, President Johnson said:

> as we focus on nuclear arms, let us not forget that resources are being devoted to non-nuclear arms races all around the world. These resources might better be spent on feeding the hungry, healing the sick and teaching the uneducated.[4]

My delegation has listened carefully to a number of criticisms of the proposed draft treaty that have been voiced by some delegations in this debate. They have mentioned concern for the lack of any acceptable balance of mutual responsibilities and obligations of the nuclear and non-nuclear Powers, the virtual control of nuclear explosive devices given to the nuclear Powers, the question of unhampered scientific and technological research, and the lack of effective security provisions for non-nuclear signatories to the treaty.

For obvious reasons, my country has a special sensitivity to the security aspect. We are involved in an unresolved conflict in which our security is being threatened, and which has thrice in two decades erupted into armed hostilities. That conflict is marked by a massive and unchecked arms race of conventional weapons which, by our standards, have a vast capacity to kill and destroy. We cannot know what dangers and threats may confront us in the future.

It is only natural that we should give earnest scrutiny to security provisions intended to accompany and compensate for the restrictions that non-nuclear Powers would voluntarily assume under the treaty. Attention has already been drawn to the shortcomings in this regard. The treaty contains no commitment by nuclear Powers that they will not use their nuclear weapons against those who do not possess them. We still hope that this deficiency will be made good.

The lack of universality, as far as the nuclear Powers are concerned, both with regard to adherence to the treaty and with regard to the proposed security assurances, must also be noted. Similarly, we have heard with sympathy the observations of the distinguished representative of Mexico that the principles of Article 2(4) of the Charter

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[3] A/C.1/PV.1440, p. 30.

[4] *Documents on Disarmament, 1966*, p. 7.

should be inserted in the treaty.[5] In the opinion of my Government, the Charter provisions that all States shall refrain from the threat or use of force in their international relations and shall settle their disputes by peaceful means, deserve to become an operative paragraph of the draft treaty.

My delegation would like to associate itself with the emphasis placed by a number of representatives on the effect of the treaty on the peaceful uses of nuclear energy by non-nuclear Powers. Several delegations, including members of the Eighteen-Nation Committee, have already expressed certain misgivings in respect of the draft's provisions on this aspect. We would hope that the sponsors of the treaty would give these views due consideration. Nuclear energy opens new worlds of development and technological progress and it would be regrettable if the treaty were to leave any doubts or raise any difficulties in this field.

These are some of the legitimate concerns that would seem to warrant further study and discussion, including the consultation due to take place at the Conference of Non-Nuclear Powers.

In recognition of the universal importance of the principle expressed in the treaty, Israel will vote for the revised draft resolution [6] in the belief that practical and satisfactory solutions will be found for the problems that I have mentioned.

The adoption of this draft resolution is of significance in itself, but its real potentiality lies in the hope of continuity in the quest for general disarmament and for universal and regional security ensuring peaceful life and unchallenged survival for all States.

Draft Treaty on the Nonproliferation of Nuclear Weapons, May 31, 1968 [1]

The States concluding this Treaty, hereinafter referred to as the "Parties to the Treaty",

Considering the devastation that would be visited upon all mankind by a nuclear war and the consequent need to make every effort to avert the danger of such a war and to take measures to safeguard the security of peoples,

Believing that the proliferation of nuclear weapons would seriously enhance the danger of nuclear war,

In conformity with resolutions of the United Nations General Assembly calling for the conclusion of an agreement on the prevention of wider dissemination of nuclear weapons,

Undertaking to co-operate in facilitating the application of International Atomic Energy Agency safeguards on peaceful nuclear activities,

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[5] *Ante*, p. 349.

[6] Identical with the G.A. resolution of June 12 (*post*, pp. 431–432).

[1] A/C.1/L.421/Rev.2/Add. 1, May 31, 1968. The draft treaty was annexed to the resolution approved by the G.A. on June 12, 1968 (*post*, pp. 431–432).

Expressing their 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,

Affirming the principle that the benefits of peaceful applications of nuclear technology, including any technological by-products which may be derived by nuclear-weapon States from the development of nuclear explosive devices, should be available for peaceful purposes to all Parties to the Treaty, whether nuclear-weapon or non-nuclear-weapon States,

Convinced that in furtherance of this principle, all Parties to this Treaty are entitled to participate in the fullest possible exchange of scientific information for, and to contribute alone or in co-operation with other States to, the further development of the applications of atomic energy for peaceful purposes,

Declaring their intention to achieve at the earliest possible date the cessation of the nuclear arms race and to undertake effective measures in the direction of nuclear disarmament,

Urging the co-operation of all States in the attainment of this objective,

Recalling the determination expressed by the Parties to the Partial Test Ban Treaty of 1963 in its preamble to seek to achieve the discontinuance of all test explosions of nuclear weapons for all time and to continue negotiations to this end,[1]

Desiring to further the easing of international tension and the strengthening of trust between States in order to facilitate the cessation of the manufacture of nuclear weapons, the liquidation of all their existing stockpiles, and the elimination from national arsenals of nuclear weapons and the means of their delivery pursuant to a Treaty on general and complete disarmament under strict and effective international control,

Recalling that, in accordance with the Charter of the United Nations, States must refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations, and that the establishment and maintenance of international peace and security are to be promoted with the least diversion for armaments of the world's human and economic resources:

Have agreed as follows:

ARTICLE I

Each nuclear-weapon State Party to this Treaty undertakes not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly, or indirectly; and not in any way to assist, encourage, or induce any non-nuclear-weapon State to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices.

[1] See *Documents on Disarmament, 1963*, pp. 201–203.

ARTICLE II

Each non-nuclear-weapon State Party to this Treaty undertakes not to receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly, or indirectly; not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices; and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices.

ARTICLE III

1. Each non-nuclear-weapon State Party to the Treaty undertakes to accept safeguards, as set forth in an agreement to be negotiated and concluded with the International Atomic Energy Agency in accordance with the Statute of the International Atomic Energy Agency and the Agency's safeguards system, for the exclusive purpose of verification of the fulfilment of its obligations assumed under this Treaty with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices. Procedures for the safeguards required by this article shall be followed with respect to source or special fissionable material whether it is being produced, processed or used in any principal nuclear facility or is outside any such facility. The safeguards required by this article shall be applied on all source or special fissionable material in all peaceful nuclear activities within the territory of such State, under its jurisdiction, or carried out under its control anywhere.

2. Each State Party to the Treaty undertakes not to provide: (a) source or special fissionable material, or (b) equipment or material especially designed or prepared for the processing, use or production of special fissionable material, to any non-nuclear-weapon State for peaceful purposes, unless the source or special fissionable material shall be subject to the safeguards required by this article.

3. The safeguards required by this article shall be implemented in a manner designed to comply with article IV of this Treaty, and to avoid hampering the economic or technological development of the parties or international co-operation in the field of peaceful nuclear activities, including the international exchange of nuclear material and equipment for the processing, use or production of nuclear material for peaceful purposes in accordance with the provisions of this article and the principle of safeguarding set forth in the preamble.

4. Non-nuclear-weapon States Party to the Treaty shall conclude agreements with the International Atomic Energy Agency to meet the requirements of this article either individually or together with other States in accordance with the Statute of the International Atomic Energy Agency. Negotiation of such agreements shall commence within 180 days from the original entry into force of this Treaty. For States depositing their instruments of ratification after the 180-day period, negotiation of such agreements shall commence not later than the date of such deposit. Such agreements shall enter into force not later than eighteen months after the date of initiation of negotiations.

ARTICLE IV

1. Nothing in this Treaty shall be interpreted as affecting the inalienable right of all the Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with articles I and II of this Treaty.

2. All the Parties to the Treaty undertake to facilitate, and have the right to participate in, the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy. Parties to the Treaty in a position to do so shall also co-operate in contributing alone or together with other States or international organizations to the further development of the applications of nuclear energy for peaceful purposes, especially in the territories of non-nuclear-weapon States Party to the Treaty, with due consideration for the needs of the developing areas of the world.

ARTICLE V

Each Party to this Treaty undertakes to take appropriate measures to ensure that, in accordance with this Treaty, under appropriate international observation and through appropriate international procedures, potential benefits from any peaceful applications of nuclear explosions will be made available to non-nuclear-weapon States Party to this Treaty on a non-discriminatory basis and that the charge to such Parties for the explosive devices used will be as low as possible and exclude any charge for research and development. Non-nuclear-weapon States Party to this Treaty shall be able to obtain such benefits, pursuant to a special international agreement or agreements, through an appropriate international body with adequate representation of non-nuclear-weapon States. Negotiations on this subject shall commence as soon as possible after the Treaty enters into force. Non-nuclear-weapon States Party to this Treaty so desiring may also obtain such benefits pursuant to bilateral agreements.

ARTICLE VI

Each of the Parties to this Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a Treaty on general and complete disarmament under strict and effective international control.

ARTICLE VII

Nothing in this Treaty affects the right of any group of States to conclude regional treaties in order to assure the total absence of nuclear weapons in their respective territories.

ARTICLE VIII

1. Any Party to this Treaty may propose amendments to this Treaty. The text of any proposed amendment shall be submitted to the

Depositary Governments which shall circulate it to all Parties to the Treaty. Thereupon, if requested to do so by one third or more of the Parties to the Treaty, the Depositary Governments shall convene a conference, to which they shall invite all the Parties to the Treaty, to consider such an amendment.

2. Any amendment to this Treaty must be approved by a majority of the votes of all the Parties to the Treaty, including the votes of all nuclear-weapon States Party to this Treaty and all other Parties which, on the date the amendment is circulated, are members of the Board of Governors of the International Atomic Energy Agency. The amendment shall enter into force for each Party that deposits its instrument of ratification of the amendment upon the deposit of instruments of ratification by a majority of all the Parties, including the instruments of ratification of all nuclear-weapon States Party to this Treaty and all other Parties which, on the date the amendment is circulated, are members of the Board of Governors of the International Atomic Energy Agency. Thereafter, it shall enter into force for any other Party upon the deposit of its instrument of ratification of the amendment.

3. Five years after the entry into force of this Treaty, a conference of Parties to the Treaty shall be held in Geneva, Switzerland, in order to review the operation of this Treaty with a view to assuring that the purposes of the Preamble and the provisions of the Treaty are being realized. At intervals of five years thereafter, a majority of the Parties to the Treaty may obtain, by submitting a proposal to this effect to the Depositary Governments, the convening of further conferences with the same objective of reviewing the operation of the Treaty.

Article IX

1. This Treaty shall be open to all States for signature. Any State which does not sign the Treaty before its entry into force in accordance with paragraph 3 of this Article may accede to it at any time.

2. This Treaty shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America, which are hereby designated the Depositary Governments.

3. This Treaty shall enter into force after its ratification by the Depositary Governments and forty other States signatory to this Treaty and the deposit of their instruments of ratification. For the purposes of this Treaty, a nuclear-weapon State is one which has manufactured and exploded a nuclear weapon or other nuclear explosive device prior to 1 January 1967.

4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Treaty, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or of accession, the date of

the entry into force of this Treaty, and the date of receipt of any requests for convening a conference or other notices.

6. This Treaty shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations.

ARTICLE X

1. Each Party shall in exercising its national sovereignty have the right to withdraw from the Treaty if it decides that extraordinary events, related to the subject matter of this Treaty, have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other Parties to the Treaty and to the United Nations Security Council three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

2. Twenty-five years after the entry into force of the Treaty, a Conference shall be convened to decide whether the Treaty shall continue in force indefinitely, or shall be extended for an additional fixed period or periods. This decision shall be taken by a majority of the Parties to the Treaty.

ARTICLE XI

This Treaty, the English, Russian, French, Spanish and Chinese texts of which are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of this Treaty shall be transmitted by the Depositary Governments to the Governments of the signatory and acceding States.

In witness whereof the undersigned, duly authorized, have signed this Treaty.

Done in _____ at _____ this _____ day of _____.

Statement by First Deputy Foreign Minister Kuznetsov to the First Committee of the General Assembly: Nonproliferation of Nuclear Weapons, May 31, 1968 [1]

Today the First Committee is concluding its general debate on the report of the Eighteen-Nation Committee on Disarmament on nonproliferation of nuclear weapons.[2] The debate has lasted for almost one-and-a-half months and has undoubtedly been conducted on a high plane. It is hardly necessary for me to recall that there have been few cases in the practice of the United Nations where a discussion has been so thorough and responsible and imbued with such a deep understanding of the necessity for its effective conclusion and settlement. The constructive nature of the discussion and its thoroughness and profundity have resulted primarily from an understanding of the tre-

[1] A/C.1/PV.1577, pp. 62-73.
[2] *Ante*, pp. 192-193.

mendous significance attaching at the present time to the question of non-proliferation of nuclear weapons from the viewpoint of averting the threat of nuclear war. From all the statements and expressions of views one gains the impression that the representatives are very well acquainted with the problem and have made a study of the draft treaty on non-proliferation of nuclear weapons.

In brief, the discussion in the First Committee has been serious, thorough and extremely useful. The expressions of different viewpoints and the exchanges of views have thrown into relief one important feature which is typical of the statements of the overwhelming majority of representatives. That common feature is a clearly expressed desire to put a halt to the further proliferation of nuclear weapons and gradually to achieve a cessation of the nuclear arms race and implementation of nuclear disarmament and to attain a situation in which nuclear energy would serve exclusively for peaceful purposes. Such an approach is in keeping with the vital interests of peoples and their desire to ensure peace on earth and to create favourable conditions for economic and social development and for raising standards of living.

Many delegations have made comments with regard to individual provisions of the draft treaty submitted by the Eighteen-Nation Committee [3] and the draft resolution of the General Assembly approving this treaty.[4] The Soviet delegation, as it pointed out in its previous statement,[5] has carefully studied all the remarks and comments of representatives. We have been guided in our study by the sincere desire to understand the position of each delegation as well as possible and to take into account all the wishes expressed by delegations with the object of ensuring that in the present international circumstances we may make the treaty as effective as possible.

After further study and careful weighing of all aspects of the matter, we introduced a few days ago amendments to and clarifications of the draft resolution of the General Assembly submitted by thirty-one States.[6] Today the co-Chairmen of the Eighteen-Nation Committee are submitting to the First Committee a clarified and supplemented draft treaty on non-proliferation of nuclear weapons.[7] Accordingly, at the present time the First Committee has before it two documents, which take into account the considerations and proposals in the statements of representatives of dozens of States—that is, the draft treaty on non-proliferation and the draft resolution of the General Assembly on the subject.

In that connexion the Soviet delegation would like to express some additional views. What are the basic contents of the changes and clarifications introduced in those documents? What desires and wishes are those changes and clarifications designed to accommodate? Many delegations, speaking on the subject of the problem of security, have ex-

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[3] *Ante*, pp. 102–106.
[4] *Ante*, n. 271.
[5] *Ante*, pp. 368–378.
[6] Identical with the G.A. resolution of June 12 (*post*, pp. 431–432).
[7] *Supra*.

pressed the wish that the connexion between the non-proliferation treaty and the United Nations Charter be stated. With that purpose they have proposed the inclusion in both the non-proliferation treaty and the General Assembly resolution of appropriate references to the United Nations Charter, which would stress that the treaty is an organic part of international legislation in the field of the maintenance and preservation of peace.

This desire on the part of States has been taken into account. In the preamble to the treaty we have included a new paragraph which reads:

Recalling that, in accordance with the Charter of the United Nations, States must refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations, and that the establishment and maintenance of international peace and security are to be promoted with the least diversion for armaments of the world's human and economic resources.

A paragraph with similar contents has been included in the draft resolution on the question of non-proliferation.

We should point out the importance of these proposed additions. The renunciation of the use of force against the territorial integrity and political independence of any State is a fundamental principle in the maintenance and preservation of peace. The Soviet delegation will in the future also spare no effort to see to it that all States observe the obligations under the United Nations Charter; indeed we should ensure that they become an immutable part of international law. This link between the non-proliferation treaty and the United Nations Charter, particularly in conjunction with the Security Council resolution on the obligations of nuclear Powers to defend non-nuclear States, in accordance with the United Nations Charter, from nuclear attack or nuclear blackmail, will more reliably ensure the security of the non-nuclear countries.

There has also been wide discussion in the Committee of the question of the peaceful uses of nuclear energy in connexion with the conclusion of the non-proliferation treaty. In pointing to the profound positive influence which the non-proliferation treaty would exert on the economic, scientific and technological development of non-nuclear countries, many delegations have at the same time raised the question of more clearly and distinctly indicating the real possibilities that would be afforded to non-nuclear States by the treaty on non-proliferation in the field of the peaceful uses of nuclear energy.

In this connexion many representatives have quite rightly pointed to the particular interest of developing countries in the peaceful uses of nuclear energy for accelerating their economic development and improving the standard of living of their peoples. From this point of view a considerable amount of work has been done to supplement the treaty on non-proliferation and the draft resolution on this subject by including corresponding provisions that would accommodate the desires of the non-nuclear States. First of all, in article IV of the treaty, concerning the peaceful uses of nuclear energy, we have now included a

new provision that all parties to the treaty would take measures to facilitate not only the fullest possible exchange of scientific and technological information on the use of nuclear energy for peaceful purposes, but also the exchange of nuclear equipment and materials.

This important clarification of article IV of the treaty considerably expands the scope of co-operation in the peaceful uses of nuclear energy which, without any doubt, would correspond to the interests of non-nuclear States. It should be pointed out in this connexion that the preamble of the draft resolution includes similar provisions stressing the right of States pursuant to the treaty "to acquire source and special fissionable materials as well as equipment for the processing, use and production of nuclear material for peaceful purposes".

Secondly, in article IV of the draft treaty, on the peaceful uses of nuclear energy, we have included a provision which stresses that the parties to the treaty will co-operate in the promotion of the further development of the applications of nuclear energy for peaceful purposes, especially in the territories of non-nuclear-weapon States parties to the treaty, with due consideration for the needs in this field of the developing areas of the world. I hardly think that this change requires any special comment since it speaks for itself. Particular attention will be given to co-operation in the use of nuclear energy for peaceful purposes with developing countries, in the matter of granting them assistance in the use of scientific knowledge and experience, and also in the exchange of equipment, materials, and scientific and technical information necessary for the peaceful use of the atom. Many delegations have expressed wishes along these lines.

Thirdly, in article V of the draft treaty, dealing with the peaceful applications of nuclear explosions, we have included a number of changes which permit of a clearer definition of the rights of non-nuclear States in the use of the energy released by nuclear explosions for the development of their national economies, both through an appropriate international body and through bilateral agreements. The treaty now specifies that negotiations with regard to States obtaining potential benefits from the peaceful applications of nuclear explosions, pursuant to a special international agreement or agreements, through an appropriate international body, should commence as soon as possible after the entry into force of this treaty. Of course, the appropriate preparatory work can be begun before the treaty actually comes into force.

In this connexion we have in mind that the appropriate international agreement or agreements will be based upon determined general principles, in accordance with this treaty, which will lay down the procedure for non-nuclear-weapon States to obtain the benefits of any application of nuclear explosions for peaceful purposes. The working out of such a procedure, of course, should take place with the broadest possible participation of non-nuclear States parties to the treaty which are interested in the applications of nuclear explosions for development of their national economies. Moreover, this article includes a provision stressing that the use of the energy from nuclear explosions for peaceful purposes, in accordance with the provisions of this treaty,

should be carried out under appropriate international supervision, in order to exclude the possibility of using peaceful nuclear explosions as a means for non-nuclear-weapon States to obtain special information necessary for the production of nuclear weapons.

In the course of the discussions, certain States have attempted to sow doubts by asserting that the treaty on the non-proliferation of nuclear weapons would deprive non-nuclear States of the opportunity to use the energy of nuclear explosions for purposes of peaceful development. We wish once again to emphasize that this interpretation has nothing whatsoever in common with the aims and purposes laid down in the article of the treaty concerning peaceful nuclear explosions. However, for the purpose of dispelling any lurking doubts on this score, article V now contains a clarification that clearly and distinctly, and in proper treaty language, not only confirms the right of the non-nuclear States but even determines the concrete procedures whereby they can obtain the benefits deriving from the peaceful uses of nuclear explosions. The full text of article V of the draft treaty in its new form was read out at the beginning of today's meeting by the Secretary of this Committee, and I therefore do not regard it as necessary for me to quote that very important article once again.

A whole series of changes made in the draft treaty and in the draft resolution for the General Assembly on the question of non-proliferation in the parts relating to the peaceful uses of nuclear energy further reinforces the international basis for wide, multilateral co-operation among nuclear and non-nuclear countries, among countries highly developed in the field of nuclear research and countries that have only just set forth on that road. The non-proliferation treaty will promote the economic, scientific and technological progress of non-nuclear countries. A particular importance in this connexion will be had by the treaty for those developing countries which do not so far possess the resources for major independent work in the field of the use of nuclear energy for peaceful purposes, and which, because of this fact, require assistance from States more advanced in that regard.

As a result of the conclusion of a treaty on non-proliferation, non-nuclear countries parties to the treaty will have broad opportunities to enjoy the benefits of scientific and technological progress in the peaceful uses of the atom. The treaty sets forth definite obligations incumbent on developed countries in the question of affording assistance to developing countries in the peaceful uses of nuclear energy.

During the discussions, many delegations have in one way or another expressed a wish for a more clear-cut and well-defined indication that the conclusion of a treaty on non-proliferation does not mean the end of the road, and that such treaty will be followed by other steps in the area of nuclear disarmament and the termination of the arms race, steps that will gradually lead the world to complete and general disarmament. These desires fully coincide with the foreign policy of the Soviet Union, which has steadfastly waged a struggle for the liquidation of nuclear arms and for the implementation of radical measures for the achievement of disarmament. Our country has put forward a programme for general and complete disarmament designed to achieve, in a very short period of time, a world without

armaments, a world without war. Regarding general and complete disarmament as one of the most important problems of our day, we are still actively continuing our campaign for positive results and achievements in the settlement of this problem, in the Eighteen-Nation Committee on Disarmament, in the United Nations and all other international forums, and in negotiations with individual States as well.

As a result of careful and thorough study of all the considerations expressed in the course of the discussions in the First Committee in connexion with the question of disarmament, the draft treaty has been altered to include certain clarifications. One of these is contained in the preamble, where the States parties to the treaty clearly and categorically declare their intention to achieve "at the earliest possible date the cessation of the nuclear arms race and to undertake effective measures in the direction of nuclear disarmament". Corresponding additions have been included in the draft resolution for the General Assembly. The preamble of that draft now emphasizes that effective measures for the cessation of the nuclear arms race and for nuclear disarmament should follow as soon as possible on the conclusion of the non-proliferation treaty.

The fourth operative paragraph of the draft resolution contains an appeal not only to the Eighteen-Nation Committee on Disarmament, but to the nuclear Powers directly as well,

> . . . urgently to pursue negotiations on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control.

The whole complex of these amendments and additions is designed to clear the way more clearly and definitely for further businesslike negotiations on disarmament and to guarantee their success under the most favourable possible conditions.

The discussion of the question of the non-proliferation of nuclear weapons has now reached what might be described as its concluding phase. The changes and clarifications that have been made in the draft treaty on non-proliferation and in the draft resolution for the General Assembly, changes that take into account the discussions that took place in the First Committee, have been designed to accommodate the wishes and to conform to the viewpoints expressed here by many delegations. The time has now come for each country to make a choice, for each country to take a decision on this question, and we hope that all States will grant to the result of all the work that has been done the favourable assessment it deserves. The Soviet delegation appeals to the representatives of all Member States of the United Nations to join us in supporting the draft resolution sponsored by thirty-one States on the non-proliferation of nuclear weapons. By taking this decision, the General Assembly will be making a valuable contribution to the earliest possible conclusion of a non-proliferation treaty and adding another victory in the long struggle of the peoples for attainment of that end. A cessation of the spread of weapons of mass destruction would be an important step towards disarmament, towards the consolidation of international peace and security.

Statement by Ambassador Goldberg to the First Committee of the General Assembly: Nonproliferation of Nuclear Weapons, May 31, 1968 [1]

This afternoon, we in this committee are concluding our general debate on the draft treaty on the non-proliferation of nuclear weapons. As is your practice, Mr. Chairman, you have accorded to all members who desired it the opportunity to speak, and to some, including my own delegation, to do so more than once. I wish again to record my appreciation to you for those opportunities. Every delegation, therefore, has had the opportunity to state the position of its Government on this important subject.

That extended debate should be held on this question is entirely proper, for it is a question of world-wide scope and transcendent significance. Speaking for the United States, I should like to express appreciation for the serious and constructive tone of the debate and for the valuable contributions to it which so many members have made.

As I made clear in my earlier statements during this debate, the draft treaty text of 11 March which was reported to the Assembly by the Eighteen Nation Committee on Disarmament [2] was the result of four years of intensive negotiations and reflected the views of many Governments, nuclear and non-nuclear, from many regions of the world. From the very beginning we have been encouraged by the broad and general support manifested in this debate among the membership for the non-proliferation treaty. It is a great tribute to the constructive work of the Eighteen-Nation Committee on Disarmament.

In our consultations, as well as in the general debate, suggestions, however, have been made for improvements both in the draft resolution [3] and in the treaty text, in order to clarify them and to broaden even further the support and acceptability of this historic treaty.

It is not easy to revise the text of a treaty arrived at after such protracted negotiations and involving such important issues. Nevertheless, out of respect for the views expressed and the suggestions made in this Committee, and in deference to the Committee's proper role in considering such a treaty, the sponsors of the draft resolution and the co-Chairmen who have the primary drafting responsibility for the treaty, have made a major effort to meet the legitimate concerns which various members have expressed by modifying both the draft resolution and the draft treaty. The revised draft resolution and draft treaty are therefore the product of a wide effort to arrive at a generally acceptable consensus.

As regards the draft resolution, last Wednesday the Committee heard the statement by the representative of Finland, Ambassador Jakobson, describing the changes which the co-sponsors of the reso-

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[1] A/C.1/PV. 1577, pp. 73–87.
[2] *Ante*, pp. 162–166.
[3] A/C.1/L.421, May 1, 1968.

lution have made in their draft. The revised draft resolution is now before the Committee as document A/C.1/L.421/Rev.2 and Add.1.[4]

As regards the draft treaty itself, today the United States and the Soviet Union, as co-Chairmen of the Eighteen-Nation Committee on Disarmament, are presenting a revised treaty text incorporating a number of changes in response to the suggestions made.[5]

The First Deputy Foreign Minister of the Soviet Union, Mr. Kuznetsov, has presented the comments of his Government on the revised treaty text. I should now like to describe the revisions in that text on behalf of the United States.

The revisions correspond to three major purposes which various delegations have emphasized in putting forward their suggestions in this general debate:

First, to strengthen the provisions for sharing in the benefits of the peaceful uses of nuclear energy;

Second, to strengthen the provisions of the treaty calling for further and prompt measures to halt the nuclear arms race and to limit existing nuclear arsenals; and

Third, to enhance the security of the signatories by reaffirming the principles of the United Nations Charter regarding the use of force and threats of force in international relations.

As regards the first category, sharing peaceful uses of nuclear energy, changes have been made in articles IV and V.

There are three changes in article IV, all in paragraph 2.

The first change, originally proposed by the delegation of Nigeria, provides that the parties not only "have the right to participate in," but also "undertake to facilitate", the fullest possible exchanges for the peaceful uses of nuclear energy. Thus, the right to such sharing is recognized explicitly not only as a right of non-nuclear Powers but also as a commitment to action by nuclear Powers and all others in a position to contribute thereto.

Also in article IV the character of this sharing has been broadened by specifically including "equipment" and "materials" in addition to scientific and technological information. This change corresponds to a view strongly voiced by the representative of Italy [6] and shared also by Belgium and other delegations.

Also in article IV there has been added an important phrase at the end, relating to the obligation of parties in a position to do so to cooperate in contributing to the further development of nuclear energy for peaceful purposes. In addition to the phrase which emphasizes that this is to be done "especially in the territories of non-nuclear-weapon States Party to the Treaty", there has now been added the significant phrase, "with due consideration for the needs of the developing areas of the world". The importance of this addition is self-evident. It constitutes explicit recognition of the particular needs and requirements of the developing areas of the world in the field of the

[4] Identical with the G.A. resolution of June 12 (*post*, pp. 431–432).
[5] *Ante*, pp. 404–409.
[6] *Ante*, pp. 314–316.

application of nuclear energy for peaceful purposes. This change is based on a suggestion by the representative of Chile, Ambassador Pinera,[7] and was also desired by many other delegations from African, Asian and Latin American countries.

In connexion with these changes in article IV, I call the Committee's attention also to certain corresponding changes in the draft resolution. The second paragraph of the preamble of the resolution, as revised, stresses the importance:

> . . . of intensifying international co-operation in the development of peaceful applications of atomic energy.

An entirely new fourth preambular paragraph makes it unequivocally clear that, under the treaty:

> . . . all signatories have the right to engage in research, production and use of nuclear energy for peaceful purposes and will be able to acquire source and special fissionable materials as well as equipment for the processing, use and production of nuclear material for peaceful purposes.

These changes, in both the treaty and the draft resolution, should dispel any remaining concern regarding the treaty's effect on the use of nuclear energy for peace.

I come next to article V, which relates to peaceful nuclear explosions. This article has been strengthened in several ways in our desire to respond to concerns voiced by various delegations, especially those in Latin America. Among other things, the new language binds the parties explicitly and emphatically:

> . . . to take appropriate measures to ensure that, in accordance with this Treaty, under appropriate international observation and through appropriate international procedures, potential benefits from any peaceful applications of nuclear explosions will be made available to non-nuclear-weapon States Party to this Treaty . . . .

It will be noted that the revised text makes it clear that States may obtain the benefits from peaceful application of nuclear explosions:

> . . . pursuant to a special international agreement or agreements, through an appropriate international body with adequate representation of non-nuclear-weapon States.

This language contemplates a basic agreement defining the functions of the appropriate international body and holds open the possibilities of a series of separate international agreements dealing with particular projects.

It is important that the primary agreement—defining the function of the international body—be negotiated promptly. For this reason we have added the language that:

> Negotiations on this subject shall commence as soon as possible after the Treaty enters into force.

We trust that this language will remove any doubts about the intention of the nuclear-weapon States which are in a position to do so to provide

[7] Cf. *ante*, pp. 300-301.

such services under appropriate international observation and at the earliest practical moment.

Let me add, lest there be any doubt on this score, that the provision concerning negotiations is not intended in any way to preclude preparatory consideration of this matter before the treaty enters into force. We assume that all interested States will wish to begin studies and consultations promptly. Many States, including the United States, will promptly begin or continue studies and consultations already under way. I should also note that this subject is on the agenda of the Conference of Non-Nuclear-Weapon States.[8]

We are grateful to the head of the delegation of Mexico, Minister Garcia Robles, and his colleagues of the Latin American working group, Ambassador Turbay Ayala of Colombia and Ambassador Pinera of Chile in particular, for suggestions which formed the basis for these changes, and also to other delegations that expressed their great interest in them.

I come now to the second major category of changes, those relating to further measures of disarmament.

During this debate most delegations have clearly recognized that it would be inadvisable to try to include in this treaty any specific list of further disarmament measures, lest, by attempting too much in a single treaty, we should end by achieving nothing. There was widespread sentiment, however, that everything possible should be done to ensure that the treaty will be followed as soon as possible by additional measures to halt the nuclear arms race and to reduce existing nuclear arsenals—a view with which the United States emphatically agrees.

To give further expression to this widespread desire, an important addition has been made to the ninth preambular paragraph of the treaty. As revised, this paragraph now declares the intention of the parties "to achieve at the earliest possible date the cessation of the nuclear arms race and"—this is the new, additional language—"to undertake effective measures in the direction of nuclear disarmament". This change was made pursuant to a suggestion by the delegation of Yugoslavia.

Again, in connexion with these changes in the treaty the co-sponsors have also made certain corresponding revisions to strengthen the draft resolution. In the fifth preambular paragraph, which relates to this matter of further disarmament measures, the words "must be followed by effective steps" have been revised to read "must be followed as soon as possible by effective measures". Moreover, a significant change has been made in operative paragraph 4 of the draft resolution, so that the request urgently to pursue negotiations on such measures is now addressed not only to the Eighteen-Nation Committee on Disarmament, as before, but also to "the nuclear-weapon States". And in this connexion operative paragraph 3 of the draft resolution has also been significantly broadened, in line with a suggestion by the delegation of Japan, to express "the hope for the widest possible adherence to the treaty by both nuclear-weapon and non-nuclear-weapon States". By making these changes, the sponsors express their hope for universal adherence to the treaty by all States.

[8] *Documents on Disarmament, 1967*, pp. 410–411.

The third category of concern which has been expressed in this debate has to do with the problem of the threat or use of force, particularly of attack by nuclear weapons. The United States is convinced that the question of security assurances against such attacks or threats can best and most appropriately be dealt with in the context of action under the United Nations Charter. We have of course given careful study to the statements made by many delegations on this question. Those statements have served to underscore our conviction that the draft resolution on security assurances which the United States, the Soviet Union and the United Kingdom intend to propose in the Security Council, and the declarations which they intend to make, constitute the most appropriate and effective solution that can now be devised for this problem—a solution whose joint support by these three States, commanding the overwhelming preponderance of nuclear-weapon power in the world today, is a deterrent factor of the first magnitude.

In this connexion, however, we have benefited from valuable suggestions from a number of delegations, particularly Japan, for strengthening both the draft treaty and the draft resolution by relating them more explicitly to relevant principles of the United Nations Charter. And this is in accord with the security assurances proposal, which, as I made clear in my statement of 15 May, is fully in harmony with the Charter.[9] Accordingly, new final paragraphs have been inserted in the preambles of both the revised draft resolution and the revised draft treaty, reaffirming applicable principles of the Charter. I call the Committee's attention particularly to the final preamoular paragraph in the revised text of the treaty, which recalls that:

> . . . in accordance with the Charter of the United Nations, States must refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations, and that the establishment and maintenance of international peace and security are to be promoted with the least diversion for armaments of the world's human and economic resources;.

This citation of basic Charter principles provides a significant and fitting premise to the operative sections of the treaty.

A change has also been made in article IX of the treaty in order to eliminate a concern voiced by several delegations. This concern was that article IX, as it then stood, might, in theory, allow the treaty to be frustrated by a nuclear Power which failed to ratify after signing it. To obviate this possibility, the three depositary Governments are now named in the second paragraph of article IX: the Union of Soviet Socialist Republics, the United Kingdom, and the United States—the same three depositaries which the General Assembly approved for the space Treaty [10]—and the third paragraph provides that the treaty will enter into force after those depositary Governments, all of which fully and unreservedly support the treaty, and forty other signatory States have deposited their instruments of ratification.

Finally, in revising the resolution, we have made several other changes in language, which appear in the text which has been read

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[9] *Ante*, pp. 336–345.

[10] *Documents on Disarmament, 1966*, pp. 809 ff; *ibid., 1967*, pp. 38–43.

out by the Secretary of the Committee to accommodate the views of several delegations.

Before concluding, I wish to comment briefly on the matter of safeguards, which is the subject of article III of the treaty, since this is a matter which has been discussed throughout our debate.

My delegation is deeply gratified by the widespread support and favourable comment which this very important article has drawn in the course of the Committee's deliberations. We are heartened by the widely shared view that the safeguards prescribed by article III will not only serve to verify important treaty obligations but, in so doing, will also provide a significant impetus to co-operation among the parties in the development of nuclear energy for peace.

In presenting the draft of article III to the Eighteen-Nation Committee on Disarmament on 18 January, the United States representative enumerated three principles regarding the safeguards and the safeguards agreements called for by article III. I should like to repeat those principles for you.

(1) There should be safeguards for all non-nuclear-weapon States of such a nature that all parties can have confidence in their effectiveness. Therefore, safeguards established by an agreement negotiated and concluded with the IAEA in accordance with the Statute of the IAEA and the Agency's safeguards system must enable the IAEA to carry out its responsibility of providing assurance that no diversion is taking place.

(2) In discharging their obligations under article III, non-nuclear-weapon States may negotiate safeguards agreements with the IAEA individually or together with other parties; and, specifically, an agreement covering such obligations may be entered into between the IAEA and another international organization the work of which is related to the IAEA and the membership of which includes the parties concerned.

(3) In order to avoid unnecessary duplication, the IAEA should make appropriate use of existing records and safeguards, provided that under such mutually agreed arrangements the IAEA can satisfy itself that nuclear material is not diverted to nuclear weapons or other nuclear explosive devices.[11]

We are convinced that the safeguards agreements called for by article III, in keeping with these principles, will be worked out in a timely manner so that we will all soon begin to reap the benefits of enhanced security and of peaceful progress which the safeguards will bring. And, as the offer of the United States to accept such safeguards demonstrates, we are confident that the safeguards will not impose any industrial, economic or other burden on any party.

Some delegations have raised questions about the meaning of certain terms used in article III, about the effect of its provisions, and about the applicability of treaty safeguards to uranium mines and ore-processing plants. The representative of Canada, in his statement of 23 May, provided helpful answers to many of these questions and also

[11] *Ante*, p. 13.

referred to the records of the Eighteen-Nation Committee on Disarmament proceedings which specifically dealt with these questions.[12]

I should only like to reiterate a point already made by several representatives: namely, that in IAEA practice and under its approved procedures, IAEA safeguards are not applied to uranium mines or to ore-processing plants. The application of Agency safeguards to nuclear material begins only with the uranium concentrate which the uranium ore-processing plants produce. The draft treaty does not require any change in the existing procedure by extending the application of Agency safeguards closer to the mine from the concentrate output stage.

Of course, exports of uranium ore to non-nuclear-weapon States by parties to the treaty would be subject to the provisions of Article III, paragraph 2, and such exports would have to be under the conditions specified therein so that the source or special fissionable material which would be derived from this ore in the recipient State would be subject to the safeguards required by the treaty.

In this statement I have described significant changes and, I believe, both clarifications and improvements in the text of both the nonproliferation treaty and the draft resolution supporting it.

We believe that these changes will further broaden the appeal and the acceptability of this historic treaty.

I conclude by joining with our Co-chairman, the Union of Soviet Socialist Republics, in presenting for this Committee's approval this draft treaty in its totality.

This treaty will serve three major and important purposes.

First, it will serve to assure that control over nuclear weapons, with their catastrophic power of destruction, shall spread no further among the nations of the earth. Its first two articles, articles I and II, taken together, will help lock the door to nuclear-weapons proliferation from both sides. The treaty will bind nuclear-weapon-Powers not to transfer nuclear weapons to non-nuclear States and the latter not to manufacture or otherwise acquire them.

Second, it will facilitate the way for all nations, particularly those in the earlier stages of economic development, to share in the peaceful blessings of nuclear energy—without arousing fear lest that energy be diverted to nuclear weapons.

In addition, it ensures that any benefits arising from the development of nuclear explosions for peaceful purposes will be available to all parties under appropriate international observation and through appropriate international procedures, without discrimination.

Third, it will establish a new and solemn treaty obligation, especially upon the nuclear-weapon Powers, to press forward the search for nuclear disarmament.

Furthermore, the United States, the Soviet Union and the United Kingdom have agreed to take an unprecedented and historic step in an attempt to ensure that appropriate measures are taken to safeguard the security of non-nuclear States adhering to this treaty. To this end they have proposed a Security Council resolution and accompanying

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[12] *Ante*, pp. 388–396.

declaration designed to lay a firm political, moral and legal basis for such assurances.

I submit that this treaty which, as presented, is the joint product of the deliberations in the Eighteen-Nation Committee on Disarmament and in this Committee is fully deserving of the overwhelming support of the General Assembly. This Committee has before it now an opportunity which may never recur to move the nations of the world a long step away from war and chaos and towards stability, co-operation and peace. I am confident that the Committee will not fail in discharging this great responsibility.

Address by President Johnson at Glassboro State College [Extracts], June 4, 1968 [1]

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I am glad to return to Glassboro. I shall always remember this town as a place of warm friendship and hospitable people. The world will remember Glassboro, I hope, as a place where understanding between nations was advanced by the United States and the Soviet Union.

It was last June—about a year ago—that Chairman Kosygin and I sat down in President Robinson's living room for 2 days of discussions. Our talks ranged over the whole globe, but we talked mainly about four urgent matters:

First, we discussed the steps toward peace in the Middle East.

Second, we discussed ways to move the conflict in Vietnam from the battlefield to the conference table.

Third, we tried to move forward a treaty banning the spread of nuclear weapons.

Fourth, we stressed the need for broad talks at high levels between our two countries to halt the arms race in strategic weapons.

The year since then has been eventful and uncertain—like the age that we live in. We have lived through a year of achievement—and frustration. Too often, the frustration seemed to obscure hope. Too often, angry recriminations seemed to dominate the public dialogue in America.

But hope and achievement are certainly there to see. Our relations with the Soviet Union offer an example. This has been a time of unusual strain and difficulty. But what period in our history has been more productive in promoting cooperation between our two countries?

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. . . It is a good time, I think, also to talk about some principles which underlie our search for peace—principles which I hope that each of you and that all Americans would do well to remember. They

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[1] *Weekly Compilation of Presidential Documents*, June 10, 1968, pp. 903 908.

are principles which are underscored by the events of this tumultuous year since the Glassboro meeting.

The first one, often stated but often overlooked, is this: Making peace is a tough, difficult, slow business—often much tougher and often much slower than making war.

Certainly these months have taught us that peace cannot be bought by the cheap currency of wishful thinking, or by slogans. It cannot be won by withdrawal, or isolation, or indifference, or wishing that we could have peace or by desiring peace. Nor can it be achieved by the expensive currency of nuclear weaponry.

Peace must be earned, and that requires a continuous process of building—building brick by brick, agreement by agreement. That requires patience. That requires sturdiness. That requires judgment.

The cause of peace demands responsibility and demands restraint from all of us—from the young and from the old, from the political leaders and the candidates and from the plain citizens, from the office-holders and from the officeseekers.

. . . . . .

A second principle in the search for peace is this: The road there is far less rocky when the world's two greatest powers—the United States and the Soviet Union—are willing to travel part of the way together.

Our progress toward a nuclear nonproliferation treaty in the past year gives evidence of this.

The control of nuclear weapons is a matter which goes far beyond the interest of the United States and the Soviet Union. It touches the life of every nation—and every human being—on this earth.

One of my first acts, upon becoming President of the United States, was to immediately instruct our negotiators to seek actively a non-proliferation treaty.[2] Now, after more than 4 long years of discussion, a treaty to prevent the spread of nuclear weapons has been laid before the United Nations General Assembly.[3]

I do not want to anticipate the vote of the United Nations on this treaty. But I do hope—and I do believe—that an overwhelming majority of the nations will support it. If they do—and if we build upon this treaty in the years to come—then we can all remember the year 1968 as a year of victory in the world, a year in which mankind took its most creative step since the dawn of the atomic age.

But beyond the treaty, there is much more to be done. The nations which we are asking to forgo nuclear weapons are now, in turn, urging the two great powers, the United States and the Soviet Union, to scale down the nuclear arms race—and these nations deserve an answer from us. The answer can only be found in disarmament.

For our part, the United States is ready now to move immediately in the direction of disarmament—if our two nations can reach binding agreements which preserve the security of each nation. The United States is ready now to begin such agreements.

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[1] *Documents on Disarmament, 1964*, pp. 7–9.

[2] *Ante*, pp. 404–409.

A third principle underscored in the last year is this: Peace will be achieved not only by resolving the bitter conflicts of today. Even after we end these conflicts, there remains another task: to build a pattern of cooperation in the world.

The Middle East, Vietnam, the nuclear arms race—these are all conflicts, and as we all know, conflicts are the stuff of headlines. Conflicts are the life-or-death issues of foreign policy. They are our daily fare—the breakfast, the lunch, the dinner—of those who are responsible for America's security today.

But during the past year, the work of peace has been going on in many ways that rarely make headlines—on some issues which are less than life-or-death matters. But as these issues touch on our relations with another great power, the Soviet Union, which you good people here at Glassboro, at the college and in the community did so much to try to help us promote, they are important nonetheless.

During the last year we completed work with the Soviet Union on a treaty forbidding weapons in outer space.[4]

During the last year we completed work with the Soviet Union on an agreement to assist astronauts downed in either country.[5]

We completed work during the last year on a new consular treaty.[6]

We completed work during the last year on an agreement permitting the Soviet Union's planes to land in the United States, and the planes of the United States of America to land in the Soviet Union.

Only yesterday your Government began talks with the Soviet Union about a renewal of our cultural exchange agreement with the Soviet Union.

Now we believe genuinely that every one of those steps is a step toward peace.

The disagreements between the Soviet Union and the United States, of course, have not been removed—not by any means.

—We believe that there should be a realistic enforcement of the 1962 Geneva Accords on Laos.[7] We believe that agreements solemnly made should be solemnly honored.

—We have been unable to cooperate on steps toward a successful peace in the Middle East.

—We have yet to win an agreement which would avoid a costly anti-ballistic missile race between the United States and the Soviets. We are ready to make such an agreement—and we urge the Soviets to join us, as we urged them to set a date for such a meeting when we met here at your college campus.

But in the last year, we have made some progress. We have proved that we can agree, can agree in part, on some occasions at least on some issues. We have proved that our two countries can behave as responsible members of the family of nations.

And that is a hopeful sign, indeed.

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[4] *Documents on Disarmament, 1967*, pp. 38–43.
[5] TIAS 6599.
[6] TIAS 6560.
[7] 14 UST 1104.

Finally, I can suggest other opportunities for cooperation between the United States, the Soviet Union, and other nations—cooperation to extend our knowledge, cooperation to develop our resources which man has scarcely touched.

There is the problem of exploring the deep-ocean floor.

There is the American proposal for an international decade of undersea exploration.

There is the continuing exploration of the Arctic and the Antarctic. In the Antarctic, we are already working with the Soviet Union—and the area has been freed from military tension by our Treaty of 1959.[5]

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Statement by the South African Representative (Botha) to the First Committee of the General Assembly; Nonproliferation of Nuclear Weapons, June 5, 1968 [1]

My delegation shares the feeling of shock at the dreadful attempt on the life of Senator Kennedy. Our thoughts go out to his family in their hour of trial, and we all look forward to his complete recovery.

In my statement of 20 May, I referred to some of the misgivings of the South African Government regarding the possible implications of a number of the provisions of the draft treaty because of uncertainty as to precisely how these provisions would be implemented and how the over-all objectives of the treaty would be attained.[2] A number of clarifications have been given in the course of this debate and elsewhere, and while a somewhat clearer picture has emerged of the treaty in certain of the fields which are of direct concern to South Africa as a major producer of uranium, it has also become apparent that the precise manner of implementation of certain provisions of the treaty can finally be determined only by the International Atomic Energy Agency. Until the Agency itself has pronounced in detail on the manner in which the responsibilities entrusted to it under the treaty will be discharged, there can be no precise definition of the final extent and scope of the obligations which acceptance of the treaty would impose on a non-nuclear-weapon State.

In my statement of 20 May I also said that the South African position on the treaty would be determined only after a detailed study had been undertaken of its provisions as finally opened for signature, and in the light of the relevant safeguards provisions which were decided upon. That statement continues to reflect the position of my Government. The precise safeguards provisions, it is clear, have still to be determined by the International Atomic Energy Agency, and until we know what those provisions are we obviously will not be in a position to undertake any commitments.

Certain other misgivings to which I referred in my earlier statement also remain, pending a more precise determination of how the treaty

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[1] *Documents on Disarmament, 1945–1959*, vol. II, pp. 1550–1556.

[2] A/C.1/PV.1579, p. 11.

[3] *Ante*, pp. 378–383.

will work in practice. It is on this understanding that South Africa will be pleased to support the draft resolution [3] as an earnest of our good will and of our whole-hearted support of the objective of non-proliferation.

Statement by the Japanese Representative (Tsuruoka) to the First Committee of the General Assembly: Nonproliferation of Nuclear Weapons, June 5, 1968 [1]

Mr. Chairman, I wish to associate myself with you and with the previous speakers in requesting the United States delegation to transmit to the family of Senator Kennedy the best wishes of the Japanese delegation for his speedy recovery and our heartfelt sympathy for them. (*continued in English*)

On 10 May last, I stated the views of the Japanese Government regarding a treaty on the non-proliferation of nuclear weapons and, in particular, I set forth in some detail our comments on certain specific aspects of the proposed draft treaty to which my Government attaches special importance.[2]

The fundamental position of the Japanese Government remains as it has been for some years past. We continue to believe that the early conclusion of an equitable non-proliferation treaty, acceptable to as many countries as possible, should be an important step towards halting the nuclear arms race and achieving nuclear disarmament.

We have before us the revised text of the draft treaty contained in document A/C.1/L.421/Rev.2/Add.1.[3] We note that as a result of the debate in this Committee some further improvements have been made in the revised text, although still more could be desired.

The practical value of this treaty will depend to a large extent on its interpretation and implementation. As regards its interpretation and implementation, we assume that full attention will be paid to the views I expressed on 10 May with regard to, first, the problem of the threat or use of force involving nuclear weapons; second, nuclear disarmament; and third, the peaceful uses of nuclear energy.

It is of fundamental importance that the purposes and the provisions of the treaty should be faithfully realized. In this connexion I should like to stress once again the importance of the periodic review conferences contemplated by the treaty. Indeed, the operation of the treaty must at all stages meet the realities of the moment. If it is found at the review conferences that those realities are not being met and that the provisions of the treaty as well as its purposes, including nuclear disarmament, are not being fully realized, then I am afraid that States parties to the treaty might be obliged to re-examine its whole value and reconsider their positions.

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[1] Identical with the G.A. resolution of June 12 (*post*, pp. 431–432).
[2] A/C.1/PV.1570, pp. 16–17.
[3] *Ante*, pp. 309–314.
[4] *Ante*, pp. 404–409.

I turn now to revised draft resolution A/C.1/L.421/Rev.2. We recognize that efforts have been made to meet the views of a number of delegations in this revision. There are two specific changes in the revised text which are of particular concern to us.

First, the new sixth paragraph of the preamble affirms that

> . . . both nuclear-weapon and non-nuclear-weapon States carry the responsibility of acting in accordance with the principles of the United Nations Charter that the sovereign equality of all States shall be respected, that the threat or use of force in international relations shall be refrained from, and that international disputes shall be settled by peaceful means.

As I have said before, the nuclear-weapon States will be allowed to retain nuclear weapons under the treaty, while the non-nuclear-weapon States will assume the obligation not to acquire such weapons. Therefore, it is evident that the emphasis of this paragraph is placed on the responsibility of the nuclear-weapon States to act in the manner set forth therein. Thus the new paragraph is, indeed, an improvement over the earlier draft of the resolution.

With regard to operative paragraph 3 of the revised draft resolution, the words "by both nuclear and non-nuclear-weapon States" have been added to the original language of this paragraph so that, as it now reads, the General Assembly

> Expresses the hope for the widest possible adherence to the treaty by both nuclear and non-nuclear-weapon States.[4]

I wish to note that this appeal is directed to all nuclear-weapon States and to all non-nuclear-weapon States, regardless of whether they are Member States of the United Nations or not.

Although not all the views that I have expressed in the general debate and in private consultations have been accepted, the very urgency of preventing the further spread of nuclear weapons and the importance of achieving nuclear disarmament enable us to support the revised draft resolution. We shall therefore vote in favour of it.

Statement by the Swedish Representative (Myrdal) to the First Committee of the General Assembly: Nonproliferation of Nuclear Weapons, June 5, 1968 [1]

I am grateful to have this opportunity to make a statement in explanation of our vote on draft resolution A/C.1/L.421/Rev.2.[2] The Swedish delegation will vote in favour of that draft resolution. That is, we shall vote in favour of the General Assembly's commending the non-proliferation treaty in its present revised version [3] and at the same time expressing hope for the widest possible adherence to the treaty and requesting the Eighteen-Nation Committee on Disarmament and the nuclear-weapon States urgently to pursue negotiations on effec-

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[1] *Post*, p. 432.
[2] A/C.1/PV.1570, pp. 23–27.
[3] Identical with the G.A. resolution of June 12 (*post*, pp. 431–432).
[4] *Post*, pp. 404–409.

tive measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament.

I wish to stress that it is only after a conscientious weighing of the pros and cons that we have arrived at this decision. The hesitation which my delegation, like so many others, has felt all through the complicated negotiations on this treaty is related to the fact that the treaty as such can only be characterized as a modest step towards nuclear disarmament. The hesitation does not, of course, stem from any lack of conviction about the desirability of contributing to nuclear disarmament. Gradually we have come to the conclusion that the treaty represents "a bridge we must cross before any further progress on disarmament can be made".

We have been heartened, furthermore, by the commitments contained both in the text of the treaty itself and in its preamble, as well as in the draft resolution, concerning ensuing negotiations on more decisive measures.

We shall expect the Eighteen-Nation Committee on Disarmament to meet shortly in Geneva and to agree at the outset on priorities for its agenda. The Eighteen-Nation Committee has before it several mandates in the form of resolutions passed last autumn by this Assembly.

In various interventions during our debate here on the non-proliferation treaty promising lists of proposals for further negotiation subjects have been put forward. In this context I find it fitting to recall that a special priority has been given in a number of Assembly resolutions to the item of a comprehensive test ban. This measure has always been in the foreground of Swedish endeavours during the disarmament negotiations; it has taken on an even greater urgency recently with the terrifying escalation in regard to sophistication of the already over-effective instruments of mass killing. For that purpose, evidently, testing is continuing and is even stepped up, despite the fact that all such activity is solemnly condemned by the United Nations General Assembly. My delegation wishes to stress, however, the need for simultaneous strides forward on several measures, concentrating the main efforts—when the issues have become clearer—on items which give the greatest promise of speedy conclusion.

This affirmative vote of the Swedish delegation does not in itself commit the Swedish Government to signature and ratification of the treaty. Regular constitutional procedures must follow. Such procedures necessarily take some time. Meanwhile, we expect to register signs of a new momentum in disarmament negotiations.

The act of signing the treaty would *per se* not be the decisive crossroad for Sweden in regard to the question of nuclear arms for our own defence purposes. It must have been evident for a considerable time that Sweden has had no intentions of becoming a nuclear-weapon Power. Our adherence to the Moscow Treaty, and further, the establishment of a nuclear energy programme based at present, to the largest extent, on imported and thus controlled fuel, together with a pledge by the Government to accept IAEA controls on all nuclear activities are important signs in this direction. As late as on 22 May, the Swedish Parliament, independently of the negotiations on the non-proliferation treaty, confirmed that the line of national policy is

not to acquire nuclear weapons, this according to present considerations of our security situation. This I am happy to be able to report here, having personally been back in Stockholm to participate in that important decision.

Finally, I wish to underline that we will carefully watch the action taken by other Governments in relation to the treaty during the coming months. As has been stated many times during this debate, the treaty's importance will largely depend on the signature and ratification of it by certain "key-countries". We do hope that all these countries, whether they are at present represented here in the United Nations or not, are aware of their responsibility towards each other and towards world peace and will proceed to make this endeavour a truly international one.

Address by the French Representative (Berard) to the General Assembly: Nonproliferation of Nuclear Weapons, June 12, 1968 [1]

The Members of the Assembly are aware of the attitude of reservation maintained by the French delegation with regard to the debate on non-proliferation. In conformity with that attitude we refrained from speaking in the First Committee, but today, when the great majority of Member States have made known their positions, everyone will understand that France feels it necessary to explain the vote it will cast.

The question of disarmament, which in the world of today is the question of nuclear disarmament, is the essential task that has faced mankind since in 1945 the first atomic bomb in history exploded at Hiroshima. It is this question which was before the United Nations at the very moment when it was born in San Francisco, a few months later. It is this question which haunts the minds of men who realize that the existence of the absolute weapon is not only a new step in military development but also, and above all, a permanent threat to individuals, to nations and to life itself.

When we are confronted with this immense duty, how inadequate appear the discussions which have gone on for years and have resulted not in measures of disarmament or even a reduction of armaments but merely in a beginning of the study of the real problems. That evaluation, simple but tragic, cannot be evaded at this time when the General Assembly is meeting again on the question of disarmament but in reality to discuss the draft non-proliferation treaty which was worked out by the Soviet Union and the United States and has been the subject of lengthy discussions in the Geneva Committee and the First Committee.[2] Those are the observations, simple but decisive in our view, which explain the position of France on this matter, as I shall now further explain.

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[1] A/PV.1672 (prov.), pp. 3–7.
[2] *Ante*, pp. 404–409.

What is the aim of this draft resolution?[3] Essentially, its aim is that the States which do not possess nuclear weapons should renounce manufacturing or acquiring them, while, on their part, the Powers which possess nuclear weapons commit themselves to do nothing that would facilitate the accession of another State to atomic capability in the military field.

The French Government, as is well known, has abstained from participating in this discussion until today. It does not intend to depart from that position. Certainly we do not want proliferation of nuclear weapons. We are second to none in believing that if all peoples are to benefit from the peaceful advantages of nuclear energy, it would be dangerous for such weapons to be multiplied. That is to say, we understand perfectly well that the non-nuclear States give up the atomic option under the conditions provided by the treaty. But at the same time the French Government believes that the nuclear States should not in any manner, directly or indirectly, favour a proliferation which would be contrary to the interests of the world as a whole. This, inevitably, is happening and will continue to happen in any case. No State which bears the terrible responsibilities that result from the possession of such weapons will ever envisage sharing them with anyone.

France, for its part, which will not sign the non-proliferation treaty, will behave in the future in this field exactly as the States adhering to the treaty. There is certainly no doubt in that respect in the mind of anyone.

But the real question is not that. Nor can it be the mere confirmation by the international community of the monopoly of the Powers which at this time happen to possess this capability. The real question is—I said it at the beginning, and it is still our thought—the complete disappearance of nuclear weapons.

As has been repeated so often by the highest French authorities, the only solution to the threat which results from the existence of these weapons is the complete stoppage of their manufacture and the complete destruction of the stockpiles. Such an undertaking, of course, presupposes that the nuclear States would consult each other and reach an agreement. This presupposes again, on their part, the will to achieve this and a deep modification of their mutual relationships; that is to say, to begin with, a real détente. However remote such a prospect may appear, it is the only one that meets the problem posed and, hence, that is capable of meeting the concern expressed in this universal assembly—above all by the non-nuclear Powers.

France, for its part remains ready for any initiative that other States are prepared to accept jointly with France in this field. We would be the first to rejoice if, under an agreement aiming at a real disarmament, France could envisage renouncing the nuclear capabilities which in present conditions, France had to acquire in order to face up, in full independence, to the responsibilities of its own security.

By abstaining in the vote on the draft resolution which is about to be submitted to the General Assembly, the French delegation certainly does not intend either to condemn or to recommend the conclusion of

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[3] Identical with G.A. resolution 2373 (XXII), *infra*.

a treaty which in fact has no implication for our country. Our delegation wishes, first of all, to recall that the great undertaking of disarmament, to which the French Government is ready to devote the best of its efforts, is always before us, and that it is essentially on this subject that each and every one should shoulder his own responsibilities.

I add that, in the same spirit, France will adopt at the proper time a similar position in the Security Council, when that body has before it the draft resolution proposed by the United States and the Soviet Union,[4] which is designed to give to the non-nuclear Powers the assurances regarding the risks which might result for them from the nuclear weapons in the possession of the nuclear Powers. Such armaments are manufactured in France only for strictly defensive purposes, and France does not intend to use them either to threaten or to attack anyone. But, here again, France believes that the nations of the world will receive the guarantees of security to which they have the right to aspire only when the world has embarked on the road towards nuclear disarmament and on condition that such disarmament is carried out to the full.

General Assembly Resolution 2373 (XXII): Treaty on the Nonproliferation of Nuclear Weapons, June 12, 1968 [1]

The General Assembly,

Recalling its resolutions 2346 A (XXII) of 19 December 1967,[2] 2153 A (XXI) of 17 November 1966,[3] 2149 (XXI) of 4 November 1966,[4] 2028 (XX) of 19 November 1965 [5] and 1665 (XVI) of 4 December 1961,[6]

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[4] See *post*, p. 444.

[1] A/RES/2373 (XXII), June 18, 1968. This resolution was approved by a vote of 95 to 4, with 21 abstentions:

For—Afghanistan, Australia, Austria, Barbados, Belgium, Bolivia, Botswana, Bulgaria, Byelorussian S.S.R., Cameroon, Canada, Ceylon, Chad, Chile, China, Colombia, Democratic Republic of the Congo, Costa Rica, Cyprus, Czechoslovakia, Dahomey, Denmark, Ecuador, El Salvador, Ethiopia, Finland, Ghana, Greece, Guatemala, Guyana, Honduras, Hungary, Iceland, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Laos, Lebanon, Lesotho, Liberia, Libya, Luxembourg, Madagascar, Malaysia, Maldive Islands, Malta, Mauritius, Mexico, Mongolia, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Romania, Senegal, Singapore, Somalia, South Africa, Southern Yemen, Sudan, Sweden, Syria, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukrainian S.S.R., U.S.S.R., U.A.R., U.K., U.S., Upper Volta, Uruguay, Venezuela, Yemen, Yugoslavia.

Against—Albania, Cuba, Tanzania, Zambia.

Abstaining—Algeria, Argentina, Brazil, Burma, Burundi, Central African Republic, Congo (Brazzaville), France, Gabon, Guinea, India, Malawi, Mali, Mauritania, Niger, Portugal, Rwanda, Saudi Arabia, Sierra Leone, Spain, Uganda.

[2] *Documents on Disarmament, 1967*, pp. 732–733.

[3] *Ibid., 1966*, pp. 748–749.

[4] *Ibid.*, pp. 686–687.

[5] *Ibid., 1965*, pp. 532–534.

[6] *Ibid., 1961*, p. 694.

Convinced of the urgency and great importance of preventing the spread of nuclear weapons and of intensifying international co-operation in the development of peaceful applications of atomic energy,

Having considered the report of the Conference of the Eighteen-Nation Committee on Disarmament, dated 14 March 1968,[7] and appreciative of the work of the Committee on the elaboration of the draft non-proliferation treaty, which is attached to that report,[8]

Convinced that, pursuant to the provisions of the treaty, all signatories have the right to engage in research, production and use of nuclear energy for peaceful purposes and will be able to acquire source and special fissionable materials, as well as equipment for the processing, use and production of nuclear material for peaceful purposes,

Convinced further that an agreement to prevent the further proliferation of nuclear weapons must be followed as soon as possible by effective measures on the cessation of the nuclear arms race and on nuclear disarmament, and that the non-proliferation treaty will contribute to this aim,

Affirming that in the interest of international peace and security both nuclear-weapon and non-nuclear-weapon States carry the responsibility of acting in accordance with the principles of the Charter of the United Nations that the sovereign equality of all States shall be respected, that the threat or use of force in international relations shall be refrained from and that international disputes shall be settled by peaceful means,

1. *Commends* the Treaty on the Non-Proliferation of Nuclear Weapons, the text of which is annexed to the present resolution [9];
2. *Requests* the Depositary Governments to open the Treaty for signature and ratification at the earliest possible date;
3. *Expresses the hope* for the widest possible adherence to the Treaty by both nuclear-weapon and non-nuclear-weapon States;
4. *Requests* the Conference of the Eighteen-Nation Committee on Disarmament and the nuclear-weapon States urgently to pursue negotiations on effective measures relating to the cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control;
5. *Requests* the Conference of the Eighteen-Nation Committee on Disarmament to report on the progress of its work to the General Assembly at its twenty-third session.[10]

Address by President Johnson to the General Assembly: Nonproliferation of Nuclear Weapons, June 12, 1968 [1]

Mr. President, Mr. Secretary-General, Your Excellencies, Delegates to the General Assembly:

[7] *Ante*, pp. 192–193.
[8] *Ante*, pp. 162–166.
[9] *Ante*, pp. 404–409.
[10] See *post*, pp. 591–595.
[1] A/PV.1672, pp. 31–45.

I have asked for the privilege of addressing you this afternoon to acknowledge this momentous event in the history of nations, and to pledge, on behalf of the United States, our determination to make this but a first step toward ending the peril of nuclear war.

Four and a half years ago—shortly after the awesome responsibility of leadership was thrust into my hands—I instructed our negotiators at Geneva to seek a treaty to prevent the spread of nuclear weapons.

I recalled the modest and mutual reductions in arms spending that had been achieved by the United States and the Soviet Union. And I said then:

> Let us pray that the tide has turned—that further and more far-reaching agreements lie ahead—and that future generations will mark 1964 as the year the world turned for all time away from the horrors of war and constructed new bulwarks for peace.[1]

Four and a half years of patient and painstaking negotiations at Geneva—and of further debate and refinement here in the United Nations—were to follow. Now, at last, the work of many Governments has become one instrument of international peace and sanity. The hands of many peoples have written a testament to reason—and to the will of mankind to endure.

The resolution that you have just approved commends to the Governments of the world, for their speedy ratification, the treaty on the non-proliferation of nuclear weapons.[2] It is the most important international agreement in the field of disarmament since the nuclear age began. It goes far to prevent the spread of nuclear weapons. It commits the nuclear Powers to redouble their efforts to end the nuclear arms race, and to achieve nuclear disarmament. It will ensure the equitable sharing of the peaceful uses of nuclear energy, under effective safeguards, for the benefit of all nations.

On behalf of the Government and the people of the United States, let me congratulate all who have contributed to this historic event.

But we should not linger long in mutual congratulation. The quest—and the need—for disarmament is too urgent for that. Many further steps are needed if this treaty is to fulfil its great purposes and if we are to move beyond it toward the ultimate goal that we all seek—peace in the world.

As regards the treaty itself, no time should be lost in bringing it into force. I pledge you this afternoon that we of the United States will move rapidly to open the treaty for signature, to sign it on behalf of our own Government, and to seek its prompt ratification in accordance with our Constitution.

We shall urge other nations to complete their ratification speedily, so that the treaty can enter into force at the earliest possible date.

I further pledge that as soon as the treaty has entered into force, we of the United States will carry out our responsibilities under it—in full measure.

First, we shall fully and scrupulously discharge our obligations as a nuclear-weapon party not to transfer nuclear weapons or control

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[1] *Documents on Disarmament, 1964*, pp. 7–9.

[2] *Ante*, pp. 404–409.

over them to any recipient whatsoever, and not to help any non-nuclear State acquire such weapons.

Second, we shall co-operate fully in bringing the treaty's safeguards into being—safeguards that will prevent the diversion of nuclear energy from peaceful uses to weapons.

Third, we shall, as the treaty requires, facilitate the fullest possible exchange of equipment, materials, and scientific and technical information for the peaceful uses of nuclear energy. We shall give particular attention to the needs of the developing nations. We shall share our technical knowledge and experience in peaceful nuclear research fully, and we shall share it without reservation. This will include very important new developments in electric-power generation, in agriculture, in medicine, in industry, and in the desalting of sea water.

Fourth, we shall continue our research and development in the use of nuclear explosions for peaceful purposes. We shall make available to the non-nuclear treaty partners, without delay and under the treaty's provisions, the benefits of such explosions.

Finally, in keeping with our obligations under the treaty, we shall, as a major nuclear-weapon Power, promptly and vigorously pursue negotiations on effective measures to halt the nuclear arms race and to reduce existing nuclear arsenals.

It is right that we should be so obligated. The non-nuclear States—which undertake by this treaty to forgo nuclear weapons—are entitled to the assurance that Powers possessing them, particularly the United States and the Soviet Union, will lose no time in finding the way to scale down the nuclear arms race.

We desire—yes, we urgently desire—to begin early discussions on the limitation of strategic offensive and defensive nuclear-weapon systems.

We shall search for an agreement that not only will avoid another costly and futile escalation of the arms race, but will de-escalate it.

I believe that this Treaty can lead to further measures that will inhibit the senseless continuation of the arms race. I believe that it can give the world time—very precious time—to protect itself against Armageddon, and if my faith is well-founded, as I believe it is, then this Treaty will truly deserve to be recorded as the most important step towards peace since the founding of the United Nations.

Further, the non-proliferation Treaty will serve not only as a deterrent to the spread of nuclear weapons, but also as a powerful stimulus for the peaceful use of the atom.

When this Treaty comes into force, the growing number of nuclear-power reactors around the world—with their inevitable by-product of plutonium—need no longer cause anxiety as potential sources of nuclear weapons material. Under the safeguards of the Treaty, those reactors will be pledged and will be guaranteed as peaceful sources of energy—as vital instruments of growth and development.

My fellow-citizens of the world, what we have achieved here today few men would have dared to even hope for a decade ago. Nations that were long beset by differences have—in this great Treaty—found

common ground in their need to use the incredible force of the atom for peace, and not for war.

From this ground that we have won here together, then, let us press forward to halt and to reverse the build-up of nuclear arsenals; to find new ways to eliminate the threat of conventional conflicts that might grow into nuclear disaster.

In the name of our common humanity, let us ensure our survival—so that we may achieve our high destiny on earth. Let us work for the ultimate self-interest of mankind: for that peace in which future generations may build a world without fear and without want—a world that is fit for the sons of man.

In closing, Mr. President, permit me to pay my cordial respects to you. In your conduct of the affairs of this Assembly, Mr. President, you have won new honours for your country and for yourself.

Mr. Secretary-General, we of the United States are very grateful for your contributions to the United Nations and to its universal goals of peace.

To all of the delegates that are here assembled, to all of you who have laboured hard and fruitfully throughout this historic session, we extend our sincere good wishes.

And to those who are about to leave our shores, we bid each of you God speed and a safe and pleasant journey home.

Statement by Ambassador Goldberg to the General Assembly: Nonproliferation Treaty, June 12, 1968 [1]

In his address to the General Assembly this afternoon President Johnson expressed the deep satisfaction of the United States at the Assembly's overwhelming vote for the resolution just adopted, commending the nonproliferation treaty.[2] The President spoke for the Government and people of the United States, and there is nothing I would wish to add except to say that my entire delegation is proud to have cast the vote of the United States in favor of this resolution. We share the prayerful hope that it is a harbinger of still greater achievements in the cause of peace.

I shall confine my remarks, therefore, to explanation of the vote of the United States and more particularly to comment on behalf of my Government concerning article IX of the treaty.

It will be noted that article IX provides that the treaty shall be open to all states for signature. The United States supports the accession clause now included in the draft treaty because of the special and exceptional character of this treaty. The fact that the "all states" clause has been employed in this instance does not indicate that it is suitable in other circumstances.

The adoption of this accession clause—urged because of exceptional circumstances favoring a very broad geographical coverage for the nonproliferation treaty—does not, of course, affect the recognition or

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[1] *Department of State Bulletin*, July 1, 1968, pp. 7–8.

[2] *Ante*, pp. 431–432.

status of an unrecognized regime or entity which may elect to file an instrument of accession to the nonproliferation treaty. Under international law and practice, recognition of a government or acknowledgment of the existence of a state is brought about as a result of a deliberate decision and course of conduct on the part of the government intending to accord recognition. Recognition of a regime or acknowledgment of an entity cannot be inferred from a signature, ratification, or accession to a multilateral agreement. Nor does signature, ratification, or accession by such a regime or entity create eligibility for admission to intergovernmental organizations, since the charters of these organizations invariably limit admission to "states."

Moreover, we wish to make it clear that we preserve the right to object if later an unrecognized entity should seek to assert privileges such as participating in a conference called under articles VIII or X of the treaty. It is on this basis that we join in supporting the present text of the nonproliferation treaty.

Mr. President, I speak for the United States delegation in congratulating you, sir, on the great skill and wisdom with which you have presided during these historic debates, and you have contributed very much to the successful outcome of our deliberations. We wish also to thank your esteemed colleagues, officers of the General Assembly, for their faithful cooperation. We wish to commend the indispensable contributions which so many members have made to our proceedings, both in the First Committee and here in the Assembly in the consideration of all of the Assembly agenda items. And to that great world statesman, our admired friend the Secretary-General, we extend warm thanks for all that he has done and to his able staff who have supported and assisted us in our important work.

Mr. President, in conclusion I hope you will permit me to sound a personal note. This is the last time I shall have occasion as Permanent Representative of the United States to speak from this great rostrum of the General Assembly. I shall always treasure my association with this community of ambassadors and delegates whose common striving, through all our discords, is to find ways toward peace and justice among nations.

I do not intend to lose sight of the many good friends and colleagues whom it has been my privilege to know during these three important adventurous years. I shall be observing your labors and hoping and praying for your success—which is humanity's success—in the years to come.

Chinese Communist Comment on the Nonproliferation Treaty, June 13, 1968 [1]

Manipulated by the U.S. imperialists and the Soviet revisionist renegade clique, the United Nations General Assembly adopted the so-called "treaty on non-proliferation of nuclear weapons" on June 12.[2]

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[1] *Peking Review*. June 21, 1968, pp. 17–18; *Renmin Ribao*, June 17, 1968.
[2] *Ante*, pp. 404–409.

This is a significant step by U.S. imperialism to intensify its counter-revolutionary global strategy and a grave crime of the Soviet revisionist renegade clique in selling out the interests of the people of the world. It is a big plot and a big fraud of the U.S. imperialists and Soviet revisionists in their counter-revolutionary global collusion. The Chinese people firmly oppose it.

The so-called "treaty on non-proliferation of nuclear weapons" was produced solely to meet the common counter-revolutionary needs of the U.S. and Soviet nuclear overlords. Today, as the waves of the people's revolution are surging violently throughout the world and the revolutionary forces of the world's people have grown stronger than ever, U.S. imperialism and its chief accomplice, the Soviet revisionist clique, are finding themselves in increasingly dire straits. To save themselves from defeat and destruction, they are bound to collude with each other ever more closely to strengthen their anti-China, anti-communist, anti-people and counter-revolutionary alliance. The chieftains of the U.S. ruling circles have publicly described the "treaty on non-proliferation of nuclear weapons" as the "child" of U.S.–Soviet co-operation. They find it "encouraging" that in the world today the United States and the Soviet Union are able to "move forward" together. These confessions vividly reveal how badly U.S. imperialism needs the services of the Soviet revisionist clique and to what extent the latter's betrayal has catered to the wishes of U.S. imperialism!

What sort of thing is this "treaty on non-proliferation of nuclear weapons"? To put it bluntly, it is something imposed on the non-nuclear states to bind them hand and foot. Under this treaty, the U.S. imperialists and Soviet revisionists are not only allowed to produce and stockpile nuclear weapons and increase the number of their nuclear bases; they also undertake no commitment whatsoever not to use nuclear weapons against the non-nuclear states. The latter, on the other hand, are totally deprived of their right to develop nuclear weapons for self-defence and are even restricted in their use of atomic energy for peaceful purposes. As the saying goes, "the magistrates are allowed to burn down houses while the common people are forbidden even to light lamps." In reality, this is tantamount to a demand that other countries accept forever the U.S. imperialist and Soviet revisionist position of nuclear monopoly and place themselves at their mercy. This thoroughly unequal treaty dished up by the U.S. imperialists and Soviet revisionists is even more unscrupulous and outrageous than the "tripartite treaty" they cooked up five years ago.

In concocting this treaty, the U.S. imperialists and Soviet revisionists aim at maintaining their nuclear monopoly and stepping up their preparations for nuclear warfare so as to carry out nuclear blackmail against other countries in a more unbridled way. Far from reducing the nuclear threat against other countries, this treaty has therefore greatly increased it. The U.S. imperialists and Soviet revisionists have gone so far as to describe the treaty as "measures to safeguard the security of peoples." What arrant nonsense!

While trotting out this "treaty on non-proliferation of nuclear weapons," the U.S. imperialists and Soviet revisionists, in collaboration with Britain, worked out an "agreement" in which they declared that so-called "nuclear protection" would be given to the non-nuclear states

which subscribe to this treaty. As a matter of fact, they want to use such a trick to turn other countries into their "protectorates" so as to control and enslave them at will. This is a glaring manifestation of the power politics played by U.S. imperialism and Soviet revisionism.

It must be pointed out that this nuclear fraud of U.S. imperialism and Soviet revisionism is also a component part of their anti-China plot. They not only want to fan up anti-China feelings internationally through the so-called "treaty on non-proliferation of nuclear weapons" but also want to accelerate the rigging up of an anti-China encirclement by providing their "nuclear umbrella" to India and other countries bordering China. The U.S. imperialists and Soviet revisionists have thus taken a big step forward in their military collaboration against China.

For several years, the U.S. imperialists and Soviet revisionists have taken great pains to lure and coerce other countries into accepting the "treaty on non-proliferation of nuclear weapons." However, many countries have firmly opposed this big fraud. Even some countries under U.S. imperialist control are unwilling to support it for a variety of reasons. Taking stock of the unfavourable situation that confronts them, the U.S. imperialists and Soviet revisionists have resorted to a deceptive trick by stipulating in the "draft treaty on non-proliferation of nuclear weapons" that it will "enter into force" once it has been ratified by a mere forty countries besides the United States, the Soviet Union and Britain. How ridiculous and pitiable! Isn't this a clear indication that the two nuclear overlords, U.S. imperialism and Soviet revisionism, like the sun setting beyond the western hills, are in their decline?

Our great leader Chairman Mao has pointed out,

> Those who refuse to be enslaved will never be cowed by the atom bombs and hydrogen bombs in the hands of the U.S. imperialists. The raging tide of the people of the world against the U.S. aggressors is irresistible. Their struggle against U.S. imperialism and its lackeys will assuredly win still greater victories.[3]

The U.S. imperialists and Soviet revisionists are incorrigible devotees of nuclear fetishism. They believe that with a scrap of paper such as the "treaty on non-proliferation of nuclear weapons," they will be able to preserve their nuclear monopoly and, on the strength of the nuclear weapons in their hands, to hold back the tide of the revolution of the world's people. This is day-dreaming pure and simple! The nuclear monopoly held by the U.S. imperialists and Soviet revisionists was broken long ago and will certainly be broken again. Their nuclear weapons can neither suppress the revolutionary struggles of the people of the world, nor resolve the profound political and economic crises confronting them, nor alleviate the sharpening contradictions within the imperialist and the revisionist blocs. In a word, their nuclear weapons cannot save them from their doom. "The people, and the people alone, are the motive force in the making of world history."[4] Such things as atom and hydrogen bombs in the hands of the U.S. imperialists and Soviet revisionists will, in the end, be buried together with their possessors by the people of the world!

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[3] *Peking Review*, Jan. 17, 1964, p. 5.

[4] *Quotations From Mao Tse-tung* (Peking: Foreign Language Press, 1966), p. 118.

Remarks by President Johnson, June 13, 1968 [1]

It gives me great pleasure to receive this award today, as it gave me great pleasure yesterday to appear at the United Nations and make the statement that it was possible to make.[2]

It has been almost 5 years since the nonproliferation treaty was a little more than a dream, when I first asked our people to try to begin work that finally resulted in the action that the General Assembly of the United Nations took.

In my judgment, a century from now those who write of today will conclude that this is one of the most, if not the most, important agreement and understanding that the nations reached with each other during this period of our history.

I am very grateful for the time, thought, and purpose that went into your effort here today.

I shall treasure this award and try to keep it on display with some of the other mementos that I have collected in the Presidency, so that future generations may be inspired by the good cause which it serves.

I am convinced that all of the 3½ billion people of the world want peace more than they want anything else. I believe that while it still appears to us to be quite elusive, each day we are making progress in that direction.

Thanks to all of you who contribute so much of your talent and dedication to that end.

United States Declaration on Security Assurances to Non-Nuclear Nations, June 17, 1968 [1]

The Government of the United States notes with appreciation the desire expressed by a large number of States to subscribe to the treaty on the non-proliferation of nuclear weapons.[2]

We welcome the willingness of these States to undertake not to receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly or indirectly; not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices; and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices.

The United States also notes the concern of certain of these States that, in conjunction with their adherence to the treaty on the non-proliferation of nuclear weapons, appropriate measures be undertaken to safeguard their security. Any aggression accompanied by

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[1] *Weekly Compilation of Presidential Documents*, June 17, 1968, p. 958. The President made these remarks when he accepted the "Swords Into Plowshares" Award in recognition of his leadership in sponsoring the nonproliferation treaty.

[2] *Ante*, pp. 432–435.

[1] S/PV.1430, pp. 22–25. Ambassador Goldberg read the declaration to the Security Council on this date. The U.K. and Soviet representatives made substantially identical declarations on the same date (*ibid.*, pp. 11–15, 17–20).

[2] *Ante*, pp. 404–409.

the use of nuclear weapons would endanger the peace and security of all States.

Bearing these considerations in mind, the United States declares the following:

Aggression with nuclear weapons, or the threat of such aggression, against a non-nuclear-weapon State would create a qualitatively new situation in which the nuclear-weapon States which are permanent members of the United Nations Security Council would have to act immediately through the Security Council to take the measures necessary to counter such aggression or to remove the threat of aggression in accordance with the United Nations Charter, which calls for taking "effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace".[8] Therefore, any State which commits aggression accompanied by the use of nuclear weapons or which threatens such aggression must be aware that its actions are to be countered effectively by measures to be taken in accordance with the United Nations Charter to suppress the aggression or remove the threat of aggression.

The United States affirms its intention, as a permanent member of the United Nations Security Council, to seek immediate Security Council action to provide assistance, in accordance with the Charter, to any non-nuclear-weapon State party to the treaty on the non-proliferation of nuclear weapons that is a victim of an act of aggression or an object of a threat of aggression in which nuclear weapons are used.

The United States reaffirms in particular the inherent right, recognized under Article 51 of the Charter, of individual and collective self-defence if an armed attack, including a nuclear attack, occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security.

The United States vote for the draft resolution before us and this statement of the way in which the United States intends to act in accordance with the Charter of the United Nations are based upon the fact that the draft resolution is supported by other permanent members of the Security Council which are nuclear-weapon States and are also proposing to sign the treaty on the non-proliferation of nuclear weapons, and that these States have made similar statements as to the way in which they intend to act in accordance with the Charter.

Statement by the French Representative (Berard) to the Security Council: Security Assurances to Non-Nuclear Nations, June 17, 1968 [1]

Mr. President, may I be allowed, with all the respect that I owe your position, to point to the imprudence that you committed when you

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[8] Art. I of the Charter.

[1] S/PV. 1430, pp. 26-31.

announced that you were going to leave your functions of the Security Council as soon as the present debate on non-proliferation was concluded. I was intending to speak for two minutes on non-proliferation. I shall now be tempted to speak for two hours, and I am sure that many of my colleagues will be tempted as I am in the hope of keeping you longer in the Security Council where we have all been able to appreciate your exceptional qualities—qualities of intelligence, of eloquence, of precision, of logic. You have an unshakable faith in the force of justice and in the value of legal reasoning and its power of conviction. Each of your statements was striking in the exactness of its presentation, its development and its conclusions. Allow me to say that in large measure you have the mind of a Frenchman, so extensive is your Cartesian logic.

These qualities, which have made you in turn a brilliant student, a celebrated lawyer, a negotiator commanding particular attention in labour circles, Secretary of Labour, and a member of the Supreme Court, one of the highest posts that can be conferred on an American citizen, you place at the service of the principles which constitute the greatness of American civilization—the passion for liberty, the search for equality among men, races and religions, and finally, the last of the three principles which my country was the first to proclaim and to which America attaches such value, the principle of fraternity. To all of this you add that notable trait of the American character, the untiring pursuit of progress—rapid progress in civilization, in relations between men and in happiness and well-being for all.

Of course, all of us, as representatives, did not always agree with you in our debates. That was inevitable and even a good thing, since the purpose of the United Nations is precisely to allow ideas to meet, to confront one another, to be discussed, with the hope—I would say with the certainty—that from that confrontation will necessarily come some light, some reconciliation, a little more harmony and a greater chance for peace.

We knew that we could not expect to retain for ever as a colleague a man who still has such a long and brilliant future. But having myself come back to the United Nations only nine months ago, I am sorry that I have been unable to benefit longer, as some of my colleagues have done, from your experience, your exceptional mind, and your sensitivity. In the important functions that you will doubtless carry out in the near future, we ask you to maintain your friendship for and your kind interest in your United Nations colleagues.

Now, I shall resist the temptation to speak for two hours and shall speak for only two minutes.

Having met to discuss a draft resolution concerning the security of non-nuclear-weapon States,[2] the Security Council is confronted by a text which in fact is very closely linked to the treaty on the non-proliferation of nuclear weapons.[3]

That is why the French delegation deemed it necessary, when it spoke in the General Assembly, to set forth at the outset its position on the text that is today submitted to the Security Council.[4] After having

[2] Identical with Security Council resolution 255 (1968), *post*, p. 444.
[3] *Ante*, pp. 404–409.
[4] See *ante*, pp. 429–431.

indicated that the French delegation would abstain from voting on a draft resolution recommending signature of the non-proliferation treaty, we announced that we would also abstain from voting in the Security Council.

It is not the French delegation's intention that that abstention should constitute an obstacle to the adoption of a draft that in no way changes the provisions of Chapter VII of the Charter, as is clear from the very contents of the draft, from the declared intentions of its sponsors and from the fact that there has not been recourse to the procedure laid down in Article 108 for any amendment to our Charter.

Nevertheless, the French delegation cannot associate itself with the draft, and we wish to recall the reasons for that position.

As much as anyone else, the French Government is aware of the terrible risks that the nuclear weapon poses for everyone, but it maintains that the only solution to the threat lies in the cessation of the manufacture of that weapon and in the destruction of the stockpiles. My Government repeats that the real problem relates to the elimination of the nuclear weapon; the nations of the world will not receive the security guarantees which they are entitled to claim until the nuclear Powers agree to take the path of nuclear disarmament and until they have achieved nuclear disarmament.

France, which has acquired no nuclear weapons except for strictly defensive purposes, remains prepared to consider any initiative that the other Powers might be ready to agree to with it in this sphere.

Letter From Secretary of Defense Clifford to Senator Russell on the Sentinel Antiballistic Missile System, June 18, 1968 [1]

THE SECRETARY OF DEFENSE,
Washington, June 18, 1968.

Hon. RICHARD B. RUSSELL,
Chairman, Committee on Armed Services,
U.S. Senate,
Washington, D.C.

DEAR SENATOR RUSSELL: You asked that I give you my personal views with respect to proceeding with the deployment of the Sentinel Antiballistic Missile System.

During the three and a half months since I became Secretary of Defense, I have had an opportunity to go into the merits of the System in considerable depth. As a result of that review I have come to the conclusion that it would be a serious mistake to eliminate construction and procurement funds in fiscal year 1969 for the deployment of the Sentinel System.

The reasons for that view are the following. The program represents twelve years of intense research and development effort. During those

[1] *Nonproliferation Treaty: Hearings Before the Committee on Foreign Relations, United States Senate, Ninetieth Congress, Second Session, on Executive H, 90th Congress, Second Session*, pp. 59–60.

years we have devoted a substantial portion of our best scientific technological abilities to its development at a cost of some $3 billion. As long as seven years ago we demonstrated that we could with confidence destroy single incoming missiles. Since that time we have demonstrated that we can reliably track substantial numbers of incoming objects and defend the U.S. from relatively simple missile attacks. I believe that the time has arrived when we can no longer rely merely on continued research and development but should proceed with actual deployment of an operating system.

The Director of Defense Research and Engineering, Dr. John Foster, has prepared the following statement of the purposes of the Sentinel System, which I have approved on the recommendation of the Joint Chiefs of Staff and the Secretaries of the Army, Navy and the Air Force.

The Sentinel missile defense system is designed to (a) prevent a successful missile attack from China through the late 1970's (with the capability to continue to deny or at least substantially reduce damage from threats in later years); (b) limit damage from an accidental launch from any source; and (c) provide the option for increased defense of our Minuteman force if necessary in the future.

The ability to protect ourselves from unacceptable damage from a numerically large and technically advanced missile force such as that of the Soviet Union is not yet technically feasible. However the Sentinel system will complicate any attack on the United States.

We will continue an intensive R&D program in an attempt to provide increasingly effective means to limit damage from both the advancing Chinese and the Soviet missile threats.

I understand that a proposal may be introduced in the Senate to eliminate funds for deployment of the Sentinel System in fiscal year 1969 and restrict the program to continued research and development. Approval of such a proposal would disrupt the work currently underway and, more seriously, would lose some two years in the availability of an operating system which in my judgment is important to the security of the United States.

I believe that our deployment decision is consistent with our continuing desire for arms control and arms limitation. The Soviets are, at the present time, deploying a ballistic missile defense around Moscow. We will continue our efforts to negotiate limitation of both strategic offensive and defensive weapons systems, but, in the absence of agreement, we must not suspend taking action in our own defense.

I have discussed the above views with the President, who shares my concern.

CLARK M. CLIFFORD.

Security Council Resolution 255 (1968): Security Assurances to Non-Nuclear Nations, June 19, 1968 [1]

The Security Council,

Noting with appreciation the desire of a large number of States to subscribe to the treaty on the Non-Proliferation of Nuclear Weapons,[2] and thereby to undertake not to receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly, or indirectly; not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices; and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices,

Taking into consideration the concern of certain of these States that, in conjunction with their adherence to the Treaty on the Non-Proliferation of Nuclear Weapons, appropriate measures be undertaken to safeguard their security,

Bearing in mind that any aggression accompanied by the use of nuclear weapons would endanger the peace and security of all States,

1. *Recognizes* 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;

2. *Welcomes* the intention expressed by certain States that they will provide or support immediate assistance, in accordance with the Charter, to any non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons that is a victim of an act or an object of a threat of aggression in which nuclear weapons are used;

3. *Reaffirms* in particular the inherent right, recognized under Article 51 of the Charter, of individual and collective self defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security.

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[1] S/RES/255 (1968), June 19, 1968. The resolution was submitted by the U.S., the U.K., and the U.S.S.R. to the ENDC on Mar. 7, 1968 (ENDC/222). The Security Council approved it on June 19 by a vote of 10 to 0, with 5 abstentions. It was supported by Canada, China, Denmark, Ethiopia, Hungary, Paraguay, Senegal, U.S.S.R., U.K., U.S. The following countries abstained: Algeria, Brazil, France, India, Pakistan.

[2] *Ante*, pp. 404–409.

Soviet Draft Resolution Introduced in the *Ad Hoc* Committee To Study the Peaceful Uses of the Sea-Bed and the Ocean Floor Beyond the Limits of National Jurisdiction: Prohibition of the Use of the Sea-Bed and the Ocean Floor Beyond the Limits of Territorial Waters for Military Purposes, June 20, 1968 [1]

The General Assembly,

Recalling its resolution 2340 (XXII) in which it referred to the importance of preserving the sea-bed and the ocean floor, and the subsoil thereof, from actions and uses which might be detrimental to the common interests of mankind, and recognized that the exploration and use of those areas should be conducted in accordance with the purposes and principles of the Charter of the United Nations, in the interest of maintaining international peace and security and for the benefit of all mankind,[2]

Recognizing the need to take steps to prevent the arms race from spreading to the sea-bed and the ocean floor,

1. *Solemnly calls upon* all States to use the sea-bed and the ocean floor beyond the limits of the territorial waters of coastal States exclusively for peaceful purposes;

2. *Requests* the Eighteen-Nation Committee on Disarmament to consider, as an urgent matter, the question of prohibiting the use for military purposes of the sea-bed and the ocean floor beyond the limits of the territorial waters of coastal States.

Indian Draft Declaration Introduced in the *Ad Hoc* Committee To Study the Peaceful Uses of the Sea-Bed and the Ocean Floor Beyond the Limits of National Jurisdiction: Legal Principles Governing the Reservation Exclusively for Peaceful Purposes of the Sea-Bed and the Ocean Floor, and the Subsoil Thereof, Underlying the High Seas Beyond the Limits of Present National Jurisdiction, and the Uses of Their Resources in the Interests of Mankind, June 20, 1968 [3]

The General Assembly,

Noting that developing technology is making the sea-bed and the ocean floor and subsoil thereof, accessible and exploitable for scientific, economic, military and other purposes,

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[1] A/AC. 135/20, June 20, 1968.
[2] *Documents on Disarmament, 1967*, pp. 727–729.
[3] A/AC.135/21, June 20, 1968.

Recognizing the common interests of mankind in the sea-bed and the ocean floor, which constitute the major portion of the area of this planet,

Believing that the exploitation and use of the sea-bed and ocean floor and the subsoil thereof should be carried out for the betterment of mankind and for the benefit of States irrespective of their degree of economic or scientific development,

Desiring to contribute to broad international co-operation in the scientific as well as in the legal aspects of the exploration and uses of the resources of the sea-bed and ocean floor,

Believing that such co-operation will contribute to the development or mutual understanding and to the strengthening of friendly relations between nations and peoples,

Mindful of the importance of preserving the sea-bed and ocean floor, and the subsoil thereof from actions and uses which might be detrimental to the common interests of mankind,

Recognizing that the exploration and use of the sea-bed and the ocean floor and the subsoil thereof should be conducted in accordance with the principles and purposes of the United Nations Charter, in the interests of maintaining international peace and security and for the benefit of all mankind,

Mindful of the provisions and practice of the law of the sea relating to this question,

Recalling its resolution 2340 (XXII) of 18 December 1967,[2]

Convinced that, pending the conclusion of a Treaty regulating the administration and utilization of the sea-bed and ocean floor and the subsoil thereof, in the common interests of mankind, it is necessary to set forth the principles applicable in this regard,

Declares as follows:

1. The exploration and use of the sea-bed and ocean floor and the subsoil thereof, beyond the limits of present national jurisdiction, shall be carried on for the benefit and in the interests of mankind;

2. The sea-bed and ocean floor and the subsoil thereof, beyond the limits of present national jurisdiction, are the common heritage of mankind. As such, they are not subject to national appropriation and shall be used exclusively for peaceful purposes, for the benefit of all countries, particularly the developing countries;

3. The activities of States in the exploration and use of the sea-bed and ocean floor shall be carried out in accordance with international law, including the Charter of the United Nations, in the interests of maintaining international peace and security and for promoting international co-operation and understanding;

4. Taking into account the work currently being performed by other bodies, the United Nations shall endeavour to provide direction and purpose to international and inter-governmental activities with regard to the sea-bed and ocean floor and the subsoil thereof, beyond the limits of present national jurisdiction.

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[2] *Documents on Disarmament, 1967*, pp. 727–729.

Communiqué and Declaration of the North Atlantic Council, June 25, 1968 [1]

1. The North Atlantic Council met in Ministerial Session in Reykjavik on 24th and 25th June, 1968.

2. In reviewing the international scene, Ministers examined the situation created by the recent measures affecting the access routes to Berlin.

(a) Ministers stressed again that the Soviet Union is responsible for any action which has the effect of hampering or endangering the freedom of communication with Berlin and urged that such courses of action should be discontinued.

(b) By challenging international agreements and longstanding practices concerning Berlin, the East German authorities have created a serious situation. Ministers considered these measures a deliberate attempt to jeopardize détente, from which Berlin and its inhabitants must not be excluded.

(c) Ministers recalled the declaration of the North Atlantic Council on Berlin of December 16, 1958,[2] and the responsibilities which each member state assumed in regard to the security and welfare of Berlin.

(d) Member Governments do not recognize the "German Democratic Republic". They consider that its actions, having no juridical basis, cannot create international rights nor consecrate the division of Germany against the will of its people. The Three Powers and the Soviet Union remain responsible for Berlin and Germany as a whole, pending a peace settlement.

(e) Ministers approved and associated themselves with the expressed determination of the Three Powers to maintain freedom of access to the city.[3] They took note of the decision of the Governments of the Three Powers responsible for the security of Berlin, together with the Government of the Federal Republic of Germany, to remain in continuous consultation concerning Berlin and to stand ready to meet any contingency. The Council will be kept continuously informed and will consult as appropriate on the situation.

3. Ministers discussed the follow-up to the report, approved at the Ministerial Meeting of December 1967, on the future tasks of the Alliance.[4] For this purpose the Council in permanent session submitted to Ministers a comprehensive report on work which it had accomplished thus far in carrying out the main tasks set for the Alliance in the years ahead.

4. The first part of this report reviewed East-West relations since 1966. It set forth the results of a co-operative study by Member Governments of their policies designed to promote progress towards a more stable relationship in which the underlying political issues in Europe can be solved. The study noted that in certain respects improvements

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[1] *Department of State Bulletin*, July 15, 1968, pp. 75–77.
[2] *American Foreign Policy: Current Documents, 1958*, pp. 602–603.
[3] *Department of State Bulletin*, July 8, 1968, p. 4.
[4] *Documents on Disarmament, 1967*, pp. 679–681.

in East-West relations had taken place. It concluded that, while in the longer term prospects for further improvements could be favourable, opportunities for rapid progress towards general détente should not be over-rated.

5. Ministers nevertheless reaffirmed their intention to continue their efforts to promote détente. Each ally should play its full part in improving East-West relations, bearing in mind the established practice of timely consultation within the Alliance. Ministers concluded that the intensified examination and review, within the Alliance, of suitable policies to achieve a just and stable order in Europe, to overcome the division of Germany and to foster European security had proved of great value and should continue. This task will be part of a process of active and constant preparation for the time when fruitful discussions of these complex questions may be possible bilaterally or multilaterally between Eastern and Western nations.

6. A second part of the Council's report summarised the results so far of intensive work on a programmed study of disarmament and practical arms control measures. As an initial effort, Member Governments and their experts have concentrated on the study of the possibility of balanced force reductions as between East and West. The Ministers confirmed the decision of the Permanent Council to give priority to this complex and important work. They did not underestimate the existing obstacles but they confirmed the need to prevent an escalation in arms levels on both sides.

7. Ministers representing the nations participating in the NATO Defence Programme adopted a Declaration on Mutual Force Reductions, which is attached to this Communique.[5] The French Delegation declared, for reasons of principle and procedure, that it could associate itself only with Paragraphs 1, 2, 3 and 6 of the attached Declaration. It has nevertheless affirmed that, since the study of possibilities of balanced and mutual force reductions has not been completed, France will continue to take part in the further work in the Council foreseen in Paragraph 13 of the Report on the Future Tasks of the Alliance.

8. Ministers examined and approved a report from the Permanent Council which dealt in detail with the situation in the Mediterranean and related defence problems. They directed their Permanent Representatives to consult fully on this situation and to extend their consultations in range and depth as circumstances required. To this end, the Secretary General was requested to co-ordinate the exchange of information among members of the Council and to keep the Council closely advised on the situation in the Mediterranean. It is, of course, understood that member countries, or the Secretary General, may put forward matters to be considered by the Council in accordance with their rights and responsibilities.

9. Ministers of the countries taking part in the Defence Planning Committee, concerned at the recent expansion of Soviet activity in the Mediterranean, decided that their Permanent Representatives, with the assistance of the NATO military authorities, would take under early consideration measures designed to safeguard the security interests of NATO members in the Mediterranean area and to improve the

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[5] *Infra.*

effectiveness of Allied forces in that area. The Permanent Representatives will also consider other measures or organizational changes that may be needed to enhance the effectiveness and co-ordination of Allied surveillance activities in the Mediterranean and that may require further authorization.

10. France did not associate herself with the decisions referred to in Paragraph 9 above.

11. The Council heard statements of the Foreign Ministers of Greece and Turkey on the subject of relations between the two Allied countries. The Council noted with satisfaction recent developments in Greek-Turkish relations and expressed the hope that further progress, to the benefit of both countries and of the Alliance, might be achieved in the future. The Council also expressed the hope that the informal talks started between the two communities of the Republic of Cyprus would make an important contribution towards a final settlement of the problem.

12. The next Ministerial Meeting of the Council will be in Brussels in December 1968.

Mutual and Balanced Force Reductions

Declaration Adopted by Foreign Ministers and Representatives of Countries Participating in the NATO Defence Programme

1. Meeting at Reykjavik on 24th and 25th June, 1968, the Ministers recalled the frequently expressed and strong desire of their countries to make progress in the field of disarmament and arms control.

2. Ministers recognised that the unresolved issues which still divide the European Continent must be settled by peaceful means, and are convinced that the ultimate goal of a lasting, peaceful order in Europe requires an atmosphere of trust and confidence and can only be reached by a step-by-step process. Mindful of the obvious and considerable interest of all European states in this goal, Ministers expressed their belief that measures in this field including balanced and mutual force reductions can contribute significantly to the lessening of tension and to further reducing the danger of war.

3. Ministers noted the important work undertaken within the North Atlantic Council by member governments in examining possible proposals for such reductions pursuant to Paragraph 13 of the "Report on the Future Tasks of the Alliance", approved by the Ministers in December 1967. In particular, they have taken note of the work being done in the committee of Political Advisers to establish bases of comparison and to analyze alternative ways of achieving a balanced reduction of forces, particularly in the central part of Europe.

4. Ministers affirmed the need for the Alliance to maintain an effective military capability and to assure a balance of forces between NATO and the Warsaw Pact. Since the security of the NATO countries and the prospects for mutual force reductions would be weakened by NATO reductions alone, Ministers affirmed the proposition that the overall military capability of NATO should not be reduced except as part of a pattern of mutual force reductions balanced in scope and timing.

5. Accordingly, Ministers directed Permanent Representatives to continue and intensify their work in accordance with the following agreed principles:

(A) Mutual force reductions should be reciprocal and balanced in scope and timing.

(B) Mutual reductions should represent a substantial and significant step, which will serve to maintain the present degree of security at reduced cost, but should not be such as to risk destablizing the situation in Europe.

(C) Mutual reductions should be consonant with the aim of creating confidence in Europe generally and in the case of each party concerned.

(D) To this end, any new arrangement regarding forces should be consistent with the vital security interests of all parties and capable of being carried out effectively.

6. Ministers affirmed the readiness of their Governments to explore with other interested states specific and practical steps in the arms control field.

7. In particular, Ministers agreed that it was desirable that a process leading to mutual force reductions should be initiated. To that end they decided to make all necessary preparations for discussions on this subject with the Soviet Union and other countries of Eastern Europe as they call on them to join in this search for progress towards peace.

8. Ministers directed their Permanent Representatives to follow up on this declaration.

Address by Foreign Minister Gromyko to the Supreme Soviet [Extract], June 27, 1968 [1]

. . . . . .

The Soviet Government is pleased to report to the Deputies of the Supreme Soviet of the USSR that the many years of work conducted at the initiative of the Central Committee of the CPSU and the Soviet Government have resulted in a treaty on the non-proliferation of nuclear weapons being worked out and agreed upon, which will be open for signing on July 1, in Moscow as well.[2] (Applause)

The draft of the treaty was approved by the UN General Assembly, and the Soviet Union, being the initiator of the treaty, will be among the first to affix its signature thereto. The conclusion of the treaty will be one of the most important steps ever undertaken to restrain the nuclear arms race in the name of the lasting interests of peace.

The non-proliferation treaty will put an end to the creeping spread of nuclear weapons and will thereby decrease the likelihood of nuclear war being unleashed. It is also a fact that the conclusion of the treaty

[1] *Izvestiya*, June 28, 1968. State Department translation.
[2] *Post*, pp 461–465.

will create another important base for new efforts to resolve the problems of disarmament.

The Soviet Government declares from the rostrum of the Supreme Soviet of the USSR that, as heretofore, it stands ready to implement a program of general and complete disarmament and calls upon all the countries of the world to spare no effort in resolving this historic problem.

Today all are agreed that one of the most complicated problems facing mankind is the problem of nuclear weapons. What is to happen to nuclear weapons? Will they continue to be accumulated endlessly or will men find the way to liquidate these weapons of mass destruction and make sure that nuclear energy is used only for peaceful purposes, only for the good of mankind?

The answer to this question was given by the Soviet Union at once, as soon as this problem arose. The answer is clear and categorical: nuclear weapons must be banned. Their use would be in conflict with the conscience of mankind. The world long ago reached the point where nuclear weapons must be outlawed. (Applause).

As long as twenty-two years ago the Soviet Union proposed that an international convention be concluded, banning the use of nuclear weapons.[3] The Soviet Union also submitted proposals dealing with the question of completely liquidating nuclear weapons and the means of their delivery and that of rechanneling all nuclear energy into peaceful uses only.

This is a profoundly peace-loving and humane proposal, originating in the world of socialism, a proposal dictated by the awareness of the enormous peril inherent in the existence of nuclear weapons and their unlimited production.

The Western Powers did not choose to accept these proposals. By that very fact they assumed a grave responsibility, and if history were to arrange a trial of those who were guilty of obstructing the ban against nuclear weapons, it is the imperialist camp that would occupy the defendant's dock.

But, it is never too late to correct the situation. The Soviet Union calls upon the Western Powers who possess nuclear weapons to sit down at a negotiating table in a narrow or a broad circle, together with other States, and consider, seriously consider, the question of an international convention banning the use of nuclear weapons. Our country stands ready to affix its signature to such an international document immediately.

The Soviet Union calls upon all States, first of all upon the nuclear powers, to discontinue the underground testing of nuclear weapons without delay. There is no justification of any kind for attempts to evade a solution of this problem. Those officials who, under the pretext of needing to improve nuclear weapons, frustrate the efforts to solve this important problem, should be put in their place. References to the need for some sort of inspection, usually mentioned during a discussion of this question, are unfounded and contrived. No one can

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[3] *Documents on Disarmament, 1945–1959*, vol. I, pp. 17–24.

explode a nuclear weapon underground in secret, without giving himself away.

The Soviet Government stands ready to consider an entire range of other proposals on nuclear disarmament—in whole or in part, at one conference or at a number of conferences, keeping in mind that the vocabulary of those who discuss proposals on such serious questions should exclude meaningless prattle.

A veritable wall of condemnation must be built around those governments and statesmen who place obstacles in the path of the cessation of the arms race and in the path of disarmament. This calls for an active stand by all political currents and public groups in all the countries of the world in favor of disarmament. Such action, when converted into a popular movement, is capable of forcing the opponents of disarmament, those who have tied their fortunes and political careers to militarism and the arms race, into retreat before the voice of the peoples.

The Soviet Union would like to see the solving of the non-proliferation problem bring realism and breadth of approach to the problem of banning nuclear weapons, too.

One of the untested fields of disarmament is the search for agreement on mutual limitation and subsequent reduction of strategic means of delivery of nuclear weapons, both offensive and defensive, including anti-ballistic missiles. The Soviet Government stands ready to exchange views on this question as well.

. . . . . .

United States Draft Resolution Submitted to the *Ad Hoc* Committee To Study the Peaceful Uses of the Sea-Bed and the Ocean Floor Beyond the Limits of National Jurisdiction: Preventing the Emplacement of Weapons of Mass Destruction on the Sea-Bed and Ocean Floor, June 28, 1968 [1]

The General Assembly,

Desiring that workable arms limitation measures be achieved that will enhance the peace and security of all nations and bring the world nearer to general and complete disarmament,

Requests the Eighteen-Nation Disarmament Committee to take up the question of arms limitation on the sea-bed and ocean floor with a view to defining those factors vital to a workable, verifiable and effective international agreement which would prevent the use of this new environment for the emplacement of weapons of mass destruction.

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[1] A/AC.135/24, June 28, 1968.

United States Draft Resolution Submitted to the *Ad Hoc* Committee To Study the Peaceful Uses of the Sea-Bed and the Ocean Floor Beyond the Limits of National Jurisdiction: Statement of Principles Concerning the Deep Ocean Floor, June 28, 1968 [1]

The General Assembly,

Desiring to encourage the exploration, use and development of the deep ocean floor to the fullest extent possible for the benefit and in the interest of all mankind,

Believing that such exploration and use of the deep ocean floor will contribute to international co-operation and understanding,

Convinced that no nation, regardless of geographical location, level of economic development, or technological capability, should be denied the opportunity to participate in the exploration and use of the deep ocean floor,

Conscious of the importance of promoting the general welfare of all peoples, and of furthering scientific study and the conservation of resources,

Reaffirming the traditional freedoms of the high seas under international law,

Recalling its resolution 2340 (XXII) of 18 December 1967,[2]

Commends to States for their guidance the following principles concerning the deep ocean floor:

1. No State may claim or exercise sovereignty or sovereign rights over any part of the deep ocean floor. There shall be no discrimination in the availability of the deep ocean floor for exploration and use by all States and their nationals in accordance with international law;

2. There shall be established, as soon as practicable, internationally agreed arrangements governing the exploitation of resources of the deep ocean floor. These arrangements shall reflect the other principles contained in this Statement of Principles concerning the Deep Ocean Floor and shall include provision for:

(a) the orderly development of resources of the deep ocean floor in a manner reflecting the interest of the international community in the development of these resources;

(b) conditions conducive to the making of investments necessary for the exploration and exploitation of resources of the deep ocean floor;

(c) dedication as feasible and practicable of a portion of the value of the resources recovered from the deep ocean floor to international community purposes; and

(d) accommodation among the commercial and other uses of the deep ocean floor and marine environment;

3. Taking into account the Geneva Convention of 1958 on the Continental Shelf,[3] there shall be established, as soon as practicable,

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[1] A/AC.135/25, June 28, 1968.

[2] *Documents on Disarmament, 1967*, pp. 727–729.

[3] 15 UST 471.

an internationally agreed precise boundary for the deep ocean floor—the sea-bed and subsoil beyond that over which coastal States may exercise sovereign rights for the purpose of exploration and exploitation of its natural resources;

Exploitation of the natural resources of the ocean floor that occurs prior to establishment of the boundary shall be understood not to prejudice its location, regardless of whether the coastal State considers the exploitation to have occurred on its "continental shelf";

4. States and their nationals shall conduct their activities on the deep ocean floor in accordance with international law, including the Charter of the United Nations, and in the interest of maintaining international peace and security and promoting international co-operation, scientific knowledge, and economic development;

5. In order to further international co-operation in the scientific investigation of the deep ocean floor, States shall:

(a) disseminate, in a timely fashion, plans for and results of national scientific programmes concerning the deep ocean floor;

(b) encourage their nationals to follow similar practices concerning dissemination of such information;

(c) encourage co-operative scientific activities regarding the deep ocean floor by personnel of different States;

6. In the exploration and use of the deep ocean floor States and their nationals:

(a) shall have reasonable regard for the interests of other States and their nationals;

(b) shall avoid unjustifiable interference with the exercise of the freedom of the high seas by other States and their nationals, or with the conservation of the living resources of the seas, and any interference with fundamental scientific research carried out with the intention of open publication;

(c) shall adopt appropriate safeguards so as to minimize pollution of the seas and disturbance of the existing biological, chemical and physical processes and balances;

Each State shall provide timely announcement and any necessary amplifying information of any marine activity or experiment planned by it or its nationals that could harmfully interfere with the activities of any other State or its nationals in the exploration and use of the deep ocean floor. A State which has reason to believe that a marine activity or experiment planned by another State or its nationals could harmfully interfere with its activities or those of its nationals in the exploration and use of the deep ocean floor may request consultation concerning the activity or experiment;

7. States and their nationals shall render all possible assistance to one another in the event of accident, distress or emergency arising out of activities on the deep ocean floor.

Report of the Seismic Study Group of the Stockholm International Peace Research Institute: Seismic Methods for Monitoring Underground Explosions—An Assessment of the Status and Outlook [Summary], June 28, 1968 [1]

Considerable progress in the field of detection and identification of underground explosions and earthquakes has been made since 1960, when technical talks were held on this subject in Geneva.[2] At that time the prospect of identification of explosions as such was considered remote. On the initiative of the SIPRI an expert study group was convened to review and assess the present possibilities of detection and identification by seismological means alone of underground explosions and earthquakes. In the work of the group, seismologists from the following ten countries took part:

Canada
Czechoslovakia
France
India
Japan
Rumania
Sweden
Union of Soviet Socialist Republics
United Kingdom
United States of America

The study group considered these developments in order to assess the state of the art in different countries, to find areas of consensus, to probe unclear or controversial areas and to point out promising areas for further research and development. One of the main tasks of the group was to examine the usefulness of networks for the detection and identification by seismological means only of underground explosions. The members of the study group presented the most recent results and arrived at the conclusions summarized below.

(1) Since 1960 improvements in the fields of instrumentation, seismological theory and interpretation of observations have been achieved, and networks of standardized instruments (reporting to data centres, for example the I.S.C. at Edinburgh and B.C.I.S. at Strasbourg) have been deployed. Research and development of this type had been recommended by the Geneva Conference of Experts. This and other encouragement to research has led to the establishment of several seismological networks and stations. Two of them are particularly large and homogeneous, one consisting of about 100 widespread single stations. One of these systems is the national system deployed on the territory of the USSR. The other, the so-called WWSSN (World Wide Standard Seismological Network) system, is on the territories of the USA and many other countries of the

[1] ENDC/230, July 29, 1968.
[2] See *Documents on Disarmament, 1945–1959*, vol. II, pp. 1558 ff.

world. The former system is within the territory of the USSR, whereas the latter is external to the USSR and is worldwide. This distribution results in the better capability of the latter system to detect and identify underground explosions of interest. In addition ten arrays [3] have been established for research purposes, some of which contribute data to international data centres.

(2) It was reported that the problems of detection using body waves by such networks as WWSSN and contributing arrays are less severe than those involved in identification. American and British participants reported that identification by the WWSSN network is possible for explosions in the Northern Hemisphere down to the level of 20 to 60 kilotons exploded in hard rock like granite. This progress has depended on the traditional seismological data exchange between countries.

(3) Both major systems mentioned in paragraph 1 are able to locate within 10 to 40 kilometers the site of explosions in the range of yields mentioned above.

(4) It was however recognized that for explosions in less dense materials, like Nevada tuff (a porous volcanic rock) and alluvium, the yield corresponding to the identification limit mentioned above would be increased two (tuff) to ten times (alluvium), depending in the latter case on the water content. The maximum possible yield in alluvium would be limited by the thickness of the alluvium layer, and by the possible requirement to prevent cratering. For example, if the layer is 450 meters thick, the maximum fully contained yield would be of the order of 20 kilotons.

(5) Another case of reduced signal strength is that of an explosion in a specially prepared underground cavity. Small scale experiments in the USA and UK have been made during the last few years, the largest of which was reported to be a nuclear explosion of 0.35 kilotons. All confirmed the theoretically predicted reduction of signal strength by a factor of about one hundred. It was recognized that there may be considerable practical limitations to do this with yields above 10 kilotons. Some participants expressed the opinion that large decoupled explosions might be detected by radioactive leakage, subsidence craters and by other means.

(6) Although the emergence of a method for positive identification of explosions has made the annual number of corresponding earthquakes less important than in the past, earthquake statistics are still pertinent to the problems associated with an underground test ban. The worldwide yearly number of earthquakes corresponding to a 20 kiloton explosion in tuff, has been observed to be about 2000. The number corresponding to 2 ± 1 kilotons exploding in granite, was estimated to be somewhere between ten and twenty thousand. These observations and estimates are based on four years of observations, obtained from the data centre of the WWSSN. The Soviet data indicate that these numbers of earthquakes should be reduced by a factor of two. The large numbers of earthquakes at the lower yield equivalence would be expected to cause some problems of interference.

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[3] An array is a complex of seismometers spread over a wide area and connected to a central point [footnote in original].

(7) The criterion providing the method of positively identifying explosions by seismological means alone employs the difference in the relative excitation of body and surface seismic waves between explosions and earthquakes.[4] This technique requires that seismic waves from explosions are not masked by signals from other events.

(8) At the yields referred to above (20–60 kilotons in granite), the measurements of these seismic waves recorded by the WWSSN network give a clear separation of explosions and earthquakes. The existing experimental evidence on the usefulness of the surface wave method for identification of explosions with lower yields is as yet inconclusive. The long period instruments in the WWSSN are not sensitive enough to record the surface waves from low yield explosions at great distances. UK, Canadian, American and USSR research indicates separation of explosions and earthquakes down to 10 kilotons in hard rock. Studies at shorter distances are inconclusive as to the validity of this discriminant for yields below 10 kilotons in hard rock.

(9) The majority of the participants believe that other criteria, such as

Depth at which the event takes place,
Direction of the first ground motion at recording stations,
Frequency content of seismic waves,
Excitation of shear waves,
Complexity of the seismic record.

do not at present provide positive identification. However, ideas were presented on how such criteria could be combined, by standard statistical procedures, for more effective utilization of the data.

(10) Improvements in identification can be expected in the foreseeable future from application of current research results. Immediate improvement of existing networks could be obtained, for example by moving stations from disturbed to quiet locations or establishing satellite stations in certain cases. A similar example of a more costly improvement would be the installation of about thirty highly sensitive long period seismographs, of a kind only recently developed, at certain stations of the WWSSN network. It would lower the detection threshold for surface waves by a factor of about ten but the discriminant is at present unproved below 10 kilotons in hard rock.

In addition the implementation of more arrays would make it possible to conduct research into whether the identification of explosion in the 2–10 kt range in granite is possible, and would enable the design of suitable monitoring systems if the results so warrant.

(11) Implicit in the projections above are recommendations for network developments based on present research results.

(12) The group also saw that the following fields for research could be profitable:

(a) methods of improving surface wave detection

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[4] A surface wave is a wave of long period running along the surface of the Earth; a body wave is a short-period wave running through the deep interior of of the Earth [footnote in original].

(b) more detailed work on the relative excitation of body and surface waves by earthquakes and explosions
(c) pattern recognition of seismic records
(d) statistical treatment of identification criteria for decision applications.

(13) The effectiveness of this programme of research, as well as progress in the efforts to lower the thresholds of detection and identification, would be greatly increased if existing networks could merge into one worldwide data exchange system.

L. Constantinescu
U. Ericsson
E. Herrin
V. Kárník
P. Mechler
S. Miyamura
I. Pasechnik
F. Press
H. Thirlaway
K. Whitham
T. Varghese

Remarks by President Johnson on the Signing of the Nonproliferation Treaty, July 1, 1968[1]

Secretary Rusk, Your Excellencies, honored Members of Congress, distinguished guests, ladies and gentlemen: This is a reassuring and hopeful moment in the relations among nations.

We have come here today to the East Room of the White House to sign a treaty which limits the spread of nuclear weapons.[2]

More than 55 nations are here in Washington this morning to commit their governments to this treaty. Their representatives are also signing today in Moscow and in London. We hope and expect that virtually all the nations will move in the weeks and months ahead to accept this treaty, which was commended to the world by the overwhelming majority of the members of the United Nations General Assembly.[3]

The treaty's purposes are very simple:

—To commit the nations of the world which do not now have nuclear weapons not to produce or receive them in the future;
—To assure equally that such nations have the full peaceful benefits of the atom; and
—To commit the nuclear powers to move forward toward effective measures of arms control and disarmament.

It was just a year ago that Chairman Kosygin and I agreed at Glassboro that we would work intensively in the time ahead to try to achieve this result.

After nearly a quarter century of danger and fear, reason and sanity have prevailed to reduce the danger and to greatly lessen the fear. Thus, all mankind is reassured.

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[1] *Department of State Bulletin*, July 22, 1968, pp. 85–87.
[2] *Infra.*
[3] *Ante*, pp. 431–432.

As the moment is reassuring, so it is, even more, hopeful and heartening. For this treaty is evidence that amid the tensions, the strife, the struggle and sorrow of these years, men of many nations have not lost the way—or have not lost the will—toward peace. The conclusion of this treaty encourages the hope that other steps may be taken toward a peaceful world.

It is for these reasons and in this perspective that I have described this treaty as the most important international agreement since the beginning of the nuclear age.

It enhances the security of all nations by significantly reducing the danger of nuclear war among nations. It encourages the peaceful use of nuclear energy by assuring safeguards against its destructive use.

But perhaps most significantly, the signing of this treaty keeps alive and keeps active the impulse toward a safer world.

We are inclined to neglect and to overlook what that impulse has brought about in recent years. These have been fruitful times for the quiet works of diplomacy. After long seasons of patient and painstaking negotiation, we have concluded just within the past 5 years:

—the limited test ban treaty,[4]
—the outer space treaty,[5] and
—the treaty creating a nuclear-free zone in Latin America.[6]

The march of mankind is toward the summit not the chasm. We must not, we shall not, allow that march to be interrupted.

This treaty, like the treaties it follows, is not the work, as Secretary Rusk said, of any one particular nation.[7] It is the accomplishment of nations which seek to express their responsibilities for maintaining peace and maintaining a stable world order. It is my hope—and the common will of mankind—that all nations will agree that this treaty affords them some added protection. We hope they will accept the treaty and thereby contribute further to international peace and security.

As one of the nations having nuclear weapons, the United States all through these years has borne an awesome responsibility. This treaty increases that responsibility; for we have pledged that we shall use our weapons only in conformity with the Charter of the United Nations.

Furthermore, we have made clear to the United Nations Security Council what I would like to repeat today: If a state which has accepted this treaty does not have nuclear weapons and is a victim of aggression, or is subject to a threat of aggression, involving nuclear weapons, the United States shall be prepared to ask immediate Security Council action to provide assistance in accordance with the charter.[8]

In welcoming the treaty that prevents the spread of nuclear weapons, I should like to repeat the United States commitment to honor all our obligations under existing treaties of mutual security. Such agreements have added greatly, we think, to the security of our nation and

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[4] *Documents on Disarmament, 1963*, pp. 291–293.
[5] *Ibid., 1967*, pp. 38–43.
[6] *Ibid.*, pp. 69 ff.
[7] *Department of State Bulletin*, July 22, 1968, p. [illegible].
[8] *Ante*, pp. 439–440.

the nations with which such agreements exist. They have created a degree of stability in a sometimes unstable world.

This treaty is a very important security measure. But it also lays an indispensable foundation:

—for expanded cooperation in the peaceful application of nuclear energy;
—for additional measures to halt the nuclear arms race.

We will cooperate fully to bring the treaty safeguards into being. We shall thus help provide the basis of confidence that is necessary for increased cooperation in the peaceful nuclear field. After the treaty has come into force, we will permit the International Atomic Energy Agency to apply its safeguards to all nuclear activities in the United States, excluding only those with direct national security significance. Thus, the United States is not asking any country to accept any safeguards that we are not willing to accept ourselves.

As the treaty requires, we shall also engage in the fullest possible exchange of equipment, materials, and scientific and technological information for the peaceful uses of nuclear energy. The needs of the developing nations will be given especially particular attention.

We shall make readily available to the non-nuclear treaty partners the benefits of nuclear explosions for peaceful purposes. And we shall do so without delay and under the treaty's provisions.

At this moment of achievement and great hope, I am gratified to be able to report and announce to the world a significant agreement, an agreement that we have actively sought and worked for since January 1964:

Agreement has been reached between the Governments of the Union of Soviet Socialist Republics and the United States to enter in the nearest future into discussions on the limitation and the reduction of both offensive strategic nuclear weapons delivery systems and systems of defense against ballistic missiles.

Discussion of this most complex subject will not be easy. We have no illusions that it will be. I know the stubborn, patient persistence that it has required to come this far. We do not underestimate the difficulties that may lie ahead. I know the fears, the suspicions, and the anxieties that we shall have to overcome. But we do believe that the same spirit of accommodation that is reflected in the negotiation of the present treaty can bring us to a good and fruitful result.

Man can still shape his destiny in the nuclear age—and learn to live as brothers.

Toward that goal—the day when the world moves out of the night of war into the light of sanity and security—I solemnly pledge the resources, the resolve, and the unrelenting efforts of the people of the United States and their Government.

Treaty on the Nonproliferation of Nuclear Weapons, July 1, 1968 [1]

The States concluding this Treaty, hereinafter referred to as the "Parties to the Treaty",

Considering the devastation that would be visited upon all mankind by a nuclear war and the consequent need to make every effort to avert the danger of such a war and to take measures to safeguard the security of peoples,

Believing that the proliferation of nuclear weapons would seriously enhance the danger of nuclear war,

In conformity with resolutions of the United Nations General Assembly calling for the conclusion of an agreement on the prevention of wider dissemination of nuclear weapons,

Undertaking to cooperate in facilitating the application of International Atomic Energy Agency safeguards on peaceful nuclear activities,

Expressing their 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,

Affirming the principle that the benefits of peaceful applications of nuclear technology, including any technological by-products which may be derived by nuclear-weapon States from the development of nuclear explosive devices, should be available for peaceful purposes to all Parties to the Treaty, whether nuclear-weapon or non-nuclear-weapon States,

Convinced that, in furtherance of this principle, all Parties to the Treaty are entitled to participate in the fullest possible exchange of scientific information for, and to contribute alone or in cooperation with other States to, the further development of the applications of atomic energy for peaceful purposes,

Declaring their intention to achieve at the earliest possible date the cessation of the nuclear arms race and to undertake effective measures in the direction of nuclear disarmament,

Urging the cooperation of all States in the attainment of this objective,

Recalling the determination expressed by the Parties to the 1963 Treaty banning nuclear weapon tests in the atmosphere in outer space and under water in its Preamble to seek to achieve the discontinuance of all test explosions of nuclear weapons for all time and to continue negotiations to this end,[2]

Desiring to further the easing of international tension and the strengthening of trust between States in order to facilitate the cessation of the manufacture of nuclear weapons, the liquidation of all their existing stockpiles, and the elimination from national arsenals of nuclear weapons and the means of their delivery pursuant to a treaty on

[1] ACDA files. The U.S. Senate approved the treaty on Mar. 13, 1969, by a vote of 83 to 15. Treaty signatories as of June 27, 1969, are listed *post*, p. 871.

[2] *Documents on Disarmament, 1963*, pp. 291–293.

general and complete disarmament under strict and effective international control,

Recalling that, in accordance with the Charter of the United Nations, States must refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations, and that the establishment and maintenance of international peace and security are to be promoted with the least diversion for armaments of the world's human and economic resources,

Have agreed as follows:

Article I

Each nuclear-weapon State Party to the Treaty undertakes not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly, or indirectly; and not in any way to assist, encourage, or induce any non-nuclear-weapon State to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices.

Article II

Each non-nuclear-weapon State Party to the Treaty undertakes not to receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly, or indirectly; not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices; and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices.

Article III

1. Each non-nuclear-weapon State Party to the Treaty undertakes to accept safeguards, as set forth in an agreement to be negotiated and concluded with the International Atomic Energy Agency in accordance with the Statute of the International Atomic Energy Agency and the Agency's safeguards system, for the exclusive purpose of verification of the fulfillment of its obligations assumed under this Treaty with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices. Procedures for the safeguards required by this article shall be followed with respect to source or special fissionable material whether it is being produced, processed or used in any principal nuclear facility or is outside any such facility. The safeguards required by this article shall be applied on all source or special fissionable material in all peaceful nuclear activities within the territory of such State, under its jurisdiction, or carried out under its control anywhere.

2. Each State Party to the Treaty undertakes not to provide: (a) source or special fissionable material, or (b) equipment or material especially designed or prepared for the processing, use or production of special fissionable material, to any non-nuclear-weapon State for peaceful purposes, unless the source or special fissionable

material shall be subject to the safeguards required by this article.

3. The safeguards required by this article shall be implemented in a manner designed to comply with article IV of this Treaty, and to avoid hampering the economic or technological development of the Parties or international cooperation in the field of peaceful nuclear activities, including the international exchange of nuclear material and equipment for the processing, use or production of nuclear material for peaceful purposes in accordance with the provisions of this article and the principle of safeguarding set forth in the Preamble of the Treaty.

4. Non-nuclear-weapon States Party to the Treaty shall conclude agreements with the International Atomic Energy Agency to meet the requirements of this article either individually or together with other States in accordance with the Statute of the International Atomic Energy Agency. Negotiation of such agreements shall commence within 180 days from the original entry into force of this Treaty. For States depositing their instruments of ratification or accession after the 180-day period, negotiation of such agreements shall commence not later than the date of such deposit. Such agreements shall enter into force not later than eighteen months after the date of initiation of negotiations.

ARTICLE IV

1. Nothing in this Treaty shall be interpreted as affecting the inalienable right of all the Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with articles I and II of this Treaty.

2. All the Parties to the Treaty undertake to facilitate, and have the right to participate in, the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy. Parties to the Treaty in a position to do so shall also cooperate in contributing alone or together with other States or international organizations to the further development of the applications of nuclear energy for peaceful purposes, especially in the territories of non-nuclear-weapon States Party to the Treaty, with due consideration for the needs of the developing areas of the world.

ARTICLE V

Each Party to the Treaty undertakes to take appropriate measures to ensure that, in accordance with this Treaty, under appropriate international observation and through appropriate international procedures, potential benefits from any peaceful applications of nuclear explosions will be made available to non-nuclear-weapon States Party to the Treaty on a nondiscriminatory basis and that the charge to such Parties for the explosive devices used will be as low as possible and exclude any charge for research and development. non-nuclear-weapon States Party to the Treaty shall be able to obtain such benefits, pursuant to a special international agreement or agreements, through an appropriate international body with adequate representation of non-nuclear-weapon States. Negotiations on this subject shall commence as soon as possible after the Treaty enters into force. Non-

nuclear-weapon States Party to the Treaty so desiring may also obtain such benefits pursuant to bilateral agreements.

Article VI

Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control.

Article VII

Nothing in this Treaty affects the right of any group of States to conclude regional treaties in order to assure the total absence of nuclear weapons in their respective territories.

Article VIII

1. Any Party to the Treaty may propose amendments to this Treaty. The text of any proposed amendment shall be submitted to the Depositary Governments which shall circulate it to all Parties to the Treaty. Thereupon, if requested to do so by one-third or more of the Parties to the Treaty, the Depositary Governments shall convene a conference, to which they shall invite all the Parties to the Treaty, to consider such an amendment.

2. Any amendment to this Treaty must be approved by a majority of the votes of all the Parties to the Treaty, including the votes of all nuclear-weapon States Party to the Treaty and all other Parties which, on the date the amendment is circulated, are members of the Board of Governors of the International Atomic Energy Agency. The amendment shall enter into force for each Party that deposits its instrument of ratification of the amendment upon the deposit of such instruments of ratification by a majority of all the Parties, including the instruments of ratification of all nuclear-weapon States Party to the Treaty and all other Parties which, on the date the amendment is circulated, are members of the Board of Governors of the International Atomic Energy Agency. Thereafter, it shall enter into force for any other Party upon the deposit of its instrument of ratification of the amendment.

3. Five years after the entry into force of this Treaty, a conference of Parties to the Treaty shall be held in Geneva, Switzerland, in order to review the operation of this Treaty with a view to assuring that the purposes of the Preamble and the provisions of the Treaty are being realized. At intervals of five years thereafter, a majority of the Parties to the Treaty may obtain, by submitting a proposal to this effect to the Depositary Governments, the convening of further conferences with the same objective of reviewing the operation of the Treaty.

Article IX

1. This Treaty shall be open to all States for signature. Any State which does not sign the Treaty before its entry into force in accordance with paragraph 3 of this article may accede to it at any time.

2. This Treaty shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of the United States of America, the United Kingdom of Great Britain and Northern Ireland and the Union of Soviet Socialist Republics, which are hereby designated the Depositary Governments.

3. This Treaty shall enter into force after its ratification by the States, the Governments of which are designated Depositaries of the Treaty, and forty other States signatory to this Treaty and the deposit of their instruments of ratification. For the purposes of this Treaty, a nuclear-weapon State is one which has manufactured and exploded a nuclear weapon or other nuclear explosive device prior to January 1, 1967.

4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Treaty, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or of accession, the date of the entry into force of this Treaty, and the date of receipt of any requests for convening a conference or other notices.

6. This Treaty shall be registered by the Depositary Governments pursuant to article 102 of the Charter of the United Nations.

ARTICLE X

1. Each Party shall in exercising its national sovereignty have the right to withdraw from the Treaty if it decides that extraordinary events, related to the subject matter of this Treaty, have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other Parties to the Treaty and to the United Nations Security Council three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

2. Twenty-five years after the entry into force of the Treaty, a conference shall be convened to decide whether the Treaty shall continue in force indefinitely, or shall be extended for an additional fixed period or periods. This decision shall be taken by a majority of the Parties to the Treaty.

ARTICLE XI

This Treaty, the English, Russian, French, Spanish and Chinese texts of which are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of this Treaty shall be transmitted by the Depositary Governments to the Governments of the signatory and acceding States.

In witness whereof the undersigned, duly authorized, have signed this Treaty.

Done in triplicate, at the cities of Washington, London and Moscow, this first day of July one thousand nine hundred sixty-eight.

Memorandum of the Soviet Government Concerning Urgent Measures to Stop the Arms Race and Achieve Disarmament, July 1, 1968 [1]

1. Since the earliest days of the existence of the Soviet State, the basis of its foreign policy has been to oppose the imperialist policy of aggression and war and to ensure peace among nations. Following the course set by V. I. Lenin, the Soviet Government firmly and consistently supports the implementation of a broad programme of measures to stop the arms race and achieve disarmament and the realization of the plan for general and complete disarmament.

2. The active struggle of the socialist countries and all peace-loving States has made it possible to take a number of practical steps towards limiting the scope of the nuclear arms race and towards disarmament. After the Moscow Treaty banning nuclear weapon tests in the atmosphere, in outer space and under water,[2] there came the treaty on principles governing the activities of States in outer space, which closed outer space to nuclear weapons.[3] The Treaty on the Non-Proliferation of Nuclear Weapons, which has now been drawn up and is ready for signature, is important for the strengthening of peace and creates favourable conditions for the continuing struggle to stop the arms race and to implement effective measures for the prohibition and destruction of nuclear weapons.[4]

3. In the interests of peace, further measures aimed at limiting the arms race and achieving disarmament must be taken. This is even more important because, owing to the activation of aggressive forces, tension in international relations has increased, the aggressive war of the United States in Viet-Nam is expanding, and the occupation by Israel of the territories of a number of Arab States which it seized by force continues.

4. Following upon the conclusion of the Treaty on the Non-Proliferation of Nuclear Weapons, the Soviet Government proposes that agreement should be reached on the implementation in the very near future of the following measures to stop the arms race and achieve disarmament.

1. *Prohibition of the use of nuclear weapons*

5. From the time that nuclear weapons first made their appearance, the Soviet Union has consistently supported the prohibition and complete elimination of these weapons of mass destruction. An important step towards solving this problem and removing the threat of nuclear war would be to conclude an international agreement prohibiting the use of nuclear weapons. Such an agreement would constitute a serious deterrent to all those intending to employ such weapons. By allaying the suspicions of some Powers that others might intend to use nuclear weapons, such an agreement would lead to a more healthy international climate.

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[1] A/7134, July 8, 1968.
[2] *Documents on Disarmament, 1963*, pp. 291–293.
[3] *Ibid., 1967*, pp. 38–43.
[4] *Supra.*

6. In order to expedite the solution of this problem, the Government of the USSR submitted for consideration by the United Nations General Assembly at its twenty-second session a draft convention on the prohibition of the use of nuclear weapons.[5] A large majority of delegations in the Assembly supported the idea that such an international convention should be concluded. The Assembly urged all States to examine the draft convention on the prohibition of the use of nuclear weapons proposed by the Soviet Union and such other proposals as may be made on this question, and to undertake negotiations concerning the conclusion of an appropriate convention through the convening of an international conference, by the Conference of the Eighteen-Nation Committee on Disarmament, or directly between States.[6]

7. With a view to reaching a practical solution to the problem of prohibiting the use of nuclear weapons, the Soviet Government proposes that the draft convention on the prohibition of the use of nuclear weapons should be discussed in the Eighteen-Nation Committee as a matter of first priority, and that there should be an exchange of views on the convening of an international conference to sign an appropriate convention.

2. *Measures for the cessation of production of nuclear weapons and the reduction and elimination of stockpiles*

8. In an effort to save mankind from the danger of nuclear war, the Soviet Government proposes that all the nuclear Powers immediately begin negotiations on the cessation of production of nuclear weapons, the reduction of stockpiles and the eventual complete prohibition and elimination of nuclear weapons under appropriate international control. The Soviet Government declares itself ready to begin such negotiations with all the other nuclear Powers at any time. Its reason for doing so is that it might be possible in the course of such negotiations to arrive at an understanding concerning the whole complex of measures leading to the elimination of nuclear weapons as well as certain individual steps directed towards that end.

3. *Restriction and subsequent reduction of vehicles for the delivery of strategic weapons*

9. The Soviet Government proposes negotiations concerning specific measures for limiting and subsequently reducing the strategic vehicles for the delivery of nuclear weapons. Its reason for doing so is the fact that the elimination of the whole arsenal of strategic delivery vehicles, or in any case its reduction to the absolute minimum, leaving—and then only temporarily—a strictly limited quantity of such vehicles, would help to remove the threat of nuclear war.

10. The Soviet Government declares itself ready to discuss with interested States the reciprocal limitation and subsequent reduction of strategic vehicles for the delivery of nuclear weapons.

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[5] *Documents on Disarmament, 1967*, pp. 419–421.
[6] *Ibid.*, pp. 626–627.

4. *Prohibition of flights by bomber aircraft carrying nuclear weapons beyond national frontiers. Limitation of the operational zones for missile-carrying submarines*

11. The Soviet Government has repeatedly drawn the attention of the Governments of other States and of world public opinion to the danger constituted by flights by bomber aircraft carrying nuclear weapons beyond national frontiers. The increasing frequency of accidents involving United States bombers carrying nuclear weapons beyond the limits of United States territory is a matter of justified concern to a number of countries. There is no assurance that the next accident involving a bomber carrying nuclear bombs will not lead to a nuclear explosion with all the consequences which that would entail. In the present stage of tension, such a nuclear explosion might lead to a whole series of serious incidents and to a conflict endangering the whole of mankind. From the military standpoint, these flights are meaningless in conditions where missile-borne nuclear weapons exist. They can only have the single purpose of increasing international tension without regard to the consequences of such a dangerous practice.

12. The Soviet Government proposes the immediate prohibition of flights by bomber aircraft carrying nuclear weapons beyond national frontiers.

13. It also proposes that in order to reduce the likelihood of a nuclear war, agreement be reached for the cessation of patrols by missile-carrying submarines with nuclear missiles on board in areas where the borders of parties to such an agreement are within range of such missiles.

5. *Prohibition of underground nuclear weapon tests*

14. The Soviet Union continues to be a firm supporter of the prohibition of all nuclear weapon tests and believes that the prohibition of all such tests would serve the interests of peace and attenuate the arms race. The Soviet Government is ready to begin immediate negotiations for the prohibition of underground nuclear weapon tests on the basis of the use of national means of detection to ensure that the prohibition is enforced.

6. *Prohibition of the use of chemical and bacteriological weapons*

15. The Soviet Government has repeatedly drawn the attention of States to the threat to mankind arising from the use of chemical and bacteriological weapons. Reflecting the general concern of nations over that threat, the United Nations General Assembly, at its twenty-first session, adopted a resolution calling for strict observance by all States of the principles and objectives of the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925, condemning all actions contrary to those objectives and inviting all States to accede to the Geneva Protocol.[1]

[1] See G.A. resolution 2162 B (XXI) (*Documents on Disarmament, 1966*, pp. 798–799). The Geneva protocol may be found in Senate Foreign Relations Committee, Subcommittee on Disarmament, *Disarmament and Security: A Collection of Documents, 1919–55* (Com. print, 84th Cong., 2d sess.), pp. 169–170.

16. This important decision of the General Assembly has not, however, been implemented by certain countries, and above all by the United States of America. What is more, the United States is using chemical weapons in its aggressive war in Viet-Nam. The Soviet Government therefore proposes that the Eighteen-Nation Committee on Disarmament examine ways and means of ensuring that all States comply with the Geneva Protocol prohibiting the use of chemical and bacteriological weapons.

7. *Elimination of foreign military bases*

17. Foreign military bases on the territory of other States constitute a serious danger to peace. Such bases are a cause of military conflict and threaten the freedom and independence of peoples. This is convincingly shown by the continuing aggressive war of the United States in Viet-Nam, and by the tension and conflicts in other parts of the world where foreign bases are situated.

18. The Soviet Government proposes, in accordance with the decision of the United Nations General Assembly, at its twenty-first session,[8] that the question of the elimination of foreign military bases should be discussed forthwith in the Eighteen-Nation Committee on Disarmament.

8. *Measures for regional disarmament*

19. The Soviet Government supports the establishment of nuclear-free zones in various parts of the world. Its reason for doing so is that the establishment of such zones should be an effective means of limiting the area of distribution of nuclear weapons and would be in full accord with the aim of prohibiting their direct or indirect proliferation.

20. In the view of the Soviet Government, the obligation to establish nuclear-free zones can be assumed not only by groups of States within an entire continent or in large geographical areas, but also by more limited groups of States or even by individual countries.

21. The Soviet Government also supports proposals to implement measures for regional disarmament and the reduction of armaments in various parts of the world, including the Middle East. The question of such measures to limit the arms race in the Middle East can, of course, be discussed only on condition that the consequences of Israel's aggression against the Arab nations is rectified and, above all, that Israel troops completely withdraw from the Arab territories occupied by them.

9. *Peaceful use of the sea-bed and ocean floor*

22. The efforts to attenuate the arms race are served not only by limiting the military use of those environments in which man lives and works, but also by preventing the military use of new spheres of human activity. The Soviet Government has made consistent efforts towards the achievement of these aims, and it is gratified to note that

[8] *Documents on Disarmament, 1966*, p. 804.

important practical steps in this direction have been made in the form of the limitations embodied in the Antarctic Treaty [9] and in the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies.[10]

23. The progress of research and the prospects for utilizing the sea-bed and ocean floor give relevance to the question of taking prompt action for the establishment of appropriate arrangements to ensure that the sea-bed beyond the limits of existing territorial waters will be used solely for peaceful purposes. Such arrangements would, in particular, prohibit the construction of fixed installations on the sea-bed for military purposes as well as any other activities of a military character. The Soviet Government proposes that discussions should be initiated in the Eighteen-Nation Committee on Disarmament with regard to the use of the sea-bed beyond the limits of existing territorial waters exclusively for peaceful purposes.

24. In recommending the foregoing measures, the Soviet Government draws attention to the need for making every effort to achieve tangible progress in solving the problem of general and complete disarmament. The Soviet Government considers that impetus must be given to discussions on this question in the Eighteen-Nation Committee. It also supports the implementation of the decision of the United Nations General Assembly for the convening of a general conference on disarmament,[11] and it expresses the conviction that the holding of such a conference will promote the solution of this most important question faced by mankind.

25. Guided by its basic policy in questions concerning the struggle for peace, the Soviet Union, in co-operation with the socialist countries and all peace-loving States, will succeed in removing the threat of nuclear war, in checking the forces of aggression and in realizing a broad programme of disarmament. The Soviet Government appeals to all States to do everything that needs to be done in order to reach agreement on the urgent measures that must be taken to stop the arms race and achieve disarmament.

Report by Secretary of State Rusk to President Johnson on the Nonproliferation Treaty, July 2, 1968 [1]

I have the honor to submit to you, with the recommendation that it be transmitted to the Senate for its advice and consent to ratification, a certified copy of the Treaty on the Non-Proliferation of Nuclear Weapons, signed in Washington on July 1, 1968, on behalf of the United States of America, the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics, and 53 other states.[2] It is open for signature by all other states, many of which have expressed their intention to sign it.

[9] *Ibid., 1945–1959*, vol. II, pp. 1550–1556.
[10] *Ibid., 1967*, pp. 38–43.
[11] *Ibid., 1965*, p. 585.
[1] S. Ex. H, 90th Cong., 2d sess., pp. vi–xii, 6.
[2] *Ante*, pp. 461–465.

Since introducing the Baruch Plan in 1946, the United States has endeavored to prevent the spread of nuclear weapons.[3] Beginning with the McMahon Act in that same year,[4] United States legislation has consistently forbidden the transfer of such weapons to others.

In the spring of 1966, after extensive hearings by the Joint Committee on Atomic Energy, a broad consensus of the Senate was reached in support of negotiations toward a nuclear non-proliferation treaty under which other countries would be bound to follow this same policy. Senate Resolution 179, which was sponsored by Senator Pastore and co-sponsored by 58 other Senators, was adopted by a bipartisan vote of 84–0, with all absent Senators but one declaring themselves in favor.[5] Since that time the negotiations of the treaty have been closely followed by the Congressional advisers to the Eighteen Nation Disarmament Committee, and have been the subject of annual reports to the Congress and numerous hearings. They were discussed at hearings held in May and June 1966 by the Subcommittee on National Security and International Operations of the Senate Committee on Government Operations; in June 1966 by the Committee on Foreign Relations; in February and March 1967 by that Committee's Subcommittee on Disarmament; and in February 1968 by the House Committee on Foreign Affairs.

International concern on the subject of proliferation was demonstrated on December 4, 1961 when the General Assembly of the United Nations unanimously approved a resolution calling on all states to conclude an international agreement to prevent the wider dissemination of nuclear weapons.[6]

In a message to the Eighteen Nation Disarmament Committee (ENDC) on January 21, 1964, you proposed that there be agreement "to stop the spread of nuclear weapons to nations not now controlling them" and "that all transfers of nuclear materials for peaceful purposes take place under effective international safeguards".[7]

On June 15, 1965, the United Nations Disarmament Commission passed a resolution by a vote of 83–1 (with 18 abstentions) urging that the ENDC give priority attention to a treaty to prevent the further spread of nuclear weapons.[8] On August 15 [*17*], 1965, after consultations within the Atlantic Alliance, the United States submitted to the ENDC a draft of such a treaty.[9] The Soviet Union presented its version of a draft treaty at the Twentieth Session of the United Nations General Assembly in September 1965.[10]

After almost two years of negotiations, including extensive consultations with our allies, the United States and the Soviet Union presented to the ENDC identical drafts of a treaty on August 24, 1967.[11] The article on safeguards was left blank because of inability to reach agreement on a formulation that was acceptable to all. In the ensuing

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[3] *Documents on Disarmament, 1945–1959*, vol. I, pp. 7–16.
[4] 60 Stat. 755.
[5] *Documents on Disarmament, 1966*, pp. 306–307.
[6] *Ibid., 1961*, p. 604.
[7] *Ibid., 1964*, pp. 7–9.
[8] *Ibid., 1965*, pp. 260–262.
[9] *Ibid.*, pp. 347–349.
[10] *Ibid.*, pp. 443–446.
[11] *Ibid., 1967*, pp. 338–341.

months, further efforts were made to reach agreement, and consideration was given to various proposals put forth by members of the Committee.

On December 19, 1967, the United Nations General Assembly adopted, by a vote of 112–1 (with 4 abstentions), a resolution calling upon the ENDC to resume negotiations of the treaty on an urgent basis, requesting submission of a full report to the General Assembly on or before March 15, 1968, and recommending resumption of the 22nd General Assembly to consider the treaty upon receipt of such report.[12]

When the ENDC reconvened on January 18, 1968, the United States and the Soviet Union submitted a complete treaty draft, including an article on safeguards which had been formulated in light of the extensive consultations in the North Atlantic Council.[13] The January 18 draft also contained new articles and revisions which addressed concerns raised by various non-nuclear-weapon states.

On March 11, 1968, the ENDC Co-Chairmen presented a revised treaty draft, responsive to additional suggestions made by non-nuclear-weapon states, which was reported to the United Nations General Assembly.[14]

On April 24, 1968, the United Nations General Assembly reconvened to consider the new treaty draft. Following thorough debate in the First Committee, in which further suggestions were made by non-nuclear-weapon states for improving the draft text, the United States and the Soviet Union presented a final draft on May 31, 1968; the changes in the text were directed especially at strengthening provisions relating to the peaceful uses of nuclear energy.[15]

On June 10, 1968, a resolution commending the treaty draft was approved in the First Committee of the United Nations General Assembly by a vote of 92–4 (with 22 abstentions). On June 12, 1968, the General Assembly in plenary session approved the same resolution by a vote of 95–4 (with 21 abstentions).[16]

On July 1, 1968, the treaty was signed in Washington by 56 states.

The treaty consists of a preamble and eleven articles, the first seven of which contain its principal substantive provisions.

In broadest outline, the treaty is designed to (a) prevent the spread of nuclear weapons (Articles I and II); (b) provide assurance, through international safeguards, that the peaceful nuclear activities of states which have not already developed nuclear weapons will not be diverted to making such weapons (Article III); (c) promote the peaceful uses of nuclear energy to the maximum extent consistent with the treaty's other purposes and provisions (Articles IV and V); and (d) give recognition to the determination of the parties that the treaty should lead to further progress toward arms control and disarmament (Articles VI and VII).

The preamble has twelve paragraphs expressing the consensus of the parties. The first three reflect the importance and urgency of

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[12] *Ibid.*, pp. 732–733.
[13] *Ante*, pp. 1–6.
[14] *Ante*, pp. 162–166.
[15] *Ante*, pp. 404–409.
[16] *Ante*, pp. 431–432.

preventing nuclear proliferation; the next two express support for international safeguards on peaceful nuclear activities and for improvements in safeguards techniques; the next two deal with the principle of sharing the benefits of peaceful applications of nuclear energy, and of making technological by-products of work on nuclear explosives available for peaceful purposes; the next four express the urgent need for further progress toward disarmament and limitations on the nuclear arms race; and the last reaffirms the principles of the United Nations Charter regarding the use of force and threats of force in international relations. It should be noted that Article VIII of the treaty provides for review conferences, the first of which is to be held five years after the treaty enters into force, to review the operation of the treaty "with a view to assuring that the purposes of the Preamble and the provisions of the Treaty are being realized."

Articles I and II contain the basic undertakings to prevent the proliferation of nuclear weapons.

Article I deals with the obligations of parties that are nuclear-weapon states, which are limited to those that had manufactured and exploded a nuclear weapon or other nuclear explosive device prior to January 1, 1967 (Article IX, paragraph 3). First, such states undertake not to transfer nuclear weapons, or control over them, to any recipient whatsoever. This provision deliberately parallels United States atomic energy legislation, which has always prohibited such transfers. Second, nuclear-weapon states must not assist non-nuclear-weapon states to manufacture or otherwise acquire nuclear weapons. Third, these prohibitions apply not only to nuclear weapons but also to other nuclear explosive devices. Inclusion of the latter was necessary because a nuclear explosive device intended for peaceful purposes can be used as a weapon or can be easily adapted for such use, and because the technology for making such devices is essentially indistinguishable from that of making nuclear weapons. But while Article I covers all such devices, it will not deprive non-nuclear-weapon parties of the potential benefits from any peaceful applications of nuclear explosions, which are dealt with in Article V.

Article II deals with the obligations of all parties that are not nuclear-weapon states as defined above. Such non-nuclear-weapon states undertake first, not to receive the transfer of nuclear weapons or other nuclear explosive devices, or control over them, from any transferor whatsoever. Second, they must not manufacture or otherwise acquire such weapons or devices or seek or receive assistance in such manufacture.

Articles I and II were the first substantive articles to be included in their present form in the treaty text. Before any of the other substantive articles had been added, these two articles prompted several questions from our NATO allies. The questions, and the answers given by the United States, are enclosed.[17]

Article III provides for verification of compliance with the treaty by means of international safeguards designed to insure that nuclear energy is not diverted from peaceful uses to nuclear weapons or other nuclear explosive devices.

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[17] *Infra.*

The first paragraph of Article III provides that such safeguards shall be applied on all source or special fissionable material in all peaceful nuclear activities within the territory, jurisdiction or control of non-nuclear-weapon parties. Such parties undertake to accept safeguards on such material for the exclusive purpose of verification of the fulfillment of their obligations under the treaty. The safeguards are to be as set forth in agreements to be negotiated and concluded with the International Atomic Energy Agency (IAEA) in accordance with the Statute of the IAEA and the IAEA safeguards system.

The second paragraph of Article III prohibits the provision by any of the parties of (a) source or special fissionable material or (b) equipment or material especially designed or prepared for the processing, use or production of special fissionable material, to any non-nuclear-weapon state for peaceful purposes, unless the source or special fissionable material shall be subject to the safeguards required by Article III.

The third paragraph of Article III prescribes that the safeguards be implemented so as to comply with Article IV of the treaty—which deals with furthering the peaceful uses of nuclear energy—and to avoid hampering the economic and technological development of the parties or international cooperation in the field of peaceful nuclear activities.

The fourth paragraph of Article III permits the agreements with the IAEA to be concluded by non-nuclear-weapon parties either individually or together with other states in accordance with the Statute of the IAEA. The remainder of the paragraph provides schedules for commencing negotiations of safeguards agreements, as well as for their entry into force. In effect, they provide a transition period after the treaty's entry into force within which the detailed arrangements for the safeguards required by the treaty can be worked out and put into operation.

An integral part of the negotiating history of Article III is the statement of principles enumerated by the United States Co-Chairman of the Eighteen Nation Disarmament Committee when the Article was first publicly presented on January 18, 1968, and reiterated by Ambassador Goldberg when the treaty was presented to the First Committee of the United Nations General Assembly on May 31, 1968. These principles regarding the safeguards, and the safeguards agreements, called for by Article III, are as follows:

1. There should be safeguards for all non-nuclear-weapon parties of such a nature that all parties can have confidence in their effectiveness. Therefore safeguards established by an agreement negotiated and concluded with the IAEA in accordance with the Statute of the IAEA and the Agency's safeguards system must enable the IAEA to carry out its responsibility of providing assurance that no diversion is taking place.

2. In discharging their obligations under Article III, non-nuclear-weapon parties may negotiate safeguards agreements with the IAEA individually or together with other parties; and, specifically, an agreement covering such obligations may be entered into between the IAEA and another international organization the work of which is related to the IAEA and the membership of which includes the parties concerned.

3. In order to avoid unnecessary duplication, the IAEA should make appropriate use of existing records and safeguards, provided that under such

mutually agreed arrangements the IAEA can satisfy itself that nuclear material is not diverted to nuclear weapons or other nuclear explosive devices."[18]

Adherence to these principles should facilitate the timely conclusion of safeguards agreements meeting the requirements of the treaty by all non-nuclear-weapon parties, including those which are subject to Euratom safeguards.

Article III does not require nuclear-weapon states to subject their peaceful nuclear activities to international safeguards. This fact led to criticism of the treaty as being discriminatory, and charges that it gave the nuclear-weapon states an unfair commercial advantage unrelated to the basic purpose of the treaty. It was in this context that you stated on December 2, 1967 that the United States was not asking any country to accept safeguards that we were unwilling to accept ourselves. Thus you announced that "when such safeguards are applied under the treaty, the United States will permit the International Atomic Energy Agency to apply its safeguards to all nuclear activities in the United States—excluding only those with direct national security significance." A parallel announcement was made by the United Kingdom.[19]

Article IV insures that nothing in the treaty will be interpreted as affecting the right of all parties. without discrimination, to use nuclear energy for peaceful purposes in conformity with Articles I and II. It also contains an undertaking by all parties to facilitate, and affirms their right to participate in, the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy. Finally it requires those parties in a position to do so to cooperate in contributing to the further development of peaceful applications of nuclear energy, especially in the territories of non-nuclear-weapon states and with due consideration for the needs of the developing areas of the world.

Article V is designed to compensate for the undertaking by non-nuclear-weapon parties in Article II not to acquire nuclear explosive devices even for peaceful purposes. It provides assurance to such parties that they will not lose, by such renunciation, the potential benefits from peaceful applications of nuclear explosions. It is also designed to assure them there would be no economic incentive for them to try to develop their own nuclear explosive devices for such purposes. Specifically, the parties to the treaty undertake to take appropriate measures to insure that the potential benefits of such peaceful applications will be made available to non-nuclear-weapon parties on a nondiscriminatory basis and that the charge to such parties for the explosive devices used will be as low as possible and exclude any charge for research and development. The article requires that such benefits shall be made available in accordance with the treaty—which would preclude non-nuclear-weapon states from acquiring the nuclear explosive devices themselves or control over them. Thus, the devices would remain under the custody and control of a nuclear-weapon state, which would in effect provide a nuclear explosion service. The Article requires that such explosions be carried out under appropriate international observation and through appropriate international pro-

[18] *Ante*, p. 420.
[19] *Documents on Disarmament, 1967*, pp. 613-616.

cedures. It contemplates that non-nuclear-weapon states will be able to obtain such services pursuant to a special international agreement or agreements, through an appropriate international body with adequate representation of non-nuclear-weapon states. It provides that negotiations on this subject shall commence as soon as possible after the treaty enters into force. But it preserves the option of obtaining nuclear explosion services pursuant to bilateral agreements.

Article VI is an undertaking by all parties to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control.

Article VII makes clear that nothing in the treaty affects the right to conclude regional treaties establishing nuclear-free zones.

Article VIII establishes the procedures for amending the treaty. Paragraph 1 is derived from the Nuclear Test Ban Treaty.[20] It requires the Depositary Governments to convene a conference to consider a proposed amendment if requested to do so by one-third or more of the parties to the treaty. Paragraph 2 provides that for an amendment to enter into force it must be ratified by a majority of all parties to the treaty, including all nuclear-weapon parties and all other parties which, on the date the amendment is circulated, are members of the Board of Governors of the IAEA. No amendment will enter into force for any party that does not ratify it.

Article VIII also provides for a conference, five years after the treaty enters into force, to review the operation of the treaty. Further review conferences, at five year intervals thereafter, will be held if requested by a majority of the parties.

Article IX designates the United States, the United Kingdom and the Soviet Union as Depositary Governments and provides that the treaty shall enter into force upon the deposit of instruments of ratification by those states and forty other signatory states. It specifies how other states may become parties and contains provisions of a formal nature relating to ratification, accession, and registration with the United Nations, all derived from the corresponding provisions of the Nuclear Test Ban Treaty.

The provisions for signature and accession have been designed to permit the widest possible application of the treaty. At the same time adherence to the treaty will in no way imply recognition or change in status of regimes the United States does not now recognize. Nor will it in any way result in according recognition or change in status to any regime not now recognized by any other party.

Article X provides a right of withdrawal upon three months notice if a party finds that extraordinary events related to the subject matter of the treaty have jeopardized its supreme interests. This provision is the same as the withdrawal provision in the Nuclear Test Ban Treaty except that it requires notice of such withdrawal to be given to the United Nations Security Council as well as to the other treaty parties and requires the notice to include a statement of the extraordinary events involved.

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[20] *Ibid.*, *1963*, pp. 291–293.

In addition, Article X provides for a conference, to be held twenty-five years after the treaty enters into force, at which a majority of the parties will decide whether the treaty shall continue in force indefinitely, or be extended for an additional fixed period or periods.

Article XI provides that the English, Russian, French, Spanish and Chinese texts of the treaty are equally authentic, and deals with the deposit of the original treaty instruments and transmittal of certified copies to signatory and acceding states.

In the course of the negotiation of the treaty, a number of non-nuclear-weapon states, including especially non-aligned states, expressed the need for some form of assurance with respect to their security that would be appropriate in light of their renunciation of the right to acquire nuclear weapons. While there is no provision on this subject in the treaty, a resolution on this subject was adopted by the United Nations Security Council on June 19, 1968 by a vote of 10–0 (with 5 abstentions). The United States, the United Kingdom, and the Soviet Union each issued substantially identical declarations in explanation of their votes for such resolution. Copies of the resolution, and of the declaration by the United States are enclosed.[21]

The signing of this treaty is, I believe, an event of unique significance. Wide adherence to it will greatly reduce the threat of an increasing number of states with nuclear weapons at their disposal, and will thus enhance the security of the United States, its allies, and the rest of the world. At the same time, it will give new impetus to international cooperation in the peaceful uses of nuclear energy and to further efforts toward disarmament.

Because of the great interest shown by so many nations in this historic effort as well as its significance to world peace, I sincerely hope that the United States will be in a position to ratify this treaty as soon as possible.

. . . . . .

Questions on the Draft Non-Proliferation Treaty Asked by U.S. Allies Together With Answers Given by the United States

1. Q. What may and what may not be transferred under the draft treaty?

A. The treaty deals only with what is prohibited, not with what is permitted.

It prohibits transfer to any recipient whatsoever of "nuclear weapons" or control over them, meaning bombs and warheads. It also prohibits the transfer of other nuclear explosive devices because a nuclear explosive device intended for peaceful purposes can be used as a weapon or can be easily adapted for such use.

It does not deal with, and therefore does not prohibit, transfer of nuclear delivery vehicles or delivery systems, or control over them to any recipient, so long as such transfer does not involve bombs or warheads.

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[21] See *ante*, p. 444.

2. Q. Does the draft treaty prohibit consultations and planning on nuclear defense among NATO members?

A. It does not deal with allied consultations and planning on nuclear defense so long as no transfer of nuclear weapons or control over them results.

3. Q. Does the draft treaty prohibit arrangements for the deployment of nuclear weapons owned and controlled by the United States within the territory of non-nuclear NATO members?

A. It does not deal with arrangements for deployment of nuclear weapons within allied territory as these do not involve any transfer of nuclear weapons or control over them unless and until a decision were made to go to war, at which time the treaty would no longer be controlling.

4. Q. Would the draft prohibit the unification of Europe if a nuclear-weapon state was one of the constituent states?

A. It does not deal with the problem of European unity, and would not bar succession by a new federated European state to the nuclear status of one of its former components. A new federated European state would have to control all of its external security functions including defense and all foreign policy matters relating to external security, but would not have to be so centralized as to assume all governmental functions. While not dealing with succession by such a federated state, the treaty would bar transfer of nuclear weapons (including ownership) or control over them to any recipient, including a multilateral entity.

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Soviet Aide-Memoire to the Federal Republic of Germany, July 5, 1968 [1]

The Soviet Government acknowledges receipt of the Federal Government's memorandum of 9 April, 1968 [2] and deems it necessary to reply to it as follows:

When, some time ago, the Federal Government advocated an exchange of declarations renouncing the use of force in their relations with the Soviet Government and the other European Socialist states, the Soviet Government, which has consistently supported the principle of not using force in inter-state relations, naturally took notice of this proposal. After the appropriate consultations with the interested European socialist countries which are allied with the USSR had been completed, the Soviet Government informed the Federal Government

[1] *The Policy of Renunciation of Force: Documents on German and Soviet Declarations on the Renunciation of Force, 1949 to July 1968* (Bonn, 1968), pp. 35–43.

[2] *Ante*, pp. 205–210.

on 12 October and 21 November, 1967, of its views of the basis on which the Soviet Union could agree to exchange declarations renouncing the use of force with the Federal Republic of Germany and what the real content of such declarations could be.[3]

In their account of the above-mentioned views, the Soviet Government proceeded on the assumption that the strengthening of peace and security in Europe was in accord with the vital interests and ardent wishes of the European states and peoples and that any step is useful, including the proposed exchange of declarations with the Federal Republic of Germany if it really promotes this important cause. At the same time attention was also paid to the actual content of the Federal Government's political course of action and to its statements about its intention of pursuing a "new Eastern policy".

At the time, the Soviet Government stated that it would be pleased to consider the proposal submitted by the Federal Government as an expression of the West German wish to bring about a change in its policy so as to consolidate security in Europe. They would also be pleased to accept this proposal as evidence of its (the Federal Government's) willingness to take another step forward in improving the relations between the Federal Republic of Germany and the USSR as well as the states allied with the Soviet Union, which would help to restore a healthy situation in Europe and, as a result, would serve to create the preconditions for the necessary normalisation of relations between the Federal Republic of Germany and the European Socialist states.

During the following unofficial and provisional contacts between the Federal Government and the Soviet Government, the Soviet side attempted to obtain the requisite clarity about the aims and intentions of the Federal Government in this question.

The Soviet side wanted from the very beginning to put these contacts on an objective basis. For this reason, the West German proposal that the contacts should be of a confidential nature was accepted. Although the Soviet Government strictly observed this agreement, the West German side repeatedly infringed it despite the fact that the proposal came from it and it inspired various speculations in which the Soviet Union's views were distorted. Finally, after the Federal Government presented a memorandum on 9 April of this year as a reply to the Soviet proposals, the contents of the exploratory talks on a renunciation of the use of force were made public by the West German press and the views of the Soviet Union were seriously misrepresented.

What is the Federal Government's attitude to the Soviet proposals on an exchange of declarations between the USSR and the Federal Republic renouncing the use of force? What is its actual policy in the basic questions concerning peace and security on the European continent?

1. It is well-known, that for nearly twenty years two independent German states with equal rights, the GDR and the Federal Republic of Germany, have developed and existed in Central Europe. The existence of these two German states is an integral part of the Europe of today. If one does not take this undeniable fact into consideration,

[3] *The Policy of Renunciation of Force*, pp. 7–15.

it is unthinkable that there can be any fruitful discussion or solution of the major current European problems.

Anyone who plans to attack the inviolability of, or encroaches upon, the sovereign rights of the socialist GDR is deliberately undermining the fundaments of peace and security in Europe. The Federal Government has meanwhile shown fairly explicitly that it is not prepared to exchange declarations renouncing the use of force with the GDR on the same conditions as with the other socialist states and that it still insists on its absurd claim to speak on behalf of "all Germans".

Certain people in the Federal Republic of Germany are apparently toying with the idea that there perhaps might be a rebirth of the 1,000 year Reich proclaimed by Hitler and that the militarists and Nazis might again control the destiny of all Germans. However, Hitler's Reich, which unleashed the most horrible war in history and inflicted immeasurable suffering and pain on the nations of the world, was crushed beneath the burden of the crimes it committed and the blows of the outraged nations. There can and never will be any return to the Reich.

Today, everyone realises that the existence of the peace-loving socialist German state, which is linked by close fraternal ties with the Soviet Union and other socialist countries, is of immense importance as a guarantee of peace and security in Europe. The people of the GDR are pressing forward resolutely along the chosen path towards establishing the socialist society and they are staunch defenders of peace and friendship between nations. They reject outright the Federal Government's planned encroachments upon their sovereign rights. The stability and viability of the socialist system in the GDR were convincingly demonstrated in the recent referendum which embraced the whole population. The absolute majority of the citizens of the republic decided freely and unequivocally in favour of the new socialist constitution. This "yes" by the workers of the GDR to the socialist constitution was also their judgement of the unfounded claim of the Federal Government to speak on behalf of all Germans.

The Federal Government's memorandum of 9 April 1968 must be seen as an attempt to evade an agreement on the exchange of declarations renouncing the use of force vis-à-vis the GDR in an internationally binding form. It seems obvious that the Federal Government merely wishes to repeat the general declaration renouncing the use of force which at some time or other was once made by Adenauer, but which is contrary to the policies practised by the Federal Republic of Germany. Naturally, such a declaration would only camouflage the anti-GDR direction being taken by the Federal Government. However it would be wrong to assume that any agreement is possible on this basis.

The Federal Government should not ignore the fact that the security, the territorial integrity and the political independence of the GDR, as a member of the Warsaw Pact, belong to the fundamental and vital interests of all socialist countries which are linked with her by an alliance and by fraternal friendship.

2. It is undeniable that the permanence of the existing frontiers in Europe, including the Oder-Neisse frontier and the frontier between the GDR and the Czechoslovakian Socialist Republic and the

Federal Republic of Germany, is one of the most important preconditions for guaranteeing European security.

As may be seen from the memorandum dated 9 April, 1968 and from public statements made by leading personalities in the Federal Republic of Germany, the Federal Government still refuses to recognise the existing frontiers in Europe. Moreover, there are still people in West Germany who demand a revision of the results of World War II. None less than Federal Chancellor Kiesinger himself deemed it appropriate in a speech delivered in the Bundestag on the 3 November, 1968 to say that the population of Germany, which had grown since 1933, was now living in a shrunken area. Such a statement, which is really a resurgence of the Nazi theory of "Lebensraum", prompts the Germans in the Federal Republic to press for a revision of the European borders and the existing situation in Europe. Pronouncements of this kind clearly indicate what the Federal Government means by a "peace order" in Europe.

The peoples of Europe and the Soviet Union who lost millions upon millions of their sons and daughters in the Second World War have not, and cannot, forget that this war was unleashed by German fascists on the pretext of conquering "Lebensraum" for the leaders of the criminal Third Reich and under the watchword of the notorious "New Order" in Europe.

What the Federal Government is really proposing is an exchange of declarations renouncing the use of force whereby it could continue to make the same territorial claims vis-à-vis its neighbouring states as before. Such matters are, however, not compatible with each other. Only people who have forgotten the events of recent history could accept such a fraudulent agreement.

If the Federal Government still entertains hopes about a change in the Soviet Union's attitude or that of the other Socialist countries about the European frontiers, it is committing a grave and dangerous error. The results of the Second World War cannot be reversed: The question of the European frontiers has been finally and irrevocably settled.

Everyone knows the fate of the former plans for "rolling back" socialism which were concocted and discussed in NATO, inter alia by the leading personalities of the Federal Republic. These plans were doomed to failure from the very beginning. Nowadays, even NATO circles prefer not to speak of direct military attacks against the socialist states. Influential circles in the Federal Republic of Germany, on the other hand, can still be seen hatching aggressive plans, since it would be difficult otherwise to explain why the Federal Government, despite its proposal about exchanging declarations renouncing the use of force, avoids making any statement about respecting the existing frontiers in Europe.

Instead of recognising the irrevocability of the frontiers along the Oder and Lausitz-Neisse, the Federal Government resorts in its memorandum to statements to the effect that it "understands" Poland's wish to live within secure borders "better than in former times". But what value can one place on such words when, in practice, the Federal Government officially raises and maintains claims to territory in the north and west of the People's Republic of Poland!

Pursuant to the Potsdam Agreement,[4] the frontier along the Oder and the Lausitz-Neisse was determined once for all and it cannot be made the subject of any discussions or bargaining. The interests of the Soviet Union and Socialist Poland, with which she is fraternally linked, are identical and indivisible. Their views on the question of the Oder and Lausitz-Neisse frontier are also the same and equally unshakeable.

There are no paths, either direct or circuitous, which might lead to a revision of the existing frontiers in Europe. Anyone who thinks otherwise has lost his sense of reality.

The tribulations of World War II and the historical experience gained from the emergence and victory of the anti-Hitler coalition taught the peace-loving states of Europe a lot, and today they will not permit themselves to be caught unawares. As far as the socialist member-states of the Warsaw Pact are concerned, they have announced their firm intention of crushing any aggression against them by the imperialist and reactionary forces.

3. The Federal Government noted in its memorandum that the Munich Agreement of September 1938, which was concluded under duress, "was no longer valid". This declaration, which the Federal Government is nowadays almost trying to describe as a step towards an understanding with the Socialist countries, does not contain anything new, as the Federal Republic has hitherto refused to declare that the Munich Agreement was invalid from the very beginning. But whether one declares the Munich Agreement to be invalid from the day of its conclusion or from now on is not an academic question, but one which is directly connected with the exchange of declarations renouncing the use of force.

In its persistent refusal to declare the Munich Agreement to have been invalid from the time of its conclusion, the Federal Government has shown that it is not willing to dissociate itself from a policy whose methods include blackmail, threats and the use of military force, and which is symbolised by this infamous Agreement. The Federal Government apparently considers that the Munich Agreement was "legitimate" and consequently deems the conquest by force of the "Sudetenland" and all the criminal acts committed by the Nazis and their henchmen in Czechoslovakia to have been "legitimate", too.

In view of the Federal Government's attitude, it is not surprising that it is indulgent towards the activities of the leaders of the Sudeten Refugee Association who, like Henlein's supporters, have been arousing an inordinate hate of socialist Czechoslovakia and calling for the dismemberment of Czechoslovakian areas. And would it be possible without the connivance of the authorities in the Federal Republic for this revenge-seeking Refugee Association to demand outright the "return of the Sudeten Germans" i.e. to re-establish the situation which Hitler created with the help of the Munich Agreement?

The Soviet Union will continue to defend the national interests of Czechoslovakia. The Munich Agreement was immediately and resolutely condemned by the Soviet Union as an arbitrary act of force;

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[4] *A Decade of American Foreign Policy: Basic Documents, 1941–49* (S. doc. 123, 81st Cong., 1st sess.), pp. 34–48.

the Soviet Union expressed its willingness at the time to send its forces without delay to help the Czechoslovakian army if the Czechoslovakian Government then in power were to ask them for this. After the Nazis had destroyed the independence of Czechoslovakia, the Soviet Union gave decisive help to the Czech people, with whom we are linked by fraternal ties, in freeing their country from the yoke of the fascist conquerors and their agents in Czechoslovakia. The fraternal relationship between the peoples of the USSR and Czechoslovakia is a serious warning to anyone today who may be planning an attack against the western borders of the socialist community.

In view of these facts, the Soviet Government, Czechoslovakia and all those countries which signed the Bucharest Declaration on the strengthening of peace and security insist emphatically that the Federal Republic should unconditionally dissociate itself from the criminal Munich diktat and declare that it was invalid from the very beginning.

4. The policy which has been adopted by the Federal Government i.e. to reverse the results of World War II and which is contrary to the Potsdam Agreement is closely linked with those political trends in the Federal Republic which jeopardise peace. These trends may above all be seen in the steady increase in the activities of Neo-Nazi and revanchist forces, in the stepping up of the militarisation of the country and in the limitation of the democratic rights and liberties of the West German population.

In its answer, the Federal Government again tries to defend the Neo-Nazis and refuse, as it has done in the past, to take any measures to end the machinations of the so-called National Democratic Party. The Nazis and neo-Nazis, whose activities are prohibited under the Potsdam Agreement, have meanwhile been extending their influence, thanks to the protection given to them by the authorities, throughout the political and public life of the Federal Republic of Germany, and the NPD are now trying to get the better of the other political parties. Recently, the NPD candidates won seats in the Parliament of yet another federal state, the seventh, i.e. in Baden-Württemberg. It has been said that during the electoral campaign the NPD disseminated as much electoral propaganda as all the other parties in the Federal Republic together. They succeeded in getting as many votes as the Nazis did in this federal state (the territory corresponding to the Baden-Württemberg of today) in 1930 during the preparations for Hitler's seizure of power.

The elections in Baden-Württemberg, which were accompanied by uninhibited nationalistic and chauvinistic propaganda in the press, clearly revealed that the policy of the "Grand Coalition" Government has, in practice, created good opportunities for a growth of neo-Nazism and revanchism. To all appearances, the society- and class-conscious circles in the Federal Republic of Germany, who also bear the responsibility for Hitler's aggression, are doing this deliberately in the hope that they can use the neo-Nazis as a means of pressure and blackmail in their relations with other countries in the implementation of their revanchist policies. However, this is a dangerous game and it might turn out to be to the disadvantage of the Federal Republic.

Nor can one ignore the fact that certain statesmen in the Federal Republic of Germany are cultivating more and more actively nation-

alistic and patently chauvinistic feelings amongst the people and are thus pursuing a parallel course of action to that of the NPD. Whilst the leaders of the neo-Nazis are making big speeches about the "rebirth of Great Germany", the official representatives of the Federal Republic talk about "the lack of Lebensraum" etc. The words may be different, but the meaning is the same—militant chauvinism and revanchism.

It is worth noting that both the NPD and its sympathisers in the ranks of the CDU/CSU regard their next goal as the cancellation of the restrictions imposed upon the Federal Republic of Germany under valid international agreements so that it will be able to achieve a leading position amongst the Western powers, especially on the continent. History teaches us that it would be dangerous if the nations of the world, including the West European and American countries, were to underestimate the dangers of such trends.

5. The political trend in the Federal Republic also reveals a persistent growth in the ranks of those who plead for a revision of the Government's policy which would take into consideration the realities of the situation in Europe, recognise the GDR, and establish good-neighbourly relations and co-operate with all European states, oppose the idiotic neo-Nazi and revanchist ideas, and prevent the Federal Republic from becoming a possible cause of war in Europe. Such healthy-minded people are to be found throughout the population right up to the circles which are close to the Government Coalition. In view of the possibility of a further strengthening of this trend, those who today determine the Federal Republic's basic political direction are attempting to prove that the NPD "is in accord with the Constitution" and that the movement against Nazism is an "infringement of the law". We all know what persecutions are inflicted upon the opposition in the Federal Republic, from the Communist Party to the supporters of the Peace Movement, the students and the progressive intelligentsia. The "national emergency laws" are directed primarily against the democratic and anti-Nazi forces and they envisage a comprehensive system of arbitrary acts and coercive measures.

The course of events in the Federal Republic shows that the orientation towards the use of force in foreign policy is inevitably accompanied by a policy of repression at home.

6. Whilst the Federal Government proposes an exchange of declarations with the socialist countries renouncing the use of force, it makes no secret of its intention of continuing its policy of making illegal encroachments upon West Berlin. It is continually staging new provocations in West Berlin and attempting to subjugate life in the city to the interests of the hostile policy it pursues vis-à-vis the socialist states, and it heightens tension there. Not only does the Federal Government not respect the special status of West Berlin which stems from the well-known Four Power Agreement, it also pursues a completely blatant and provocative policy aimed at annexing this city, which is not part of the GDR, even though it must realise and [*that?*] it will not be allowed to do this. The Federal Government demonstratively holds "Parliamentary Weeks" for the Bundestag or Cabinet meetings in West Berlin, and numerous branches of the West German Ministries and authorities are illegally maintained there. The Federal Govern-

ment even does not hesitate to send its Ministers to West Berlin in order to organise police action against democratically inclined individuals, organisations and associations.

On the one hand, the Federal Government attempts to undermine the status of West Berlin as a special political fabric and to aggravate the atmosphere there. On the other hand, it pretends that the completely lawful and necessary rejection of its claims to West Berlin is almost an attempt to destroy the status and viability of West Berlin—just as if it was not the Federal Republic of Germany's own machinations but the protective measures taken against them which are the reason for the tense situation there.

The facts show that the dangerous game involving Berlin is one of the methods permanently employed by Government circles in the Federal Republic of Germany to prevent any abatement of international tension in Europe. However, a continuation of the Federal Republic of Germany's current policy on West Berlin is only likely to complicate the situation thus further. The Soviet Union wishes to avoid this as it does not serve any useful purpose.

The United Kingdom, the USA and France have repeatedly and officially stated that West Berlin does not belong to the Federal Republic of Germany and cannot be administered by the latter's authorities. The military authorities of the Three Powers resisted the implementation of the appropriate articles in the Basic Constitutional Law in which claims were raised to West Berlin. All this shows that the Western Powers ought to take measures to stop the attempts de facto to incorporate West Berlin into the Federal Republic of Germany, especially since these Powers speak of their rights and obligations in West Berlin. The Soviet Union's views on the protective measures recently taken by the GDR in regard to the access routes between the Federal Republic of Germany and West Berlin, which cross the sovereign territory of the GDR, are sufficiently well-known. The German Democratic Republic is not only entitled, but also obliged pursuant to existing international agreements, to take measures against the Nazi, revanchist and military activities of the Federal Republic of Germany in West Berlin. The Government of the German Democratic Republic has introduced the customary international arrangements for citizens proceeding in transit through the territory of a sovereign state. If the Federal Government has anything to say about the protective measures which the GDR have implemented in respect of the access routes leading through its sovereign territory, the best thing for it to do would of course be to apply direct to the GDR.

7. In its memorandum, the Federal Government again avoids stating its views on the non-proliferation treaty.

The solution of this extremely important question has now reached its final phase. The non-proliferation treaty produced after the extended 22nd session of UNO's general meeting has been approved by the overwhelming majority of the states of the world. Under these circumstances, the Federal Government could have made a positive contribution and shown that it really does advocate the view that atomic weapons should not be disseminated any further i.e. it could have immediately stated that it agreed to the treaty and was willing to sign it.

Unfortunately, both in the Federal Government's memorandum of 9 April, 1968 [5] and in the letter which the Federal Republic of Germany's observer at UNO sent to the Chairman of the [First Committee of the] UN General Assembly on 7 May, 1968 [6] a number of reservations and conditions are made and these can only be interpreted as an attempt to put obstacles in the way of concluding the treaty. Moreover, one cannot ignore the systematic campaign being waged by certain circles in the Federal Republic of Germany against the non-proliferation treaty. Apparently, these circles cherish the hope of gaining access to atomic weapons.

As is well known, the Government of the other German state—the German Democratic Republic—made a declaration to the General Assembly of UNO on 19 April, 1968 approving the non-proliferation treaty and advocating as expeditious a conclusion of this agreement as possible.[7]

It is completely obvious that the renunciation by the two German states of atomic weapons and in particular their signature of the non-proliferation treaty would be of great importance in the creation of an atmosphere in which an exchange of declarations between the Federal Republic of Germany and the Soviet Union and the other socialist states renouncing the use of force would really make sense from the point of view of guaranteeing European security.

8. It has unfortunately been noted that the memorandum sent by the Federal Government on 9 April, 1968 does not contain one sentence which demonstrates its efforts constructively and objectively to deal with the Soviet proposals which had been previously submitted to the German side. The Federal Government's answer shows that it wishes to effect the exchange of declarations with the Soviet Union and the other socialist states renouncing the use of force in such a way that the whole basis of its revanchism in all important questions of European security will remain unaffected.

The Federal Government continues to pursue foreign political aims whose solution presupposes the use or threat of force. This is a familiar method which was widely used in pre-war Germany. It was often declared then that policies would only be implemented by peaceful methods: nevertheless, political demands were made which could, in the final analysis, only be realised by the use of military force. In fact, the Federal Government is trying with the help of an exchange of declarations renouncing the use of force and effected on such conditions to legalise under international law her refusal to recognise the results of World War II or to fulfil the provisions of the Potsdam Agreement on which the peace in Europe has been based since the war. What it wishes to get from the socialist countries is really their endorsement of the pretentious policies pursued by the Federal Republic of Germany and of its gathering the forces with which to implement these aims. Calculations of this kind are in complete contrast to the real conditions in Europe and it is not for the Federal Republic of Germany to change them.

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[5] *The Policy of Renunciation of Force*, pp. 27–32.
[6] A/C.1/963, May 9, 1968.
[7] A/C.1/950, May 3, 1968.

If the Federal Government is willing to exchange declarations renouncing the use of force in the interests of strengthening peace and security in Europe, it cannot help but recognise the existing frontiers in Europe, draw the inevitable inferences from the fact of the existence of two independent German states, renounce its nuclear ambitions and encroachments upon West Berlin, and declare the Munich Agreement to have been invalid from the very beginning.

It is the Federal Government's wish that the proposed exchange of declarations renouncing the use of force should be regarded as the cornerstone of their whole "Eastern policy" which is ostensibly directed towards a "reconciliation" with the socialist countries. Yet in reality, this all looks like an attempt to obtain a free hand for the continuation of an aggressive policy in Europe. Moreover, this can only be interpreted as an attempt to undermine the UN Charter and to represent a number of its fundamental provisions "in contradiction of their meaning and purpose" as an agreement on a renunciation of the use of force.

The Federal Government is doubtless aware that the obligations incumbent upon the Federal Republic of Germany under the Potsdam Agreement and the rights and duties of the Soviet Union and the other states which formed the anti-Hitler coalition will be maintained in full until a German peace treaty is concluded. The provisions of the UN Charter on coercive measures "if an aggressive policy is resumed" to which the Federal Government referred still apply in full to the Federal Republic of Germany. Here again, the Federal Republic of Germany cannot claim to be in the same position as the other European states mentioned by the Federal Government in its memorandum. Contrary to these states, there is no peace treaty for the Federal Republic of Germany. Moreover, as we have already indicated, it is pursuing a policy which jeopardises peace.

9. The Soviet Government is convinced that an exchange of declarations renouncing the use of force must have a real content which will be in keeping with the spirit of our age and the wish of the European peoples for peace and co-operation between the states of Europe in the interests of peace.

The Soviet Government and the Governments of the other member states of the Warsaw Pact will continue in future resolutely to defend the interests of peace and security in Europe, and keep a watchful eye on the machinations of the revanchist and neo-Nazi forces.

If the Federal Government carefully considered the real position in Europe, it could make a contribution towards strengthening peace and European security. An exchange of declarations renouncing the use of force on the basis proposed by the Soviet Union would furnish a wide range of opportunities for making such a contribution. The Soviet Government is willing to continue to exchange views on a renunciation of the use of force, but it proceeds on the assumption that the Federal Government will show a constructive and objective attitude towards this problem and one which is in keeping with the interests of European security. The Soviet Union will welcome any step by the Federal Republic which will help to bring about a détente and improve relations between our two countries.

10. In 1945, the Soviet Union and the other powers of the anti-Hitler coalition accepted a programme in Potsdam designed to guarantee peace in liberated Europe. This programme was based on the idea conceived in the agony of the nations that a rebirth of German militarism and Nazism must be prevented and conditions created which would make it impossible for Germany ever again to threaten her neighbours or jeopardise world peace. The enduring significance of the principles of the Potsdam Agreement has been confirmed by the whole course of post-war events in Europe and the world, and the Soviet Union which, together with the other socialist countries, is the standard-bearer in the struggle for peace, deems it her sacred duty to maintain and defend these principles.

News Conference Remarks by Chancellor Kiesinger on the Nonproliferation Treaty [Extract], July 5, 1968 [1]

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Question: Mr. Chancellor, will you undertake to sign the NPT [2] before the increased pressure on the Federal Republic has been lifted?

Answer: As I have just said, we are going to participate in the conference of the non-nuclear nations, and I would direct your attention to the very interesting program of that conference. The outcome of it will be very important. Another important point is what is going to be done about the so-called interpretations.[3] I am fully confident that the American side will present the interpretations the way we want them to be and hope they will be, and the way they have also been agreed upon in part. The question then will be: What will the Soviet Union do about them? If it rejects these interpretations, a completely new situation will undoubtedly result.

Question: Mr. Chancellor, you indicated at the last foreign policy debate that first of all the restrictive measures concerning Berlin would have to be repealed. You expressed this in very precise terms. Would this be one of the preconditions for the signing of the NPT by the German Federal Government?

Answer: We said that we do not mean to establish any direct link between the two. But it goes without saying that the actions concerning access to Berlin do play a part in our deliberations. It is an important consideration in all our deliberations regarding the signing of the NPT, how a signatory state can protect itself or be protected against possible pressures or aggressions by a nuclear state. We are at this moment being subjected to just such pressure, precisely when the Soviet Union expects us to sign the NPT. That is not an auspicious psychological and political climate. The Soviet Union could be very

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[1] *Bulletin des Presse- und Informationsamtes der Bundesregierung*, July 9, 1968, pp. 749-750. State Department translation.

[2] *Ante*, pp. 461–465.

[3] *Ante*, pp. 477–478.

helpful if it did what it has been asked to do by the three other powers, namely, fulfill its obligations, and that includes, of course, repeal of the measures instituted by it. The Soviet Union could be even more helpful if, as a nuclear power which expects other nations to sign the treaty, it would at last agree to an exchange of declarations renouncing the use of force.

Question: Mr. Chancellor, you said that the interpretations have been agreed upon with the United States. Do these interpretations also include something about the Berlin situation?

Answer: No. These interpretations are of a general nature. But the Berlin situation will have to be brought in under one of these general interpretations. I have several times already referred to the agenda of the conference of the non-nuclear states.

Question: Mr. Chancellor, you have spoken of Soviet pressures. What is your assessment of the German-Soviet relations generally?

Answer: The Soviet Union is obviously still using us as a sort of scapegoat in order to produce certain desired results within its own sphere of influence, but also in the outside world. It is trying to induce us to accept its conditions. One could even say that it intends to extend its list of what it expects of us still further before any serious discussions of the renunciation of force will begin. To be sure, it has not rejected talks about the renunciation of force, but it has tied them to the precondition that their demands be accepted. I am sorry that because of this I cannot say that our relations with the Soviet Union are satisfactory at the present moment. It is not we who are opposed to improving these relations. We definitely attach great value to achieving durable good relations between us and the Soviet Union. However, it goes without saying that this requires, if not the final resolution of our great national question, at least a climate like that in which declarations renouncing the use of force would be exchanged. Only in such an atmosphere can there be any hope for improved relations.

Question: Is the possibility of a European option to be one of the points on which an interpretation can be expected?

Answer: That is one of the interpretation questions.

Question: The Soviet Union has recently proposed disarmament measures. What is the attitude of the Federal Government on these measures?

Answer: The Federal Government has always supported simultaneous and equivalent disarmament between East and West, and will continue to do so. The details of the proposals must of course be studied. But the Federal Republic surely is not going to be the country that will resist any effective—and effectively controlled—disarmament. Quite the contrary, that's what we want.

Question: (Concerning the NPT)

Answer: If the Foreign Minister has made the statement that the NPT is acceptable as it stands, a certain reservation must be made. To

begin with, I have already mentioned the necessary interpretations and their acceptance by the nuclear powers. Secondly, there are some problems which cannot be settled by the text of the treaty, but which must nevertheless be settled in connection with the treaty. All these questions you will find enumerated in the agenda of the conference of the non-nuclear powers in Geneva. These questions must be cleared up.

Question: Mr. Chancellor, in view of the difficulties that have been shown to exist, would you expect that the Federal Government will sign the treaty before the end of this year?

Answer: I would first wait for the outcome of this conference. I have not yet gotten around to mentioning the special position of the EURATOM states, which have a special situation of their own to secure, and this depends on the establishment of a satisfactory method of verification.

Question: Mr. Chancellor, does the Federal Government during the current legislative period intend to undertake some new initiatives in the German policy? For instance, in the form of a resumption of contacts by means of letters?

Answer: We shall in any event not slacken our efforts to make progress in that direction if we can see only the slightest prospect of success, if not with the responsible authorities in the other part of Germany, then at least with the people over there. We do not want them to have the feeling that we let ourselves become discouraged even if now and then we receive rebuffs from the other side.

. . . . . .

Message From President Johnson to the Senate on the Nonproliferation Treaty, July 9, 1968 [1]

I am transmitting herewith, for the advice and consent of the Senate to ratification, the Treaty on the Non-Proliferation of Nuclear Weapons.[2]

This treaty was opened for signature on July 1, 1968 in Washington, London and Moscow. Ninety-five members of the United Nations had voted to commend it, and to request that it be opened for signature and ratification at the earliest possible date.

On July 1 it was signed in Washington by the United States of America, the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics and 53 other states. Many others have indicated their intention to sign it promptly.

I consider this treaty to be the most important international agreement limiting nuclear arms since the nuclear age began. It is a triumph of sanity and of man's will to survive.

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[1] S. Ex. H, 90th Cong., 2d sess., pp. iii–v.
[2] *Ante*, pp. 461–465.

The treaty takes a major step toward a goal the United States has been seeking for the past twenty-two years. Beginning with the McMahon Act in 1946,[3] our statutes have forbidden the transfer of our nuclear weapons to others.

In the Executive branch, efforts to prevent the spread of nuclear weapons have complemented those of the Congress. Ever since the Baruch Plan of 1946,[4] we have sought to achieve an international consensus on this subject.

In making the first United States test ban proposal, President Eisenhower noted that his purpose was to curtail the uncontrolled spread of nuclear weapons.[5]

When President Kennedy announced the successful negotiation of the Nuclear Test Ban Treaty in 1963, he expressed the hope that it would be the opening wedge in a campaign to prevent the spread of nuclear weapons. He pointed out that a number of other nations could soon have the capacity to produce such weapons, and urged that we use whatever time remained to persuade such countries not to follow that course.[6]

In 1964, in the first message I submitted to the Geneva Disarmament Conference, I proposed an agreement that nuclear weapons not be transferred to non-nuclear countries, and that all transfers of nuclear materials for peaceful purposes take place under international safeguards.[7]

In 1966, the United States Senate clearly showed its support for negotiations toward a non-proliferation treaty. Ninety-nine Senators declared themselves in favor of the Pastore resolution (Senate Resolution 179).[8] It commended serious and urgent efforts to negotiate international agreements limiting the spread of nuclear weapons. It supported additional efforts by the President which were appropriate and necessary for the solution of nuclear proliferation problems.

The treaty I am submitting to you today is the product of these efforts by the legislative and executive branches. Its provisions are described in detail in the accompanying report of the Secretary of State.[9]

Its central purpose is to prevent the spread of nuclear weapons. Its basic undertaking was deliberately patterned after United States atomic energy legislation, which forbids transfers of our nuclear weapons to others. The treaty not only makes such a prohibition binding on all nuclear powers; it reinforces the prohibition by barring non-nuclear countries from receiving them from any source, from manufacturing or otherwise acquiring them, and from seeking or receiving any assistance in their manufacture.

The treaty, however, does more than just prohibit the spread of nuclear weapons. It would also promote the further development of nuclear energy for peaceful purposes under safeguards.

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[3] 60 Stat. 755.
[4] *Documents on Disarmament, 1945–1959*, vol. I, pp. 7–16.
[5] *Public Papers of the Presidents of the United States: Dwight D. Eisenhower, 1960–61*, pp. 329–330.
[6] *Documents on Disarmament, 1963*, pp. 254–255, 291–293.
[7] *Ibid., 1964*, pp. 7–9.
[8] *Ibid, 1966*, pp. 306–307.
[9] *Ante*, pp. 470–478.

This is the goal of the International Atomic Energy Agency (IAEA), which resulted from President Eisenhower's "Atoms for Peace" plan.[10] The IAEA is charged with the primary responsibility for safeguards under the non-proliferation treaty. It already has considerable experience in applying safeguards under international agreements for cooperation in the civil uses of nuclear energy.

I believe that this treaty will greatly advance the goal of nuclear cooperation for peaceful purposes under international safeguards.

It will require that all parties which export nuclear materials and equipment to non-nuclear-weapon states for peaceful purposes make sure that such materials, and those used or produced in such equipment, are under international safeguards.

It will require all non-nuclear parties to accept international safeguards on *all* peaceful nuclear activities within their territories, under their jurisdiction, or carried out under their control anywhere.

It will help insure cooperation in the field of peaceful uses of nuclear energy, and the exchange of scientific and technological information on such peaceful applications.

It will enable all countries to assist non-nuclear parties to the treaty with their peaceful nuclear activities, confident that their assistance will not be diverted to the making of nuclear weapons.

It obligates the nuclear-weapon parties to make potential benefits from any peaceful applications of nuclear explosions available—on a non-discriminatory basis, and at the lowest possible cost—to parties to the treaty that are required to give up the right to have their own nuclear explosives.

By 1985 the world's peaceful nuclear power stations will probably be turning out enough by-product plutonium for the production of tens of nuclear bombs every day. This capability must not be allowed to result in the further spread of nuclear weapons. The consequences would be nuclear anarchy, and the energy designed to light the world could plunge it into darkness.

But the treaty has a significance that goes beyond its furtherance of these important aspects of United States nuclear policy. In the great tradition of the Nuclear Test Ban Treaty, it represents another step on the journey toward world peace. I believe that its very achievement, as well as its provisions, enhances the prospects of progress toward disarmament.

On Monday, July 1—as this treaty was signed on behalf of the United States—I announced that agreement had been reached with the Soviet Union to enter into discussions in the nearest future on the limitation and reduction of both offensive nuclear weapons systems, and systems of defense against ballistic missiles. Thus there is hope that this treaty will mark the beginning of a new phase in the quest for order and moderation in international affairs.

I urgently recommend that the Senate move swiftly to enhance our security and that of the entire world by giving its consent to the ratification of this treaty.

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[10] *Documents on Disarmament, 1945–1959*, vol. I, pp. 401–407.

Statement by Secretary of State Rusk to the Senate Foreign Relations Committee on the Nonproliferation Treaty, July 10, 1968 [1]

I am very glad to have this opportunity to discuss with you the recently signed Treaty on the Nonproliferation of Nuclear Weapons.[2] I appreciate especially the promptness with which you are giving it your attention.

This treaty reflects a longstanding policy of both the legislative and the executive branches of the United States Government.

The Baruch plan in 1946 proposed an international authority to own or control all "dangerous" atomic materials, from the mining process to the manufacturing of finished products.[3] This plan would have removed nuclear energy entirely from the military field, but it was not accepted.

In that same year, the Congress prohibited, through the McMahon Act, the proliferation of nuclear weapons to any other country.[4] The succeeding legislation—the Atomic Energy Act of 1954, as amended—likewise prohibits the transfer of our nuclear weapons to others.[5] The basic undertaking of the nuclear-weapons parties to the Nonproliferation Treaty was deliberately patterned after that legislation.

In making the first United States test ban proposal, President Eisenhower noted that his purpose was to curtail the uncontrolled spread of nuclear weapons.[6] And the International Atomic Energy Agency, which resulted from his "Atoms for Peace" plan, has as one of its basic purposes the prevention of proliferation.[7]

When President Kennedy announced the successful negotiation of the nuclear test ban treaty in 1963,[8] he expressed the hope that it would be the opening wedge in a campaign to prevent the spread of nuclear weapons. He pointed out that a number of other nations could soon have the capacity to produce such weapons and urged that we use whatever time remained to persuade such countries not to follow that course. If we should fail to do so, he said:

> There would be no rest for anyone then, no stability, no real security, and no chance of effective disarmament. There would only be the increased chance of accidental war and an increased necessity for the great powers to involve themselves in what otherwise would be local conflicts.[9]

In 1964 President Johnson, in his first message to the Geneva Disarmament Conference, proposed an agreement that nuclear weapons not be transferred to nonnuclear countries and that all transfers of

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[1] *Department of State Bulletin*, July 29, 1968, pp. 131–134.
[2] *Ante*, pp. 461–465.
[3] *Documents on Disarmament, 1945–1959*, vol. I, pp. 7–16.
[4] 60 Stat. 755.
[5] *American Foreign Policy, 1950–1955: Basic Documents*, vol. II, pp. 2861–2877.
[6] *Public Papers of the Presidents of the United States: Dwight D. Eisenhower, 1960–61*, pp. 329–330.
[7] *Documents on Disarmament, 1945–1959*, vol. I, pp. 401–407.
[8] *Ibid., 1963*, pp. 291–293.
[9] *Ibid.*, pp. 254–255.

nuclear materials for peaceful purposes take place under international safeguards.[10]

In 1960, the Senate unanimously adopted Senate Resolution 179. This resolution, to which you, Senator Pastore, gave strong leadership, commended the efforts of the President to negotiate international agreements limiting the spread of nuclear weapons and supported the principle of additional efforts by the President which were appropriate and necessary for the solution of nuclear proliferation problems.[11] This expression of the sentiment of the United States Senate was extremely useful in the conduct of our negotiations.

The treaty that resulted is now before you. In broadest outline, the treaty is designed to:

—commit the nations of the world which do not now have nuclear weapons not to produce or receive them in the future;

—assure equally that such nations have the full peaceful benefits of the atom;

—provide assurance, through international safeguards, that the peaceful nuclear activities of states which have not already developed nuclear weapons will not be diverted to making such weapons; and

—give recognition to the determination of the parties that the treaty should lead to further progress toward arms control and disarmament.

Later this morning, William C. Foster, the principal negotiator of the treaty, will go over the specific provisions of the treaty with you and describe the negotiations that led up to it.[12]

It might be of use to the committee if I spelled out some of the reasons why nonproliferation is a major objective of our foreign policy—reasons that lead me to urge your advice and consent to the ratification of this treaty.

Nonproliferation as a Foreign Policy Objective

Secretary of State Herter indicated the general motivation behind our nonproliferation policy in 1960 when he said:

> The more nations that have the power to trigger off a nuclear war, the greater the chance that some nation might use this power in haste or blind folly.[13]

This general motivation lends itself to more specific analysis.

—Nuclear weapons in the hands of more countries could have consequences for world security which no one can foresee. Every additional country having nuclear weapons, no matter how responsibly governed, is an additional center of independent decisionmaking on the use of nuclear weapons. International relations are thereby made more complex and more dangerous, and the risk that one of such centers could fall into irresponsible hands is increased.

—Efforts of the present nuclear powers to negotiate mutually advantageous nuclear arms control agreements would be more complex and hence more difficult as the number of such powers increased,

[10] *Ibid.*, *1964*, pp. 7–9.
[11] *Ibid.*, *1966*, pp. 306–307.
[12] *Infra*.
[13] *Documents on Disarmament, 1960*, p. 46.

and, of course, the overall chance of accident or unauthorized use would increase as more nations acquired nuclear weapons.

—Nuclear proliferation could add a new and dangerous dimension to historic ethnic and territorial disputes between nations. A decision by one party to acquire nuclear weapons could generate pressures on others to "go nuclear"—or to destroy the nuclear facilities of the acquiring state before the program reaches completion. In short, nuclear weapons proliferation could stimulate a preventive war.

—Our efforts to maintain friendly relations with as many countries as possible would become more difficult by virtue of nuclear weapons spread. This is because we are seriously and solemnly committed to nonproliferation.

—The spread of national nuclear capabilities would interfere with vitally needed economic growth in the less developed countries. Some potential *n*th countries are attempting to achieve their economic development with the support of the United States. The cost of developing nuclear weapons and delivery systems could force curtailment of economic development and tend to cancel out benefits of economic assistance provided by the United States.

The Nonproliferation Treaty and NATO

Another matter about which Senators have expressed an interest is the consistency between United States nonproliferation policy, as reflected in the treaty, and the interests of the NATO alliance. The United States has worked closely with its allies in the formulation of this treaty. Of concern to some of our NATO allies was the construction of articles I and II, containing the basic undertakings not to proliferate and not to acquire nuclear weapons. These articles were the first substantive articles to be included in their present form in the treaty text. Before any other substantive articles had been added, the United States allayed some of the concerns of our NATO allies about the treaty by giving them the following answers to questions they had posed:

The treaty deals only with what is prohibited, not with what is permitted. It prohibits transfer to any recipient whatsoever of "nuclear weapons" or control over them, meaning bombs and warheads. It also prohibits the transfer of other nuclear explosive devices, because a nuclear explosive device intended for peaceful purposes can be used as a weapon or can be easily adapted for such use. It does not deal with, and therefore does not prohibit, transfer of nuclear delivery vehicles or delivery systems, or control over them to any recipient, so long as such transfer does not involve bombs or warheads. It does not deal with Allied consultations and planning on nuclear defense so long as no transfer of nuclear weapons or control over them results. It does not deal with arrangements for deployment of nuclear weapons within Allied territory, as these do not involve any transfer of nuclear weapons or control over them unless and until a decision were made to go to war, at which time the treaty would no longer be controlling. And it does not deal with the problem of European unity and would not bar succession by a new federated European state to the nuclear status of one of its former components. A new federated European

state would have to control all of its external security functions, including defense and all foreign policy matters relating to external security, but would not have to be so centralized as to assume all governmental functions. While not dealing with succession by such a federated state, the treaty would bar transfer of nuclear weapons (including ownership) or control over them to any recipient, including a multilateral entity.[14]

The other primary concern of our NATO allies was article III on safeguards. The United States effort involved working out a resolution of this problem satisfactory to us and to our NATO allies and at the same time acceptable to the Soviet Union.

The safeguards problem arose out of the existence of two international safeguards systems: one the International Atomic Energy Agency (IAEA), with headquarters at Vienna, and the other a system set up earlier by the European Atomic Community (EURATOM) of the six Common Market countries.

It had always been U.S. policy to work toward a single worldwide system of safeguards. However, the Common Market countries were reluctant to allow the IAEA safeguards system to operate in their countries for fear that it would result in abandonment of the EURATOM system, with unfavorable effects on progress toward European unity. As a result, the United States has been clear in its negotiations with the Soviets that both systems should be permitted to continue.

The Soviet Union was agreeable to mandatory safeguards on the nonnuclear signatories of the treaty but believed those safeguards should be administered by the IAEA. From the outset the Soviets opposed the idea of accepting EURATOM safeguards as a complete substitute for IAEA safeguards under the treaty, on the ground that EURATOM safeguards amounted to self-inspection of EURATOM members.

There was an impasse in the negotiations over safeguards until the early fall of 1967. Then, after discussions in capitals of alliance members, in the North Atlantic Council, and in EURATOM, the United States on November 2 submitted a revised compromise draft, which was given a "green light" by the North Atlantic Council as a basis for further negotiations. Throughout November and December we urged Soviet acceptance of the November 2 draft as the road to agreement.

When the Eighteen-Nation Disarmament Committee reconvened in Geneva on January 18, 1968, after a month's recess, the Soviet Union agreed to this draft. A complete draft treaty, including this article III on safeguards, was submitted to the Disarmament Committee.[15] This article is the one in the treaty presently before you. In presenting it, the United States representative in Geneva set forth the three guiding principles enumerated in my letter to the President recommending ratification of the treaty.

In sum, the treaty that was negotiated took the concerns of our NATO allies into account and, I believe, went as far as we could to satisfy those concerns.

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[14] See *ante*, pp. 477–478.
[15] *Ante*, pp. 1–6.

Prompt Action Urged

We have asked for prompt action on the treaty because many countries, particularly our allies, are waiting to see what we do before starting their own parliamentary consideration of the treaty. We recognize that the effectiveness of the treaty will depend in large measure upon the adherences of other countries. But we have been among the leaders in securing agreement on this treaty, and other countries are looking to us now. If we want the treaty to receive widespread adherence in time to have reasonable prospects for dealing with the perils of proliferation, we should proceed promptly with our own constitutional procedure.

Mr. Chairman, in addressing the United Nations General Assembly on the day it endorsed the Nonproliferation Treaty, President Johnson said:

> I believe that this treaty can lead to further measures that will inhibit the senseless continuation of the arms race. I believe that it can give the world time—very precious time—to protect itself against Armageddon. If my faith is well founded, as I believe that it is, then this treaty will truly deserve to be recorded as the most important step toward peace since the founding of the United Nations.[16]

I wholeheartedly concur in the President's statement. And one of the further arms control measures this treaty can help to promote is the limitation of strategic offensive and defensive nuclear weapons delivery systems.

The United States has been seeking negotiations on a measure of this kind since early 1964.[17] Recently, our hopes for serious discussions were stimulated by Soviet Foreign Minister Gromyko's statement before the Supreme Soviet that the Soviet Union is now ready to talk. Subsequently, on July 1, the day the Nonproliferation Treaty was signed, Premier Kosygin referred to a Soviet memorandum to other governments which stated:

> The Soviet Government declares its readiness to conduct an exchange of opinions with interested states on mutual limitations and subsequent reduction of strategic means of delivery of nuclear weapons.[18]

On the same day, President Johnson announced that "Agreement has been reached between the Governments of the Union of Soviet Socialist Republics and the United States to enter in the nearest future into discussions" on this subject.[19]

This augurs well for meaningful further steps in the field of arms control. Despite our differences, the United States and the Soviet Union have a mutuality of interest in common with all humanity.

That interest is survival.

Thank you, Mr. Chairman.

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[16] *Ante*, p. 434.
[17] *Documents on Disarmament, 1964*, pp. 7–9.
[18] *Ante*, p. 467 (variant translation).
[19] *Ante*, p. 460.

Statement by ACDA Director Foster to the Senate Foreign Relations Committee: Nonproliferation Treaty, July 10, 1968 [1]

Thank you, Mr. Chairman. Chairman Sparkman and Chairman Pastore, and gentlemen, having appeared before both the Foreign Relations Committee and the Joint Committee on Atomic Energy many times during the course of negotiations on this treaty—times when the prospects for agreement were less than encouraging—I am particularly pleased to be here with you today.

Before I get into the provisions of the treaty and some of the issues involved in the negotiations, I want to tell you that I am deeply appreciative of the suggestions and encouragement you gentlemen have given to me. I firmly believe that the agreement we have now concluded commends itself to ratification.

The treaty consists of a preamble and 11 articles.[2]

PREAMBLE

Paragraphs 1 through 3 of the preamble reflect the importance and urgency of preventing nuclear weapons proliferation.

Paragraphs 4 and 5 express support for international safeguards on peaceful nuclear activities, and for continuing improvements in safeguards techniques.

The importance of such safeguards has increased with the vast expansion of the nuclear power industry. In the face of this expanding peaceful nuclear technology, further progress must be made to expand and implement international safeguards. It has been estimated, for example, that by 1985 the world's peaceful nuclear power stations alone will be turning out enough plutonium for the production of some 20 nuclear bombs every day. The safeguards capabilities of the International Atomic Energy Agency will have to be expanded to meet the need. Its staff of trained inspectors will have to be increased.

The IAEA is an existing organization with much experience to build on. We believe it capable of handling the job better than any new organization which might be set up.

Paragraphs 6 and 7 deal with the principle of sharing the benefits of peaceful applications of nuclear energy, and of making technological byproducts of work on nuclear explosives available for peaceful purposes.

Paragraphs 8 through 11 express the urgent need for further progress toward disarmament and limitations on the nuclear arms race.

The last preambular paragraph reaffirms the principles of the United Nations Charter regarding the use of force and threats of force in international relations.

Related to this last paragraph is the concern expressed by a number of nonaligned countries that, should they adhere to a nonpro-

[1] *Nonproliferation Treaty: Hearings Before the Committee on Foreign Relations, United States Senate, Ninetieth Congress, Second Session, on Executive H, 90th Congress, Second Session, Treaty on the Nonproliferation of Nuclear Weapons* [pt. 1], pp. 8, 13, 39.

[2] *Ante*, pp. 461–465.

liferation treaty and forego the option of developing nuclear weapons, they would subject themselves to possible nuclear blackmail. There is no provision on this subject in the treaty beyond this preambular paragraph. To deal with the problem, on March 7, the United States, Soviet Union, and United Kingdom representatives joined at the 18-Nation Disarmament Committee in introducing a draft U.N. Security Council resolution on security assurances. It was adopted by the Security Council on June 19 by a vote of 10 to 0 with five abstentions.[3]

The resolution is intended to reassure nonaligned Nations of their security should they become parties to the treaty. The resolution does not involve the United States in any new commitment, but recognizes 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."

ARTICLES I AND II—OPERATIVE PARTS

Articles I and II contain the basic undertakings of the parties to prevent the proliferation of nuclear weapons. As Secretary Rusk has pointed out, these articles deal with what is prohibited, not with what is permitted.[4]

Article I deals with the obligations of parties that are nuclear-weapon states.

First, such states undertake not to transfer nuclear weapons, or control over them, to any recipient whatsoever.

Second, nuclear-weapon states must not assist non-nuclear-weapon states to manufacture or otherwise acquire nuclear weapons.

Third, these prohibitions apply not only to nuclear weapons but also to other nuclear explosive devices. Inclusion of the latter was necessary because a nuclear explosive device intended for peaceful purposes can be used as a weapon or can be easily adapted for such use, and because the technology for making such devices is essentially indistinguishable from that of making nuclear weapons.

Article II deals with the obligations of all parties that are not nuclear-weapon states. Such non-nuclear-weapon states undertake first, not to receive the transfer of nuclear weapons or other nuclear explosive devices, or control over them, from any transferor whatsoever. Second, they must not manufacture or otherwise acquire such weapons or devices or seek or receive assistance in such manufacture.

ARTICLE III—SAFEGUARDS

Article III provides for verification by means of international safeguards of compliance with the obligations assumed by non-nuclear weapon parties to the treaty to insure that nuclear energy is not diverted from peaceful uses to nuclear weapons or other nuclear explosive devices. I understand Chairman Seaborg of the Atomic Energy Commission is prepared to address the subject of safeguards,[5] so I

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[3] *Ante*, p. 444.
[4] *Supra*.
[5] See *post*, pp. 516–524.

will restrict my comments to what the article provides in the context of its negotiating background.

Paragraph 1 provides that such safeguards shall be applied on all source or special fissionable material in all peaceful nuclear activities within the territory, jurisdiction or control of non-nuclear-weapon parties. Source or special fissionable materials include all the nuclear materials which are essential to the manufacture of nuclear explosives. Non-nuclear-weapon parties undertake to accept safeguards on such material for the exclusive purpose of verification of the fulfillment of their obligations under the treaty not to divert fissionable materials to weapons use. The safeguards are to be as set forth in agreements to be negotiated and concluded with the International Atomic Energy Agency (IAEA) in accordance with the statute of the IAEA and the IAEA safeguards system.

Paragraph 2 prohibits the provision by any of the parties of (*a*) source or special fissionable material or (*b*) equipment or material especially designed or prepared for the processing, use or production of special fissionable material, to any non-nuclear-weapon state for peaceful purposes, unless the source or special fissionable material shall be subject to the safeguards required by article III.

Paragraph 3 prescribes that the safeguards be implemented so as to comply with article IV of the treaty—which deals with furthering the peaceful uses of nuclear energy—and to avoid hampering either the economic and technological development of the parties or international cooperation in the field of peaceful nuclear activities.

Paragraph 4 of the safeguards article concerns the manner in which the agreements called for in paragraph 1 shall be concluded. Non-nuclear parties may conclude such agreements either individually or together with other states in accordance with the statute of the IAEA. Euratom states, for example, could, therefore, work out safeguards arrangements as a group. Paragraph 4 also provides that negotiations of safeguards agreements shall commence within 180 days after the treaty's entry into force and shall be concluded within 18 months after the date of initiation of negotiations. This provides for a transition period during which the arrangements for treaty safeguards can be worked out and put into operation.

GUIDING PRINCIPLES

In negotiating the safeguards article, the United States was guided by certain principles worked out in the course of extensive and detailed discussions of safeguards with our NATO and Euratom allies. I request that the principles be inserted in the record at this point.

[The three principles appear *ante*, p. 13.]

Mr. Chairman, if you should want those read later I will be happy, of course, to do so.

Article III does not require safeguards on the peaceful nuclear activities of nuclear-weapon parties. This factor was noted by many States at the ENDC, in the U.N. and in the consultations in the North Atlantic Council. It proved impossible to negotiate those arrangements within the treaty itself. Therefore, and to remove the grounds for

claim that safeguards would unfairly place industrial, economic, or other burdens on nonnuclear parties, President Johnson, on December 2, 1967, stated that the United States is not asking any country to accept safeguards that we are unwilling to accept ourselves. He announced that " when such safeguards are applied under the treaty, the United States will permit the International Atomic Energy Agency to apply its safeguards to all nuclear activities in the United States—excluding only those with direct national security significance." [6]

The United Kingdom has made a parallel offer.[7]

ARTICLES IV AND V—PEACEFUL USES OF NUCLEAR ENERGY

Articles IV and V of the treaty encourage the peaceful uses of nuclear energy. They thus serve to further goals of the United States such as those enunciated by President Eisenhower in his "Atoms for Peace" plan.[8]

Earlier drafts of the Nonproliferation Treaty contained several preambular paragraphs encouraging the peaceful uses of nuclear energy under international safeguards. During the course of negotiations, some states believed that these positive aspects of the treaty should be further emphasized through substantive provisions in the body of the treaty in order to gain wider support for it. New articles setting forth undertakings with regard to the peaceful uses of nuclear energy were developed at the ENDC and strengthened in later drafts at the United Nations.

Paragraph I of article IV insures that nothing in the treaty will be interpreted as affecting the right of all parties, without discrimination, to use nuclear energy for peaceful purposes in conformity with articles I and II.

Paragraph 2 contains an undertaking by all parties to facilitate, and affirms their right to participate in, the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy. Finally it requires those parties in a position to do so to cooperate in contributing to the further development of peaceful applications of nuclear energy, especially in the territories of non-nuclear-weapon states and with due consideration for the needs of the developing areas of the world.

Article V is designed to compensate for the undertaking by non-nuclear-weapon parties to article II not to acquire nuclear explosive devices even for peaceful purposes. It provides assurance to such parties that they will not lose, by such renunciation, the potential benefits from peaceful applications of nuclear explosions. It is also designed to make it completely clear that there would be no economic incentive for them to try to develop their own nuclear explosive devices for such purposes. Specifically, the parties to the treaty undertake to take appropriate measures to insure that the potential benefits of such peaceful applications will be made available to non-nuclear-weapon parties on a nondiscriminatory basis and that the charge to

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[6] *Documents on Disarmament, 1967*, pp. 613–615.
[7] *Ibid.*, p. 616.
[8] *Ibid., 1945–1959*, vol. I, pp. 401–407.

such parties for the explosive devices used will be as low as possible and exclude any charge for research and development. The article requires that such benefits shall be made available in accordance with the treaty—which would preclude non-nuclear-weapon states from acquiring the nuclear explosive devices themselves or control over them. Thus the devices would remain under the custody and control of a nuclear-weapon state, which would, in effect, provide a nuclear explosion service.

The article speaks of making such services available "through appropriate procedures" and "under appropriate international observation." It contemplates that non-nuclear-weapon states will be able to obtain such services pursuant to a special international agreement or agreements, through an appropriate international body with adequate representation of non-nuclear-weapon states. It provides that negotiations on this subject shall commence as soon as possible after the treaty enters into force. But it preserves the option to meet requests for such services on a bilateral basis without the need to await multilateral agreement or action concerning the provision of such services through an international body.

This article is in accord with the five general principles that I proposed in Geneva on March 21, 1967, which spell out in somewhat greater detail our thinking on this subject. I request, Mr. Chairman, that these principles be inserted in the record at this point.

[The five principles appear in *Documents on Disarmament, 1967*, pp. 173–174.]

ARTICLE VI—PURSUE NEGOTIATIONS

Article VI is an undertaking by all parties to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control.

OTHER TREATY PROVISIONS

The remaining articles of the treaty (arts. VII through XI) are described in the Executive message transmitting the treaty to the Senate.

Of these articles, two of them are worthy of your particular attention.

Article VIII establishes the procedures for amending the treaty.

Paragraph 1 of that article is derived from the Limited Nuclear Test Ban Treaty. It requires the depositary Governments to convene a conference to consider a proposed amendment if requested to do so by one-third or more of the parties to the treaty.

Paragraph 2 provides that for an amendment to enter into force it must be ratified by a majority of all parties to the treaty, including all nuclear-weapon parties and all other parties which, on the date the amendment is circulated, are members of the Board of Governors of the IAEA. No amendment will enter into force for any party that does not ratify it.

Article VIII also provides for a conference, 5 years after the treaty enters into force, to review the operation of the treaty. Further review conferences, at 5-year intervals thereafter, will be held if requested by a majority of the parties.

The other important article is article X.

Paragraph 1 of that article provides a right of withdrawal upon 3 months' notice if a party finds that extraordinary events related to the subject matter of the treaty have jeopardized its supreme interests. This provision is the same as the withdrawal provision in the Nuclear Test Ban Treaty [9] except that it requires notice of such withdrawal to be given to the United Nations Security Council as well as to the other treaty parties and requires the notice to include a statement of the extraordinary events involved.

Paragraph 2 of article X provides for a conference, to be held 25 years after the treaty enters into force, at which a majority of the parties will decide whether the treaty shall continue in force indefinitely, or be extended for an additional fixed period or periods.

That concludes my statement, Mr. Chairman. I think this treaty is very much in our national interest. I join the President and Secretary Rusk in recommending your consent to its ratification and I would, of course, be glad to answer any questions you may have.

Thank you very much.

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EXTENSION OF REMARKS BY MR. FOSTER IN RESPONSE TO QUESTION REGARDING NUCLEAR EXPLOSIVE DEVICES

The treaty articles in question are Article II, in which non-nuclear-weapon parties undertake "not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices," and Article IV, which provides that nothing in the Treaty is to be interpreted as affecting the right of all Parties to the Treaty "to develop research, production and use of nuclear energy for peaceful purposes . . . in conformity with Articles I and II of this Treaty." In the course of the negotiation of the Treaty, United States representatives were asked their views on what would constitute the "manufacture" of a nuclear weapon or other nuclear explosive device under Article II of the draft treaty. Our reply was as follows:

> While the general intent of this provision seems clear, and its application to cases such as those discussed below should present little difficulty, the United States believes it is not possible at this time to formulate a comprehensive definition or interpretation. There are many hypothetical situations which might be imagined and it is doubtful that any general definition or interpretation, unrelated to specific fact situations could satisfactorily deal with all such situations.
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> Some general observations can be made with respect to the question of whether or not a specific activity constitutes prohibited manufacture under the proposed treaty. For example, facts indicating that the purpose of a particular activity was the acquisition of a nuclear explosive device would tend to show non-compliance. (Thus, the construction of an experimental or prototype nuclear explosive device would be covered by the term 'manufacture' as would be the production of components which could only have relevance to a nuclear explosive device.) Again, while the placing of a particular activity under safeguards would not, in and of itself, settle the question of whether that activity was in compliance with the treaty, it would of course be helpful in allaying any suspicion of non-compliance.
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> It may be useful to point out, for illustrative purposes, several activities which the United States would not consider per se to be violations of the prohibitions

[9] *Ibid.*, *1963*, pp. 291-293.

in Article II. Neither uranium enrichment nor the stockpiling of fissionable material in connection with a peaceful program would violate Article II so long as these activities were safeguarded under Article III. Also clearly permitted would be the development, under safeguards, of plutonium fueled power reactors, including research on the properties of metallic plutonium, nor would Article II interfere with the development or use of fast breeder reactors under safeguards.

Questions by Senator Cooper and Department of State Answers on the Nonproliferation Treaty, July 10, 1968 [1]

1. *Considering the urgent and hopeful intents expressed in the Preamble for lessening the dangers of war and the promise of the parties in Article VI to take effective measures to cease the nuclear arms race, how do you relate the decision of the Administration, authorized thus far by the Senate, to proceed with the deployment of the ABM system? Is it not now possible to show good faith by deferring deployment of an ABM system at least until the outcome of talks is known?*

We agree with Secretary Clifford on the relationship between the decision to deploy the Sentinel system and the proposed talks. As he said:

"I believe our deployment decision is consistent with our continuing desire for arms control and arms limitation. The Soviets are, at the present time, deploying a ballistic missile defense around Moscow. We will continue our efforts to negotiate limitations of both strategic offensive and defensive weapons systems, but, in the absence of agreement, we must not suspend taking actions in our own defense." [2]

2. *Concerning the Resolution and Declaration of the U.S. in the Security Council, do you believe this Resolution has any effectiveness?* [3] *If so, can you illustrate?*

As the Secretary said in answer to similar questions from Senators Sparkman and Bennett: "I think it is politically of very considerable importance that three of the permanent members—the Soviet Union, the United Kingdom and the United States—made identical declarations, and that France at least consented through an abstention rather than through a negative vote [to the Resolution], which made it clear that an aggression by nuclear weapons or the threat of such aggression fell squarely within the primary responsibility of the Security Council as delineated in the Charter." [4]

"It is our hope . . . that anyone who might be flirting with the possibility of aggression by nuclear weapons would be very sober indeed about the prospect that the nuclear powers who are permanent members of the Security Council will take a common view of the threat

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[1] *Nonproliferation Treaty: Hearings* [pt. 1], pp. 49–51. The treaty appears *ante*, pp. 461–465.

[2] *Congressional Record* (daily), June 19, 1968, p. S7469, col. 3.

[3] See *ante*, p. 444.

[4] *Nonproliferation Treaty: Hearings* [pt. 1], p. 16.

to the peace that is involved in such a situation and that this would have a great deterrent effect." [5]

As an illustration, he said: "I would think that if there were, for example, a clear instance of an ultimatum or direct threat by a nuclear power against a non-nuclear power which in effect said 'you bow your neck, you submit to what I am demanding of you or I will use nuclear weapons' then it would be for the permanent members of the Security Council especially and for the Security Council as a whole to consider whether that created a situation referred to in this resolution which could be described as an aggression by nuclear weapons or the threat of such use that would make operational the responsibilities of the Security Council." [6]

3. *Article III, Section 1 (Safeguards). Can you explain how the agreement with IAEA regarding safeguards would be negotiated?*

It is contemplated that not later than 180 days after the treaty enters into force, each non-nuclear weapon party, either individually or together with other states, will commence negotiations with the IAEA on a safeguards agreement that meets the requirements of the treaty. It is also contemplated that such negotiations will be in accordance with the Statute of the IAEA, the Agency's safeguards system and the three guiding principles set forth in the Secretary's report to the President,[7] which is attached to the President's Message to the Senate on this treaty.[8] The treaty provides that the negotiations are to be concluded within 18 months after they commence, which should prove sufficient in light of the experience which the IAEA has had in negotiating many earlier safeguards agreements. I understand that IAEA and a number of prospective parties are already preparing for such negotiations.

4. *Article III, Section 2. If West Germany, France, India, Israel, Japan or other countries do not sign the Treaty, would the U.S. be prevented from transferring material and equipment to such states for peaceful purposes?*

The treaty would not prevent the transfer of nuclear material or equipment to non-parties if the nuclear material, or that used or produced in such equipment, would be made subject to the safeguards required by Article III.

5. *Article III, Section 3 of the Preamble of the Treaty provides the principle for safeguards to be followed by the Parties.*
(a) *Does this refer to the systems of safeguards used by IAEA?*

The reference in section 3 of Article III to "the principle of safeguarding set forth in the Preamble of the Treaty" is to the following language in the fifth preambular paragraph:

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[5] *Ibid.*, p. 34.
[6] *Ibid.*, p. 16.
[7] The Secretary's report appears *ante*, pp. 470–478. For the three principles (repeated in the report), see *ante*, p. 13.
[8] *Ante*, pp. 490–492.

"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.*"

This principle reflects the recognition by the parties that further efforts should be made to make technical improvements in safeguards techniques in the direction of greater automation without loss of effectiveness.

(b) *Would you describe these safeguards?*

A description is attached.

(c) *Has any question been raised by the U.S. or other countries concerning the effectiveness of such safeguards?*

No such question was raised in the course of the negotiations.

(d) *What are they?*

Inapplicable.

DESCRIPTION OF SAFEGUARDS

Safeguards are those measures designed to guard against the diversion of material, such as source and special nuclear material, from uses permitted by law or international agreement, and to give timely indication of possible diversion or assurance that diversion has not occurred.

In application, all safeguard systems depend on two principal elements. First, the maintenance and review of records showing the receipt, production, consumption, transfer and present location of all nuclear material. Secondly, the undertaking of actual on-site inspections designed to determine the validity of these records and therefore the compliance with the commitment to peaceful uses. In carrying out inspections an inspector verifies the amount of safeguarded material actually on hand. His activities include making measurements and, in appropriate cases, taking samples to be sent to his home laboratory for analysis. At a reactor this includes piece counts of the fuel elements on hand at the spent fuel storage pool and making non-destructive tests where possible to determine the U–235 content of the fresh fuel elements. Other steps, such as the use of locks and seals, may be used to verify that the material is not being used for purposes other than those intended.

The IAEA safeguards system incorporates these elements and is described in a set of documents formally approved by the Board of Governors of that Agency. Those documents are subject to review and modification by the Board of Governors in light of experience and new developments.

6. *Article V—Peaceful Explosions*

(a) *What provisions are there or plans for concluding the "special international agreement" and establishing the "appropriate international body"?*

Article V provides that "Non-nuclear-weapon States Party to the Treaty shall be able to obtain such benefits, pursuant to a special agreement or agreements, through an appropriate international body with adequate representation of non-nuclear-weapon States. Negotiations

on this subject shall commence as soon as possible after the Treaty enters into force."

We have been giving the most serious consideration to the general subject of appropriate international procedures for some time. As early as March 21, 1967 Mr. Foster suggested five principles relating to nuclear explosion services, which have been placed in the record of these hearings.[9] We believe that we already have, in the International Atomic Energy Agency, an international body that would be suitable for the role envisaged in the treaty, and we believe the IAEA would be the appropriate forum for developing the necessary details of the multilateral procedures for implementing the Article.

(b) *If no agreement is concluded, could the U.S. or the U.S.S.R. conduct a peaceful explosion in a non-nuclear state under the authority provided in the last sentence to enter into bilateral agreements?*

Yes. As explained in Mr. Foster's opening statement, that last sentence "preserves the option to meet requests for such services on a bilateral basis without the need to await multilateral agreement or action concerning the provision of such services through an international body." [10] But, as Chairman Seaborg stated, even in such cases "an opportunity shall be provided for appropriate international observation of the actual detonation." [11]

(c) *Does this Article present any problems in connection with Article X?*

No.

7. *Was Article X opposed by the U.S. or the U.S.S.R.? If so, what were their objections?*

The United States and the Soviet Union each originally contemplated that the treaty would be of unlimited duration, but there would be a right of withdrawal if a party found that extraordinary events related to the subject matter of the treaty had jeopardized its supreme interests. This was reflected in the U.S. draft treaty of August 17, 1965,[12] the Soviet draft treaty of September 24, 1965 [13] and the identical U.S. and Soviet drafts of August 24, 1967.[14]

The second paragraph of Article X first appeared in the identical revised drafts presented to the Eighteen Nation Disarmament Committee by the U.S. and Soviet Co-Chairmen on January 18, 1968.[15] In commenting to the Committee on this new provision, the United States representative said:

"While remaining mindful of the strength of the arguments for a treaty of unlimited duration, the Co-Chairmen have carefully considered the comments of those members of the Committee who have expressed concern about a treaty of this type having no limit in time. As a consequence we have included a provision for a conference to meet twenty-five years after the treaty has entered into force to decide

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[9] *Documents on Disarmament, 1967*, pp. 173–174.
[10] *Ante*, p. 502.
[11] *Post*, p. 522.
[12] *Documents on Disarmament, 1965*, pp. 347–349.
[13] *Ibid.*, pp. 443–446.
[14] *Ibid., 1967*, pp. 338–341.
[15] *Ante*, pp. 1–6.

how much longer the treaty should continue. In recommending this change, the Co-Chairmen have also recognized the widespread desire that the treaty be assured a life-span adequate to enable it to serve effectively as a stable foundation upon which other vitally needed measures of nuclear disarmament can be built." [16]

8. *During the debates and discussions, were there any illustrations of the kind of "extraordinary" events to authorize a party to withdraw?*

Generally, during the debate and discussions we pointed out that the decision as to whether "extraordinary events, related to the subject matter of this treaty, have jeopardized the supreme interests of its country," would be made by each party for itself, although we think it should not be made without compelling reasons. We have presumed that the U.N. Security Council would wish to consider the consequences of such a decision.

In response to a question from Senator Case, the Secretary gave a possible illustration, when we said:

"I think that, if NATO were to dissolve, this might well be interpreted by some countries as one of those events affecting their vital interests which could raise the question of the withdrawal clause under the treaty, if their judgment at that time was that their own national security required it." [17]

Memorandum by the Atomic Energy Commission on Nuclear Weapon Manufacturing Capabilities, July 10, 1968 [1]

In considering the prospects for the manufacture of nuclear weapons or other nuclear explosives by additional nations without special external assistance, one must consider several factors. One such factor —and a very important one—is the question of intention or national decision to undertake such a program. No government beyond the present five nuclear weapons states has declared such an intention or decision. The remarks which follow should therefore not be considered as imputing such a present intention to any government. In discussing the capability of a nation to undertake the manufacture of nuclear weapons, one must also be careful to relate its capability to possible objectives. The possible objectives, in turn, must be related to the type of proliferation problem with which one is concerned.

One type of proliferation problem concerns the likelihood that additional nations may manufacture even a few rudimentary nuclear explosive devices—perhaps only one—which might be intended, for example, to intimidate an antagonist. Means of delivery of a single weapon to a target could, in such a situation, be of secondary impor-

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[16] *Ante*, p. 16.
[17] *Nonproliferation Treaty: Hearings* [pt. 1], p. 43.
[1] *Ibid.*, pp. 30–31.

tance and might also be quite unsophisticated since the objective would appear to be largely psychological or political.

The resources necessary for the manufacture of a few rudimentary nuclear weapons are within the means of many nations. The essentials are a cadre of trained personnel, uranium, and an industrial base adequate to permit the construction of a nuclear reactor and auxiliary facilities large enough to provide the necessary quantities of plutonium. Thus many nations possess resources sufficient to undertake, without special outside assistance, to manufacture a few rudimentary nuclear weapons, given the national will to do so and the readiness, in some cases, to forego the benefits from the endeavors to which those resources might otherwise be applied. The time required would vary among the group of countries, and for those which have only the minimum resources, the time might be ten years or more.

At the upper end of the scale, highly industrialized nations, with substantial national income, large numbers of trained scientific, technical and managerial personnel and a reasonably available source of uranium could become capable of manufacturing a few rudimentary nuclear weapons within a few years or less. Depending upon the military objectives upon which the national decision is justified, some of these countries might seek to acquire a variety of sophisticated nuclear weapons or systems including means of delivery. The independent development and manufacture of an arsenal of sophisticated nuclear weapons and delivery systems would be quite costly. The equivalent of at least hundreds of millions and, more likely, billions of dollars of resources could be expended over a period of five or ten years on such a program. Expenditures of this magnitude could be sustained by a number of countries, if a national decision were made to do so.

Recognizing that there are many countries which could, if they wished, undertake to manufacture a few rudimentary nuclear weapons and that countries have varying levels of resources which could be devoted to the acquisition of nuclear weapons and delivery systems of greater sophistication, the question of the independent capabilities of various countries can be considered. It is emphasized that, in doing so, one must take into account the state of the development of industry in general, experience in advanced technology, the availability of skilled and trained personnel, and other general indices. Specific experience in non-military atomic energy activities such as nuclear research or operation of a nuclear reactor is a factor, but in general is not likely to be a controlling one.

Among those non-nuclear-weapon countries whose industrial economies are probably adequate to support a program for the manufacture of a sizable number of reasonably sophisticated nuclear weapons and systems for their delivery, within five to ten years from a national decision to do so, are those such as Australia, Canada, the Federal Republic of Germany, India, Italy, Japan, and Sweden. Those states whose resources are somewhat more limited, and might therefore take somewhat longer to reach that level of numbers or types of weapons systems, could include Argentina, Austria, Belgium, Brazil, Chile, Czechoslovakia, Hungary, Israel, Netherlands, Pakistan, Poland, South Africa, Spain, Switzerland, United Arab Republic, and Yugoslavia.

It is emphasized that the foregoing groupings are not definitive and, in any event, are subject to change. It should be noted that a particular

country may, by design or otherwise, take steps to put itself in a position to expedite the manufacture of nuclear weapons if and when a decision is made to do so. Thus, by concentrating its resources to that end, a country could advance its nuclear weapon manufacturing capabilities beyond those attributable to its level of general industrial activity.

Statement by Deputy Secretary of Defense Nitze to the Senate Foreign Relations Committee: Nonproliferation Treaty, July 11, 1968 [1]

Mr. Chairman and members of the committee, I am happy to present the views of the Department of Defense on the Nuclear Nonproliferation Treaty.[2] I fully support the statements of Secretary Rusk [3] and Mr. Foster.[4] Consequently my statement on this treaty will be brief.

Since we began to consider the subject of an international agreement to prevent the spread of nuclear weapons, the Department of Defense has worked closely with the Department of State, the Arms Control and Disarmament Agency, and others in the development of U.S. positions on the many important questions which arose. At each step of the way, the pros and cons of every major issue were staffed throughout the Department, and the comments and advice of all participants were fully considered. The views of the Joint Chiefs of Staff particularly were sought. Their advice was most helpful on all issues and was of paramount importance in formulating certain provisions of the treaty, in such a way as to insure that our current and projected mutual defense arrangements were not adversely affected. General Wheeler is with me today and will present the views of the Joint Chiefs of Staff.[5]

EFFECT ON CURRENT MUTUAL DEFENSE OBLIGATIONS

All of us in the Defense Department were concerned with the difficulties encountered in negotiating an effective treaty while, at the same time, assuring that it would not adversely affect our ability to meet our current mutual defense obligations. The treaty you are now considering meets this criterion. In this connection I would like to repeat a statement that Secretary Clifford made to the NATO Nuclear Planning Group ministerial meeting at The Hague last April. You may recall that the Nuclear Planning Group is that organ of NATO established at the Defense Minister level to provide our allies an opportunity to work with us in planning their own defense, and I quote:

> The U.S. Government holds the view that the entry into force of the Nonproliferation Treaty will not interfere with the work of the Nuclear Planning

[1] *Nonproliferation Treaty: Hearings* [pt. 1], pp. 55–57.
[2] *Ante*, pp. 461–465.
[3] *Ante*, pp. 493–497.
[4] *Ante*, pp. 498–504.
[5] *Infra*.

Group. The U.S. Government intends to continue to pursue actively the work of the Nuclear Planning Group and to seek to find solutions satisfactory to its nonnuclear partners in NATO. It also is the view of the U.S. Government that the Nonproliferation Treaty will not hinder the further development of nuclear defense arrangements within the alliance compatible with articles I and II of the Nonproliferation Treaty.[6]

We have also assured our NATO and other allies that the treaty would not interfere with any existing nuclear arrangements.

The views and special problems of our NATO allies have been fully considered throughout the treaty negotiations. Early in 1967 several of these allies raised questions about our interpretation of some of the treaty provisions. In early April of that year we circulated these questions, together with our answers, to all the NATO partners.[7] Secretary Rusk has quoted these answers for the committee. We believe they describe arrangements fully compatible with our security requirements.

U.N. SECURITY ASSURANCES RESOLUTION

I would like to say just a few words about the security assurances resolution adopted by the United Nations Security Council [8] in connection with the U.N. debate on this treaty.

The Defense Department worked closely with the State Department and ACDA in working out the provisions of the resolution and the statement. We believe that the adoption of this resolution, sponsored by the United States, the United Kingdom, and the U.S.S.R., adds significantly to the security of those nonnuclear weapon states adhering to the Nonproliferation Treaty. It does so, not by increasing security commitments but by giving evidence to all nations that both the United States and the Soviet Union share the utmost concern in preventing any act or threat of aggression with nuclear weapons.

I wish the committee clearly to understand that the Department of Defense is under no illusion that we need no longer worry about the proliferation of nuclear weapons. We recognize that the consummation of this treaty will not, of itself, guarantee against any possibility of another nation acquiring nuclear weapons. I do believe, however, that this treaty is the best that can be negotiated in the present world order, that it will gain wide adherence, and that the security of all nations will be increased proportionately with the signature and ratification of each new party.

As others have done in previous statements before this committee, I would also like to take note of President Johnson's remark that this treaty is "the most important international agreement since the beginning of the nuclear age." [9] The acceptance of this treaty by a large number of states will do much to lessen the fears and to enhance the security of all peoples. Moreover, the fact the United States and the Soviet Union have been able to work together in the negotiation of this treaty gives us cautious encouragement that we may also be able to work together in other areas of mutual interest.

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[6] Cf. *New York Times*, Apr. 19, 1968, p. 3.
[7] *Ante*, pp. 477–478.
[8] *Ante*, p. 441.
[9] *Ante*, pp. 433, 490.

In conclusion, the treaty before you is an important step forward toward new forms of security, and I am pleased to have an opportunity in urging that the Senate advise and consent to ratification.

Thank you, Mr. Chairman.

Comments by Deputy Secretary of Defense Nitze on the Soviet Disarmament Memorandum, July 11, 1968 [1]

The memorandum on disarmament issued by the Soviet Union on July 1, 1968 [2] is being studied with interest by the Department of Defense. Our initial reaction is that, of the nine disarmament items listed in the paper, only two reflect any significant change from previous Soviet positions. We are, of course, encouraged by these two changes, one of which concerns the discussion of limitations of strategic delivery vehicles and the other concerns measures to limit arms in the Near East.

We will be discussing strategic limitations with the Soviets in the near future, and are again assessing our positions on the other topics of the Soviet memorandum in preparation for the upcoming session of the Eighteen Nation Disarmament Committee.

I feel that the Soviet proposal for a convention prohibiting the use of nuclear weapons would not enhance the security of any nation.[3] First of all, it would be ineffective in preventing the use of nuclear weapons in time of war. It might also raise false hopes that the danger of nuclear war had been eliminated, and would undermine the deterrent effect of our nuclear forces.

The Soviets have proposed negotiations on the cessation of the production of nuclear weapons, the reduction of their stocks and the subsequent complete banning and liquidation of nuclear weapons under appropriate international control. The United States has previously proposed negotiations toward these goals.

I have already mentioned our upcoming talks with the Soviets regarding both offensive and defensive strategic delivery vehicles, which is the subject of item number three of the Soviet memorandum.

The question of limitations on bomber flights and submarine patrols with nuclear weapons aboard is receiving careful study within the Department. However, the problems of verifying any agreement on this subject appear formidable.

Since negotiations began on the Limited Test Ban Treaty,[4] the United States has consistently made clear its position on an extension of that treaty to the underground environment.

We are giving careful consideration to the Soviet proposal concerning chemical and bacteriological weapons. Although the United States is not a party to the Geneva Protocol of 1925,[5] we have consistently

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[1] *Nonproliferation Treaty: Hearings* [pt. 1], pp. 76–77.

[2] *Ante*, pp. 466–470.

[3] *Documents on Disarmament, 1967*, pp. 419–421.

[4] *Ibid., 1963*, pp. 291–293.

[5] Senate Foreign Relations Committee, Subcommittee on Disarmament, *Disarmament and Security: A Collection of Documents, 1919–55* (Com. print, 84th Cong., 2d sess.), pp. 160–170.

supported the worthy objectives which it seeks to achieve and believe that all states should do likewise. The U.S. voted affirmatively for the 1966 UNGA Resolution concerning these issues.[6]

I believe that the Soviet proposal for the elimination of all foreign military bases would not further the goals of international peace and security. The United States maintains military bases on foreign soil only to assist in maintaining peace. Only in consultation with our Allies and after substantial progress in the reduction of armaments and armed forces could elimination of our overseas bases be contemplated.

The memorandum states that the Soviet Government supports the creation of nuclear free zones in various areas of the world. I welcome this statement: I would welcome even more Soviet signature to Protocol II of the Treaty of Tlatelolco as evidence of their support.[7] The United States has signed this Protocol, but the Soviet Union has not yet signed. This eighth item of the Soviet memorandum also states that the Soviet Government supports proposals for the implementation of measures for regional disarmament and the decrease of armaments in the various regions of the world, including the Near East. I would point out that President Johnson made a concrete proposal to the members of the United Nations in June of 1967 for the registration of all arms shipments to the Near East and for other measures to limit the flow of such arms.[8] The United States has acted with the utmost restraint in the supply of armaments to all areas, but most particularly to the Near East, whereas the Soviet Union has shipped vast quantities of arms to this area in the past year.

The United States would welcome any serious Soviet proposal for a limitation of arms in the Middle East. The present Soviet memorandum requires complete withdrawal of Israeli forces from the territories of the Arab countries as a precondition for consideration of this subject. The question of withdrawal cannot be separated from the vast number of other very complex issues.

In item number nine of the memorandum, the Soviet Government proposes s' ting, in the ENDC, talks on the question of utilization of the seabe vond existing territorial waters for peaceful purposes only.

The U.S. Government has been discussing this subject with the Soviets and others in the U.N. Ad Hoc Committee on seabeds in New York, and has made the following statement.

The United States is dedicated to workable arms control measures that will enhance the peace and security of all nations and bring the world nearer to general and complete disarmament. We propose that the ENDC be asked to take up the question of arms control on the seabed with a view to defining those factors vital to a workable, verifiable and effective international agreement which would prevent the use of this new environment for the emplacement of weapons of mass destruction.[9]

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[6] See pt. B of G.A. resolution 2162 (*Documents on Disarmament, 1966*, pp. 798–799).

[7] *Ibid., 1967*, p. 83: *ante*, pp. 203–205.

[8] *Documents on Disarmament, 1967*, pp. 263–264.

[9] Cf. A/AC.135/WG.1/SR.6, (June 26, 1968), pp. 33–34.

We will continue our discussions of these issues both in New York and Geneva in an effort to find areas of agreement on this important subject.

Statement by General Wheeler to the Senate Foreign Relations Committee: Nonproliferation Treaty, July 11, 1968 [1]

Mr. Chairman and members of the committee, I welcome the opportunity of appearing before your committee to discuss the military aspects of the Treaty on the Nonproliferation of Nuclear Weapons.[2] In support of the treaty, I would like to present for your consideration the basis for the military judgments of the Joint Chiefs of Staff.

We have kept in close contact with the U.S. negotiating team throughout the development of the treaty. There was a JCS representative at each session of the 18-Nation Disarmament Committee in Geneva and at many of the discussions at the United Nations in New York. The Joint Chiefs of Staff have enjoyed also a constant exchange of information concerning progress on the treaty with the other agencies of the Government here in Washington. Frequently, Joint Chiefs of Staff opinions on various aspects of the treaty were requested; on other occasions, opinions were volunteered.

JOINT CHIEFS' PRINCIPLES RELATING TO NATIONAL SECURITY

The Joint Chiefs of Staff have long been on record as supporting balanced, phased, safeguarded, and verifiable arms control measures. However, empirical evidence from man's historical attempts at arms control leads us to view such measures with circumspection. Consequently, at the initiation of treaty discussions, the Joint Chiefs of Staff formulated certain principles relating to national security that should not be violated by such a treaty. First, we believe that any international agreement on the control of nuclear weapons must not operate to the disadvantage of the United States and our allies. Secondly, it must not disrupt any existing defense alliances in which the United States is pledged to assist in protecting the political independence and territorial integrity of other nations. These principles have been observed. Additionally, the Joint Chiefs of Staff consider that any arms control agreement must contain provision for effective safeguards and reliable verification procedures. Article III of the treaty provides for the establishment of these safeguards under the monitorship of the International Atomic Energy Agency.

In summary, the Joint Chiefs of Staff are in agreement with the expressed objectives of this treaty and support ratification of the treaty as not inimical to U.S. security interests.

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[1] *Nonproliferation Treaty: Hearings* [pt 1], pp. 57–58.

[2] *Ante*, pp. 461–465.

Comments by General Wheeler on the Soviet Disarmament Memorandum, July 11, 1968 [1]

Before responding to the inquiry as to my opinion of the nine specific proposals of Premier Kosygin for curbing the arms race and on disarmament,[2] I would like to reaffirm that the Joint Chiefs of Staff are in favor of any arms control negotiations which enhance national security through balanced, phased, and safeguarded arms control agreements limiting the military capabilities of nations in a manner conducive to the achievement of a secure, free, and peaceful world.

Of the nine proposals made by the Soviet Union on 1 July 1968, the one deserving most attention is that which appears to respond to President Johnson's statement at the United Nations General Assembly on 12 June 1968 in which he stated the urgent desire of the United States to begin early discussions on the limitation of strategic offensive and defensive nuclear weapons systems.[3] The United States and the Soviet Union are now negotiating a time and place for beginning bilateral talks in the immediate future.

As to the proposal for banning the use of nuclear weapons, I could support such an agreement only if it were a part of a balanced, phased, and safeguarded agreement on general and complete disarmament by all militarily significant states with assurance that no undue advantage would accrue to any state during the general disarmament process.

The proposal concerning the cessation of the production of nuclear weapons and reducing stockpiles is roughly similar to that proposed by President Johnson in 1966.[4]

I would consider any proposal to prohibit the flights of bombers carrying nuclear weapons beyond national borders to be inimical to the national interest. It is not, in my view, a serious disarmament proposal.

The United States missile-armed submarine force is an important part of its overall nuclear deterrent capability. The Soviet proposal is impractical since it is unverifiable. The United States should continue to deploy its submarine force in waters where it has the right to do so in accordance with the rules of international law.

While considerable progress has been made in technology for detecting underground tests, the state of the art has not reached the point where the United States should rely solely on national means of detection for verification of such a prohibition as proposed by the Soviets.

The proposal that the Eighteen-Nation Disarmament Committee review the paths and means of ensuring the fulfillment by all nations of the Geneva Protocol of 1925 on the prohibition of the use of asphyxiating, poisonous gases and bacteriological methods of warfare is obviously designed for other than serious negotiations.[5] I base this

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[1] *Nonproliferation Treaty: Hearings* [pt. 1], pp. 77-78.

[2] *Ante*, pp. 466-470.

[3] *Ante*, pp. 432-435.

[4] *Documents on Disarmament, 1966*, pp. 5-8.

[5] Senate Foreign Relations Committee, Subcommittee on Disarmament, *Disarmament and Security: A Collection of Documents, 1919-55* (Com. print, 84th Cong., 2d sess.), pp. 169-170.

observation on the fact that the proposal was accompanied by an accusation that the United States is involved in a war of aggression in Vietnam.

The only reason the United States maintains military bases on foreign soil is to assist in maintaining peace. Only in consultation with our allies and after substantial progress in the reduction of armaments and armed forces would elimination of United States overseas military bases contribute towards world peace.

The United States has long advocated effective regional arms control measures. President Johnson suggested in his message to the Eighteen-Nation Disarmament Committee on 22 [27] January 1966 "that countries, on a regional basis, explore ways to limit competition among themselves for costly weapons often sought for reasons of illusory prestige. The initiative for arrangements of this kind should, of course, come from the regions concerned." [6]

On 19 June 1967, President Johnson proposed that the United Nations immediately call upon all of its members to report all shipments of all military arms into Israel and the Arab States.[7]

Further, the United States has signed Protocol II of the Treaty of Tlatelolco, or Latin American Nuclear Free Zone Treaty, which the Soviet Union has yet to do. [8]

The United States has proposed in the United Nations that the Eighteen-Nation Disarmament Committee take up the question of arms limitations on the seabed with a view to defining those factors vital to a workable, verifiable, and effective international agreement which would prevent the use of this new environment for the emplacement of weapons of mass destruction.[9]

Statement by A.E.C. Chairman Seaborg to the Senate Foreign Relations Committee: Nonproliferation Treaty, July 12, 1968 [1]

It is a great pleasure for me to appear today to testify in support of the Treaty on the Nonproliferation of Nuclear Weapons.[2] We are discussing a major milestone in our efforts to bring the atom under control—efforts which the United States began at the birth of the atomic age. I believe that the treaty now before you should permit the nations of the world to intensify their efforts to tap the enormous power of the peaceful atom without fear that this power will be diverted to destructive purposes.

Before turning to the substantive aspects of the treaty, I should like to pay tribute to the skill of the U.S. negotiators, and, above all, to the perseverance and leadership of the President, whose determination to achieve this goal never wavered. The treaty also is a tribute

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[6] *Documents on Disarmament, 1966*, p. 7.
[7] *Ibid., 1967*, pp. 263–264.
[8] *Ibid.*, p. 83; *ante*, pp. 203–204.
[9] A/AC. 135/WG. 1/SR. 6 (June 26, 1968), pp. 33–34.
[1] *Nonproliferation Treaty: Hearings* [pt. 1], pp. 97–104.
[2] *Ante*, pp. 461–465.

to the foresight that the Congress has displayed in urging positive actions to check the growing threat of nuclear weapon proliferation. The Senate contributed importantly to the achievement of this treaty when it passed Senate Resolution 179, which was sponsored by Senator Pastore and cosponsored by 58 other Senators.[3] We also have enjoyed the strong support of this committee, as well as the Joint Committee on Atomic Energy, in the efforts we have undertaken over many years to limit the spread of nuclear weapons. We could not have progressed as far as we have without such support from the Congress.

Secretary Rusk and Mr. Foster have described why this treaty is extremely important from the standpoint of peace and security, and how the United States views a number of the provisions. In my remarks, I should like to emphasize the treaty's significant relationship to the enormous worldwide growth in nuclear power which is foreseen for the future. I shall devote some of my attention to the important role that international safeguards, as set forth in this treaty, will play in assuring that the future byproducts of these atomic power stations will not be diverted to the production of nuclear weapons. I also would like to discuss briefly the affirmative responsibilities that this treaty will place on the adhering nuclear powers, including the United States, to share the benefits of their atomic advances with other countries.

PEACEFUL USES OF ATOMIC ENERGY

In the 25 years that have passed since Enrico Fermi and his team produced the first nuclear chain reaction at Chicago, we have seen a remarkable growth in the importance of atomic energy in our everyday lives. Vague hopes for the future have been replaced with impressive realities. Moreover, the dreams we once had about the peaceful atom now seem small when we compare them with our firm expectations for the future. The atom is now helping us to treat and diagnose the sick, to produce and grow better crops, and to run our industries more efficiently. Most dramatically, dozens of nuclear power stations which will produce millions of kilowatts of electricity are now under construction and the prospects for the future are enormous. We also are now looking forward to the day when the energy from large nuclear reactors will produce fresh water, fertilizers, and various industrial chemicals in addition to electricity.

However, the great upsurge in the growth of nuclear power also poses a very serious problem. In several more years the nuclear plants in operation in nonnuclear weapons countries will be producing enough plutonium to make hundreds of bombs each year. The amount of material that will be produced would be sufficient, if diverted to the production of nuclear weapons, to level many cities and destroy much of humanity.

This is a principal reason why this treaty and its safeguard provisions are so important and why many months have been spent to negotiate and produce the document that is now before you.

I think we can take great pride in this treaty. I also think we can take much pride in all of the preparatory work that predated this

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[3] *Documents on Disarmament, 1968*, pp. 306–307.

agreement, and I refer specifically to the work that has gone into establishing the International Atomic Energy Agency, and in developing the safeguards that are administered by that organization.

SAFEGUARDS TO AVOID DIVERSION TO MILITARY PURPOSES

From the outset of the atoms for peace program, the United States has developed arrangements with cooperating countries to insure that our peaceful nuclear assistance will not be diverted to military purposes. For this purpose we have required a system of safeguards which includes actual onsite inspection and the maintenance of records and reports necessary to keep track of materials. Originally, these safeguards were bilateral, in that the recipient country granted rights to the United States to require the submission of information and to obtain access to all data and all places, at all times, for the purpose of determining that materials and equipment supplied by the United States were not being used to further any military purpose. We realized, however, from the start that such bilateral safeguards should be interim in nature and that it would be preferable to transfer this responsibility to a multilateral organization.

Accordingly, we worked diligently in the 1950s to help establish the International Atomic Energy Agency and we have been working diligently since to assist the Agency in establishing an effective safeguards system designed to detect the diversion of atomic energy from peaceful to military purposes. We have been working steadily to transfer to the IAEA the responsibility of applying safeguards to activities covered by our bilateral atomic agreements. Since 1963 we have concluded 19 trilateral agreements transferring this responsibility to the Agency. Six more have been approved or are under negotiation.

IAEA SAFEGUARDS

I am dwelling a bit on this history because it is relevant to the treaty now before you. As a result of steady progress, the IAEA now has in operation an effective safeguards system that is suitable for application to a wide variety of peaceful nuclear activities. Moreover, as a result of steady efforts, a growing acceptance of such international safeguards has developed among various nations of the world. The safeguards which have been administered to date have done more than simply serve their immediate purpose of assuring that particular activities were not being used for military purposes. They have demonstrated that the techniques of international inspection are feasible and effective and are not considered an invasion of national sovereignty. They also have stimulated the development of the institutional framework and a cadre of properly trained people to be used in implementing any broader agreements in the future. In doing so, they have created much of the foundation upon which article III of the NPT has been structured.

As encouraging as this progress has been, however, IAEA safeguards have been applied to date only to projects receiving Agency assistance or to projects voluntarily placed under IAEA controls. They have not covered the entire nuclear programs of the countries concerned. Neither have many nations given up, through treaty commitment, the right or independence to make nuclear weapons. The treaty will serve to fill these gaps and it will represent an unprece-

dented advance in international, let alone nuclear, affairs. It will represent the first time since the beginning of the nuclear age that many nations throughout the globe will have relinquished the right to make nuclear weapons and will have agreed to submit all of their peaceful nuclear activities to international inspection to help verify that this commitment is being adhered to.

SAFEGUARDS A DIFFICULT NEGOTIATING PROBLEM

Although we have been able, over the years, to engender a growing acceptance of international safeguards, the provisions in this treaty relating to this subject presented some of the most difficult negotiating problems. This is an area of the treaty that also has stimulated much comment in the press and elsewhere.

I would, with your permission, like to make a few observations on certain aspects of this matter. There were concerns expressed by several countries during the negotiations that the application of IAEA safeguards might serve to place the nonnuclear weapon states at a commercial disadvantage by compromising their commercial secrets or by interfering with the operation of the facilities involved. We have felt these fears to be groundless. Agency inspectors are precluded from interfering in plant operations and they normally require access only to information that is not commercially sensitive. Nevertheless, they are barred from transmitting any information that they receive to unauthorized parties and any state has the right to declare a proposed Agency inspector unacceptable.

I am certain that once the safeguards under this treaty are in operation, those states that expressed some reservations will understand why we have been so confident on this matter. They will also understand why President Johnson was prepared and able to state that following the entry into force and the application of safeguards under this treaty, the United States would permit the IAEA to apply its safeguards to all nuclear activities in the United States, excluding only those with direct national security significance.[4] We took this step to demonstrate the sincerity of our convictions that the safeguards to be applied under this treaty would not place the nonnuclear weapon states at any disadvantage. We also wished to demonstrate that we sought no commercial advantage through this treaty and were prepared to submit our own nuclear industry to the same safeguards as will be applied in nonnuclear weapons states.

As confident as we are in international safeguards, we intend to work constantly toward improving their effectiveness on one hand and simplifying them on the other. The preamble to the treaty explicitly recognizes the importance of this point by expressing support for safeguards research and development. The AEC is conducting an active research and development program directed toward improving safeguards techniques and is sharing the results of this effort with the IAEA and other countries.

IAEA RESPONSIBILITIES UNDER TREATY

Some questions have been expressed as to whether the IAEA will be able to muster the requisite number of people to administer the

[4] *Ibid.*, *1967*, pp. 613-616.

responsibilities called for by this treaty. There also have been assertions that the costs involved will be enormous. I should like to comment briefly on these two points. The present IAEA safeguards staff, while modest in size, is in balance with the size of the workload for which the Agency has responsibility to date. We recognize that a major increase in the size of the Agency's staff will be required to meet the new responsibilities placed upon it by the treaty, and we do not underestimate the difficulty of the problem. However, given the burgeoning growth of the nuclear industry and associated training opportunities, I am confident that the IAEA will be able to recruit the necessary number of people to perform this function. The IAEA's total expenditures for administering these safeguards pursuant to the treaty obviously will go up over the fairly modest amounts that the Agency spends at present. These funds are now being drawn by the IAEA out of the assessed contributions from the various IAEA member states. We believe, however, that these costs will represent no more than a fraction of 1 percent of the cost of the electricity produced in nuclear powerplants. Almost every industrial activity in today's complex society entails certain risks which must be contained by suitable measures. I cannot believe that we will find it difficult to find the necessary funds and an appropriate mechanism to cover the costs of safeguards against the intolerable risk of nuclear proliferation.

SAFEGUARDS AGREEMENT TO BE CONCLUDED

I should like to say a word about the nature of the safeguards agreements to be concluded pursuant to this treaty. Article III permits the necessary agreements with the IAEA to be concluded by individual states or a group of states. As Mr. Foster has indicated, an integral part of the negotiating history of article III is the statement of principles enumerated by the U.S. Cochairman of the Eighteen-Nation Disarmament Committee when this article was first publicly presented on January 18, 1968.[5] These principles already have been presented to this committee and I shall not repeat them now. They were designed to recognize, on the one hand, that the IAEA as well as all parties to the treaty should have confidence in the effectiveness of the safeguards arrangements concluded by the IAEA with every nonnuclear party to the treaty. On the other hand, they recognized that nonnuclear weapon parties to the treaty could negotiate with the IAEA individually or together with other parties; for example, through regional organizations such as Euratom. Moreover, they recognized that in order to avoid unnecessary duplication, the IAEA should make appropriate use of existing records and safeguards, provided that it can satisfy itself that diversions are not taking place.

I believe the IAEA and Euratom will succeed in developing a mutually satisfactory safeguards arrangement. I base this confidence on my belief first, that the IAEA and Euratom safeguards systems are generally compatible, and second, that the IAEA will wish to take advantage of the Euratom procedures wherever it can in developing the arrangements, bearing in mind that the Euratom system has worked effectively for many years.

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[5] *Ante*, pp. 11-17.

SHARING IN THE PEACEFUL ATOM

In the course of the negotiations, a number of countries expressed the strong view that neither their renunciation of nuclear weapons nor the concomitant safeguards should prejudice their opportunity to share in the peaceful atom. The Nonproliferation Treaty not only satisfies this condition, but should actually enhance progress in the peaceful uses of nuclear energy by its signatories. This is not only because of the positive provisions concerning atomic cooperation which are found in articles IV and V. It is also due, in large part, to the confidence the treaty will inspire that international cooperation in peaceful uses will not contribute to the acquisition of nuclear weapons.

As President Johnson has indicated, pursuant to the provisions of the treaty, we shall engage in "the fullest possible exchange of equipment, materials, and scientific and technological information for the peaceful uses of atomic energy." Moreover, he noted that pursuant to the treaty, "the needs of the developing nations will be given particular attention." [6]

I believe that the concept that within its capabilities the United States should work toward continued and increased cooperation with the nonnuclear countries who have abjured the acquisition of nuclear weapons is a fair and reasonable one. It is fully consistent with the policy of atomic cooperation which this Nation pioneered, and in which it has been the world leader for 15 years. Cooperation with other countries in fields pertaining to the peaceful uses of atomic energy will thus not represent a new or novel challenge for the United States. Our program has stressed the very activities specified in the treaty—the exchange of equipment, materials, and scientific and technological information for the peaceful uses of atomic energy. Perhaps most importantly, we have already committed ourselves to supply sizable blocks of uranium enriching services to other countries to satisfy their long-term needs for fuel for their nuclear power program.

The NPT should facilitate the continuation and expansion of these programs.

For the United States, it has been axiomatic from the start that our ability to cooperate with others in the peaceful application of nuclear energy is dependent on the assurance that our assistance will not be turned to military purposes. This policy is reflected in the Atomic Energy Act of 1954 itself, which calls for "a program of international cooperation to promote the common defense and security and to make available to cooperating nations the benefits of peaceful applications of atomic energy as widely as expanding technology and consideration of the common defense and security will permit." [7] I believe it follows that since this treaty will enhance our security, as well as the security of many other nations, by strengthened assurances that U.S. cooperation will not contribute to nuclear weapons programs in signatory countries, our cooperation with these countries can and should be intensified.

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[6] *Ante*, p. 434.

[7] Sec. 3(c) of the act (*American Foreign Policy, 1950-1955: Basic Documents*, vol. II, p. 2863).

SHARING BENEFITS FROM PEACEFUL NUCLEAR EXPLOSIONS

In conclusion, I would like to comment on article V of the treaty. This article specifically commits us to take appropriate measures to make available the benefits which can be obtained from peaceful nuclear explosions. This resulted from the recognition, when the treaty was formulated, that nuclear explosive devices intended for use for peaceful purposes could be used as or could be readily adapted for use as weapons. Hence, to avoid a loophole, articles I and II were written to preclude the nonnuclear weapons parties from manufacturing or acquiring nuclear explosive devices even for peaceful purposes. At the same time, and within this limitation, it was recognized as essential to provide the nonnuclear parties with the firmest possible assurance that they will be able to derive the full potential benefits from the peaceful applications of nuclear explosions.

Article V, consequently, stipulates that all parties to the treaty will undertake to take appropriate measures to insure that the potential benefits of such peaceful applications will be made available to nonnuclear weapons parties on a nondiscriminatory basis and that the charge to such parties for the explosive devices used will be as low as possible and will exclude any charge for research and development. These services are to be provided either through an international body (which, I believe, should be the IAEA) or bilaterally. In each case, an opportunity shall be provided for appropriate international observation of the actual detonation.

The seriousness with which the United States views its prospective obligations under this section of the proposed treaty was emphasized by President Johnson who said, before the United Nations General Assembly, ". . ., we shall continue our research and development into the use of nuclear explosions for peaceful purposes and we shall make available to the nonnuclear treaty partners without delay and under the treaty's provisions the benefits of such explosions."[8] The importance of this obligation is underscored by the fact that the United States has full intentions to be one of the principal suppliers of such explosion services. We plan to demonstrate these intentions by a series of steps.

We will continue to conduct, within the limitations of available funds, an active program to develop nuclear explosive devices particularly suited for peaceful applications and to develop the technology for using nuclear explosions in a variety of peaceful applications. Let me emphasize that the technology of using nuclear explosions for peaceful purposes is still in a relatively early stage of development. Considerable effort is still required to apply our basic knowledge to specific commercial applications and we have much to learn about the industrialization of operations and the design of supporting equipment. Our domestic research and development program is addressing all of these facets, but it will be several years before optimum nuclear explosive designs and the technology for all applications of nuclear explosions will be developed to the stage of commercial use. However, beginning in the near future, we hope some applications will become

[8] *Ante*, p. 434.

economically attractive and will be exploited even as the technology continues to develop.

As our research and development efforts proceed, we will continue to make freely available the information and data obtained, except information relating to the design or manufacture of nuclear explosive devices. Furthermore, we will be prepared to make arrangements whereby we will make available technical advice and assistance, within our capability, to those nonnuclear weapon parties to the treaty which seek assistance in studying specific peaceful applications of nuclear explosions. The knowledge we would gain from assisting in such studies should also permit us to take into account, in our research and development program, various applications in which other countries are interested. We would not rule out the possibility, for which we already have the basic legislative authority, of conducting, within our research and development program, cooperative experiments abroad, under arrangements similar to those for cooperative experiments with U.S. industry.

PROPOSED NUCLEAR EXPLOSION SERVICE

When particular applications are found to be feasible, we plan to make a nuclear explosion service available on a commercial basis to domestic users and to nonnuclear weapon parties to the NPT. Such a service would include the fabrication of the nuclear explosive device, its transportation from the assembly plant to the project site, its emplacement at the prepared site, and its arming and firing. The service would also include appropriate technical reviews of the proposed detonation, such as those relating to health and safety. The users of the service, whether it is furnished domestically or pursuant to article V, will pay for the service in accordance with rates established for its various elements. As I have already noted, the charges for the nuclear explosive devices used in furnishing the service will not include the cost of their research and development.

Arrangement for insuring that the nuclear explosive devices used in furnishing such a service to nonnuclear weapon parties to the NPT remain at all times under the custody and control of the U.S. Government, are necessary in order to be consistent with articles I and II of the treaty. Furthermore, the objectives of the treaty could not permit any observation contemplated by the treaty to include access by the observers to the design or internal operation of nuclear explosive devices. Consequently, there will be no transfer of nuclear explosive devices or control over them; nor will the service, in any way, assist, encourage, or induce any nonnuclear weapon state to manufacture or otherwise acquire nuclear explosive devices.

REQUIREMENTS OF LIMITED TEST BAN TREATY

It has been made clear, in the principles relating to article V which Mr. Foster has placed in the record of these hearings,[9] that article V of this treaty is not intended to modify the provisions of the limited Test Ban Treaty.[10] Therefore, in providing a nuclear explosion serv-

[9] *Ante*, pp. 501–502; *Documents on Disarmament, 1967*, pp. 173–174.
[10] *Ibid., 1963*, pp. 291–293.

ice pursuant to article V, the United States will be obligated to observe the requirements of the limited Test Ban Treaty. Meeting those requirements will not be difficult in our research and development of nuclear explosive devices for all peaceful applications or in the development of the technology for application to underground engineering projects. There will be some nuclear excavation projects, however, such as a trans-isthmian canal for which the development of the technology could not be completely carried out or which could not be executed within the present restrictions of the limited Test Ban Treaty as presently interpreted; modification would be required to permit the United States to provide the nuclear explosion service for those projects.

I am confident that the technology of using nuclear explosions for peaceful purposes will produce enormous civil dividends not only for ourselves, but also for the nonnuclear weapon countries with whom we will cooperate, pursuant to the treaty. Moreover, I think the treaty should facilitate such cooperation to a greater extent than was previously possible.

Mr. Chairman, in summary, I am pleased to give my full support to this important treaty. It will represent a notable landmark in our efforts to control the atom. It also should inaugurate a new and important era in mankind's effort to use the atom for peaceful purposes.

A.E.C. Statement on Nuclear Explosion Services Under the Nonproliferation Treaty, July 12, 1968 [1]

AEC Answers to Questions Prepared by the Joint Committee on Atomic Energy Staff

1. *Q.* Would international observers be given access to sensitive information on the nuclear explosive devices used in an international Plowshare project?

A. No. The peaceful nuclear explosion services contemplated under Article V must be carried out within the provisions of Articles I and II, which prohibit nuclear-weapons Parties from transferring, and non-nuclear-weapon Parties from receiving, either nuclear explosive devices, as such, or assistance in manufacturing or acquiring them.

Accordingly, neither nuclear explosive devices nor information which would constitute assistance in their manufacture could be made available to the international observers contemplated under Article V. Furthermore, the U.S. has made it clear that the nuclear explosive devices used in providing the nuclear explosion service, pursuant to Article V, would be required to remain, at all times, under the custody and control of the nuclear-weapon state performing the service. This,

[1] *Nonproliferation Treaty: Hearings* [pt. 1], pp. 112–115. The treaty appears *ante*, pp. 461–465.

of course, is consistent with the existing requirements of the Atomic Energy Act of 1954, as amended.[2]

2. *Q.* Am I correct then in assuming that the functions of the observers are to assure that a nuclear detonation was conducted and to report on the conditions and purpose of the detonation?

3. *Q.* Is it fair to say, then, that such observers would serve a function similar to that of the observers at our first Plowshare experiment, Project Gnome, in 1960, and at our recent experiment, Project Gasbuggy?

A. In answer to the related questions 2 and 3, we envision that, prior to each nuclear explosion for peaceful purposes carried out by the U.S. in the territory of a non-nuclear-weapon state pursuant to Article V, a reasonable opportunity will be provided for international observation. The principal purpose of such an invitation would appear to be to provide assurance to other Parties to the Treaty, that the nuclear explosive devices used by the U.S. in furnishing the nuclear explosion service, remained under the custody and control of the U.S. at all times, and that the nuclear explosions carried out in the course of furnishing the service were not being used for other than declared purposes.

It will be necessary to work out arrangements for providing an opportunity for such observation and, at the same time, assuring that information inconsistent with U.S. law and Articles I and II of the Treaty, concerning the design and manufacture of the nuclear explosive devices used, is not made available to the observers.

It would appear to us that the IAEA would be the appropriate international organization to be invited to carry out international observation, pursuant to Article V. It is therefore likely that international observation arrangements will be worked out ultimately with the IAEA and the government in whose territory the explosion will be carried out.

We do not expect that those arrangements would interfere with any independent plans by the host government to invite visitors from other countries to witness the nuclear explosion or other aspects of a project.

4. *Q.* In other words, am I correct in stating that observers at peaceful nuclear experiments will be permitted, but not required. In other words, we would not have to hold up a peaceful nuclear explosion service just because some recalcitrant foreign country or organization was opposed to the project and refused to attend?

A. Article V of the Treaty would certainly require that a reasonable opportunity be offered for international observation of explosions conducted pursuant to that Article. In all probability, the IAEA will be the organization or at least one of the organizations invited to observe peaceful nuclear explosions conducted pursuant to Article V. If the invitation is extended in good faith and allows reasonable notice to permit the international observation, then we believe the obligation

[2] *American Foreign Policy, 1950–1955: Basic Documents*, vol. II, pp. 2861–2877.

under this provision would be discharged, even if the IAEA or other international observers did not appear. On the other hand, if the arrangements for the carrying out of the nuclear explosion were such as to make international observation impracticable, then obviously there would not have been compliance with the provision.

5. *Q.* Am I correct in my understanding that, under Article V, the nuclear explosive device would remain at all times under the custody and control of the U.S. or the supply nation?

A. Yes, that is correct. This is consistent with the Atomic Energy Act of 1954, as amended.

6. *Q.* Also you stated in your testimony, I believe, that there would not be any access by the observers or by the non-nuclear-weapon-state, in which the service was being performed, to the design or internal operation of the nuclear explosive device. Is that correct?

A. Yes, the nuclear explosive devices would remain in the custody and control of the U.S. or other supplier nuclear-weapon government. Neither the international observers or nationals of the recipient non-nuclear-weapon state would be permitted access to that information concerning the design or internal operation of nuclear explosive devices which would be inconsistent with the objectives or the provisions of Articles I and II of the Treaty. No information would be made available by the U.S. which would be contrary to the provisions of the Atomic Energy Act of 1954, as amended.

7. *Q.* Consequently, am I correct in assuming that since there will be no transfer of the nuclear explosive devices or control over them; since the service will not assist, encourage, or induce any non-nuclear-weapon state to manufacture or otherwise acquire nuclear explosive devices; and since the service will not provide source or special fissionable material, or equipment or material especially designed or prepared for the processing, use, or production of special fissionable material to any non-nuclear-weapon state, the safeguards contemplated by Article III of the Treaty are not considered to apply to the peaceful nuclear explosion service contemplated in Article V?

A. The procedures to be developed for the provision by nuclear-weapon Parties of a peaceful nuclear explosion service to non-nuclear-weapon Parties pursuant to Article V will necessarily include arrangements to assure that the nuclear explosive devices used in providing the service will remain at all times in the custody and control of the nuclear-weapon State providing the service. Moreover, the procedures could not permit the dissemination of that information concerning design and manufacture of the nuclear explosive devices used, such as the quantities of the special fissionable materials contained in the devices, which would be contrary to the objectives of the Treaty and prohibited by Articles I and II.

Accordingly, it will not be possible for an international organization to account for the special fissionable materials involved in providing the peaceful nuclear explosion services to non-nuclear-weapon states pursuant to Article V. It is thus difficult to see how Article III

"safeguards", as we might envisage their application to activities such as nuclear reactors or fuel fabrication or reprocessing plants, could be applied to the nuclear explosive devices used in providing the service pursuant to Article V.

At the same time, the arrangements for international observation of nuclear explosions contemplated by Article V would serve the purpose of assuring all the Parties that the nuclear explosive devices used in providing the service do, in fact, remain at all times in the custody and control of the nuclear-weapon state supplying the service and that nuclear explosions are not carried out for other than declared purposes.

8. *Q.* Dr. Seaborg: If I remember correctly, you conducted two excavation experiments earlier this year. These experiments, I understand, only released very small amounts of radioactivity to the atmosphere and most of this was deposited at or near the crater.

A. That is correct. On January 26 we conducted Project Cabriolet, a 2.5 kiloton detonation in hard rock at the Nevada Test Site and on March 12, we conducted Project Buggy, the first nuclear row charge experiment. Both released only very small amounts of radioactivity, most of which was deposited in, or near, the crater.

9. *Q.* There was no worldwide fallout as occurs from atmospheric or surface explosions, was there?

A. That is correct. Since nuclear explosions occurred underground, most of the radioactivity produced was entrapped in the rock and soil which surrounded the explosions. Consequently, most of the radioactivity remained in the explosion region underground. Of the small amount of radioactive material incorporated with dust-like matter which escaped from the crater area, only a small percentage of the lighter, more volatile radioactive material escaped to the lower atmosphere.

10. *Q.* You also have underway, I believe, a program to develop clean explosives. Do you not anticipate that you will be successful in this development program?

A. The "clean explosive" program you refer to, is actually a program to develop a nuclear explosive which will produce a minimum amount of radioactivity. We have made considerable strides in designing an explosive which has a very low fission yield, but we do not envisage an explosive with no fission yield. We are also developing ways of emplacing explosive which will reduce the amount of radioactivity released in cratering explosions. The progress we have made in these efforts is perhaps best illustrated by the fact that if we did Project Sedan—our 1962, 100 kt cratering experiment in alluvium—with today's technology, the amount of radioactivity released to the atmosphere would be reduced a hundredfold. Even given this progress, because of the unavoidable fission product radioactivity and the induced radioactivity mentioned previously, we will still have to review each

proposed excavation explosion very carefully to insure that it meets the requirements of the Limited Nuclear Test Ban Treaty.[3]

11. *Q.* I assume you plan to continue excavation experiments since one is included in your FY 1969 budget.

A. Yes, we plan to conduct Project Schooner, a cratering experiment of approximately 40 kt. in hard rock, at the Nevada Test Site during FY 1969.

12. *Q.* In view of the task assigned Mr. Robert Anderson and his Atlantic-Pacific Interoceanic Canal Study Commission, I suppose you will carry out enough such experiments to furnish them the information necessary for their study.

A. Yes, we plan a number of single and row charge experiments in different rock types, and at higher yields, on a time frame consistent with the needs of the Canal Commission.

13. *Q.* I believe your statement said that it might not be possible for us to develop nuclear excavation technology for some projects such as the transisthmian canal. Would I be correct then in assuming that you are referring to the complete development of that technology?

A. Yes. It is possible, in order to develop completely the technology for some nuclear excavation projects such as a transisthmian canal, that an experiment might have to be conducted in a particular geological situation, or in a wet environment or some other condition similar to that which might actually be expected in digging a canal, and that the desired condition could only be found near a border. Also, before constructing the canal, we might wish to do a number of experiments in the isthmus region to gain experience in the type of media we would encounter in digging the canal. In those cases, the nearness of the borders could present difficulties in conducting such experiments in view of the Limited Test Ban Treaty; thus complete development of all the technology needed to actually undertake construction of the canal could be precluded.

Address by Deputy Assistant Secretary of State Popper to Symposium on Mineral Resources of the World Ocean [Extract], July 12, 1968 [1]

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Arms Limitation on Deep Ocean Floor

Let me turn now to the important problem of arms limitation on the deep ocean floor. The military aspects of this problem will be ably

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[3] *Documents on Disarmament, 1963*, pp. 291–293.

[1] *Department of State Bulletin*, Aug. 12, 1968, pp. 175–176. The symposium was held at Newport, R. I.

discussed later in this symposium, but a word should be said here with respect to the political issues involved.

You will have noted that the item under consideration by the United Nations General Assembly begins with the words "Examination of the question of the reservation exclusively for peaceful purposes of the sea-bed and the ocean floor, and the subsoil thereof, underlying the high seas beyond the limits of present national jurisdiction." [2] Thus, from the beginning, the desirability of deep seabed disarmament has been prominent in the minds of United Nations members. In this respect, there is a rough analogy with the situation as regards United Nations activity in the area of outer space 10 years ago. Now as then, the United Nations is considering the conditions under which men will move into an environment formerly strange to them. It is an environment in which lethal armaments are not yet implanted. As much of the international community sees the problem, an opportunity exists and should be seized by advance agreement to prevent this environment from becoming an arena of military rivalry.

The Soviet Union has actively espoused this view in the United Nations *Ad Hoc* Committee. It has proposed that the Committee request the U.N. General Assembly to call upon all states to use the seabed and the ocean floor beyond the limits of territorial waters exclusively for peaceful purposes and that the Assembly request the Eighteen-Nation Disarmament Committee in Geneva to consider the question of the prohibition of the use of the seabed and the ocean floor beyond the limits of territorial waters for military purposes.[3]

The Soviet proposal is a deceptively simple approach to what is anything but a simple problem. The precise meaning of the words "for peaceful purposes" and of "prohibiting the use for military purposes" is far from clear. Are sensing devices military? Is any activity carried out by the armed forces, such as naval research, military—whatever its purpose may be? Other questions of similar character immediately come to mind.

As background, it is worth noting that the "peaceful purposes" terminology was included in the Antarctic Treaty.[4] It was also included in the Outer Space Treaty but was made applicable only to celestial bodies.[5] The United States had been willing to apply it to outer space as a whole, but that was not agreed in the light of Soviet opposition.

Within the U.S. Government, we are actively considering ways in which we may move toward realistic agreements which will advance the cause of peace. Such agreements must be the product of thorough study, taking into account such factors as the preservation of our security interests and problems of verification and control.

Our thinking thus far has led us to the conclusion that it would be desirable to have the United Nations General Assembly request the Eighteen-Nation Disarmament Committee to take up the question of arms limitation on the seabed and ocean floor, with a view to defining those factors vital to a workable, verifiable, and effective international

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[2] *Documents on Disarmament, 1967*, pp. 727–729.
[3] See *ante*, p. 444.
[4] *Documents on Disarmament, 1945-1959*, vol. II, pp. 1550–1556.
[5] *Ibid., 1967*, pp. 38–43.

agreement which would prevent the use of this new environment for the emplacement of weapons of mass destruction. We have made a proposal to this effect.[6] It seems to us that such a study could produce action on what is the heart of the problem: the great potential danger to international security which could arise if the deep seabed were to become a platform for weapons of mass destruction.

By exploring the possibilities of an effective international agreement along these lines, the United States, together with other parties to the Nonproliferation Treaty [7] when it becomes effective, would be acting pursuant to article 6 of that treaty, which binds the parties to pursue negotiations in good faith on effective measures relating to nuclear disarmament.

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Bill To Amend the Atomic Energy Act of 1954, July 15, 1968 [1]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection 11 b. of the Atomic Energy Act of 1954, as amended,[2] is amended to read as follows:

b. The term 'agreement for cooperation' means any agreement with another nation or regional defense organization authorized or permitted by sections 54, 57, 64, 82, 91 c., 103, 104, 144, or 161 w. and made pursuant to section 123.

SEC. 2. Section 123 of the Atomic Energy Act of 1954, as amended, is amended by striking out "or 144" and adding in lieu thereof "144, or 161 w." in the first sentence.

SEC. 3. Section 161 of the Atomic Energy Act of 1954, as amended, is amended by adding at the end thereof the following new subsection:

w. enter into contracts for such period of time as the Commission may deem necessary or desirable for the provision by the Commission of services involving the detonation of nuclear explosive devices for peaceful purposes. The Commission shall establish prices to be paid for such services on such a nondiscriminatory basis as, in the opinion of the Commission, will provide reasonable compensation to the Government for such services: *Provided, however*, That such prices shall be consistent with the provisions of any applicable international arrangement. Services in territory under the jurisdiction or control of another nation may be performed only in accordance with an agreement for cooperation arranged pursuant to section 123 containing provisions to assure that all nuclear explosive devices used in performance of such services will remain under the custody and control of the Commission and that no Restricted Data will be communicated

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[6] *Ante*, p. 452.

[7] *Ante*, pp. 461–465.

[1] S. 3783, 90th Cong., 2d sess. The bill was introduced in the Senate by Senators Pastore, Anderson, and Bennett. It was referred to the Joint Committee on Atomic Energy, which did not report on it at this session of Congress. For ACDA views, see *post*, pp. 538–541.

[2] Joint Committee on Atomic Energy, Congress of the United States, *Atomic Energy Legislation Through 90th Congress, 1st Session* (Jt. Com. print, 90th Cong., 1st sess., 1968), pp. 1–94.

contrary to the provisions of this Act in connection with the conduct of such services. Contracts made pursuant to this subsection shall contain such provisions (1) to protect health, (2) to minimize danger to life or property, and (3) to require the reporting and to permit the inspection of work performed thereunder, as the Commission may determine. Nothing in this subsection shall limit or restrict the Commission's authority to enter into arrangements under section 31 involving the detonation of nuclear explosive devices.

Message From President Johnson to the Eighteen Nation Disarmament Committee, July 16, 1968 [1]

Your conference has achieved singular success in negotiating the Non-Proliferation Treaty. The Treaty is a major step toward a goal which the United States has been seeking since the dawn of the nuclear age. It is a triumph of sanity in international affairs and a testament to man's will to survive.

The world looks today for a beginning of the negotiations called for by the Treaty—"negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date to nuclear disarmament . . .".[2]

This is the most pressing task which the treaty lays on its parties, and the nations meeting in Geneva today share a major responsibility in performing it. The United States takes this responsibility with the utmost seriousness.

High on the disarmament agenda of mankind is the need to halt the strategic arms race. Agreement has been reached between the Governments of the Union of Soviet Socialist Republics and the United States to enter in the nearest future into bilateral discussions on the limitation and the reduction of both offensive strategic nuclear weapons delivery systems and systems of defense against ballistic missiles. It is expected that the two sides will shortly reach a decision on the time and place for talks.

In the absence of agreement, the nuclear arms race could escalate to new levels. This would only result in higher and higher destructive power on each side and vast diversion of resources from peaceful pursuits—with no increase in security for anyone.

If we can make progress on limiting strategic delivery systems, the United States would be prepared to consider reductions of existing systems. By reducing these systems, we would cut back effectively—and for the first time—on the vast potentials for destruction which each side possesses.

The United States and the Soviet Union have a special responsibility to head off a strategic arms race. The fate of mankind could well depend on the manner in which our two nations discharge that responsibility.

Progress on limiting strategic delivery systems will also facilitate the achievement of various related measures of nuclear arms control and disarmament. A number of such measures has been suggested by the United States. Additional measures have been proposed by other

[1] ENDC/228, July 16, 1968.
[2] Art. VI of the treaty (*ante*, p. 461).

nations and recommended by the General Assembly of the United Nations. The United States hopes that your conference will soon be able to make significant progress on measures which have been the subject of past discussions. But these are not the only subjects of interest to the conference.

We must soon take up the question of arms limitations on the seabed in the light of the consideration being given by the General Assembly's Ad Hoc Committee on the Seabeds to a number of proposals for arms limitations on the seabed. Your conference should begin to define those factors vital to a workable, verifiable and effective international agreement which would prevent the use of this new environment for the emplacement of weapons of mass destruction.

Meaning must soon be given to the language of the Non-Proliferation Treaty dealing with sharing potential benefits from any peaceful applications of nuclear explosions. In the view of the United States, the International Atomic Energy Agency is the "appropriate international body" through which the non-nuclear-weapon parties to the treaty may obtain these benefits under Article V of the Treaty if they choose to do so. We also believe that the IAEA is the appropriate forum for development of procedures and agreements relating to the furnishing of the peaceful nuclear explosive services obtained through the IAEA.

Finally, we must be alert to opportunities for achieving regional limitations on armaments. We have seen that co-operation at the regional level to limit armaments is not only possible but is in fact a promising path to progress. The Treaty of Tlatelolco is a worthy example of what can be achieved when neighbours collaborate in safeguarding their national security interests and in promoting their common welfare. In signing Protocol II of the Treaty of Tlatelolco, the United States had demonstrated its intention to respect the denuclearized status of Latin America which will be established by that Treaty.[3] We hope that all nuclear powers will respect this great achievement of Latin American diplomacy.

We have also seen the consequences of the failure of nations to effect regional arrangements to inhibit the growth of arsenals of conventional weapons. Resources continue to be diverted from critical human needs to the acquisition of armaments and the maintenance of military establishments that in themselves feed fears and create insecurity among nations.

The United States attaches particular importance to halting non-nuclear arms races. We must achieve regional limitations on conventional armaments.

Representatives of the United States are under standing instructions to search out any initiatives for regional restraints coming from the areas concerned. If arrangements acceptable to the nations involved can be concluded, they will be respected by the United States. We stand ready to support any reasonable measure affecting the activities of the major weapons-producers that would make a regional agreement more effective, including a requirement that suppliers publicize or register their arms shipments to a particular region.

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[3] *Documents on Disarmament, 1967*, pp. 69–83.

Statement by the British Disarmament Minister (Mulley) to the Eighteen Nation Disarmament Committee [Extract], July 16, 1968 [1]

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74. I turn now to my own proposals. In the nuclear field my own priority is a ban on underground tests, and we have given particular thought ourselves to the problems of a comprehensive test ban treaty. Obviously the banning of underground nuclear tests is closely related to any agreement on the limitation of offensive and defensive nuclear weapons and an associated cut-off of production of fissile material for nuclear weapons, but it seems to us to be a measure of cardinal importance because we think that the real danger of vertical proliferation lies in the development of more sophisticated weapons systems. Purely quantitative control will achieve nothing if the nuclear weapons that are permitted become more and more costly and more and more deadly. The merit of a comprehensive test ban treaty is just this, that it would prevent the development of more sophisticated weapons systems.

75. The principal avowed obstacle in the way of a comprehensive test ban treaty is the problem of on-site inspection. Obviously, if there is a treaty parties must be able to satisfy themselves that the obligations imposed by the treaty are being fulfilled. Since this question of on-site inspection first became a bone of contention, the means of identifying incidents as earthquakes or explosions have been greatly improved, but it is difficult to see how a complaint by one party that the treaty had been infringed could be substantiated without on-site inspection.

76. The Soviet Union has consistently opposed the whole principle of on-site inspection. We can understand fears that such inspections might provide opportunities for espionage, but we think that those fears might be dispelled if arrangements could be made by which on-site inspection could take place only if there were strongly seismological or other evidence that the treaty had been infringed. I should therefore like to suggest that consideration be given to the possibility of the treaty's providing for a special committee whose function it would be to consider complaints of infringements of the treaty and assess the evidence produced in support of the complaint. Such a committee might be composed of the representatives of the three nuclear-weapon States parties to the treaty, the representatives of three non-aligned countries and a nominee of the United Nations Secretary-General or the Director-General of the International Atomic Energy Agency. There should be the right of on-site inspection if the Committee decided by a majority of five to two that a *prima facie* case had been made out in support of the complaint. Our thought is that a committee of this composition would be able to carry out on-site inspection only if there were very strong evidence that the treaty had been infringed. The necessary majority could never be achieved if there were a mere suspicion that an unauthorized nuclear explosion might

[1] ENDC/PV.381, pp. 27–34.

have taken place. That should help to obviate all possibility of unnecessary on-site inspection and so rule out all fears of its improper use.

77. As I have already indicated, the question of a comprehensive test ban is closely linked with agreement on the cut-off of production of fissile material for nuclear weapons and with the limitation and subsequent reduction of offensive and defensive nuclear delivery vehicles, but there is a difference between the comprehensive test ban and these other measures—the difference between a continuing process and a once-for-all event. The comprehensive test ban has been generally thought of as a once-for-all event, an agreement that up to a certain date there should be complete freedom to conduct any number of underground nuclear weapon tests of any size but that after that date no tests at all should be permitted. We have been wondering whether the comprehensive test ban itself might not be made a phased operation by starting with an agreed annual quota of underground weapon tests explosions. We feel that it might be possible for the treaty to provide for quotas on a descending scale over a period of, say, four or five years, ending with a nil quota after which further tests would be banned absolutely. Alternatively, the quotas might not be written into the treaty but fixed annually, possibly by a committee of the kind I have already suggested.

78. Those two suggestions for a committee and a quota system are not alternative but complementary since, if a quota system were established, machinery would still be needed to ensure that the quota was not exceeded. I have used the word "suggestions" and that is what I mean. We have not worked out full details and these are certainly not formal proposals, but I shall be glad to hear the reactions of my colleagues on this Committee in due course and I hope that our co-Chairmen in particular will give these suggestions their serious consideration.

79. It is obviously the general wish that any comprehensive test ban treaty should be flexible enough to permit peaceful nuclear explosions. I do not intend today to make suggestions about how that could be achieved, but I should like to say something at this point about article V of the non-proliferation treaty.[3]

80. It was clear from the debate in the General Assembly that a number of countries were thinking in terms of an international agreement, presumably between the parties to the non-proliferation treaty, which would vest in one single body the power to supervise the implementation of article V. It was also clear that many countries were thinking in terms of a new international organization for that purpose. I do not think that this is the right approach. The creation of a new international body would be enormously wasteful both of manpower and of money. It is unlikely that any nuclear explosions will be conducted under article V for several years, and thereafter the international body would be engaged in only intermittent activity. There is everything to be said for letting as much of the job as possible be done by the IAEA, but if the IAEA is to be the main instrument for implementing the provisions of article V, that will govern the character of the international agreement or agreements envisaged therein. The requirement would seem to be for tripartite project

[3] *Ante*, pp. 463–464.

agreements between the IAEA and the two states concerned in a particular project, rather than a general international agreement, since parties to a general international agreement on article V could not impose duties on the IAEA, which is an independent international organization.

81. It is not for us to discuss what part the IAEA could play in implementing article V, over and above the health and safety aspects with which it is obviously qualified to deal, but I hope that in August it can be agreed that the co-Chairmen should write on behalf of our Committee to the Chairman of the IAEA Board of Governors asking him to arrange for the IAEA to study and in due course to report on the part it might play in implementing article V. We should not ask it to do more than study and report at this stage. We can then return to this problem equipped with the information we need to carry out the obligation imposed by article V:

Negotiations on this subject shall commence as soon as possible after the Treaty enters into force.

82. Before leaving nuclear disarmament measures I should like to say a word about nuclear-free zones. These present another possibility for progress and equally deserve our support although depending for their negotiation on the initiative of countries in the area concerned. My Government strongly supports such initiatives and it is a matter of great satisfaction to me that we were the first nuclear Power to sign the protocol of the Treaty of Tlatelolco last year.[3] We hope to see further groups of States follow the outstanding example set by the Latin American States.

83. I have so far concerned myself with arms control and disarmament measures in the field of nuclear weapons. There can be no doubt of the overriding importance of this aspect of our work. However, I believe it would be wrong to confine ourselves exclusively to nuclear matters in the weeks and months ahead. Peace and enhanced security will come equally from a general reduction of non-nuclear armaments. Conventional weapons and forces indeed represent a high proportion of the burden of defence which afflicts us all. We all, rich countries and poor countries alike, spend money and resources on defence forces which we can ill afford and which could be so much better devoted to other things. We must devise ways of increasing our security at the same time as reducing the crippling and growing expenditure on armaments.

84. Although primarily the concern of the countries in the area and not that of this Committee, regional arrangements for arms control and disarmament offer great scope. We should all do what we can to assist their development. Most member nations here have accepted my invitation to send representatives to visit the conventional arms control verification exercise, "First Look", which we are currently carrying out in England jointly with the United States Government. Proper verification techniques are an essential ingredient of any agreement to limit the size of forces and I hope therefore that the experience gained in this exercise will be of value to the

[3] *Documents on Disarmament, 1967*, pp. 69–83.

Committee and serve as a stimulus to more interest and progress in this field. I need hardly say, of course, that we are ready to make available to the Committee full information on the exercise and the conclusions which can be drawn from it.

85. In this context I should like to recall that, as recorded in the communiqué issued after the ministerial meeting in Reykjavik last month, the North Atlantic Treaty Organization is undertaking an intensive programme of study of disarmament and practical arms control measures.[4] We are concentrating as an initial effort on the study of the possibility of balanced force reductions between East and West. We believe that it would be in all our interests to try to maintain the balance at a lower level of forces. It is our earnest hope that the work now being done on this subject within the Alliance will in due course lead to international progress on arms control on the continent of Europe.

86. Another particular aspect of conventional disarmament problems to which my Government has devoted much thought is that of the international trade in arms. The British Government would welcome international agreement on effective measures to control the arms trade. We have given careful study to the problems involved and the best way to make progress. Nothing would be gained by minimizing the difficulties that would have to be overcome in working out acceptable international arrangements. Moreover, effective implementation of an international agreement on arms supplies would require the active support of all major supplying countries; otherwise those participating in the agreement would be putting themselves at an economic and political disadvantage. But I do earnestly suggest that this is another subject for which the Eighteen-Nation Committee on Disarmament should find a place on its agenda.

87. However, my own priority for action in the non-nuclear field concerns chemical and biological warfare. This is the last subject I want to deal with this afternoon. Some countries claim that nothing more is needed in this field than that all States should adhere to the 1925 Geneva Protocol prohibiting the use of chemical and bacteriological weapons and strictly observe its principles.[5] I recall the resolution of the General Assembly on this subject in the twenty-first session [6] and, of course, would like to see all countries which have not done so already ratify the Protocol. But I cannot agree that this is all that is needed, and there are three points to which I would draw attention. The first is that the States which are parties to the Protocol—I think there are fifty-four of them—have not all undertaken exactly the same obligations. Many of them, including the United Kingdom, have reserved the right to use chemical and biological weapons against non-parties and violators of the Protocol. Secondly, even if all States were to accede to the Protocol there would still be a risk of large-scale use of the proscribed weapons as long as States have the right to manufacture such weapons and to use them against violators. Thirdly,

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[4] See *ante*, pp. 447–450.

[5] Senate Foreign Relations Committee, Subcommittee on Disarmament, *Disarmament and Security: A Collection of Documents, 1919–55* (Com. print, 84th Cong., 2d sess.), pp. 169–170.

[6] See pt. B of G.A. resolution 2162 (*Documents on Disarmament, 1966*, pp. 798–799).

there is no consensus on the meaning of the term "gases" in the phrase "asphyxiating, poisonous or other gases and all analogous liquids, materials or devices". The French and English versions of the Protocol do not correspond exactly and this has led to disagreement on whether non-lethal gases are covered by the Protocol. It is also argued that the term "bacteriological" as used in the Protocol is not sufficiently comprehensive to include the whole range of possible biological agents of warfare. Unhappily, there have been considerable developments in both the chemical and biological means of warfare in the forty-three years since the Protocol was concluded.

88. This suggests that there is a strong case for either revising the Geneva Protocol or trying to negotiate some additional instrument to clarify and strengthen its provisions while keeping the Protocol itself in being.

89. My preference is for the latter course and my Government has for some considerable time been studying the problems involved. These studies will be finalized shortly and I hope then to put some positive and specific proposals before the Committee with a suggestion that it adopt them as a basis for consideration with a view to taking action in this field at an early date.

90. The problems involved in seeking to go beyond the Geneva Protocol seem greater, and international opinion less clear, in the field of chemical weapons than in that of biological weapons. The former have already been used in war with terrible effect. The latter have never been used but they are generally regarded with even greater abhorrence, if that be possible.

91. It seems, therefore, that one answer may be to make a distinction between chemical and biological weapons in our approach to the problems involved. I would like to suggest that we should try to go beyond the Geneva Protocol for both chemical and biological warfare, but I think it may be easier first to tackle agents of biological warfare and seek to conclude an instrument on biological warfare which would go beyond the Geneva Protocol and actually ban the production and possession of agents of biological warfare. I am confident that such a step would command very wide, if not universal, support from the peoples of the world. I make this declaration of intent today because I believe it is necessary to indicate the importance we attach to early action on this subject, and also to canvass the opinions of members of the Committee. I recognize that the question of verification in this field presents particular difficulties but I expect to be able to make proposals bearing on this aspect of the problem. I hope to submit a working paper which may serve as a basis for the full and serious consideration which I am sure the Committee will wish to give to this subject.

92. As far as chemical warfare is concerned I think we must rest content for the moment with the Geneva Protocol. As an aid to further action, however, I would take up a proposal contained in the draft resolution submitted by the Maltese delegation at the last session of the United Nations General Assembly and suggest that our co-Chairmen on behalf of this Committee should request the Secretary-General to prepare a report on the nature and possible effects of chemical weapons and on the implications of their use, with a view to giving this Committee an international scientific basis for future

consideration of further measures for their limitation and control, as well as focusing public opinion on the issues involved. This would follow the precedent of the recent very valuable report on the effects of the possible use of nuclear weapons which has been so often quoted in our discussions.[7] The British Government would be willing, of course, to play a full part in the preparation of such a report.

93. I conclude by summing up my proposals as follows:
first, that the co-Chairmen, on behalf of the Committee, in the very near future should request:

(a) the Chairman of the Board of the International Atomic Energy Agency to prepare a report for our guidance on the action it could take to assist in the implementation of article V of the non-proliferation treaty, and
(b) the Secretary-General of the United Nations to prepare a report on the nature and possible effects of chemical weapons and on the implications of their use;

second, that the Committee should accord priority in its work to the preparation of a comprehensive test-ban treaty and that the problem of on-site inspections be considered along the lines I have suggested; and
third, that priority in the non-nuclear field be accorded to an instrument to ban the production and possession of agents of biological warfare.

94. In this Committee we are engaged upon the most important work in the world. We must put disarmament back on the international map. On behalf of my Government I undertake that we will do all in our power to assist the Committee to make substantial and speedy progress.

Statement by ACDA Deputy Director Fisher to the Joint Committee on Atomic Energy: Bill To Amend the Atomic Energy Act of 1954, July 18, 1968 [1]

Mr. Chairman, Members of the Joint Committee on Atomic Energy, I am here today to testify with respect to H.R. 18448 and S. 3783,[2] on behalf of the Arms Control and Disarmament Agency and the Department of State. We are pleased that this Committee, through the introduction of these two bills, is continuing its unique role in furthering the peaceful uses of nuclear energy. The events of the past few years have amply demonstrated that the potential benefits from the peaceful uses of the atom, including nuclear explosions for peaceful purposes, must be made available to all mankind. The proposed amendments to the Atomic Energy Act which we are discussing today deal with this very important subject, and deserve the most serious and com-

[7] *Ibid.*, *1967*, pp. 476 ff.
[1] ACDA files.
[2] S. 3783 appears *ante*, pp. 530–531.

prehensive study. Consequently, my statement today can only be preliminary in nature.

As I understand it, the purpose of these bills is to amend the Atomic Energy Act of 1954, as previously amended,[3] to authorize the Atomic Energy Commission to enter into contracts to provide services for practical applications of nuclear explosions for peaceful purposes both domestically, and to other States or international organizations in accordance with our international undertakings.

My remarks this morning will concentrate on the international aspects of the bills, and particularly their relationship to our undertakings under Article V of the Treaty on the Non-Proliferation of Nuclear Weapons, which was signed in the United States on July 1.[4]

The purpose of that Treaty is to prevent the proliferation of nuclear weapons. It recognizes that nuclear explosive devices used for peaceful purposes are technologically the same as bombs and must not be transferred. H.R. 18448 and S. 3783 are consistent with this and with Articles 91 and 92 of the Atomic Energy Act by providing that the custody and control of the devices used must remain with the Commission. I assume that when these explosions are carried out domestically, custody and control will likewise remain with the Commission.

Article V of the NPT provides as follows:

> Each Party to the Treaty undertakes to take appropriate measures to ensure that, in accordance with this Treaty, under appropriate international observation and through appropriate international procedures, potential benefits from any peaceful applications of nuclear explosions will be made available to non-nuclear-weapon States Party to the Treaty on a non-discriminatory basis and that the charge to such Parties for the explosive devices used will be as low as possible and exclude any charge for research and development. Non-nuclear-weapon States Party to the Treaty shall be able to obtain such benefits, pursuant to a special international agreement or agreements, through an appropriate international body with adequate representation of non-nuclear-weapon States. Negotiations on this subject shall commence as soon as possible after the Treaty enters into force. Non-nuclear-weapon States Party to the Treaty so desiring may also obtain such benefits pursuant to bilateral agreements.

A key provision, which is reflected in the proposed legislation, is that the potential benefits from any peaceful applications of nuclear explosions will be made available to non-nuclear weapons parties on a non-discriminatory basis and that the charge to such parties for the explosive devices used will be as low as possible and will exclude any charge for research and development. I assume that the proviso following the second sentence of Section 3 of the bills we are discussing this morning is intended to refer to Article V of the NPT.

An integral part of the legislative history of Article V is the statement of five principles enunciated by the U.S. representative to the Eighteen Nation Disarmament Committee on March 21, 1967. I request that these principles be inserted in the record at this point.[5] Among other things, they make clear that the provision of these services will not be withheld for extraneous reasons.

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[3] Joint Committee on Atomic Energy, Congress of the United States, *Atomic Energy Legislation Through 90th Congress, 1st Session* (Jt. Com. print, 90th Cong., 1st sess., 1968), pp. 1–94.

[4] *Ante*, pp. 461–465.

[5] See *Documents on Disarmament, 1967*, pp. 173–174.

Article V also provides that, as soon as possible after the treaty enters into force, negotiations are to commence on a special international agreement or agreements under which non-nuclear weapon States party to the treaty will be able to obtain the potential benefits from peaceful applications of nuclear explosions through an appropriate international body with adequate representation of non-nuclear weapon states.

As the President put it in his message to the opening session of the ENDC on July 16:

> **In the view of the United States, the International Atomic Energy Agency is the 'appropriate international body' through which the non-nuclear-weapon Parties to the Treaty may obtain these benefits under Article V of the Treaty if they choose to do so. We also believe that the IAEA is the appropriate forum for development of procedures and agreements relating to the furnishing of the peaceful nuclear explosive services obtained through the IAEA.[6]**

In this connection, I trust that the Committee will wish to consider whether these bills should contain a reference to Section 124, as well as Section 123 of the Atomic Energy Act, and if so whether Section 124 should be amended to refer to the new Section 161w. They might consider, in making this decision, whether they would expect, at an appropriate time, to amend the International Atomic Energy Agency Participation Act of 1957 [7] to make provision for this added function. In any event, I assume the Committee will at all times bear in mind the necessity of keeping such legislation consistent with our undertakings under Article V of the NPT, and with the assurance made by the President on the occasion of the signing of the NPT, that "We shall make readily available to the non-nuclear treaty parties the benefits of nuclear explosions for peaceful purposes and we shall do so without delay under the Treaty's provisions".

Some other features of Article V were dealt with in Chairman Seaborg's excellent statement last Friday before the Senate Committee on Foreign Relations. I request that the pertinent portion of that statement be inserted in the record at this point.[8] I call your attention particularly to his comments about the treaty's provision on "appropriate international observation". In this connection, I also request that there be inserted in the record of these hearings the questions that the staff of this Committee has posed with regard to such international observation and the answers that were submitted by the AEC for the record of the NPT hearings.[9]

In presenting H.R. 18448, Congressman Hosmer recognized the importance of such additional questions as financial protection, possible licensing requirements for users, and other matters concerning the provision of peaceful nuclear explosion services. I would specifically like to mention the question of indemnity as one of critical concern, which will require the most careful and detailed consideration.

Congressman Hosmer's introductory remarks also indicated the need to consider an amendment to the Limited Test Ban Treaty so that a wider range of explosions can take place to facilitate the de-

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[6] *Ante*, p. 532.
American Foreign Policy: Current Documents, 1957, pp. 1399-1401.
[8] *Ante*, pp. 516-524.
[9] *Ante*, pp. 524-528.

velopment of excavation technology. At this juncture I would like to make only two points about the Limited Test Ban Treaty.[10] First, neither the NPT nor the proposed legislation in any way alters our obligations under that treaty. Second, it is my belief that Article V of the NPT should improve the chances of obtaining an appropriate amendment to the Limited Test Ban Treaty that could be called for in connection with nuclear excavation. In the five principles set forth above, we stated that there should be full consultation among nuclear and non-nuclear parties to that treaty about any such amendment.

Thank you very much for inviting me to discuss with you the provisions of H.R. 18448 and S. 3783. From my remarks I hope it is clear we do not underestimate the complexity of the problems of dealing with this subject. I shall be happy to answer any questions.

Statement by ACDA Director Foster to the Eighteen Nation Disarmament Committee: Nuclear Explosions for Peaceful Purposes, July 25, 1968 [1]

2. Today I should like to speak briefly about nuclear explosions for peaceful purposes. We know from a variety of discussions that this is a subject of particular interest to many delegations.

3. As the Chairman of the United States Atomic Energy Commission told the Committee of our Congress considering the non-proliferation treaty the United States believes that article V of the treaty—

> . . . specifically commits us to take appropriate measures to make available the benefits which can be obtained from peaceful nuclear explosions.[2]

Article V resulted from the recognition that nuclear explosive devices intended for use for peaceful purposes could be used as weapons or readily adapted for such use. Hence, to avoid a loophole, articles I and II were written to preclude the possibility of the non-nuclear-weapon parties manufacturing or acquiring nuclear explosive devices even for peaceful purposes. At the same time it was recognized as essential to provide non-nuclear-weapon parties with the firmest possible assurance that they would be able to derive the full potential benefits from the peaceful applications of nuclear explosions.

4. Article V preserves for non-nuclear-weapon parties the option to obtain peaceful nuclear explosion services from nuclear-weapon parties pursuant to bilateral agreements. But it also calls upon the parties to ensure that the benefits of such explosions can be obtained by non-nuclear parties through an appropriate international body with adequate representation of non-nuclear-weapon States. President Johnson's message of 16 July to this Committee states my Government's belief that the International Atomic Energy Agency (IAEA) should be that international body.[3] We note that Canada, Sweden and the United Kingdom have already supported this idea.

[1] *Documents on Disarmament, 1968*, pp. 291–293.
[2] ENDC/PV. 384, pp. 4–6.
[3] See *ante*, p. 522.
[4] *Ante*, pp. 531–532.

5. Certainly there is no need to create a new international organization. The IAEA has a wealth of relevant experience in working out specific international arrangements for the peaceful uses of atomic energy: That is an important reason for turning to the IAEA as the appropriate forum in which specific procedures should be developed for providing such services in response to requests made through the IAEA. The details of these procedures will of course be the subject of negotiations. Article V provides that these negotiations shall begin "as soon as possible after the treaty enters into force."

6. In his address to the General Assembly President Johnson made clear our intention to do what must be done to carry out our prospective commitment under article V. He said:

> . . . we shall continue our research and development in the use of nuclear explosions for peaceful purposes. We shall make available to the non-nuclear Treaty partners, without delay and under the treaty's provisions, the benefits of such explosions.[4]

The United States will continue to conduct within the limitations of available funds an active programme to develop nuclear explosive devices particularly suited for peaceful applications and to develop the technology of using nuclear explosions for peaceful purposes.

7. Let me emphasize that we are still in a relatively early stage of development. The Chairman of the United States Atomic Energy Commission put it this way in his statement to our Congress:

> Considerable effort is still required to apply our basic knowledge to specific commercial applications and we have much to learn about the industrialization of operations and the design of supporting equipment. Our domestic research and development programme is addressing all of these facets, but it will be several years before optimum nuclear explosive designs and the technology for all applications of nuclear explosions will be developed to the stage of commercial use. However, beginning in the near future, we hope some applications will become economically attractive and will be exploited even as the technology continues to develop.[5]

8. Continued successful development in three areas is required before nuclear explosion technology becomes an established industrial tool.

9. First, there are the nuclear explosives themselves. In this area, as the United States Atomic Energy Commission has indicated, considerable effort is still required to transform our existing knowledge of nuclear device design into nuclear explosives which are useful in a variety of industrial applications. The United States has made progress here; but more development is required to produce nuclear explosive designs which have the desired performance and characteristics. Obviously, this is an evolving technology in which improvements can be expected for many years through continuation of our research and development. However, we believe that usable, though not optimum, nuclear explosive designs for certain applications will be available in the near future. In this connexion I wish to repeat that all nuclear devices intended for use for peaceful purposes can also be used as weapons or readily adapted for such use.

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[4] *Ante*, p. 434.
[5] *Ante*, pp. 522-523.

10. Second, there is the needed development of a detailed understanding of the basic phenomena of underground nuclear explosions. Specifically, we must learn more of how the depth, the rock strength, the chemical properties of rock and other characteristics of the environment affect the size and shape of the crater or chimney produced. Here again we have carried out substantial research but still have much to learn.

11. Third, there is the application of the explosive devices and the effect of the resulting explosion on the underground environment to specific uses, such as stimulation of tight gas formations, construction of harbours and canals, creation of underground storage facilities, fracturing of oil shales to prepare them for retorting in-place, and the breaking of low-grade ore bodies to facilitate recovery of natural resource. The potential of these applications is very impressive.

12. As our research and development efforts proceed, we will continue to make freely available the information and data obtained, except information relating to the design or manufacture of the nuclear explosive devices. Furthermore, we will be prepared to make arrangements whereby we will make available technical advice and assistance, within our capability, to those non-nuclear-weapon parties which seek assistance in studying specific peaceful applications of nuclear explosions. The knowledge we would gain from assisting in such studies should also permit us to take into account in our research and development programme, various applications in which other countries are interested.

13. United States domestic legislation contains clear authority to conduct research and development experiments. But in order to fulfil our obligations under article V with respect to practical applications, legislation was introduced into our Congress last week to establish the scope and conditions for the United States Atomic Energy Commission's authority to fulfil those obligations on behalf of the United States.[6] This new legislation will provide a useful vehicle to take us through a transition period while the technology and the procedures for providing explosive services are evolving. Not only must a great deal of technical research be conducted, but we must learn much more about the administrative problems. The transition period will help us to gain the knowledge to develop standardized procedures appropriate for practical applications in handling such significant matters as security, health and safety responsibilities and indemnification.

14. While it is clearly too soon to work out the final details, I can give the Committee the broad outline of our present plans. When particular applications are found to be feasible, we plan to make a nuclear explosion service available to domestic users and to non-nuclear-weapon parties to the treaty. In addition to the nuclear explosive devices used and any technical review of the project undertaken by the United States Government, the nuclear explosion service would include the transportation of the devices from the assembly plant to the project site, their emplacement at the prepared site and their arming and firing. The users of the service, whether it is furnished domestically or pursuant to article V, will pay for the service in accordance with the rates established for its various elements. These

[6] *Ante*, pp. 530-531.

rates would be no less favourable for the non-nuclear-weapon parties than for United States domestic users. As article V provides, the charges for the nuclear explosive devices used in furnishing the service will not include the cost of their research and development.

15. To be consistent with articles I and II of the treaty, arrangements must be made to ensure that the nuclear explosive devices used in furnishing such a service to non-nuclear-weapon parties remain at all times under the custody and control of the nuclear-weapon State. Thus the appropriate international observation contemplated by the treaty cannot include access by the observers to the design or internal operation of nuclear explosive devices. Consequently, there will be no transfer of nuclear explosive devices or control over them. Nor will the service in any way assist, encourage or induce any non-nuclear-weapon State to manufacture or otherwise acquire nuclear explosive devices.

16. In providing a nuclear explosion service pursuant to article V, the United States must, of course, observe the requirements of the limited test-ban treaty.[1] Meeting these requirements will not be difficult in our research into and development of nuclear explosive devices for all peaceful applications. Nor will it be difficult for development of the technology for the application of nuclear explosions to underground engineering projects. The complete development of technology for some nuclear excavation projects cannot be carried out completely, however, within the present restrictions of the limited test-ban treaty. Modification of those restrictions would be required to permit the complete development of the technology and the execution of such projects.

17. In conclusion, let me repeat that the technology in this area is still in a relatively early stage of development. Let me urge that we agree upon the IAEA as the appropriate international organization through which non-nuclear parties may seek the benefits to be provided under article V. And we can see no reason why we should not confidently turn to the IAEA for the development of procedures and agreements relating to the furnishing of the peaceful explosion service to be obtained through the IAEA.

Statement by the Swedish Representative (Myrdal) to the Eighteen Nation Disarmament Committee: Comprehensive Test Ban, July 30, 1968 [1]

2. As the time available to the Committee for this session is brief, I feel that the earliest opportunity must be used for starting a substantive discussion on further disarmament measures. I also have in mind the encouraging example of the representative of the United Kingdom, Mr. Mulley, who already filled his first statement in the Committee at this session with an amplitude of concrete suggestions.[2]

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[1] *Documents on Disarmament, 1963*, pp. 201–203.
[1] ENDC/PV. 385, pp. 4–13.
[2] *Ante*, pp. 533–538.

3. Therefore this morning I am asking that the Committee's attention be turned to a specific and urgent subject: a comprehensive ban on nuclear-weapon tests. Not only the repeated demands by the United Nations General Assembly for action in this field but also some new and encouraging events justify renewed preoccupation with this matter. I do not dare to be so optimistic as to expect a fully-fledged treaty banning underground tests to be concluded at this very session; but we ought to be able to report to the General Assembly in due time that considerable progress is being made. Such news about our work would stimulate further the disarmament debate in general. And a more active debate of this kind might well turn up suggestions of practical importance for our continued work on a treaty banning all tests. It might also be in the interest of the technical groups concerned with testing to get a signal for the planning of the organization of a changeover in the foreseeable future.

4. As to the encouraging new events which might smooth the way for our work, I have in mind in particular two developments, one political and one more technical in nature.

5. The political—and the more important—one, of course, refers to the pledges made by the United States and the Soviet Union to undertake bilateral negotiations on restricting strategic nuclear weapon systems, offensive and defensive. If, as we all hope, the main Powers come to an agreement to halt the further development of these already very advanced weapon systems, the main reason for conducting nuclear tests in those countries should disappear. Thus, fortunately, the defence security arguments for a test ban are becoming stronger, since the parties to an agreement limiting the development of strategic systems will want reassurance as to the mutual respect for such an agreement. A comprehensive test ban may thus become an almost necessary ingredient of an over-all agreement on the non-development of strategic weapon systems.

6. The second auspicious event is the continued progress made in regard to methods of control of an underground test ban. I am thinking specifically of verification by seismic methods. We have noted with deep satisfaction and as a good omen that for the first time in many years scientists from different sides came together recently at an unofficial scientific meeting to discuss the technical aspects of the control of an underground test ban. I am referring to the meetings which took place recently in Sweden under the auspices of the International Institute for Peace and Conflict Research in Stockholm (SIPRI), at which experts from Canada, Czechoslovakia, France, India, Japan, Romania, Sweden, the United Kingdom, the United States and the USSR were present. A unanimously-adopted summary of their full report has been made available to delegations in document ENDC/230.[3]

7. I think it should be noted that, although the Swedish delegation has served as an intermediary, the document is the responsibility, of course, of that international and independent Institute. The full report of the meetings, containing also the explicit views on points on which the experts differed, will be made available as a publication by the Research Institute in the near future. As I have just mentioned,

[3] *Ante*, pp. 455–458.

the summary report contains the points on which the experts were agreed. In view of the fact that a similar confrontation of views between experts has not taken place since 1960, the results of those meetings—though unofficial in character—deserve close study. I therefore wish to make the following remarks on the background and the contents of that summary report.

8. The discussion by the experts was limited to the basic methods for the control of an underground test ban by national means only, and did not deal much with the practical applicability of the basic methods which are available at present. It was recognized by all participants that one seismological identification method developed in the United Kingdom, using the relative strength of long- and short-period earth movements, gives a sufficiently certain positive identification of underground explosions, provided the explosions are strong enough. Those findings in the United Kingdom were supported by similar evidence from Canada, the Soviet Union and the United States. It was also found that existing ordinary seismological networks could be used to apply that method in regard to explosions in hard rock when the yields were from 20 to 60 kilotons. Concerning smaller explosions the experts did not reach a consensus.

9. It should be noted that the report was produced within a limited framework. The experts did not at that time explore in detail the possibilities of using the big, modern array stations equipped with the very sensitive long-period seismographs required for applying to weaker underground events the British identification method I have just mentioned.

10. It also became clear at the meetings that the different characteristics of the instruments employed in the Soviet Union on the one hand and in most other countries on the other hand necessitate further studies, both experimental and theoretical. The great value of personal contacts in this rather special field is well illustrated by the fact that some comparative calculations were immediately undertaken by some of the participants, who were then able to explain to their colleagues who were present some of the essential elements of differences in evaluation caused by the fact that experts used differing systems. I mention that detail only to stress the important practical value of meetings of experts towards a further understanding of the complicated control issue.

11. I should now like to turn to some specific conclusions that we in our delegation have drawn from the summary report of the experts. I would first mention the encouragement we feel in seeing mentioned as one of the possibilities for further improvement of identification the employment of statistical methods as we proposed here at last year's session of the Eighteen-Nation Committee on Disarmament.[4] We have now a renewed confidence in our belief that these methods could be a very efficient tool for bridging the remaining magnitude gap between strong underground events that can be identified with certainty today by using seismological means alone, and weaker events which would have to be covered in order to underpin an underground test ban with a completely meaningful control system. I do not wish to take the Committee's time by repeating here and now what my

[4] *Documents on Disarmament, 1967*, pp. 305–309.

delegation said last year when we tried to elaborate in the Committee on this method; but I beg to refer my colleagues to the relevant verbatim records, documents ENDC/PV. 309, 315 and 323.[5]

12. In this connexion it should be noted that the experts in their summary report make clear that explosions weaker than 20 kilotons and completely contained in very loose soil or in large cavities in hard rock seem to escape all present means of detection and identification from a distance.

13. The countries which have repeatedly insisted on the importance of an effective international data exchange system as a vital part of the control arrangements for an underground test-ban agreement should be gratified by the unanimous support of the experts for such an exchange. In our delegation we have noted this part of the report as an encouragement for continued efforts to establish that co-operative system of data exchange.

14. My own conclusion, after having studied carefully the report by the experts, is that the state of the art of identification by seismological methods has progressed further and that we should be particularly encouraged by the fact that experts from various important countries have for the first time agreed that a broad field of seismic events do allow positive identification as to their origin: are they natural earthquakes or man-made explosions? This progress seems to be so important that it must have an influence on political positions. The negotiating positions maintained since 1963 simply cannot remain fixed and frozen.

15. To be effective, our work in relation to underground test-ban control must be carried forward in converging directions. The effort of the scientists to provide efficient control methods must now be matched by a corresponding effort to set a defined political goal for the control endeavours. This would in practical terms mean political decisions on what risk, at different explosion-yield levels, of unrevealed cheating is tolerable. If we make such decisions it will give the scientists working in this field the necessary guidance to know when their efforts to extend identification possibilities have reached the stage where their findings can be put to definitive practical use. But what is much more important is that we are all eager to see a convergence of the political desiderata with the technical capabilities, in order to narrow the field of dispute and reach a viable agreement.

16. The United Kingdom delegation has opened this debate by making some new and concrete suggestions. I should like to turn for a moment to Mr. Mulley's ideas and offer some preliminary comments. We first observe his suggestion—

> **. . . that consideration be given to the possibility of the treaty's providing for a special committee whose function it would be to consider complaints of infringements of the treaty and assess the evidence produced in support of the complaint.[6]**

17. As we have in this Committee had some earlier experience with similar suggestions—I am thinking of the proposal by the eight non-

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[5] *Ibid.*, pp. 272-278, 310-312, 333-338.

[6] *Ante*, p. 533.

aligned members of the Committee for an international commission [7]—we shall, of course, be particularly interested to learn in due time about the acceptability of this idea at the present time to the other nuclear-weapon Powers members of this Committee. Until we know more about the attitude of others, the Swedish delegation would not wish to bind itself to any definite position on this point, the more so as Mr. Mulley's proposal of a committee seems to presuppose that obligatory inspection *in loco* is a necessary element of a comprehensive test-ban control system. As we have stated in the past, my delegation is not ready to commit itself to that assumption. Our efforts in the control field have, on the contrary, been inspired by a desire to reduce the requirements for inspections and to find ways of securing sufficient verification by other methods, offering greater hopes of general acceptability and being, at the same time, less burdensome for all the parties which may wish to make a contribution to the verification of a treaty. The seismological methods have the additional advantage of offering a "spin-off" leading to improved possibilities of earthquake prediction.

18. I shall turn now to Mr. Mulley's other suggestion, concerning a system of quotas for tests on a descending scale over a limited period of years, ending with a nil quota after which further tests would be banned absolutely.[8] This is an interesting addendum to the list of earlier proposals for some *modus vivendi* arrangement, including various proposals on some kind of moratorium. There may come quite an avalanche of comments and views, critical and otherwise, on this point, but let me at this early stage in the debate try to pose a couple of positive ideas, or at least positive queries, to Mr. Mulley and other interested parties.

19. The first is, would a phasing-out period facilitate agreements on control by allowing experimentation with verification methods? More particularly, would the method of verification by challenge—which is in reality the method in operation as far as the Moscow Treaty is concerned [9]—be tested on some suspicious event occurring outside the announced series in the legalized category? That would seem to be in line with a similar suggestion made first in another international forum and then introduced in this Committee by Lord Chalfont.[10]

20. A second, and perhaps in reality rather opportune, possibility is that the proposed legalized quota of underground explosions might be set aside to serve the further development of explosive devices for peaceful purposes. Of course, all types of peaceful explosions should in any case be inside the quota. This idea might be made a constituent element in the agreement on an international régime for peaceful nuclear explosions. It would seem to be appropriate that the stage of "free" experimentation would end with our arrival at a final test ban, as thereafter explosions for development purposes would come under the same rules as those for active utilization of the devices. I must remark that otherwise the prospects of continued development

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[7] *Documents on Disarmament, 1962*, vol. I, pp. 334–336.
[8] *Ante*, p. 534.
[9] *Documents on Disarmament, 1963*, pp. 201–203.
[10] ENDC/PV. 279, pp. 13–15.

work on the peaceful nuclear devices mentioned by the representative of the United States, Mr. Foster, at our last meeting [11]—specifically in so far as it calls for test explosions—could hardly be made compatible with a ban on nuclear-weapon testing. We have to recall that, as has been said so often, a nuclear device is a nuclear device and is inseparable from a nuclear weapon. Just as inseparable, and certainly as unscrutinizable, is, of course, development work on them. I believe there is a consensus on this point.

21. Despite the weight of these more technical arguments, the chief issue in regard to Mr. Mulley's proposal is, of course: would this proposal for a step-wise cessation of underground tests lead to a progressive build-up of mutual confidence?

22. In order to carry us further forward, I also feel obliged to proffer a comment on some remarks made by the representative of Czechoslovakia, Mr. Lahoda, at our meeting of 23 July.[12] He reminded us of an idea, originally put forward in our Committee by the delegation of the United Arab Republic, that underground tests might be stopped even if no agreement could be reached on a complete ban.[13] This would be achieved by temporarily combining a definite prohibition of underground explosions above a certain threshold, expressed in seismic magnitude, with a moratorium on explosions below that level. When this proposal has figured in disarmament debates it has been connected with an apparent expectation that the given threshold could be successively lowered with the advance in identification reliability.

23. I am afraid, however, that the idea behind this suggestion does not seem to be a very hopeful one, on account of the technicalities involved. It is not possible to obtain an unequivocal interpretation of seismic records so as to determine the yield of an explosion. One reason—as indicated in the summary report of the recent meeting of seismological experts—is that the conditions of the ground in which an explosion takes place can affect the observed magnitude by more than one unit on the seismic scale. The conclusion is unavoidable, although regrettable, that it is not feasible to control a ban on test explosions above a prescribed threshold through verification by seismological methods.

24. Turning now from considerations of some special suggestions, I want to bring back to our attention a proposal, made by my delegation earlier,[14] that the Eighteen-Nation Committee on Disarmament should at last sit down to the straightforward work on a draft treaty text to ban the whole range of underground testing. We all know that only a text will call forth a fully considered, responsible and concrete formulation of positions. With the texts of the Moscow Treaty [15] and the non-proliferation treaty [16] before us, the drafting would not seem to be overwhelmingly difficult.

25. The preambular paragraphs could to a large extent be repeated or condensed from those treaty texts, to which a treaty banning

[11] *Ante*, pp. 541–544.
[12] ENDC/PV. 383, p. 20.
[13] *Documents on Disarmament, 1965*, pp. 344–345.
[14] *Ante*, pp. 61–63.
[15] *Documents on Disarmament, 1963*, pp. 291–293.
[16] *Ante*, pp. 461–465.

nuclear-weapon tests underground would be a supplement. A first operative article would obviously have to contain the obligation by the parties to prohibit, to prevent and not to carry out any underground nuclear-weapon test explosions, or, subject to an exception which has to be made, underground explosions of any other nuclear explosive devices. This would be fully in conformity with the earlier treaties, as would a second paragraph to refrain from encouraging such activities in other countries. An explicit exception to the main article would have to state that the provisions did not apply to explosions which were carried out for construction or other peaceful purposes and which took place under an international régime and in conformity with a separately-negotiated international agreement.

26. In passing, I might mention that such a separate agreement on peaceful nuclear explosions, to which several delegations have devoted attention here in the Eighteen-Nation Committee on Disarmament and in the United Nations debate, would have to contain the rules about nuclear devices used for such purposes. These will have to remain within the possession and custody of nuclear-weapon countries; but their use should be pursuant to permission in each specific case by an international agency. As a concomitant to the prohibitory treaties—that is, the non-proliferation and the underground test-ban treaties—the benefits of exceptions would be granted to the signatories of one or both of these treaties.

27. In a second operative article in an underground test-ban treaty, obligations as to co-operation between parties should be spelt out according to lines which this Committee has by and large agreed to earlier: to co-operate in good faith to ensure the full observance of the treaty, to co-operate in an international exchange of seismological data, and to co-operate for the clarification of events which occur and which may be pertinent to the subject matter.

28. This might then lead to a third operative article, if it seemed necessary to deal more fully with the procedure for verification. There, in the first instance, would be set out the preliminary steps which would have to be taken and which do form part of a "verification-by-challenge" process: any party being entitled to make inquiries and receive information, any party being entitled to make proposals as to suitable methods of further clarification, and, finally, any State being entitled to invite inspection, such inspection to be carried out in the manner prescribed by the inviting State. This last provision may be unnecessary in a treaty, as all States do have this freedom of action as a self-evident right; but the pinpointing of the manner in which inspections should be undertaken may make inclusion of the provision worth while.

29. There would then remain the additional problem as to whether obligatory inspections should be prescribed. There we meet not only political but also several practical problems which are as yet unresolved—for example, the moot question whether the quota of inspections should apply to all signatories.

30. We must also visualize more clearly how the process should conclude if manifested suspicions that the treaty has been violated have not been satisfactorily cleared up. I do not intend today to probe

deeper into the subject matter of these problems, which are the only ones which seem to us really to be still debatable.

31. The main regulatory articles I have just discussed seem to flow out of our previous work, and following articles on signature, ratification, withdrawal, etc. can easily be made to parallel those in the instruments of new international law which we have already succeeded in establishing.

32. In view of the pressing need that the Eighteen-Nation Committee come to grips with further measures of disarmament, I have not hesitated today to touch upon a rather long list of the substantive issues we have to deal with as regards making the test ban comprehensive. The reasons for our persistent urging that this should be the next disarmament measure to be elaborated in the Committee are so compelling—indeed more compelling today than at any previous time. I should like to try to divide these reasons into three main categories.

33. One is the reason devolving from the transactional situation in our negotiations: the test-ban issue must be clarified as a link between the recently-concluded non-proliferation treaty and the agreement on an international régime for peaceful nuclear explosions, on which a decision should be taken soon. Through his intervention at our last meeting the representative of the United States, Mr. Foster, raised our hope for progress on this latter issue.[17]

34. A second reason of an imperative character is that the completion of the ban on nuclear testing would be a very important disarmament measure—and we are looking eagerly for the emergence of the first such measure, which we have been promised in article VI of the non-proliferation treaty. The cessation of the further development and refinement of nuclear weapons—that is, qualitative nuclear disarmament—now seems the most timely of the possible nuclear disarmament measures. Since "overkill" capacity has been reached by the main nuclear-weapon Powers, it is the race concerned with changing the quality of the weapon systems which is threatening to upset the precarious balance in which the world is living.

35. Finally, there is another, much more positive and enticing, reason for stretching our efforts to achieve an end to nuclear-weapon testing. Nothing could provide a poverty-stricken and problem-ridden world with a greater vision of hope than the release of the many thousands of scientists and technicians whose superior ingenuity is now exploited in this barren sector of advancing destruction capabilities. It has been said many times that the research and development phases of advanced weapon construction are the ones which tax particularly hard these crucial resources for innovation and problem-solving. The production and deployment phases are much more routine in character. That is why this ban on scientifically-advanced weapon development could be such a valuable factor for the world economy as a whole.

36. I submit that our respect for the human mind and our duties towards our fellow beings compel us to seek an early end to the waste we now permit and to the risks in regard to security which, at the same time, we incur.

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[17] *Supra.*

Statement by the Soviet Representative (Roshchin) to the Eighteen Nation Disarmament Committee, August 1, 1968 [1]

36. Over two weeks have passed since the Eighteen-Nation Committee on Disarmament resumed its work. At the Conference an interesting debate on topical problems of disarmament is developing, and various proposals are being put forward concerning ways and means of carrying out the tasks confronting the Committee. Many delegations have manifested a desire to indicate and lay down a way, by keeping to which it would be possible to take constructive steps for the purpose of developing and consolidating the success achieved as a result of the elaboration of the treaty on the non-proliferation of nuclear weapons.[2] The Soviet delegation is studying in the most attentive and thorough manner all the proposals and considerations put forward during the present discussion, being anxious to contribute in every possible way to the successful work of the Committee.

37. We note that the Soviet Government memorandum of 1 July concerning some urgent measures for stopping the arms race and for disarmament,[3] which was submitted to the Eighteen-Nation Committee by the Soviet delegation on 16 July, has aroused considerable interest among many of the participants in these negotiations. We express the hope that the proposals contained in that document will serve as a good basis for ensuring further progress in the work of the Eighteen-Nation Committee.

38. In accordance with the provisions of article VI of the treaty on the non-proliferation of nuclear weapons and the recommendations of the General Assembly at its twenty-second session, the main task now confronting us is that of conducting in a spirit of good will negotiations with the object of solving the problem of nuclear disarmament and diminishing the threat of a nuclear war.

39. The Soviet Government memorandum on disarmament focuses attention on problems of nuclear disarmament and of defending mankind against the threat of a nuclear war. The programme of measures for nuclear disarmament was elaborated by the Soviet Union with due regard to the interests of all States advocating the prohibition and destruction of all nuclear weapons.

40. The question of elaborating and concluding a convention prohibiting the use of nuclear weapons should, in our view, occupy one of the central places in the work of the Eighteen-Nation Committee. We must deal with this problem by virtue of the United Nations General Assembly recommendation. The Assembly, which considered this question on the initiative of the Soviet Union at its twenty-second session, expressed in resolution 2289—

> . . . its conviction that it is essential to continue urgently the examination of the question of the prohibition of the use of nuclear weapons and of the conclusion of an appropriate international convention.[4]

[1] ENDC/PV.386, pp. 13–22.
[2] *Ante*, pp. 461–465.
[3] *Ante*, pp. 466–470.
[4] *Documents on Disarmament, 1967*, pp. 626–627.

The task facing this Committee is to respond to that resolution of the United Nations in a constructive spirit.

41. Today, when enormous stockpiles of nuclear weapons have been accumulated in the world and the international situation remains tense, the solution of the problem of a ban on the use of nuclear weapons is especially urgent. The disastrous consequences for mankind inherent in a war involving the use of atomic and hydrogen weapons, and the immeasurable calamity and suffering it would bring to the whole world, are common knowledge. The members of the Eighteen-Nation Committee have at their disposal the report of the United Nations Secretary-General, U Thant, on the effects of the possible use of nuclear weapons,[5] prepared by a group of prominent scientists from various countries in accordance with resolution 2162A adopted by the General Assembly at its twenty-first session.[6] That report gives a very lucid picture of the catastrophe which would befall mankind if a nuclear war were to break out.

42. The Soviet Government's memorandum proposes that a draft convention on the prohibition of the use of nuclear weapons be discussed as a matter of high priority and that there should be an exchange of opinions on the convening of an international conference to sign an appropriate convention. The conclusion of a convention on the prohibition of the use of nuclear weapons would be of great importance for ensuring international security and would be a sound prerequisite for the accomplishment of other measures in the field of nuclear disarmament.

43. At the twenty-second session of the General Assembly the Soviet Union submitted a specific document on this problem, a draft convention on the prohibition of the use of nuclear weapons, with a view to making a practical contribution towards the speedy solution of this important problem.[7] The Soviet Government proposed that each State signatory to the convention should assume the obligation not to use nuclear weapons, not to threaten any State with their use, nor to incite other States to use such weapons. Under General Assembly resolution 2289 (XXII) the draft convention was transmitted to the Eighteen-Nation Committee and is now at the disposal of the participants in our negotiations.

44. The Soviet delegation would like to remind the Committee that the General Assembly, at its sixteenth session in 1961, upon the initiative of Ethiopia and other African and Asian States, adopted the Declaration on the prohibition of the use of nuclear and thermo-nuclear weapons. That Declaration is, I am sure, well known to all of us but I should like to recall its text. It states:

> (a) The use of nuclear and thermo-nuclear weapons is contrary to the spirit, letter and aims of the United Nations and, as such, a direct violation of the Charter of the United Nations;
>
> . . .
>
> (d) Any State using nuclear and thermo-nuclear weapons is to be considered as violating the Charter of the United Nations, as acting contrary to the laws of humanity and as committing a crime against mankind and civilization;[8]

[5] *Ibid.*, pp. 476–513.
[6] *Ibid.*, *1966*, p. 708.
[7] *Ibid.*, *1967*, pp. 419–421.
[8] *Ibid.*, *1961*, pp. 648–650.

45. Thus the United Nations has already outlawed nuclear weapons as threatening the whole of mankind. This United Nations recommendation expresses the will of the peoples of the world to ban the use of nuclear weapons, and all nations are called upon to act in accordance with it. Our task today is to establish the provisions of the Declaration banning the use of nuclear weapons in the form of an international treaty.

46. The conclusion of an international convention on the prohibition of the use of nuclear weapons would be a deterrent to those who might be disposed to resort to nuclear bombs and missiles. Such an agreement would develop and give concrete expression to the obligation of States to refrain in their relations from the use or threat of force, as laid down in the United Nations Charter,[9] by extending this obligation to atomic and hydrogen weapons, which are today the most dangerous means of warfare.

47. The proposal to conclude a convention banning the use of nuclear weapons enjoys wide support. The representatives of many countries both in the United Nations and in the Eighteen-Nation Committee have been urging for a long time the speedy solution of this important question. At our Conference the delegations of socialist countries—Poland, Czechoslovakia, Bulgaria and Romania—have repeatedly advocated the conclusion of a convention without delay. The representatives of Ethiopia, Mexico, the United Arab Republic, India and other non-aligned States participating in the work of our Conference have also expressed their support for the idea of prohibiting the use of nuclear weapons. The interest of the peoples and of the overwhelming majority of countries in prohibition of the use of nuclear weapons constitutes the basis on which the Eighteen-Nation Committee should conduct negotiations in order to achieve an agreement on this question.

48. However, in his statement at the 381st meeting of our Committee held on 16 July the representative of the United Kingdom, Mr. Mulley, questioned the expediency of concluding a convention on the prohibition of the use of nuclear weapons. He stated that such a prohibition would not shield the world against the possible use of nuclear weapons in an armed conflict, and, what is more, that a convention on the prohibition of the use of nuclear weapons "would not . . . contribute to security; it could well impair it . . .".[10] Can we consider such an argument to be substantiated? After all, it is beyond dispute that the best guarantee of the reliability of any agreement is the interest of the parties in such an agreement. That fully applies also to a treaty banning the use of nuclear weapons. If governments show their willingness to conclude a convention regarding the use of nuclear weapons, one may rest assured that such an agreement will be effective.

49. There are examples in history when there was no resort to certain kinds of weapons because their use had been banned by international agreements. Poison gases and toxic substances destroyed thousands of lives in the First World War, but they were not used in the Second World War, when the Geneva Protocol of 1925 prohibiting

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[9] See art. 2 of the Charter.
[10] ENDC/PV. 381, p. 26.

the use of chemical and bacteriological weapons was already in existence.

50. Nor can we agree with another argument of the United Kingdom representative, according to which "the only . . . way to remove the danger of nuclear war is by general and complete disarmament under effective international control". One might conclude from that statement that we should not take any partial steps at all towards disarmament and a diminution of the threat of war. If that is so, does it not remind one of the well-known thesis of "all or nothing", which, if it were to form the basis of our negotiations, could block all progress in the field of disarmament?

51. We, of course, base ourselves on the premise that the conclusion of a convention on the prohibition of the use of nuclear weapons is not an end in itself, after the achievement of which a halt could be made. On the contrary, such an agreement, just like the treaty banning nuclear weapon tests in the three environments [11] or the non-proliferation treaty, is regarded by the Soviet Union as a step towards the complete prohibition and destruction of such weapons, as a measure leading to general and complete disarmament. The Minister of Foreign Affairs of the Soviet Union, Mr. A. A. Gromyko, when putting forward at the twenty-second session of the General Assembly the proposal of the USSR for the conclusion of an international convention prohibiting the use of nuclear weapons, declared that—

. . . the Soviet Union is proposing that nuclear weapons be done away with politically and that the road further, towards their physical scrapping, be sought now.[12]

52. The draft convention proposed by the Soviet Union contains a special article—article 2—which formulates the obligations of the parties to the convention as follows:

. . . to make every effort to arrive as soon as possible at agreement on the cessation of production and the destruction of all stockpiles of nuclear weapons in conformity with a treaty on general and complete disarmament under effective international control.[13]

53. I should like also to remind the Committee that General Assembly resolution 2164 (XXI) on the convening of a conference for the purpose of signing a convention on the prohibition of the use of nuclear and thermonuclear weapons points out that—

. . . the signing of a convention on the prohibition of the use of nuclear and thermonuclear weapons would greatly facilitate negotiations on general and complete disarmament under effective international control and give further impetus to the search for a solution of the urgent problem of nuclear disarmament.[14]

54. We express the hope that the members of the Eighteen-Nation Committee will give thorough consideration to the problem of the prohibition of the use of nuclear weapons so that it may prove possible to reach an agreement in this important field. The Soviet delegation

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[11] *Documents on Disarmament, 1963*, pp. 201-203.
[12] *Ibid., 1967*, p. 418.
[13] *Ibid.*, p. 420.
[14] *Ibid., 1966*, pp. 803-804.

proposes that the Eighteen-Nation Committee, having considered the question of banning the use of nuclear weapons, should elaborate specific recommendations in that regard for submission to the twenty-third session of the United Nations General Assembly.

55. The question of banning underground explosions for testing nuclear weapons is an important aspect of the problem of nuclear disarmament. A comprehensive ban on nuclear-weapon tests would help to a considerable extent towards restricting the arms race, especially in regard to improvements and the creation of new and more sophisticated nuclear-weapon systems.

56. Most of the delegations that have spoken during the current session of our Committee have emphasized that now, after the conclusion of the non-proliferation treaty, the question of the prohibition of underground tests has quite logically and naturally moved into one of the foremost places in the agenda of the disarmament negotiations. The Soviet Union fully agrees with that point of view, and therefore has once again stressed in its memorandum that—

The Soviet Government is prepared to reach agreement without delay on the banning of underground nuclear-weapon tests on the basis of the use of national means of detection to control observance of the ban.[15]

57. It seems to us that the attempts of certain countries to hinder the adoption of a constructive decision regarding the prohibition of underground nuclear tests on the pretext that there is a need for some sort of international control and on-site inspections are merely an expression of the fact that certain governments are not yet ready to reach an agreement on this important question. Given modern national seismic instruments, practically no country can carry out an underground nuclear-weapon explosion secretly without incurring the risk of being exposed as a violator of an important international agreement. The only thing needed to reach agreement on the cessation of underground nuclear-weapon tests is a political decision by governments—and primarily those of the nuclear Powers—to put an end to such nuclear tests once and for all.

58. In that connexion I should like to refer to that part of the statement made by the representative of the United Kingdom, Mr. Mulley, which deals with the question of underground nuclear tests.[16] First of all it has to be said that the arguments he put forward for the establishment of an international control commission for control over the observance of an agreement were, once again, based on the idea of international inspection. That was quite rightly brought to our attention by the representative of Sweden, Mrs. Myrdal, in her very interesting statement at the meeting of the Committee on 30 July. She said:

. . . Mr. Mulley's proposal of a committee seems to presuppose that obligatory inspection *in loco* is a necessary element of a comprehensive test-ban control system.[17]

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[15] *Ante*, p. 468 (variant translation).
[16] *Ante*, pp. 533-538.
[17] *Ante*, p. 548.

59. Consequently the basis on which that proposal of the United Kingdom delegation rests remains the same, namely international on-site inspection. That approach—I should like to call the attention of the members of the Committee to the fact—is contrary to the position repeatedly stated by us which is that control over the observance of an underground test-ban treaty can and must be carried out by national means of detection. As all of you have noted, our memorandum of 1 July reiterates once again the approach which we have repeatedly advocated in the Eighteen-Nation Committee and in other international forums, including sessions of the United Nations General Assembly.

60. Let us take another United Kingdom proposal—that of establishing nuclear test quotas on a descending scale over a period of four or five years.[18] That proposal likewise does not in our view facilitate a speedy conclusion of an agreement on the cessation of underground nuclear tests. Instead of putting an end to such explosions in the very near future, it is suggested that we postpone cessation for a prolonged period of four to five years, whereas many countries justifiably call for an immediate solution of this important and urgent international problem.

61. We believe that the conclusion of a treaty on non-proliferation of nuclear weapons opens up new possibilities for the cessation of all tests of such weapons. For its part the Soviet Union will strive for the speedy achievement of this aim.

62. The Soviet Union, in advocating the accomplishment of such measures as a ban on the use of nuclear weapons and the cessation of underground nuclear tests, proposes at the same time that great attention should also be devoted in our negotiations to the broader aspects of nuclear disarmament. We advocate the complete elimination of nuclear weapons as such, and the exclusion once and for all of the threat of nuclear war from the life of mankind.

63. However complicated the problems of nuclear disarmament may be, we must seek mutually-acceptable ways for their solution. Today, when as the result of prolonged negotiations a number of agreements aimed at checking the arms race have already been achieved, States have accumulated useful experience which permits us to hope for the solution of other more complicated problems concerning disarmamer. .

64. In its memorandum of 1 July the Soviet Government proposed to all nuclear Powers to enter without delay into negotiations for stopping the manufacture of nuclear weapons, the reduction of their stockpiles, and the subsequent complete prohibition and elimination of nuclear weapons under appropriate international control. The Soviet Government has declared that it is prepared to start such negotiations at any moment. The Soviet side believes that an attempt could and ought to be made to arrive at an agreement on the whole of the measures leading to the elimination of nuclear weapons as well as on some of them which are directed towards this aim.

65. The proposals of the Soviet Government on the problems of nuclear disarmament, contained in our memorandum, reflect the desire of the Soviet Union to ensure progress in reaching a broad agreement

[18] *Ante*, p. 534.

on the elimination of nuclear weapons and thus to achieve the accomplishment of the aims and obligations set forth in article VI and the preamble to the treaty on the non-proliferation of nuclear weapons. We believe that the Eighteen-Nation Committee on Disarmament, in whose work three of the nuclear Powers are participating, could undoubtedly make a valuable contribution towards solving the problems concerning the cessation of the nuclear arms race.

66. Those are some considerations of the Soviet delegation relating to the tasks confronting the participants in the negotiations in the Eighteen-Nation Committee in the light of article VI of the treaty on the non-proliferation of nuclear weapons. The consistent implementation of that agreement will provide all the parties to it, and first and foremost the non-nuclear States, with considerable advantages, from the point of view of a more thorough and all-round utilization of the benefits derived from the peaceful uses of nuclear energy. In this connexion we should like to express our full agreement with the statement made by the representative of Poland, Mr. Jaroszek, at the meeting of the Committee on 30 July when he said that—

> . . . as a result of the joint effort made by the nuclear-weapon and non-nuclear-weapon States, the international community has been given an important instrument of co-operation, not only in the field of disarmament but also with regard to the peaceful applications of nuclear energy.[19]

67. Today in connexion with the non-proliferation treaty there is in many countries an awakening of interest in the new and promising field of the constructive application of nuclear energy, such as the use of nuclear explosions for carrying out engineering works, large earth works and mining operations. Although the development of this field of the peaceful uses of the atom is still in its initial stages, we shall have to elaborate in the very near future, in accordance with article V of the non-proliferation treaty, international procedures for nuclear explosions for peaceful purposes. The importance of an appropriate preliminary study of this question has been pointed out in the statements made by many representatives, in particular by the representatives of Czechoslovakia, the United States, the United Kingdom, Canada and Sweden. Some specific proposals have also been made concerning the implementation of article V of the non-proliferation treaty. We are giving serious consideration to this question. We are studying attentively the views and proposals put forward in this connexion.

68. In conclusion we should like to emphasize once again that the submission for the consideration of the Committee of the memorandum on some urgent measures for stopping the arms race and for disarmament is a manifestation of the Soviet Union's resolve to conduct serious and businesslike negotiations aimed at achieving agreement on disarmament questions. The Soviet delegation is prepared to study most carefully and to discuss also the proposals of other countries in this field. A good many such proposals have already been made during the present session of the Committee. These have been put forward in the statements of Bulgaria,[20] Czechoslovakia,[21] Poland,[22] the United

[19] ENDC/PV.385, p. 19.
[20] ENDC/PV.383, pp. 10–15.
[21] *Ibid.*, pp. 16–21.
[22] ENDC/PV.385, pp. 18–24.

States,[23] the United Kingdom,[24] Canada,[25] Sweden,[26] and Italy.[27] And today we heard a number of very important proposals by the representative of Romania.[28] No doubt other members of the Committee will put forward their views on ways of solving the problems confronting us.

69. The representatives of a number of States suggested in their statements that the Committee should determine the order of its work by singling out an appropriate range of questions which could be considered in priority. Great attention was also devoted to this question by the representative of Romania in his speech today. We share the desire of the delegations to secure the maximum efficiency in the work of the Committee, and we hope that by our common efforts we shall succeed in organizing our activities in such a way as to help us to make progress most successfully in solving the problems before the Committee.

70. It is obvious—and this is the firm conviction of the Soviet delegation—that any progress in our talks is indissolubly linked to the speed with which we succeed in ensuring the entry into force of the treaty on the non-proliferation of nuclear weapons. During our work here a number of other States have adhered to the treaty. Among them are Canada and Mexico, which are members of our Committee. All of us, of course, greatly welcome their adherence. So far about seventy governments have signed the treaty, and world public opinion expects other countries to follow suit.

Statement by the British Disarmament Minister (Mulley) to the Eighteen Nation Disarmament Committee, August 6, 1968 [1]

2. Since I had the privilege of addressing the Committee at its opening meeting [2] I have followed its proceedings with close attention and have noted with satisfaction the general desire of all who have spoken for further measures of arms control and disarmament and for acceleration in the course of our proceedings to achieve those ends.

3. I think the time has arrived when we should be beginning to move from general statements to more detailed consideration of the various suggestions and proposals that have been made, so that we may the better assess the difficulties to be overcome and thus make progress in the lengthy negotiations which experience has taught us are invariably necessary to reconcile conflicting views and interests. We can assume, I think, following the conclusion of the non-prolifera-

[23] *Ante*, pp. 531–532, 541–544.
[24] *Ante*, pp. 533–538.
[25] ENDC/PV.382, pp. 4–8.
[26] ENDC/PV.383, pp. 4–10; *ante*, pp. 544–551.
[27] ENDC/PV.385, pp. 13–18.
[28] ENDC/PV.386, pp. 4–12.
[1] ENDC/PV.387, pp. 4–16.
[2] *Ante*, pp. 533–538.

tion treaty, that the political will to succeed exists. Our task now is to turn good intentions into the hard language of draft treaties and conventions, grappling with complicated technical data in some cases and always with the inevitable, important, although usually difficult, question of safeguards and verification procedures.

4. As a contribution to that task my main purpose today is to fulfil the undertaking made when I spoke on 16 July to present for the Committee's consideration a working paper setting out in more detail my proposals for a convention to ban or proscribe the use for hostile purposes of microbiological agents causing death or disease by infection in man, other animals or crops.[3] My Government suggests that States should (a) declare their belief that the use of microbiological methods of warfare of any kind and in any circumstances should be treated as contrary to international law and a crime against humanity, and (b) undertake never to engage in such methods of warfare themselves in any circumstances.

5. The Committee will perhaps have noted that I use the term "microbiological" rather than "biological". I do so because I am informed that man himself may be regarded as a "biological agent" and I do not wish to excite controversy by expressing views on a ban of the production of biological agents in that sense.

6. I should stress again, as I did in my speech on 16 July, that our purpose is to supplement and not to supersede the Geneva Protocol of 1925.[4] We consider that that Protocol should remain in force, and we should welcome the ratification of it by all States which have not so far signed and ratified it. But we do not consider that Protocol to be an entirely satisfactory instrument for dealing with the question of chemical and microbiological warfare. The working paper sets out the reasoning which has brought us to that opinion; and indeed the threat to humanity from the use of these agents is perhaps even greater today than it was in 1925. As we seek to reduce and, I hope, ultimately to eliminate the terrible threat of nuclear conflagration, we must not neglect to take steps also to deal with the threat posed by these means of warfare which have a potential of misery and suffering of comparable severity.

7. I contest the view, therefore, that the 1925 Protocol or similar declarations against first use is all we need or that, as Mr. Roshchin suggested last week,[5] the Geneva Protocol has prevented the use of chemical and biological warfare in the past, notably in the Second World War, and that by implication the Protocol can be relied upon to prevent the use of these horrible weapons in the future. I cannot accept that argument. I know of no evidence to support the view that Hitler did not resort to the use of gas because of respect for the Geneva Protocol. Respect for international law was not one of his strongest points, as far as I recall—and I had some first-hand experience of his concern for another Geneva Convention, concerning prisoners of war. In my opinion a more likely explanation of his restraint was fear of re-

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[3] *Infra.*

[4] Senate Foreign Relations Committee, Subcommittee on Disarmament, *Disarmament and Security: A Collection of Documents, 1919–55* (Com. print, 84th Cong., 2d sess.), pp. 169–170.

[5] See *ante*, pp. 552–559.

taliation. And although chemical warfare was not used in the Second World War, it was used in the 1930s and has been used again since then.

8. But the most eloquent evidence of the fear of the use of these weapons, and the lack of faith in the Protocol's power to prevent their use, lies in the fact that the armed forces of all the major Powers are trained and equipped to defend themselves at any rate against chemical methods of warfare, and that those countries are engaged in expensive research programmes to produce counter-measures against attack by microbiological agents. I am sure neither of those precautions will be abandoned even if the Protocol is ratified by all States.

9. Paragraph 2 of my paper explains why we think that it may be useful to make a distinction between chemical and microbiological methods of warfare, and why we should take action on microbiological weapons now, leaving aside for the present the question of supplementing the 1925 Protocol in the chemical field. That does not mean that I am content that this should remain the position. But, as I explained in my last speech, and as I think the working paper makes clear, before we can make meaningful progress in going beyond the Protocol in the case of chemical weapons we need an international scientific consensus on some of the very difficult technical issues involved.

10. For that reason I proposed that we should request the Secretary-General of the United Nations to prepare a report on the nature and possible effects of chemical weapons and on the implications of their use, which could be of assistance to our future consideration of this matter as the report on atomic weapons has been in our consideration of nuclear questions. This study should cover chemical weapons—not in my view both chemical and microbiological, as the representative of Poland suggested last week in his interesting first speech in the Committee.[6] We look forward to hearing him again. I repeat this proposal, and shall propose that this recommendation be included in the report the Committee is to make to the General Assembly at the end of the present session.

11. I should make clear that I am not, of course, submitting a draft convention on microbiological methods of warfare. It is a working paper to stimulate discussion with a view to clarifying the points at issue which I have tried to set out. Indeed, in one or two instances alternative formulations are suggested. It would indeed have been wrong to proceed beyond this stage without first submitting the proposals to the critical examination which members of the Committee are so well qualified to give them. However, I am hopeful that the paper can be turned into a draft convention quite quickly after this examination.

12. I recognize that the greatest difficulty we have to face is that of verification, since understandably parties to any arms control or disarmament agreement are entitled to be reasonably satisfied to the greatest practicable extent that other parties are carrying out their obligations under the agreement. This principle is well illustrated by the safeguards requirements of the non-proliferation treaty.[7] After much study we have been obliged to conclude that no comparable sys-

[6] ENDC/PV. 385, pp. 22–23.

[7] *Ante*, pp. 462–463.

tem is possible for microbiological or chemical weapons. Any such system would be so intrusive as to be quite unacceptable, and even then could not be fully effective. The principal difficulty arises from the fact that almost all the material and equipment with which we are trying to deal here have legitimate peaceful purposes; and it would be wrong to inhibit work of real value to humanity in combating disease, for example, and impracticable to inspect every laboratory in every country. We must accept, therefore, that no verification is possible in the sense of the term as we normally use it in disarmament discussions.

13. Thus we must make a choice—balance the risks of evasion if we go ahead with the formulation of new obligations, against the risks for the world if we do nothing and allow the fears of eventual use of microbiological methods of warfare to continue and intensify. My choice is emphatically to go ahead; we cannot afford to do nothing. While we cannot offer a fully effective system of verification and we believe it is beyond the wit of man to devise one, we can provide arrangements which should satisfy States, given the intractable nature of the problem, that they will not be exposing themselves to unacceptable risks. No doubt other members may be able to make further suggestions and other improvements to these proposals.

14. In short, in paragraph 8 of the paper we envisage the establishment of machinery for the investigation of complaints either that microbiological methods of warfare have been employed or that one of the other obligations established by the convention has been infringed. It goes without saying that any allegations, to qualify for investigation, would have to be made by States, not individuals or organizations, and that they would need to be supported by the necessary evidence. We have consciously refrained from suggesting how the competent body of experts should be appointed or what the composition of this body should be; but clearly it would need to include experts both in microbiology and in the potential means of delivery of microbiological agents in hostilities.

15. In paragraph 9 we have suggested terms for the entry into force of the convention. We think it probable that States will be unwilling to accept the obligations established in the convention unless those obligations are very widely accepted by the rest of the international community; and, as will be seen, the conditions of entry into force which we suggest are much more stringent than those which figure in, for example, the non-proliferation treaty.

16. Finally, in paragraph 10 we have suggested that all parties should accept an obligation to co-operate in countering the use, or threatened use, of microbiological methods of warfare. We feel that if such an article were included this might do more than anything else to give parties the security they need if they are to assume the additional obligations which we envisage. In the non-proliferation treaty the security assurances took the form of a Security Council resolution, backed by declarations of the three nuclear-weapon Powers.[4] But in this field there are no microbiological weapon States and non-microbiological weapon States—we are all on the same footing; and we therefore felt that the best approach would be to write this undertak-

[4] *Ante* p. 441.

ing into the convention itself, with the possibility that it might be strengthened by Security Council endorsement.

17. It is our belief that if a satisfactory system can be established for investigating allegations of infringement, if the convention receives sufficiently wide acceptance, and if States parties to it know that all other parties are committed to assist them if they are subjected to the use or threatened use of microbiological methods of warfare, the risks taken to achieve a convention to ban these fearful weapons will be very greatly reduced. Such a convention would contribute to world security and our peace of mind and would soon, I believe, create conditions in which it would be beyond contemplation that microbiological means should be used to wage war.

18. I ask leave to submit a United Kingdom working paper on microbiological warfare, and request that it be circulated as a Conference document.[9]

19. While I have the floor, I should like to take the opportunity also to reply to some of the comments that have been made on my other proposals concerning peaceful nuclear explosions and the International Atomic Energy Agency (IAEA), a comprehensive test-ban treaty, and points made in my speech of 16 July. The representative of Italy suggested in his speech of 30 July [10] that my proposal that we take a first step toward implementing article V by asking the Board of Governors of the IAEA to examine how they could assist in the tasks set out in that article was premature and that in some way it might impede the work of the forthcoming Conference of Non-Nuclear-Weapon States.

20. I fear I did not make my purpose clear. Let me say at once that I have no desire or intention to restrict in any way the work of that Conference, of which the United Kingdom Government was one of the early supporters. Nor do I think that my proposal would do so, since I am sure the Conference will discuss article V in any event and that we shall have the benefit of such discussion long before we could reasonably expect a report from the IAEA. It seems to me that we have a *prima facie* case for thinking that the IAEA would be the appropriate body to deal with the subject matter of article V, and my only motive is to avoid delay. If we do not approach the IAEA—which is an independent international body and not subject to our instructions—for its views this month, a lot of valuable time will be lost. Surely it would be sensible to have the information from the IAEA and to consider it together with the views of the non-nuclear-weapon States when we come to consider the implementation of article V.

21. I agree very much with Mr. Roshchin's observation at our last meeting that the development of such peaceful explosions is at an early stage.[11] Indeed, as I have said previously both here and in New York, it is by no means clear as yet that the use of such peaceful nuclear explosions will be economically viable as compared with conventional means, or capable of use without unacceptable safety and health hazards. However, the work in this field is going on and tests will be required. Tests of these devices are inextricably involved with the

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[9] *Infra.*
[10] ENDC/PV.385, p. 16.
[11] *Ante*, p. 558.

question of a comprehensive test ban, to which many countries, to my great satisfaction, have accorded a very high priority. It seems to me therefore that consideration of the international machinery envisaged in article V, especially the regulation of the testing of these devices, is a matter of urgency. I hope, therefore, that my proposal in this matter will commend itself to the Committee and that action to give effect to it can be taken in the very near future.

22. Mr. Roshchin took me to task also in his speech last week for the preliminary observations I had to make about the Soviet Union's proposals for a convention on the prohibition of the use of nuclear weapons.[12] I am afraid I remain unconvinced by his arguments and still consider that such a ban would not represent the major step forward towards peace and security that he claims it would, particularly as the proposal comes at a time when, as is well known, the stockpiles of nuclear weapons are being increased and vast expenditures are being incurred to increase the effectiveness of the weapons themselves and of their means of delivery. As far as I understand the proposal, there is nothing in it which would halt or reverse this process of nuclear escalation, although we all hope profoundly that this may be achieved through the negotiations that are to take place between the Soviet Union and the United States—and we are anxiously waiting to learn that they have begun.

23. My position is simply that I do not think the threat of nuclear war can be removed by such a convention or declaration, and that to get rid of the threat requires the elimination or at least a very great reduction of nuclear weapons themselves and of their means of delivery. Indeed, I am encouraged in this view by what Mr. Roshchin himself said later in his speech:

> We advocate the complete elimination of nuclear weapons as such, and the exclusion once and for all of the threat of nuclear war from the life of mankind.[13]

That is exactly what I had in mind when I said:

> For all those reasons my Government believes that the only sure way to remove the danger of nuclear war is by general and complete disarmament under effective international control.[14]

I thought, therefore, that it was rather hard for Mr. Roshchin to use these words to attribute to me the view that I supported the well-known thesis of "all or nothing", especially as I was under the impression that I had been of some assistance to him in rebutting such arguments during the course of the non-proliferation treaty negotiations. It was even harder, I thought, to suggest that I was anxious to block all progress in the field of disarmament, since the sentence which I have just quoted and on which he based this harsh judgement was followed immediately in my speech by the sentence: "Every arms control measure that can be agreed in the meantime is a step towards that objective." Such general and complete disarmament remains the ultimate objective of my Government, as I hope it still remains the objective of the Soviet Union also.

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[12] *Ante*, pp. 554, 466–467.
[13] *Ante*, p. 557.
[14] ENDC/PV. 381, p. 26.

24. I turn now to the question of a comprehensive test-ban treaty, and would like to comment in particular on the important speech of the Swedish Minister, Mrs. Myrdal, on 30 July,[15] and to try to answer some of the questions she posed.

25. I would immediately express my indebtedness to the International Institute for Peace and Conflict Research in Stockholm (SIPRI) for the unanimously-adopted summary of the report of the recent meetings of scientists and other experts to discuss the technical aspects of the control of an underground test ban,[16] and to Mrs. Myrdal for making it available to delegations. As in this case, I am sure that the work of SIPRI is going to be of immense help to us in our work here in the future on a number of important topics and will enhance even further the very considerable contribution Sweden has already made to the study of arms control and disarmament questions. In congratulating SIPRI on its achievement in getting together, with such fruitful results, distinguished experts from ten countries, I recall that I made this suggestion over a year ago and that it was not then possible. This underlines the achievement and the progress recorded in the report before us, which I greatly welcome.

26. My own proposals have not dealt with this aspect of the matter; but of course any arrangements for assessing evidence that a nuclear explosion has taken place are entirely dependent on there being satisfactory evidence in the first place. It seems to me that as a result of this report there is now a substantial measure of agreement at the technical level on what the two main systems can and cannot identify as nuclear explosions. What I find even more encouraging is that there is also agreement on the kind of research that needs to be done in order to improve existing capabilities. The more progress we can make together in this field, the less disagreement there will be about the assessment of evidence and the easier we should find it to settle the verification issue.

27. Mrs. Myrdal has taken an outstanding part in this discussion over a number of years; and I was the more disappointed therefore to find that she was not able to endorse the suggestions that I made in my speech of 16 July concerning, first, a seven-member committee to deal with complaints of infringement supported by evidence, which would have the right by a five to two vote to on-site inspection if satisfied that a *prima facie* case of infringement had been made out; and, second, a quota system for tests, diminishing to zero over a period of several years, if it were not possible to achieve an absolute ban in the near future. One of our co-Chairmen, Mr. Roshchin, also referred to these suggestions in his speech on 1 August.[17]

28. I should therefore like to make the position of my Government quite clear. It is completely unequivocal. We favour the conclusion of a comprehensive test-ban treaty at the earliest possible moment and as soon as terms that are generally acceptable can be agreed. We recognize that in this, as in all similar agreements, it is reasonable for the parties to ask for such verification to be provided as is possible, practicable and necessary to ensure that other parties are also hon-

[15] *Ante*, pp. 544-551.
[16] *Ante*, pp. 455-458.
[17] *Ante*, pp. 556-557.

ouring their obligations. As to what is necessary, we are flexible in our views and are quite prepared to be convinced by such evidence as is available. I hope other delegations will adopt a similarly flexible approach and seek to reach a consensus from which we can proceed to the consideration of a draft treaty. My suggestions are put forward on that basis—and I stress they are only suggestions for consideration—in an attempt to bridge conflicting views and positions.

29. Mr. Roshchin has reiterated that no on-site inspection is necessary; but all the technical evidence goes to show that at the detection threshold there can be no real certainty whether a given event was a nuclear explosion or an earthquake. What we maintain is that, when the evidence strongly suggests that an explosion has taken place, there should be the possibility of an on-site inspection. I find it difficult to see how Mr. Roshchin can maintain that in those circumstances there is no need for on-site inspection.

30. There is the further point that, as Mr. Roshchin has himself acknowledged, under article V of the non-proliferation treaty we have to provide for peaceful nuclear explosions—and presumably their testing—under internationally-agreed arrangements. One can envisage an arrangement by which IAEA experts—possibly in conjunction with experts from other nuclear-weapon States parties to the treaty—checked the associated instrumentation in order to satisfy themselves and the international community as far as possible that the explosion in question was indeed for its stated purpose and was not a nuclear-weapon test. Does Mr. Roshchin rule out the possibility of on-site inspections in that context and, if so, how can the obligations of article V be carried out under a comprehensive test ban? Mrs. Myrdal has always stressed the importance of international supervision for peaceful nuclear explosions. Does she not accept that there may also well be a need for on-site inspections to achieve that international supervision?

31. My suggestion for a seven-member committee [18]—and I should make clear I am quite flexible as to the number and composition of the committee and am only seeking first to establish the principle—was designed to try and meet those difficulties. On 30 July Mrs. Myrdal said she would not comment on that suggestion for the moment, in view of the reaction to a similar proposal made by the non-aligned members of the Committee in April 1962.[19] I think that in fact their proposal was rather different from my own suggestion, as regards both the composition and the powers of the suggested bodies. The non-aligned proposal was for the constitution of an international commission consisting of a limited number of highly-qualified scientists, possibly from non-aligned countries, together with the appropriate staff. My own proposal was for a committee consisting of the representatives of the three nuclear-weapon States, the representatives of three non-aligned States, and a nominee of the United Nations Secretary-General or the Director-General of the IAEA.

32. Admittedly, both the international commission suggested in the non-aligned proposal and the committee suggested by me would have the same basic task, the assessment of evidence that a nuclear explosion had taken place. But my suggestion was that this committee

[18] *Infra*, p. 533.
[19] *Ante*, pp. 547-548; *Documents on Disarmament, 1962*, vol. I, 331-336.

should have in addition the right to conduct on-site inspection if it decided by a majority of five to two that there was strong evidence that the treaty had been infringed. A party which refused to accept inspection in such circumstances would of course be in breach of its treaty obligations. The object of our proposal was to provide a right of on-site inspection, but to circumscribe that right in such a way as to ensure that it was not exercised irresponsibly or improperly. Under the kind of arrangements which I had in mind, any country which respected its treaty obligations not to conduct underground nuclear explosions could be reasonably certain that it would never have to face a situation in which it was required to accept on-site inspection.

33. Since I agree that a State which accepted the obligations of the treaty would not infringe its provisions, it could well be that the committee or commission I suggest would never have any work to do. No country adhering to the treaty would be submitting to any certain or automatic on-site inspection. Equally, it would solve the problem of whether all States or only nuclear-weapon States should be subject to such inspections, since only where there was a *prima facie* case of possible infringement would the question arise. As scientific knowledge and means of detection develop, the need for and the probability of such inspections would diminish.

34. A further difference was that the international commission proposed in 1962 was to be composed of a limited number of highly-qualified scientists. Our own concept is of a committee composed for the most part of governmental representatives, who would of course be assisted by their scientific advisers. We think that is more realistic.

35. I turn now to our quota suggestion. This too I consider a realistic suggestion, since it is based on recognition of the fact that it may not be possible to get agreement now to stop all nuclear-weapon testing overnight in isolation from other measures. If we can get such agreement, well and good; if not, then I think this idea is worthy of consideration. The object of the quota proposal is to put an increasingly powerful brake on the development of new nuclear-weapon systems, with a view to bringing this dangerous vehicle to a complete halt within a fixed distance.

36. Mrs. Myrdal has asked whether the suggested phasing-out period would allow experiments with verification methods—particularly verification by challenge—on suspicious events outside the permitted quota. It seems to me that the verification issue arises in virtually the same form whether there is a complete ban on underground tests or an agreed quota system. In the first case the object of verification is to ensure that no nuclear explosions at all are conducted; in the second case its object is to ensure that the quota has not been exceeded.

37. Mrs. Myrdal asked also how peaceful nuclear explosions would be treated in a quota system. Either they could be treated as part of the quota, or they could be treated—as I envisage they would be under a complete test ban—as permitted exclusions from the treaty provided they conformed to the internationally-agreed arrangements.

38. Finally, I would think the conclusion and effective implementation of such a quota system, leading to a complete ban in a relatively short time, would increase mutual confidence, since it would be a fur-

ther and important step on the road towards our goal—although, as I have already said, I would prefer a complete ban if that is possible in the near future.

39. The remaining matter I want to mention is the exercise in conventional arms control verification—"First Look"—which has been in progress as a joint United States-United Kingdom project in southern England since the beginning of June. I myself spent a day there recently with Members of Parliament and British experts and had the privilege also of meeting one of our co-Chairmen, Mr. Foster, when he paid a visit last week. I believe the experience gained from exercise "First Look" will be of much value to us in our future work and in particular for our consideration of regional arms control and disarmament possibilities. Indeed, I was greatly impressed with the knowledge of force strengths and movements that very small teams of inspectors could assemble unobtrusively and with little or no co-operation from the host country.

40. I am pleased that rather more than half of the members of the Committee have accepted my invitation to send representatives to visit and study the exercise next week on 14–15 August, but, frankly, rather disappointed that so many members of the Committee have not accepted an opportunity to see a verification exercise in operation, since inevitably we talk so much about verification and safeguards in our discussions. The invitation is, of course, still open and I hope that those who have not yet accepted will find it possible to do so.

41. At the end of what I acknowledge is again a very long speech I must resist the temptation to talk about our procedure in this Committee. I cannot, however, conclude without expressing my appreciation for your remarks, Mr. Chairman, of 1 August, and saying how much I endorse your observation that—

> I have stressed those aspects of organization because of my conviction that we must do our best to give an impetus to the disarmament negotiations.[20]

We must concern ourselves with providing a worthwhile report to the United Nations at the end of this session; and that means, I think, an agenda and a plan for our further work here as well as an indication of some progress—for which I have made proposals and suggestions. It also means that in our next session we must try and evolve an effective method, as I said at the beginning of my speech, for translating general statements into the hard language of draft treaties and conventions. No doubt there will be other opportunities for discussing how that can best be achieved. I remain convinced that this Committee is the most practical and efficient forum for conducting negotiations in this field and making the progress the whole world is waiting for. We must put disarmament back into the forefront of international discussion and be seen to be making the progress the whole world expects of us.

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[20] ENDC/PV.380, p. 12.

British Working Paper on Microbiological Warfare, August 6, 1968 [1]

The United Kingdom Delegation consider that the 1925 Geneva Protocol [2] is not an entirely satisfactory instrument for dealing with the question of chemical and microbiological warfare. The following points may be noted:

(i) Many states are not parties to the Protocol and of those that are parties many, including the United Kingdom, have reserved the right to use chemical and bacteriological weapons against non-parties, violators of the Protocol and their allies.

(ii) Jurists are not agreed whether the Protocol represents customary international law or whether it is of a purely contractual nature.

(iii) Even if all states were to accede to the Protocol there would still be a risk of large-scale use of the proscribed weapons as long as states have the right to manufacture such weapons and to use them against violators and their allies.

(iv) There is no consensus on the meaning of the term "gases" in the phrase "asphyxiating, poisonous or other gases and all analogous liquids, materials or devices". The French version of the Protocol renders "or other" as "ou similaires" and the discrepancy between "other" and "similaires" has led to disagreement on whether non-lethal gases are covered by the Protocol.

(v) The term "bacteriological" as used in the Protocol is not sufficiently comprehensive to include the whole range of microbiological agents that might be used in hostilities.

(vi) The prohibition in the Protocol applies to use "in war". There may therefore be doubt about its applicability in the case of hostilities which do not amount to war in its technical sense.

2. It is not to be expected that all these difficulties can be easily or speedily resolved. The United Kingdom Delegation suggest, however, that the problem might be made less intractable by considering chemical and microbiological methods of warfare separately. The Geneva Protocol puts them on an identical basis, but—

(i) As indicated in paragraph 1 (iv) above, there is disagreement on whether the ban covers all agents or only lethal ones. It would be extremely difficult to secure agreement on a new instrument banning the use of all agents of chemical warfare, particularly as some of those agents have legitimate peaceful uses for such purposes as riot control.

(ii) Chemical weapons have been used on a large scale in war in the past and are regarded by some states as a weapon they must be prepared to use if necessary in any future war, particularly as they fear they may be used against them. In any event, at the moment, they

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[1] ENDC/231, Aug. 6, 1968.

[2] Senate Foreign Relations Committee, Subcommittee on Disarmament, *Disarmament and Security: A Collection of Documents, 1919–55* (Com. print, 84th Cong., 2d sess.), pp. 169–170.

would be reluctant to give up the manufacture of chemical agents and the right to conduct research, etc., in this field.

3. The United Kingdom Delegation recognize that verification, in the sense in which the term is normally used in disarmament negotiations, is not possible in either the chemical or the microbiological field. The difficulty, as far as the microbiological field is concerned, is that the organisms which would be used are required for medical and veterinary uses and could be produced quickly, cheaply and without special facilities either in established laboratories or in makeshift facilities. As far as chemical agents are concerned it seems unlikely that states will be prepared to forego the right to produce and stockpile such agents for possible use in war unless adequate verification procedures can be devised and applied and problems of definition etc. resolved. However, the use of microbiological methods of warfare has never been established, and these are generally regarded with even greater abhorrence than chemical methods. The United Kingdom Delegation therefore consider that in this field the choice lies between going ahead with the formulation of new obligations and doing nothing at all—in which case the risks and the fears of eventual use of microbiological methods of warfare will continue and intensify indefinitely.

4. The United Kingdom Delegation therefore propose the early conclusion of a new Convention for the Prohibition of Microbiological Methods of Warfare, which would supplement but not supersede the 1925 Geneva Protocol. This Convention would proscribe the use for hostile purposes of microbiological agents causing death or disease by infection in man, other animals, or crops. Under it states would:—

(i) declare their belief that the use of microbiological methods of warfare of any kind and in any circumstances should be treated as contrary to international law and a crime against humanity;
(ii) undertake never to engage in such methods of warfare themselves in any circumstances.

5. The Convention should also include a ban on the production of microbiological agents which was so worded as to take account of the fact that most of the microbiological agents that could be used in hostilities are also needed for peaceful purposes. Thus the ban might be on production of microbiological agents on a scale which had no independent peaceful justification. Alternatively, the Convention might ban the production of microbiological agents for hostile purposes, or it might ban their production in quantities that would be incompatible with the obligation never to engage in microbiological methods of warfare in any circumstances.

6. Whatever the formulation might be, the ban would also need to cover ancillary equipment specifically designed to facilitate the use of microbiological agents in hostilities. In addition, the Convention would of course need to include an undertaking to destroy, within a short period after the Convention comes into force, any stocks of such microbiological agents or ancillary equipment which are already in the possession of the parties.

7. The Convention would also need to deal with research work. It should impose a ban on research work aimed at production of the

kind prohibited above, as regards both microbiological agents and ancillary equipment. It should also provide for the appropriate civil medical or health authorities to have access to all research work which might give rise to allegations that the obligations imposed by the Convention were not being fulfilled. Such research work should be open to international investigation if so required and should also be open to public scrutiny to the maximum extent compatible with national security and the protection of industrial and commercial processes.

8. In the knowledge that strict processes of verification are not possible, it is suggested that consideration might be given *inter alia* to the possibility that a competent body of experts, established under the auspices of the United Nations, might investigate allegations made by a party to the Convention which appeared to establish a *prima facie* case that another party had acted in breach of the obligations established in the Convention. The Convention would contain a provision by which parties would undertake to co-operate fully in any investigation and any failure to comply with this or any of the other obligations imposed by the Convention would be reported to the Security Council.

9. As regards entry into force of the Convention, the appropriate international body might be invited to draw up a list of states (say 10–12) that it considers most advanced in microbiological research work. The Convention might come into force when ratified by all those states and a suitably large number of other states.

10. Consideration should be given to the possibility of including in the Convention an article under which the parties would undertake to support appropriate action in accordance with the United Nations Charter to counter the use, or threatened use, of microbiological methods of warfare. If such an article were included it might be endorsed by the Security Council in rather the same way as the Council welcomed and endorsed the declarations made by the United States, the Soviet Union and the United Kingdom in connexion with the Non-Proliferation Treaty.

Letter From Senator Cooper to Secretary of State Rusk on the Nonproliferation Treaty, August 12, 1968 [1]

DEAR MR. SECRETARY: Upon the return of Congress in September, the Senate Foreign Relations Committee will consider in executive session the Non-Proliferation Treaty.[2]

During testimony before the Committee on July 12, several questions were asked concerning the relationship of the Non-Proliferation Treaty to the Nuclear Test Ban Treaty and certain Acts of Congress. Under the Constitution the Non-Proliferation Treaty will become the supreme law of the land. It would be most helpful if I could be provided with answers to the following questions:

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[1] *Nonproliferation Treaty: Hearings* [pt. 2], p. 485. Assistant Secretary of State Macomber replied on Sept. 5 (*post*, pp. 618–625).

[2] *Ante*, pp. 461–465.

1. In what way, if any, does the Non-Proliferation Treaty amend, modify, supplement, or incorporate by reference any of the provisions of the Nuclear Test Ban Treaty,[3] the Treaty on Outer Space,[4] the Statute of the International Atomic Energy Agency,[5] the NATO Treaty [6] or any of our other mutual defense treaties?

2. Please list the bilateral or multilateral Executive Agreements presently in force which the United States has entered into with other countries pursuant to Chapter 11 of the Atomic Energy Act of 1954, as amended.[7] In what way, if any, does the Non-Proliferation Treaty amend, modify, supplement or incorporate by reference any of the provisions contained in these Agreements?

3. In what way, if any, does the Non-Proliferation Treaty amend, modify, supplement or incorporate by reference any provisions of federal legislation such as the Atomic Energy Act of 1954, as amended, the EURATOM Cooperation Act of 1958,[8] the International Atomic Energy Agency Participation Act of 1957,[9] the Atomic Energy Community Act of 1955, as amended,[10] or any other relevant Acts of Congress administered by the Commission?

While I recognize that some of the matters raised in these questions are more within the purview of the Atomic Energy Commission than the Department of State, I would appreciate very much your comments where appropriate.

Statement by the Soviet Representative (Roshchin) to the Eighteen Nation Disarmament Committee, August 13, 1968 [1]

62. With the Committee's permission, I shall now speak in my capacity as representative of the Soviet Union.

63. The Soviet delegation, in its statement at the meeting of the Committee on 1 August, explained the position of the Soviet Union on the basic problems relating to the cessation of the nuclear arms race and to the achievement of nuclear disarmament.[2] Today we intend to dwell upon other proposals contained in the Soviet Government memorandum of 1 July.[3]

64. The Soviet delegation is gratified to note that many of the representatives who have spoken here have given considerable attention to the question of prohibition of the use of chemical and bacteriologi-

[3] *Documents on Disarmament, 1963*, pp. 291–293.
[4] *Ibid., 1967*, pp. 38–43.
[5] *American Foreign Policy: Current Documents, 1956*, pp. 915 ff.
[6] *American Foreign Policy, 1950–1955: Basic Documents*, vol. I, pp. 812 ff.
[7] *Ibid.*, vol. II, p. 2873; *American Foreign Policy: Current Documents, 1958*, pp. 1440–1441.
[8] *Ibid.*, pp. 515–517.
[9] *Ibid., 1957*, pp. 1394–1398.
[10] *Atomic Energy Legislation Through 90th Congress, 2d Session* (Jt. Com. print, 90th Cong., 1st sess., 1969), pp. 197–223.
[1] ENDC/PV.389, pp. 24–31.
[2] *Ante*, pp. 552–559.
[3] *Ante*, pp. 466–470.

cal weapons, which occupies an important place among the proposals put forward in the Soviet memorandum. Bearing in mind the threat which the use of chemical and bacteriological weapons represents for mankind, the Soviet Government proposes that the Eighteen-Nation Committee consider ways and means of securing the observance by all States of the Geneva Protocol of 1925 for the prohibition of the use of chemical and bacteriological weapons.[4]

65. In this connexion we should like to draw attention to United Nations General Assembly resolution 2162B(XXI), which calls for strict observation by all States of the principles and objectives of the Protocol for the prohibition of the use in war of asphyxiating, poisonous or other gases, and of bacteriological methods of warfare, which was signed at Geneva on 17 June 1925, and condemns all actions contrary to those objectives.[5] The resolution invites all States to accede to the Geneva Protocol. A number of States which were not already parties to the Geneva Protocol responded positively to the General Assembly's appeal and acceded to that agreement. These included such countries as Tunisia, Sierra Leone, Madagascar, Ghana and Niger.

66. At the same time, there are States which have not responded to the appeal of the General Assembly and which still have not acceded to the Geneva Protocol. These are, in the first place, the United States of America, as well as Japan, Brazil and some other countries. What is more—and this is stressed in the Soviet Government memorandum—the United States is using chemical weapons in its war of aggression in Viet-Nam, thus violating universally-recognized standards of international law.

67. The Geneva Protocol was drafted immediately after the First World War, during which the use of gases and toxic substances cost many thousands of lives. This agreement was a further development of that important branch of international law which deals with the prohibition of particularly barbarous methods of warfare. Mankind began long ago to search for ways of differentiating between various methods of warfare. Article 22 of the annex to the Fourth Hague Convention, 1907, concerning the laws and customs of war on land states clearly: "The right of belligerents to adopt means of injuring the enemy is not unlimited."[6]

68. The Geneva Protocol set a legal barrier to the use of such means of mass destruction, and this was of great importance in the Second World War. The warning given by the Powers of the anti-Hitler coalition that the use of gases and bacteriological means of warfare was inadmissible and that a violator would not go unpunished had its effect on fascist Germany. In giving that warning the Powers of the anti-Hitler coalition based themselves on that important international agreement, the Geneva Protocol of 1925.

69. Many members of our Committee have emphasized with complete justification that the Geneva Protocol must be observed and that

[4] Senate Foreign Relations Committee, Subcommittee on Disarmament, *Disarmament and Security: A Collection of Documents, 1919-55* (Com. print, 84th Cong., 2d sess.), pp. 169-170.

[5] *Documents on Disarmament, 1966*, pp. 798-799.

[6] U.S. Senate, *Treaties, Conventions, International Acts, Protocols and Agreements Between the United States of America and Other Powers, 1776-1909*, vol. II (S. Doc. 357, 51st Cong., 2d sess., 1910), p. 2285.

all States should accede to it. This was pointed out in particular by the representatives of Poland,[7] Romania[8] and Sweden, and in today's statements by the representatives of India and Mexico. Thus the representative of Sweden, Mrs. Myrdal, declared on 23 July:

> . . . we recognize fully the need to respect the Geneva Protocol of 1925. That international instrument is part and parcel of established international law.[9]

70. But the representatives of certain countries in our Committee—those of Italy and the United Kingdom in particular—evidently disagree with this widespread view, which is also reflected in the aforementioned resolution of the United Nations General Assembly. The United Kingdom representative, Mr. Mulley, did not consider the Geneva Protocol "entirely satisfactory".[10] The representative of Italy, Mr. Caracciolo, directly urged the revision of that agreement. I am thinking of a passage in his statement which is contained in document ENDC/PV.385, para. 53.

71. The representative of the United Kingdom has submitted for the consideration of the Committee a working paper on microbiological warfare,[11] and has also put forward some arguments on the question of chemical weapons that cast doubt upon the significance of the Geneva Protocol, which established an important standard of international law.[12]

72. What do the proposals of the United Kingdom delegation amount to? In its opinion, the question of chemical weapons must be separated from that of bacteriological means of warfare. Then, it is proposed that we should recognize that the prohibition of the use of chemical weapons is today practically an insoluble problem and that we should concentrate on working out a convention on "microbiological" weapons. Does that not mean that in the opinion of the United Kingdom delegation we should engage once again in solving problems which have long since been solved and have become an established standard of international law?

73. Of course, no one will deny that, since the Geneva Protocol was signed, new types of chemical and bacteriological weapons have emerged. But that does not at all mean—as would follow from the arguments of the United Kingdom delegation—that the Geneva Protocol has become obsolete. Its draftsmen were aware of the possibility of such a development, and therefore they stipulated specifically that the ban contained in the Protocol covered the use of asphyxiating, poisonous and other similar gases and all analogous liquids, materials and devices, as well as bacteriological means of warfare. And the new gases and bacteriological means developed in recent years are still gases and bacteriological means; they are not new kinds of weapons which are not covered by the Geneva Protocol. That agreement, the Geneva Protocol, covers a very important and wide range of means which can be used as weapons of mass destruction—all imaginable types of chemical and bacteriological weapons.

[7] ENDC/PV.385, pp. 22-23.
[8] ENDC/PV.386, p. 7.
[9] ENDC/PV.383, pp. 5-6.
[10] *Ante*, p. 560.
[11] *Ante*, pp. 568-571.
[12] *Ante*, pp. 533-538, 559-563.

74. The proposal to revise the Geneva Protocol is a dangerous one. If we were to follow that course we might destroy an already existing, useful and important international document on the prohibition of chemical and bacteriological weapons without having replaced it by a better or indeed by any other international instrument—a treaty or convention that would provide for the prohibition of the use of such types of weapons.

75. Therefore, the question is not that the Geneva Protocol of 1925 should be revised, but that it should be strictly observed. That is the task set by the General Assembly, and the Soviet memorandum proposes that ways and means to carry it out should be found. Having achieved this we could pass on to the next measure—cessation of the manufacture of chemical and bacteriological weapons and their destruction. The Soviet Union is a determined advocate of the prohibition and elimination of all types of weapons of mass destruction, including chemical and bacteriological weapons.

76. Another important measure to which the Soviet delegation would like to draw the attention of the Committee is the question raised in the Soviet memorandum of the peaceful use of the sea-bed and the ocean floor. This question is now assuming ever-increasing importance. The exploitation by man of the sea-bed and the ocean floor involves not only the use of this new source of wealth for the economic needs of peoples and States. If no appropriate and timely measures are taken the sea-bed and ocean floor space, which occupies five-sevenths of the surface of the earth, may become a new sphere of military rivalry between States with all the ensuing consequences, namely the extension of the arms race to this field. Should this happen, the sea-bed and the ocean floor, which are a promising source of mineral and other riches for mankind, will turn into a new source of military threat.

77. At a time when the military use of this new environment has not yet been developed to any great extent, when in point of fact the question is rather that of taking preventive measures, it is comparatively less difficult to ban the military use of this environment. An important practical step in this direction would be the achievement of an agreement not to use the sea-bed and the ocean floor for military purposes. This should be done without delay, while military activities on the sea-bed and the ocean floor have not yet gained in scope. If we fail to take now effective measures to exclude the sea-bed and the ocean floor from the sphere of the military activities of States, it will be much more difficult to do so later.

78. Basing itself on that premise, the Soviet Union proposes in its memorandum on disarmament the examination of the question of—

> . . . giving timely expression in appropriate form, to a regime such as would ensure the utilization of the sea-bed beyond the limits of the present territorial waters solely for peaceful purposes.[12]

We noted with satisfaction that this proposal has met with wide support by many States. Great attention has been devoted to this question by the representatives of the socialist countries and by the representative of Sweden in their statements in the Committee, and attention has also been given to it in today's statements by the representa-

[12] *Ante*, p. 470 (variant translation).

tives of India and Mexico, as well as by a number of other States. Stressing the importance and the imperative need of reaching an agreement on the question of the use of the sea-bed, the representative of Sweden, Mrs. Myrdal, declared:

As to the importance and urgency of an internationally accepted obligation to refrain from using for military purposes the sea-bed and the ocean floor beyond the limits of the territorial waters of coastal States, there can be no disagreement, I am sure.[14]

79. While recognizing the importance of problems relating to the establishment of a regime for the sea-bed and the ocean floor, the United States displays no readiness to agree to a ban on all military activities there and proposes limiting the matter merely to a pledge not to place weapons of mass destruction on the sea-bed. What grounds can there be for this? Is it in the interests of disarmament to leave open the possibility of using the sea-bed and the ocean floor for the unleashing of a conventional arms race there?

80. It is quite obvious that any military activities by States on the sea-bed and the ocean floor would increase the military threat, interfere with the exploitation of the riches of the world's oceans and their floors for peaceful purposes, and be detrimental to freedom of navigation. We must seek to preclude any military use by States of the sea-bed and the ocean floor. Only such a solution can in fact fully meet the interests of international security and preserve that important sphere for peaceful utilization by man.

81. The Soviet delegation would like to draw attention to another aspect of this problem which is in our view of great importance. We deem it necessary to extend the ban on military activities by States over the whole of the sea-bed and the ocean floor with the sole exception of territorial waters. In proposing such an approach we are guided by the interests of solving this problem in the most effective way in order to ensure the peaceful utilization of the sea-bed and the ocean floor for the benefit of mankind. The Soviet delegation expresses the hope that its proposal on the prohibition of the military use of the sea-bed and the ocean floor beyond the territorial waters of the coastal States will meet with the understanding and support of members of the Committee.

82. May I now express the position of the Soviet Union on measures for regional disarmament? Here we have in mind first of all the problem of establishing denuclearized zones in various parts of the world. The Soviet Union bases itself on the premise that the establishment of such zones would effectively limit the area for the stationing of nuclear weapons and would fully correspond with the aim of preventing the direct or indirect proliferation of such weapons.

83. The question of denuclearized zones has been considered repeatedly at sessions of the General Assembly and in our Committee. At the present session of the Committee the representatives of the socialist countries have once again expressed themselves in favour of establishing denuclearized zones in various parts of the world, having noted the importance of the establishment of such a zone in Central Europe, an area where a great number of nuclear weapons is con-

[14] ENDC/PV.383, p. 8.

centrated. The withdrawal of nuclear weapons from various zones would be an important means of preventing the threat of nuclear war and ensuring international security.

84. We also sympathize with the desire of the peoples of Latin America, Africa and other areas for the establishment of denuclearized zones within their territories. In this connexion we note the highly interesting statement made today by the representative of Mexico, who dealt in a very thorough and convincing manner with certain important aspects relating to the establishment of denuclearized zones, particularly in the Latin-American area. The Soviet Union believes that the obligation to establish denuclearized zones could be assumed not only by large groups of States covering whole continents or large geographical areas but also by more restricted groups of States and even by individual countries.

85. The Soviet Union also supports proposals for regional disarmament and the reduction of armaments in various regions of the world, including the Near East. However, as we have pointed out, the question of measures aimed at restricting the arms race in the Near East could only be considered, of course, subject to elimination of the consequences of the Israeli aggression against Arab countries and, above all, the complete withdrawal of Israeli troops from the territories of the countries occupied by them.

86. The elimination of foreign military bases in the territories of other States would be an important measure to curb the arms race and bring us closer to disarmament. The General Assembly adopted at its twenty-first session a resolution on the elimination of foreign military bases which stressed that—

> **. . . this question is of paramount importance and therefore necessitates serious discussion because of its implications for international peace and security.[15]**

The General Assembly requested the Eighteen-Nation Committee to submit a report on the results of the consideration of this important issue.

87. The foreign military bases of the Western Powers and their military alliances create a threat to peace by considerably increasing the danger of armed conflicts. They serve as an instrument of a policy of aggression and interference in the domestic affairs of other States, and a means of suppressing national liberation movements. The true nature and the purpose of foreign military bases are revealed with particular clearness in connexion with the United States aggression against Viet-Nam. We hope that consideration of the question of the elimination of foreign military bases in the territories of other States, which is what the General Assembly calls for, will enable us to find ways of solving it in the interest of ensuring international security and progress towards disarmament.

88. The cessation of flights of bombers carrying nuclear weapons beyond national boundaries is one of the important issues among the urgent measures for disarmament which, in the opinion of the Soviet

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[15] *Documents on Disarmament, 1966*, p. 804.

Government, should be implemented in the nearest future. Such flights constitute a permanent source of risk of an outbreak of nuclear war as a result of a technical failure, an accident or other unforeseen event. That has become particularly obvious after a number of accidents to United States military aircraft with nuclear weapons on board which have occurred recently. We do not, of course, share the view of the United Kingdom representative, Mr. Mulley, who in his statement at our meeting of 16 July questioned the appropriateness of discussing that matter in the Committee.[16] We believe that the Committee should take up that important problem, which arouses understandable concern and alarm among many nations.

89. In putting forward a broad programme of concrete measures covering both nuclear weapons and conventional arms, the Soviet Union bases itself on the premise that the implementation of such measures would promote the eventual accomplishment of the main task—general and complete disarmament under effective international control. To reach agreement on that problem is still one of the main objectives of the negotiations in the Eighteen-Nation Committee on Disarmament. Resolution 2342 adopted by the General Assembly at its twenty-second session—and this was referred to this morning by the representative of India—contains an urgent request that the Committee "resume at the earliest possible date consideration of the question of general and complete disarmament . . ."[17]

90. We should also like to point out that the non-proliferation treaty contains in its article VI a provision which binds the parties to the treaty to pursue negotiations in good faith on a treaty on general and complete disarmament under strict and effective international control.[18] The task of the Eighteen-Nation Committee on Disarmament is to do everything necessary to ensure progress in solving this most important question of our time. We realize that the solution of the problem of general and complete disarmament involves great difficulties and calls for strenuous efforts. Nevertheless, to ensure international security requires that the efforts aimed at reaching agreement on this problem shall continue and be redoubled so as to remove forever the threat of war and to direct the enormous resources wasted on the arms race towards the benefit of the peoples.

91. The race in military preparations continues to accelerate. Whereas in 1962, when the Eighteen-Nation Committee began negotiations on disarmament, the world military expenditure amounted to $120,000 million a year, in 1965—three years after the Committee began its work—this military expenditure was estimated to be $180,000 million—in other words, a fifty per cent increase. At present it is already over $200,000 million, and is estimated at about $225,000 million a year.

92. The Soviet Union is determined to do everything possible to accelerate the solution of the problems of general and complete disarmament and to achieve genuine international security. Mr. Gromyko, the USSR Minister for Foreign Affairs, said on 27 June:

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[16] ENDC/PV. 281, p. 27.
[17] *Documents on Disarmament, 1967*, pp. 730-731.
[18] *Ante*, pp. 461-465.

The Soviet Government is prepared, as before, to implement the programme of general and complete disarmament and calls upon all States of the world to spare no efforts in accomplishing this historic task.[19]

The Soviet memorandum on disarmament draws the attention of all States to the need to achieve concrete results in the solution of this problem.

93. The Eighteen-Nation Committee has before it a draft treaty on general and complete disarmament under effective international control submitted by the Soviet Union.[20] The Soviet programme of general and complete disarmament indicates a concrete way by keeping to which it would be possible to solve this problem.

94. The socialist States members of the Eighteen-Nation Committee have repeatedly displayed their good will and determination to secure the achievement of general and complete disarmament. During the current session the representatives of Poland, Czechoslovakia, Bulgaria and Romania have emphasized the importance of the solution of this problem, as have the representatives of India and Mexico in their statements this morning. Now that the common efforts of many States have resulted in the non-proliferation treaty, the world has secured another substantial bridgehead for progress towards accomplishing the goals of disarmament, including those of general and complete disarmament.

95. In conclusion, I should like to say that the Soviet delegation has listened with great interest to the very important statements of the representatives of India, Canada and Mexico. Those statements will be analyzed very carefully and with due interest by the Soviet delegation, which will take them into account at the present and subsequent sessions of the Eighteen-Nation Committee on Disarmament.

Statement by the United States Representative (Bunn) to the Eighteen Nation Disarmament Committee: Chemical and Bacteriological Warfare, August 13, 1968 [1]

96. We welcome the succinct statement which our colleague, Mr. Husain of India, has made this morning of his country's views. We shall study with particular care his observations on the cut-off of production of fissionable materials for weapon purposes and on the relationship of the comprehensive test ban to peaceful nuclear explosions.

97. We found Mr. Burns' contribution on the results of Canadian seismological research of considerable interest and benefit to the Committee.

98. I listened with great interest to the helpful comments of Mr. Castañeda on the subject of the Committee's programme of work. As one of the co-Chairmen, the United States will take his views into account in attempting to agree upon an agenda for the Committee.

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[19] *Infra*, p. 451 (variant translation).
[20] *Documents on Disarmament, 1965*, pp. 87–102.
[1] ENDC/PV.389, pp. 31–35.

99. As my delegation has made clear in previous statements, we believe that the priority task for this Committee is to deal effectively with the nuclear problem. This is the most pressing responsibility which the non-proliferation treaty [2] lays on its parties. It is the most important of the items for which the General Assembly looks to us for accomplishment. It should take first place on the agenda of all countries represented here.

100. But we cannot neglect the pressing problem of chemical and bacteriological warfare. We noted the new interest in this problem evidenced in the statements made this morning by yourself, Mr. Chairman,[3] and by the representatives of India and Mexico, and in the earlier statements by the representatives of Poland [4] and Sweden.[5] Let me also call the attention of representatives here to the noteworthy statement on this subject which was made by the Secretary-General, U Thant, on 10 July. He said:

> **In my view, the development of the biological and chemical warfare materials is in a way far more serious than the development of nuclear weapons. When I say "in a way" I have in mind the fact that the nuclear weapons are a rich man's property or a rich country's property—only the very rich and the super-rich can develop, manufactr e and maintain them. As far as biological and chemical warfare materials are concerned, it is in many ways not only the exclusive property of the rich, but they are easily accessible to the poor countries also. That is why it is far more dangerous.[6]**

101. Whether used by rich or by poor, these are weapons of mass destruction which constitute a danger to all mankind. And as we begin to deal effectively with the nuclear problem they could become of increasingly greater importance in the arsenals of States which already possess them. Moreover, if they spread into the hands of an ever larger number of States the dangers of their use in time of war will multiply.

102. Aware of the consequences of neglecting this question, several delegations have made proposals to deal with it. These proposals divide conveniently into three categories: first, banning the use in war of chemical and bacteriological weapons; second, banning the production and possession of such weapons; and third, calling for United Nations studies of their effects and the implications of their use. I shall discuss each of these categories.

103. The first category covers proposals for banning the use of such weapons in war. You have proposed today, Mr. Chairman, that this Committee examine ways and means of securing the observance of all States of the Geneva Protocol of 1925 for the prohibition of poisonous gases and bacteriological methods of warfare.[7] As we all know, international revulsion against the use of such weapons during the First World War led to this Protocol. Since the First World War nations have continued to condemn the use of these weapons.

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[2] *Ante*, pp. 461–465.
[3] *Supra*.
[4] ENDC/PV.385, pp. 22–23.
[5] ENDC/PV.383, p. 7.
[6] See *U.N. Monthly Chronicle*, Aug.–Sept., 1968, p. 105.
[7] Senate Foreign Relations Committee, Subcommittee on Disarmament, *Disarmament and Security: A Collection of Documents, 1919–55* (Com. print, 84th Cong., 2d sess.), pp. 169–170.

104. While the United States is not a party to the Protocol, we continue to support the worthy objectives which it seeks to achieve. We have never used biological weapons of any kind, bacteriological or otherwise. We were not the first to engage in gas warfare in the First World War and we have not engaged in it since that time.

105. We played a crucial role in preventing the horrors of gas warfare during the Second World War. In 1943 President Roosevelt gave a serious warning of severe retaliation if others resorted to gas warfare. He stated that the use of poisonous gas "has been outlawed by the general opinion of civilized mankind." He added categorically that "We shall under no circumstances resort to the use of such weapons unless they are first used by our enemies."[8] I noted your recognition this morning, Mr. Chairman, of the effectiveness of this warning in the Second World War. In 1960 President Eisenhower reaffirmed United States policy of not using such weapons first;[9] and Secretary Rusk has stated recently that it is against our policy to engage in gas warfare.[10] We are not now doing so and have not done so since the First World War.

106. On 5 December 1966 we voted in favour of General Assembly resolution 2162B (XXI) which called for strict observance by all States of the principles and objectives of the 1925 Geneva Protocol.[11] In explaining our vote the United States representative stated:

> . . . whether, or by what procedure, States that have not yet done so should adhere to the Geneva Protocol is for each of them to decide in the light of constitutional and other considerations that may determine their adherence to any international instrument, and particularly one which dates from 1925. What is essential today is to obtain from States a formal public expression of intent to observe strictly the objectives and principles of the Geneva Protocol.[12]

Resolution 2162B contained such a formal expression of intent. It was adopted by an overwhelming vote.

107. Mr. Mulley, our distinguished United Kingdom colleague, has suggested that the 1925 Protocol be supplemented by a new convention which would, among other things, proscribe the use for hostile purposes of microbiological agents and declare unlawful microbiological methods of warfare of any kind.[13]

108. It should be noted, of course, that the Geneva Protocol already prohibits "the use . . . of bacteriological methods of warfare". As we understand it, Mr. Mulley's proposal would supplement but not supersede that prohibition. The United States believes that his proposal should receive serious study by this Committee.

109. I turn now to the second category of proposals on chemical and bacteriological weapons—the proposals to ban the production and possession of such weapons. The plans for general and complete disarmament already submitted to this Committee contain proposals of that kind. Resolution 2162B, to which I have already referred, notes that the Committee has before it—

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[8] *Department of State Bulletin*, June 12, 1943, p. 507.
[9] *Public Papers of the Presidents of the United States: Dwight D. Eisenhower, 1960–61*, p. 29.
[10] *Department of State Bulletin*, Apr. 12, 1965, p. 528.
[11] *Documents on Disarmament, 1966*, pp. 798–799.
[12] *Ibid.*, p. 801.
[13] *Ante*, pp. 536–538.

. . . the task of seeking an agreement on the cessation of the development and production of chemical and bacteriological weapons and other weapons of mass destruction, and on the elimination of all such weapons from national arsenals, as called for in the draft proposals on general and complete disarmament now before the Conference.[14]

110. Mr. Mulley has proposed a ban on the production of microbiological agents and the destruction of any stocks of such agents or the ancillary equipment already in the possession of the parties. The United Kingdom working paper notes that this would have to be "so worded as to take account of the fact that most of the microbiological agents that could be used in hostilities are also needed for peaceful purposes." [15] Mr. Mulley recognized that the greatest difficulty this proposal faces is the method of verification. He added:

. . . parties to any arms control or disarmament agreement are entitled to be reasonably satisfied to the greatest practicable extent that other parties are carrying out their obligations under the agreement.[16]

111. We too recognize the serious problem that is posed by the need to verify a ban on the production and possession of microbiological agents. If Mr. Mulley's proposal for such a ban has wide support in principle, we would recommend that a working group be formed under the auspices of the Eighteen-Nation Committee on Disarmament to study this problem as well as other problems relating to such a ban, and that this group report at a later date. There is ample precedent here for a working group of this kind to deal with the whole range of technical problems which might arise. We believe that with such a report in hand the Eighteen-Nation Committee on Disarmament would be better equipped to address itself to the question of a convention or treaty banning the production, possession and use of microbiological agents for other than peaceful purposes. I noted Mr. Castañeda's suggestion today for a sub-committee to deal with this problem—a suggestion which is quite similar to our idea.

112. I turn now to the third category of proposals which have been made—those for studies by the Secretary-General of the United Nations on the nature and possible effects of chemical and bacteriological weapons. Mr. Mulley proposed such a study for chemical weapons alone. The representative of Poland proposed such a study for both chemical and bacteriological weapons.[17] On balance, we see some net gain in treating chemical weapons separately from bacteriological weapons. However, we can support a study on the nature and possible effects of chemical and bacteriological weapons, either together or separately.

113. We have a good precedent for such a study. The Canadian-Polish draft resolution of 1966, which became General Assembly resolution 2162 A (XXI), requested the Secretary-General to prepare a concise report on the effects of the possible use of nuclear weapons and the implications of their acquisition.[18] The resulting report was

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[14] *Documents on Disarmament, 1966*, p. 799.
[15] *Ante*, pp. 569–571.
[16] *Ante*, p. 561.
[17] ENDC/PV. 385, pp. 22–23.
[18] *Documents on Disarmament, 1966*, p. 798.

of considerable benefit in the final stages of the negotiation of the non-proliferation treaty.[19] To support such a study for chemical and bacteriological weapons is not to imply that the Geneva Protocol should be revised, superseded or supplemented. My own Government has made no decision on whether revision is required. But the world needs to be told of the nature of these weapons, and what their use might entail for mankind. The problems are of great complexity, yet the dangers are of mass devastation.

114. The least we can do is to begin to address ourselves to this problem at once. This Committee could play a significant role in initiating a study by the Secretary-General. We could recommend it to the General Assembly in our report. We could also draft suggested terms of reference for the experts to be selected by the Secretary-General. This Committee has never given careful study to chemical and bacteriological warfare. We have, therefore, much to learn. The time to begin is now.

115. Finally, may we again stress that this is not the forum for dealing with the difficult problem of bringing peace to Viet-Nam? I for one do not propose to complicate the difficult negotiations for peace going on in Paris by making statements here about that war.

Recommendations by the Co-Chairmen on the Agenda of the Eighteen Nation Disarmament Committee, August 15, 1968 [1]

AGENDA

The co-Chairmen have been giving consideration to the agenda and procedure of work for the Committee. They are aware that the members of the Committee wish to establish an agenda. They have taken note of the very large number of measures and proposals which members of the Committee have put forward for discussion by the Committee.

In recognition of the views expressed by the members of the Committee, in response to the recommendations of the General Assembly, taking into account the treaty on the non-proliferation of nuclear weapons [2] and also the agreement announced on 1 July 1968 for bilateral discussions on the limitation and reduction of both offensive strategic nuclear weapons delivery systems and systems of defence against ballistic missiles,[3] the co-Chairmen suggest the following provisional agenda:

1. Further effective measures relating to the cessation of the nuclear arms race at an early date and to nuclear disarmament.

Under this heading members may wish to discuss measures dealing with the cessation of testing, the non-use of nuclear weapons, the cessation of production of fissionable materials for weapons use, the cessa-

[19] *Ibid.*, *1967*, pp. 470-513.

[1] ENDC/PV. 390, pp. 29-30. The agenda was adopted by the ENDC on Aug. 15, 1968.

[2] *Ante*, pp. 461-465.

[3] *Ante*, p. 400.

tion of manufacture of weapons and reduction and subsequent elimination of nuclear stockpiles, nuclear-free zones, etc.

2. Non-nuclear measures.

Under this heading, members may wish to discuss chemical and bacteriological warfare, regional arms limitations, etc.

3. Other collateral measures.

Under this heading, members may wish to discuss prevention of an arms race on the sea-bed, etc.

4. General and complete disarmament under strict and effective international control.

The co-Chairmen note the recognized right of any delegation to raise and discuss any disarmament subject in any meeting of the Committee.

French Note to the Soviet Union: Reply to Soviet Disarmament Memorandum, August 19, 1968 [1]

The French Government has studied with interest the memorandum transmitted on July 2 by the Embassy of the Soviet Union to the Ministry of Foreign Affairs, which contains various suggestions relating to the problem of disarmament.[2]

The French Government has always attached to this problem the primary importance that it deserves. In particular, since the appearance of nuclear weapons, the Government of France, especially its Chief of State, has stressed the urgent need to spare mankind an ordeal the consequences of which could exceed in horror the suffering and ruin that mankind has experienced, and in some places continues to experience even now.

Neither a monopoly on nuclear weapons for the benefit of a few States nor sustained efforts to maintain a precarious balance between the forces likely to confront each other will guarantee the survival of the world.

Accordingly, the French Government has always favored the destruction of nuclear weapons, and a prohibition on the manufacture of new weapons. Forced in turn, in a world in which they are proliferating, to provide France with them in order to ensure its defense in complete independence, [the French Government] would be the first, whenever the conditions for genuine disarmament were met, to join in action intended to have such weapons eliminated everywhere, both now and in the future.

Nuclear Vehicles First

The French authorities have repeatedly affirmed the need to give this objective priority in the work of disarmament. Thus, more than eight years ago, they became convinced that the necessary restrictions should first of all apply to vehicles for nuclear weapons, and should also result in prohibition of their manufacture and destruction of stockpiles.

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[1] *Le Monde*, Sept. 29-30, 1968, p. 6. State Department translation.

[2] *Ante*, pp. 466-470.

Lastly, they noted that success in negotiations required that they be held principally between the powers that possess [nuclear] weapons, and thus would be able to make the necessary reciprocal commitments.

However, it is plain that nuclear disarmament can be brought about only if it is accompanied by a similar effort concerning conventional weapons. That is the price for world security.

Supervision of Implementation

This restatement of basic principles, and of the thesis constantly upheld by the French Government, explains the interest that it has taken in the passage of the Soviet memorandum that suggests talks between all the nuclear powers in order to examine the means most suitable for eliminating nuclear weapons, including a study of the problem of their vehicles. The French Government is prepared to take part in any action intended to carry out the suggestions made. Naturally, it is in duty bound to stress that there can be no negotiations likely to prove successful unless there is, at the outset, a common willingness to accept strict supervision of the implementation of the decisions taken.

Prohibition on Chemical Weapons

Several of the other measures discussed in the Soviet memorandum reflect proposals already discussed in the past, concerning which the position of the French Government is known. Nevertheless, some clarifications can be given in reply to the Soviet memorandum.

In particular, the French Government wishes to reassert its interest in the universal implementation of the 1925 Protocol prohibiting the use of chemical and bacteriological weapons.[3] It is prepared to study problems which might be raised by the prohibition not only of the use, but also of the manufacture, of such weapons, since supervision is also an essential condition for success.

The French Government shares the concern of the U.S.S.R. over the development of world traffic in arms. It is prepared to examine immediately whether, in particular instances, concerted measures could be decided upon and implemented by mutual agreement.

The Need for Détente

The French Government is thoroughly aware of the problems raised by the use of the sea bottom. A United Nations Special Committee now has the problem before it; and though it is impossible to state that any specific measure will be decided upon and implemented in this field, for disarmament is a world concern, the French Government will state its views in the Committee, and study the Committee's conclusions.

To conclude this reply, and while awaiting subsequent conversations between interested States, the French Government intends to lay stress upon the following considerations. Since no specific or vital progress can be conceived without equal willingness by all States

[3] Senate Foreign Relations Committee, Subcommittee on Disarmament, *Disarmament and Security: A Collection of Documents, 1919-55* (Com. print, 84th Cong., 2d sess.), pp. 169-170.

to promote a genuine *détente*, the first stage along the road to true disarmament consists in a quick solution to the conflicts existing in the world, or threatening to break out. The French Government is prepared to join in any sincere effort by the responsible powers in connection with this realistic approach, and thus, in the course of events, to contribute to the triumph of liberty and peace over the forces of intolerance and war.

Italian Working Paper on Underground Nuclear Explosions, August 23, 1968 [1]

1. The Italian Government has long advocated the possibility of extending the 1963 Treaty on the partial prohibition of nuclear tests to underground nuclear explosions.[2]

The recent conclusion of negotiations on the non-proliferation of nuclear weapons, and the undertakings stipulated in Article VI, as well as in the preamble,[3] make it possible to hope that definite progress will be made very quickly in this field, which is so important for world peace and security.

From the development of the discussions during the present session of the Eighteen-Nation Committee on Disarmament it appears that an overall and complete solution of this problem still presents difficulties which have not been eliminated. Consequently, the Italian Government feels that every possible effort should be made to achieve at least some partial progress, while waiting until events have matured and enable all the remaining obstacles to be overcome.

2. With this in view, and with the object to obtaining some partial results, the Italian delegation suggests that the regulation of underground explosions for peaceful purposes should for the time being be separated from that of underground nuclear explosions for military purposes.

This separation would have the advantage of making it possible to leave military explosions aside provisionally and to endeavour to reach agreement on an acceptable form of control where nuclear explosions of a peaceful nature are concerned. The problem would thus be simplified because by tackling it in this way a temporary solution would be possible, until scientific and technical progress succeeded in providing appropriate ways and means for guaranteeing an overall prohibition of tests, beyond all possibility of dispute.

3. Within the framework of an international system for the regulation of nuclear explosions for peaceful purposes, the following preliminary initiatives could be envisaged:

(a) Governments responsible for underground nuclear explosions should act in a different manner according to whether underground nuclear explosions for peaceful or for military purposes are concerned. The former, before being carried out, should be announced to the United Nations, with all necessary details (approximate date of the

[1] ENDC/234, Aug. 23, 1968.
[2] *Documents on Disarmament, 1963*, pp. 201–203.
[3] *Ante*, pp. 461–465.

test, locality, depth, purpose, power of explosive). All explosions which had not been announced to the United Nations in this way would be regarded as being of a military nature.

(b) These same Governments should invite foreign experts (scientists and technicians) chosen and approved by them from non-nuclear States to observe the explosions. In this way, the experts of the non-nuclear States would be able to familiarize themselves with the techniques of nuclear explosions, and especially with their practical results. A start would thus be made to apply the provisions of Article V of the Non-Proliferation Treaty.

(c) Non-nuclear Governments, in their turn, should submit a list of experts to the Governments of the States where the nuclear explosions are to take place; the observers invited to participate in the nuclear tests would be selected from among the names given in this list.

4. The proposal submitted by the Italian delegation, if accepted, would make it possible to obtain the following results:

(a) The scope of the field not yet covered by the regulations of the 1963 Treaty would be reduced.

(b) A start could be made to apply the provisions of the Non-Proliferation Treaty, and in particular Articles V and VI, as well as paragraph 11 of its preamble.

(c) The result would be achieved that a certain number of scientists and technicians from non-nuclear States would acquire knowledge or deepen their existing knowledge of the benefits that can be derived from nuclear explosions for peaceful purposes.

(d) There would be created a more favourable situation for tackling, in due course, the problem of underground nuclear explosions for military purposes with reasonable prospects of success.

5. Lastly, the Italian Government is of the opinion that, in the light of recent developments in the international field, it would be desirable to consider, at the same time as the measures set forth above, the advisability of deciding upon and proclaiming the prohibition of all explosions under the sea-bed of nuclear weapons or nuclear explosive devices for military purposes.

Nuclear explosions for peaceful purposes under the sea-bed could at present be the subject of a general moratorium until they are regulated on an international basis requiring detailed studies to guarantee the necessary safety measures for the protection of the interests of nations in the sea-bed and ocean floor environments.

6. The Italian delegation wishes to make it clear that the proposals which it has submitted are aimed essentially at the adoption of provisional measures which would represent a limited advance while waiting for the possibility of reaching an overall agreement for the cessation of all experiments for military purposes.

Statement by Deputy Assistant Secretary of State Popper to the *Ad Hoc* Committee To Study the Peaceful Uses of the Sea-Bed and the Ocean Floor Beyond the Limits of National Jurisdiction [Summary], August 23, 1968 [1]

Mr. Popper said that his country shared the universal desire that the sea-bed and the deep ocean floor should not become an arena for an armaments race. His delegation was therefore anxious to contribute to the work of the Committee by putting before it a course of effective action which, in conditions of reciprocal confidence, would enable States possessing the capability to emplace weapons on the deep ocean floor to refrain from so doing in the assurance that they would not thereby be placed at a military disadvantage. Such action would, of course, necessarily have to be preceded by painstaking technical study, which should be carried out by a qualified organ and as early as possible.

The task of the international community in achieving the aim he had described was a dual one: the formulation of a generally accepted goal, towards which all countries should strive, with regard to the military uses of the sea-bed—a task which his delegation believed could appropriately be performed by the *Ad Hoc* Committee—and the conclusion of binding agreements on arms control measures relating to the ocean floor.

A number of delegations had proposed that the latter task, too, should be entrusted to the *Ad Hoc* Committee, in order not to fragment the work assigned to it by the General Assembly and that, accordingly, the matter of sea-bed arms control should not be referred to the Eighteen-Nation Disarmament Committee. His delegation was convinced that the kind of expert analysis and negotiation which was needed for the conclusion of specific agreements on arms control in the sea-bed and other environments could not be undertaken by the *Ad Hoc* Committee; the Disarmament Committee did, however, possess the necessary expertise and his delegation maintained its proposal that that body should be requested by the General Assembly to take up the question of arms limitation on the sea-bed and ocean floor with a view to defining those factors vital to a workable, verifiable and effective international agreement which would prevent the use of that new environment for the emplacement of weapons of mass destruction.[2] It believed, however, that it would be desirable for the General Assembly specifically to convey its wishes on the subject to the Disarmament Committee.

The *Ad Hoc* Committee should, moreover, request the Assembly to give expression to the universal desire to avoid an arms race in the sea-bed environment. Proposals to that effect so far submitted in the Committee had been framed either in terms of prohibiting military activities on the sea-bed or in terms of using the sea-bed for exclusively peaceful purposes. The uncertainty about what constituted "military" activities in that connexion made the first type of proposal somewhat

[1] A/AC.135/SR.17, pp. 50-52.

[2] *Ante*, p. 452.

difficult: research supported by naval forces and using naval equipment, for example, might be excluded. His delegation therefore supported the adoption of a General Assembly resolution declaring that the sea-bed and deep ocean floor should be used exclusively for peaceful purposes, the test of a "peaceful" activity being whether it was consistent with the United Nations Charter and other obligations of international law. Since, however, "peaceful purposes" would not preclude all military activities, a detailed arms control agreement would have to be evolved to prohibit specific military activities. Those not so prohibited would continue to be conducted in accordance with the principle of freedom of the high seas and for purely peaceful ends.

In conclusion, he said that, should the Committee be in a position to submit a set of principles to the Assembly for consideration, those principles should include one relating to the reservation of the sea-bed and ocean floor exclusively for peaceful purposes. If, however, the formulation of principles was impossible for the moment, his delegation was prepared to explore other methods of conveying the views of the Committee to the Assembly.

Eight Nation Joint Memorandum on a Comprehensive Test-Ban Treaty, August 26, 1968 [1]

The delegations of Brazil, Burma, Ethiopia, India, Mexico, Nigeria, Sweden and the United Arab Republic continue to view with deep concern that it has not so far been possible to reach agreement on a Comprehensive Test Ban Treaty. They had expressed their apprehensions and anxieties in this regard in their earlier joint memoranda.[2]

Ever since 1959, when the General Assembly of the United Nations became seized of this question, it has adopted Resolutions each year on the urgent need for suspension of nuclear and thermonuclear tests.

In its latest Resolution on the subject, 2343 (XXII) of 19 December 1967, the General Assembly has urged all States which have not so far adhered to the Treaty banning nuclear weapon tests in the atmosphere, in outer space and under water to do so without further delay, and has called upon all nuclear-weapon States to suspend nuclear weapon tests in all environments, and has expressed the hope that States would contribute to an effective international exchange of seismic data. Finally, the resolution has requested the Eighteen-Nation Disarmament Committee to take up as a matter of urgency the elaboration of a treaty banning underground nuclear weapon tests and to report to the General Assembly on this matter at its twenty-third session.[3]

In the Preamble of the Partial Test Ban Treaty of 1963 the three nuclear-weapon powers parties to the Treaty had expressed their determination "to seek to achieve the discontinuance of all test explosions of nuclear weapons for all time and to continue negotiations to this end."

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[1] ENDC/235, Aug. 26, 1968.
[2] *Documents on Disarmament, 1965*, pp. 425-426; *ibid., 1966*, pp. 574-576.
[3] *Ibid., 1967*, p. 731.

It is a matter of utmost regret that despite the General Assembly resolution 1762 (XVI), which had condemned all nuclear weapon tests,[4] and the Partial Test Ban Treaty,[5] nuclear weapon tests have not been suspended but are continuing both in the atmosphere and underground.

The eight delegations are gravely concerned by the fact that all countries have not yet adhered to the Partial Test Ban Treaty. Tests in the atmosphere are, in fact, taking place at an increasing rate and the yields of such tests have reached the megaton range, resulting once again in widespread radioactive contamination, which had started diminishing since the conclusion of the Partial Test Ban Treaty.

Nuclear weapon testing underground is also continuing at a high frequency and with increasing yields, thus substantiating the fears expressed in the Memorandum of the eight delegations of August 17, 1966, that continued testing would impart "a renewed impetus to the arms race, bringing about unforeseeable consequences in regard to imbalance and mistrust in the relationship between States and causing immense and increasing diversion of human and material resources for purposes of war."[6]

There have also been reports that large underground tests have led to leakages of radioactivity outside the territorial limits of testing States, thus causing infringements of the Partial Test Ban Treaty. Even if these incidents have not been deliberate, they may eventually lead to a weakening of the Partial Test Ban Treaty and even endanger its very existence.

The heavy costs involved in nuclear weapon testing and the continued drain on highly specialized personnel being used for the further development and sophistication of nuclear weapons are a matter of serious concern for the international community. Considerable economic and technical resources and personnel could be redirected to peaceful scientific efforts and co-operation in the peaceful nuclear field if a Comprehensive Test Ban Treaty were concluded.

The eight delegations reaffirm their strong view that a treaty banning underground nuclear weapon tests would be an important step in the field of disarmament and would constitute an earnest of the intention of the nuclear-weapon Powers to carry out their obligations in accordance with the Partial Test Ban Treaty.

The eight delegations are aware that the differences among the nuclear-weapon Powers on the question of verification and the type of system needed for monitoring a treaty banning underground tests have not yet been resolved in spite of the fact that there has been considerable progress in regard to methods of control of an underground test ban.

The eight delegations note that various proposals have been put forward in the Committee by several delegations. They view with deep apprehension the fact that no serious negotiations have taken place on these proposals. These proposals should be studied further without delay.

Further international discussion could be held to promote an organized international exchange of seismic data from national seismolog-

[4] *Ibid., 1962*, vol. II, pp. 1029–1033.
[5] *Ibid., 1963*, pp. 291–293.
[6] *Ibid., 1966*, p. 575.

ical stations. Such an exchange would help to provide a better scientific basis for national evaluation of underground events.

An encouraging development has been that experts from various countries including four nuclear-weapon States have recently had an unofficial meeting in order to exchange views and hold discussions in regard to the adequacy of such methods. It is the view of the eight delegations that such discussions are useful and should continue.

In the Non-Proliferation Treaty [7] and in connexion with discussions on it the question of nuclear explosions for peaceful purposes has been given considerable prominence. This question is, however, also closely linked with a comprehensive test ban. This aspect of the matter underlines the urgency of a universal and comprehensive solution of the problem of nuclear explosions for peaceful purposes in the context of a comprehensive test ban treaty.

The eight delegations strongly urge that renewed and urgent efforts be made to conclude a comprehensive test ban treaty.

Pending the conclusion of such a treaty, the eight delegations reaffirm their strong and consistent view that the nuclear-weapon States should take immediate steps for the discontinuance of all nuclear weapon tests.

Report of the Eighteen Nation Disarmament Committee to the General Assembly and the Disarmament Commission, August 28, 1968 [1]

The Conference of the Eighteen-Nation Committee on Disarmament submits to the United Nations General Assembly and to the United Nations Disarmament Commission a report on the Committee's deliberations on the questions before it for the period 16 July 1968 to 28 August 1968.

Representatives of the following States continued their participation in the work of the Committee: Brazil, Bulgaria, Burma, Canada, Czechoslovakia, Ethiopia, India, Italy, Mexico, Nigeria, Poland, Romania, Sweden, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, and United States of America.

Upon the recommendation of the Co-Chairmen, members of the Committee reconvened the Conference on 16 July 1968.

Fourteen formal plenary meetings took place between 16 July 1968 and 28 August 1968. On 8 August, 1968, the Committee held an informal plenary meeting.

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[7] *Ante*, pp. 461–465.

[1] ENDC/230, Aug. 28, 1968. The documentary annexes are not reprinted here. For previous ENDC reports, see *Documents on Disarmament, 1962*, vol. I, pp. 577–581; *ibid.*, vol. II, pp. 865–871; *ibid., 1963*, pp. 170–173, 428–432; *ibid., 1964*, pp. 435–440; *ibid., 1965*, pp. 427–430; *ibid., 1966*, pp. 613–617; *ibid., 1967*, pp. 622–623.

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I. *Resolutions of the General Assembly referred to the Committee*

The Committee had before it Resolution 2289 (XXII), "Conclusion of a convention on the prohibition of the use of nuclear weapons"; [2] Resolution 2342A (XXII) and 2342B (XXII), "Question of general and complete disarmament";[3] Resolution 2343 (XXII), "Urgent need for suspension of nuclear and thermonuclear tests"; [4] Resolution 2344 (XXII), "Elimination of foreign military bases in the countries of Asia, Africa and Latin America"; [5] and Resolution 2373 (XXII), "Treaty on the Non-Proliferation of Nuclear Weapons".[6]

The Committee considered these resolutions. Noting the importance of the Non-Proliferation Treaty,[7] and in accordance with General Assembly Resolution 2373, the Committee devoted most of its attention to the request of the General Assembly that the Committee urgently pursue negotiations on effective measures relating to the cessation of the nuclear arms race at an early date and to nuclear disarmament.

II. *Messages, Working Papers and Other Documents submitted to the Conference*

On 11 January 1968 and 20 June 1968, the Secretary-General of the United Nations transmitted to the Co-Chairmen letters containing the above resolutions of the General Assembly. (ENDC 210 and 226)

On 16 July 1968, the representative of the Union of Soviet Socialist Republics submitted a "Memorandum by the Government of the USSR on Some Urgent Measures for Stopping the Arms Race and for Disarmament". (ENDC 227) [8]

On 16 July 1968, the representative of the United States of America submitted a message to the Conference from President Johnson. (ENDC 228) [9]

On 16 July 1968, the representative of the United Kingdom submitted a message to the Conference from Prime Minister Wilson. (ENDC 229)

On 29 July 1968, the representative of Sweden submitted a letter which enclosed a summary report of the meetings of a group of experts on seismic methods for monitoring underground explosions convened by the International Institute for Peace and Conflict Research in Stockholm (SIPRI). (ENDC 230) [10]

On 6 August 1968, the representative of the United Kingdom submitted a Working Paper on Microbiological Warfare. (ENDC 231) [11]

On 20 August 1968, the representative of the United Kingdom submitted a Working Paper on the Comprehensive Test Ban Treaty. (ENDC 232) [12]

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[2] *Ibid.*, *1967*, pp. 626–627.
[3] *Ibid.*, pp. 729–731.
[4] *Ibid.*, p. 731.
[5] *Ibid.*, p. 732.
[6] *Ante*, pp. 431–432.
[7] *Ante*, pp. 461–465.
[8] *Ante*, pp. 466–470.
[9] *Ante*, pp. 531–532.
[10] *Ante*, pp. 456–458.
[11] *Ante*, pp. 569–571.
[12] Not printed here.

On 23 August 1968, the representative of Italy submitted a Working Paper on Underground Nuclear Explosions. (ENDC 234) [13]

On 26 August 1968, the delegations of Brazil, Burma, Ethiopia, India, Mexico, Nigeria, Sweden and the United Arab Republic submitted a Joint Memorandum on a Comprehensive Test Ban Treaty. (ENDC 235) [14]

Transmitted as Annex II to this Report is a list of all documents submitted to the Eighteen-Nation Committee and verbatim records of the plenary meetings. Annex I contains the text of attached documents.

III. *Agenda*

In recognition of the views expressed by the members of the Committee, in response to the recommendations of the General Assembly, taking into account the Treaty on the Non-Proliferation of Nuclear Weapons and also the agreement announced on 1 July 1968, for bilateral discussions on the limitation and reduction of both offensive strategic nuclear weapons delivery systems and systems of defence against ballistic missiles,[15] which was welcomed by members of the Committee, the Co-Chairmen recommended the following provisional agenda which was adopted by the Committee on 15 August 1968:

1. **Further effective measures relating to the cessation of the nuclear arms race at an early date and to nuclear disarmament.**

Under this heading members may wish to discuss measures dealing with the cessation of testing, the non-use of nuclear weapons, the cessation of production of fissionable materials for weapons use, the cessation of manufacture of weapons, and reduction and subsequent elimination of nuclear stockpiles, nuclear free zones, etc.

2. **Non-nuclear measures.**

Under this heading, members may wish to discuss chemical and bacteriological warfare, regional arms limitations, etc.

3. **Other collateral measures.**

Under this heading, members may wish to discuss prevention of an arms race on the seabed, etc.

4. **General and complete disarmament under strict and effective international control.**

The Committee also noted the recognized right of any delegation to raise and discuss any disarmament subject at any time.[16]

Because of the comparative shortness of this session, the Committee reports that it has not been able to give comprehensive consideration to the matters before it. However, the Committee had a useful discussion of items on the agenda. All delegations participated in the work of the Committee and many interesting suggestions were made.

The Committee believes that the adoption of this agenda is a step forward which will facilitate progress in its work. In addition, the submission and discussion of concrete proposals, the exchange of views, and the exploration of possible questions which may become ripe for agreement, all help to lay the foundation for fruitful negotiations in the future.

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[13] *Infra*, pp. 586–587.
[14] *Infra*, pp. 589–591.
[15] *Infra*, pp. 458–460.
[16] *Infra*, pp. 583–584.

IV. *Questions Considered by the Committee*

A. Further effective measures relating to the cessation of the nuclear arms race at an early date and to nuclear disarmament

The Committee agreed that first priority in its work should be given to further effective measures relating to the cessation of the nuclear arms race at an early date and to nuclear disarmament. In this session, and pursuant to the recommendations of the General Assembly in Resolution 2373 (XXII), the Committee pursued negotiations on such measures. Several delegations made useful contributions.

In accordance with the recommendations of the General Assembly in Resolution 2343 (XXII), the Committee gave consideration to the question of a treaty banning underground nuclear weapon tests. The Committee held a useful and valuable discussion regarding this important matter.

Pursuant to Resolution 2289 (XXII), the Committee received from the Secretary-General the draft convention on the prohibition of the use of nuclear weapons proposed by the Union of Soviet Socialist Republics[17] and the records of the First Committee concerning such a convention. Members of the Committee had an extensive discussion of this matter.

The Committee considered the cessation of production of fissionable materials for weapons use, the cessation of manufacture of weapons and reduction and subsequent elimination of nuclear stockpiles. Members of the Committee also took up the subject of nuclear free zones.

The Committee intends to devote attention to this category of measures commensurate with the priority attached to it by the agenda. The hope was expressed that one or more of the measures within this category would become ripe for agreement at an early date.

B. Non-Nuclear Measures

Taking into account Resolution 2162B (XXI) of the General Assembly,[18] the Committee considered the problem of chemical and bacteriological weapons. The United Kingdom proposed a study by the Secretary-General on the nature and possible effects of chemical weapons and on the implications of their use.[19] Poland proposed a study by the Secretary-General on the effects of the use of both chemical and bacteriological weapons.[20] The Committee agreed to recommend to the General Assembly that the Secretary-General appoint a group of experts to study the effects of the possible use of chemical and bacteriological means of warfare. Because of the importance of this matter, the hope was expressed that the report on this study would be referred at an early date to the General Assembly, the Security Council and the Committee. A number of other proposals were also made concerning chemical and bacteriological weapons.

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[17] *Documents on Disarmament, 1967*, pp. 420–421.
[18] *Ibid., 1966*, pp. 798–799.
[19] *Ante*, pp. 537–538.
[20] ENDC/PV.385, pp. 22–23.

Members of the Committee expressed the view that the problem of chemical and bacteriological weapons should be given further attention in its next session.

Views were also expressed on the problem of regional arms limitations.

C. Other collateral measures

Several suggestions were made concerning the problem of prevention of an arms race on the seabed. The Committee concluded that this new subject would be a fruitful area for its future work.

Taking into account Resolution 2344 (XXII), delegations made statements on the question of the elimination of foreign military bases.

D. General and complete disarmament

In accordance with General Assembly Resolutions 2342A and B (XXII) and 2373 (XXII), and taking into account the report of the Secretary-General on the effects of the possible use of nuclear weapons,[21] members of the Committee exchanged views on the question of general and complete disarmament under strict and effective international control, and emphasized the importance of resuming the consideration of this question.

V. *Meetings of the Co-Chairmen*

During the period covered by this report, the representatives of the Union of Soviet Socialist Republics and of the United States of America, in their capacity as Co-Chairmen of the Eighteen-Nation Committee on Disarmament, held meetings to discuss the schedule of and procedure for the work of the Committee and also certain substantive questions before the Committee.

* * *

The Committee agreed to reconvene on a date to be established by the Co-Chairmen in consultation with all members of the Committee.

This report is transmitted by the Co-Chairmen on behalf of the Conference of the Eighteen-Nation Committee on Disarmament.

Union of Soviet Socialist Republics United States of America

Report of the *Ad Hoc* Committee To Study the Peaceful Uses of the Sea-Bed and the Ocean Floor Beyond the Limits of National Jurisdiction, August 30, 1968 [1]

INTRODUCTION

1. The General Assembly established the *Ad Hoc* Committee by resolution 2340 (XXII) of 18 December 1967 to study the scope and

[21] *Documents on Disarmament, 1967*, pp. 476–513.

[1] General Assembly *Official Records: Twenty-third Session* (A/7230), pp. 1–20. The annexes are not printed here.

various aspects of the item entitled "Examination of the question of the reservation exclusively for peaceful purposes of the sea-bed and the ocean floor, and the subsoil thereof, underlying the high seas beyond the limits of present national jurisdiction, and the use of their resources in the interests of mankind".[2] In paragraph 2 of the resolution the Assembly requested the Committee, in co-operation with the Secretary-General, to prepare for its consideration at the twenty-third session a study which would include;

(a) A survey of the past and present activities of the United Nations, the specialized agencies, the International Atomic Energy Agency and other inter-governmental bodies with regard to the sea-bed and the ocean floor, and of existing international agreements concerning these areas;

(b) An account of the scientific, technical, economic, legal and other aspects of this item;

(c) An indication regarding practical means to promote international co-operation in the exploration, conservation and use of the sea-bed and the ocean floor, and the subsoil thereof, as contemplated in the title of the item, and of their resources, having regard to the views expressed and the suggestions put forward by Member States during the consideration of this item at the twenty-second session of the General Assembly.

2. The *Ad Hoc* Committee, as decided by the General Assembly consisted of the following Member States: Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Canada, Ceylon, Chile, Czechoslovakia, Ecuador, El Salvador, France, Iceland, India, Italy, Japan, Kenya, Liberia, Libya, Malta, Norway, Pakistan, Peru, Poland, Romania, Senegal, Somalia, Thailand, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America and Yugoslavia.

3. The *Ad Hoc* Committee held three sessions. The first two were held at United Nations Headquarters, the first from 18–27 March and the second from 17 June–9 July 1968. The third session was held by invitation of the Government of Brazil at Rio de Janeiro from 19–30 August 1968.

4. At its first session, the *Ad Hoc* Committee established two working groups of the whole, one to deal with the economic and technical aspects of the item and the other with the legal aspects. The Committee retained for itself discussion of the remaining matters, that is, consideration of the scientific and other aspects of the item, in accordance with paragraph 2(b) of the resolution, and an indication regarding practical means to promote international co-operation in the exploration, conservation and use of the ocean floor and the subsoil thereof, in accordance with paragraph 2(c) of the resolution. It was also agreed that the two working groups would be free to refer to other aspects of the question having a relevance to their respective mandates.

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[2] *Documents on Disarmament, 1967*, pp. 727–729.

5. The officers of the *Ad Hoc* Committee and of its two working groups, elected by the *Ad Hoc* Committee at its second meeting on 19 March 1968, were as follows:

Ad Hoc Committee

Chairman:	Mr. Hamilton Shirley Amerasinghe (Ceylon)
Vice-Chairmen:	Poland (Mr. Bohdan Tomorowicz—first two sessions; Mr. Aleksander Krajewski—third session)
	United Republic of Tanzania (Mr. Waldo E. Waldron-Ramsey—first two sessions; Mr. Akili B. C. Danieli—third session)
	Chile (Mr. José Piñera—first two sessions; Mr. Fernando Zegers—third session)
	Norway (Mr. Jens Evensen—first two sessions; Mr. Einar-Frederik Ofstad—third session)
Rapporteur:	Mr. Victor J. Gauci (Malta)

Economic and Technical Working Group

Chairman:	Mr. Roger Denorme (Belgium)
Vice-Chairman:	Mr. R. C. Arora (India)
Rapporteur:	Mr. Anton Prohaska (Austria)

Legal Working Group

Chairman:	Mr. Leopoldo Benites (Ecuador)
Vice-Chairman:	Mr. Alexander Yankov (Bulgaria)
Rapporteur:	Mr. Shaffie Abdel-Hamid (United Arab Republic)

6. The first session of the *Ad Hoc* Committee, during which it held nine meetings, was devoted to organizational matters and to consideration of the Committee's programme of work. Following suggestions made during the discussions, the Chairman on 27 March listed various papers as those requested from the Secretariat. These were prepared by the Secretariat and issued as documents of the Committee.[3]

7. The second session of the *Ad Hoc* Committee was largely devoted to meetings of the two Working Groups. The *Ad Hoc* Committee itself held three meetings during the session, the Economic and Technical Working Group eleven meetings and the Legal Working Group fourteen meetings. Some of the meetings of the Working Groups were informal and no records were kept.

8. During the third session, the *Ad Hoc* Committee discussed the scientific aspects of the item, its military, political and other aspects,

[3] See documents A/AC.135/7 (transmitting documents E/4449 and Add.1 and 2, prepared under Economic and Social Council resolution 1112 (XL)), A/AC.135/9 (transmitting document E/4487, prepared under General Assembly resolution 2172 (XXI)), A/AC.135/10 and Rev. 1, A/AC.135/11 and Corr.1 and Add.1, A/AC.135/12, A/AC.135/13, A/AC.135/14, A/AC.135/15, A/AC.135/19 and Add.1 and 2, A/AC.135/28; and A/AC.135/17, prepared by the secretariat of the Intergovernmental Oceanographic Commission of UNESCO. A list of the documents of the Committee is annexed to the present report (annex IV). [Footnote in original.]

and the indication of practical means for international co-operation as provided for in paragraph 2 (c) of resolution 2340 (XXII). It held fourteen meetings. The Economic and Technical Working Group completed its programme of work with consideration of those aspects of paragraph 2 (c) falling within that Working Group's mandate. It held four meetings. At the outset of its third session, the *Ad Hoc* Committee decided that all draft resolutions and other formal proposals should be considered directly by the Committee itself in connexion with the indication of practical means under paragraph 2(c). The Legal Working Group, which had held a preliminary discussion of some of these proposals during its meetings in June, held no further meetings during the third session. The reports of the Economic and Technical Working Group and of the Legal Working Group are annexed to the present report (annexes I and II).

9. Meetings of the *Ad Hoc* Committee were attended by representatives of the United Nations Educational, Scientific and Cultural Organization, the Inter-Governmental Maritime Consultative Organization, the Food and Agriculture Organization of the United Nations, the World Meteorological Organization, the World Health Organization, and the International Atomic Energy Agency. Statements were made by the representatives of UNESCO, IMCO, FAO and IAEA. The Chairman of the Intergovernmental Oceanographic Commission (IOC) of UNESCO also addressed the *Ad Hoc* Committee.

10. The work of the *Ad Hoc* Committee is described below under the relevant sub-paragraphs of resolution 2340 (XXII).

I. Operative Paragraph 2(a) of Resolution 2340 (XXII)

11. In accordance with its mandate under paragraph 2 (a) of resolution 2340 (XXII), the *Ad Hoc* Committee had before it information relating to the activities of the United Nations, the specialized agencies, IAEA and other inter-governmental bodies with regard to the sea-bed and the ocean floor. In this connexion, the *Ad Hoc* Committee draws to the attention of the General Assembly as relevant to a survey of these activities the information contained in annexes XI and XII to document E/4487 which contain a survey of the activities of the organizations of the United Nations system and of other intergovernmental organizations in relation to marine science and technology. Additional documentation pertinent to this item was received from these agencies and was made available to the *Ad Hoc* Committee. This comprises material received from UNESCO and its Intergovernmental Oceanographic Commission (A/AC.135/2 and A/AC.135/22 transmitting various documents), from the World Meteorological Organization (A/AC.135/8 and Corr. 1) and from the Inter-Governmental Maritime Consultative Organization (A/AC.135/23).

12. The study requested from the *Ad Hoc* Committee by the General Assembly under paragraph 2 (a) of resolution 2340 (XXII) also included a survey of existing international agreements concerning the sea-bed and the ocean floor. In this connexion, the *Ad Hoc* Committee had before it a survey prepared by the Secretariat (A/AC.135/10), which was subsequently revised in the light of various comments made during the meetings of the Legal Working Group (A/AC.135/10/Rev.1). As suggested by the Legal Working Group (annex II, para.

42), the *Ad Hoc* Committee draws the attention of the General Assembly to this revised survey.

II. Operative Paragraph 2(b) of Resolution 2340 (XXII)

Scientific aspects

13. At its first session, the *Ad Hoc* Committee decided that the scientific aspects of the question would be considered by the Committee itself. On 25 March 1968 an outline of relevant scientific aspects, prepared by the secretariat of the Intergovernmental Oceanographic Commission of UNESCO (A/AC.135/4) was circulated to the members of the Committee. At the ninth meeting on 27 March, the Chairman of the *Ad Hoc* Committee requested from IOC a paper on the scientific aspects of the item. This paper, entitled "Scientific Aspects of Peaceful Uses of the Ocean Floor" (A/AC.135/17), was submitted on 18 June 1968. The Committee also had before it the views submitted by member Governments (A/AC.135/1 and Corr. 1 (English only) and Add. 1–10).

14. The *Ad Hoc* Committee discussed the scientific aspects of the question in the course of two meetings at its third session. At the first of these meetings document A/AC.135/17 was introduced by the Chairman of IOC, who emphasized that the document did not purport to be exhaustive. He suggested that the *Ad Hoc* Committee should support the Secretary-General's proposal to broaden the basis of IOC in order to enable it to formulate and co-ordinate the expanded programme of oceanic research. The Chairman of IOC also suggested the establishment of machinery necessary to secure close collaboration between the secretariats of IOC, the United Nations, and relevant subsidiary bodies; that IOC should be considered a marine scientific advisory body for any United Nations committee engaged in legal, political or economic matters related to the marine environment, and that the United Nations join with other organizations of the United Nations family in giving financial support to the activities of IOC. The suggestions made by the Chairman of IOC received support. Some delegations pointed out that the problems of agency cross-funding would require further consideration. Some delegations drew the attention of the Committee to the fact that the programmes relevant to the functions of IOC were also discussed by the Economic and Technical Working Group.

15. Delegations took note of the fact that in his report on marine science and technology (E/4487) the Secretary-General submitted a proposal for an expanded programme of international co-operation to assist in a better understanding of the marine environment through science, and that the Economic and Social Council, having considered that report, invited the General Assembly to endorse the concept of a co-ordinated long-term programme of oceanographic research designed to increase, in the interests of world economic development, the resources available to all people of the world, taking also into account such initiatives as the proposal for an International Decade of Ocean Exploration and several international programmes already considered, approved and adopted by the Intergovernmental Oceanographic Com-

mission for implementation, in some cases, in co-operation with other specialized agencies.

16. The representative of the United States dealt extensively with his Government's proposal that the 1970's be declared an International Decade of Ocean Exploration, outlining the programme of work involved. He emphasized that the Decade was one element in the long-term programme to be undertaken under the aegis of the United Nations and was not intended to be an alternative to other efforts, and the Decade was thus not the only means, although an important one, of stimulating investigation, fostering co-operation, and providing nations with the necessary knowledge for the exploration and use of the resources of the sea-bed.

17. Concerning the kind of activities to be undertaken as part of the Decade, the representative of the United States noted that participating nations would be expected to formulate plans, the essence of which would be exploration designed to reveal the character of some of the sea floor resources of which little was yet known. However, the task was so extensive, it could only be initiated and not completed within the Decade. With respect to organization and finance, participating nations would be expected to formulate specific plans and arrange the necessary finance. The IOC, in co-operation with other interested agencies, would play an important role in stimulating investigation in certain areas, co-ordinating related projects and arranging for exchange of information and data. Although the burden of work of IOC would be increased and its staff would need to be strengthened, its competence would not need to be materially broadened.

18. Continuing, the representative of the United States said that the nationals of countries unable independently to organize ocean exploration projects could participate in the studies undertaken by other nations. Developing countries might arrange for selected areas of their continental shelves to be mapped and the developed nations concerned could provide the equipment and the technical and financial support required. Technical assistance funds might be expected to be available through the usual channels. The benefits to be expected from the Decade were: expansion of knowledge of ocean resources; the improvement of instruments and methods of exploration and exploitation of minerals and other activities; the fruits of the experience gained in co-operating towards a common goal; the opportunity afforded developing nations of acquiring technical capability in marine science and technology, and acquiring information that will assist them in developing resources under their own national jurisdiction.[4]

19. During the discussion on this item, there was agreement that the activities of all bodies (international, national, regional, governmental or non-governmental), within or outside the United Nations, engaged in scientific research into the ocean floor and its resources, should be co-ordinated to avoid overlapping and promote efficiency. It was stated by some delegations that IOC should play an important role in the organization and development of international co-operation in the study of the sea-bed and ocean floor and their natural resources.

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[4] A/AC.135/SR.18.

20. The basic principle to be observed was that of freedom of scientific research and exploration. Several delegations also stated that scientific research could not create rights of exploitation in the sea-bed and the ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction. On this basis it was suggested that the *Ad Hoc* Committee should commend to the General Assembly the importance of full international co-operation and, more specifically: improved arrangements for dissemination of all information derived from scientific research; provision of facilities for training, research and other programmes for developing countries and any other countries that may need such assistance; and measures to stimulate public interest in and support for such work.

21. Note was taken of the programme of scientific research set out in document A/AC.135/17 entitled "Scientific Aspects of Peaceful Uses of the Ocean Floor". It was suggested that scientific research should be concentrated in some major fields, and priorities established. The fields suggested were: study of the geology and geophysics of the ocean floor and preparation of more accurate bathymetric maps; improvement of the International Data Exchange System and standardization of procedures; promotion of international co-operation in the prevention of pollution resulting from exploration and exploitation. Other examples falling within the objectives of the proposed International Decade, and mentioned by delegations, were: determination of the geological structure of the continental margin and its potential resources; preparation of topographical, geological and geophysical maps of selected regions of the ocean floor; selective coring and drilling of the continental margins and floor of the deep sea; preparation of maps of selected regions of the continental shelf of developing countries.

22. The Secretary-General's proposal that IOC be instructed to formulate an expanded programme of international co-operation was widely endorsed. It was suggested that this programme should take into account the proposal for an International Decade of Scientific Exploration. A number of observations and reservations concerning the financial implications of such an expanded programme were made. Many speakers commended the report of IOC, as a whole, to the General Assembly.

23. The Chairman of IOC explained that the broadening of the Commission's base could relate to: (a) its structure; (b) its programme; and (c) its field of competence. The IOC would not be concerned with exploitation although pure scientific research might have commercial side effects; it was also emphasized that IOC was aware of its limitations and field of competence and would not infringe on the competence of other bodies.[5] As regards the broadening of the base of IOC, however, reservations were expressed by certain delegations.

24. Some delegations expressed the view that the United Nations should assume a central role in co-ordinating activities in the field of scientific research and that there should be adequate supervision by the United Nations over programming and planning. Other delega-

[5] *Ibid.*

tions stressed the point that IOC should assume an important role in promoting, assisting and co-ordinating international co-operative efforts in this field. The view was also expressed by some delegations that the relevant agencies of the United Nations should have an important role and there should be increased co-operation between international agencies, governmental and non-governmental, to ensure adequate supervision for programming and planning.

25. The proposal of an International Decade was welcomed as a useful initiative, and widely supported. The suggestion that IOC, in preparing a programme for expanded co-operation, should utilize the proposal of the Secretary-General and take into consideration the proposed Decade was also supported. It was appreciated that a long-term programme would extend beyond a decade and would vary for different programmes. With respect to Economic and Social Council resolution 1381 (XLV), what was envisaged in the proposal for an International Decade was a dovetailing of approaches rather than a conflict.

26. The representative of UNESCO stated that inter-agency co-operation was already taking place and cited a number of examples.[a]

27. The proposal for an expanded programme as indicated by the Secretary-General received general support so far as it fell within the limits of the competence of the *Ad Hoc* Committee. It was observed by some delegations that the work of IOC and the concept of the Decade were designed to ensure the more effective uses of the ocean as a whole while the task of the Committee was strictly limited to the ocean floor beyond the limits of national jurisdiction.

28. The *Ad Hoc* Committee expressed unanimous appreciation of the work done by IOC.

Economic and technical aspects

29. In order to consider the economic and technical aspects of the question and in accordance with operative paragraph 2(b) of General Assembly resolution 2340 (XXII), the *Ad Hoc* Committee, as mentioned above, established an Economic and Technical Working Group as a committee of the whole.

30. It had before it the following documents prepared by the Secretariat: the views submitted by Member Governments (A/AC.135/1 and Corr.1 (English only) and Add. 1–10); the report prepared by the Secretary-General according to Economic and Social Council resolution 1112 (XL) on mineral resources of the sea beyond the continental shelf (E/4449 Add. 1); the report prepared by the Secretary-General according to General Assembly resolution 2172 (XXI) on marine science and technology (survey and proposals) (E/4487); an information note on the economic implications of the exploitation of mineral resources on and underlying the sea-bed and ocean floor and its subsoil with particular reference to world trade and prices (A/AC.135/14); and an information note on the effect of exploitation of mineral resources on superjacent waters and on other uses of the marine environment (A/AC.135/15). Resolutions 1380 and 1381 (XLV) adopted by the Economic and Social Council on 2 August 1968 were brought to the attention of the Working Group. The Work-

[a] A/AC.135/SR.21.

ing Group also had before it other documents and available authoritative sources of information.

31. The Economic and Technical Working Group held eleven meetings during the second session of the *Ad Hoc* Committee and four meetings during the third session, and unanimously adopted its report to the Committee (A/AC.135/L.3 and Corr.1).

32. As decided by the *Ad Hoc* Committee, the Working Group adopted its own programme of work (A/AC.135/WG.2/R.2). It discussed and reported on the economic and technical aspects of the item under the following headings: assessment of the extent of the mineral resources of the ocean floor and their geographical distribution; the present stage and foreseeable development of technology in the field of exploration evaluation and exploitation of the mineral resources of the ocean floor; the possibility of exploiting the mineral resources from the standpoint of technological progress and the profitability and soundness of investments; possible economic implications of the exploitation of marine mineral resources on world market and prices; possible repercussions of the exploitation of marine mineral resources on other uses of the sea; possibility of exploiting marine mineral resources for the benefit of mankind as a whole; and the prospects for international co-operation in the development and exploitation of the resources of the ocean floor.

33. In view of the detailed consideration and discussion that went into the preparation and adoption of the report of the Technical and Economic Working Group, it is annexed in full to the present report (annex I).

Legal aspects

34. In connexion with operative paragraph 2(b) of resolution 2340 (XXII) the *Ad Hoc* Committee draws the attention of the General Assembly to the study prepared by the Secretariat entitled "Legal aspects of the question of the reservation exclusively for peaceful purposes of the sea-bed and the ocean floor, and the subsoil thereof, underlying the high seas beyond the limits of present national jurisdiction, and the use of their resources in the interests of mankind" issued in three parts under the symbols A/AC.135/19 and Add. 1 and 2. As a related matter a "Survey of national legislation concerning the sea-bed and the ocean floor, and the subsoil thereof, underlying the high seas beyond the limits of present national jurisdiction" was also prepared by the Secretariat and is contained in documents A/AC.135/11 and Add. 1. The Committee also had before it the views submitted by Member Governments (A/AC.135/1 and Corr.1 (English only) and Add. 1-10).

35. In order to consider the various legal aspects of the question the *Ad Hoc* Committee, as mentioned above, established at its first session a Legal Working Group, as a committee of the whole.

36. This Working Group met during the second session of the *Ad Hoc* Committee, holding fourteen meetings. As decided by the *Ad Hoc* Committee it adopted its own programme of work (A/AC.135/WG.1/R.4) The Working Group had before it the above-mentioned studies, concerning the legal aspects of the item, as well as other documents (see annex II, appendix).

37. Within the limits expressed in the terms of resolution 2340 (XXII) the Working Group discussed in particular legal problems connected with the legal status of the sea-bed and the ocean floor and subsoil thereof; the reservation of the sea-bed and ocean floor and the subsoil thereof exclusively for peaceful purposes; use of the resources of the sea-bed and ocean floor and the subsoil thereof in the interests of mankind; freedom of scientific research and exploration of the sea-bed and the ocean floor and the subsoil thereof; the question of reasonable regard to the interests of other States in their exercise of the freedoms of the high seas; the question of pollution and other hazards. It also discussed other questions, including the question of a definition of the sea-bed and the ocean floor underlying the high seas beyond present national jurisdiction, the question of a moratorium or freezing of national claims over the sea-bed and the ocean floor beyond the limits of present national jurisdiction and the question of a statement of principles, in the form of a declaration, to be adopted by the General Assembly. These principles, some of which received wide support, are contained in paragraph 43 of the report of the Legal Working Group, and observations concerning the timing for the adoption of a declaration of principles are contained in paragraph 44 of the report (see annex II). Some delegations suggested that other statements of legal principles should also be considered in this connexion.

38. The report of the Working Group covering its first session containing the observations of members on these topics is annexed to the present report (annex II). The report noted that, owing to the shortage of time, the Working Group had not been able to complete its programme of work, but that the preliminary exploration of problems might provide the basis for further consideration of the issues involved.

39. For the same reasons as those given in paragraph 33 above, the report of the Legal Working Group is annexed to the present report (annex II).

40. At its third session, the *Ad Hoc* Committee agreed to consider all draft resolutions and other formal proposals in plenary meetings, in relation particularly to its mandate under paragraph 2(c) of resolution 2340 (XXII) with a view to indicating practical means of promoting international co-operation in the exploration, conservation and use of the sea-bed and ocean floor beyond the limits of present national jurisdiction.

Other aspects

41. The "other aspects" mentioned in paragraph 2(b) of resolution 2340 (XXII) were considered by the *Ad Hoc* Committee at its third session under the heading "Consideration of the political, military and other aspects of the item". Reference to these subjects had also been made by various delegations at the earlier sessions of the Committee and in the views submitted by Governments (A/AC.135/1 and Corr.1 (English only) and Add.1-10). In response to a request made at the second session, the Secretariat submitted a working document (A/AC.135/28) regarding possible military uses of the sea-bed and the ocean floor beyond the limits of present national jurisdiction.

42. Many of the speakers referred to this Secretariat document as well as to other sources of information in the course of the discussion at the third session, to which the *Ad Hoc* Committee devoted a total of three meetings (A/AC.135/SR.14, 16 and 17). Some delegations emphasized that the document was based on published material only and stated that important and relevant aspects might still be unknown or not generally appreciated. At the third of these meetings, the Chairman summarized the discussion in a statement which was circulated as a document of the Committee (A/AC.135/32). Some delegations expressed reservations with regard to the summary.

43. The political, military and other aspects of the question were also, at least in part, the subject of various draft resolutions and other concrete proposals. In view of the agreement of the *Ad Hoc* Committee to deal with these under the heading of paragraph 2(c) of resolution 2340 (XXII), (the indication of practical means of international co-operation) however, these proposals will be reviewed in section III below.

44. In discussing this matter, some delegations differentiated between political and military aspects, whereas others speaking under this heading referred mainly or entirely to military aspects, and one view identified the two as being essentially the same.

45. During the debate, it was stressed by several delegations that the interests of all nations required them to give urgent attention to the trends and possibilities regarding the potential future use of the sea-bed and ocean floor for military purposes and that efforts should be made to arrest these trends before they were too advanced for effective control.

46. It was widely recognized that the sea-bed and ocean floor beyond the limits of national jurisdiction should be used exclusively for peaceful purposes. The view was, however, expressed that the principle of peaceful use should apply to the sea-bed and the ocean floor beyond the limits of the territorial waters of the coastal States. This view received wide support. Various proposals were made regarding the manner in which international agreement on the exclusive use of the sea-bed and ocean floor for peaceful purposes could be attained. The exclusive use of the sea-bed and ocean floor for peaceful purposes, it was said, necessarily meant that effective measures be taken to prevent its being used for military purposes. One suggestion was that the *Ad Hoc* Committee should point out to the General Assembly in its report that an immediate decision was necessary to the effect that the use of the sea-bed and ocean floor for military purposes was prohibited. A proposal was made that the Committee should recommend to the General Assembly the adoption of a resolution calling on all States to use the sea-bed and ocean floor beyond the limits of the territorial waters of coastal States exclusively for peaceful purposes and requesting the Eighteen-Nation Committee on Disarmament to consider as an urgent matter the question of prohibiting the use of the same area for military purposes.[1] It was also stated that ENDC should as a matter of urgency consider the question of banning the use of the sea-bed and ocean floor beyond the limits of national jurisdiction by nuclear submarines and banning all military fortifications and missile

[1] *Ante*, p. 445.

bases on the sea-bed and ocean floor.[8] Yet another proposal was made to the effect that, considering that the term "peaceful purposes" does not preclude military activities generally, specific limitations on certain military activities with regard to the sea-bed and ocean floor would require the negotiation of a detailed arms control agreement.[9] It was noted that the question was on the agenda of the ENDC.

47. A large number of delegates emphasized that all military activities in the area contemplated in the item should be barred. Two views were expressed on the military aspects of this item and on the concept of exclusive reservation of the area for peaceful purposes. One was that peaceful use completely excluded all military use. The other was that a positive approach required the affirmation and acceptance of the principle that the area be used exclusively for peaceful purposes and that military activities in pursuit of peaceful aims or in fulfilment of peaceful intents, consistent with the United Nations Charter and the obligations of international law, should not be banned. The general aim should be to stop the spread of the armaments race to the sea-bed and ocean floor.

48. Certain delegations expressed the view that the interpretation of "peaceful uses" as excluding all military activities beyond the limits of national jurisdiction would not prove acceptable to all nations. Attention was drawn to the existence of large submarine fleets which gave nations a justifiable interest in the development of defensive systems, including surveillance devices. Such an interpretation also ignored the interrelationship between the sea-bed and the high seas above it. According to this view, there was no general prohibition of military activities in the high seas, nor even any proposal for such a prohibition. Consequently, to give but one example, it would be both impracticable and illogical to seek to prevent submarines, which were free to use superjacent high seas, from resting on the sea-bed itself. Research by naval vessels and military use of submarine cables were also mentioned as examples of military uses of the sea-bed which should not be prohibited.

49. An internationally acceptable definition of the precise limits of the area under consideration was regarded by several delegations as central to the whole question and one which required careful study as it was highly complex. The view was, however, expressed by certain delegations that it went beyond the *Ad Hoc* Committee's terms of reference. Various delegations concurred in the view that appropriate steps had to be taken to define the limits of the area beyond national jurisdiction. The opinion was expressed that until there had been a fuller study of the complex legal issues involved—issues which were inseparable from the other aspects, especially the economic and technical aspects of the question—it was premature to attempt to draft a set of legal principles applicable to the activities of States in the use of the sea-bed and ocean floor.

50. One view was that the great merit of applying the concept of peaceful uses to the area "beyond the limits of the territorial waters of States" was that it brought within the realm of this principle the continental shelf which was the area most likely to be used for military

[8] A/AC.135/26.
[9] *Ante*, pp. 588–589.

purposes in the immediate future. In support of the proposition that military use of the continental shelf be banned, it was held that articles 2, 3, 4 and 5 of the Geneva Convention on the Continental Shelf [10] limited the coastal States' right to exploration and exploitation of the natural resources of the shelf and did not give the coastal States unlimited jurisdiction over it. According to this view, the military use of the sea-bed underlying the high seas, beyond territorial waters, in the area of the continental shelf would inevitably affect the peaceful exploration and use of the sea-bed and the ocean floor beyond the limits of national jurisdiction. It was further pointed out that the greater the area of demilitarization the better it would be for the peaceful uses of the sea-bed beyond national jurisdiction. Certain delegations doubted the appropriateness of a debate in this Committee on the right of the coastal State to use its continental shelf for military purposes.

51. Some delegates drew attention to the fact that the term "territorial waters" involved the problem that limits of territorial waters varied from State to State. It was also pointed out by some delegations that the boundaries of the area to be kept free from military use should be clearly defined.

52. There was a clear difference of opinion in the Committee regarding the procedure for dealing with the military aspects of the item—whether they be described as disarmament or non-armament. It was noted that the question had already been submitted to ENDC. Some speakers considered that ENDC was the appropriate and competent body to deal with these aspects of the question. The ENDC was specially created to work out measures for ending the arms race and achieving disarmament. The question of the use of the sea-bed and ocean floor exclusively for peaceful purposes, according to these speakers, is definitely an urgent measure towards the cessation of the arms race and towards disarmament. One delegation proposed that ENDC examine the question whether a viable international agreement might be achieved in which each party would agree not to emplace or fix weapons of mass destruction on the sea-bed.[11] Another delegation proposed that the ENDC should consider the question of the prohibition of the use for military purposes of the sea-bed and ocean floor beyond the limits of territorial waters of coastal States as an urgent matter.[12] Yet another delegation stated that ENDC should as a matter of urgency consider the question of banning the use of the sea-bed and ocean floor beyond the limits of national jurisdiction by nuclear submarines and banning all military fortifications and missile bases on the sea-bed and ocean floor.[13] Some were of opinion that the General Assembly should refer the military aspects to ENDC under a specific mandate to be discharged under the General Assembly's supervision. It was also said that whatever body was entrusted with the examination of the proposal, all nations should be kept fully informed of every stage in its consideration and of the outcome of such consideration.

53. Other speakers did not agree with the proposal that the military aspects be referred exclusively to ENDC. It was said that the

[10] 15 UST 471.
[11] *Ante*, p. 452.
[12] *Ante*, p. 445.
[13] A/AC.135/126.

whole item was one and indivisible and that its dissection into its various aspects and the assignment of these aspects to different organs and bodies would destroy its unity and would be an obstacle to effective action in pursuit of the objectives of the item. They were of opinion that this was not primarily a disarmament question but rather one of preventing and restraining military activity in the area. It was also felt that ENDC already had a heavy programme of work, although there could be no objection to the disarmament aspects being referred to ENDC by the General Assembly to determine priorities, identify general concepts in their relationship to the whole problem of disarmament and to tender advice to the committee which it was hoped would be established at the next session of the General Assembly to pursue further action in this matter. Certain delegations raised a constitutional objection in regard to the ENDC's status in the matter, namely: that it was only a negotiating organ. It was competent to initiate a study of the military problems of the sea-bed as part of the wider study of general and complete disarmament. It was held that ENDC was not, however, debarred from considering this aspect whether it be called disarmament or non-armament.

54. It was suggested that the attention of the International Labour Organisation and other concerned organizations be drawn to the human and social aspects of the question, in particular, conditions of work as well as protection and training of manpower engaged in the new environment.

III. Operative Paragraph 2(c) of Resolution 2340 (XXII)

55. Paragraph 2(c) of General Assembly resolution 2340 (XXII) provides that the *Ad Hoc* Committee is to include in the study to be prepared for the General Assembly an indication regarding practical means of promoting international co-operation ". . the exploration, conservation and use of the sea-bed and ocean floor, and the subsoil thereof, as contemplated in the title of the item, and of their resources, having regard to the views expressed and the suggestions put forward by Member States during the consideration of this item at the twenty-second session of the General Assembly. The views of Member States communicated to the Secretary-General in accordance with operative paragraph 3(a) of resolution 2340 (XXII) were before the *Ad Hoc* Committee in documents A/AC.135/1 and Corr.1 (English only) and Add.1–10, and the Committee also had before it, in connexion with this portion of its mandate, a summary of views of Member States prepared by the Secretariat (A/AC.135/12). A statement was made by the Chairman reviewing the proposals and suggestions discussed in the Committee under paragraph 2(c) of resolution 2340 (XXII) (A/AC.135/35).

56. At its third session, the *Ad Hoc* Committee agreed that it would treat all draft resolutions or declarations submitted as falling within the ambit of paragraph 2(c).

57. In considering practical means of promoting international co-operation in the field of exploration, conservation and use, the *Ad Hoc* Committee discussed two sets of proposals before it. The first set applies to proposals for the promotion of international co-operation to assist in a better understanding of the marine environment through

science as presented by the Secretary-General in his report on marine science and technology, and the United States proposal concerning the international decade of ocean exploration. Reference to the discussion of these proposals has been made in the section on scientific aspects (see paragraphs 13–28 above). The representative of the United States introduced a resolution on the international decade of ocean exploration (A/AC.135/33) (see annex III). Both proposals were welcomed and received wide support. The important role of IOC was re-emphasized.

58. The other proposal concerned international co-operation in the development and exploitation of marine mineral resources. Several delegations stressed the essential role to be assigned to the United Nations in this field. In this context they strongly supported the relevant proposal of the Secretary-General in his report on marine science and technology.

59. The importance of regional co-operation was also stressed and it was mentioned that the coastal States bordering on marginal and internal seas had many problems and objectives in common. It was also emphasized that the views of the countries directly concerned were of great importance for establishing successful and workable regional arrangements.

60. Members were in agreement that international co-operation in this field on a world-wide level should be promoted and that the fostering of regional arrangements would appear to be the best means at the local level. It was suggested that the proposals should be commended to the General Assembly in this report along with the various observations made by delegations.

61. With respect to conservation, a specific proposal was introduced contained in the draft resolution of the representative of Iceland (A/AC.135/31) concerning a study of means for minimizing the danger of pollution of the marine environment which might arise from the exploration and exploitation of the sea-bed and ocean floor and the subsoil thereof. The proposal was widely welcomed and supported as one of the practical means which might be commended for the consideration of the General Assembly. The text of the draft resolution will be found in annex III to the present report.

62. It was stressed that the danger of pollution and other hazardous and harmful effects arose not only from the discharge of oil as well as chemical and radio-active waste products in the waters and on the surface of the high seas, but could also arise from other activities connected with the exploration or exploitation of the sea-bed and ocean floor resources.

63. It was emphasized that there should be respect for the traditional freedoms of the high seas such as navigation, fishing, the laying of submarine cables and pipelines, and any other freedoms recognized by the law and practice of the sea, and that measures for the conservation of marine resources should be intensified. Certain delegations emphasized that there should also be respect for freedom of research.

64. Reference was also made to the hazards of radio-active material and the need to devise immediate safeguards concerning the danger of pollution. The view was expressed that damage caused by pollution should entail liability.

65. The view was expressed that the study proposed in the Icelandic draft resolution might be undertaken by the appropriate organs such as IMCO, IAEA and IOC.

66. The role of IMCO with respect to pollution was emphasized and the view expressed that the work of existing bodies should be taken into account and should not be duplicated.

67. The representative of IMCO referred to the availability of expertise in the field of the prevention and control of marine pollution. He also referred to inter-agency co-operation concerning marine pollution.[14]

68. In the course of its work, the *Ad Hoc* Committee discussed various proposals, including draft resolutions, concerning general principles which, in one view, could be proposed for consideration by the General Assembly, or, according to another view, could be listed in the Committee's report to the Assembly. Such proposals were discussed at successive stages of the Committee's work; an account of an earlier phase of discussion has been given, in particular in paragraphs 43 and 44 of the report of the Legal Working Group. The discussion of principles was continued during the third session of the *Ad Hoc* Committee. The text of draft resolutions and declarations submitted to the Committee will be found in annex III to the present report:

(a) A "draft declaration of legal principles governing the reservation exclusively for peaceful purposes of the sea-bed and the ocean floor, and the subsoil thereof, underlying the high seas beyond the limits of present national jurisdiction and the uses of their resources in the interests of mankind" was submitted by India (A/AC.135/21).[15]

(b) A draft resolution containing a statement of principles concerning the deep ocean floor was submitted by the United States (A/AC.135/25).[16] (The United States explained that the term "deep ocean floor" was used for the sake of conciseness and meant "the area of the sea-bed and the ocean floor underlying the high seas beyond the limits of national jurisdiction", or the area whose boundaries would become clearer when the limits of national jurisdiction were more precisely defined.)

(c) A working paper on the draft declaration of general principles was proposed by Argentina, Brazil, Ceylon, Chile, Ecuador, El Salvador, India, Kenya, Liberia, Libya, Pakistan, Peru, Thailand, United Arab Republic and United Republic of Tanzania (A/AC.135/36).

69. Some delegations suggested that the General Assembly should be asked to adopt a set of principles which, in their opinion, could constitute the initial step towards the establishment of an international legal régime for the area under consideration. Other delegations were of the opinion that the *Ad Hoc* Committee had only been called upon to indicate practical means for international co-operation and that recommendations to the General Assembly or even suggestions on future courses of action went beyond the *Ad Hoc* Committee's terms of reference. Some delegations thought that the formulation of principles

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[14] A/AC.135/WG.1/SR.7.

[15] *Ante*, pp. 445–446.

[16] *Ante*, pp. 453–454.

would be premature and that more detailed consideration by all Member States was necessary. Another view was that a list of principles commanding unanimous support would in itself constitute practical means to promote international co-operation.

70. Some delegations made suggestions to serve as a frame of reference for principles concerning the exploration and use of the resources of the sea-bed and ocean floor, to be considered and adopted at the appropriate time. It was stated that there was and there would be an area of the sea-bed and ocean floor beyond national jurisdiction. Certain delegations suggested that the boundaries of such an area would have to be more precisely defined. Some delegations restated their views that the *Ad Hoc* Committee had no competence to discuss the limits of national jurisdiction, in particular with respect to the continental shelf. It was suggested that exploitation and use of the natural resources of the sea-bed and the ocean floor prior to the establishment of a boundary should be understood not to prejudice its location. Certain delegations also suggested that a third conference on the law of the sea be convened to consider a generally acceptable legal régime for the sea-bed and the ocean floor including rules for the determination of the limits of this area.

71. In this connexion, a number of delegations pointed out that what has been done at the national level in legislation concerning the continental shelf could not be ignored, especially in view of the fact that a number of States were parties to the Geneva Convention of 1958 and national legislation of these States had been based on that Convention. Other delegations suggested that the Convention should be reviewed.

72. It was also suggested that there should be established, as soon as practicable, internationally agreed arrangements governing the exploitation of resources of the area under discussion. Some delegates observed that such arrangements must take into account the interest of mankind as a whole, including the developing countries.

73. Proposals concerning military aspects of the question were also considered by the *Ad Hoc* Committee in connexion with the general principle of the reservation of the area exclusively for peaceful purposes. The texts of these proposals will be found in annex III to the present report.

74. The Union of Soviet Socialist Republics submitted a draft resolution on the prohibition of the use of the sea-bed and the ocean floor beyond the limits of territorial waters for military purposes (A/AC.135/20).[17]

75. The United States of America submitted a draft resolution on preventing the emplacement of weapons of mass destruction on the sea-bed and ocean floor (A/AC.135/24).[18]

76. Amendments (A/AC.135/26 and A/AC.135/27) to each of the above draft resolutions were submitted by the United Republic of Tanzania.

77. Both the above-mentioned proposals and the amendments thereto included requests for consideration by the Eighteen-Nation Committee on Disarmament.

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[17] *Ante*, p. 445.
[18] *Ante*, p. 452.

78. All delegations were agreed that the item as a whole required further study and that institutional arrangements should be made by the General Assembly for this purpose.

79. In this connexion, the Commission had before it a working paper submitted by Belgium (A/AC.135/29) proposing that the *Ad Hoc* Committee commend to the General Assembly the establishment of a standing committee with terms of reference which would permit it to explore solutions to the numerous problems which have appeared.

80. In deference to suggestions that it was preferable to consider the composition of the proposed standing committee at a later stage, the representative of Belgium withdrew the proposals contained in paragraph 5 of the Belgian working paper and submitted a revised draft of his working paper (A/AC.135/29/Rev.1) (see annex III).

81. A very large number of delegations agreed that the General Assembly during its twenty-third session should establish a standing committee and strongly expressed the hope that the terms of reference of such a committee would be worked out during that session. The idea of the continuation of the *Ad Hoc* Committee was also raised by a few delegations although they indicated that they would be prepared to consider the idea of a standing committee if it had general support.

82. It was emphasized by many delegations that a standing committee of the General Assembly should not replace any of the existing specialized agencies nor duplicate their activities.

83. It was also emphasized that such a committee should be a focal point for study of the various related aspects of the item, and to provide direction and purpose to activities in regard to the sea-bed and the ocean floor.

IV. Conclusion

84. The *Ad Hoc* Committee completed its consideration of the item at its meeting in Rio de Janeiro on 30 August 1968.

85. Within the limits of the time available, the *Ad Hoc* Committee studied in a comprehensive manner the various aspects of the item and identified the main problems. The *Ad Hoc* Committee recognizes the need for further study and has made suggestions for this purpose.

86. As was implied in the terms of resolution 2340 (XXII) the *Ad Hoc* Committee recognized the existence of an area of the sea-bed and the ocean floor underlying the high seas beyond the limits of national jurisdiction.

87. The members of the *Ad Hoc* Committee felt that certain considerations relating to the exploration, exploitation and use of the sea-bed and the ocean floor, and the subsoil thereof, underlying the high seas beyond the limits of national jurisdiction appeared to commend themselves with varying degrees of acceptance. These considerations could be brought to the attention of the General Assembly as an indication of practical means on which a measure of agreement existed within the *Ad Hoc* Committee.

88. In the course of the final session at Rio de Janeiro, consultations took place between the various groups in an effort to find an acceptable formulation which would command unanimous support. The efforts persisted until the end of the session and considerable

progress was made, but final agreement could not be reached in time. The following sets of proposals contain an indication of the support that the various ideas received:

(a) Draft declaration of general principles proposed for submission to the General Assembly;
(b) Draft statement of agreed principles proposed for submission to the General Assembly.

The draft declaration of general principles referred to above as (a) comprised the following:

(1) The sea-bed and ocean floor, and the subsoil thereof, as referred to in the title of the item, are the common heritage of mankind and no State may claim or exercise sovereignty over any part of the area mentioned in resolution 2340 (XXII);
(2) The exploration, use and exploitation of the sea-bed and ocean floor, and the subsoil thereof, as referred to in the title of the item, shall be carried on exclusively for peaceful purposes;
(3) The exploration, use and exploitation of this area, and the subsoil thereof, as referred to in the title of the item, shall be carried out for the benefit and in the interest of mankind;
(4) The exploration and use of the sea-bed and ocean floor and the subsoil thereof, as referred to in the title of the item, and the exploitation of their resources shall be carried on in accordance with the principles and purposes of the Charter of the United Nations and an international régime to be established with the purpose of contributing to the maintenance of international peace and security, the respect for the territorial integrity of States and the interests of the coastal States, and the promotion of economic development, particularly that of the developing countries, whether coastal or land-locked;
(5) The international régime to be established shall also consider the way for the most appropriate and equitable application of benefits obtained from the exploration, use and exploitation of the sea-bed and ocean floor and the subsoil thereof, as referred to in the title of the item, through a suitable international machinery, for the economic, social, scientific and technological progress of the developing countries;
(6) All activities in the sea-bed and ocean floor and the subsoil thereof, as referred to in the title of the item, shall conform to the following guidelines, aimed at protecting the rightful interests of other States:

(a) No impediment shall be created to navigation and fishing nor shall there be undue interference with the laying and the maintenance of submarine cables and pipelines;
(b) Coastal States closest to the area in which any activities occur shall be consulted lest their rightful interests be harmed;
(c) Any such activity must take into account the economic interests of the developing countries so as not to be detrimental in particular, to the activities undertaken within the national jurisdiction of those countries;
(d) Appropriate safety measures shall be adopted in all activities of exploration, use and exploitation of the area and international co-operation for assistance in case of mishap shall be facilitated;

(e) Pollution of the waters of the marine environment, specially radio-active contamination, shall be avoided by means of international co-operation;
(f) No damage shall be caused to animal and plant life in the marine environment;
(g) Damages caused by any such activities entail liability.

(7) The sea-bed and ocean floor, and the subsoil thereof, as referred to in the title of the item, shall be open to scientific investigation, without discrimination, and States shall foster international co-operation in this investigation so as to enable all States to have access to it, disseminate its results and provide technical assistance to the developing countries;
(8) The United Nations, in co-operation with the specialized agencies and IAEA, shall take adequate measures to ensure the observance of these general principles and guidelines and the implementation of the objectives set forth in this declaration with the aim of promoting international co-operation in this field.

The draft statement of agreed principles referred to above as (b) comprised the following:

(1) There is an area of the sea-bed and ocean floor and the subsoil thereof, underlying the high seas, which lies beyond the limits of national jurisdiction (hereinafter described as "this area");
(2) Taking into account relevant dispositions of international law, there should be agreed a precise boundary for this area;
(3) There should be agreed, as soon as practicable, an international régime governing the exploitation of resources of this area;
(4) No State may claim or exercise sovereign rights over any part of this area, and no part of it is subject to national appropriation by claim of sovereignty, by use or occupation, or by any other means;
(5) Exploration and use of this area shall be carried on for the benefit and in the interests of all mankind, taking into account the special needs of the developing countries;
(6) This area shall be reserved exclusively for peaceful purposes;
(7) Activities in this area shall be conducted in accordance with international law, including the Charter of the United Nations. Activities in this area shall not infringe upon the freedoms of the high seas.

39. It was pointed out that the terms of reference of General Assembly resolution 2340 (XXII) did not provide for the elaboration by the *Ad Hoc* Committee of a scheme for the legal regulation of the status of the sea-bed and ocean floor and of the activities of States with regard to the sea-bed and ocean floor. It was emphasized that the question of the elaboration of a set of principles needed further consideration and study and that at the present time this would be premature.
90. It is believed that the progress so far achieved would be most useful in facilitating the attainment of final agreement on more positive action by the General Assembly at its twenty-third session.
91. The *Ad Hoc* Committee unanimously expressed the wish to place on record its appreciation for the warm hospitality extended by the Government of Brazil during the final session.

92. In accordance with the terms of resolution 2340 (XXII), the *Ad Hoc* Committee submits its report, together with the reports of the Economic and Technical and the Legal Working Groups (annexes I and II), the draft resolutions and other proposals (annex III) and a list of committee documents (annex IV). The report was adopted by the Committee on 30 August 1968.

Address by Secretary of Defense Clifford to the National Press Club [Extract], September 5, 1968 [1]

Last Sunday marked the end of my first 6 months as Secretary of Defense. Accordingly, this is an appropriate occasion on which to review briefly with you some of my principal impressions about this position and some of the major events of my half year in office.

It seems even clearer to me now than it did at my confirmation hearing last January that my primary responsibility as Secretary of Defense is to seek to assure the survival of this nation no matter what the strength of any of its enemies. Others within and without the Government are free to work unqualifiedly for the best of all possible worlds. The Secretary of Defense must make certain that we are prepared for the worst.

I find this responsibility neither uncongenial nor unrewarding. Because, as I see it, an America that is strong militarily is neither a provocateur nor a potential aggressor. Our military security provides instead the best available deterrent to military adventures by those who might otherwise see how far they could go.

That belief underlies the views I expressed in my confirmation hearing on the issue of our position relative to the Soviet Union in the field of strategic nuclear weapons. I indicated my intention to seek diligently to preserve our margin of advantage. The same motivation governed the position of the Defense Department on the efforts of some in Congress to defer or even eliminate the deployment of our Sentinel anti-ballistic-missile system. Recently we were also faced with a somewhat comparable decision in connection with the testing of our newest developments in the nuclear missile field. This series of tests involves the principle of multiple independent reentry vehicles, or MIRV's. We were extremely gratified by the results of the initial tests of our Minuteman III and Poseidon missiles.

In both these instances we have proceeded with these new, and admittedly very expensive, weapons developments not with the idea that war is inevitable. Instead, we have done so on the basis that a position of substantial strength is essential and is the best position from which we can negotiate agreements that may make the threat of nuclear war increasingly remote.

There have, of course, been those who have disagreed with this approach. For example, in the course of the controversy over Sentinel, there were those in our Congress who insisted—and I am sure that they did so in all sincerity—that our proceeding with this ballistic

[1] *Department of State Bulletin*, Sept. 30, 1968, pp. 336–338.

missile defense would lead to "very dangerous countermeasures by the Soviet Union," that it would ignite a missile defense race, and that it would "be positively harmful in its effect upon the growing possibility of discussions between the United States and Russia in regard to the limitations of armaments."

I did not share these fears. We had made it clear that the Sentinel ABM defense was designed primarily against the Chinese threat and could not cope with a massive Soviet attack. Moreover, I felt and continue to feel that, with the Soviet Union having for some time been engaged in the actual deployment of a ballistic missile defense, our decision to go ahead with our own system would both improve the chances of talks and the negotiating climate should such talks take place. Whatever the thinking of the Soviet leaders may have been, the Senate's rejection of the attempt to cut off construction funds for the Sentinel certainly did not delay the Soviet decision to start talks on strategic weapons. Just 4 days after the Senate action, we received for the first time acceptance of our longstanding offer to talk with the Soviet Union about curbs on nuclear weapons.

We can continue to hope that at an appropriate time these talks can take place. In the meantime I am confident that our decision to proceed with the very important tests of our MIRV principle does not prejudice the prospect that such talks would be fruitful.

I am also proceeding with another decision. I have today directed that the Sentinel ABM system be exempt from the expenditure reduction program required by Congress for fiscal year 1969. From a financial standpoint, the option to reduce Sentinel expenditures could have been useful. I have determined, however, that in the light of all current developments our prudent course is to press forward as planned with the Sentinel system.

Importance of Dealing From Strength

Justice Oliver Wendell Holmes once said, "The life of the law has not been logic: it has been experience." One's views are probably at least as much the product of experience as they are of logic. And my own deeply held belief in the importance of dealing from strength has not resulted from the past half year alone but stems also from my experience with the administration of President Truman in the period following World War II.

Those were the years in which our hopes that the Soviet Union would cooperate out of good will and common aims in a world of free nations turned out rapidly to be pure illusion. We found that the dismantling of our military machine was matched by no comparable action on the part of the Soviets. Instead, they exhibited their intention to move in whenever and wherever situations of weakness could be found. We rapidly learned that we could meet this challenge only through such creative actions as the Truman doctrine, under which we helped provide Greece and Turkey with the means to resist the pressures of Communist expansionism. Then there was the Marshall Plan, which enabled the war-drained countries of Western Europe to rebuild their shattered economies. Perhaps most important of all, the North Atlantic Treaty Organization presented the Soviets with

an array of free nations firm in their determination to present a collective defense to any further Soviet probes.

My personal participation in the years when NATO was formed unquestionably has influenced my reaction during the past 6 months to suggestions that the number of American troops in Europe should be drastically reduced. Admittedly, the more than 300,000 American servicemen who are now in Western Europe, more than 23 years after the end of World War II, represent a substantial expense for the American people. But the cost is dwarfed when one compares it to the enormous cost of American lives and treasure expended in a general war or to the consequences if America were to be isolated in a hostile world.

We should not, in my view, be led by NATO's success into the delusion that a strong United States military contribution to NATO is no longer necessary. Some had thought, and there had been some signs that justified such thinking, that today's Soviet Union was a far better neighbor than the Soviet Union of the late 1940's.

Effect of Recent Events in Eastern Europe

The events of the past couple of weeks, I submit, have clearly demonstrated that a significant American military presence in Western Europe is still needed. At the same time, our NATO allies surely must review these events from the standpoint of the effect upon our common security.

The developments of these last few days confirm the fact that, when and if we negotiate, safety and success demand that we negotiate from strength.

We would hope at an appropriate time to begin to discuss with the U.S.S.R. a limitation on both offensive and defensive nuclear weapons systems. Such discussions could lead to an understanding which, at a minimum, would enable us to check the spiraling cost of nuclear arms with no diminution in our national security. The nonnuclear powers, of course, would welcome any evidence of mutual restraint. Such an agreement would also significantly encourage adherence to the Nonproliferation Treaty,[2] which both we and the Soviet Union regard as an important safeguard against the nuclear outbreaks that could jeopardize the civilized existence of mankind.

The events that have occurred and the decisions that I have faced during my half year in office thus reinforce my fundamental belief that our long-range hopes for peace and for peaceful coexistence rest in the continued military strength of the United States.

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[2] *Ante*, pp. 461–465.

Letter From Assistant Secretary of State Macomber to Senator Cooper on the Nonproliferation Treaty, September 5, 1968 [1]

DEAR SENATOR COOPER: The Secretary has asked me to reply to your letter of August 12, 1968 [2] concerning the Non-Proliferation Treaty.[3]

I am enclosing a memorandum which sets forth the answers to your specific questions.

If there is any further information we may provide, please let me know.

Sincerely yours,

WILLIAM B. MACOMBER, Jr.,
Assistant Secretary for Congressional Relations.

MEMORANDUM IN RESPONSE TO QUESTIONS ON THE NPT RAISED IN SENATOR COOPER'S LETTER TO SECRETARY RUSK DATED AUGUST 12, 1968

Question 1. In what way, if any, does the Non-Proliferation Treaty amend, modify, supplement, or incorporate by reference any of the provisions of the Nuclear Test Ban Treaty,[4] the Treaty on Outer Space,[5] the Statute of the International Atomic Energy Agency,[6] the NATO Treaty [7] or any of our other mutual defense treaties?

Answer (a) Nuclear Test Ban Treaty: The Non-Proliferation Treaty (NPT) does not amend, modify, or supplement any of the provisions of the Nuclear Test Ban Treaty. The NPT does make reference to the Preamble of the Test Ban Treaty in its tenth preambular paragraph.

As pointed out in Chairman Seaborg's testimony before the Foreign Relations Committee on July 12, 1968, the NPT "is not intended to modify the provisions of the limited Test Ban Treaty. Therefore, in providing a nuclear explosion service pursuant to Article V, the United States will be obligated to observe the requirements of the limited Test Ban Treaty." [8] As he also pointed out, Article V of the NPT may make it easier to modify or amend the Test Ban Treaty should such modification or amendments be required to perform certain nuclear explosion services.

(b) The Treaty on Outer Space: The Non-Proliferation Treaty does not amend, modify, supplement or incorporate by reference any of the provisions of this treaty.

(c) The Statute of the International Atomic Energy Agency: Article III of the NPT makes two references to the Statute of the International Atomic Energy Agency—in each case to the effect that non-nuclear weapon States shall conclude safeguards agreements with

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[1] *Nonproliferation Treaty: Hearings* [pt. 2], pp. 485–490.
[2] *Ante*, pp. 571–572.
[3] *Ante*, pp. 461–465.
[4] *Documents on Disarmament, 1963*, pp. 291–293.
[5] *Ibid., 1967*, pp. 38–43.
[6] *American Foreign Policy: Current Documents, 1956*, pp. 915 ff.
[7] *American Foreign Policy, 1950–1955: Basic Documents*, vol. I, pp. 812 ff.
[8] *Ante*, pp. 516–524.

the International Atomic Energy Agency "in accordance with the Statute of the International Atomic Energy Agency". The NPT does not amend, modify, supplement or incorporate by reference any of the provisions of this Statute.

(d) The NATO Treaty or any of our other mutual defense treaties: The Non-Proliferation Treaty does not amend, modify, supplement or incorporate by reference any of the provisions contained in the NATO Treaty or any of our other mutual defense treaties.

Question 2. Please list the bilateral or multilateral Executive Agreements presently in force which the United States has entered into with other countries pursuant to Chapter 11 of the Atomic Energy Act of 1954, as amended. In what way, if any, does the Non-Proliferation Treaty amend, modify, supplement or incorporate by reference any of the provisions contained in these Agreements?

Answer:

The existing international agreements under Chapter 11 of the Atomic Energy Act fall into two broad categories: Agreements for Cooperation for Mutual Defense Purposes and Agreements for Cooperation in the Civil Uses of Atomic Energy.

A. Agreements for Cooperation for Mutual Defense Purposes: The Non-Proliferation Treaty will not have the effect of amending, modifying, supplementing or incorporating by reference any of the 12 agreements in this category, which are listed below:

	Effective date
NATO	Mar. 12, 1965.[9]
Australia	Aug. 14, 1957.[10]
Belgium	Sept. 5, 1962.[11]
Canada	July 27, 1959.[12]
France (Land-Based Prototype Fuel Supply Agreement)	July 20, 1959.[13]
France	Oct. 9, 1961.[14]
Germany, Federal Republic of	July 27, 1959.[15]
Greece	Aug. 11, 1959.[16]
Italy	May 24, 1961.[17]
Netherlands	July 27, 1959.[18]
Turkey	July 27, 1959.[19]
United Kingdom	Aug. 4, 1958.[20]

[9] 16 UST 109.
[10] 8 UST 738.
[11] 13 UST 1995.
[12] 10 UST 1293.
[13] 10 UST 1279.
[14] 12 UST 1423.
[15] 10 UST 1322.
[16] 10 UST 1420.
[17] 12 UST 641.
[18] 10 UST 1334.
[19] 10 UST 1340.
[20] 9 UST 1028.

B. Agreements for Cooperation in the Civil Uses of Atomic Energy: The 33 U.S. agreements for cooperation in the civil uses of atomic energy now in effect are listed below:

INTERNATIONAL AGREEMENTS

(1) BILATERAL AGREEMENTS FOR COOPERATION IN THE CIVIL USES OF ATOMIC ENERGY

Country	Scope	Effective date	Termination date
Argentina	Research and power	July 27, 1962	July 26, 1969 [21]
Australia	do	May 28, 1957	May 27, 1997 [22]
Austria	Research	Jan. 25, 1960	Jan. 24, 1970 [23]
Brazil	do	Nov. 9, 1966	Aug. 2, 1975 [24]
Canada	Research and power	July 21, 1955	July 3, 1980 [25]
China, Republic of	Research	July 18, 1955	July 17, 1974 [26]
Denmark	do	July 25, 1955	July 24, 1973 [27]
Greece	do	Aug. 4, 1955	Aug. 3, 1974 [28]
India	Research and power	Oct. 25, 1963	Oct. 24, 1993 [29]
Indonesia	Research	Sept. 21, 1960	Sept. 20, 1970 [30]
Iran	do	Apr. 27, 1959	Apr. 26, 1969 [31]
Ireland	do	July 9, 1958	July 8, 1978 [32]
Israel	do	July 12, 1955	July 11, 1975 [33]
Italy	Research and power	Apr. 15, 1958	Apr. 14, 1978 [34]
Japan	do	July 10, 1968	July 9, 1998 [35]
Korea	Research	Feb. 3, 1956	Feb. 2, 1976 [36]
Norway	Research and power	June 8, 1967	June 7, 1997 [37]
Philippines	do	July 19, 1968	July 18, 1998 [38]
Portugal	Research	July 21, 1955	July 20, 1969 [39]
South Africa	Research and power	Aug. 22, 1957	Aug. 21, 1977 [40]
Spain	do	Feb. 12, 1958	Feb. 11, 1988 [41]
Sweden	do	Sept. 15, 1966	Sept. 14, 1996 [42]
Switzerland	do	Aug. 8, 1966	Aug. 7, 1996 [43]
Thailand	Research	Mar. 13, 1956	Mar. 12, 1975 [44]
Turkey	do	June 10, 1955	June 9, 1971 [45]
United Kingdom	do	July 21, 1955	July 20, 1976 [46]
Do	Power	July 15, 1966	July 14, 1976 [47]
Venezuela	Research and power	Feb. 9, 1960	Feb. 8, 1970 [48]
Vietnam	do	July 1, 1959	June 30, 1974 [49]
Colombia	Research	Mar. 29, 1963	Mar. 28, 1977 [50]

[21] 13 UST 1789.
[22] 8 UST 738.
[23] 11 UST 16.
[24] 17 UST 1659.
[25] 6 UST 2595.
[26] 6 UST 2617.
[27] 6 UST 2629.
[28] 6 UST 2635.
[29] 14 UST 1484.
[30] 11 UST 2024.
[31] 10 UST 733.
[32] 9 UST 943.
[33] 6 UST 2641.
[34] 9 UST 369.
[35] TIAS 6517.
[36] 7 UST 161.
[37] 18 UST 531.
[38] TIAS 6522.
[39] 6 UST 2677.
[40] 8 UST 1367.
[41] 9 UST 167.
[42] 17 UST 1176.
[43] 17 UST 1004.
[44] 7 UST 416.
[45] 6 UST 2703.
[46] 6 UST 2709.
[47] 17 UST 862.
[48] 11 UST 104.
[49] 10 UST 1150.
[50] 14 UST 388. [Subject to Colombian ratification].

(2) AGREEMENTS FOR COOPERATION WITH INTERNATIONAL ORGANIZATIONS

Organization	Scope	Effective date	Termination date
European Atomic Energy Community (Euratom).	Joint nuclear power program.	Feb. 18, 1959	Dec. 31, 1985 [81]
Euratom	Additional agreement to joint nuclear power program.	July 25, 1960	Dec. 31, 1995 [82]
International Atomic Energy Agency (IAEA)	Supply of materials, etc.	Aug. 7, 1959	Aug. 6, 1979 [83]

The Non-Proliferation Treaty will not have the effect of amending, modifying, supplementing or incorporating by reference any of these agreements in any respect not discussed below.

In Article III of the Non-Proliferation Treaty, each non-nuclear-weapon state party to that Treaty undertakes to accept safeguards, as set forth in an agreement to be negotiated and concluded with the International Atomic Energy Agency, on all source or special fissionable material in all peaceful nuclear activities within its territory, under its jurisdiction, or carried out under its control anywhere. This undertaking may be considered to supplement the safeguards provisions of the bilateral agreements for cooperation in the civil uses of atomic energy between the United States and the parties to those agreements.

In the second paragraph of Article III, each party to the treaty undertakes not to provide nuclear material and related equipment to any non-nuclear-weapon state "unless the source or special fissionable material shall be subjected to the safeguards required by this article, paragraph 4 of which we believe provides ample time in which to conclude the negotiations necessary to meet such requirements."

No difficulties are expected to arise under the latter provision since of the thirty-three Agreements for Cooperation now in force, twenty-seven contain an article providing for the transfer of safeguards responsibilities contained in these bilateral agreements to the IAEA safeguards under a trilateral arrangement.

The article also provides that in the event of failure to reach agreement on the terms of such trilateral agreements, either party may terminate the agreement. Trilateral agreements have already been brought into force under eighteen of twenty-seven agreements for cooperation.[84]

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[81] 10 UST 75.

[82] 11 UST 2589.

[83] 10 UST 1424.

[84] (a) Agreement for cooperation with IAEA and the following trilateral agreements:

	Scope	Effective date
United States/IAEA/Argentina	Trilateral for application of IAEA safeguards to U.S.-supplied materials (17 UST 883).	Mar. 1, 1966
United States/IAEA/Australia	Trilateral for application of IAEA safeguards to U.S.-supplied materials (17 UST 1612).	Sept. 26, 1966

Footnote continued on following page

The six remaining cases in which we have bilateral agreements include Italy, the UK, Canada, the IAEA and two with Euratom. In the first case, since the Italians are members of the European Communities, we have been carrying on our cooperation with them almost

	Scope	Effective date
United States/IAEA/Austria	Trilateral for application of IAEA safeguards to U.S.-supplied materials (16 UST 1836).	Dec. 13, 1965
United States/IAEA/Republic of China	Trilateral for application of IAEA safeguards to U.S.-supplied materials (16 UST 1616).	Oct. 29, 1965
United States/IAEA/Denmark	Trilateral for application of IAEA safeguards to U.S.-supplied materials (TIAS 6459).	Feb. 29, 1968
United States/IAEA/Greece	Trilateral for application of IAEA safeguards to U.S.-supplied materials (17 UST 25).	Jan. 13, 1966
United States/IAEA/Indonesia	Trilateral for application of IAEA safeguards to U.S.-supplied materials (18 UST 2967).	Dec. 6, 1967
United States/IAEA/Iran	Trilateral for application of IAEA safeguards to U.S.-supplied materials (18 UST 2977).	Dec. 4, 1967
United States/IAEA/Israel	Trilateral for application of IAEA safeguards to U.S.-supplied materials (17 UST 750).	June 15, 1966
United States/IAEA/Japan	Trilateral for application of IAEA safeguards to U.S.-supplied materials (TIAS 6520).	July 10, 1968
United States/IAEA/Korea	Trilateral for application of IAEA safeguards to U.S.-supplied materials (TIAS 6535).	Jan. 5, 1968
United States/IAEA/Philippines	Trilateral for application of IAEA safeguards to U.S.-supplied materials (TIAS 6524).	July 19, 1968
United States/IAEA/Portugal	Trilateral for application of IAEA safeguards to U.S.-supplied materials (18 UST 1846).	Dec. 15, 1965
United States/IAEA/South Africa	Trilateral for application of IAEA safeguards to U.S.-supplied materials (TIAS 5880).	Oct. 8, 1965
United States/IAEA/Spain	Trilateral for application of IAEA safeguards to U.S.-supplied materials (17 UST 2351).	Dec. 9, 1966
United States/IAEA/Thailand	Trilateral for application of IAEA safeguards to U.S.-supplied materials (16 UST 1164).	Sept. 10, 1965
United States/IAEA/Vietnam	Trilateral for application of IAEA safeguards to U.S.-supplied materials (16 UST 1629).	Oct. 25, 1965
United States/IAEA/Venezuela	Trilateral for application of IAEA safeguards to U.S.-supplied materials (TIAS 6433).	Mar 27, 1968

(b) Agreements with Brazil, Colombia, India, Ireland, Norway, Sweden, Switzerland, Turkey, and the UK (Civil Power) have not yet resulted in trilaterals.

Generally, these agreements provide that in the event of termination the other party is required, at the request of the U.S. Government, to return all special nuclear material received pursuant to the agreement in its possession or in the possession of persons under its jurisdiction. The agreements also provide that the U.S. will compensate the other party for the returned material at the current AEC schedule of prices then in effect domestically. Qualifications on these termination rights appear in the following agreements:

(i) Those with India, Norway, Sweden and Switzerland provide that before termination, the Parties will "carefully consider the economic effects of any such termination", and that neither party will invoke its termination rights until sufficient advance notice has been given so that: in the case of the other party, it is enabled to make arrangements for an alternative source of power or in the case of the U.S. it is permitted to adjust its production schedules.

(ii) The Indian agreement contains an additional qualification under which the United States agrees that it will not invoke its termination rights unless there has been a "widespread acceptance . . . of the implementation" of Agency safeguards or of provisions similar to those in the bilaterals (art. VIII).

exclusively through our agreements with Euratom and do not expect to enter into any significant new projects with them under the authority of the Italian agreement, which was executed a number of years ago.

Another is our civil research bilateral with the United Kingdom. However, this case is an exception insofar as the NPT is concerned, since the United Kingdom is a nuclear-weapon state and would not be subject to the provisions of Article III of the NPT. It should be pointed out, nevertheless, that the United Kingdom has offered to place its nuclear activities "subject to exclusions for national security reasons only", under international safeguards at such time as international safeguards are brought into effect in non-nuclear-weapon states under the NPT.[55]

Canada has signed the NPT and has given every indication of becoming a party to the Treaty and undertaking full acceptance of the requisite safeguards on all its peaceful nuclear activities.

Of the remaining three Agreements for Cooperation, two are with Euratom [56] and one with the IAEA itself.[57] With respect to Euratom, the following observations are pertinent:

(i) Three of the five non-nuclear-weapon Euratom members (Belgium, the Netherlands and Luxembourg) have already signed the NPT, after full consultation within the European Communities, and the other two (The Federal Republic of Germany and Italy) are expected to sign in the future. The three who signed have each pointed out that they do not consider that there is any incompatibility between the goals pursued by the NPT and the Euratom Treaty;[58] that the safeguards provided for in Article III of the NPT will be the subject of agreements to be concluded with the IAEA; that to prevent the implementation of the NPT from being incompatible with provisions of the Euratom treaty, safeguards must be defined in such a way that the rights and obligations of the Member States and the Community remain intact, in accordance with the opinion of the Commission issued pursuant to Article 103 of the Euratom Treaty; that for that purpose, the Commission of the European Communities should enter into negotiations with the IAEA; and that it is their intention not to ratify the NPT before such negotiations have produced an agreement.

(ii) We are confident that Euratom and IAEA will arrive at a mutually satisfactory safeguards agreement in accordance with the NPT within the period provided by Article III of the Treaty, bearing in mind the steps which must take place and the time that will be available before commencement of such period. This period will not commence until the treaty's entry into force, which requires the deposit of instruments of ratification by all nuclear-weapon state signatories and forty other states. Moreover, as Secretary Rusk pointed out in his testimony before the Foreign Relations Committee on July 10, 1968:

> Now, as a matter of fact, the safeguards of the sort that are applied by Euratom are very similar to the safeguards applied by the International Atomic

[55] *Documents on Disarmament, 1967*, p. 616.
[56] 10 UST 75; 11 UST 2589.
[57] 10 UST 1424.
[58] *Treaty Establishing the European Atomic Energy Community (EURATOM) and connected documents.* London, H.M. Stationery Office (1957).

Energy Agency, and we see no special problem in meshing those safeguards, in relating them to each other, in such a way that there is confidence in the nature of the safeguards, but that Euratom safeguards and the Euratom system of peaceful cooperation in the use of nuclear energy can proceed without interruption in the light of an agreement to be worked out between Euratom and the IAEA.[59]

If a non-nuclear-weapon country, including a non-nuclear member of Euratom, does not sign the NPT, the treaty would not prevent the transfer of nuclear material or equipment to that country if the nuclear material, or that used or produced in such equipment, would be made subject to the safeguards required by Article III. In the event that a non-nuclear-weapon country, whether signatory or not, does not conclude a safeguards agreement with IAEA, we would of course, feel obliged to review the situation in light of the existing circumstances.

Question 3. In what way, if any, does the Non-Proliferation Treaty amend, modify, supplement or incorporate by reference any provisions of federal legislation such as the Atomic Energy Act of 1954, as amended, the EURATOM Cooperation Act of 1958,[60] the International Atomic Energy Agency Participation Act of 1957,[61] the Atomic Energy Community Act of 1955, as amended, [62] or any other relevant Acts of Congress administered by the Commission?

Answer: While we believe the Atomic Energy Commission is in a better position than this Department to supply a definitive response to this question, we have the following observations with respect to the relationship between the Non-Proliferation Treaty and the Atomic Energy Act of 1954, as amended:

(1) As noted in Secretary Rusk's letter of Submittal of the NPT,[63] Article I of the NPT deliberately parallels United States atomic energy legislation, which has always prohibited the transfer of nuclear weapons or control over them.

(2) To the extent that it succeeds in preventing the proliferation of nuclear weapons to additional countries, the treaty should have the effect of restricting the number of nations that can satisfy the condition in Section 91(c) of the Atomic Energy Act of having "made substantial progress in the development of atomic weapons."[64] As you know, to date only the United Kingdom has been found to satisfy this condition.

(3) By explicitly calling for international safeguards, the NPT may be considered to supplement the provisions of Section 123 of the Atomic Energy Act requiring "a guaranty that any material to be

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[59] *Nonproliferation Treaty: Hearings* [pt. 1], p. 14.
[60] 9 UST 1116.
[61] 8 UST 1093.
[62] Joint Committee on Atomic Energy, Congress of the United States, *Atomic Energy Legislation Through 90th Congress, 2d Session, Joint Committee on Atomic Energy, Congress of the United States* (Jt. Com. Print, 90th Cong., 2d sess, Dec. 1968), pp. 197–223.
[63] *Ante*, pp. 470–478.
[64] *Atomic Energy Legislation Through 90th Congress, 2d Session*, p. 33.

transferred pursuant to such agreement will not be used for atomic weapons, or for research on or development of atomic weapons or for any other military purpose." As indicated above, most agreements concluded under this section have, as a matter of practice, provided for such safeguards.

(4) The Joint Committee on Atomic Energy is presently considering legislation to amend the Atomic Energy Act which would assist the U.S. in the implementation of Article V of the NPT (S3783, HR 18448, HR 18701) by authorizing the AEC to conduct peaceful nuclear explosion services for practical applications domestically and abroad.

With respect to the Euratom Cooperation Act, reference is made to the discussion of our agreements for cooperation with Euratom under question 2 above.

To the best of our knowledge and belief, the Non-Proliferation treaty would not amend, modify, supplement or incorporate by reference any other federal legislation, including the laws specifically mentioned in the question.

Statement by Mr. Nixon on the Nonproliferation Treaty, September 11, 1968 [1]

Despite my concern over some of its provisions, I have endorsed the nuclear non-proliferation treaty which is intended to control the further spread of nuclear weapons.[2] I hope that it can be universally adopted.

But the Soviet invasion of Czechoslovakia, now less than a month old, has seriously damaged the prospects for early ratification of the treaty. A large Soviet military force still occupies that country.

In these circumstances, I can understand why the Senate might want to delay ratification and also why the Administration might find it advisable not to insist on immediate action. As Governor Rockefeller pointed out in his statement of September 8:

> **The effectiveness of this treaty depends importantly on the respect for treaties shown by the Soviet Union. Yet the Soviet military action against Czechoslovakia has violated the spirit of the treaty even before it is ratified.[3]**

I have discussed this matter with Governor Rockefeller, Governor Scranton, members of the Senate Republican Leadership and with members of my key issues committee. They all share my judgement that, despite the inherent value of this treaty, its ratification should be postponed.

The posture and intention of the Soviet Union toward Czechoslovakia and other nations of Central and Western Europe can be reassessed at a later time to see whether circumstances will then justify our proceeding with ratification.

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[1] Republican National Committee news release, Sept. 11, 1968.
[2] *Ante*, pp. 461–465.
[3] *New York Times*, Sept. 8, 1968, p. 34.

Letter From AEC Chairman Seaborg to Senator Cooper on the Nonproliferation Treaty, September 11, 1968 [1]

DEAR SENATOR COOPER: I am enclosing AEC's answers to the questions on the Non-Proliferation Treaty [2] contained in your letter of August 22, 1968.[3]

If we can be of any further assistance, please call upon us.

Cordially,

GLENN T. SEABORG, *Chairman.*

Question 1. What are the non-nuclear-weapon countries to which the US had provided or agreed to provide nuclear assistance for peaceful purposes prior to becoming a signatory to the Non-Proliferation Treaty?

Answer: The US has provided, or agreed to provide some form of assistance in the peaceful uses of atomic energy to the following countries:

Argentina	Greece	Nicaragua
Australia	Guatemala	Pakistan
Austria	India	Peru
Belgium	Indonesia	Philippines
Brazil	Iran	Portugal
Canada	Iraq	South Africa
China	Ireland	Spain
Chile	Israel	Sweden
Colombia	Italy	Switzerland
Costa Rica	Japan	Thailand
Cuba	Korea	Turkey
Denmark	Lebanon	Uruguay
Dominican Republic	Netherlands	Venezuela
Ecuador	New Zealand	Vietnam
Federal Republic of Germany	Norway	Yugoslavia

Question 2. Your statement to the Foreign Relations Committee on July 1[2] noted that the United States had required in its prior agreements with such non-nuclear-weapon countries, on-site inspection by the US, maintenance of records and reports open to the US upon request, and access to all data and all plants at all times by the U.S.[4] Do you consider that such requirements were necessary for an effective safeguards system?

Answer: The answer to this question is "yes." This answer must be viewed in light of safeguards history and of a technical factor which has played a major role in the development of safeguards. That factor is the recognition that small quantities of nuclear material are of

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[1] *Nonproliferation Treaty: Hearings* [pt. 2], pp. 491–495.
[2] *Ante*, pp. 461–465.
[3] Not printed here.
[4] See *ante*, p. 518.

minimal significance and the resulting lack of need to rigorously safeguard such insignificant material. Under the Atoms for Peace Program,[5] the first agreements calling for the export of reactors and fissionable material abroad were executed in 1955. These early agreements were limited to the export of research reactors and small quantities of material with a maximum enrichment of 20% U–235. To a degree, therefore, they reduced the safeguards problem by limiting the kinds of assistance to those which were inherently of little or no military significance. These limitations were possible because there was no immediate requirement for cooperation of a kind where a more comprehensive safeguards system would clearly be needed. Despite these limitations even the earliest agreements contained provisions which gave the United States the right to observe from time to time the research reactors and fuel provided for them to determine that they were being employed for the purposes set forth in the agreements. The agreements also required the keeping of records and submission of periodic reports. In practice, these limited rights were entirely adequate to apply the kinds of safeguards required for these materials and equipment.

The Atoms for Peace Program contemplated from the outset that assistance would eventually be given and materials would be distributed for use in the generation of power by nuclear reactors. This meant that eventually large quantities of plutonium would result from the cooperative activities and the development of a safeguards system to accommodate this problem was therefore pursued. It was recognized that the application of an effective safeguard system for such a program would depend on the acquisition of ample rights on behalf of the inspecting authority to enable him to undertake the necessary control measures. Thus, the first step was the formulation of this system of rights. If these rights could be made sufficiently broad, the development of the detailed techniques of control could continue over a longer period, since the actual construction and operation of reactors producing large amounts of plutonium was several years away. Indeed, it can be said that a safeguards system consists of both the rights vested in the controlling authority and the actual measures by which these rights are implemented. The existence of the rights themselves, so long as the possibility of their implementation is maintained through the activities of the inspectorate, is an important element in the total effectiveness of the system.

The system of rights included in US comprehensive bilateral agreements beginning in 1956 and, in almost identical words, in the Statute of the IAEA,[6] are an impressive and unprecedented step in international relations. They provide the inspecting authority, that is, the United States in the case of bilateral safeguards and the IAEA in the case of Agency arrangements, with the right to send into the recipient country inspectors who shall have access at all times and to all places and data as necessary to account for material and to determine that the commitment to peaceful uses is being observed. This right of access is the central right on which the United States and the IAEA

[5] *Documents on Disarmament, 1945–1959*, vol. I, pp. 393–400.

[6] For the IAEA Statute, see *American Foreign Policy: Current Documents, 1956*, pp. 915–933.

systems are based. It has proven to be sufficiently broad so that any reasonably conceivable safeguard system required by practice can be fitted within it. There are supplementary but important rights—again quite comparable in both US bilaterals and the Agency Statute. These include the right to review the design of facilities for the sole purpose of assuring that effective safeguards can be applied, the right to require the maintenance of satisfactory records, and the right to require periodic reports about the safeguarded activities.

Question 3. You noted in your testimony that the U.S. has now by trilateral agreements, transferred to the IAEA United States' responsibility for maintaining safeguards. Do the trilateral agreements impose on the IAEA the same safeguard requirements imposed by the U.S. in its prior bilateral agreements—that is, on-site inspection, maintenance of records and reports open to the IAEA on request, and access to all data and all places at all times?

Answer: As noted above, the IAEA rights and the U.S. rights are quite comparable. The IAEA procedures and the USAEC procedures for international inspections, are carried out, where appropriate, in a manner consistent with each other. The IAEA requires access for its inspections on a frequency which is determined by the quantity of nuclear material that the facility to be inspected either possesses as inventory or annually processes or produces.

Question 4. If safeguard requirements imposed by the U.S. in its bilateral agreements were omitted in the trilateral agreements, do you consider the safeguards required by IAEA in the trilateral agreements
(a) as effective as those required by the U.S. in the bilateral agreements?
(b) effective and reliable safeguards for the purposes of the Non-Proliferation Treaty?

Answer: (a) As stated in response to question three above, the trilateral agreements and bilateral agreements in effect call for the same safeguards arrangements. The AEC as a matter of administrative policy follows the IAEA safeguards document in applying safeguards under the bilaterals. The IAEA trilateral agreements also provide for the application of the procedures set forth in the IAEA safeguards document. It is, therefore, our conclusion that the safeguards required by the IAEA in the trilateral agreements are as effective as those required by the U.S. in the bilateral agreements.

(b) As stated above, the safeguards required by IAEA in the trilateral agreements contain the essential elements of a safeguards system. These elements are on-site inspections and an established system within the safeguards activity of records and reports. Safeguards based on these elements can be expected to constitute a reliable and effective system for the purpose of the verification of the fulfillment of the obligation assumed by each non-nuclear-weapon state under the NPT with a view to preventing diversion of nuclear materials from peaceful uses to nuclear weapons or other nuclear explosive devices; the purposes stated in the Non-Proliferation Treaty of the safeguards to be applied by IAEA under the Treaty.

Question 5. Will you please provide for the record typical examples of such bilateral and trilateral agreements?

Answer: Enclosed are the following examples:

a. Atomic Energy Cooperation for Civil Uses Agreement Between the United States of America and Japan, signed at Washington on February 26, 1968.[7]

b. Atomic Energy Cooperation for Civil Uses Agreement Between the United States of America and Argentina, signed at Washington on June 22, 1962.[8]

c. Safeguards Agreement Between the United States of America, Japan and the International Atomic Energy Agency, signed at Vienna on July 10, 1968.[9]

d. Safeguards Agreement Between the United States of America, Argentina, and the International Atomic Energy Agency, signed at Vienna on December 2, 1964.[10]

Question 6. Can you state whether or not the safeguards now administered by the IAEA have been administered effectively?

Answer: The USAEC does consider that the IAEA administers its safeguards effectively. This opinion is based on information gathered by our close association with nations inspected by the IAEA and as a consequence of our US membership in the IAEA Board of Governors. Furthermore, for the past ten years the US has had personnel functioning as senior staff members of the IAEA safeguards organization and has provided to the IAEA expert technical advice on the subject of safeguards based on the US domestic safeguards program and US research and development in this field.

Since 1962, the US has had four reactors and a chemical processing plant (which recovered the plutonium from one of those reactors), as well as a storage facility where this plutonium was stored subject to IAEA safeguards. USAEC members have worked closely with the IAEA staff which have carried out the safeguards in connection with these facilities. The opinion gained as a result of that close association has been that the IAEA has effectively carried out its safeguards program.

Question 7. Have there been complaints of improper, ineffective or poorly administered safeguards?

Answer: To our knowledge there have been no official complaints of improper, ineffective or poorly administered safeguards made to the IAEA, its Board of Governors or its General Conference. Nor have any such official complaints about the IAEA been raised with the U.S. Government, to our knowledge with other governments.

As I noted in my testimony before the Committee on Foreign Relations on July 12, several countries expressed concern that the IAEA

[7] TIAS 6517.
[8] 13 UST 1789.
[9] TIAS 6520.
[10] 17 UST 583.

safeguards might serve to place the non-nuclear-weapons states at a commercial disadvantage. We have felt these fears to be groundless. I also testified that we believe the IAEA could discharge its safeguards responsibility effectively.[11]

It is inevitable that for an evolving system of international controls, involving, inter alia, inspections by foreign nationals there will be concern expressed by various individuals and nations that some aspects of the system are inefficient or excessively strict. Safeguards represent a form of regulation, and, as in all cases of regulation, many of the affected parties often favor less strict control. Such complaints will probably continue to be voiced, formally and informally, as the various conflicting views of those involved in safeguards are exchanged and eventually resolved. For example, an article in the June 1968 issue of "Atoms in Japan", the monthly publication of the Japanese Atomic Industrial Forum, might be considered as an implied but unofficial complaint about the initial IAEA safeguards inspection of the JAPC Tokai Nuclear Power Station. (The article did note, however, the difficult circumstances during the inspection because ". . . an army of TV cameramen and newspaper reporters followed wherever the [inspectors] went within the reactor site.") Constructive suggestions of how the safeguards system might be more effectively and efficiently administered are, of course, welcomed by the IAEA so that the system can be improved.

The U.S., as well, will support any measures necessary to correct *bona fide* complaints about the administration of IAEA safeguards. As noted above, however, to date we have not had to do this, and we anticipate that little, if any, action of this type will be necessary.

Question 8. Have there been breaches of substance and, if so, if not classified, could you identify countries breaching safeguards?

Answer: To our knowledge, there have been no breaches of any agreement covering safeguards related to nuclear material or equipment supplied by the US for that matter, by any state.

Question 9. Do you consider the present organization of IAEA charged with responsibility for maintaining safeguards adequate in funding, personnel and technical competence?

Answer: As I mentioned in my statement during the Hearings before the Committee on Foreign Relations on July 12, the present IAEA safeguards staff, which is modest in size, is in balance with the size of the workload for which the Agency has had responsibility to date. The U.S. has participated in the Administrative and Budget Committee of the IAEA Board of Governors and in the Board itself and the General Conference of the Agency in the review and approval of the Agency's budget with particular attention on our part to the items relating to safeguards. In the context of the current workload, we have felt the funding and personnel ceilings provided for the Department of Safeguards and Inspection, the organization of IAEA charged with responsibility for maintaining safeguards, have been adequate. (See also answer to question 11.)

[11] *Ante*, pp. 519–520.

The Director General of the IAEA is required to consult with the Board of Governors with regard to the proposed nomination of an Agency employee to serve as a safeguards inspector. In connection with this consultation, the U.S. as a member of the Board of Governors obtains information on the qualifications of the individual inspectors. From this information, we have concluded that the personnel being named as inspectors are well-qualified as to education and training to be safeguards inspectors. In addition, as a result of the IAEA's inspection activities in the United States of those facilities which have been voluntarily submitted to IAEA safeguards and also by virtue of the close liaison maintained between the IAEA and AEC safeguards staff, AEC safeguards personnel have had an opportunity to observe the performance of most of the members of the Agency's safeguards staff and have been favorably impressed by their technical competence. In the area of safeguards research and development, the Agency's budget is small; approximately $100,000 per year. We have felt it unnecessary to press for a larger safeguards research and development budget in the Agency because in meeting our own responsibilities in this area, the U.S. Government has established a comprehensive research and development program and we are working closely with the Agency to make sure the results of this research and development are available to IAEA to be used as appropriate in Agency safeguards. Other governments are also conducting substantial safeguards research and development programs. The Agency is serving a valuable role in coordinating these programs and as a means of exchanging information on safeguards developments.

Question 10. Can you provide up-to-date information, stating the number of persons engaged in the responsibility of maintaining safeguards for IAEA—stating separately the number of inspectors, and the cost of such safeguards?

Answer: The IAEA safeguards organization consists of 24 professional and 13 support personnel. It is estimated that in CY 1969 the staff will be increased to 34 professional and 18 support personnel. Twenty-two of the 24 professional personnel mentioned above have been designated to serve as safeguards inspectors.

The IAEA safeguards budget figures for CY 1968 and CY 1969 (estimated) are as follows:

	Calendar year	
	1968	1969
Panels and committees	$6, 000	$13, 000
Scientific and technical services	95, 000	150, 000
Salaries and wages	110, 900	481, 800
Common staff costs	123, 300	183, 800
Duty travel and missions	96, 400	96, 400
Representation and hospitality	2, 700	3, 000
Total	634, 300	928, 000

Question 11. Do you consider the present organization of IAEA for maintaining safeguards adequate for its responsibilities under the the Non-Proliferation Treaty?

Answer: As pointed out in connection with the estimates referred to in your question 12 below, the safeguards workload of the IAEA is expected to increase under the Non-Proliferation Treaty. We do not consider the present organization of IAEA for maintaining safeguards adequate in size to meet these increased responsibilities and a need to increase the staff size is recognized.

Question 12. The report of hearings of the Senate Committee on Foreign Relations provides varying estimates of increases in personnel that will be required for the maintenance of safeguards under the NPT and of large increases in cost. Has the AEC or any agency of the United States made a determination of the increase in the size of staff and additional cost that will be required?

Answer: In keeping with our responsibilities we have had *estimates* made by the AEC's Safeguards Technical Support Organization of IAEA safeguards costs and manpower requirements expected under the Non-Proliferation Treaty. Preliminary results of the studies are quoted in the report of the hearings to which you refer.[12] It was pointed out in connection with these studies, that any study of this kind made at this time must be considered highly conjectural and tentative, subject to almost continual review and refinement. In this sense, no formal determination has been made of the required increase in staff and funds. The studies will serve as important references and as guidance in participating in the activities of the Agency, particularly the budgeting function. However, because of the various uncertainties involved, such as the rate of growth of nuclear power, and those which can arise from the IAEA determining in which of the activities among those offered by the U.S. and U.K. safeguards are to be applied, that a determination of a staff size requirement cannot be made at this time.

Question 13. Do you contemplate any difficulty in the development of an IAEA staff and inspectors capable of administering effectively safeguards under the treaty? Are any arrangements being made for their selection and training?

Answer: As I noted in my testimony of July 12, 1968, although there will be a certain amount of difficulty in expanding the IAEA safeguards inspector staff to administer effectively safeguards under the Non-Proliferation Treaty (NPT), we are confident that these difficulties can be overcome with the cooperation of the IAEA member states in making available their qualified personnel for this purpose.[13] In this connection, it should be noted that USAEC is initiating, beginning in September 1968, a safeguards training course at Argonne National Laboratory, Chicago. This course, which is intended to deal with all phases of safeguards, both domestic and international, is

[12] *Nonproliferation Treaty: Hearings*, [pt. 1], pp. 281–288.
[13] *Ante*, pp. 516–524.

directed at the supervisory level. The IAEA is also developing arrangements for the selection and training of safeguards inspectors, both for its current needs and for future requirements under the NPT.

Question 14. Have discussions been held in the IAEA or by ENDC or between the nuclear powers, signatories to the treaty, concerning the financing of additional cost and, if so, have any agreements been concluded?

Answer: Definitive discussions concerning the financing of IAEA safeguards arising from the NPT have not been held and no agreements have been concluded. The question of financing safeguards was not officially discussed in the negotiations of the NPT. As indicated in our answer to question 12, estimates of these costs have been made by AEC's safeguards Technical Support Organization so that the dimensions of the problem can be foreseen. The positions taken by the nuclear powers in IAEA discussions of financing existing IAEA safeguards agreements do not necessarily foreshadow the future positions on financing safeguards under NPT. The U.S. has taken the position that, since the beneficiary of safeguards is not only the country in which the reactor is located but the world at large, it is in accordance with financial provisions of the IAEA Statute that the costs should and could legally be borne by the Agency. The U.S. prefers that the existing system of financing should continue; namely, that safeguards would be financed out of the IAEA budget rather than by the parties directly concerned.

Question 15. Have discussions been held within IAEA concerning standards of safeguards that IAEA will require of non-nuclear-weapon powers?

Answer: The IAEA is concerned with the establishment of the standards for safeguards implementation under the requirements of the NPT and has held internal discussions on this subject.

Question 16. Can you indicate whether the decisions respecting safeguards required will be made by the Board of Governors or the General Conference of the IAEA and whether by majority vote?

Answer: The IAEA's safeguards system has been established by a series of decisions of the Board of Governors. While the decisions of the Board are usually made on the basis of majority votes, certain categories of decisions, such as the budget, call automatically for a two-thirds vote by the Board. On other important questions, a majority of the Governors may call for a two-thirds vote by the Board. The administration of the safeguards approved by the Board is carried out by the Director General who is appointed by the Board of Governors with the approval of the General Conference. The safeguards staff is headed by an Inspector General who is appointed by the Director General.

The Board has referred each document in the safeguards system to the General Conference for comments and has considered any views expressed in the Conference in putting the safeguards system into effect. We anticipate that this procedure would continue to be

followed. Also, each of the safeguards agreements that the IAEA would enter into with participating countries or international organizations would be subject to approval by the Board of Governors.

Question 17. It is correct, is it not, that the IAEA will have the ultimate decision as to safeguards required of each non-nuclear-weapon state, even though Article III speaks of negotiations?

Answer: Article III sets forth standards for the international safeguards to be applied. The safeguards must be those set forth in an agreement negotiated and concluded "with the International Atomic Energy Agency in accordance with the Statute of the International Atomic Energy and the Agency's safeguards system." As I stated in my testimony on July 12, 1968, each of the agreements that the IAEA would enter into with each of the participating countries or international organizations would be subject to ratification or approval by the Board of Governors of the IAEA. Thus, the safeguards provided for would have to be satisfactory to the IAEA.

During negotiations on Article III of the NPT, it was recognized that any safeguards arrangement concluded between the IAEA and a non-nuclear-weapon Party, or Parties, to the Treaty must provide adequate assurances to the IAEA and to the world at large that diversions of material to nuclear weapons or other nuclear explosive devices are not taking place. Therefore, the principles which the US Co-Chairman announced to the ENDC on January 18, 1968 (see answer to question 20) fully recognize that the IAEA must be able to satisfy itself in each case that diversions are not taking place. On the other hand, in order to avoid unnecessary duplication, the principles also call for the IAEA to take existing safeguards systems fully into account and to make appropriate use of existing records and safeguards in devising the detailed arrangements. The task of translating these principles into specific arrangements with the IAEA will be the subject of negotiations with Parties to the Treaty.

Question 18. It is correct, is it not, that safeguards will not be necessarily uniform, and that stricter safeguards may be imposed on some non-nuclear-weapons states than on others?

Answer: It is a matter of IAEA policy that safeguards procedures applied in any context, are uniform for comparable situations. Their implementation as regards frequency of inspection and reports, etc. is based on the quantities of nuclear material which a state possesses as inventory or processes, or produces. In determining the actual frequency of inspection of reactors, the Agency considers whether the inspected state possesses irradiated fuel reprocessing facilities, the nature of the reactor, as well as the nature and amount of the nuclear material produced or used in the reactor.

This policy and the three principles of safeguarding stated in the answer to question 20 are relevant to agreements concluded with individual states or with groups of states. However, we do not believe that the character of the safeguard arrangement concluded between the IAEA and the state or group of states subjected to a regional multilateral safeguard system necessarily will be the same in every

respect with the arrangements concluded with a state not participating in such a system. The arrangements concluded with the Euratom-member states undoubtedly will have to take into account, in appropriate fashion, that these states already are being subject to a multilateral regional safeguards system which is operating effectively. While the form of these two types of arrangements may differ, we feel that all of the arrangements concluded by the IAEA will have to provide adequate and comparable assurance that diversions to nuclear weapons or other nuclear explosive devices are not taking place.

Question 19. Do you know whether any state, in discussions regarding NPT, has expressed concern that IAEA might impose on it unacceptable requirements for safeguards?

Answer: During the course of discussions with non-nuclear-weapon states concerning the proposed safeguards requirements for the draft NPT, some questions were raised about the nature of the safeguards and the possibility of additional, possibly unacceptable, safeguards requirements being imposed in the future without the consent of the non-nuclear-weapon party.

Responding to such concerns, the US stated that the safeguards to be applied under the NPT are those to be specified in agreements negotiated and concluded in accordance with the Agency's Statute and safeguards system. In the future, the IAEA may adopt changes in its requirements for safeguards. However, as the US representative to the ENDC stated on February 21, 1968, ". . . changes made after the negotiation of the safeguards agreement could be applied by IAEA only with the consent of the Parties to the safeguards agreement, a consent to be given either through some general procedure agreed to in advance or through subsequent modifications made in agreements with the Agency."[14]

The US offer of December 2, 1967, that "when safeguards are applied under the NPT, the US will permit the IAEA to apply its safeguards to all nuclear activities in the US excluding only those with direct national security significance,"[15] further demonstrated the US belief that the IAEA would not impose unacceptable requirements for safeguards under the NPT.

Question 20. Can you state whether the questions raised by EURATOM countries regarding safeguards have been resolved? What specific questions were raised? How were their questions resolved?

Answer: As Secretary Rusk noted in his statement to the Foreign Relations Committee on July 10, 1968,[16] the main problem raised by EURATOM member states concerning a safeguards article for the NPT arose out of the existence of two international safeguards systems; the IAEA and EURATOM. As the secretary stated, "the Common Market countries were reluctant to allow the IAEA safeguards system to operate in their countries for fear that it would result in abandonment of the EURATOM system, with unfavorable effects

[14] *Ante*, p. 96.
[15] *Documents on Disarmament, 1967*, p. 615.
[16] *Ante*, pp. 493–497.

on progress toward European unity." For this reason, the US made clear during its negotiations with the Soviets that both the EURATOM and IAEA safeguards systems should be permitted to continue.

These and other concerns of non-nuclear-weapon states were taken into consideration in formulating the compromise Article III. Additionally, after extensive consultation with our NATO allies, which include the members of EURATOM, the US announced the following three guiding principles which are to be taken into account in negotiating any IAEA safeguards agreements pursuant to the NPT:

1. There should be safeguards for all non-nuclear-weapon parties of such a nature that all parties can have confidence in their effectiveness. Therefore safeguards established by an agreement negotiated and concluded with the IAEA in accordance with the Statute of the IAEA and the Agency's safeguards system must enable the IAEA to carry out its responsibility of providing assurance that no diversion is taking place.

2. In discharging their obligations under Article III, non-nuclear-weapon parties may negotiate safeguards agreements with the IAEA individually or together with other parties; and, specifically, an agreement covering such obligations may be entered into between the IAEA and another international organization the work of which is related to the IAEA and the membership of which includes the parties concerned.

3. In order to avoid unnecessary duplication, the IAEA should make appropriate use of existing records and safeguards, provided that under such mutually agreed arrangements IAEA can satisfy itself that nuclear material is not diverted to nuclear weapons or other nuclear explosive devices.[17]

Question 21. Taking into consideration Article IV, Paragraph 2, and the seventh and eighth paragraphs of the Preamble, what are the obligations of the United States under the treaty toward providing materials, equivalent and scientific and technological information to nuclear-weapon and non-nuclear-weapon countries? Would the obligation extend to Communist and non-Communist countries alike?

Answer: As I indicated in my testimony on July 12, 1968, the US already is conducting a very extensive program of international cooperation in fields pertaining to the peaceful uses of atomic energy. We believe it would be within the spirit of the Treaty for the United States to continue this program to expand it wherever possible. We believe the language of Article IV clearly contemplates that each nation will do what it can to cooperate with the other Parties to the Treaty. We also believe that it may be possible for us to provide some special advantages, in terms of our cooperation to those non-nuclear-weapon nations that adhere to the Treaty. We are giving some thought to this problem and undoubtedly will wish to consult closely with the Congress on the matter.

We do not, however, interpret Article IV as meaning that the US will be compelled to embark on any costly new programs or as obliging the US to meet all requests and demands. Neither do we construe Article IV as overriding the provisions of the US Atomic Energy Act, nor will it remove the discretion we have in determining the nature of our cooperative relationships with other countries, on a case by case basis. The words "fullest possible exchange" in Article IV clearly imply that the Parties will be expected to cooperate only to the extent that they are able to do so, and that reciprocity may well be a factor in determining what is possible in certain circumstances.

[17] *Ante*, p. 13.

Furthermore, on December 2, 1967, President Johnson announced that when "safeguards are applied under the NPT, the US will permit the IAEA to apply its safeguards to all nuclear activities in the US excluding only those with direct national security significance." [18] This offer was made to meet a number of concerns which non-nuclear-weapon states, including EURATOM member states, had raised concerning the possibility of industrial espionage, and the possible competitive advantage to nuclear-weapon states not subject to IAEA safeguards. On December 4, 1967, the UK made a similar offer.[19]

To date, three of the five non-nuclear-weapon member states of EURATOM (Belgium, the Netherlands, and Luxembourg) have signed the NPT after full consultations with the European Communities. Each of them has pointed out, among other things, that they do not consider that there is any incompatibility between the goals pursued by the NPT and the EURATOM Treaty; that the safeguards provided for in Article III of the NPT will be the subject of agreements to be concluded with the IAEA; and that it is their intention not to ratify the NPT before negotiations with the IAEA have produced an agreement.

Question 22. Article V provides that non-nuclear-weapon states may obtain peaceful applications of nuclear explosions pursuant to a "special international agreement or agreements", or "pursuant to bilateral agreements". Would international observation be required in each case?

Answer: As I stated in my testimony on July 28, 1968, whether the peaceful nuclear explosion service is provided through an international body or bilaterally, "in each case, an opportunity shall be provided for appropriate international observation of the actual detonation."

Article V of the Treaty would require that a reasonable opportunity be offered for international observation of explosions conducted pursuant to that Article. In all probability, the IAEA will be invited to observe peaceful nuclear explosions conducted pursuant to Article V. If the invitation is extended in good faith and allows reasonable notice to permit the international observation, then we believe the obligation under this provision would be discharged, even if the IAEA or other international observers did not appear. On the other hand, if the arrangements for the carrying out of the nuclear explosion were such as to make international observation impracticable, then obviously there would not have been compliance with the provision.

Question 23. While not an operative section of the treaty, does Paragraph six of the Preamble express any agreement or understanding on the part of the nuclear-weapon countries and, specifically on the part of the United States, to agree to a specific or limited method of inspection in any future agreements between the nuclear-weapon countries?

Answer: Paragraph six of the Preamble of the NPT expresses the intention of the Parties to support "research, development and other efforts to further the application, within the framework of the Inter-

[18] *Documents on Disarmament, 1967*, p. 615.
[19] *Ibid.*, p. 616.

national Atomic Energy Agency safeguards system, of the principle of safeguarding effectively the flow of source and special fissionable materials by the use of instruments and other techniques at certain strategic points." Inclusion of the reference in the Preamble was based on the belief that the IAEA, in carrying out its responsibilities for the safeguarding of nuclear activities of non-nuclear-weapon states party to the treaty, in accordance with Article III, would have an interest in utilizing instruments and other new techniques to the maximum extent possible as soon as they are technically feasible. Such interest is motivated by widely shared desires to achieve the objectives of the safeguards system in the most efficient manner with minimum manpower and with the least possible intrusion into nuclear activities. In short, the Preambular reference only concerns the means by which the IAEA might meet its responsibilities, and does not imply any relaxation of those responsibilities or the effectiveness of safeguards. It is expected that the Board of Governors of the IAEA will take into account the results of safeguards research and development in administering the responsibilities of the IAEA under Article III.

The Non-Proliferation Treaty does not express or allude to any agreement or understanding concerning methods of inspection in any future agreements between the nuclear-weapon countries and no such agreements or understandings exist among them.

Question 24. Please provide for the record the list of non-nuclear-weapon countries to which the UK, the USSR, Canada and France have provided nuclear assistance for peaceful purposes.

Answer: To our knowledge, the UK, USSR, Canada and France have provided assistance in the peaceful use of atomic energy to the following countries:

UK: Australia, Belgium, Brazil, Canada, Chile, Czechoslovakia, Denmark, Federal Republic of Germany, Finland, India, Israel, Italy, Japan, Mexico, Netherlands, Norway, Pakistan, Portugal, Romania, Spain, South Africa, Sweden and Switzerland.

USSR: Albania, Bulgaria, Communist China, Czechoslovakia, East Germany, Ghana, Hungary, India, Indonesia, Iraq, Mongolia, North Korea, North Vietnam, Pakistan, Poland, Romania, United Arab Republic and Yugoslavia.

Canada: Australia, Federal Republic of Germany, India, Italy, Japan, Pakistan, Romania, Spain, Sweden and Switzerland.

France: Argentina, Austria, Belgium, Brazil, Bulgaria, Canada, Central African Republic, Chile, Colombia, Czechoslovakia, Federal Republic of Germany, Gabon, India, Iran, Israel, Italy, Japan, Lebanon, Luxembourg, Madagascar, Netherlands, Nigeria, Peru, Poland, Romania, Senegal, South Africa, Spain, Switzerland, Uruguay, Venezuela and Yugoslavia.

Question 25. Would you comment upon the statements made by Congressman Craig Hosmer regarding the inadequacy of safeguards?

Answer: Our comments on the adequacy of safeguards are given above, primarily in response to questions 9 and 6 and additionally in response to questions 11, 12 and 13. We have noted in the above cited

responses the bases for our opinion that IAEA safeguards are adequate.

Additionally, the Commission and its contractors have had extensive experience in operating a wide variety of nuclear energy facilities and in performing the materials control measurements necessary for assuring their most economical and safe operation. It is our policy to assist the IAEA safeguards program by passing on such past experience and to continue to conduct research and development in an effort to further refine our understanding of the normal and expected operations of nuclear energy facilities. Based on the progress to date, we believe that the IAEA will be able to conduct effective inspection of nuclear facilities. Further we believe that any suspected diversion will be appropriately handled in the IAEA under the statutory provision requiring IAEA inspectors to report any non-compliance to the Director General of the Agency who thereupon must report it to the Board of Governors.

Basically, as an organization with many years of experience in safeguarding nuclear material the AEC is convinced that the IAEA can effectively safeguard the activities assigned to it pursuant to the NPT. We maintain this conviction recognizing that no system can be expected to be foolproof and that the Agency will have to increase its safeguards budget and manpower in order to handle the NPT responsibilities as they are incurred.

Latin American Resolution Introduced in the Second Committee of the Conference of Non-Nuclear-Weapon States: Peaceful Applications of Nuclear Explosions, September 20, 1968 [1]

The Conference of Non-Nuclear-Weapon States

Having discussed the question of "Benefits from peaceful applications of nuclear explosions to non-nuclear-weapon States which have renounced the production, acquisition and use of nuclear weapons pursuant to special international agreement or agreements through an appropriate international body or through bilateral arrangements",

Observing that the use of explosive nuclear devices for peaceful purposes is destined to be of immense benefit, especially to the developing countries, as is demonstrated by the technical documents prepared

[1] A/CONF. 35/C.2/L. 18, Sept. 20, 1968. The resolution was sponsored by Argentina, Brazil, Chile, Colombia, Dominican Republic, Guatemala, Jamaica, Mexico, Nicaragua, Paraguay, Peru, Trinidad and Tobago, Uruguay, and Venezuela. On Sept. 26, before acting on the resolution as a whole, the plenary conference had separate votes on operative pars. 3 and 5 (see below); par. 3 failed to obtain a two-thirds majority and was therefore dropped from the resolution. The vote on the resolution as a whole was 30 to 21, with 27 abstentions, and it did not pass since there was no two-thirds majority.

for the Conference at the request of the Secretary-General of United Nations,

Convinced that all the benefits of the peaceful applications of nuclear explosions should be accessible to all non-nuclear-weapon States which have renounced nuclear weapons,

1. *Declares* that it is highly important that a special draft international agreement should be drafted as soon as possible for the establishment in due course, within the framework of the International Atomic Energy Agency, of an "International Service for Nuclear Explosions for Peaceful Purposes,"[2] whereby the nuclear-weapon States will undertake to provide states which have renounced nuclear weapons with such services for conducting nuclear explosions for peaceful purposes as may be required for specific projects submitted to the service by these States;

2. *Likewise declares* that the services referred to in the preceding paragraph should be provided on a non-discriminatory basis and in such a way that there will be an adequate participation of the States which have renounced nuclear weapons in the International Service to ensure that the charge to them for services they receive is as low and as fair as possible and, in particular, excludes any charge for research and development in respect of the nuclear devices employed;

3. *Requests* the Secretary-General of the United Nations to include in the agenda of the twenty-third regular session of the General Assembly an item entitled "Convening of a special conference to consider the establishment within the framework of the International Atomic Energy Agency of an International Service for Nuclear Explosions for Peaceful Purposes for the benefit of States which have renounced nuclear weapons, with due consideration for the needs of the developing areas of the world";[3]

4. *Requests* the Executive Secretary of the Conference to transmit to the Secretary-General of the United Nations the text of this resolution;

5. *Also asks* the Executive Secretary to transmit to the Secretary-General the papers submitted by the delegations of Mexico and Italy,[4]

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[2] The original Spanish text read "Servicio Internacional para Explosiones Nucleares con Fines Pacíficos". The word "Servicio" was translated into English as "Department". The report of the Second Committee stated that the sponsors preferred the term to be rendered as "Service".

[3] The vote was 31 to 24, with 29 abstentions:

For—Afghanistan, Algeria, Argentina, Bolivia, Brazil, Burma, Cameroon, Ceylon, Chile, Colombia, Dahomey, Dominican Republic, FRG, Ghana, Guatemala, Iran, Italy, Ivory Coast, Jamaica, Kenya, Mexico, Paraguay, Peru, Spain, Trinidad and Tobago, Uganda, United Republic of Tanzania, Uruguay, Venezuela, Yugoslavia, Zambia.

Against—Australia, Belgium, Bulgaria, Canada, Czechoslovakia, Denmark, Finland, Hungary, Iraq, Ireland, Libya, Luxembourg, Mongolia, Morocco, New Zealand, Norway, Poland, Saudi Arabia, South Africa, Southern Yemen, Syria, Tunisia, UAR, Yemen.

Abstaining—Austria, China, Costa Rica, Ecuador, Ethiopia, Greece, India, Indonesia, Israel, Japan, Laos, Lebanon, Liechtenstein, Madagascar, Malta, Mauritius, Netherlands, Nigeria, Pakistan, Philippines, Portugal, Republic of Korea, Republic of Vietnam, Romania, Somalia, Sweden, Switzerland, Thailand, Turkey.

[4] A/CONF.35/DOC.15 and A/CONF.35/C.2/3.

and all the other documents and records concerning item 14(d) of the agenda of the conference.[5]

Revised Latin American Resolution Introduced in the First Committee of the Conference of Non-Nuclear-Weapon States: Security Assurances for Non-Nuclear-Weapon States, September 24, 1968 [1]

The Conference of Non-Nuclear-Weapon States,

Having discussed the question of measures to assure the security of non-nuclear-weapon States,

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[5] The vote was 30 to 7, with 48 abstentions:

For—Afghanistan, Argentina, Bolivia, Brazil, Cameroon, Ceylon, Chile, Colombia, Costa Rica, Dahomey, Dominican Republic, Ecuador, FRG, Ghana, Guatemala, Israel, Italy, Ivory Coast, Jamaica, Malta, Mexico, Paraguay, Peru, Spain, Switzerland, Trinidad and Tobago, Uruguay, Venezuela, Yugoslavia, Zambia.

Against—Bulgaria, Canada, Czechoslovakia, Ethiopia, Hungary, Mongolia, Poland.

Abstaining—Algeria, Australia, Austria, Belgium, Burma, China, Denmark, Finland, Greece, India, Indonesia, Iran, Iraq, Ireland, Japan, Kenya, Laos, Lebanon, Libya, Liechtenstein, Luxembourg, Madagascar, Mauritius, Morocco, Netherlands, New Zealand, Nigeria, Norway, Pakistan, Philippines, Portugal, Republic of Korea, Republic of Vietnam, Romania, San Marino, Saudi Arabia, Somalia, South Africa, Southern Yemen, Sweden, Syria, Thailand, Tunisia, Turkey, Uganda, UAR, United Republic of Tanzania, Yemen.

[1] A/CONF.35/C.1/L.3/Rev. 2, Sept. 24, 1968. The resolution was introduced by Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, Guatemala, Paraguay, Peru, Trinidad and Tobago, Uruguay, and Venezuela. At the 22nd meeting of the First Committee, the sponsors accepted a Pakistani proposal to delete the words "with the participation" in operative par. 1. By a vote of 12 to 1, with 68 abstentions, the First Committee approved a Pakistani amendment adding the words "bearing in mind the need to reflect an acceptable balance of mutual responsibilities and obligations between the nuclear-weapon and non-nuclear-weapon States." With these amendments, operative par. 1 read:

"1. *Recommends* that the General Assembly of the United Nations, at its twenty-third session, in order to achieve a solution to this problem, convene as soon as possible a conference of all the States Members of the United Nations, members of its specialized agencies and of the International Atomic Energy Agency 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, bearing in mind the need to reflect an acceptable balance of mutual responsibilities and obligations between the nuclear-weapon and non-nuclear-weapon States."

The First Committee approved the amended resolution at the same meeting by a vote of 40 to 17, with 25 abstentions. At the plenary meeting of September 27, the resolution failed by one vote to obtain the necessary two-thirds majority. The vote was 39 to 20, with 19 abstentions:

For—Afghanistan, Algeria, Argentina, Bolivia, Brazil, Cameroon, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, FRG, Ghana, Guatemala, India, Indonesia, Iran, Israel, Jamaica, Japan, Kenya, Laos, Madagascar, Mauritius, Nigeria, Pakistan, Paraguay, Peru, Republic of Vietnam, Romania, Spain, Swit-

Footnote continued on following page.

Recognizing the need that, until such time as the production of nuclear weapons has ceased and all stockpiles of such weapons have been destroyed, the security of non-nuclear-weapon States should be adequately assured,

Recalling resolutions 2028 (XX) [2] and 2153 (XXI) of the General Assembly of the United Nations,[3]

Having in mind resolution 255 (1968) of the Security Council of the United Nations,[4]

Noting also the concern expressed by delegations participating in the Conference about the question of their security,

1. *Recommends* that the General Assembly of the United Nations, at its twenty-third session, in order to achieve a solution to this problem, convene as soon as possible a conference with the participation of all the States Members of the United Nations, members of its specialized agencies and of the International Atomic Energy Agency 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;

2. *Requests* the Executive Secretary of the Conference to transmit the text of the present resolution and all other documents concerning item 11 of the agenda of the Conference to the Secretary-General of the United Nations.

Report by the Senate Foreign Relations Committee on the Treaty on the Nonproliferation of Nuclear Weapons, September 26, 1968 [1]

The Committee on Foreign Relations, to which was referred the Treaty on the Nonproliferation of Nuclear Weapons, signed in Washington on July 1, 1968 (Ex. H, 90th Cong., second sess.),[2] having considered the same, reports favorably thereon without reservation and recommends that the Senate give its advice and consent to ratification thereof.

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zerland, Trinidad and Tobago, Uganda, United Republic of Tanzania, Uruguay, Venezuela, Yugoslavia, Zambia.

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

Abstaining—Austria, Burma, Ceylon, Ethiopia, Iraq, Italy, Ivory Coast, Jordan, Lebanon, Libya, Liechtenstein, Malta, Mexico, Morocco, Philippines, Portugal, Saudi Arabia, Somalia, South Africa, South Yemen, Syria, Tunisia, Turkey, UAR, Yemen.

[2] *Documents on Disarmament, 1965*, pp. 532–534.

[3] *Ibid.*, pp. 142–143.

[4] *Ante*, p. 444.

[1] S. Ex. Rept. 9, 90th Cong., 2d sess.

[2] *Ante*, pp. 461–465.

I. Purpose and Background of the Treaty

The treaty's fundamental purpose is to slow the spread of nuclear weapons by prohibiting the nuclear weapon states which are party to the treaty from transferring nuclear weapons to others, and by barring the nonnuclear weapon countries from receiving, manufacturing, or otherwise acquiring nuclear weapons. As such, this treaty represents an important effort to lift the threat of adding new and fearful dimensions to international tensions and disputes through the spread of what has been called the seeds of a hundred crises.

In the years since Hiroshima, the United States and the Soviet Union as the major nuclear powers have gradually, often grudgingly, come to the realization that the technological triumphs of their own nuclear weapons programs were not beyond the reach of even the poor nations of the world. The search for new sources of commercial power has brought in its wake an ever-increasing potential for destruction. Dr. Glenn T. Seaborg, Chairman of the Atomic Energy Commission, told the committee of the world's growing nuclear capacity:

> * * * In several more years the nuclear plants in operation in nonnuclear-weapons countries will be producing enough plutonium to make hundreds of bombs each year. The amount of material that will be produced would be sufficient, if diverted to the production of nuclear weapons, to level many cities and destroy much of humanity. * * *[3]

Dr. Seaborg's comment in 1966 on the process of separating weapons-grade plutonium from the plutonium produced in civil power reactors is worth recalling:

> * * * it is perfectly feasible to build a clandestine chemical-processing plant using readily available technology and equipment.[4]

Given this burgeoning capability of so many nations to build nuclear weapons, the U.S. efforts to curtail the spread of nuclear weapons and skills have become increasingly more serious and urgent. In 1964 in his first message to the Geneva Disarmament Conference, President Johnson proposed an international agreement designed "to stop the spread of nuclear weapons to nations not now controlling them"; and to guarantee "that all transfers of nuclear materials for peaceful purposes take place under effective international safeguards."[5] After 4½ years of steady effort, the U.S. Government has reached an agreement on the Nonproliferation Treaty with two other nuclear weapon states—the Soviet Union and Great Britain—that has thus far been signed by over 80 other states.

The treaty is a recognition by the United States, Great Britain, and the Soviet Union of a common interest in building barriers to the very real threat of mutual annihilation inherent in any increase in the number of countries controlling the use of nuclear weapons. As nuclear weapons spread around the world, whether to responsible or irresponsible powers, so will the danger increase that they might be

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[3] *Ante*, pp. 516–524.

[4] *Nonproliferation of Nuclear Weapons: Hearings Before the Joint Committee on Atomic Energy, Congress of the United States, Eighty-Ninth Congress, Second Session on S. Res. 179, Nonproliferation of Nuclear Weapons*, pp. 61–62.

[5] *Documents on Disarmament, 1964*, p. 8.

used, and the major powers drawn into a crisis involving nuclear arms.

The treaty also represents recognition on the part of the nuclear weapon states which have signed the treaty of a responsibility to those nations which are now being asked to deny to themselves that which the United States and the Soviet Union consider essential to their security. The compensation for such an important act of national self-denial is the pledge of nuclear weapon states to make available to the nonnuclear weapon states which are signatories the benefits of peaceful nuclear programs, and to halt through the limitation and eventual elimination of the world's nuclear armories the nuclear arms race that threatens the very existence of all nations. Finally, the nuclear weapon states, pursuant to Security Council Resolution 255 (1968), have pledged themselves to take appropriate measures through the United Nations to safeguard the security of the nonnuclear weapon states which become parties to the treaty.[6]

II. Substance of the Treaty

The treaty consists of a preamble and 11 articles.

Articles I and II

Articles I and II state the basic obligations of the parties with regard to the transfer of nuclear weapons and skills. Article I prohibits the nuclear-weapon states bound by the treaty from transferring to any possible recipient nuclear weapons or nuclear explosive devices and from assisting the nonnuclear-weapon states in manufacturing or otherwise acquiring nuclear weapons. [A nuclear-weapon state is defined by article IX, paragraph 3, as one which has "manufactured and exploded a nuclear weapon or other nuclear explosive devices prior to January 1, 1967."]

Article II obliges the parties that are not nuclear-weapon states not to receive nuclear weapons or other nuclear weapons [*sic*] explosive devices from any source whatsoever. Furthermore, it obliges them not to manufacture their own weapons or devices, or solicit or accept assistance in their manufacture.

Secretary of State Dean Rusk stressed in his testimony before the committee that the prohibitions in articles I and II will in no way inhibit the United States from meeting its responsibilities under existing nuclear weapons arrangements within the Western alliance, from deploying its nuclear forces around the world, or from transferring nuclear weapons or control over them in a war situation. He said, of the key articles I and II:

> The treaty deals only with what is prohibited, not with what is permitted. It prohibits transfer to any recipient whatsoever of nuclear weapons or control over them, meaning bombs and warheads. It also prohibits the transfer of other nuclear explosive devices, because a nuclear explosive device intended for peaceful purposes can be used as a weapon or can be easily adapted for such use. It does not deal with, and therefore does not prohibit, transfer of nuclear delivery vehicles or delivery systems, or control over them to any recipient, so long as such transfer does not involve bombs or warheads. It does not deal with allied consultations and planning on nuclear defense so long as no transfer of nuclear weapons or control over them results. It does not deal with arrangements for

[6] *Ante*, p. 444.

deployment of nuclear weapons within allied territory as these do not involve any transfer of nuclear weapons or control over them unless and until a decision were made to go to war, at which time the treaty would no longer be controlling. And, it does not deal with the problem of European unity, and would not bar succession by a new federated European state to the nuclear status of one of its former components * * *[7]

Deputy Secretary of Defense Paul H. Nitze told the committee that the obligations assumed by the nonnuclear weapon parties under article II do not include a prohibition on nuclear programs that are military in nature but that are unrelated to the manufacture of nuclear weapons—for example, nuclear submarines.[8]

As a practical matter, it should be noted that, although U.S. statutes have forbidden the transfer of nuclear weapons to other states or associations of states, this prohibition was heretofore a national decision subject to revision of U.S. law. The pending treaty will turn this self-imposed limitation into an international prohibition that can be revised only by the process of amending the treaty, by U.S. withdrawal from the treaty, or by a war situation. For example, it has long been the United States position not to transfer nuclear weapons to any European federation. Heretofore this position could have been changed by the President and the Congress; if the pending treaty comes into force there will be another, perhaps insurmountable, obstacle to any such change.

Article III

Under article III the International Atomic Energy Agency (IAEA) is vested with the responsibility of verifying that the nonnuclear weapon countries will not divert nuclear facilities and materials from peaceful purposes to the production of nuclear weapons. This verification would be in accord with the Statute of the International Atomic Energy Agency and the Agency's safeguards system.

The first paragraph of article III states that "each nonnuclear-weapon State Party to the Treaty undertakes to accept safeguards, as set forth in an agreement * * * with the International Atomic Energy Agency." The International Atomic Energy Agency safeguards required by this article "shall be applied on all source or special fissionable material in all peaceful nuclear activities within the territory of such State, under its jurisdiction, or carried out under its control anywhere."

Mr. William C. Foster, Director of the Arms Control and Disarmament Agency pointed out to the committee that article III does not require safeguards on the peaceful nuclear activities of nuclear-weapon states. [Military or defense facilities of the nuclear-weapon states are exempted from these provisions of the treaty.] Mr Foster said that the fact that article III does not require safeguards on the peaceful nuclear activities of nuclear weapon states was commented on by many of the nonnuclear weapon states. He said that it proved impossible to negotiate such arrangements within the treaty itself. Therefore, the United States, in order to dispel any claims that the

[7] *Ante*, pp. 495–496.
[8] *Nonproliferation Treaty: Hearings* [pt. 1], pp. 64–65.

treaty was discriminatory in the peaceful nuclear activities field, volunteered to accept safeguards on its peaceful nuclear activities although the treaty does not call for such an obligation.[9] President Johnson, on December 2, 1967, announced that—

> when such safeguards are applied under the Treaty, the United States will permit the International Atomic Energy Agency to apply its safeguards to all nuclear activities in the United States, excluding only those with direct national security significance.[10]

This offer prompted Senator Williams of Delaware to inquire whether this offer will—

> * * * handicap us in view of the fact that apparently Russia could inspect our plants where we would not be able to inspect the extent of development of hers.

Secretary Rusk replied that installations which have a national security function would, of course, not be subject to inspection. The Secretary then went on to say:

> Then, too, under the arrangements now in force by the International Atomic Energy Agency, the International Atomic Energy Agency arranges for inspectors that are acceptable and agreeable to the country that is going to be inspected in terms of—as you know, sir, we have opened certain of our facilities to these arrangements and we have not detected any handicaps arising from these arrangements.[11]

The Director of the Arms Control and Disarmament Agency, Mr. Foster, was asked whether the International Atomic Energy Agency, under the terms of the treaty, could search out clandestine or undeclared nuclear facilities in a nonnuclear weapon country party to the treaty. Mr. Foster said that the existence of such a clandestine facility would be a clear breach of the treaty and that, although there is no provision in the treaty for searching out violations, there would be great international alertness to the possibility of such a violation.[12]

The Chairman of the Atomic Energy Commission, Dr. Seaborg, was questioned at length on the role envisioned by the International Atomic Energy Agency under this treaty and the effectiveness of the International Atomic Energy Agency's safeguards.

Dr. Seaborg made a particularly important and pertinent point when he emphasized that the extension of the International Atomic Energy Agency safeguards to all nuclear facilities of the countries concerned represented one of the most significant accomplishments of the treaty. Dr. Seaborg commented on the progress the International Atomic Energy Agency had made since its organization in 1957, and then went on to say:

> As encouraging as this progress has been, however, IAEA safeguards have been applied to date only to projects receiving Agency assistance or to projects voluntarily placed under IAEA controls. They have not covered the entire nuclear programs of the countries concerned. Neither have many nations given up, through treaty commitment, the right or independence to make nuclear weapons. The treaty will serve to fill these gaps and it will represent an unprecedented advance in international, let alone nuclear, affairs.

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[9] *Ante*, pp. 500–501.
[10] *Documents on Disarmament, 1967*, pp. 613–615.
[11] *Nonproliferation Treaty: Hearings* [pt. 1], pp. 33–34.
[12] *Ibid.*, p. 52.

As for the safeguards system itself, Dr. Seaborg remarked:

*** * * A a result of steady progress, the IAEA now has in operation an effective safeguards system that is suitable for application to a wide variety of peaceful nuclear activities. Moreover, as a result of steady efforts, a growing acceptance of such international safeguards has developed among various nations of the world. The safeguards which have been administered to date have done more than simply serve their immediate purpose of assuring that particular activities were not being used for military purposes. They have demonstrated that the techniques of international inspection are feasible and effective and are not considered an invasion of national sovereignty.**

In response to questions on the International Atomic Energy Agency's safeguards staff and the ability of the organization to expand, Dr. Seaborg stated:

*** * * The present IAEA safeguards staff, while modest in size, is in balance with the size of the workload for which the Agency has responsibility to date. We recognize that a major increase in the size of the Agency's staff will be required to meet the new responsibilities placed upon it by the treaty, and we do not underestimate the difficulty of the problem * * * [13]**

To Senator Pastore's specific question whether it was reasonable to assume that—

once this treaty comes into being that there will be a concerted effort to improve the adequacy and competency and staffing of the International Agency's inspection force. Is that correct?

Dr. Seaborg replied:

Very definitely. The staffing would go up, there would be a large increase in the number of professional and support personnel, and there would be an improvement, as they gain experience and gain numbers, in the efficacy of their inspection and their safeguards performance.[14]

The fourth paragraph of article III permits agreements with the International Atomic Energy Agency to be concluded by the nonnuclear-weapon states party to the treaty, either bilaterally or in association with other states. This provision raised the question of the relationship between the International Atomic Energy Agency's safeguards systems and the system already in operation within the Euratom community.

The Euratom safeguards system derives from the Treaty of Rome signed on March 25, 1957.[15] The members of this community are France, Italy, Belgium, West Germany, Luxembourg, and the Netherlands. It has been the position of the members of Euratom that the Euratom safeguards system is comparable to the International Atomic Energy Agency's safeguards system and that to superimpose the International Atomic Energy Agency's system would therefore be an infringement of sovereignty. According to the treaty now pending, a safeguards agreement between the International Atomic Energy Agency and Euratom will meet the general requirements of article III. Negotiations for such an agreement shall commence within 180 days

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[13] *Infra*, pp. 519-520.
[14] *Nonproliferation Treaty: Hearings* [pt. 1], pp. 108-109.
[15] *American Foreign Policy: Current Documents, 1957*, pp. 518 ff.

from the entry into force of the treaty and shall be concluded not later than 18 months after the initiation of negotiations.

Secretary Rusk and Chairman Seaborg were optimistic that an agreement between the International Atomic Energy Agency and Euratom could be concluded without jeopardizing the institutional integrity of Euratom and with the acquiescence of the French Government which might be in a position to obstruct any agreement between IAEA and Euratom.

An additional question was raised about paragraph 2 of article III which binds each nuclear weapon state party to the treaty not to provide nuclear material "to any nonnuclear-weapon state for peaceful purposes, unless the source of specific fissionable material shall be subject to the safeguards required by this article." This article raises the possibility that in the event that such countries as the Federal Republic of Germany, Japan, and Israel do not come to an agreement with the International Atomic Energy Agency before the treaty enters into force the United States would be precluded from transferring to any such states nuclear materials for peaceful purposes. Administration witnesses took the position that nuclear weapon states party to the treaty would be subject to an undertaking not to provide nuclear material to any nonnuclear-weapon state for peaceful purposes unless the material was subject to safeguards resulting from an agreement with the IAEA. The United States was confident that no such situation would develop, according to the testimony before the committee. It was left unclear, however, how the United States would react if such a situation did develop.

Articles IV and V

Articles IV and V are designed primarily as compensation to the nonnuclear weapon signatories for pledging not to acquire nuclear explosive devices even for peaceful purposes. Article IV contains an undertaking by all nuclear weapon parties to the treaty to facilitate to the fullest extent possible the exchange of information, materials, and equipment for the peaceful uses of nuclear power. Article V provides assurances to the nonnuclear parties that they will share in the benefits of the peaceful application of nuclear explosive devices. According to article V these nuclear devices would remain in the custody and control of a nuclear-weapon state, but would be made available "to nonnuclear-weapon States Party to the Treaty on a nondiscriminatory basis and that the charge to such Parties for the explosive devices used will be as low as possible and exclude any charge for research and development."

Elaborating on the obligations the United States will assume under article V, Dr. Seaborg said:

> When particular applications are found to be feasible, we plan to make a nuclear explosion service available on a commercial basis to domestic users and to nonnuclear-weapon parties to the Nonproliferation Treaty. Such a service would include the fabrication of the nuclear explosive device, its transportation from the assembly plant to the project site, its emplacement at the prepared site, and its arming and firing. The service would also include appropriate technical reviews of the proposed detonation, such as those relating to health and safety. The users of the service, whether it is furnished domestically or pursuant to article V, will pay for the service in accordance with rates established for its

various elements. As I have already noted, the charges for the nuclear explosive devices used in furnishing the service will not include the cost of their research and development.

Dr. Seaborg also said that the nuclear excavation projects envisioned under article V "could not be executed within the present restrictions of the Limited Test Ban Treaty as presently interpreted; modification would be required to permit the United States to provide the nuclear explosion service for those projects." Thus, article V will probably create an international interest in an amendment to the Limited Test Ban Treaty.[16]

Articles VI–IX

Article VI commits all parties to pursue negotiations in good faith relating to a cessation of the arms race and to nuclear disarmament.

Article VII makes clear that the treaty in no way affects the right to establish regional nuclear-free zones.

Article VIII establishes the procedures for amending the treaty and provides for a conference, 5 years after the treaty enters into force, to review the operation of the treaty.

Article IX designates the United States, the United Kingdom, and the Soviet Union as Depositary Governments, and provides that the treaty shall enter into force upon the deposit of instruments of ratification of the Depositary Governments and 40 other signatory states.

Article X

Any party to the treaty can withdraw from the treaty after giving 3 months' notice "if it decides that extraordinary events, related to the subject matter of this Treaty, have jeopardized the supreme interests of its country." This language is identical to that in the withdrawal clause of the Limited Test Ban Treaty. In giving the U.S. interpretation of this article, Gen. Earle G. Wheeler, Chairman of the Joint Chiefs of Staff, emphasized that the treaty will become immediately inoperative in case of general war. Moreover, General Wheeler said:

I would think that if we detected serious violations of the treaty provisions, that is, regarding the proliferation of nonnuclear states that would be hostile to us, that we would be justified in examining our position and perhaps recommending to the President that we withdraw from the treaty.

General Wheeler did not make it clear whether the Joint Chiefs of Staff would make the same recommendation if the situation involved the proliferation of nuclear weapons to nonnuclear weapon states friendly to the United States. General Wheeler also said that the Joint Chiefs of Staff would also recommend withdrawal if there were a threat of impending war which would "find us at a substantial disadvantage in the strategic nuclear field." [17]

Article XI

Article XI provides that the English, Russian, French, Spanish, and Chinese texts of the treaty are equally authentic, and deals with

[16] *Ante*, p. 524.
[17] *Nonproliferation Treaty: Hearings* [pt. 1], p. 78.

the deposit of the original treaty instruments and the transmittal of certified copies to signatory and acceding states.

III. Committee Action

Although the treaty is primarily of a political nature, it also bears on technical questions relating to t e field of atomic energy and international safeguard systems. For this reason, the chairman of the Committee on Foreign Relations, after consultation with committee members, invited the Senate members of the Joint Atomic Energy Committee to sit with the Committee on Foreign Relations during the hearings phase of consideration of the treaty.

The treaty was transmitted to the Senate by President Johnson on July 9, 1968. On July 10, the committee began a series of public hearings to explore the political, technological, and security implications of the treaty.

Without exception, all official witnesses supported the treaty. These included the Secretary of State; the Deputy Secretary of Defense; the Chairman of the Joint Chiefs of Staff; and the Chairman of the Atomic Energy Commission. The committee also heard the Honorable Chet Holifield, Vice Chairman of the Joint Committee on Atomic Energy, the Honorable Craig Hosmer, and the Honorable Paul Findley.

Representative Holifield strongly recommended the treaty without reservation to the Senate. Representative Hosmer favored approval of the treaty only with a number of conditions. Among them was the recommendation that the Senate reserve its consent to the treaty "pending establishment of IAEA safeguards procedures in which Treaty signatories may have reasonable confidence and the establishment of a sound system for financing same on a continuing basis." Representative Hosmer contended that at the present time the International Atomic Energy Agency does not have an effective safeguards system and that, moreover, the costs of this safeguards system will be over $28 million in 1970 and will "escalate from there." He also suggested that:

> The Senate advise the President and the rest of the world that the security assurance is meaningful to the extent that we will be 'concerned to the utmost' if some country becomes the victim of nuclear aggression or blackmail, but that it is meaningless insofar as rushing to its rescue is concerned; and we apologize to anybody who got the wrong idea from what administration spokesmen have said."

Dr. Strausz-Hupé, director of the Foreign Policy Research Institute at the University of Pennsylvania, testified against the treaty, arguing that it would be destructive to NATO.

Dr. Edward Teller of the Lawrence Radiation Laboratory and Chairman of the Divisional Advisory Group of the Air Force Space and Missiles Systems Organization, favored approval of the treaty with the following modification related to the development of antiballistic-missile defense systems. Dr. Teller stated:

> It seems to me, therefore, necessary to declare that weapons which are designed for defense and can be used for defense alone are in the interest of peace.

[10] *Ibid.*, pp. 164-165.

That when and if such defensive systems are properly developed, the necessary steps will be taken to make them widely available for self-defense, and that this will be done even if it requires modification of existing laws or treaties.

I, therefore, explicitly recommend that the Senate make it known that it looks with favor on the development of effective defensive systems, and that by ratifying the treaty the Senate does not intend to preclude the deployment of purely defensive arrangements, if and when these become available. [19]

A number of additional public witnesses testified after submitting requests to appear. A majority of these witnesses supported the treaty.

The burden of the committee's questions at the time of the public hearings concerned the security guarantees the administration has offered nonnuclear weapon signatories, the effect the treaty would have on nonnuclear weapon states, particularly within NATO, and the prospects for adherence to the treaty by other nations. The invasion and occupation of Czechoslovakia occurred between the time the committee concluded its public hearings and the time the committee took final action in executive session. This issue and its relationship to the treaty became of great concern to the committee and was the subject of considerable discussion, particularly as to the appropriateness of approving the treaty while Czechoslovakia was occupied by Soviet troops.

The security guarantee resolution

One of the most important aspects of the Nonproliferation Treaty is not included in the treaty text. In June 1968 the United States, Great Britain, and the Soviet Union introduced a resolution in the United Nations Security Council, which was subsequently approved by the Council on June 19, giving security guarantees to the nonnuclear-weapons signatories of the Nonproliferation Treaty.[20]

The key paragraph in the declaration made in the Security Council by the United States in explanation of its vote for the resolution contains the following language:

*** * * any State which commits aggression accompanied by the use of nuclear weapons or which threatens such aggression must be aware that its actions *are to be countered effectively* by measures to be taken in accordance with the United Nations Charter to *suppress the aggression or remove the threat of aggression.* [Emphasis added.]** [21]

In considering the resolution and its relationship to the pending treaty the committee sought to determine whether the Security Council resolution and the U.S. declaration in explanation of its vote commit the United States to any additional responsibilities other than those already assumed under the United Nations Charter.

The committee wishes to make it unmistakably clear that it considers the Security Council resolution and the U.S. declaration as separate and distinct from the Nonproliferation Treaty. This resolution and the accompanying declaration, are solely executive measures. However, because these actions are linked politically to the treaty, the connection could convey the impression that approval

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[19] *Ibid.*, p. 187.
[20] *Ante*, p. 444.
[21] *Ante*, pp. 439-440.

of the treaty by the Senate also means approval of the Security Council resolution. For this reason, the committee wishes to make the record clear that support of the Nonproliferation Treaty is in no way to be construed as approval of the security guarantee measures embodied in the United Nations resolution or the supporting U.S. declaration. It is appropriate, however, for the committee to express its interpretation of the United Nations resolution on security guarantees, since the pledge and resolution bear upon the constitutional right of the Senate to approve formal security commitments by the United States and upon the constitutional right of the Congress to declare war.

The committee is constrained to point out that, in its view, this United Nations resolution and its accompanying declaration in no way involve a ratification of prior commitments or establish new commitments. In the event that action is contemplated by the United States, by reason of its declaration in the Security Council, such action can only be taken with due regard to proper Constitutional processes.

The committee is confident that this point was made clear by the testimony. The Secretary of State told the committee that "as a matter of law and as a matter of policy" there were no additional obligations assumed by the United States under the United Nations security guarantee resolution.[22] Mr. Rusk said that any action the United States would take as a result of United Nations decisions under the security guarantee resolution would not be taken by the United States because of any new obligations assumed under the resolution. Secretary Rusk then underlined this point:

> **The decision itself [to act on any Security Council decision] would have to be made at the time in terms of the total interests of the United States and the judgment of the President, in consultation with leaders of the Congress, as to what is required in our own interests at that time.[23]**

In response to a direct question, Secretary Rusk agreed with the interpretation offered by Senator Case of New Jersey that the pending treaty would in no way "eliminate the necessity for adoption of whatever constitutional processes may be applicable in the event the question arises as to the use of the armed forces of the United States in the future."[24]

The committee, therefore, records its firm conclusion, reached after extensive testimony, that the Security Council resolution and security guarantee declaration made by the United States in no way either ratify prior *national* commitments or create new commitments.

Under normal charter procedures, the United States had the *option* of calling the attention of the Security Council to a case of aggression or threat of aggression. Now that option has apparently become an obligation. The United States has also had the option of determining the timing of such an appeal to the Security Council. It now appears that the United States is honor bound to follow a definite if limited course of action if a nonnuclear weapon state declares that it is a victim of nuclear aggression or the threat of such aggression. Under the security guarantee pledge, the Administration has expressed its

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[22] *Nonproliferation Treaty: Hearings* [pt. 1], p. 15.
[23] *Ibid.*, p. 17.
[24] *Ibid.*, p. 41.

intention to seek "immediate" Security Council "action" to aid a non-nuclear weapon state that is the victim or potential victim of nuclear aggression.

The change here is a subtle one that has no bearing on the committee's judgment that the Senate's approval of the treaty is not to be construed as approval or disapproval of the Administration's security guarantee measures, or the committee's further judgment that these actions in no way either ratify prior national commitments or create new commitments. The committee only wishes to point out that in its view the Administration has surrendered some of its diplomatic flexibility in hopes of creating a framework for United States-Soviet cooperation in the United Nations. If this cooperation develops and matures the Security Council gesture will be worth the costs in diplomatic flexibility.

National security considerations

The Chairman of the Joint Chiefs of Staff, General Wheeler, testified as to whether the views of the Joint Chiefs of Staff were taken into account during the treaty negotiations. General Wheeler was also asked whether the treaty fully safeguards our national security interests. General Wheeler offered this comment on the treaty and its effect on national security:

> * * * at the initiation of treaty discussions, the Joint Chiefs of Staff formulated certain principles relating to national security that should not be violated by such a treaty. First, we believe that any international agreement on the control of nuclear weapons must not operate to the disadvantage of the United States and our allies. Secondly, it must not disrupt any existing defense alliances in which the United States is pledged to assist in protecting the political independence and territorial integrity of other nations. These principles have been observed. * * *[25]

General Wheeler went on to state that the Joint Chiefs of Staff were unanimous in supporting the treaty. It should also be noted that General Wheeler said that every proposal concerning the treaty made by the Joint Chiefs of Staff during negotiations was accepted.[26]

Obligations to allies

The committee expressed concern during the hearings at the possible effects of the treaty on the U.S. security arrangements, particularly within NATO. At the same time, the committee sought to ascertain whether the United States, either explicitly or by suggestion, was considering offering inducements to any country to sign the treaty.

Secretary Rusk, Deputy Secretary of Defense Nitze, and General Wheeler state unequivocally that the treaty is consistent with the best interests of the North Atlantic Treaty Organization. Secretary Rusk said that the United States had worked closely with its allies in the formulation of the treaty and that our allies were fully satisfied that the treaty in no way would jeopardize the alliance or the individual national interests of its members.

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[25] *Ante*, p. 514.
[26] *Nonproliferation Treaty: Hearings* [pt. 1], p. 63.

The committee agrees with this evaluation. The committee also wishes to make the record unmistakably clear that the treaty in no way affects the right of the United States to enter into agreements to station nuclear weapons under United States control on the soil of an ally.

Nevertheless, this treaty does represent a potential cost to the United States in its alliance relationships. Heretofore, it was a national decision whether the United States would use its nuclear assets in helping one or more countries to develop nuclear weapons. Admittedly, this was an option the United States never used except in the case of Great Britain; but it was an option subject only to a decision of the executive branch and the Congress. Now we have all but given up that option in the sense that this treaty imposes a formidable barrier to the United States assisting other countries in the development of nuclear-weapons programs. Nevertheless, the committee believes that the possible future costs of renouncing this option are overshadowed by the major step the treaty takes in the direction of controlling the spread of nuclear weapons.

After extensive testimony on the subject of possible inducements offered to sign the Nonproliferation Treaty, the committee concludes that the Administration has no intention of making any commitment to any potential nonnuclear weapon signatory to induce that country to sign the treaty. For example, Deputy Secretary of Defense Nitze flatly told the committee that the United States has given West Germany no guarantee to defend that country against nuclear attack even if NATO should be dissolved. (However, Secretary Rusk made it clear that, if NATO were to dissolve, this fact might be taken by nonnuclear NATO members as affecting their supreme national interest and therefore justifying their withdrawal under the withdrawal article.) Moreover, the committee was told that the German Government has not suggested that the continuing stationing of any particular level of American troops in Europe is related to its attitude toward adhering to the treaty.

Adherence to the treaty

Secretary Rusk was questioned at length on the attitudes of nonnuclear weapon states toward the treaty. The Secretary replied that the Administration was asking for prompt Senate action on the treaty "because many countries, particularly our allies, are waiting to see what we do before starting their own parliamentary considerations of the treaty. We recognize that the effectiveness of the treaty will depend in large measure upon the adherence of other countries. But we have been among the leaders in securing agreements on this treaty, and other countries are looking to us now."[11]

The committee agrees that the effectiveness of the treaty will depend largely on the adherence of the widest possible number of countries. It also notes how few states with the technological and economic means of developing nuclear weapons have thus far signed the treaty. Consequently, the committee urges the President, once the Senate has acted, to consider delaying the process of depositing the United States

[11] *Ante*, p. 497.

instrument of ratification until such time as he has received positive assurances that a majority of those countries nearest to a nuclear-weapons capability intend to adhere to the treaty. The treaty will become little more than a pious declaration of intent unless it receives the adherence of those countries with the potential capability to develop nuclear weapons.

IV. Concluding Comments

The committee finds that this treaty is the best that can be negotiated at this time.

Essentially, the treaty formalizes the mutual concern of the United States, Great Britain, and the Soviet Union in containing the spread of nuclear weapons. The United States, Great Britain, and the Soviet Union appear to have a sober understanding of the increased dangers of nuclear war that would come as more and more nations possess nuclear weapons. They appear to be convinced that the treaty will not adversely affect the balance of power. They seem persuaded of the advantages of establishing a framework for cooperation that will hopefully lead to a reduction of the hazards and uncertainties that many nonnuclear weapon countries feel as nuclear commercial power and its potentially destructive by-product of plutonium spread throughout the world. They have given a pledge of good faith in seeking agreements that would limit nuclear arms competition between the major powers.

The committee is fully aware of the mutual responsibilities the nuclear weapon states party to the treaty have assumed to move to negotiate the means of limiting, if not ending, the nuclear arms race. The committee is equally aware that the United States has assumed this responsibility by asking other nations not to follow our example. It is in this sense, and this sense alone, that the committee believes that the word "commitment" is appropriate to this treaty—a commitment to pursue with good faith and urgency new arms limitation agreements.

The committee is also aware of potential problems regarding the interpretation of U.S. obligations under article V. As mentioned, article V gives assurances to the nonnuclear weapon states that they will share on a nondiscriminatory basis in the benefits of the peaceful application of nuclear explosive devices. The language of this article suggests that the United States will provide these services to any nonnuclear weapon state party to the treaty regardless of its relationship to the United States, with all costs for research and development borne by the U.S. taxpayer. Another potential problem is that the language of article V might be interpreted as a positive commitment to provide explosive services for research and development projects that further the commercial interests of domestic and international customers—such as oil and gas companies—without regard to the relationship and importance of these projects to the U.S. public interest.

The committee wishes to record its concern at the open ended commitment implied in article V. We suggest that obligations under this provision should be undertaken only after the fullest consultation with appropriate congressional committees and should be limited to projects within the capacity of the United States and consistent with

its interests. Moreover, the committee specifically rejects any suggestion that article V constitutes an across-the-board pledge by the United States to support foreign and domestic commercial research and development projects. As in the case of nuclear services projects, research and development projects should be undertaken only after the public interest has been carefully defined by the appropriate congressional committees.

Admittedly, the implementation of the treaty raises uncertainties. The reliability and thereby the credibility of international safeguards systems is still to be determined. No completely satisfactory answer was given the committee on the effectiveness of the safeguards systems envisioned under the treaty. Moreover, the committee was not given a completely satisfactory answer as to what the signatory nations will do if the International Atomic Energy Agency fails to work out mutually satisfactory agreements with individual states or associations of States within the time prescribed by the treaty. The committee hopes that the optimism of the administration will be borne out and that successful agreements with the IAEA will be concluded without difficulty or delay. Nevertheless, the committee notes that the Euratom States have unanimously agreed that the treaty will only be ratified after a satisfactory verification agreement has been reached between Euratom and the IAEA.

The committee is fully aware of the potential problems in the safeguards field. But it is equally convinced that when the possible problems in reaching satisfactory safeguards agreements are carefully weighed against the potential for a worldwide mandatory safeguards system, the comparison argues strongly in favor of the present language of the treaty.

The committee concludes that the treaty is in the best interest of the United States. The committee is mindful, however, that this treaty is certainly no cure-all to the problems of nuclear proliferation. The success of the agreement will depend on its wide acceptance particularly by those countries with the national capability to manufacture nuclear weapons. Success will also depend on the acceptance and credibility of the safeguards provisions.

The committee is also mindful of the tragic events in Czechoslovakia and of the flagrant violation of international law by the Soviet Union. If the Soviet Union is so indifferent to its international obligations and so callous in disregarding world opinion, why should the Soviets respect the Nonproliferation Treaty? The committee was particularly concerned at the cynical disregard by the Soviet Union of the language of the preamble to the Nonproliferation Treaty. The final introductory clause to the Nonproliferation Treaty begins as follows:

> Recalling that, in accordance with the Charter of the United Nations, States must refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations . . .

During committee discussion of the treaty before final action was taken, several members took the position that, while they supported the treaty, they believed that the committee should defer final consideration until January because of Soviet behavior. Weighted against this desire to express displeasure with the Soviet Union was the

prevailing view that, while the Soviet actions were unconscionable, the treaty itself is multilateral in character and of such significance as a potential barrier to the further spread of nuclear weapons that any delay in taking final committee action was inadvisable.

In conclusion, the committee believes that the Nonproliferation Treaty represents an important beginning in controlling the further spread of nuclear weapons, although it will remain only a fervent affirmation of good intentions until the signatories move swiftly to achieve a cessation of the nuclear arms race. Therefore, the committee (by a vote on September 17 of 13 to 3 with 3 abstentions) recommends that the Senate give its advice and consent to ratification of the pending treaty.

MINORITY VIEWS

The undersigned do not agree with the recommendation of the majority of the Committee on Foreign Relations that the Senate should now give its advice and consent to ratification of the Treaty on the Nonproliferation of Nuclear Weapons. Our objections concern both the substance of the treaty and its relationship to the tragic events in Czechoslovakia.

Our reasons for urging delay because of unresolved substantive questions are as follows:

First, the Atomic Energy Commission has stated, and the majority report has conceded, that the reliability of the present international safeguards system of verifying that nonnuclear weapon countries will not violate the treaty is open to question. Under article III, the International Atomic Energy Agency (IAEA) is charged with the responsibility for verifying that nonnuclear weapon countries will not use their nuclear facilities and materials for the production of nuclear weapons. According to the testimony before the committee, the International Atomic Energy Agency's technical and organizational ability to carry out inspection duties is still to be determined. In other words, it is still questionable whether the IAEA has the capacity to prevent cheating. Reliance on the safeguards system is thus, purely and simply, an act of faith—faith not only in the capacity of the IAEA to meet the enormous responsibilities that will be thrust upon it but faith also in the promises of all of the parties to the treaty not to violate the treaty clandestinely when a violation would suit their purposes.

Second, we believe that the treaty could be injurious to our relations with the Euratom community composed of West Germany, Italy, Luxembourg, the Netherlands, Belgium, and France. Article III of the treaty is potentially punitive in nature, for it would punish our European friends who are members of Euratom if they do not work out mutually satisfactory inspection and verification agreements with the IAEA. As the majority report notes, article III requires nuclear weapon parties to the treaty, including the United States, to cut off all nuclear assistance to any country which does not reach agreement with the International Atomic Energy Agency during the time prescribed by the treaty. We must face the fact that if we ratify this treaty before Euratom and IAEA have reconciled their inspection systems, we run the risk of being forced to punish all members of Euratom by cutting off all of our nuclear assistance to them. In this connection, it should be noted that the Euratom countries have recently voted unanimously

not to ratify the nonproliferation treaty until such time as a mutually satisfactory agreement can be worked out between Euratom and the International Atomic Energy Agency.

Third, article V of the Nonproliferation Treaty pledges to all countries, regardless of whether they are hostile or friendly to the United States, substantial benefits from our peaceful atomic energy programs, programs which include nuclear explosive devices. Thus, we are being asked to consent to the approval of a treaty which pledges the United States to make available to nonnuclear weapon states "on a nondiscriminatory basis" explosive devices at a charge "as low as possible and exclude any charge for research and development." Unless the Senate takes the time to clarify what this pledge means, and perhaps to consider offering a reservation limiting this nuclear largesse of the United States, we could well find ourselves undertaking nuclear engineering projects at the request of countries from Afghanistan to Zambia, and the American taxpayer will stand the major cost.

Fourth, estimates given the committee on the cost to the United States of an augmented and expanded inspection program for the International Atomic Energy Agency vary widely. One estimate from a reputable source is that the total cost for safeguards will run over $1 billion annually by 1990. How much of this amount will the United States be forced to pay?

These substantive questions will hopefully be satisfactorily answered over the next few months. In our view, we do not have satisfactory answers now, and it would be foolhardy for us to consent to the ratification of a treaty containing so many uncertainties.

We also submit that another compelling reason for the Senate to delay any final consideration of this treaty is the fact that a Conference of Nonnuclear Weapon States is now meeting in Geneva pursuant to a resolution of the United Nations General Assembly. This Conference began on August 29 and will probably last until the end of September. Over 90 states are represented in Geneva; they are meeting to consider their expectations under the provisions of the Nonproliferation Treaty. These countries are particularly interested in discussing and agreeing on the benefits they will obtain from the treaty, such as their access to nuclear equipment, material and scientific information. They are also considering the question of the security guarantees they hope to receive and the subject of the demands they will levy on the nuclear weapon states with regard to nuclear disarmament.

It would seem prudent for the Senate to wait until this Conference has been concluded, and we have had time to consider the attitudes and expectations of these countries, before we give our advice and consent to the treaty's ratification. These countries will be our partners under the Nonproliferation Treaty, and we have not only a right but a responsibility to determine what they expect to gain, and what they expect to give.

So much for the questions regarding the substance of the treaty, questions which suggest that the Senate is not yet in a position to give its advice and consent to ratification of the Nonproliferation Treaty. But even if these substantive questions did not exist, there is another and perhaps even more fundamental consideration involved and that

is the question of timing. This question, in turn, relates to the Soviet Union's invasion and occupation of Czechoslovakia.

The Nonproliferation Treaty is a potentially important agreement for the obvious and worthwhile reason that its objective is to prevent the spread of nuclear weapons to States which do not now possess them. But, in addition, the treaty was also originally regarded as a measure which would promote cooperation between the United States and the Soviet Union. President Johnson's letter of July 9, transmitting the text of the Nonproliferation Treaty to the Senate, makes clear the "hope that this treaty will mark the beginning of a new phase in the quest for order and moderation in international affairs," order and moderation which require the cooperation of the Soviet Union.[28]

The Nonproliferation Treaty does require the cooperation of the Soviet Union. But the cooperation of the Soviet Union must be taken on faith. Unlike the Limited Test Ban Treaty,[29] which also brought the two atomic superpowers together in a joint effort to control the use and proliferation of nuclear weapons, there is no method of insuring that the Soviets will live up to their part of the bargain. The Limited Test Ban Treaty, it should be remembered, was limited to prohibiting those tests which could be detected without on-site inspection. But there is no way to monitor effectively the Soviet Union's performance of its obligations under the Nonproliferation Treaty. The treaty obliges nonnuclear weapon states to permit safeguards which include at least some limited inspection. The two other nuclear weapon states which are parties to the treaty—the United States and the United Kingdom—have issued declarations stating their willingness to submit themselves to the same safeguards, safeguards which include international inspection of nonmilitary nuclear installations. But the Soviet Union has not been willing to agree to even such limited safeguards. It is thus the only party to the treaty which will be completely immune from any and all obligations regarding safeguards.

Is this an appropriate time for the United States to signify our willingness to take Soviet promises on faith? Is this an appropriate time for the United States to signify that we are willing to disregard the promises broken by the Soviet Government less than one month ago when massive numbers of Soviet forces invaded Czechoslovakia? Other countries have indicated their belief that this is not an opportune time even to sign the treaty. It seems to the undersigned that this is an even less opportune time for us to take an even more final step and consent to the treaty's ratification.

With respect to the promises broken by the Soviet Union when Czechoslovakia was invaded, it should be noted that the invasion violated not only the spirit but the letter of the Nonproliferation Treaty. The final introductory clause in the treaty begins as follows:

> Recalling that, in accordance with the Charter of the United Nations, States must refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state • • •

Since the treaty is not yet in force, and since it has not yet been ratified by the Soviet Union, it can be argued that the invasion and

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[28] *Ante*, p. 492.

[29] *Documents on Disarmament, 1963*, pp. 201–203.

occupation of Czechoslovakia do not violate any obligations of the Soviet Union under this treaty because no such obligations yet exist. But it is clear that the Soviet invasion and occupation of Czechoslovakia do violate several solemn treaty commitments of the Soviet Union that unquestionably do exist. One such commitment is the United Nations Charter. A second is the Warsaw Pact, a treaty between the Soviet Union and its closest allies.

The final clause in the preamble to the Warsaw Pact reads as follows:

*** * * desirous of further promoting and developing friendship, cooperation and mutual assistance in accordance with the principles of respect for the independence and sovereignty of states and of noninterference in their internal affairs * * ***

Article VIII of the Warsaw Pact reads as follows:

The contracting parties declare that they will act in a spirit of friendship and cooperation with a view to further developing and fostering economic and cultural relations with one another, each adhering to the principle of respect for the independence and sovereignty of the others and noninterference in their internal affairs.[30]

If the Soviet Union treats its obligations to its closest allies with such complete disregard and cynicism, what are the prospects for Soviet observation of its obligations under the Nonproliferation Treaty?

Even so, because of the vital importance of doing everything possible to prevent the spread of nuclear weapons, the wisest course of action might still be to sacrifice our scruples and dismiss our doubts if the Senate were confronted with a choice between having a Nonproliferation Treaty now or not having it ever. But the choice facing the Senate is whether to advise and consent to ratification at this time or whether to defer that action until some time next year. Even if we were to give our advice and consent to ratification at this time, the treaty would not enter into force until the two other nuclear weapon parties, and at least 40 nonnuclear weapon parties, also ratify the treaty. To date, only one other country, Ireland, has so acted. Furthermore, the treaty has not even been signed by two of the world's nuclear weapon states—Communist China and France—or by many of those states most likely to become nuclear weapon states: Japan, Israel, India and West Germany, in particular. As the majority report on the treaty states:

*** * * the committee urges the President, once the Senate has acted, to consider delaying the process of depositing the United States instrument of ratification, until such time as he has received positive assurances that a majority of those countries nearest to a nuclear weapons capability intend to adhere to the treaty. The treaty will become little more than a pious declaration of intent unless it receives the adherence of those countries with the potential capability to develop nuclear weapons.[31]**

The Soviet invasion of Czechoslovakia, and Soviet actions while occupying that country, have caused a wave of revulsion across the

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[30] *American Foreign Policy, 1950–1955: Basic Documents*, vol. I, pp. 1239–1242.
[31] *Supra.*

world—including parts of the communist world—and in Europe, in particular, a parallel wave of fear. What is the proper attitude for the United States to demonstrate in light of this situation? We have already been criticized by many both at home and abroad on the ground that we shirked our responsibilities before the invasion and have been callous in our reactions ever since. Other countries are reminded of the spirit of Munich. They have voiced their suspicions of collusion between the two most powerful countries in the world.

Our privileges as one of the world's great powers surely carry with them a certain moral responsibility. We should not turn our back on this responsibility. We do not do our country credit by continuing to do "business as usual" with the Soviet Union thus demonstrating to all—including the Soviets, their present victims and any potential victims—that they can act no matter how brutally without suffering any important consequences in their relations with the United States. There are already few restraints operating to deter such savage international behavior. Will the United States remove the restraint of opprobrium for all time?

The peace of the world has been dangerously threatened in the last month. It has not been threatened by the failure of the United States to ratify the Nonproliferation Treaty hastily. It has been threatened by the march of hundreds of thousands of Soviet soldiers into a friendly neighboring country whose treaty relationship with the Soviet Union supposedly guaranteed its independence and sovereignty.

KARL E. MUNDT.
BOURKE B. HICKENLOOPER.
JOHN J. WILLIAMS.
THOMAS J. DODD.
FRANK J. LAUSCHE.

INDIVIDUAL VIEWS OF SENATOR THOMAS J. DODD

I have signed the minority report on the Nonproliferation Treaty because I agree in general with the various points made in it. However, I have decided to file a statement of individual views because I would like to see more emphasis placed on two points which I consider to be of cardinal importance:

(1) As I pointed out at a Foreign Relations Committee meeting, Moscow flagrantly violated the most essential condition of the preamble less than 2 months after signing the treaty by invading and occupying Czechoslovakia and by making military threats against Rumania, Yugoslavia, and West Germany.

(2) The Senate is being asked to ratify a treaty which is only partially drafted and which leaves to future negotiations the crucial matter of inspection.

It is with reluctance that I must vote against ratifying the Nonproliferation Treaty at this juncture, and recommend to the Senate that the question of its ratification be put over to the new Congress.

I strongly support the principle of a Nonproliferation Treaty.

The record will show that over the years I have given my consistent support to the Arms Control and Disarmament Agency and to every reasonable measure in the field of arms control.

I supported the treaty banning nuclear tests in the atmosphere, underwater, and in space; and I derive some satisfaction from the knowledge that my resolution of May 1963, calling for the unilateral cessation of atmospheric and underwater tests, was cosponsored by 32 other Senators, and that this show of Senate sentiment has been credited by some with helping to make the partial test ban treaty possible.[32]

I also voted for the treaty barring nuclear weapons from space.

But in the case of the Nonproliferation Treaty, there are certain political facts of overriding importance which compel me to vote against ratification at this time.

While I know of no divisions within the Senate on the general desirability of a nonproliferation treaty, the invasion of Czechoslovakia and the events that have followed it raise serious questions about the wisdom and propriety of ratifying the Nonproliferation Treaty at this point.

The Soviet invasion of Czechoslovakia is a clear violation of the final clause of the preamble which is part of the text of the treaty and which precedes the articles of the treaty.

This clause of the treaty is also clearly violated by the ominous threats of invasion, reinforced by troop movements, that have been directed against both Rumania and Yugoslavia, and by the more recently voiced Soviet assertion that it is "ready, together with other peace-loving states, to take the necessary effective measures" to curb what it alleges to be neo-Nazi and militarist activities in West Germany.[33]

The clause in question reads:

> The States concluding this Treaty, hereinafter referred to as the "Parties of the Treaty" * * *. Recalling that, *in accordance with the Charter of the United Nations, States must refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State*, or in any other manner inconsistent with the purposes of the United Nations.

Thus, even before we have had a chance to vote on the ratification of the treaty, the Soviet Union has flagrantly violated the essential premise on which it is based by invading the territory of one country which is already a signatory of the treaty and by threatening to invade the territory of two other countries which are signatories and of a major country which is an expected signatory.

To move to ratify the treaty under these circumstances would be folly.

The nonnuclear powers in joining this treaty have made it clear that, in foregoing the right to develop nuclear weapons of their own, they expect an ironclad assurance from the nuclear powers, and from the Soviet Union and the United States in the first instance, that their territorial integrity and independence will be respected. Without such an assurance, the treaty would be meaningless; and the chances are that, had such an assurance not been written into the preamble

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[32] S. Res. 148, 88th Cong., 1st sess.

[33] *Pravda*, Sept. 18, 1968, p. 5; *Current Digest of the Soviet Press*, vol. XX, no. 38 (Oct. 9, 1968), p. 15.

of the treaty, a majority of the present signatories would have refrained from signing the treaty.

Since July 1 of this year, 82 governments have signed this treaty, either in Washington, London, or Moscow. Only three or four minor governments, like Gambia and the Maldive Islands, have added their signatures since the Soviet Union invaded Czechoslovakia on August 21. Had the signing ceremony been held after the invasion of Czechoslovakia instead of in early July, it is a reasonably safe assumption that the overwhelming majority of the 82 signatories would have honored the occasion by their absence.

The ratification of the treaty while Soviet troops remain in occupation of Czechoslovakia would debase the meaning of all treaties and would suggest an attitude of tolerance toward those nations that are prone to regard treaties as scraps of paper.

It would put us in the ridiculous position of ratifying an agreement that has already been nullified by the action of a major signatory.

It would encourage the Soviet Union to further pursue the course of aggression on which it has embarked in Central Europe, because the ratification of the treaty would be tantamount to saying that we intend to close our eyes to what has happened and pursue a "business as usual" policy.

Anthony Eden, the Earl of Avon, a man who, as Foreign Secretary of Great Britain, had the foresight and courage to oppose the appeasement of Nazi Germany, had this to say about the matter in an article in the New York Times on September 14:

> At times during the Bulganin-Khrushchev era some progress on these lines seemed possible. *Now not only these but other attempts at negotiation between Moscow and the West must be ruled out, unless one condition is first fulfilled. The Soviet armies must be withdrawn from Czechoslovak soil and that country's Government allowed to function free from the imposition of foreign nominees or dictated censorship.*
>
> *This is the indispensable minimum, for all negotiation must rest on confidence, and there can be none in the conditions which Russia has imposed upon Czechoslovakia. To condone what has happened would be base; it would also be foolish.* The history of the thirties has taught us mercilessly that to attempt new agreements, while ignoring flagrant breaches of the old, earns contempt, not progress.

I agree with the Earl of Avon's suggestion that the ratification of this treaty and discussions on other aspects of disarmament should be made conditional on the withdrawal of Soviet troops from Czechoslovakia.

There is another reason why ratification by the U.S. Senate at this specific moment would be unwise.

The treaty is meaningless unless those nations in Europe and Asia with the greatest potential for becoming nuclear powers adhere to it.

Even before Czechoslovakia, the Governments of West Germany, Italy, Japan, India, and Pakistan had indicated grave reservations about certain aspects of the treaty. The invasion of Czechoslovakia has produced a violent reaction in all of these countries. The Government of Italy has already indicated that it will not under the present circumstances ratify the treaty. The governments of the other major countries I have named are clearly less disposed to go along with the treaty than they were previously. Even neutral Switzerland has let it be known that it now has serious doubts about ratifying the treaty.

After Czechoslovakia, without a cooling off period, the chances are that none of the major nonnuclear nations and far from all of the smaller ones will ratify the treaty. This would reduce its effectiveness to zero. If these nations are to be induced to sign it, their assurance that the major nuclear powers are committed to respect the territorial integrity and independence of other nations will have to be restored. This can only be done if the Soviets bow to world opinion, as Britain and France did at the time of the Suez crisis, and withdraw their forces from Czechoslovakia.

From a purely tactical standpoint, therefore, those who support the principle of a Nonproliferation Treaty would do well to consider whether they serve their cause or disserve it by pushing for ratification at this juncture.

The Question of Inspection

I have said that I strongly support the principle of the Nonproliferation Treaty. While my basic argument is addressed to the folly of ratifying the Nonproliferation Treaty on the heels of the Soviet invasion of Czechoslovakia, there is also a matter of substance in the text of the treaty which I particularly wish to call to the attention of the Senate.

It has heretofore been a basic concept of our approach to problems of arms control and disarmament that every measure in this field must be accompanied by an adequate system of inspection. This guiding principle has become all the more imperative in the light of the continuing Soviet record of violations of treaties and of the UN Charter.

However, instead of spelling out the terms of the verification procedures which all the signatory states will be obliged to accept, the Nonproliferation Treaty leaves these terms to be negotiated at some future date. And, to compound this folly, it makes it possible for each signatory state to negotiate its agreement on the terms of verification individually with the International Atomic Energy Agency.

Let me quote here from article III, paragraph 1, of the treaty:

> Each non-nuclear-weapon State Party to the Treaty *undertakes to accept safeguards, as set forth in an agreement to be negotiated and concluded with the International Atomic Energy Agency* in accordance with the Statute of the International Atomic Energy Agency and the Agency's safeguards system, *for the exclusive purpose of verification of the fulfillment of its obligations assumed under this Treaty* with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices.

Article III, paragraph 4, reads further:

> 4. Non-nuclear-weapon States Party to the Treaty shall conclude agreements with the International Atomic Energy Agency to meet the requirements of this article *either individually or together with other States* in accordance with the Statute of the International Atomic Energy Agency. *Negotiation of such agreements shall commence within 180 days from the original entry into force of this Treaty.* For States depositing their instruments of ratification or accession after the 180-day period, negotiation of such agreements shall commence not later than the date of such deposit. *Such agreements shall enter into force not later than eighteen months after the date of initiation of negotiations.*

It is true that the text of the treaty does say that future agreements on inspection procedures shall be "in accordance with the Statute of

the International Atomic Energy Agency and the Agency's safeguards system." But if there are to be standardized safeguards, then I believe that the text of this treaty should spell them out explicitly instead of leaving the safeguards to future negotiations between the signatories, individually or collectively, and the International Atomic Energy Agency.

Moreover, I consider the safeguards written into existing agreements between the International Atomic Energy Agency and non-nuclear nations to be inadequate. For example, when Mr. William Foster, the Director of the Arms Control and Disarmament Agency, was asked whether the treaty would make it possible for the International Atomic Energy Agency to search out clandestine nuclear military facilities in a nonnuclear country, Mr. Foster replied that, while such a facility would be a clear breach of the treaty, there was, in fact, no provision in the treaty that would enable the IAEA to search out clandestine facilities.[34]

This testimony takes on added significance in the light of the statement by Dr. Glenn T. Seaborg, Chairman of the Atomic Energy Commission, that "it is perfectly feasible to build a clandestine chemical processing plant using readily available technology and equipment." [35] Mr. Seaborg was talking specifically about the possibility of separating weapons-grade plutonium from the plutonium produced in peace nuclear reactors.

The minority report makes the point that the Soviet Government has made it clear that it will not agree to the inspection of any of its nuclear facilities under the Nonproliferation Treaty.

In order to insure the nonproliferation of nuclear weapons, it is, of course, not essential to inspect peaceful nuclear facilities in those countries that already have a nuclear military capability.

But because of the highly competitive international market that is now developing in the field of peaceful nuclear technology, some of our Western European Allies are understandably concerned over the prospect of having to submit the designs of their principal nuclear facilities for review by the International Atomic Energy Agency, whose governing board includes the Soviet Union, and of having to open up these facilities to IAEA inspection.

It was at the insistence of the Western European governments that the revised safeguards system of the IAEA includes a clause which reads:

> 13. In implementing safeguards, the Agency shall take every precaution to protect commercial and industrial secrets. No member of the Agency's staff shall disclose, except to the Director General and to such other members of the staff as the Director General may authorize to have such information by reason of their official duties in connection with safeguards, any commercial or industrial secret or any other confidential information coming to his knowledge by reason of the implementation of safeguards by the Agency.
>
> 14. The Agency shall not publish or communicate to any State, organization or person any information obtained by it in connection with the implementation of safeguards . . .[36]

[34] *Nonproliferation Treaty: Hearings* [pt. 1], p. 52.

[35] *Nonproliferation of Nuclear Weapons: Hearings Before the Joint Committee on Atomic Energy, Congress of the United States, Eighty-ninth Congress, Second Session, on S. Res. 179, Nonproliferation of Nuclear Weapons*, pp. 61–62.

[36] *Documents on Disarmament, 1965*, p. 148.

While nations accepting IAEA inspection have the right to object to particular inspectors, there is understandable concern over the fact that the Soviet Union, as a member of the Board of Governors, may succeed in obtaining access to information which is supposed to be protected.

Hopefully, an agreement can be worked out between Euratom and IAEA for inspection procedures that give Euratom a principal role in implementing the terms of the Nonproliferation Treaty in the Western European countries which make up its membership. This is something which remains to be seen. But Euratom remains understandably concerned over the possibility that the International Atomic Energy Agency, under the Nonproliferation Treaty, will be given powers which will seriously undercut Euratom's authority.

Because the United States recognizes the validity of the contention that countries without a nuclear military capability should not be required to accept review and inspection of their peaceful nuclear facilities if the major nuclear powers do not do likewise, we have made it clear, even though the question of nonproliferation is not involved, that all of our peaceful facilities will be open to the same inspection as the facilities of other countries adhering to the treaty.

It is regrettable that the Soviet Union has not done likewise. In this sense, the treaty has failed to make any contribution to the opening up of Soviet society which should be one of the prime objectives of all agreements in the field of arms control and disarmament. Because so long as the Soviet Union remains a closed totalitarian society, the free nations of the world will have to worry about its intentions and its capabilities.

The incomplete nature of the clause having to do with inspection is an additional argument in favor of postponing ratification. Such a postponement would make it possible for the signatory nations to discuss, and hopefully, agree on the terms of uniform inspection procedures binding on all nations.

I urge the Senate to make the ratification of the Nonproliferation Treaty or of any treaty on arms control, contingent on Soviet withdrawal from Czechoslovakia.

But beyond this, I urge the administration not to press the Senate to ratify a treaty, some of the most critical articles of which may not be negotiated for another 2 years; a treaty, which, in effect, permits each signatory nation to determine what kind of inspection it will accept; a treaty that at this moment has no safeguards of any kind written into its text.

I urge it to give the Senate a treaty with built-in safeguards, a treaty whose terms make it self-policing, a treaty which the Senate can vote to ratify in good conscience.

Given such a treaty, given the withdrawal of Soviet forces from Czechoslovakia, and given an end to threats of Soviet aggression against other nations, I am sure that the Senate will vote for it unanimously.

INDIVIDUAL VIEWS OF SENATOR GEORGE D. AIKEN

While I am sympathetic to the objectives of the treaty in trying to curtail proliferation of nuclear weapons, I feel that there are some

definite understandings which should be reached with respect to the economic responsibilities of this country before the treaty is voted upon.

IAEA General Conference Resolution XII/241: Review of Article VI of the IAEA Statute, September 30, 1968 [1]

The General Conference,

(a) *Noting* that great progress in the application of nuclear energy for peaceful purposes has taken place in many countries since the establishment of the Agency,
(b) *Noting* that the membership of the Agency has increased during the last years,
(c) *Desirous* of enabling the Agency to function smoothly and to be in a position to carry out the new responsibilities which it will assume with the eventual entry into force of the Treaty on the Non-Proliferation of Nuclear Weapons,[2] and
(d) *Having in mind* the desire expressed by the great majority of non-nuclear-weapon States which met at Geneva in September 1968 to participate more actively in the organs of the Agency,

Requests the Board of Governors to review Article VI of the Statute [3] and to submit to the General Conference at its thirteenth regular session a report containing a study of ways and means by which the membership of the Board will adequately reflect:

(a) The progress and developments in the peaceful uses of nuclear energy achieved by many Members of the Agency, including the developing countries;
(b) An equitable geographical distribution; and
(c) The continuing need for the effectiveness of the Board as the executive body of the Agency.

IAEA General Conference Resolution XII/245: IAEA Responsibility To Provide Services in Connection With the Peaceful Uses of Nuclear Explosions, September 30, 1968 [1]

The General Conference,

(a) *Noting* that the Treaty on the Non-Proliferation of Nuclear Weapons provides that potential benefits from any peaceful applica-

[1] IAEA doc. INFCIRC/124, annex. This resolution was adopted without a roll-call vote.
[2] See *ante*, pp. 461-465.
[3] *American Foreign Policy: Current Documents, 1956*, pp. 919-920.
[1] IAEA doc. INFCIRC/124, annex. The resolution was approved on Sept. 30 by the General Conference without a roll-call vote. Earlier on the same day, it was

Footnote continued on following page.

tions of nuclear explosions will be made available under appropriate international observation and through appropriate international procedures, and contemplates that such benefits will be obtainable through an appropriate international body with adequate representation of non-nuclear-weapon States,[2]

(b) *Recalling* that the Agency, whose membership already includes more than 90 non-nuclear-weapon States, was established to accelerate and enlarge the contribution of atomic energy to peace, health and prosperity throughout the world while ensuring, so far as it is able, that assistance provided by it is not used in such a way as to further any military purpose,[3]

(c) *Recognizing* that during the last decade the Agency has acquired experience and competence that are contributing to the attainment of these objectives,

(d) *Bearing in mind* that this unique experience and competence are directly relevant to the peaceful use of nuclear explosions, and that the Agency therefore can effectively perform the role envisaged under the provisions of the Treaty on the Non-Proliferation of Nuclear Weapons, and

(e) *Bearing in mind also* that a number of signatories to the Treaty have expressed the view that the Agency should perform that role,

1. *Requests* the Director General to initiate studies of the procedures that the Agency should employ in performing such a role; and [4]

2. *Requests* the Board of Governors to review the results of these studies and to report thereon to the General Conference in 1969 at its thirteenth regular session.

Final Document of the Conference of Non-Nuclear-Weapon States, October 1, 1968 [1]

Introduction

1. By resolution 2153 B (XXI) of 17 November 1966, the General Assembly decided to convene a Conference of Non-Nuclear-Weapon

approved by the Program, Technical, and Budget Committee by a vote of 31 to 2, with 17 abstentions:

For—Argentina, Australia, Austria, Belgium, Canada, Ceylon, China, Denmark, Finland, France, FRG, India, Iran, Iraq, Italy, Japan, Netherlands, New Zealand, Norway, Philippines, Poland, Republic of Korea, Saudi Arabia, South Africa, Sweden, Switzerland, Thailand, UAR, U.K., U.S., Vatican City.

Against—Brazil, Cuba.

Abstaining—Bolivia, Chile, Czechoslovakia, Hungary, Indonesia, Kuwait, Mexico, Pakistan, Peru, Portugal, Romania, Singapore, Spain, Turkey, Uruguay, Venezuela, Yugoslavia.

[2] See art. V of the treaty (*ante*, pp. 463–464).

[3] See art. II of the IAEA Statute (*American Foreign Policy: Current Documents, 1956*, p. 915).

[4] Before voting on the resolution as a whole, the Program, Technical, and Budget Committee rejected (2 to 18, with 24 abstentions) a Mexican amendent to add the words "without detriment to the studies which the Secretary-General of the United Nations would carry out" after the words "such a role" in this paragraph.

[1] A/CONF. 35/10, Oct. 1, 1968. The annexes are not printed here.

States to meet not later than July 1968 to consider the following and other related questions: "(a) How can the security of the non-nuclear-States best be assured? (b) How may non-nuclear Powers co-operate among themselves in preventing the proliferation of nuclear weapons? (c) How can nuclear devices be used for exclusively peaceful purposes?" By the same resolution, the General Assembly requested its President immediately to set up a preparatory committee, widely representative of the non-nuclear-weapon States, to make appropriate arrangements for convening the Conference and to consider the question of associating nuclear-weapon States with the work of the Conference, and report thereon to the General Assembly at its twenty-second session.[2]

2. In accordance with the provisions of resolution 2153 B (XXI), the President of the twenty-first session of the General Assembly announced on 20 December 1966 that the preparatory committee would be composed of: Chile, Dahomey, Kenya, Kuwait, Malaysia, Malta, Nigeria, Pakistan, Peru, Spain, United Republic of Tanzania. The preparatory committee, under the chairmanship of Mr. Burudi Nabwera (Kenya), held a series of meetings between February–September 1967 and on 15 September 1967 adopted its report to the General Assembly.[3]

3. At its 1640th plenary meeting on 19 December 1967, the General Assembly adopted the following resolution:

The General Assembly,

Recalling **its resolution 2153 B (XXI) of 17 November 1966, by which it decided that a conference of non-nuclear-weapon States should be convened not later than July 1968,**

Having considered with appreciation **the report of the Preparatory Committee for the Conference of Non-Nuclear-Weapon States,**

1. ***Approves*** **the recommendations of the Preparatory Committee for the Conference of Non-Nuclear-Weapon States, subject to paragraph 2 below;**

2. ***Decides*** **to convene the Conference of Non-Nuclear-Weapon States at Geneva from 29 August to 28 September 1968;**

3. ***Decides*** **to invite to the Conference non-nuclear-weapon States Members of the United Nations and members of the specialized agencies and of the International Atomic Energy Agency;**

4. ***Requests*** **the Secretary-General to make appropriate arrangements for convening the Conference in accordance with the recommendations of the Preparatory Committee.[4]**

Organization of the Conference

4. The Conference was convened on 29 August 1968 at the Palais des Nations, Geneva. After the opening of the Conference by Mr. Vittorio Winspeare Guicciardi, Director-General of the United Nations Office at Geneva, the Conference elected as its President Mr. Arshad Husain, Minister for Foreign Affairs of Pakistan.

5. At its second plenary meeting, on 30 August, the Conference established the Credentials Committee, consisting of the following States: Australia, Bulgaria, Ceylon, Costa Rica, Ireland, Jamaica, Japan, Madagascar, Morocco. Mr. Sean P. Kennan (Ireland) was elected Chairman of the Committee.

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[2] *Documents on Disarmament, 1966*, pp. 749–750.
[3] *Ibid., 1967*, pp. 405–413.
[4] *Ibid.*, p. 733.

6. At the same meeting on 30 August 1968, the Conference elected Mr. Hector Gros Espiell (Uruguay) and Mr. Burudi Nabwera (Kenya) Chairman of the two Main Committees, Committee I and Committee II respectively.

7. At the same meeting, the Conference also elected twelve Vice-Presidents: Dr. Heinrich Haymerle (Austria), Mr. Julio Cesar Turbay Ayala (Colombia), Dr. José R. Martinez Cobo (Ecuador), Mr. Richard Maxmilian Akwei (Ghana), Mr. Azim Husain (India), Mr. Piero Vinci (Italy), Mr. Senjin Tsuruoka (Japan), Mr. George Macovescu (Romania), Mr. Eduardo De Laiglesia (Spain), Dr. Hussein Khallaf (United Arab Republic), Mr. Earle E. Seaton (United Republic of Tanzania) and Mr. Dimçe Belovski (Yugoslavia).

8. At its sixteenth meeting on 16 September 1968, the Conference decided to set up a Drafting Committee composed of Algeria, Argentina, Brazil, Canada, Ghana, India, Italy, Japan, Mexico, Nigeria, Pakistan, Poland, Romania, Switzerland and Zambia. Mr. Piero Vinci (Italy) and Mr. Antonio Gómez Robledo (Mexico) were elected Chairman and Vice-Chairman respectively.

9. The Conference held a series of meetings between 29 August and 28 September 1968. Ninety-six countries participated in the Conference (Annex I).[5] The International Atomic Energy Agency, the International Labour Organisation and the World Meteorological Organization were represented at the Conference by observers.

The delegations of Austria, Federal Republic of Germany, Italy, Pakistan, Somalia, Thailand and Uganda were represented by their Foreign Ministers.

Agenda of the Conference

10. In its report to the twenty-second session of the General Assembly, the Preparatory Committee had recommended a provisional agenda for the Conference (A/6817) which was circulated as a document of the Conference (A/CONF.35/L.2) (Annex II).[6]

11. The General Committee of the Conference, at its first meeting, decided to recommend to the Conference modification in the items 11-15 of the provisional agenda. The agenda, as recommended by the General Committee, was adopted by the Conference at its third plenary meeting on 3 September 1968 (Annex III). The Conference also decided to allocate agenda items 11, 12 and 13 to Committee 1, agenda item 14 to Committee 2, and agenda item 15 to the plenary.

Rules of Procedure for the Conference

12. In its report to the twenty-second session of the General Assembly, the Preparatory Committee had recommended the draft rules of procedure for the Conference (A/6817).

13. At its second plenary meeting, the Conference adopted the draft rules of procedure, as recommended by the Preparatory Committee, with one modification, namely, Rule 6 to be amended by the number of Vice-Presidents being increased from four to twelve (A/CONF.35/1).

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[5] See *ante*, p. XV.

[6] *Documents on Disarmament, 1967*, pp. 410-411.

Work of the Conference

14. The Conference held twenty plenary meetings. Of these, 15 meetings were taken up for the General Debate in which 54 delegations took the floor. Committee 1 held 22 meetings between 4 and 26 September 1968 and Committee 2 held 17 meetings between 4 and 25 September 1968. The reports of Committees 1 and 2 are annexed (Annex IV and V).

15. At the twentieth plenary meeting, the Conference approved the Report of the Credentials Committee (A/CONF.35/CR.1 and Add. 1).

Documentation

16. The Conference had before it a large number of documents. Apart from the pre-conference documentation prepared by the Secretariat of the United Nations in accordance with resolution 2346 B (XXII) of the General Assembly, the Conference had several working papers and a substantial number of draft proposals in the Committees and in plenary. All these documents and the records of the Conference are annexed to this report (Annex VI).

Decisions taken by the Conference

17. The Conference adopted the following resolutions and declaration and authorizes the President of the Conference to transmit them to the Secretary-General of the United Nations:

I. Resolution Relating to Item 11:

MEASURES TO ASSURE THE SECURITY OF NON-NUCLEAR-WEAPON STATES.

Resolution A [1]

The Conference of Non-Nuclear-Weapon States,

Aware that mankind will continue to be exposed to the danger of nuclear war and destruction as long as there exist nuclear weapons,

Considering the perspectives opened up by the Treaty on the Non-Proliferation of Nuclear Weapons which has been recommended by Resolution 2373 (XXII) of the United Nations General Assembly for the widest possible adherence to both nuclear-weapon and non-nuclear-weapon States,

Conscious that all States, and in particular the non-nuclear-weapon States, will find lasting security only through general and complete disarmament by which all weapons, both nuclear and non-nuclear, will eventually be abolished, and that to this end a first condition is that the nuclear arms race be stopped,

Concerned that the basically unequal defensive capabilities of nuclear-weapon States and non-nuclear-weapon States must not jeopardize the inalienable right of every State to choose its political,

[1] This resolution, submitted by the Federal Republic of Germany, was adopted on Sept. 27 by a vote of 52–5, with 26 abstentions. Soviet allies opposed it.

economic, social and cultural system without interference in any form by other States,

Convinced that, therefore, the overriding principle of the non-use of force and the prohibition of the threat of force in relations between States, as expressed in Article 2 of the United Nations Charter, should be reaffirmed, and that this principle is indivisible and cannot be applied selectively, that every State has an equal and inalienable right to enjoy the protection afforded by this principle,

Convinced of the importance of the inherent right, recognized under Article 51 of the United Nations Charter, of individual or collective self-defence,

1. *Reaffirms*

(i) the principle, indivisible in its application, of the non-use of force and the prohibition of the threat of force in relations between States by employing nuclear or non-nuclear weapons, and the belief that all States without exception have an equal and inalienable right to enjoy the protection afforded by this principle, recognized under Article 2 of the United Nations Charter;

(ii) the right to equality, sovereignty, territorial integrity, non-intervention in internal affairs and self-determination of every State;

(iii) the inherent right, recognized under Article 51 of the United Nations Charter, of individual or collective self-defence which, apart from measures taken or authorized by the Security Council of the United Nations, is the only legitimate exception to the overriding principle of the non-use of force in relations between States,[8]

2. *Requests* the nuclear-weapon States to reaffirm these principles on their behalf.

II. Resolutions Relating to Item 12:

ESTABLISHMENT OF NUCLEAR-WEAPON-FREE ZONE.

Resolution B[9]

The Conference of Non-Nuclear-Weapon States,

Considering that the establishment of nuclear-weapon-free zones, on the initiative of the States situated within each zone concerned, is one of the measures which can contribute most effectively to halting the proliferation of those instruments of mass destruction and to promoting progress towards nuclear disarmament,

Noting that a nuclear-weapon-free zone is of benefit to the security and economic development of the States within the zone, since it frees their territories from the danger of nuclear attacks and avoids the squandering of their resources on the production of nuclear armaments,

Taking into account the conclusions which follow from resolutions

[8] Subpar. (iii) was approved 48–0, with 32 abstentions.

[9] This resolution, submitted by 16 Latin American nations, was adopted in the plenary conference on Sept. 27 by a vote of 74 to 0, with 10 abstentions. It had previously been approved by the First Committee 63 to 0, with 13 countries abstaining (Bulgaria, Czechoslovakia, Ghana, Hungary, Kenya, Kuwait, Mongolia, Morocco, Nigeria, Poland, Romania, Thailand, Tunisia).

1911 (XVIII)[9] and 2033 (XX) of the United Nations General Assembly,[11]

Recalling that General Assembly resolution 2028 (XX) established the principle of an acceptable balance of mutual responsibilities and obligations of the nuclear-weapon and non-nuclear-weapon States,[12]

Recalling further that in resolution 2153A (XXI) the General Assembly expressly called upon all nuclear-weapon Powers to refrain from the use, or the threat of use, of nuclear weapons against States which might conclude regional treaties in order to ensure the total absence of nuclear weapons in their respective territories,[13]

Convinced that, for the maximum effectiveness of any treaty establishing a nuclear-weapon-free zone, the co-operation of the nuclear-weapon States is necessary and that such co-operation should take the form of commitments likewise undertaken in a formal international instrument which is legally binding, such as a treaty, convention or protocol,

Observing that the Treaty for the Prohibition of Nuclear Weapons in Latin America, also known as the Treaty of Tlatelolco, has already established a nuclear-weapon-free zone comprising territories densely populated by man,[14]

Noting that Additional Protocol II of that Treaty defines the following obligations to be assumed by the nuclear-weapon States:

(a) to respect "in all its express aims and provisions" the "statute of denuclearization of Latin America in respect of warlike purpose, as defined, delimited and set forth" in the Treaty of Tlatelolco;

(b) "not to contribute in any way to the performance of acts involving a violation of the obligations of article 1 of the Treaty in the territories to which the treaty applies", and

(c) "not to use or threaten to use nuclear weapons against the Contracting Parties of the Treaty",[15]

Recalling that in resolution 2286 (XXII) the General Assembly invited Powers possessing nuclear weapons "to sign and ratify Additional Protocol II of the Treaty as soon as possible",[16]

I.

Recommends all non-nuclear-weapon States not comprised in the zone established by the Treaty of Tlatelolco initiate or continue such studies as they may deem opportune concerning the possibility and desirability of establishing by treaty the military denuclearization of their respective zones, provided that political and security conditions permit.

II.

1. *Regrets* the fact that not all the nuclear-weapon States have yet signed Additional Protocol II to the Treaty of Tlatelolco;

[9] *Documents on Disarmament, 1963*, pp. 628–629.
[11] *Ibid., 1965*, pp. 624–626.
[12] *Ibid.*, pp. 532–534.
[13] *Ibid., 1966*, pp. 748–749.
[14] *Ibid., 1967*, pp. 60 ff.
[15] *Ibid.*, p. 83.
[16] *Ibid.*, pp. 620–621.

2. *Urges* the nuclear-weapon Powers to comply fully with paragraph 4 of resolution 2286 (XXII) adopted by the United Nations General Assembly on 5 December 1967.

III. RESOLUTIONS RELATING TO ITEM 13:

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:

(a) Safeguards against the diversion of source and 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.

Resolution C[17]

The Conference of Non-Nuclear-Weapon States,

Having discussed the question of "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".

Bearing in mind that the achievement of the goal of nuclear non-proliferation necessitates the adoption of measures to prevent both horizontal and vertical proliferation,

Recognizing the growing concern of world opinion at the continuous expansion of research and development relating to new nuclear weapons,

Mindful of the report of the Eighteen-Nation Committee on Disarmament to the United Nations General Assembly of 28 August 1968 (ENDC/236),[18]

Convinced that an agreement on nuclear disarmament would be facilitated by the adoption of various collateral measures,

Considering that such collateral measures should promote general and complete disarmament under international control,

Requests the United Nations General Assembly, at its twenty-third regular session, to recommend that the Conference of the Eighteen-Nation Committee on Disarmament should begin, not later than March 1969, to undertake negotiations for:

(a) the prevention of the further development and improvement of nuclear weapons and their delivery vehicles;

(b) the conclusion of a comprehensive test ban treaty, as an important step in the field of nuclear disarmament, and as a matter of high priority;

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[17] Resolution C was adopted Sept. 27 by a vote of 76 to 0, with 8 abstentions.
[18] *Ante*, pp. 591-595.

(c) reaching agreement on the immediate cessation of the production of fissile materials for weapons purposes and the stoppage of the manufacture of nuclear weapons;

(d) the reduction and subsequent elimination of all stockpiles of nuclear weapons and their delivery systems.

Resolution D [19]

The Conference of Non-Nuclear-Weapon States,

Noting the agreement reached between the Governments of the USSR and the United States in July 1968 to enter in the nearest future into bilateral discussion on the limitation of both offensive strategic nuclear weapons delivery systems and systems of defence against ballistic missiles,

Observing that such discussions have not yet taken place,

Recalling that Article VI of the Treaty on Non-Proliferation of Nuclear Weapons embodies an undertaking of the Parties to the Treaty to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament,[20]

Convinced that negotiations between the two nuclear-weapon powers should aim at, and lead to, negotiations among all such powers with a view to the cessation of the nuclear arms race and to the achievement of nuclear disarmament and relaxation of tensions,

Deeply concerned at the imminent danger of a renewal of the strategic nuclear arms race and its escalation to new levels which would become uncontrollable and of the consequent grave threat to the security of all States,

Emphasizing the special responsibility of the United States and the USSR to avert that danger,

Conscious of the vital need of mankind for a diversion to peaceful purposes of the resources at present consumed by the maintenance and augmentation of nuclear destructive power,

Urges the Governments of the USSR and the United States to enter at an early date into bilateral discussions on the limitation of offensive strategic nuclear weapons delivery systems and systems of defence against ballistic missiles.

Resolution E [21]

The Conference of Non-Nuclear-Weapon States,

Convinced that the proliferation of nuclear weapons would endanger the security of all States,

Recognizing the urgency and great importance of preventing the proliferation of nuclear weapons,

Recognizing further that the danger continues to exist that an increase in the number of States possessing nuclear weapons may occur, aggravating international tension and the difficulty of maintaining regional and world peace and security,

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[19] Resolution D was approved on Sept. 27, 79 to 0, with 5 abstentions (Kenya, Tanzania, Thailand, Uganda, Zambia).

[20] *Ante*, pp. 461–465.

[21] Resolution E was approved Sept. 27 by a vote of 34 to 8, with 41 abstentions.

Mindful that the International Atomic Energy Agency is most suited to administer safeguards designed to prevent the diversion of source or special fissionable material from peaceful uses to the production of nuclear weapons or other nuclear explosive devices,

Recommends the acceptance of the IAEA system of safeguards, as may be evolved from time to time, by all the non-nuclear-weapon States, as set forth in an agreement to be negotiated and concluded with the IAEA in accordance with its safeguards system which would provide against diversion of source or fissionable material whether it is produced, processed or used in any principal nuclear facility or is outside any such facility established with or without the assistance of the IAEA, including these principal nuclear facilities which may have been established in pursuance of any bilateral or multilateral arrangements, as a step towards the non-proliferation of nuclear weapons.

Resolution F [22]

The Conference of Non-Nuclear-Weapon States,

Considering that the non-proliferation of nuclear weapons is regarded as a step towards effective nuclear disarmament and a contribution to international co-operation in the peaceful uses of nuclear energy,

Recalling that both nuclear-weapon and non-nuclear-weapon States carry the responsibility of acting in accordance with the principle of the Charter, including the principle that the sovereign equality of all States should be respected,

Considering that, because of the present structure of the International Atomic Energy Agency, many countries are not adequately represented in the Board of Governors, which is the organ responsible for safeguards in that Agency,

Considering that any system of collective inspection must be based on the principle that every country inspected must be adequately represented in the body responsible for carrying out the inspections,

Considering also that it is necessary to improve and simplify the safeguards system at present being applied by IAEA so that it can better discharge its new responsibilities,

Emphasizing the desirability of promoting activities for the establishment of a modern and efficient safeguards system based on super-

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[22] Resolution F was approved in the First Committee by a vote of 35 to 5, with 43 abstentions:

For—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, Liechtenstein, Mauritius, Nigeria, Pakistan, Panama, Paraguay, Peru, Philippines, Spain, Switzerland, Trinidad and Tobago, Uruguay, Venezuela, Yugoslavia.

Against—Bulgaria, Czechoslovakia, Hungary, Mongolia, Poland.

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

On Sept. 27 the plenary conference adopted the resolution 31 to 5, with 45 abstentions. Indonesia opposed it in the plenary vote.

vision of the flow of fissionable materials by means of instruments and other techniques at certain strategic points.

1. *Recommends* the establishment, within the International Atomic Energy Agency and under its Board of Governors, of institutional machinery on safeguards of which both countries supplying nuclear materials, as well as member countries, whether possessing nuclear facilities or not, shall form part;

2. *Recommends* to the IAEA that, in the process of improving and simplifying the safeguards system, *inter alia*, the following objectives be given appropriate consideration;

(a) The safeguard procedures should be simplified by the use of instruments and other technical devices at certain strategic points of the flow of nuclear materials, with a view to restricting the safeguarding operations to the necessary minimum;

(b) Simplification of safeguards in respect of fissionable materials in small quantities for use in scientific research;

(c) Incorporation in the agreements of the rules laid down against industrial risks, including industrial espionage, by the Statute of IAEA, the decisions of the Board of Governors and directives of the Director General, particularly with regard to the possibility of challenging inspectors;

3. *Urges* the nuclear-weapon Powers to conclude with IAEA safeguard agreements consistent with the relevant rules;

4. *Considers it essential* that rules should be drawn up to avoid duplication of safeguard procedures and consequent commercial discrimination;

5. *Invites* the Secretary-General of the United Nations, Secretary-General of the Conference, to communicate this resolution to the International Atomic Energy Agency, together with the records of the discussions thereon and other relevant documents.

IV. Resolutions Relating To Item 14:

Programmes for co-operation in the field of peaceful uses of nuclear energy:

(a) Access to and exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy among non-nuclear-weapon States and nuclear-weapon States

(b) Assistance and co-operation in development of the application of nuclear energy for peaceful purposes, in the territories of the non-nuclear-weapon States, with due consideration for the needs of the developing areas of the world

(c) The question of nuclear explosions for peaceful uses

(d) Benefits from peaceful applications of nuclear explosions to non-nuclear-weapon States which have renounced the production, acquisition and use of nuclear weapons pursuant to special international agreement or agreements through an appropriate international body or through bilateral arrangements.

Resolution G [23]

The Conference of Non-Nuclear-Weapon States,

Considering that nuclear energy has opened up new perspectives for the progress of mankind, and especially for the economic and scientific advancement of developing countries,

Having in mind the conclusions of the Board of Governors of the IAEA, contained in the latest Report of the Agency (doc. GC(XI)/362), in which it is observed that many developing countries are not sufficiently aware of the contribution which atomic energy can bring to the development of their economies,

Believing that the peoples of the world, and especially the peoples of the developing countries, should be made fully aware of the present and potential opportunities,

Noting the interest in acquiring a thorough knowledge of the various aspects of the question of peaceful applications of nuclear energy, as reflected in the deliberations of the Conference of Non-Nuclear-Weapon States.

1. *Requests* the Secretary-General of the United Nations to appoint a group of experts, chosen on a personal basis, to prepare a full report on all possible contributions of nuclear technology to the economic and scientific advancement of the developing countries;

2. *Recommends* the Secretary-General to draw the attention of the group of experts to the desirability of taking advantage of the experience of the International Atomic Energy Agency in preparing the report;

3. *Requests* the Secretary-General to transmit the report to the Governments of States members of the United Nations, its specialized agencies and IAEA in time to permit its consideration at the twenty-fourth regular session of the General Assembly.

Resolution H [24]

The Conference of Non-Nuclear-Weapon States,

Recalling resolutions 2028 (XX),[25] 2153 B (XXI),[26] 2346 B (XXII),[27] and 2373 (XXII)[28] of the United Nations General Assembly,

Mindful of the relevant articles of the Statute of the International Atomic Energy Agency,[29]

Recognizing that many speakers have emphasized their Government's increasing interest in the peaceful uses of nuclear energy for economic and social development, an interest further stimulated by Article IV of the Treaty on the Non-Proliferation of Nuclear Weapons [30] and compatible with recent advances in the technology of nuclear power,

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[23] This resolution was adopted Sept. 26 by a vote of 69 to 0, with 1 abstention.
[24] The resolution was approved September 26 by a vote of 51 to 15, with 10 abstentions.
[25] *Documents on Disarmament, 1965*, pp. 532–534.
[26] *Ibid., 1966*, pp. 749–750.
[27] *Ibid., 1967*, p. 733.
[28] *Ante*, pp. 431–432.
[29] *American Foreign Policy: Current Documents, 1956*, pp. 915 ff.
[30] *Ante*, pp. 461–465.

Recalling also that Article V of the Treaty calls for appropriate international procedures in order for non-nuclear-weapon States to receive the potential benefits arising from any peaceful applications of nuclear explosions,

Noting the International Atomic Energy Agency's activities to carry out the function of stimulating international exchange of scientific and technological information and its efforts to assist developing countries in their efforts to acquire technical capabilities in the field of peaceful uses of nuclear power,

Noting that the Agency during the decade of its existence has gained valuable experience in carrying out these functions and has therefore already enlarged the contribution of atomic energy for peace, health and prosperity throughout the world,

Taking note of the fact that several delegations have expressed the opinion that the membership of the Board of Governors of the International Atomic Energy Agency should be enlarged so as to reflect equitable geographical distribution,

Aware that Member States of the Agency have agreed to place certain amounts of fissionable materials at the disposal of the Agency, for use in Agency projects,

I

Calls upon the Agency to continue its utmost efforts for compilation and dissemination of public information concerning the peaceful uses of nuclear energy, including those related to the peaceful application of nuclear explosions;

Recommends that the Agency study appropriate international arrangements to facilitate the exchange of scientific and technical information which has commercial or industrial value and is not publicly available, so as to make it possible for interested countries to know of the existence and outline of such information and to enable the interested parties to enter into negotiations about the acquisition of such information with the owners thereof;

Invites the nuclear-weapon States to advise the Agency at regular intervals as to the possibility of their declassifying scientific and technical information which has become essential for the development of the peaceful uses of nuclear energy, as soon as there is no longer any reason for its classification on national security grounds, bearing in mind all the benefits to be derived from the dissemination of scientific knowledge.[31]

II

Recommends that the Agency study further the ways and means of increasing the funds available for technical assistance, taking into full consideration the views of the interested countries, particularly those of the developing countries, expressed in this Conference;

III [32]

Recommends that the Agency study the most effective means of ensuring access to special fissionable materials on a commercial basis;

[31] The Second Committee approved this paragraph 62 to 0, with 11 abstentions.
[32] The Second Committee approved pt. III 63 to 1, with 14 abstentions.

Urges the nuclear-weapon States to facilitate, to the fullest extent possible, the availability of fissionable materials for the peaceful nuclear programmes of the non-nuclear-weapon States accepting the application of safeguards as envisaged in Article III of the Treaty; [33]

IV

Recommends that the Agency, in relation to the question of nuclear explosions for peaceful purposes, initiate necessary studies that are deemed advisable on its possible functions in this field;

V

Expresses its assumption that the Agency will examine at an appropriate time its procedures and arrangements, as well as the question of the composition of the Board of Governors, with a view to adapting them as necessary in the light of its new responsibilities; [34]

VI

Requests the Secretary-General of the United Nations to bring this resolution to the attention of the Agency, together with the relevant records of the proceedings of the Conference of Non-Nuclear-Weapon States and the relevant proposals submitted thereto;

Invites the Agency to bear the present resolution in mind in preparing its annual reports for the General Assembly.

Resolution I [35]

The Conference of Non-Nuclear-Weapon States,

Considering that nuclear power technology and the uses of radiation sources and radioisotopes in the fields of agriculture, hydrology, medicine and industry have been developed to the extent that they can accelerate the programmes of economic development of a large number of developing countries,

Realizing that the nuclear projects are generally capital intensive and require a well-trained corps of nuclear scientists, engineers and technicians,

Noting that the technical assistance provided by the IAEA through voluntary contributions of the Member States, has fallen short of the demands made by developing Member States of the Agency, for fellowships, services of experts, equipment and materials,

Aware of the difficulties experienced by a large number of developing countries in securing financial support for the nuclear projects and training of their personnel for the operation and maintenance of those projects, even when such projects have been found to be technically feasible and economically viable.

[33] The Second Committee approved this paragraph 60 to 1, with 16 abstentions. In the plenary conference (Sept. 26), the F.R.G., Argentina, Australia, Brazil, and India proposed to revise the language to read "either the application of existing safeguards or other safeguards as envisaged in article III of the treaty." The vote on this amendment was 37 to 35, with 6 abstentions. Since it failed to receive a two-thirds majority, it was not adopted.

[34] The Second Committee approved this paragraph 59 to 0, with 20 abstentions, the plenary by 54 to 18, with 16 abstentions.

[35] This resolution was adopted Sept. 26 by a vote of 70 to 0, with 4 abstentions.

Recommends that the IAEA should undertake to examine the basis on which arrangements can be made by the Agency to secure finances from international sources for the creation of a Special Nuclear Fund (SNF) to be made available in the form of (a) grants and (b) low-interest bearing loans, repayable over long periods of time, for financing the nuclear projects which have been found by the Agency to be technically feasible and economically viable in the territories of non-nuclear-weapon States which are members of the Agency, particularly those in the developing areas of the world, and which may make request to the Agency under the provisions of Article XI B of the Agency's Statute.

Resolution J [36]

The Conference of Non-Nuclear-Weapon States,

Convinced that non-nuclear-weapon States have the inalienable right to use nuclear energy for their technological and economic development,

Considering that non-nuclear-weapon States should have full access on a non-discriminatory basis to equipment, materials and scientific and technological information for the peaceful applications of nuclear energy,

Mindful that international co-operation should play a decisive role in disseminating the peaceful applications of nuclear energy,

Considering that it is urgently necessary to increase multilateral assistance and co-operation in order to promote and facilitate those applications,

Recognizing the desirability of strengthening existing activities and establishing new programmes designed to effect a rapid increase in the use of nuclear energy for peaceful purposes,

Noting that international co-operation with a view to the peaceful utilization of nuclear energy is at present limited by the shortage of financial resources at the disposal of developing non-nuclear-weapon States and by the fact that it is not given priority in the programmes of the various suppliers of international finance,

Expressing its conviction that the financial resources and fissionable materials released by the adoption of nuclear disarmament measures should also be used to serve the economic development of the developing countries, and especially their technological and scientific progress,

Considering that the existence of an adequate supply of special fissionable material is one of the essential conditions for the peaceful utilization of nuclear energy,

Observing that although some nuclear countries, pursuant to article IX of the Statute of the International Atomic Energy Agency, have made various quantities of special fissionable materials available to the Agency, an increasing demand by non-nuclear-weapon States for such materials can be foreseen for the future, and that it is therefore necessary to keep an adequate reserve accessible to those States,

A

1. *Requests* the United Nations General Assembly to consider at its twenty-third regular session the establishment, within the United

[36] This resolution was adopted Sept. 26, 1963, by a vote of 57 to 0, with 22 abstentions.

Nations Development Programme, of a "Nuclear Technology Research and Development Programme" to be executed as a matter of priority with the co-operation of the International Atomic Energy Agency for the benefit of the developing countries;

2. *Requests* the International Bank for Reconstruction and Development to consider, at the next meeting of its Board of Governors, the establishment for the benefit of the developing countries of a "Programme for the Use of Nuclear Energy in Economic Development Projects" which would be a matter of priority and under which finance would be granted on the most favourable terms as regards interest and repayment periods;

3. *Invites* the nuclear-weapon States to assume the main responsibility for financing the two programmes; [37]

B

1. *Requests* the General Conference of the International Atomic Energy Agency to consider at its next meeting the establishment of a "Fund of Special Fissionable Materials" for the benefit of non-nuclear-weapon States and in particular of developing countries;

2. *Invites* the nuclear-weapon States to give a firm undertaking regarding the supply of such materials to the "Fund" at reasonable prices and in adequate quantities at the request of non-nuclear-weapon States; [38]

C

Also recommends the nuclear-weapon States, independently of the contributions provided for in paragraph A3 and B2, to channel into the Programmes and Fund proposed above a substantial share of such financial resources and special fissionable materials as may be released in the future as a result of the adoption of nuclear disarmament measures.

Resolution K [39]

The Conference of Non-Nuclear-Weapon States,

Recalling that Article III of the Statute of the International Atomic Energy Agency has the following aims:

1. To encourage and assist research on, and development and practical application of, atomic energy for peaceful uses throughout the world; and, if requested to do so, to act as an intermediary for the purposes of securing the performance of services or the supplying of materials, equipment, or facilities by one member of the Agency for another; and to perform any operation or service useful in research on, or development or practical application of, atomic energy for peaceful purposes;

2. To make provision, in accordance with this Statute, for materials, services, equipment, and facilities to meet the needs of research on, and development and practical application of, atomic energy for peaceful purposes; including the production of electric power, with due consideration for the needs of the underdeveloped areas of the world;

3. To foster the exchange of scientific and technical information on peaceful uses of atomic energy;

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[37] The Second Committee approved this paragraph 52 to 4, with 23 abstentions.
[38] The Second Committee approved this paragraph 53 to 4, with 20 abstentions.
[39] This resolution was adopted Sept 26 by a vote of 47 to 0, with 29 abstentions.

4. To encourage the exchange and training of scientists and experts in the field of peaceful uses of atomic energy;[40]

Appreciating the work already done by the Agency in this field;

Noting however the wide dissatisfaction expressed by participants in the Conference of Non-Nuclear-Weapon States with regard to the unrepresentative nature of the Agency and that the views of the developing countries are not given full expression;

Recommends to the Agency that representation on its Board of Governors be broadened so as to reflect equitable geographical distribution and the views of a broad spectrum of the developing countries.

Resolution L[41]

The Conference of Non-Nuclear-Weapon States,

(a) *Recognizing* the importance and urgency of halting all nuclear-weapon tests by the rapid conclusion of a comprehensive test ban treaty,

(b) *Aware* that, with further technological progress, important benefits may be derived from the peaceful uses of nuclear explosives,

(c) *Bearing in mind* the discrimination and different treatment of States inherent in the present situation, allowing nuclear-weapon States to conduct without international conference any project in the field of nuclear explosions, the only internationally formalized limitation being the rules of the Partial Test Ban Treaty,[42] while other States would be able to obtain the benefits from nuclear explosions for peaceful purposes only in an indirect way under the rules of Article V of the Non-Proliferation Treaty,

(d) *Convinced* therefore of the urgent need *on the one hand* to obtain a comprehensive test ban treaty, prohibiting in principle *all* nuclear explosions, *on the other hand*, to create, in a separate international instrument, a régime, aiming at regulating and controlling, internationally, all explosions for peaceful purposes as exceptions from the general prohibition under the comprehensive test ban,[43]

(e) *Noting* the Joint Memorandum on a comprehensive test ban treaty presented on 26 August 1968 to the Conference of the Eighteen-Nation Committee on Disarmament by the delegations of Brazil, Burma, Ethiopia, India, Mexico, Nigeria, Sweden, and the United Arab Republic.[44]

Endorses the opinion expressed in that document that the question of nuclear explosions for peaceful purposes is also closely linked with a comprehensive test ban, this aspect of the matter underlining the urgency of a universal and comprehensive solution of the problem of nuclear explosions for peaceful purposes compatible with a comprehensive test ban treaty.

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[40] *American Foreign Policy: Current Documents, 1956*, pp. 915–916.

[41] This resolution was adopted by a vote of 61 to 0, with 16 abstentions.

[42] *Documents on Disarmament, 1963*, pp. 291–293.

[43] As approved by the Second Committee, this par. read "managing" rather than "regulating." In this form, the Second Committee approved par. (d) 39 to 1 (Australia), with 35 abstentions. On Sept. 26 the plenary conference adopted by a vote of 57 to 0, with 12 abstentions an amendment by Brazil, Mexico, Nigeria, and Sweden substituting the word "regulating."

[44] *Infra*, pp. 589–591.

Resolution M [45]

The Conference of Non-Nuclear-Weapon States,

Believing that freedom of access to scientific institutions and nuclear establishments engaged in research and development of the peaceful uses of nuclear energy, as well as access to scientific and technological information in the nuclear field among the non-nuclear-weapon States and between the non-nuclear-weapon States and the nuclear-weapon States, leads to the promotion of nuclear technology,

Realizing that technical assistance rendered by nuclear-weapon States and such non-nuclear-weapon States as have advanced in the field of nuclear technology through bilateral or multilateral channels, to those non-nuclear-weapon States which are less advanced, helps them to acquire the benefits of nuclear technology,

Considering the importance of strengthening all possible measures to prevent the proliferation of nuclear weapons,

Requests all nuclear-weapon States and those non-nuclear-weapon States which are in a position to do so, to provide access for students and scientists for purposes of training and acquisition of knowledge on a non-discriminatory basis to their scientific institutions and nuclear establishments engaged in research and development of the peaceful uses of nuclear energy.

V. Resolution and Declaration Relating to Item 15:

ADOPTION OF FINAL DOCUMENT AND IMPLEMENTATION OF CONFERENCE DECISIONS

Resolution N [46]

The Conference of Non-Nuclear-Weapon States,

Considering that, in order to ensure that its aims are fully achieved, it is necessary to establish a procedure for the preparation of the studies

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[45] The plenary conference adopted this resolution on Sept. 26 by a vote of 37 to 0, with 43 abstentions. Introduced by Pakistan, the resolution formerly contained two additional operative pars., which were rejected in the Second Committee:

"[2] *Urges* all nuclear-weapon States and those non-nuclear-weapon States which are in a position to do so, not to provide (a) source or fissionable material, or (b) equipment and material especially designed or prepared for the processing, use or production of special fissionable material, to any recipient non-nuclear-weapon State, unless such recipient State has accepted safeguards as set forth in an agreement to be negotiated and concluded in accordance with the Statute of IAEA and the Agency's safeguards system.

"[3] *Urges* further that in cases where nuclear-weapon States and non-nuclear-weapon States are parties to a multilateral treaty within a particular region which provides for co-operation in the peaceful uses of nuclear energy, including mutual exchange of (a) source and fissionable material or (b) equipment or material especially designed or prepared for the processing, use or production of special fissionable material, the safeguards provision of such treaty should continue to apply till such time as negotiations relating to safeguards, between the parties to such a treaty and the IAEA on an individual or collective basis, are considered conducive to the conclusion of an agreement (A/CONF.35/C.2/L.3/Rev. 3)."

The Second Committee deleted par. [2] by a vote of 15 to 19, with 30 abstentions. It rejected par. [3] 3 to 29, with 30 abstentions.

[46] This resolution was adopted by the plenary conference on Sept. 27 by a vote of 75 to 0. Co-sponsored by 14 Latin American nations, Italy, and Spain, the

Footnote continued on following page.

and drafts called for in the recommendations adopted by the Conference,

Bearing in mind that the multiplicity and importance of the resolutions adopted by the Conference call for the continuity of the work undertaken,

Invites the General Assembly, at its present session, to consider the best ways and means for the implementation of the decisions taken by the Conference, and the continuity of the work undertaken, and at a subsequent session, to consider the question of the convening of a second Conference of Non-Nuclear-Weapon States.

Declaration of the Conference of Non-Nuclear-Weapon States [47]

The Conference of Non-Nuclear-Weapon States, with the participation of [names of countries [48]] and also of France, the Union of Soviet Socialist Republics, the United Kingdom and the United States, was held in Geneva from 29 August to 28 September 1968.

Guided by the conviction that peace and security, like development in the world, are indivisible, and recognizing the universal responsibilities and obligations in this regard, the Conference addressed itself to the problems of universal peace and, in particular, the security of non-nuclear-weapon States, cessation of the nuclear arms race, general and complete disarmament and harnessing of nuclear energy exclusively for peaceful purposes, and has agreed on the following:

1. The participants of the Conference noted that there was a general acceptance of the fact that the future of mankind cannot be secure without the complete elimination of the use or threat of use of force in the spirit of the United Nations Charter. The Conference agreed that peace and progress could not be safeguarded for any nation unless the security of all nations is assured. The Conference stresses the necessity of further steps for an early solution of the question of security assurances in the nuclear era.

2. The participants consider as their sacred duty to appeal to all countries of the world to observe the United Nations Charter and the

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resolution was substantially changed during the plenary discussion. The operative pars. previously read as follows:

"*Recommends* that the General Assembly, at its twenty-third regular session:

"1. Convene the Conference of Non-Nuclear-Weapon States periodically;

"2. Establish a Special Committee of the Conference of Non-Nuclear-Weapon States composed of an appropriate number of States, designated by the President of the General Assembly, having regard to an equitable geographical distribution;

"3. Assign the following terms of reference to the Special Committee:

"(a) To study the best means of ensuring the implementation of the conclusions of the Conference of Non-Nuclear-Weapon States;

"(b) To undertake the studies and prepare the documents requested of it by the Conference of Non-Nuclear-Weapon States;

"(c) To prepare the programme of work of future Conferences;

"(d) To transmit the recommendations which it adopts, and an annual report on its activities, to the General Assembly;

"4. Request the Secretary-General to make the necessary arrangements for the Special Committee to hold its first session in 1969 (A/CONF.35/L.3/Rev. 1)."

[47] The declaration was adopted Sept. 27 by a vote of 71 to 0, with 1 abstention.

[48] See *ante*, p. XV.

generally accepted norms of international law governing relations among States.

3. The Conference considers that an immediate cessation of the arms race and the acceleration of the process of nuclear disarmament and general and complete disarmament under effective international control are indispensable for the safeguarding of world peace and security, independence and economic progress of all countries.

The Conference recommends that, pending the achievement of general and complete disarmament under effective international control, steps be undertaken urgently with a view to reaching agreements on various collateral measures.

4. In this context, the Conference has noted the Treaty on the Non-Proliferation of Nuclear Weapons,[49] which was commended by United Nations General Assembly resolution 2373 (XXII).[50] The Conference considers that the Treaty should be followed up by measures of disarmament, in particular nuclear disarmament.

5. The Conference considers that nuclear weapon-free zones, established under appropriate conditions, constitute an effective contribution to the prevention of the proliferation of nuclear weapons and to the promotion of disarmament. It notes with satisfaction the progress already achieved with regard to nuclear-weapon-free zones established by the Treaty for the Prohibition of Nuclear Weapons in Latin America.[51]

6. The Conference further considers that possibilities for the peaceful use of nuclear energy have increased, which is of particular importance for the economic development of non-nuclear-weapon countries and for an accelerated development of the developing countries. It is imperative to ensure conditions which would promote the peaceful uses of nuclear energy, encourage international co-operation in this area, ensure unhampered flow of nuclear materials under appropriate and effective international safeguards, as well as information, scientific knowledge and advanced nuclear technology exclusively for peaceful purposes on a non-discriminatory basis. The Conference stresses the importance of the potential use of nuclear explosive devices for peaceful purposes within appropriate and effective international safeguards which should be prepared as soon as possible and under strict international control.

The Conference reiterates the need for appropriate international assistance, including financing, for the purposes of greater application of the peaceful uses of nuclear energy. In this respect the Conference underlines the necessity of an active co-operation and co-ordination of the programmes of all international organizations and agencies concerned with the development of developing countries. At the same time it recognizes the important role of the IAEA whose resources should be increased, but which should adapt itself adequately for its further responsibilities.

The Conference is, therefore, of the view that all nations and particularly nuclear-weapon Powers should accordingly be urged to facilitate international co-operation in the use of nuclear energy for

[49] *Ante*, pp. 461–465.
[50] *Ante*, pp. 431–432.
[51] *Documents on Disarmament, 1967*, pp. 69 ff.

peaceful purposes. At the same time, every assistance should be given to develop the indigenous facilities for research and application of scientific knowledge for peaceful purposes to meet the challenge of modernization and progress which confronts the developing nations.

7. The Conference notes with satisfaction the spirit of co-operation which prevailed among participants in the Conference and expresses the hope that this co-operation would be further developed among the non-nuclear-weapon States and between them and the nuclear-weapon States in the interests of world peace and progress.

8. Bearing in mind the complexity of the problems mentioned above and the need for their further consideration, the Conference recommends to the General Assembly of the United Nations the continuation of the efforts to deal with these problems, considering the best ways and means for the implementation of the decisions taken by the Conference, including the consideration of the question of convening another Conference at an appropriate time.

9. The participants of the Conference wish to reaffirm, on this occasion also, their full adherence to the principles of the United Nations Charter and to the obligations assumed on the basis thereof. They confirm their determination to contribute through concrete efforts to the constant strengthening of the Organization of the United Nations and to the acceptance of its principles, as well as to the implementation of its noble objectives.

Statement by President Johnson on the Nonproliferation Treaty, October 11, 1968 [1]

We have been trying for a number of years to reduce the threat that someday, somewhere, a limited nuclear war could break out—one that would grow to involve the major powers in a worldwide catastrophe.

Now, for years our negotiators have been working with those of many other nations trying to hammer out language that is acceptable to the nuclear and the nonnuclear powers alike.

Finally, we have reached agreement on a treaty, a treaty that will halt the spread of nuclear weapons.[2]

When I went before the United Nations last June, just prior to its vote on that treaty, I described it then as a triumph of sanity and of man's will to survive.[3] The treaty was overwhelmingly approved in the United Nations by a vote of 95 to 4.[4]

Now that treaty is before the United States Senate for ratification.

We worked for this treaty for so many years for one basic reason: to make the world safer for ourselves and to make it safer for every other nation that lives daily with the threat of nuclear disaster.

Every American President who has borne responsibility in the nuclear age has known that the danger to the United States would

[1] *Department of State Bulletin*, Nov. 4, 1968, pp. 469–470. The statement was made at the White House for television and radio broadcast on Oct. 11.
[2] *Ante*, pp. 461–465.
[3] *Ante*, pp. 432–435.
[4] *Ante*, pp. 431–432.

multiply as additional nations built or secured nuclear weapons—as additional fingers were placed on nuclear triggers.

We negotiated with the Soviet Union on the language of this treaty not as a gift to the Soviet Union nor as a matter of bridgebuilding between us but because we were seeking a result, a result in our own interest which they happened to share for their own reasons.

If we had permitted our views of totalitarian communism to control every aspect of our relations with the Communist states, we would not have joined them in a treaty forbidding the atmospheric testing of nuclear weapons.[5] And the air, therefore, today would be filled with poisonous radiation.

The test of whether we make any international agreement should be whether that international agreement serves our interests and whether it serves the interests of world peace.

The Nonproliferation Treaty, like the nuclear test ban treaty, clearly and obviously meets that test. If we do not proceed to ratify this treaty promptly, the forces at work against it in the other countries, in my judgment, are going to quickly gain strength. And if the treaty does not go into effect soon, then an increasing number of countries will see it in their national interest to "go nuclear." Some may be about to do so now.

This is perhaps understandable on narrow nationalist grounds. But in every case it is our judgment that their security would be diminished and not increased by their developing some small national nuclear capability.

Insofar as the United States is concerned, the advent of new nuclear powers could force upon us this dilemma: either withdrawing our influence and commitment from areas of the world which are vital to our interests or having other nations trigger a nuclear conflict which could involve us.

And those who now argue for postponing ratification of the treaty must assume a grave responsibility for its failure and for presenting our country with that dilemma.

I cannot guarantee that our early action will bring a particular nation or group of nations along with us. But I can tell you that our chance of doing so will be greatly reduced and the world that our children inhabit made far more perilous if we fail to act soon.

As President, I cannot see this happen without at least calling to the attention of the leaders of the Senate, as I have done, the serious consequences of postponement of this action in the Senate regardless of who requests it.

I know that the pressures of the election are upon us. But so are the responsibilities that we were all elected to fulfill.

So, I hope—and I can only hope—that the Senate will act now with the highest interests of the nation in mind.

But if the members of the Senate find it either undesirable or impossible to remain and pass upon this treaty, I shall, after consulting with other leaders here and in the world and leaders of the Senate, seriously consider calling the Senate into special session.

I consider the adoption of this treaty that important to the security of our nation and that important to peace in the world.

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[5] *Documents on Disarmament, 1963*, pp. 291-293.

Statement by the United States Representative (Stulberg) to the Second Committee of the General Assembly: Conversion to Peaceful Uses of the Resources Released by Disarmament, October 15, 1968 [1]

The United Nations studies on the economic and social consequences of disarmament, which the Committee is now considering, relate directly to one of the most ancient aspirations of man and one of the greatest aims of the United Nations: the redirection of material and human resources away from the arts of war and toward the arts of peace. We are concerned with the beating of "swords into plowshares and spears into pruning hooks." [2]

Disarmament itself, of course, is not within the terms of reference of this Committee. It is not our responsibility here to debate just how the nations are to agree to let the swords fall from their hands. But there is a valid contribution, modest though it may be, which we can make to this cause: namely, to assure that the true economic and social consequences that follow upon any measure of arms reduction are known to the world.

The world should be aware that this process of reorientation, even on a major scale, can be carried out under any economic system—whether capitalist or socialist, whether market economy or directed economy—without bringing on economic disaster. No nation, whatever its system, need have any economic reason for being afraid to disarm.

The study of this subject has already yielded valuable results. When it was first undertaken there was a widespread anxiety that large-scale disarmament, with the closing down of armament manufactures in various countries, would cause very severe economic dislocations. Fears were even expressed that the economies of major countries were vitally dependent on armaments industries, and that general and complete disarmament would cause such economies to collapse, with grave consequences for the whole world.

Fortunately, these anxieties were quickly relieved by the very first United Nations report on this subject in 1962, when a Consultative Group appointed by the late Secretary General Hammarskjold unanimously stated that "all the problems and difficulties of transition connected with disarmament could be met by appropriate national and international measures." [3]

The decision to continue these studies was wise, because it still remains for all of us to gain a clearer understanding of the practical means which should be adopted to overcome these problems. Through the exchange of basic information on this subject, we not only establish the United Nations as a focal point for dealing with the research being done, but we also help foster mutual confidence and contribute

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[1] USUN press release 166 (68), Oct. 15, 1968.
[2] Isaiah 2:4 and Micah 4:3.
[3] *Documents on Disarmament, 1962*, vol. I, pp. 47–48.

to a climate in which the opportunities for disarmament are greater than at the present. We are also made aware that under conditions of substantial arms reductions economic adjustment problems may be highly complex. They will not be confined within national borders nor solely to major military powers. Therefore, all member nations, including the developing countries, will benefit from this preparatory work concerning the economic consequences of disarmament. For its part, the United States intends to continue an active study program and to use the United Nations channels to make the results widely available.

Since this problem is of universal concern, we would hope that other nations would continue to do the same. In this regard, I would like to recall President Johnson's message of January 27, 1966, to the 18-nation committee on disarmament. In it the President said, ". . . as we focus on nuclear arms, let us not forget that resources are being devoted to non-nuclear arms races all around the world. These resources might better be spent on feeding the hungry, healing the sick and teaching the uneducated. The cost of acquiring and maintaining one squadron of supersonic aircraft diverts resources that would build and maintain a university. We suggest therefore, that countries, on a regional basis, explore ways to limit competition among themselves for costly weapons often sought for reasons of illusory prestige . . ."[4]

But these benefits will be released only through determined and dogged efforts resulting in concrete and viable disarmament proposals. Such efforts are currently underway in the ENDC and have the full support of my Government. And as we have also made clear in the past, the U.S. Government intends to channel a portion of the savings we will derive from disarmament into development assistance to other nations. Moreover, since disarmament will release resources not only of my country but of many countries, a great opportunity will thereby arise to strengthen and enlarge multilateral assistance programs such as those of the United Nations. However these funds must derive from viable disarmament and arms control agreements. Calls for commitments unconnected with agreements for the physical reduction of arms would not be an equitable way to reduce arms burdens or to enlarge the pool of international aid.

We continue to believe that our organization should keep this important problem under review. However, we would agree that in view of the pace of developments, it might be desirable to have the Secretary General report somewhat less frequently.

As regards the proposal put forth today by Ambassador Astrom of Sweden, my Delegation feels it has considerable merit and warrants careful consideration by the Secretary General.[5]

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[4] *Ibid., 1966*, pp. 7–8.

[5] The proposal was subsequently introduced as a draft resolution with the cosponsorship of India and Tunisia, and adopted by the G.A. on Nov. 19, 1968 (see *post*, p. 727).

Radio Address by Mr. Nixon: The Security Gap, October 24, 1968 [1]

For eight months, I have criss-crossed America discussing major national problems. Tonight I report on the greatest federal effort of all—our nation's defense.

The hard truth is this: The present state of our defenses is too close to peril point, and our future prospects are in some respects downright alarming. We have a gravely serious security gap.

When the Eisenhower Administration took office, one problem we faced was much as it is today. America was hopelessly bogged down in a quicksand war—that one—Korea.

Very quickly we ended that war. When we left the government, America was still at peace, and not one American boy had been killed or wounded on any battlefield for eight years.

Moreover, our nation was the acknowledged leader of the free world. Our superiority in weapons was unquestioned. Our planning of diplomatic and military ventures had been conducted in a way to hold the initiative for peace. There was no waiting for crises to develop, no wandering aimlessly into trouble and frantically devising patchwork solutions.

In those days, America's policies recognized that if we were weak on small issues, we would soon be challenged in large issues. The Eisenhower position was that prudent firmness undergirds peace, but timidity, impulsiveness and indecision lead toward war; further, that a consistent display of strength and determination prevent the miscalculations that stumble nations into dangerous encounters and war.

I retrace this history because it explains why, during the eight Eisenhower years, there was not a Berlin Wall—no Bay of Pigs—no Cuban missile crisis—no Americans fighting in Southeast Asia—no Pueblo piracy. It also explains why our globe-encircling alliances stayed strong and firm.

The point is a nation doesn't accidentally keep the peace: it takes strength, careful planning, holding to principle—yes, and determination and courage as well—to keep American boys out of war.

Now let's measure where we are today, eight years later. First let's check our weapons.

Eight years ago, our numerical advantage over the Soviets in bombers was 30 percent. Now it's more than the other way around. Today the Soviets are 50 percent ahead of us.

Eight years ago, in nuclear submarines, we had a 500 percent advantage. Already it is down four-fifths and each year shrinks still more.

Eight years ago we had a decisive lead in tactical aircraft. Now the Soviets are ahead not only in numbers but also in quality. We have produced only one new aircraft of this type since 1960 while the Soviets have put out seven. Nearly all our planes today were developed by the Eisenhower Administration 10 to 15 years ago.

Eight years ago we had a large strategic stockpile of defense supplies and weapons. But the present Administration has used it to

[1] Republican National Committee news release, Oct. 25, 1968.

support the Vietnam War. Now it is seriously depleted, and so also is our ability to meet a future major crisis.

There are other examples, but already you know the disturbing truth. Simply this: In recent years our country has followed policies which now threaten to make America second best both in numbers and quality of major weapons.

That's why I charge the opposition with creating a security gap for America.

What is at stake here is far more than military hardware—ships, missiles, tanks and guns. Our huge defense apparatus is our guardian of peace.

If we allow our superior strength to become second best, if we let those who threaten world peace outpace us—in time we will generate tensions which could lead to war; first, by our display of physical weakness and flabby will, and; second, by tempting an aggressor to take risks that would compel us to respond.

I stress that point, because soon after our Eisenhower team left office, the new Administration reached a grave misjudgement. The idea was, if America kept up her numerical superiority, if we also stayed ahead in new weapons, we would provoke communist leaders, and this would dash our hopes for friendly relations and peace.

Apparently these planners had persuaded themselves they could quickly reconcile our differences with the communist world. The Soviets, they reasoned, had tired of trouble abroad; they had troubles at home; they had lost their expansionist fervor; they had become defensive minded.

It was concluded that, by marking time in our own defense program, we could induce the communists to follow our example, slacken their own effort, and then would have peace in our time.

Such were the dreams that crimped our national defense program. Out of it all evolved a peculiar, unprecedented doctrine called "parity". This meant America would no longer try to be first. We would only stay even.

This concept has done us incalculable damage.

We must move, if we can, from confrontation to negotiation, and as President I would actively pursue that goal. But, just as it takes two to negotiate, so it takes two to avoid confrontations.

In a very real sense, we are always in a confrontation with actual and potential adversaries in the world. There is a constant question: Is the continuing confrontation to be kept limited and safe, or is it to become all-out and dangerous.

The Gross National Product of the United States is nearly double that of the Soviets, and we have a superior technology. In order to arrive at a meaningful power balance with the Soviets, these basic economic and technological strengths would also have to be equalized.

For us deliberately to let a weaker but basically expansionist nation achieve parity with us indicates an erosion of our commitment and will. It encourages the Soviets to press eagerly on—to step up their drive for strategic superiority—and then they would harshly exploit their superior strength against our sagging capabilities. In short, this "parity" concept means superiority for potential enemies. We cannot accept this concept and survive as a free people.

Other notions of this same cult of planners have hurt our country. The Vietnam War is a tragic example. It has been painstakingly nurtured year after year by a new policy of "gradualism" until it has become the longest and one of the bloodiest, more costly military ventures in our history.

With these mistakes, respect abroad for America had plummeted to the point where a fourth-rate military power, North Korea, felt free impudently to seize the U.S.S. Pueblo on the high seas. Today, ten months later, the ship is still in their hands. The crew is still held captive. It is an incredible humiliation of the United States.

I cannot presume to explain why such peculiar ideas were found worthy by our government, particularly in view of the emphatic Soviet declarations of their own designs. As long as six years ago the Soviet Minister of Defense, the late Marshal Malinovski, stated: "We do not intend to fall behind in development or be inferior to our public enemies in any way in the competition for quality of armaments in the future. (Our) superiority will evermore increase."

So the Soviets have vigorously advanced their military effort as we put ours in second gear. They have raised the quantity and quality of their ballistic missiles. They have greatly increased their submarine-launching ballistic missile capacity. They have developed a land-mobile version of an inter-continental missile.

For the first time the Soviets have moved large modern naval forces into the Mediterranean. They have deployed an anti-missile defense system. They have tested and developed an orbital bombardment system. Their rapid advances in tactical aircraft have brought communist bloc countries to near equality with the United States and the world. In submarines they have made major quality improvements and have a vast numerical advantage. They are still building and stockpiling immensely powerful nuclear weapons, even as they test entirely new families of smaller tactical and naval nuclear weapons.

Recently we learned they are perfecting ballistic-missile multiple warheads far more powerful than our own. This is a grave menace to the United States, as well as a body blow to our continuing efforts toward effective arms control. And, as all Americans bitterly know, the Soviets have been and still are the arsenal and the trainers of the North Vietnamese and have escalated this jungle battle into a major war.

In addition they continue to add fuel to the Mideast tinderbox. Considering these developments, it is evident the last two Administrations failed in their defense responsibilities. Worse, they have so positioned our country that by 1970 or 1971 we could find ourselves with a "survival gap", discovering then that we are irretrievably behind in the most critical areas.

I must add one further criticism.

Earlier I mentioned the careful planning of the Eisenhower period. I was referring particularly to an official body known as the National Security Council. This Council, chaired by the President, was established by law to integrate our diplomatic, military and economic policies. It was our assurance that America would not aimlessly drift in world affairs, but would control and direct their course.

Throughout the Eisenhower period this Council met week in and week out under President Eisenhower's personal direction. I attended these weekly meetings for eight years, and during the President's absence due to illness, it fell to me to preside. The process was of course not flawless, but it was the controlling element in our success in keeping the peace throughout our eight White House years.

Since 1960, this Council has virtually disappeared as an operating function. In its place there have been catch-as-catch-can talk-fests between the President, his staff assistants and various others. I attribute most of our serious reverses aboard since 1960 to the inability or disinclination of President Eisenhower's successors to make effective use of this important Council.

So the risks facing our country have intensified these past eight years. Wrong policy assumptions, unrealism in numbers and kinds of weapons, laxity in research and development, flaws in the decision making process, a disregard of timing, allowing the Soviets to move rapidly toward parity and in some areas to achieve superiority, a near breakdown of top policy-making procedures—these have been somber developments for our country.

I am intensely dissatisfied with these conditions. As President I would move promptly to correct these mistakes of judgement and action. I intend to initiate a major reorganization of the Department of Defense to correct its overcentralization and streamline its top level over-staffing.

I intend to restore ready access of our top military professionals to the President of the United States, as contemplated by the National Security Act. I intend to root out the "whiz kid" approach which for years in the Defense Department has led our policies and programs down the wrong roads.

I intend to restore our objective of clear-cut military superiority—meaning by this the aggregate that constitutes real superiority rather than competition weapon by weapon.

I intend to revitalize research and development. For our success in deterring war may wholly depend on our success in keeping the United States first in military science and technology.

I intend to restore the National Security Council to its pre-eminent role in national security planning. And I intend to do away with wishful thinking either as to the capability or the intent of potential enemies. It is clear from what I have reported tonight that America urgently needs new leadership for tomorrow; new leadership to restore our world position; new leadership so our nation can apply its great power and influence to the building of a stable international order.

I repeat—the peace we won and kept during the Eisenhower Administration was not accidental or lucky. We stayed at peace because of careful planning, diplomatic skill, national strength, and constant vigilance in the day-to-day interaction of statesmen. Thus we prevented the false moves and miscalculations that bring on crises and wars.

This, then, is why I have dealt so extensively tonight with the state of defenses. In calling for strength, in resisting deterioration of our position relative to the Soviet Union, in stressing vigorous development of new weaponary, our object is not belligerency, not turning ourselves into an international bully, not truculence or arrogance, but the very

opposite. Strength we want and strength we need to win and hold peace. Our next President must be able to negotiate effectively with the Soviet Union and other nations on such issues as limitation of armaments. We will need to bargain on our side not with concern but with confidence; not from weakness but with the persuasiveness of respectable and evident power.

As President Kennedy said, "Let us never negotiate out of fear. But let us never fear to negotiate." [2] The United States was in that position of assurance through strength when President Kennedy took office. He was still in that position when he suddenly confronted the Cuban missile crisis. For America's sake, for the cause of world peace, our next President must be in the same position.

This is, then, a fateful election year. Let us together refashion the conditions, the atmosphere, the environment that can lead to a durable peace. In that great effort I ask your confidence and your support.

Radio Address by Mr. Nixon: Toward Peace Through Arms Control, October 26, 1968 [1]

Last Thursday evening, I discussed with you our first essential in keeping the peace.[2] Tonight we discuss the other essential.

I spoke of some of the problems and urgent needs of our national defense. I talked of my conviction—which I believe you share—that, in the current state of the world, if we are to keep the peace; America must stay both resolute and strong.

But military strength is not enough. A peace that will endure cannot come from a continuing fighting-cock stance between the United States and the Soviet Union, each intimidating the other with weapons of apocalyptic power. A precarious peace that is the product of a continuous confrontation between the world's two super powers will always be subject to a sudden, catastrophic end. We must move away from confrontation in this nuclear age into a new era—the era of negotiation.

Let us understand, first of all, that the awesome thermonuclear weapons have radically changed international affairs. Everyone of us knows that these weapons are both wasteful and costly—and also that nuclear missiles and submarines and other weapons of mass destruction endanger human survival.

Yet, history tells us it is not weapons but men who bring on wars. That is why last Thursday I said, "If we let those who threaten world peace outpace us, in time we will generate tensions which could lead to war." [3]

We prayerfully hope that reason will prevail among leaders of the Soviet Union and Communist China. We hope that through patient dialogue we and our opponents can one day arrive at meaningful and

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[1] *American Foreign Policy: Current Documents, 1968*, p. 3.
[2] Republican National Committee news release, Oct. 27, 1968.
[3] See *supra*.
[4] *Supra*.

trustworthy ways to limit arms and other paraphernalia of war and ultimately dispose of them entirely.

In the meantime, we must urgently concern ourselves with the control of weapons of mass destruction. Of course, arms control does not eliminate the military balance—it attempts to create a new and safer balance. Even if we and our adversaries were to destroy all weapons, we would not have eliminated the balance of war-making capabilities. We would simply move to a new balance, with the advantage moving to the side best able quickly to adapt its civilian resources to military purposes.

Our Department of Defense and our arms control and disarmament agency share the same objective—the enhancement of our national security. Their perspectives, while different, are complementary.

There are two kinds of arms control measures. First are those measures we take independently on our own—measures we take because they are in our own interest, even though they also benefit our adversaries.

For example, we have established elaborate safeguards to prevent an accidental launching or detonation of a nuclear weapon. Our precautions to reduce the danger of accidental war are in our own interest, but they are not less in the interest of our allies and our adversaries as well.

The second kind of arms control measure requires reciprocal action. This requires an agreement and enough exchange of information to assure each side of the other's compliance. The greater this informational exchange, the greater are the prospects for mutually advantageous arms control agreements.

For this reason, one of our major goals must be to convince the Soviet Union that its obsession with secrecy does not bring security. On the contrary, it impedes measures that would increase the security of everyone. The more openness we can achieve, the more extensive will be the agenda of possible arms control measures, and the greater our prospect of reaching larger agreements that will advance the security of all.

But the progress will escape us entirely unless we set our priorities straight.

Our first priority must be to convince actual and potential troublemakers in the world that aggression will not pay. Once they are convinced of this, they will be better disposed to work with us toward international stability.

Since the end of the second World War, we have reached two constructive agreements with the Soviet Union. One—the Austrian State Treaty, concluded in 1955—removed Soviet and Western forces from occupied Austria.[4] This treaty was the product of the prudent but firm diplomacy of the Eisenhower years, when our power was adequate and our commitments were credible.

The next administration initially had the same objectives as the Eisenhower Administration. But its priorities were wrong. It attempted to reach for a relaxation of tensions and constructive negotiation without maintaining the credibility of American commitment and power. The result was not an immediate improvement of relations, or

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[4] *American Foreign Policy, 1950–1955: Basic Documents*, vol. I, pp. 643–675.

even fruitful negotiations, but the most dangerous Soviet offensive of the Cold War, which began over Berlin and was finally stopped in the perilous Cuban missile crisis of 1962. Then, after the Soviets were convinced that their tactics of intimidation had become too risky, we moved on to negotiate the partial nuclear test ban treaty.[5]

A new administration will establish at the outset the prerequisites and incentives for realistic negotiation on arms control and other outstanding issues. We will do this, not through dangerous confrontations, but through alert, quiet, preventive diplomacy.

Always, in considering these agreements, we must focus on our ultimate objectives, and not become obsessed with the means. A reduction of armaments on both sides is desirable only if it produces a more stable military balance; it is clearly *not* desirable if it produces instability and hence threatens to breach the peace.

We must also distinguish between conventional and nuclear weapons, seeking always to reduce the chances of a nuclear exchange. But our over-riding purpose must be to eliminate *all* temptation to war, nuclear *or* conventional.

In short, for arms control to be successful, we must first establish prerequisites and incentives, and this requires a cooperative pursuit of common objectives. We will succeed, first, to the extent that we can convince our adversaries to share our interest in stability and to rely on peaceful, not military, means for effecting change. Second our success will depend not so much on mutual trust as on mutual knowledge, so that each side can know with reasonable assurance what the other is about.

Perhaps our most difficult choice is not the one most often mentioned—the argument between the hard line and the soft line, or between the so-called hawks and doves. Rather, the choice is between arms control agreements that are sensible and realistic, and those which in the end might prove to be illusory and deceptive.

The choice is not between the preservation of the present world order and some quick and easy alternative, but rather between attempting to maintain peace and failure to do so.

I therefore pledge continuation of efforts to reach meaningful arms control agreements with our adversaries. We will build [on] those initiated by President Eisenhower—particularly his dramatic "Open Skies" proposal [6]—and those also advanced by his successors.

In the final analysis, the essential condition for a more stable world of law must be the settlement of the basic issues that divide the world. Once this is accomplished, no nation would need to engage in an arms race to ensure its own security.

To achieve a stable world order we must synchronize our national security programs and the search for arms control and disarmament agreements—all the while seeking the settlement of the deep-rooted political issues which divide us. For success, all of these elements must be pursued simultaneously.

Tonight I wish to set forth the objectives and principles which I will follow in the search for meaningful arms control agreements.

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[5] *Documents on Disarmament, 1963*, pp. 201–203.
[6] *Ibid., 1945–1959*, vol. I, pp. 486–488.

My program will be based on the assumption that East and West will continue to carry on technological competition, for we live in a world of dynamic scientific and technological innovations. Today, as never before, sudden technological breakthroughs can rapidly alter the balance of power. Clearly, the cause of peace is not served by sudden and decisive changes in this balance, which generate fear, distrust and misunderstanding.

In a very real sense, we are constantly arming and disarming at the same time, as new weapons are phased in and older ones phased out. Technology will not stand still for the arms controller any more than it does for the military planner. The initial purpose of arms control is not to deliver a final "package," but to establish a framework of consultation which will enable us, our allies, and our adversaries to cope with the onrush of technology in a cooperative way.

This bears on the kind of inspection system and information exchange we should press for. It is important for us to know as accurately as possible the quality and quantity of the Soviet weapons inventory. But it is even more important for us to know at least approximately what kinds of weapons they have in production at any given time. The real question in an environment of dynamic technological change is which side will achieve something new. Thus, a general openness which will permit rapid cooperation in coping with new developments in military technology is ultimately more important than detailed inspection agreements for existing armaments which may quickly become obsolete.

Hence, in an environment of continuing technological innovation, the United States and the the Soviet Union must strive to attain reliable arms control agreements which serve their mutual interests.

I have repeatedly stated in this campaign that not only do I favor the treaty on the non-proliferation of nuclear weapons,[7] but I fully expect to implement it in my new administration. I remain convinced that Senate approval and ratification of this treaty were properly delayed because of the sudden, brutal Soviet invasion of Czechoslovakia—a delay also favored by our European allies. In January the Senate will undoubtedly reassess Soviet intentions in central and western Europe; I am hopeful that we can then proceed with this important treaty.

We share the world's hope that the spread of nuclear weapons will be arrested. We cannot count on it. Even the most successful conclusion to the non-proliferation treaty cannot automatically prevent other nations from seeking to acquire nuclear capabilities.

At the present time, one of the minor nuclear powers (Red China) is following an irresponsible and mischievous foreign policy. In the future, other nuclear-armed states might display a similar inclination. The possible use of nuclear weapons by third parties threatens instability in all the rest of the world. These are matters which transcend the common interests of the major powers, and go to the heart of the problems of world peace.

Beyond the non-proliferation treaty—and utilizing the channels of

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[7] *Ante*, pp. 461–465.

diplomacy, our existing arms control machinery, and, where appropriate, the United Nations—I will undertake these initiatives:

(1) In the spirit of President Eisenhower's "Open Skies" proposal, I will seek agreement for the exchange of information with the Soviet Union regarding the location of our respective offensive and defensive forces. I propose the establishment, under appropriate international auspices, of a reconnaissance satellite agency to gather and to make available such information to both parties;

(2) I will work for administrative, technical, or political agreements to minimize the risk of a nuclear accident, unauthorized use of nuclear weapons, precipitate response to an apparent crisis, or strategic miscalculation of an adversary's intentions.

(3) There will be programs of weapons research, development and deployment, as well as the evolution of a strategic doctrine, stressing the nonbelligerent aspects of our national security posture;

(4) We will effectively use modern technology to improve facilities for emergency communications between us and our adversaries, and between the United States and our NATO allies;

(5) We will maintain the critical distinction between nuclear forces and strategies on the other;

(6) We will seek international agreements to restrict the sale or transfer of conventional arms and delivery systems to countries in "tinderbox" areas; and

(7) Most important, we will press for long-needed changes in the neglected machinery for consultation on arms control measures with our European allies. Specifically, I will propose the formation within NATO of an arms control body. This group would coordinate national arms control and security policies within the framework of Alliance responsibilities. It would also develop joint arms control proposals. These proposals, developed in partnership under NATO auspices, might lead to a real reduction of our military force levels in Europe, with comparable reductions of Soviet forces in Eastern Europe.

Our search for peace will require patience, skill and determination. Negotiations on the limitation of weapons will span months, even years. But they will [not] take place in a vacuum, as both sides—in the absence of effective agreements—continually labor to improve their offensive and defensive capabilities.

While negotiations proceed, then, we cannot allow our strength to undergo a radical downward change. The maintenance of United States superiority in a world still ruled by force will remain a requirement for our security and for the undergirding of peace. It is for this reason that I must again emphasize the necessity of maintaining our strength.

The vast resources of the industrialized nations must be diverted from the nonproductive and wasteful channels of war-making capabilities, and harnessed to a full-scale attack on the age-old problems of hunger, disease and poverty.

For the United States, as well as the Soviet Union, there exists an urgent and objective need to improve the quality of life not only for our own citizens but also for the entire underdeveloped world.

Science and technology are the keys to the solution of this task. How much more secure the world would be if competition between the superpowers were focused primarily upon man's most pressing problems!

I do not suggest that, were arms control and disarmament measures to succeed, all problems would at once disappear.

But a dampening of the arms race would provide both resources and time to cope with pressing domestic problems.

Here at home, we must press on with the urgent tasks of rebuilding our cities, maintaining full employment, and bringing opportunity and hope to the disadvantaged.

The Soviet Union has its domestic problems, too. Soviet citizens do not enjoy the high standard of living typical of the industrialized Western democracies. On more than one occasion the Soviet leadership has stressed the need to improve the quality of life, to eliminate shortages in the agricultural and consumer sectors, and to alleviate the acute problem of transportation to and from remote areas.

Reductions in defense burden would clearly assist in the meeting of such human needs.

Thus, the incentives on both sides for meaningful arms control and disarmament exist right now; they do not have to be created.

Let us, then, take that as our goal, as simultaneously we guard peace through strength and use that strength to remove its need.

Statement by the United States Representative (Wiggins) to the First Committee of the General Assembly: Arms Control and the Sea-Bed [Extract], October 29, 1968 [1]

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The United States believes that a statement on the reservation of the deep sea-bed for peaceful purposes should be included in any set of principles, or perhaps in a resolution adopted by the Assembly. Considering that the term "peaceful purposes" does not preclude military activities generally, we believe that specific limitations on certain military activities will require the negotiation of a detailed arms control agreement. Military activities not precluded by such an agreement would continue to be conducted in accordance with the principles of freedom of the seas and exclusively for peaceful purposes. To that end the United States proposed in the *Ad Hoc* Committee,[2] and we propose again today, that the Eighteen-Nation Committee on Disarmament examine the question as to whether a viable international agreement may be achieved in which each party would agree not to emplace or fix weapons of mass destruction on the sea-bed or deep ocean floor. These discussions must also consider the need for reliable and effective means for verifying compliance with such an agreement.

The main danger of an arms race on the sea-bed lies in the possibility that it may become a new environment in which weapons of

[1] A/C.1/PV.1590, p. 13.
[2] *Ante*, p. 452.

mass destruction are emplaced. Even though the general subject of sea-bed arms control is already included in the present agenda of the Eighteen-Nation Committee on Disarmament, we believe it would be useful for the General Assembly to give a more precise indication of its desires to the Disarmament Committee in Geneva.

The United States strongly feels that the sea-bed and the deep ocean floor should not become an arena for an armaments race. We must work towards effective action, in conditions of mutual confidence, to enable States with the potential capability of emplacing weapons of mass destruction on the deep ocean floor to refrain from doing so in the secure knowledge that they will not thereby be placed at a military disadvantage. This will require painstaking technical study and negotiation. It is important that we undertake this effort in a qualified forum, and at an early stage.

The kind of expert analysis and negotiation which is needed for the discussion of specific agreements is to be found in the Eighteen-Nation Committee on Disarmament. We believe that this expert body should tackle the problem of arms control with respect to the sea-bed as soon as possible, consistent with its other arms control activities.

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Statement by the French Representative (Habib-Deloncle) to the First Committee of the General Assembly: Arms Control and the Sea-Bed [Extract], October 30, 1968 [1]

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. . . Regarding the military problems of the sea-bed, we recognize, as do most delegations, that this is extremely complex. We believe, however, that it is possible, as requested in paragraph 2 of the draft resolution submitted by India in July in New York [2] and annexed to the report of the *Ad Hoc* Committee,[3] to state our adherence to the principle of the use of the sea-bed for exclusively peaceful purposes. Therefore the French delegation wishes to remind the Committee that disarmament is a general operation and that expressing itself in favour in principle of the demilitarization of the sea-bed it considers that the application of that principle must depend upon the progress achieved in other fields of disarmament. I would add that during the debates in the *Ad Hoc* Committee we were in agreement with the arguments of many representatives who stated that the whole problem of the sea-bed and the ocean floor was one problem, that demilitarization was only one specific aspect of it and that one should not take that aspect out of the whole question if a permanent committee were to be entrusted with it.

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[1] A/C.1/PV.1591, p. 38.
[2] *Ante*, pp. 445–446.
[3] *Ante*, pp. 595–615.

Statement by the Soviet Representative (Mendelevich) to the First Committee of the General Assembly: Arms Control and the Sea-Bed [Extract], October 31, 1968 [1]

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Firstly, everybody seems to be agreed at this time that the sea-bed and the ocean floor which seems to be becoming an important arena for human endeavour must be used exclusively for peaceful purposes, although there is no common ground as yet concerning the limits beyond which there must be a prohibition of military uses of the sea-bed and ocean floor, and concerning the types of military activity that would be encompassed by such a prohibition. In that connexion the Soviet delegation considers it essential to express its satisfaction at the positive reaction in the *Ad Hoc* Committee to the proposal of the Soviet Union concerning the prohibition of any military use of the sea-bed beyond the limits of the territorial waters of coastal States.[2] In putting forward this proposal the Soviet Union is guided by the fact that the whole of the sea-bed and the ocean floor must be used for exclusively peaceful purposes, and this includes the continental shelf adjacent to the territorial waters of coastal States. That will serve the cause of peace. We not only proclaim our readiness to include our continental shelf in the area where military uses will be prohibited but in co-operation with other socialist States we are taking practical steps in that direction. May I in this regard refer to the declaration concerning the continental shelf of the Baltic Sea made by the Governments of the German Democratic Republic, the Polish People's Republic and the Soviet Union on 23 October 1968. Paragraph 3 of that declaration states that "the continental shelf of the Baltic Sea must be used by all States exclusively for peaceful purposes." [3]

It was quite logical in our view to include the question of the prohibition of the use of the sea-bed for military purposes in the agenda of the Eighteen-Nation Committee on Disarmament as one of the partial disarmament measures.[4] This is the most correct way to solve the problem of preventing the extension of the armaments race to the sea-bed and ocean floor. The First Committee has yet to examine the memorandum of the Soviet Government presented to the current session of the General Assembly concerning some urgent measures to put an end to the arms race and achieve disarmament.[5] This memorandum contains also our proposal that the sea-bed beyond the limits of the territorial waters of coastal States should be used exclusively for peaceful purposes. May we express the hope that as a result of these debates the Eighteen-Nation Committee will soon be able to work out an international agreement on the question of the prohibition of the use of the sea-bed and ocean floor for military purposes.

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[1] A/C.1/PV.1592, pp. 6-7.
[2] *Ante*, p. 445.
[3] *Current Digest of the Soviet Press*, vol. XX, no. 43 (Nov. 13, 1968), p. 19; *Izvestiya*, Oct. 24, 1968, p. 3.
[4] *Ante*, p. 593.
[5] *Ante*, pp. 466-470.

Statement by the British Representative (Hildyard) to the First Committee of the General Assembly: Arms Control and the Sea-Bed [Extract], November 1, 1968 [1]

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The sixth principle states that this area shall be reserved exclusively for peaceful purposes. As the report shows,[2] discussion of this question so far has centered round how further consideration and definition of the principle should be conducted. It remains the view of my delegation that such reservation could not limit the inherent rights of States to secure their own defence in accordance with the Charter and international law. The consideration of any specific arms control measures which might accompany the reservation of the sea-bed for peaceful purposes is a matter which should be viewed as closely related to other fields of arms control. My Government strongly advocates international agreement on arms control measures whenever these will genuinely contribute to international peace and security. My Government has constantly worked for such agreements. A year ago my delegation advocated in this Committee that the specific arms control aspects of United Nations consideration of the sea-bed should, after preliminary discussion in the *Ad Hoc* Committee, be considered in detail in the Eighteen-Nation Committee on Disarmament. We are glad to see that the Eighteen-Nation Committee on Disarmament has taken up this subject and, as its report indicates, agreed that this new subject would be a fruitful area for future work. Indeed the disarmament items which this Committee is due to discuss at a later stage of its work are framed to provide, both in the report of the Eighteen-Nation Committee on Disarmament [3] and in the memorandum of the Soviet Government,[4] an opportunity for further discussion of this important question.

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Statement by the Soviet Representative (Malik) to the First Committee of the General Assembly, November 12, 1968 [1]

The First Committee is now beginning consideration of one of the most important problems facing the world: the problem of disarmament. The States of the world and the United Nations are confronting many different problems and questions. There are local problems of interest to specific States; there are regional problems of interest to States of specific geographical regions; finally, there are international problems of great import. But the problem of disarmament is an international problem of concern to the vital interest of all peoples, all States, the whole of mankind. In the nuclear age, one can say that

[1] A/C.1/PV. 1594, pp. 62–65.
[2] *Ante*, pp. 595–615.
[3] *Ante*, pp. 591–595.
[4] *Ante*, pp. 466–470.
[1] A/C.1/PV.1606, pp. 2–26.

the construction of the future world and the fate of whole peoples depend upon the solution of that problem. The great scientific discoveries of our era in the field of nuclear physics, science and technology have opened wide vistas for the further improvement of the standard of living of peoples. At the same time, these discoveries have led to the creation of new and deadly means of mass destruction of unprecedented destructive power. Such weapons, were they to be used, would destroy hundreds of millions of human beings and would reduce to ashes and ruin whole States and even continents. More than that, the atmosphere of our planet would be poisoned. Nuclear war would be the direst catastrophe for mankind. But more than that, nuclear peace has the most negative influence on all aspects of contemporary life. The continuation of the arms race is an ever heavier burden on the shoulders of the peoples of the world. It prevents millions of people from engaging in constructive pursuits; it swallows up huge material and financial resources: it gives rise to ever new hotbeds of tension; it increases mistrust in relations between States; it gives rise to the most dangerous possibilities of miscalculation with unforeseeable consequences.

A few years ago, in 1962, the experts of various countries, in drawing up, upon the instructions of the General Assembly, a report on the economic and social consequences of disarmament, came to the conclusion that at that time about $120,000 million a year were being spent for military purposes.[2] Since then the stockpiling of arms has greatly increased. According to preliminary estimates, in 1967 the total amount of world military expenditures was more than $160,000 million and, according to some calculations, it even went as high as $200,000 million.

That expenditure of tremendous resources is occurring at a time when, in many parts of the world, people are suffering from hunger, poverty and disease. The transfer to peaceful purposes of resources devoted to the arms race would be of tremendous benefit to the peoples of the world, especially those in developing countries, which could obtain much greater economic and other assistance than they receive at present.

Disarmament would also open up completely different and limitless prospects for the peaceful utilization of the powerful energy of the atom in the interests of the whole of mankind. Indeed, disarmament is not a panacea against all ills and evils. It cannot settle all problems of contemporary development—social, economic and other problems. However, the achievement of disarmament would be of historical significance for the fate of mankind, because general and complete disarmament is a radical way to ensure a lasting peace and to free mankind from the senseless expenditure of national resources for armaments.

This is why the States and Governments, aware of their high responsibility to the peoples of the world, have only one possibility; namely, to strive to achieve disarmament more energetically and more consistently than up to now. As far as the Soviet Union is concerned, following the policy indicated by the great founder of the Soviet State, Lenin, our country consistently has come out in favour of cessation of the arms race and liquidation of weapons of mass destruction, implementation of plans for general and complete disarmament, and

[2] *Documents on Disarmament, 1962*, vol. I, p. 42.

today one can say with satisfaction in this First Committee of the General Assembly of the United Nations, that as a result of the efforts of all those who hold dear the interests of the people of the world on several specific paths of the front line of the struggle against the arms race some territory has been conquered.

The Moscow Treaty prohibiting nuclear weapons tests in the atmosphere, outer space, and under water limited to an extent the possibility of perfecting nuclear weapons, and dispelled the danger of poisoning the atmosphere of our planet with nuclear fall-out, harmful to the health of human beings.[3] The Treaty on principles governing the activities of States in outer space forbade the emplacement of nuclear weapons in orbit near the earth or in outer space, the moon and other celestial bodies.[4] Finally the Treaty on non-proliferation of nuclear weapons is a new and important step to halt the nuclear arms race and is an obstacle to the dissemination of this weapon of mass destruction amongst the States of the world.[5] This is obvious proof of the fact that agreement on some concrete questions to break the arms race is not a construction of the mind, it is not a matter of conjecture but is realistic, possible and accessible, albeit difficult. These three milestones, these three international treaties relating to nuclear weapons mark but the first steps of a difficult road leading to the cessation of the armaments race, disarmament and prohibition of nuclear weapons, a road which the States of the world must travel in the interests of the whole of mankind, of generations both present and future. No matter how difficult, how complex that road may be, the United Nations, the States of the world, must travel it to attain the main purpose of freeing succeeding generations from the scourge of war as enshrined in the Charter of the United Nations. The most urgent task in this race, and we are deeply convinced of this, is the signing, by all States not having done so yet, of the Treaty on the Non-Proliferation of Nuclear Weapons and the speediest possible entry into force of that Treaty through ratification. The very fact that the Treaty has already been signed by eighty States is proof of a wide understanding of the dangerous consequences that would flow from a dissemination of nuclear weapons, of the fact that that dissemination would only play into the hands of the aggressive and adventurous forces of Europe, Africa and other parts of the world, that it would lead to involving developing countries into a ruinous armaments race and would increase the danger or the threat of war.

It is also quite right that the Treaty on the Non-Proliferation of Nuclear Weapons should have been widely hailed and welcomed in the world after the resumed twenty-second session of the General Assembly in the summer of this year, by an overwhelming majority of Member States, had endorsed that Treaty, and appealed to the depository States to open it as soon as possible for signature and ratification and expressed the hope that the largest possible number of States would accede to this Treaty. The Soviet Government considers that the signing of the Treaty on the Non-Proliferation of Nuclear Weapons creates favourable conditions for further efforts to put an end to the

[3] *Ibid.*, *1963*, pp. 291-293.
[4] *Ibid.*, *1967*, pp. 38-43.
[5] *Ante*, pp. 461-465.

arms race. It is a starting point for achieving further agreements in the field of disarmament. The Government of the USSR deems it necessary, following upon the conclusion of the Treaty on the Non-Proliferation of Nuclear Weapons, to take new, urgent and effective measures which would make it possible to guarantee serious progress in the field of disarmament, especially of nuclear disarmament. The resolution of the resumed twenty-second session of the General Assembly, as well as the Treaty on the Non-Proliferation of Nuclear Weapons contain an appeal to that end. The General Assembly in that resolution asked that negotiations be pursued on effective measures relating to the cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control.[6] The same obligation is contained in article VI of the Treaty on the Non-Proliferation of Nuclear Weapons. This is an important responsibility and the Soviet Union adopts the most responsible attitude towards it. The Soviet Government has already presented to the Eighteen-Nation Committee on Disarmament a wide programme of measures in the field of disarmament. We think that the time has now come for this programme to be examined by the General Assembly of the United Nations. To this end the Soviet Government has presented to the twenty-third session of the General Assembly, as an item of an important and urgent character, the memorandum of the Government of the Union of the Soviet Socialist Republics concerning urgent measures to stop the arms race and achieve disarmament.[7] The proposals contained in that memorandum encompass the main fields in which further measures to stop the arms race are dictated by the development of international relations and the specific course of scientific and technological progress. We continue to be guided by the need to stop the arms race, especially in the directions in which it gives rise to a special danger for peace. In the forefront of these proposals we find measures for the further limitation and cessation of the nuclear arms race. From what has already been achieved, the Soviet Government proposes that we pass on to take a new series of important measures. As a fundamental task in this programme of the prohibition of the use of nuclear weapons, the Soviet Government proposes that each State should undertake the obligation not to use nuclear weapons, not to threaten to employ them, and not to push other States to use them.

Such a prohibition would be of tremendous international importance. It would be a deterrent to all those who might intend to use nuclear weapons against other States and it would contribute to strengthening peace and also be an important basis for further measures in the disarmament field. The prohibition of the use of nuclear weapons would be an important guarantee of the security of non-nuclear and nuclear States. At present, when huge stockpiles of nuclear weapons exist in the world, and when the international climate remains tense, the solution of the problem of the prohibition of the use of nuclear weapons is especially timely. The misery and suffering which would flow from the use of nuclear weapons have been vividly described by the scientists of various countries who took part in prepar-

[6] See *ante*, pp. 431–432.
[7] *Ante*, pp. 466–476.

ing the report of the Secretary-General of the United Nations on the effects of the possible use of nuclear weapons.[8] This report provides a very clear picture of the tremendous scope of the catastrophe which would befall mankind should a nuclear war erupt.

In its memorandum, the Soviet Government proposes that the draft convention prohibiting the use of nuclear weapons[9] should be discussed as a matter of first priority, and that there should be an exchange of views on the convening of an international conference to sign an appropriate convention. The conclusion of a convention prohibiting the use of nuclear weapons would be especially important, would have historic importance in ensuring international security, and would be an excellent basis for measures in the field of nuclear disarmament. It would open up wide prospects for the use of the atom in the interests of mankind.

In this connexion I must remind the Committee that as early as 1961 the sixteenth session of the General Assembly of the United Nations, on the initiative of Ethiopia and other States of Africa and Asia, adopted a Declaration prohibiting the use of nuclear weapons. The Declaration, among others, proclaimed that:

> . . . (a) The use of nuclear and thermo-nuclear weapons is contrary to the spirit, letter and aims of the United Nations and, as such, a direct violation of the Charter of the United Nations;
>
> (d) Any State using nuclear and thermo-nuclear weapons is to be considered as violating the Charter of the United Nations, as acting contrary to the laws of humanity and as committing a crime against mankind and civilization;[10]

Thus the United Nations has clearly and unambiguously condemned and stigmatized the use of nuclear weapons. The task, therefore, consists in having the provisions of the Declaration prohibiting the use of nuclear weapons reflected in an international convention on this question. The General Assembly already came out in favour of such a solution at its twenty-second session. It is well known that, following upon the initiative of the Soviet Union, a resolution was adopted by the twenty-second session, indicating the need, in view of the present international situation, to make new efforts aimed at expediting the solution of the question of the prohibition of the use of nuclear weapons, and of the conclusion of an appropriate international convention.[11] The resolution also contains an appeal to all States, in the light of the Declaration adopted by the General Assembly in 1961, to examine the question of the prohibition of the use of nuclear weapons and the draft convention proposed by the Union of Soviet Socialist Republics, and to undertake negotiations concerning the conclusion of an appropriate convention through the convening of an international conference by the Eighteen-Nation Committee on Disarmament, or directly between States.

This important decision of the General Assembly reflects the desire of the overwhelming majority of States in the world to see nuclear weapons outlawed through the conclusion of an international agreement.

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[8] *Documents on Disarmament, 1967*, pp. 476 ff.
[9] *Ibid.*, pp. 419–421.
[10] *Ibid., 1961*, pp. 648–650.
[11] *Ibid., 1967*, pp. 626–627.

The Soviet Union is also a firm advocate of the prohibition of all nuclear weapons tests. Much progress has been achieved in this field; most of the road lies behind us. The Moscow Treaty, prohibiting nuclear weapon tests in the atmosphere, in outer space and under water, covers the environments where the increase and dissemination of radioactivity are most dangerous to the life and health of human beings. According to scientific data, after the conclusion of the Moscow Treaty, general radioactive fallout in the world has been reduced more than a hundredfold. In other words, had there been no such Treaty, hundreds of thousands of people living now or not yet born would have fallen victims to nuclear weapons tests. All this is even more important because the pollution of the atmosphere even without nuclear tests—this has been mentioned by many representatives at the present session of the General Assembly—becomes an ever more urgent problem, especially for large cities like New York, for instance. All of us feel it here every day.

Attempts to delay the adoption of a positive solution prohibiting underground nuclear weapons tests under the pretext of having international control and inspection, are but an expression of the fact that some governments to this day oppose an agreement on this important problem. Given contemporary national seismic means of detection, practically not one single country—and the experience of recent years has proved this beyond a doubt—could secretly undertake underground nuclear explosions without the risk of being unmasked as a violator of an international agreement. Only one thing is required to achieve agreement on the prohibition of underground nuclear weapon tests: a political decision to put an end once for all to underground nuclear tests. The conclusion of the Treaty on the Non-Proliferation of Nuclear Weapons has opened up new possibilities for putting an end to all tests of those weapons. For its part, the Soviet Union will bend every effort to achieve this objective as speedily as possible. The Soviet Government, as can be seen in its memorandum, is ready to begin immediate negotiations for prohibiting underground nuclear weapons tests on the basis of the use of national means of detection, to ensure that the prohibition is enforced.

An important element among these urgent disarmament measures, which according to the Soviet Government should be taken as soon as possible, is the problem of the prohibition of flights by bomber aircraft carrying nuclear weapons beyond national frontiers. Such flights are a constant source of danger of the unleashing of a nuclear war as a result of accidents and miscalculations or unforeseen circumstances.

This became particularly obvious recently after several accidents involving United States bomber aircraft overflying the territories of other countries with death-dealing nuclear weapons on board.

The Soviet Government also proposes in its memorandum, in order to reduce the danger of the starting of a nuclear war, that an agreement be reached prohibiting patrolling by missile-carrying submarines, and that the operational zones for these should be limited.

Coming out in favour of such important measures as the prohibition of the use of nuclear weapons and of underground nuclear weapons tests, the Soviet Union also proposes to deal without further delay with the wider aspect of nuclear disarmament. We want to put an end to

nuclear weapons as such, once and for all, and to eliminate the threat of a nuclear war forever from human life. No matter how complex the problems of nuclear disarmament, we must seek ways and means of solving them. Now that as a result of complex negotiations several agreements have been reached to slow down the arms race, the States of the world have acquired useful experience which makes it possible to hope that other more complex problems can be settled.

In its memorandum, the Soviet Government proposes that all nuclear States start immediate negotiations for the cessation of the production of nuclear weapons and the reduction and elimination of stockpiles, and the elimination of nuclear weapons under appropriate international control. The Government of the USSR is ready to begin such negotiations at any time. The Soviet Union considers that one could try for an agreement on all these measures leading to the destruction and elimination of nuclear weapons, or on some of them which are intended to achieve that aim.

The Soviet Government proposes an agreement on specific measures for limiting and subsequently reducing the vehicles for the delivery of strategic weapons. The importance of this measure is obvious for all.

As was stated at the present session of the General Assembly by the Minister for Foreign Affairs of the USSR, Mr. Gromyko, an agreement has been reached between the Governments of the USSR and the United States of America concerning an exchange of views for the mutual limitation and subsequent reduction of strategic means of delivery of nuclear weapons, offensive and defensive, including anti-missile missiles. The Soviet Government is ready, without delay, to undertake a serious exchange of views on this question.

In view of the threat to mankind arising from the possible use of chemical and bacteriological weapons, the Soviet Government proposes that ways and means be studied to ensure respect by all States and implementation by all States of the Geneva Protocol prohibiting the use of chemical and bacteriological weapons. In this connexion I must draw attention to General Assembly resolution 2162B (XXI) which calls for strict observance by all States of the principles and objectives of the Geneva Protocol, and condemning all actions contrary to those objectives.[12]

The resolution also invites all States to accede to the Geneva Protocol. Several States which were not parties to the Geneva Protocol adopted a positive attitude towards this appeal and already acceded to the Protocol; among them Tunisia, Sierra Leone, Madagascar, Ghana, Niger and others. However, there are States which to this day have not heeded the appeal of the General Assembly, in the first instance the United States of America and some other countries.

The Geneva Protocol was worked out when the memories of the First World War were still fresh, a war during which the use by German imperialism of gases and asphyxiating substances led to thousands of deaths. This international agreement is thus a further step in the development of international law directed at prohibiting

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[12] The G.A. resolution appears *ibid., 1966*, pp. 798-799. For the Geneva protocol, see Senate Foreign Relations Committee, Subcommittee on Disarmament, *Disarmament and Security: A Collection of Documents, 1919-55* (Com. print, 84th Cong., 2d sess.), pp. 169-170.

the most barbarous means of waging war. The Geneva Protocol legally erected an obstacle to the use of such means of mass destruction, and this played a positive role in the Second World War.

The warning of the Powers of the anti-Hitler coalition concerning the inadmissibility of using gases or bacteriological methods of warfare and a warning that the violator would not be able to escape with impunity had an important effect on fascist Germany and on that maniac, Hitler. These Powers, with this warning, were basing themselves on this important international agreement. Nobody will gainsay the fact that since the conclusion of the Geneva Protocol, new types of much more destructive chemical and bacteriological weapons have appeared. But this does not mean that the Geneva Protocol is obsolete, as some people are wont to say. Its authors included a special reservation that the Protocol would apply to prohibition of asphyxiating poisonous and other gases and bacteriological methods of warfare. And if, of late, new types of gases and bacteriological weapons have appeared, these are still gases and bacteriological methods of warfare and not a new type of weapon which does not fall under the Geneva Protocol.

An important measure to limit the arms race and to achieve disarmament would be the elimination of foreign military bases. In this question we are basing ourselves not only on the principles of the peaceful policy of the USSR, but also on decisions of the United Nations. The twenty-first session of the General Assembly of the United Nations adopted Resolution 2165 (XXI) concerning the liquidation of foreign military bases.[13] That resolution stressed that the question of foreign military bases was of paramount importance and therefore required serious discussion in view of its consequences for international peace and security. The Assembly addressed itself to the Eighteen-Nation Committee on Disarmament, asking it to examine this important question and to present a report concerning the results of such a study.

Foreign military bases of the Western Powers and their military allies, spread all over the world on foreign soil, constitute a threat to peace and greatly increase the danger of military conflict. They serve as an instrument of the policy of aggression, of interference in the internal affairs of States, an instrument for repressing national liberation movements. We hope that the study by the General Assembly of the question of the elimination of foreign military bases will make it possible to indicate ways and means for settling the problem in order to ensure international security and to achieve progress in the field of disarmament.

May I now state the views and the proposals of the Soviet Union concerning measures for regional disarmament. We are thinking first of all of the question of the establishment of nuclear-free zones in various parts of the world. The Soviet Union considers that the creation of such zones would effectively limit the area of distribution of nuclear weapons and would be in full accord with the aim of prohibiting their direct or indirect proliferation.

In our opinion the obligation to establish nuclear-free zones must be assumed not only by groups of States within an entire continent or in

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[13] *Ibid.*, p. 804.

large geographical areas but also by more limited groups of States or even by individual countries. The question of nuclear-free zones has often been studied by the General Assembly at its sessions and in the Eighteen-Nation Committee on Disarmament. During debates on this question representatives of many States stressed the importance of the creation of nuclear-free zones. The elimination of nuclear weapons from various parts of the world would be an important way to do away with the danger of nuclear war and to ensure international security.

A new question to which the Soviet delegation wants to draw the attention of the General Assembly is the matter raised in the Soviet memorandum on the peaceful use of the sea-bed and the ocean floor. This question is becoming ever more important. If no effective measures are taken in due time, the vast reaches of the sea-bed and the ocean floor, which account for about five sevenths of the surface of our planet, could become the arena of new military rivalries by States with all the dangerous consequences flowing therefrom, and the arms race could spread to that area. In such a turn of events the world ocean floor, which promises in the future to be a source of mineral and other wealth for the whole of mankind, would become a new source of military danger. It is quite obvious that any military activities on the part of States on the sea-bed and the ocean floor would increase the military danger, hamper the useful exploitation of the resources of the sea-bed and the ocean floor and would also hinder free navigation.

It is necessary to exclude any possibility of States using the sea-bed and ocean floor for military purposes. Only such a decision could be fully in keeping with the interests of international security and would keep this important zone free for peaceful pursuits.

In conditions where the military uses of this new environment have not been developed as yet, when it is only a matter of taking measures of a preventive nature, of prohibiting the military use of this environment, the task is comparatively easy. An important practical step in that direction would be an agreement not to use the sea-bed and the ocean floor for military purposes. For that reason the Soviet Government proposes that the question should be examined without delay of establishing a régime which would ensure the use of the sea-bed beyond the existing territorial waters solely for peaceful purposes.

A logical step in that direction was the inclusion on the agenda of the Eighteen-Nation Committee on Disarmament of the question of prohibiting the use of the sea-bed for military purposes as one of the partial disarmament measures. We consider that this is the best way to settle the problem of preventing the arms race from spreading to the sea-bed and the ocean floor. The delegation of the USSR expresses the hope that the Eighteen-Nation Committee will soon be able to work out an international agreement on the question of the prohibition of the use of the sea-bed and the ocean floor for military purposes.

In coming out with a wide programme of concrete measures relating to nuclear and conventional weapons, the Soviet Union considers that these measures would, in the final analysis, contribute to the solution of the main task, general and complete disarmament under effective international control. An agreement on that problem which is vital to mankind, remains the most essential objective in the disarmament field.

We are aware, of course, that the solution of the problem of general

and complete disarmament contains great difficulties and requires great effort. However, the need to ensure international peace and security is such that the search for an agreement on this question must continue and must be speeded up in order to eliminate the danger of a new war and to make it possible to apply the huge sums expended for the arms race to the benefit of mankind and to raise the standard of living of peoples.

Now that the collective efforts of many States have made it possible to work out and conclude a Treaty on the Non-Proliferation of Nuclear Weapons,[14] the world has at its disposal one more tool for moving further ahead towards the solution of disarmament problems and especially the main objective of general and complete disarmament.

In presenting to the First Committee of the General Assembly the memorandum of the Soviet Government concerning urgent measures to stop the arms race and achieve disarmament [15] the Soviet delegation expresses the hope that the concrete and realistic proposals contained therein will be fully, exhaustively and constructively examined and discussed by delegations. These proposals constitute a wide basis for further disarmament negotiations, for strengthening and expanding the success already achieved as a result of the elaboration and signing of the Treaty on the Non-Proliferation of Nuclear Weapons. An agreement on and the implementation of any disarmament measure proposed in the memorandum of the Government of the USSR would be a new contribution to the solution of the problems of the international security of all States, nuclear and non-nuclear.

To conclude, the Soviet delegation would like to present to the First Committee a draft resolution reading as follows:

[See *infra*.]

Soviet Draft Resolution Introduced in the First Committee of the General Assembly: Memorandum of the Soviet Government on Urgent Measures To Stop the Arms Race and Achieve Disarmament, November 12, 1968 [1]

The General Assembly,

Recalling its resolutions 1653 (XVI) of 24 November 1961,[2] 2162 (XXI) of 5 December 1966,[3] 2165 (XXI) of 5 December 1966,[4] 2289 (XXII) of 8 December 1967,[5] 2343 (XXII) of 19 December 1967 [6] and 2373 (XXII) of 12 June 1968,[7]

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[14] *Ante*, pp. 461–465.
[15] *Ante*, pp. 466–470.
[1] A/C. 1/L. 443, Nov. 12, 1968. The resolution was not put to a vote.
[2] *Documents on Disarmament, 1961*, pp. 648–650.
[3] *Ibid., 1966*, pp. 798–800.
[4] *Ibid.*, p. 804.
[5] *Ibid., 1967*, pp. 626–627.
[6] *Ibid.*, p. 731.
[7] *Ante*, pp. 431–432.

Convinced that the arms race, particularly the nuclear arms race, is a threat to the peace and security of peoples,

Recognizing the urgency and tremendous importance of taking measures to stop the arms race and achieve disarmament,

Considering that it is essential to make every effort to avert the danger of nuclear war and to take measures to safeguard the security of peoples,

Desiring to contribute to the easing of international tension and the strengthening of trust between States in order to promote the cessation of the manufacture of nuclear weapons, the destruction of all stockpiles of such weapons and the elimination from national arsenals of nuclear weapons and means of delivery of such weapons in accordance with a treaty on general and complete disarmament under strict and effective international control,

Recalling the undertaking contained in the Treaty on the Non-Proliferation of Nuclear Weapons to pursue negotiations in good faith on the cessation of the nuclear arms race at an early date and on nuclear disarmament,[8]

Believing that the conclusion of the Treaty on the Non-Proliferation of Nuclear Weapons must be followed by the simultaneous or phased implementation of measures to stop the arms race and achieve disarmament,

Having considered the Memorandum of 1 July 1968 of the Government of the USSR concerning urgent measures to stop the arms race and achieve disarmament,[9]

Bearing in mind the fact that the Eighteen-Nation Committee on Disarmament has reached agreement on the provisional agenda for its future work,

1. *Attaches great importance* to the measures for stopping the nuclear arms race and achieving disarmament which are contained in the Memorandum of 1 July 1968 of the Government of the USSR;

2. *Requests* the Secretary-General of the United Nations to transmit the Memorandum of 1 July 1968 of the Government of the USSR concerning urgent measures to stop the arms race and achieve disarmament and the records of the meetings of the First Committee of the General Assembly relating to the discussion of the relevant agenda item to the Conference of the Eighteen-Nation Committee on Disarmament;

3. *Requests* the Eighteen-Nation Committee on Disarmament to undertake negotiations, as a matter of urgency and taking account of the agreement reached on the provisional agenda for its future work, concerning the urgent measures for stopping the arms race and achieving disarmament which are contained in the Memorandum of 1 July 1968 of the Government of the USSR and to report to the General Assembly at its twenty-fourth session.

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[8] *Ante*, pp. 461–465.
[9] *Ante*, pp. 466–470.

Statement by the Italian Representative (Farace) to the First Committee of the General Assembly: Results of the Conference of Non-Nuclear-Weapon States, November 18, 1968 [1]

The fact that the Italian delegation takes the floor again is a sign of the interest we attach to the items which are before us in this Committee. The intervention made on 12 November was focused on the disarmament issues. I should like now, in turn, to put forward the views of the Italian delegation on the results of the Conference of Non-Nuclear-Weapon States.

That item is in our opinion most important and significant. The report of the Conference, together with the resolutions approved in Geneva, mainly devoted to the peaceful uses of nuclear energy, deal in fact with an essential problem for the future of mankind.[2]

Before examining the report, may I recall that many Governments played a most active role in promoting the Conference of Non-Nuclear-Weapon States. I should like particularly to pay tribute to the Permanent Representative of Pakistan, whose Government had the merit to conceive the idea of the Conference and whose Minister of Foreign Affairs, Mr. Husain, presided over the work at Geneva; to the representative of Kenya, Ambassador Nabwera, under whose chairmanship the Preparatory Committee performed a very important and essential task; and to the delegates of the other nine countries members of the same Preparatory Committee.

Senator Giuseppe Medici, Minister for Foreign Affairs of the Italian Republic, in his speech before the Conference on 5 September, stressed, among other points, the importance of the implementation of articles IV and V of the non-proliferation Treaty. He said:

> To this effect it is necessary to pursue the following aims:
>
> (a) development of nuclear research, of the production and use of nuclear energy for peaceful purposes in all countries, without discrimination or economic penalization;
>
> (b) full participation for all in the exchange of technical and scientific information for peaceful uses;
>
> (c) free access for non-nuclear-weapon States to the supply of nuclear fuel and equipment, as well as nuclear technology for peaceful purposes;
>
> (d) agreements ensuring to non-nuclear-weapon States, signatories to the Treaty, the benefits arising from any peaceful application of nuclear explosions;
>
> (e) assignment to an appropriate international body, with adequate representation of non-nuclear-weapon States, of responsibilities relating to peaceful explosions.

It seems to us that the resolutions approved by the Conference have usefully moved in that direction. As a matter of fact, the Italian delegation is of the opinion that the work performed and the conclusions reached, by their contents and their merits, should be commended by the General Assembly and that the Conference will attain its aims by ensuring the continuity of its work.

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[1] A/C. 1/PV. 1600, pp. 66–74.

[2] See *ante*, pp. 668–687.

Allow me to elaborate on the question of "continuity". Its importance is stressed by the fact that the Conference of Non-Nuclear-Weapon States has devoted to it a specific resolution which has been approved unanimously—resolution N attached to its report.[3] It has been the only document adopted with no abstentions, and that is significant. It is hardly necessary to add that the same concept of "continuity" has been expressed in one of the paragraphs of the final declaration of the Conference.

Since—according to a correct interpretation of the conclusions of the Conference—the most important task now facing us is that of ensuring the continuity of the work undertaken, let us see how this goal can be better attained.

The Italian delegation shares the view of those who favour the creation of a committee for this purpose, formed by an appropriate number of qualified delegations of nuclear and non-nuclear-weapon States. Its membership would have to be wide enough to cover the interests and objectives of the committee itself, though not so wide as to weaken its effectiveness. That is obviously only indicative because the problem would require extensive consultations. The setting up of a committee corresponds to a well-known procedure which the United Nations has, in other cases, resorted to with success.

We envisage the new body as a United Nations committee on peaceful uses of nuclear energy. We are firmly convinced that such a committee would not interfere with the work of any existing agency or institution, but rather, by being an important instrument of co-ordination, it would usefully co-operate with those agencies and bring them assistance to attain their goals in the peaceful application of nuclear energy.

May I submit now the reasons and the fields of action which in our view commend the setting up of this body:

1. The suggested committee would follow up the implementation of the conclusions of the Conference of Non-Nuclear-Weapon States by various organs and agencies concerned. It is needless to say how important it is that such conclusions receive prompt and adequate action by these agencies;

2. It would make suggestions for a better co-ordination of the activities of the agencies working wholly or partly in the field of the peaceful uses of nuclear energy. I am referring to the International Atomic Energy Agency in Vienna for the most important technical aspects; to the World Bank and to the other financial agencies of the United Nations family for the financing of nuclear energy projects; to the United Nations Development Programme for the allocation of funds for technical assistance; to UNESCO for the educational aspects; to FAO and WHO for the exploitation of nuclear energy to foster agricultural production and to promote the health of mankind.

Nuclear energy will soon enter also into the field of UNCTAD and UNIDO, as progress in their respective sectors will rely in an increasing measure on atomic power for the benefit of developing countries. ICAO and IMCO will, as well, deal with nuclear energy,

[3] *Ante*, pp. 684-685.

since its use in air and ship transportation may be easily anticipated. I do not need to stress the importance of co-operation in the nuclear energy sector from the regional point of view; the regional Economic Commissions of the United Nations will certainly need assistance in this field. All this shows, in our view, how essential it is to co-ordinate these activities, how important that the General Assembly and the specialized agencies may be assured of the best use of resources available by preventing overlappings, duplications, or, still worse, loopholes. This is in the interest of all of us, nuclear and non-nuclear countries alike.

3. The Committee on the Peaceful Uses of Atomic Energy, as we see it, should and would play a steering role by taking, for instance, the initiative of submitting suggestions to the General Assembly, and through it to all interested agencies.

4. The Committee would have a significant political role. It may help to secure a quicker and more substantive consideration of certain aspects of peaceful uses of atomic energy which are of particular interest to non-nuclear-weapon States. It is the firm view of the Italian delegation that, by so doing, it will be possible to increase the confidence of all countries in the non-proliferation Treaty,[4] thus encouraging, in conformity with our position and expectation, a world-wide signature and ratification of the Treaty. It may also contribute to the confidence in, and the success of, other important international agreements dealing with nuclear disarmament, such as the Antarctic Treaty of 1959,[5] the Moscow Treaty of 1963,[6] the Space Treaty[7] and the Tlatelolco Treaty of 1967.[8] In other words, it would be a meeting point where, in the words of the Charter, we could harmonize views and interests of countries, the implementation of international instruments, the activities of international agencies in that field of nuclear energy, which is bound to have an ever-increasing impact on the life of all peoples and on the future of mankind. The nuclear era, with all its global challenges, requires a world-focused outlook which only the United Nations can provide.

5. Last but not least, by ensuring the continuity of the efforts initiated by the Conference of Non-Nuclear-Weapon States we would be enabled to carry on the discussions of certain suggestions which were made during the Geneva meetings and which are recorded in the minutes and in the documents of the Conference, but for which there was not enough time for an exhaustive debate. Some of these items were mentioned in the speech of the Italian Foreign Minister on 5 September and have been recalled in the course of the work of the Conference by the Italian delegation.

All these reasons are important enough, in our mind, to justify the setting up of such a special body. Further reasons could be added, but I do not want to abuse your time.

May I instead mention some doubts and misunderstandings which these ideas seem to raise, and may I try to clarify and dispel them.

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[4] *Ante*, pp. 461–465.
[5] *Documents on Disarmament, 1945–1959*, vol. II, pp. 1550–1556.
[6] *Ibid., 1963*, pp. 291–293.
[7] *Ibid., 1967*, pp. 38–43.
[8] *Ibid.*, pp. 69 ff.

The possibility that the new Committee may overlap the work of the International Atomic Energy Agency is, in the view of the Italian delegation, to be ruled out. We attach, together with all other members, the greatest importance to the existence and role of the Vienna Agency, to which Italy intends to give ever more substantially its support. The International Atomic Energy Agency is an agency of a prevailing technical character, while the proposed committee would would be a body of quite a different nature, acting in a political framework. The IAEA is an operative institution, while the Committee would have no operative tasks. The IAEA will be busier than ever in carrying out its former and new heavy tasks in specific sectors of nuclear applications, and it could hardly be conceivable that it could co-ordinate also the work of other technical bodies which, as I mentioned before, are bound to be increasingly involved in nuclear development. Finally, the IAEA, being in charge of the implementation of some recommendations of the Conference, could not be, at the same time, the implementing body and the body responsible for reviewing such implementation. In this and in the former instance, co-ordination seems necessary, and this function could therefore be usefully carried out by the proposed Committee.

There is equally no risk of interference between the proposed committee and the Eighteen-Nation Committee on Disarmament. It is hardly necessary to mention that the ENDC is an irreplaceable body for disarmament negotiations, while the committee would not deal with disarmament, although it could, by promoting international co-operation on the peaceful uses of nuclear energy, contribute in bringing closer to us that climate which would foster the achievement of disarmament goals.

But of all arguments the least valid is, as far as we are concerned, the one according to which the course of action we, together with other delegations, are favouring would discourage the process of signatures of the non-proliferation Treaty. Quite the contrary. My Government has been one of the staunch supporters of the Treaty and of its aims, has actively taken part in its drafting, and has been one of the co-sponsors of the General Assembly resolution of 12 June 1968.[9] In this context, the Italian delegation considers that the setting up of a committee, far from representing an obstacle to the signature of the Treaty which, in the case of Italy, is not in question, would help to ensure the widest support of the Treaty itself and to promote its success by increasing world-wide confidence in this very important international instrument.

We are convinced that we are not raising a controversial issue. In suggesting the creation of a new committee of the United Nations, the Italian delegation intends therefore to take a very positive step towards the halt of the nuclear arms race, towards encouraging those who hesitate to sign the Treaty, and towards an effective and more rapid implementation of the non-proliferation Treaty.

To conclude, I wish to sum up the reasons which, in our view, would advise under present circumstances and with a wide consensus the creation of a committee for the peaceful uses of nuclear energy. We

[9] *Ante*, pp. 431–432.

trust that through the good will of all of us a satisfactory solution can be found.

The setting up of a committee along the lines I have indicated neither requires constitutional changes nor creates the danger of duplication or overlapping with other existing bodies, in the first instance with the Eighteen-Nation Committee on Disarmament and the International Atomic Energy Agency. The appointment of a committee of the General Assembly to work in close co-operation with agencies now or later engaged in the various expanding field[s] of the application of nuclear energy is the best way, in our mind, to meet the following requirements:

(1) To focus the attention of Governments and public opinion, in all the nuclear and non-nuclear-weapon countries, on the importance of establishing and promoting a well-organized system of international co-operation in the peaceful uses of nuclear energy;
(2) To create the basis for balanced opportunities for all nuclear and non-nuclear-weapon countries, in a climate of mutual confidence, and taking into account the special needs of the developing countries;
(3) To strengthen confidence in the non-proliferation Treaty as an instrument of international peace and security;
(4) To strengthen the role and the activities of the existing organizations in their respective fields, and, first of all, that of the International Atomic Energy Agency;
(5) To keep under consideration and review many of the interesting views expressed in the Conference of the Non-Nuclear-Weapon States.

Our desire is to move on a ground of sound realism. We are well aware of the difficulties involved in meeting the legitimate needs of the interested countries, and of the necessity to avoid any excessive demands; but we are equally convinced that the realities of our time cannot be ignored as we live in a world of rising expectations and unprecedented opportunities.

Statement by ACDA Director Foster to the First Committee of the General Assembly, November 19, 1968 [1]

The last time this Committee met to consider disarmament and arms control we and the world took a historic step towards peace. I refer, of course, to the treaty to prevent the spread of nuclear weapons.[2] We can all be proud and gratified at the more than eighty signatures this document has received. I believe we also can feel encouraged that more signatures and ratifications can be expected soon.

The non-proliferation Treaty is vitally important for all of us not only because it is the most promising means of forestalling a catastrophic security situation but also because it goes well beyond that objective and establishes a set of principles for exploiting the peaceful

[1] A/C.1/PV. 1611, p. 16–35.
[2] *Ante*, pp. 461–465.

aspects of nuclear energy. We entirely agree that the Treaty should bear equitably upon all signatories and we believe that in fact it will do so. The Treaty will establish a balance between limiting the spread of nuclear weapons on the one hand and developing and sharing the peaceful benefits of nuclear energy on the other. On both sides of the balance we are all gainers, and we all have obligations. The maximum benefits for the world community can be realized only if all of us fulfil our obligations.

Having said this, we must acknowledge that anything as complex and as new as the non-proliferation Treaty, and anything that impinges so directly on the interests of all States, will inevitably at its inception raise some questions and will be the subject of some concerns. I believe that this debate will have served us all well if it helps to clarify the questions and mitigate the concerns and if it leads to a greater consensus regarding the means of giving effect to the Treaty. I shall, therefore, turn to three specific areas of particular importance and discuss each in turn: the questions of peaceful uses of nuclear energy, security and arms control measures. All these subjects were considered extensively at the Conference of Non-Nuclear-Weapon States, and we now have before us the resolutions and declarations produced by the Conference.[3]

In the field of peaceful uses, we all share certain practical objectives. We all want to see how the general obligations and safeguards of the non-proliferation Treaty can facilitate co-operation in realistic programmes for reactors, kilowatts, isotopes and the energy for large-scale excavations and for tapping raw materials beneath the earth's crust.

The United States has, of course, long maintained an active and extensive research and development programme in all fields pertaining to the civil uses of atomic energy, and we have shared our advances with other countries. In the field of civilian reactor development alone, we have spent $1,500 million to develop an economic source of electrical power. We have also made heavy investments in developing uses of radiation and isotopes in medicine, industry and agriculture. Today the practical use of isotopes and radiation is commonplace, and the era of competitive nuclear power plants has begun.

By virtue of the long experience of the United States and the substantial resources it has devoted to peaceful international atomic co-operation, I believe my Government can make a particularly significant contribution in commenting on those areas of co-operation pertaining to peaceful uses that have stimulated the greatest interest in recent weeks. Statements made in the General Assembly debate and resolutions adopted at the Conference of Non-Nuclear-Weapon States highlight four areas: exchange of information, technical assistance and training, capital assistance and, finally, the supply of fissionable material.

Interest in the exchange of information has centered on exerting every effort to make technological data available which might promote peaceful economic and scientific development.

The exchange of information is also an important responsibility of the International Atomic Energy Agency (IAEA). The Agency car-

[3] *Ante*, pp. 668–687.

ries out many mutually reinforcing activities to make information as widely available as possible. I should like to mention some of them.

Each year the Agency organizes a dozen or more conferences with two hundred to four hundred participants each. It also organizes about thirty smaller gatherings of experts. Today, for example, three hundred experts from thirty countries are gathered in Madrid for an IAEA symposium on how multipurpose nuclear power centres might provide arid parts of the earth with more fresh water by economic desalination of sea water.

In the field of publication the programme of IAEA is substantial. Each year IAEA publishes, and thus makes available to scientists throughout the world, some 30,000 pages of valuable technical data.

However, IAEA is also now working to anticipate the needs of the future. It has begun to work on the establishment of an International Nuclear Information Service. It is hoped that, in time, data from member States will be stored in a computerized bank and supplied on request. Thus, IAEA is preparing itself to play a valuable and indeed vital role in helping countries deal with the "information explosion."

The United States has given the IAEA strong support in the field of information exchange ever since the inception of the Agency in 1957. We have utilized the IAEA in ensuring the widest possible dissemination of United States technological information.

Moreover, we have undertaken, on a bilateral basis, extensive additional co-operative programmes in this field. We have donated depository libraries, containing vast collections of technical reports concerning the peaceful uses of atomic energy, to more than eighty countries and five international organizations. We have developed mutually beneficial, detailed technical-information exchanges with more than forty countries. With the help of local scientists and educational officials we have conducted "Atoms in Action" demonstration centres in thirty-one countries. These centres carry out seminars and experiments on items of specific local interest. Nearly 7 million people have visited them.

A great deal, therefore, is being done and is being planned to disseminate scientific and technological information, and I have mentioned only part of the story. Other countries are taking active steps to share their results, and other international organizations, such as EURATOM, also have active programmes to foster the prompt exchange of information. However, it is evident that the sharing of technical information can have its maximum favourable impact on the programmes of developing countries only if there also exists an ability to absorb and utilize the available data.

Recognizing this fact, in early years our effort in helping countries get established in the peaceful nuclear field was based extensively on providing technical assistance as well as equipment. One of our first activities after the passage of our Atomic Energy Act of 1954[4] was to work out agreements for co-operation which enabled the United States to provide nuclear reactors, nuclear fuel and extensive information and technical assistance to thirty-three countries and to international organizations, including the IAEA.

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[4] *American Foreign Policy, 1950-1955: Basic Documents*, vol. II, pp. 2861-2877.

To help developing countries organize effective research reactor programmes, we have several laboratory-to-laboratory relationships with United States National Laboratories such as Brookhaven, Argonne and Oak Ridge. Under these "sister-laboratory" arrangements, our facilities provide sustained advice or assistance to foreign research reactor centres.

In the field of training, I note that the Conference of Non-Nuclear-Weapon States requested that students and scientists be granted access to the peaceful atomic laboratories of the more advanced States. The United States has long provid d foreign scientists with extensive access to its peaceful facilities.

We have offered, and continue to offer, numerous training opportunities to foreign scientists in our leading atomic centres. Many of the key scientists and engineers, prominent in national nuclear programmes throughout the world, have attended and participated in this programme. In addition, 4,500 individual research and training assignments have been arranged at our facilities to meet the particular needs of foreign visitors. We have also assisted IAEA by providing approximately 585 cost-free fellowships.

The IAEA supports research in the application of isotopes in agriculture, medicine and industry, in which the primary emphasis is in helping the developing countries. For example, 90 per cent of the work of the joint FAO-IAEA Division of Atomic Energy in Food and Agriculture is aimed at problems which are important to the developing countries, such as studying the absorption of fertilizers in rice and corn, using radiation to generate more productive and disease-resistant species, eradicating harmful insects, and preserving food.

In the field of power reactors, IAEA's role is to provide practical service to member States in economic studies, safety, evaluation of bids, advice on problems of operation, system economy, and so forth.

A measure of the IAEA's success is that demands for IAEA technical assistance on good, feasible projects now run at least double the Agency's resources. As Dr. Seaborg, the Chairman of our Atomic Energy Commission, pointed out at the recent meeting of the IAEA General Conference, responsibility for increasing the resources available to the Agency lies with the members themselves.

We have supported the Agency's programmes through financial contributions to both the assessed and voluntary budgets, in the sum of $30,500,000 to date. In addition—I repeat, in addition—we have made available experts, equipment and special nuclear materials for use in Agency projects. I urge all other countries that are in a position to do so—and there are quite a few in addition to the nuclear-weapon States—to make a comparable effort.

IAEA has a relationship as sub-contractor to United Nations organs carrying out UNDP-Special Fund projects, particularly in the area of water-resource research and development. In 1967 this account totalled almost one million dollars. The Agency will be the executing agency for a more than $3 million Special Fund project in India on nuclear research in agriculture. The contribution of UNDP will be $1.4 million.

We all recognize that the full exploitation of atomic energy for peaceful purposes demands capital. In the early days of United States

international co-operation, when the focus was on research, we provided for financial and material assistance to other countries with a programme of contributing up to $350,000 or half the cost of research reactors. Twenty-six countries received such grants, and this seed capital had an important effect in stimulating peaceful nuclear research in a number of developing countries. The reactor centres which resulted have served as an important catalyst for fostering growth of science and technology in those countries.

At the same time, we began a series of equipment grants, making available items ranging in size from small electronic devices to complete laboratories and sub-critical assemblies. To date, eighty such grants have been made to thirty-six countries.

Now, of course, atomic energy is increasingly a commercial proposition. Accordingly, we have provided important credit facilities, through the United States Export-Import Bank, to foreign purchasers interested in acquiring reactor components, as well as reactor fuels, in the United States. The Bank has agreed to loan approximately $300 million to other countries for nuclear-power projects.

Although the IAEA does not build or finance commercial power reactors, it does help countries in their efforts to obtain capital assistance by carrying out studies to establish the economic feasibility of nuclear-power projects. However, proposed atomic projects have to compete for development capital with other projects in developing countries.

Capital financing for suitable nuclear projects was a main issue underlying some of the resolutions adopted by the Conference of Non-Nuclear-Weapon States. My Government believes that this question and the related Conference resolutions do deserve serious consideration by Governments and the appropriate international bodies to which they have been addressed.

Finally, I should like to comment on the concern which has been expressed recently about the supply of fissionable materials for peaceful purposes. At the Conference of Non-Nuclear-Weapon States, for example, resolutions called for the IAEA to study means for ensuring access to such material on a commercial basis and for nuclear-weapon States to facilitate the availability of such material. Similarly, another resolution asked that consideration be given to establishment of a fund for special fissionable materials for developing countries and that nuclear-weapon States supply such materials to this fund at reasonable prices.

In looking at these suggestions, we believe it important to note that the United States has committed itself very significantly on several occasions to supply sizable quantities of enriched uranium, a vital reactor fuel, to foreign countries under the most stable and attractive conditions.

As of today, the United States has made arrangements for other countries to obtain up to 527,000 kgs of such material. This includes the estimated long-term requirements of approximately thirty nuclear-power reactors in India, Japan, Norway, the Philippines, Spain, Sweden and Switzerland, as well as the requirements for approximately 13,500 megawatts of power in the EURATOM countries. Our current enrichment facilities should be capable of handling all fore-

seeable demands at reasonable prices through the late 1970s. Moreover, when additional enrichment capacity is needed, we are confident that United States industry or the United States Government will have it installed on the desired time scale.

In its resolution G, the Conference of Non-Nuclear-Weapon States pointed out that nuclear energy has

opened up new perspectives for the progress of mankind, and especially for the economic and scientific advancement of developing countries.[5]

We fully share this objective. Accordingly, we would support a General Assembly resolution requesting that the Secretary-General appoint a group of experts to prepare a report on possible contributions of nuclear technology to the economic and scientific advancement of the developing countries. So that the report will be most likely to make a practical contribution, we would propose that the experts be asked specifically to take full advantage of the experience and the competence of the IAEA in preparing the report.

Before trying to draw a few conclusions about future work regarding peaceful uses of atomic energy, I should like to touch on two other related issues: the composition of the IAEA Board of Governors and peaceful nuclear explosions.

No one doubts that the advent of the non-proliferation Treaty means that the IAEA will be taking on added responsibilities. We support the decision of the recent IAEA General Conference which asked that the Board of Governors examine its composition. We will consider this question with an open mind.

The General Conference also asked the Director-General of the IAEA to look into the question of the Agency's role with respect to peaceful nuclear explosion services, as they become practicable. The United States believes that the IAEA is the right agency for carrying out the responsibilities of the international body contemplated in article V of the non-proliferation Treaty, and we welcome this first step.

For our own part we intend to continue an active research and development programme on nuclear explosive devices suited for peaceful uses and on the technology for various peaceful applications for nuclear explosions. At the same time, we will provide available information, data and technical advice to those non-nuclear States parties to the non-proliferation Treaty which request it.

Our objective is to make peaceful nuclear explosion devices available for practicable applications, both domestically and internationally. Proposed legislation which would facilitate implementation of that objective is already being considered by the United States Congress.

I think that two points are clear from this examination of what is going on in international co-operation on peaceful uses of the atom: first, the problems we face are practical ones. They involve money, materials and equipment. They concern choices among various concrete possibilities. They require expert knowledge to arrive at workable solutions.

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[5] *Ante*, p. 678.

Second, good work is already being done in this field, and the practical problems of future co-operation are best handled by existing bodies with the experience to do the job.

We note, and we think that this is most significant, that the non-nuclear Conference resolutions themselves call for study and action by several existing bodies and by individual States. The non-nuclear Conference resolutions specifically ask that such bodies as the IAEA, the World Bank and the Eighteen-Nation Committee on Disarmament study various proposals and take action. We strongly support this approach.

The United States Government does not believe it is either necessary or desirable to create a new body, such as a United Nations committee, for these purposes. I listened with great attention yesterday to the various arguments in favour of the new committee advanced by the representative of Italy.[6] I was impressed by his seriousness and conviction, but I must differ with his line of argument. The creation of such a new body would serve only to duplicate, complicate, and therefore impede, the work of existing bodies, which must be given an adequate chance to make more progress. No new body can produce one more reactor or one more dollar of aid or piece of equipment that would not otherwise be available. And it could lead to a deterioration in the atmosphere of good will needed for effective international co-operation. In fact, it is the existing organizations which indisputably have the backlog of experience, the essential technical expertise and the continuity of effort which makes it most likely that they will be able to utilize fully, where appropriate, ideas put forward in the non-nuclear Conference and elsewhere to take concrete steps forward. We cannot conceive of such a committee functioning without directly duplicating and complicating efforts under way in existing, competent bodies. Therefore, for all these reasons, the United States is strongly opposed to the creation of any new committee for these purposes.

The United States Government would like to see a resolution emerge from our deliberations which would ask the existing bodies to work on the problems which the non-nuclear Conference resolutions ask them to work on—which would request the relevant bodies, after this work has progressed, to submit reports to a subsequent General Assembly on the progress they have made, and which would provide for a subsequent General Assembly to determine whether progress was adequate and what steps should be taken in the future. As I stated before, we also support the inclusion in a resolution of a proposal that the Secretary-General appoint a group of experts to prepare a report on all possible contributions of nuclear technology to the economic and scientific advancement of the developing countries.

My Government understands and sympathizes with the desire of many States for measures which would provide a greater degree of security. Indeed, the search for security on the part of individual States, groups of States and the international community as a whole has been one of the principal themes of international relations since

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[6] *Supra.*

the end of the Second World War. It played a major role in the establishment of the United Nations. Unfortunately, for reasons that are well known, the early hopes that the United Nations might provide the answer have not so far been adequately realized.

Nevertheless, we believe that the United Nations remains the best hope for achieving security on a universal basis, for any attempt to erect separate universal security guarantees alongside the United Nations framework would be subject to the same factors which have inhibited the further development of the United Nations security system itself. Furthermore, if such a universal security structure were created, even partly outside and in apparent competition with the United Nations, it would lack the legal framework provided by the United Nations Charter—a legal framework which protects the sovereign equality and general interests of all Member States. If that approach were pursued, it could only weaken the United Nations, and the world would in the end be less, rather than more, secure.

Achievement of a degree of security beyond that which is provided by the United Nations and the supplementary regional bodies today, including the existing assurances of the three nuclear Powers, must be a mutual effort by all concerned. Given the inescapable responsibilities already borne by the permanent members of the Security Council, it would be impractical to assume that a few major Powers could, or should, take upon themselves alone and outside the United Nations context the security of the remainder of the world.

It was for those reasons that the United States Government anchored solidly in the United Nations the security assurances it offered in the Security Council, together with the Governments of the United Kingdom and the Union of Soviet Socialist Republics, in connexion with the non-proliferation Treaty.[7] Those assurances have been criticized by a number of delegations as being inadequate.

Our position on that issue has been stated in the General Assembly and in the Security Council and will be found in the records of those bodies. However, we do stress that the declaration by the United States was a seriously considered political act which indicates how we intend to respond in the circumstances described.

No Government could realistically be expected to do more. No responsible Government could obligate itself to take military action automatically in a wide and unspecified variety of contingencies. To do so would hardly be credible. Indeed, such an attempt could lead to less, rather than more, stability in the world.

That should not be taken as reflecting a lack of interest in the various security problems which have been raised here, at the Eighteen-Nation Committee on Disarmament and at the Conference of Non-Nuclear-Weapon States; but they are the same problems with which we have been struggling for many years. We were able in the course of negotiating Security Council resolution 255 (1968) [8] to deal with some aspects of those problems in a way which, we are convinced, will enhance the

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[7] *Ante*, pp. 461–465.
[8] *Ante*, p. 444.

security of non-nuclear-weapon States parties to the non-proliferation Treaty.

The solution to other aspects proved impossible. We are not aware of any change in the situation that would permit of greater progress now. Indeed, present circumstances would hardly appear propitious for a renewed effort.

The effort to strengthen world security must be pursued unceasingly in existing bodies in the United Nations, where all Members bear a responsibility. Let us therefore resolve to do so, bearing in mind the views expressed and suggestions made at the Conference of Non-Nuclear-Weapon States. We will play our part in that effort.

The costly arms race, with its tremendous drain on human and material resources, must not continue unchecked. We all have a high obligation, to the living and to the yet unborn generations, to increase the prospects for world peace and well-being by stopping the arms race. General and complete disarmament is the ultimate goal which humanity must pursue with vigour if it is to survive. In the meantime, as steps which can help lead us to that over-all goal, we favour making progress when it can be made on arms control measures short of general and complete disarmament. That is an obligation recognized in article VI of the non-proliferation Treaty.

I should like to call attention to an undertaking which still stands before us, namely, the prospect of bilateral talks between the United States and the Union of Soviet Socialist Republics on the limitation and reduction of both offensive strategic nuclear-weapon delivery systems and systems of defence against ballistic missiles. As the Committee knows, after some months of prior consultations, initiated by the United States, the two sides reached agreement on 1 July to enter into such discussions in the near future. The Committee will also be aware that events intervened which forced a postponement of those talks.

The Eighteen-Nation Committee on Disarmament adopted at its most recent session a provisional agenda which will guide its future deliberations. That agenda accords first priority in its work to further effective measures relating to the cessation of the nuclear arms race at an early date and to nuclear disarmament. My Government strongly supported that provisional agenda. As has been the policy in the past, the United States will participate actively in the work of the Eighteen-Nation Committee on Disarmament and will assume a leading role in the exploration of those arms control measures which may become ripe for agreement.

During the discussions on the sea-bed in this Committee we made clear our willingness to explore the feasibility of a viable and effective agreement to prevent the emplacement of weapons of mass destruction on the ocean floor. We sincerely hope the Eighteen-Nation Committee on Disarmament will take up that important question at its resumed session.

We supported the Eighteen-Nation Committee on Disarmament's request that the Secretary-General should arrange for the preparation of a technical report on the effects of the possible use of chemical and biological means of warfare. We are encouraged by the Secretary

General's reaction to that request and hope that the General Assembly will adopt a suitable resolution calling upon the Secretary-General to prepare such a report.

In the course of this debate the United States delegation will have more to say about some of the specific items on the agenda of this Committee.

General Assembly Resolution 2387 (XXIII): Conversion to Peaceful Needs of the Resources Released by Disarmament, November 19, 1968 [1]

The General Assembly,

Recalling its resolutions 1837 (XVII) of 18 December 1962,[2] 2092 (XX) of 20 December 1965 [3] and 2171 (XXI) of 6 December 1966 [4] on the conversion to peaceful needs of the resources released by disarmament,

Stressing the importance of utilizing resources released by disarmament for the purpose of economic and social development, in particular of the developing countries,

Convinced that general and complete disarmament should be the final goal of all disarmament efforts,

Recognizing the importance of partial disarmament measures as a promising way of achieving genuine progress in the disarmament field and in releasing resources, both financial and human, for social and economic development,

Noting that the formulation of the framework for national and international studies and activities regarding economic and social aspects of disarmament agreed upon by the Economic and Social Council and the questionnaire on the economic and social consequences of disarmament agreed upon by the Administrative Committee on Co-ordination do not exclude the possibilities of studying the economic and social consequences of various partial disarmament measures as well,

1. *Takes note* of the Secretary-General's report entitled "Economic and social consequences of disarmament: conversion to peaceful uses of the resources released by disarmament"; [5]

2. *Requests* the Secretary-General, when inviting Member States to submit national studies in accordance with General Assembly resolutions 2092 (XX) and 2171 (XXI), to draw their attention to the present resolution and to suggest that they may wish to embody, in some of their studies, considerations on the anticipated effects of important partial disarmament measures.

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[1] A/RES/2387, Nov. 22, 1968. The resolution was adopted by a vote of 94 to 0, with 15 abstentions.

[2] *Documents on Disarmament, 1962*, vol. II, pp. 1236–1238.

[3] *Ibid., 1965*, pp. 631–633.

[4] *Ibid., 1966*, p. 805.

[5] *Ante*, pp. 220–221.

Four-power Draft Resolution Introduced in the First Committee of the General Assembly: Arms Transfers, November 21, 1968 [6]

The General Assembly,

Bearing in mind its functions in connexion with disarmament and the regulation of armaments as well as with the economic and social progress of all peoples,

Conscious of the risks to international peace and security arising from local conflicts; concerned that the dangers of local conflicts and tensions resulting therefrom can be exacerbated by competition and rivalry in the acquisition of conventional arms,

Noting with concern the increasing volume of arms shipments,

Believing that publication of information about transfers between States, whether by way of trade or otherwise, of conventional arms, ammunition and implements of war could help to promote relaxation of tensions and foster relations of mutual trust between States,

Mindful of the importance of continuing current efforts to achieve, as soon as possible, agreements on exchange of information and registration by the United Nations of deliveries of arms at the regional level,

1. *Requests* the Secretary-General of the United Nations to ascertain the position of Member Governments:

(a) on undertaking an obligation to register with the Secretary-General all imports and exports of conventional arms, ammunition and implements of war,

(b) on authorizing the Secretary-General to collect and publish at regular intervals, information on the transfer of conventional arms, ammunition and implements of war, and

(c) on the practical measures to be taken to that end;

2. *Requests* the Secretary-General to report on the results of his inquiry to the twenty-fourth General Assembly for deliberation and reference, as appropriate, to the Eighteen-Nation Committee on Disarmament.

Statement by the Danish Representative (Petersen) to the First Committee of the General Assembly: Arms Transfers [Extract], November 22, 1968 [7]

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I come now to the question of arms shipments, and take this occasion to introduce the draft resolution contained in document A/C.1/L.446,

[6] A/C.1/L.443, Nov. 21, 1968. The resolution was sponsored by Denmark, Iceland, Malta, and Norway. On Dec. 5 the Danish representative told the First Committee that the cosponsors would not press the resolution to a vote, on the understanding that it was covered by operative par. 3 of res. 2454 (B) (*post*, pp. 795–796).

[7] A/C.1/PV.1616, pp. 7–16.

submitted by Iceland, Malta, Norway and Denmark.[2] The draft resolution follows up views expressed during the twenty-second session of the General Assembly by the former Prime Minister and Foreign Minister of Denmark who, in his statement in September 1967 in the general debate, said:

The Danish Government believes that an international agreement to limit the trade in conventional weapons would be highly beneficial. This goal cannot be reached in the near future, but a useful first step might be an agreement to exchange information through a United Nations organ on the international trade in conventional weapons. To this end the Secretary-General could make an inquiry in all Member States and report their views to the twenty-third session of the General Assembly.[3]

As disarmament questions were dealt with only summarily at last year's session, the Danish delegation considered it inexpedient to add to this Committee's discussions on disarmament an extra problem which, although not entirely alien to the Committee, had not previously been the subject of a detailed debate in the Committee.

The sponsors feel, however, that arms transfers, because of their bearing on security and their economic impact, are of such crucial importance to the Member States of the United Nations that we should be more conscious of the implications for international peace and security of such arms transfers. In accordance with these views, the Minister for Foreign Affairs of Denmark again brought up the question of registration of arms transfers in his statement in the general debate on 8 October of this year.[4]

The sponsors realize that the political and practical problems involved in registration are so many and so complex that immediate establishment of an arrangement for registration would not be feasible, let alone desirable, without careful preparation.

As members of this Committee will know, the idea of registration is not a new one, but strangely enough the dangers inherent in arms transfers seem to have evoked less interest following the Second World War than they did in the inter-war period. This is perhaps due to the fact that the trade in arms was then, to a much greater extent than it is today, in the hands of private producers and not subject to a large degree of Government supervision, as it is now. For several years the League of Nations published a *Statistical Yearbook of the Trade in Arms and Ammunition*, which by the standards of that time contained detailed information about country imports and exports of weapons and ammunition. We fully realize that the idea of registration current in the inter-war period cannot be transferred to the world of today with its far more complex political and technological problems unless the international community lends its active assistance to the establishment of a registration arrangement.

In the formulation of the draft resolution, therefore, we had two aims in mind: to word the proposal in such a manner that the greatest number of Member States could be expected to accept the underlying objective; and to enable all Member States, through the procedure

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[2] *Supra*.
[3] A/PV.1582 (prov.), pp. 38-40.
[4] A/PV.1685 (prov.), p. 68.

outlined in the draft resolution, to assist in shaping a registration arrangement which, while satisfying its purpose, would meet the wishes and views of the greatest possible number of States.

As will be seen from the draft resolution, it is proposed to request the Secretary-General of the United Nations to ascertain the position of Member Governments on undertaking an obligation to register with the Secretary-General all imports and exports of conventional arms, ammunition and implements of war, and on authorizing the Secretary-General to collect and publish information on such arms transfers. Last, but not least, the Secretary-General should obtain the views of Member States as to what practical measures should be taken to bring about a registration arrangement.

It is not the aim of the draft resolution—and that should be quite clear from its text—to impose upon Member States any kind of obligation to furnish information about arms deliveries. The sole object is to ascertain their views on the questions mentioned.

As I have already indicated, the idea of registration is not alien to this Committee. I am thinking of the draft resolution, submitted to the twentieth session of the General Assembly by the delegation of Malta, requesting the Eighteen-Nation Committee on Disarmament to take up the question of arms transfers between States with a view to making recommendations to the General Assembly about the establishment of a publication system through the intermediary of the United Nations.[5]

I want to stress that in bringing up this matter again, while restricting it to a request to the Secretary-General to make an inquiry as mentioned, the sponsors of the proposal in draft resolution A/C.1/L.446 wish to enlist the active participation of all member States in exploring the possibilities of achieving universal adherence to some form of registration arrangement. Another purpose of the proposal is to enable all member States to present any views they may have as to the practicability of establishing an arrangement safeguarding as many interests as possible.

We believe, as is stated in the preamble, that publication of information about transfers of arms and ammunition could help to promote relaxation of tensions and foster relations of mutual trust between States. We think, moreover, that publication would entail limitations on arms transfers, because continued secrecy about the military build-up of individual countries would tend to increase the insecurity in neighbouring States and lead to unnecessary purchases of arms. Finally, we share the view that a registration arrangement would make member States more conscious of the implications of international arms transfers, and only when that has been accomplished will it be possible to ascertain whether, and to what extent, arms transfers are tantamount to reduced international security and, if that appears to be the case, how such a situation could be reversed.

In that connexion I wish to stress that the draft resolution does not in any way imply that there is something odious in the purchase and sale of arms; and that it is not, of course, the intention to interfere with arms purchases serving the legitimate defence interests of States.

In discussions on an arrangement for registration of arms transfers it has sometimes been argued that such an arrangement would present

[5] *Documents on Disarmament, 1967*, p. 580.

greater drawbacks to the importing countries than to the producer countries, because the latter could acquire weapons without registration. If one keeps in mind that there is nothing reprehensible in arms purchases as such, and that the aim of the draft resolution is to avoid unnecessary purchases of arms, the drawbacks of a registration arrangement can hardly be claimed to be any greater to the importing country than to the producer or exporting country.

Some people contend that a weakness in official registration of arms transfers is that transfers which are kept secret because they are intended for rebellions or the like would escape registration. That argument should not, of course, be ignored; but I think that the greater the openness we achieve about lawful transfers the more difficult will it be to keep secret the transfers which are intended for rebellions or similar purposes. Finally, the possibility that secret and illegal transactions in arms would escape registration should not make us refrain from establishing a registration arrangement if it is otherwise recognized that it could help to avoid superfluous purchases of arms and, at the same time, benefit the cause of *détente* and promote mutual trust among nations.

In his statement on 23 October in the General Assembly's general debate the representative of the Byelorussian Soviet Socialist Republic expressed the view that the proposal concerning arms transfers would "divert us" from the road to disarmament, and he characterized the proposal as:

> . . . another clumsy attempt to create the impression that the United Nations is dealing with the problem of disarmament, and thus to prevent the General Assembly from tackling the real problems confronting it concerning disarmament and the strengthening of peace.[6]

I can assure the delegation of the Byelorussian Soviet Socialist Republic that the aim of the sponsors in making this proposal is not—and I repeat, not—to place obstacles in the way of other disarmament measures, among which we can enumerate several which we consider much more important than this limited proposal.

As will be seen from the draft resolution, we propose a step which would not in the first instance take up time in international disarmament negotiations. The task of making the inquiry would be entrusted to the Secretary-General. And may I add that, although nuclear disarmament measures must be given top priority at present, that should not, in my delegation's view, prevent negotiations on disarmament measures in the field of conventional weapons from being conducted concurrently with negotiations on nuclear disarmament. That is, in fact, the view underlying General Assembly resolution 2342 B (XXII) on the question of general and complete disarmament, operative paragraph 1 of which

> . . . requests the Conference of the Eighteen-Nation Committee on Disarmament to resume at the earliest possible date consideration of the question of general and complete disarmament in accordance with General Assembly resolution 2162 C (XXI);[7]

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[6] A/PV.1704 (prov.), p. 27.

[7] *Documents on Disarmament, 1967*, p. 730.

In the latter resolution one finds the words:

. . . to pursue new efforts towards achieving substantial progress in reaching agreement on the question of general and complete disarmament under effective international control, as well as on collateral measures . . .[3]

May I say that that view has heretofore characterized the disarmament negotiations, in this Committee as well in the Eighteen-Nation Committee on Disarmament, and it would be unjustifiable to claim that it has diverted us from more urgent disarmament measures on the adoption of which political agreement could be reached.

There is, of course, always a risk that the motives behind the proposal may be misinterpreted and that reference will be made in that connexion to the political situation in various parts of the world. It should be needless to point out, however, that crises and conflicts have up to now, regrettably, been a permanent feature of the international situation and that it is unlikely that any initiative for disarmament would ever emerge if the precondition for its presentation were global peace.

May I stress once more that the proposal does not impose any obligations on any State. Its sole purpose is to enable each of the member States of the United Nations to present, after careful internal consideration, its comments on the question of arms registration. It goes without saying that each country would be expected to present any views that could help to clarify the procedure which would be most expedient in the further consideration of the question of registration.

May I emphasize, further, that the proposal does not discriminate against the small Powers. The big Powers have sufficient resources to find out about the arms transfers in which they are interested. It is the small Powers which are kept in ignorance of what is going on. The present trade figures are quite inadequate as a source of information about arms transfers.

In concluding my statement concerning the draft resolution, I urge all Member States to support the proposal and to assist in throwing light on any problems involved in the establishment of a registration arrangement by giving as detailed answers as possible to the Secretary-General's inquiry.

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Statement by the Saudi Arabian Representative (Baroody) to the First Committee of the General Assembly: Arms Transfers, November 22, 1968 [1]

It is the common practice, in this and in other committees, first of all to dispose of the general debate on any item, including that of disarmament. It seems, however, that there is a dearth of speakers. This has been true not only in this Committee but in other committees as

[3] *Ibid., 1966*, p. 800.
[1] A/C.1/PV.1617, pp. 26-46.

well. It has also been the practice that when there are no speakers, one may address himself, in the meantime, to any draft resolution or draft resolutions that may have been submitted. I believe we have several draft resolutions, and I thought I would profit by the time still remaining—because it is now only half past four—to address myself to one of those draft resolutions which is of great concern not only to my delegation but to a good number of other delegations with whom I have consulted. Therefore, Mr. Chairman, with your permission, I shall explain the position of my delegation on that particular draft resolution. I am prompted all the more to do so because we had the privilege, this morning, of listening to our colleague from Denmark, who spoke at length about that draft resolution.[2] Furthermore, it fell to me about three years ago, if my memory does not falter, to address myself to the same principles he enunciated in that draft resolution, to which I shall come a little later.

I believe my good friend and colleague from Malta was the author of that other draft resolution, and either he withdrew it or it failed to receive the necessary votes.[3] I tried to find the record but could not, and I am speaking now from memory. Now I shall be more specific and start with my comments.

As I said, the intervention of our colleague from Denmark, in which he explained at full length one of the draft resolutions before us, namely, A/C.1/L.446, in connexion with the registration by the United Nations of deliveries of arms at the regional level, made it possible for me to speak this afternoon and address myself fully to the said draft resolution. If we look at the co-sponsors of that draft resolution, we find, besides Denmark, Iceland, Malta and Norway. Now, at the very outset I must say that they have submitted that draft resolution with the best of intentions. I am sure they must have felt frustrated that no headway—no appreciable headway—is being made on the various questions involved in disarmament—not to mention general disarmament. In my opinion, the slowness with which disarmament is proceeding is most probably the reason that drove them to start with something modest, to start with the smaller countries and see if something can be done that will achieve some success or at least start a chain-reaction in the field of disarmament. I must say this because I do not want to be misunderstood, I do not want it thought that I am opposing outright the provisions of their draft resolution.

Again, let us look to see who are the co-sponsors of that draft resolution, besides Denmark. They are Iceland, Malta and Norway. Denmark is a member of NATO, and so is Norway. Their security is safeguarded by one of the super-Powers in that regional organization. Iceland is, I submit, what I would call a sort of sleeping partner in NATO. It is in a favoured position. Iceland lies near the North Pole. We are also in a favoured position in Saudi Arabia. They are covered with ice, we are covered with sand. We both have a forbidding climate. In a way we are very similar, inasmuch as they shiver and we perspire. This is what kept the Arabian Peninsula insulated for thousands of years from outside aggression. Of course, the tribes warred against

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[2] *Supra.*

[3] The Maltese resolution was defeated in the First Committee (*Documents on Disarmament, 1965*, p. 586).

one another. I do not know about our Icelandic friends—they may have had their family quarrels, their petty quarrels, too. But we are no longer as immune as we were because of the fact that the air can now be filled with instruments of war. So Iceland, of course, was also motivated by the best of intentions, like Denmark and Norway.

Now I come to my good friend the representative of Malta. What a beautiful island Malta is—far-removed, a peaceful island in the centre of the Mediterranean. But it is not a member of NATO. NATO is trying to induce Malta to agree to some arrangement, but my information is that so far nothing has happened—as yet.

The representative of Malta, like many of us, felt frustrated and thought of setting the ball rolling by being the first one, about three years ago, to give us the idea which is embodied in the draft resolution.

Malta, in so far as I know, does not belong to any regional defence system. I am sure we would all be with Malta if anyone wanted to encroach on it.

Norway and Denmark are in a favoured position, aside from their being members of NATO. I think we envy them for being part of a peaceful region of their own, although they did not escape the scourge of the Second World War. But along with Sweden and Finland, they have tried, and will try, I am sure, to insulate themselves from trouble, and rightly so. They, like Malta, are not beset by problems which can be seen in other regions of our globe.

We speak of regional defence, and many of us belong to certain systems of defence. With respect to Europe, I need hardly draw attention to the fact that most European States belong either to the Warsaw Pact or to NATO. In the Far East, without naming the countries, there is a certain regional defence system. The same is true of the Middle East. There are also regional defence systems in the new hemisphere.

The small Powers that belong to any one of those regional defence systems are dependent on the States that wield world power, not to speak of world influence. Therefore, they are all under some type of defence umbrella.

The question of registering or not registering arms becomes irrelevant. Most of those regions contain a Power which is strongly industrialized and which can afford either to register or not register the sending of arms to another State which may be in danger. But what about those small Powers that are not industrialized and that depend on arms for their self-defence? What about those peoples—and I am speaking of peoples in the plural—who are still struggling to liberate themselves from the colonial yoke or from incursions from outside? Some of those peoples have no government because they have been aggressed against. How would the arms registration envisaged in the draft resolution apply to them? I would say that it would put those peoples at the mercy of any other State. Those peoples would be unable to liberate themselves.

The primitive Biblical instrument of war consisted of the sling and the stone. Wars were sometimes fought with the sling and the stone. I refer concretely to the legendary story in the Bible of David killing Goliath with the sling and the stone. But now we are not living in the Biblical age. We are living in the age of missiles and of electronics,

of highly sophisticated weapons, so complicated and so secret in many aspects that no one can even imagine what havoc it may play, without even being visible.

Nor are we in the era of the spear and the sabre, which decided differences in the Middle Ages when chivalry reigned and when the adversaries were the contestants. In those days nobody had to register the spear. The knight-at-arms came and battled with another knight-at-arms. And how wise were the leaders of States—they let the knight-at-arms settle the issue and they acted accordingly, instead of having the holocausts that became characteristic following the industrial revolution, when the machinery of war became highly developed and mass destruction became characteristic of conflicts even with conventional weapons.

Let us examine this draft resolution carefully, and not dismiss it off-hand—always on the understanding that it was motivated by the best of intentions. I want to show my good colleagues from Denmark, Iceland, Malta and Norway that they themselves are not confronted with the facts of life in their region—or, in the case of Malta, in its island. This draft resolution deals only with conventional arms. Now, what are conventional arms when compared with all the arms in the arsenals of the highly industrialized Powers and the nuclear Powers? We have not yet devised any machinery even for preventing underground nuclear tests. We have not yet been assured that every day new weapons are not being devised for the mass destruction of man. Well, I do not blame the super-Powers, in fairness to them, because they are still suspicious of each other—or, if there are more than two super-Powers, of one another, to use correct English.

We are starting to deal with the question of disarmament from the tail, leaving the head aside. What is the purpose of this draft resolution? The answer becomes self-evident in operative paragraph 1, which states:

> Requests the Secretary-General of the United Nations to ascertain the position of Member Governments

with regard to certain undertakings. Let us examine operative paragraph 1 (a), which states:

> (a) on undertaking an obligation to register with the Secretary-General all imports and exports of conventional arms, ammunition and implements of war.

That is a most ideal undertaking: but can it be put into practice? We do not have to go into the question of ammunition. Certain corporations do not publicize what they are selling, for reasons of their own. It need not be arms, it may be cars, it may be machinery for peaceful uses. Why? Because they want to protect their markets; they do not want everybody to know. Why should we expect arms to be publicized or registered? We are asking the impossible.

On the other hand, it would place any small Power or people struggling for its independence at a disadvantage if it were known by those who want to pounce on a small State or to maintain it under a foreign yoke how much arms it was receiving. And there is always a way to acquire arms secretly without anybody knowing. Even the people who

may be struggling for their independence—most of them—do not know. The enemy, or the adversary, will see to it that the State or the people which is struggling for its independence is at that enemy's mercy.

Sub-paragraph (b) of operative paragraph 1 of the draft resolution states:

> (b) on authorizing the Secretary-General to collect and publish at regular intervals information on the transfer of conventional arms, ammunition and implements of war,.

The Secretary-General will still be on the thirty-eighth floor; the paragraph means representatives of the Secretary-General, or a committee appointed by the Secretary-General. But who are they? They belong to certain States. Can we imagine that the representative, or representatives, of the Secretary-General will be allowed to probe, belonging as they do to various States, into what is going on inside an importing or exporting country? It is not logical. A firm dealing in industrial machinery or commodities sometimes does not find it to its advantage to disclose what it is doing, so how could we expect that those whom it is proposed to inspect would open the books to the representative or representatives of the Secretary-General? He would have to have many, many representatives. Such an arrangement would not be practicable. The sub-paragraph reads: "information on the transfer of conventional arms". It is always conventional arms—which the poor peoples and small Powers depend on either to defend themselves or to fight those who are oppressing them.

Sub-paragraph (c) says: "on the practical measures to be taken to that end". I have just dealt with that point: there can be no practical measures. After what I have said, how can any practical measures be taken? Nobody will heed the representatives of the Secretary-General if they go to any country, exporting or importing, and say to it: "Please tell us what you are doing."

Then, paragraph 2 of the operative part of the draft resolution reads as follows:

> Requests the Secretary-General to report on the results of his enquiry to the twenty-fourth General Assembly for deliberation and reference, as appropriate, to the Eighteen-Nation Committee on Disarmament.

As if the General Assembly and the Eighteen-Nation Committee had nothing to do but to deal with academic issues—and I consider this draft resolution to be of an academic nature. We should have to finance a project by which various Members would be appointed as representatives of the Secretary-General, and in the end their work would be abortive and we should have to pay their salaries and to spend so much precious time on this question at the twenty-fourth session and other forthcoming sessions. With what result? No result whatsoever. Forget about the expense; what about the precious time which would be taken away from the discussion of the vital questions of general disarmament? That is the essence of the whole question.

General disarmament has to start from the head, not from the tail, by decreasing conventional weapons. Conventional weapons will still be essential. I am sure that my colleagues around this table will agree

with me that we have not attained Utopia inasmuch as the security forces inside a State must have weapons t maintain public order. Likewise, small States in particular, and people struggling for their independence, must resort to weapons in order to defend themselves. We cannot have a status quo while the big Powers are able to do as they wish. We plead with them. They have their excuses for not making more progress than they have attained—and, I submit, it is very slow progress. But what would emerge out of this draft resolution if it were adopted would be to maintain the status quo and to leave the peoples struggling for independence under the thumb of those who want to see that they do not attain their independence, and also to see whether the small States will perhaps change alignments and upset the balance of power which, unfortunately, still regulates the international community when it comes to preserving one's independence.

For this draft resolution to be effective, it should be adopted unanimously. But this is not enough; and I do not see that it may even get the necessary votes to ensure its adoption.

But let us assume that it is unanimously adopted: will its provisions be put into effect? This is the question. I submit that it will remain ink on paper—nothing more, nothing less.

It is understandable, after what I have said, why our colleagues who are co-sponsors of that draft resolution submitted it. They did so with the best of intentions, but they seem to be far removed from the facts of life as they obtain in the state of affairs of the world of today. Such a draft resolution, although I think it will not get the necessary vote to be adopted, will sow the idea that perhaps if we start with the small nations to avoid local wars we may be able to persuade the great Powers to live at peace. There is some merit in the intention because, after all, as I mentioned in various interventions in this and other committees, the great Powers do not have any territorial ambitions in so far as the territories of other great Powers are concerned. The whole conflict revolves around spheres of influence. And when we say "spheres of influence" those spheres are composed of the small Powers—to change the alignments. And once there is an imbalance, or at least an imagined imbalance, in the view or in the opinion of one Power then we have trouble. It was unintentional on the part of the co-sponsors of that draft resolution, I am sure, to maintain the *status quo* of people who are struggling for their liberation, but in effect these people would be stymied in their movements if the principles of this draft resolution were to be applied. On the other hand, certain big Powers may use such a resolution to their own advantage by telling a small Power "You cannot be safe now that all imports are to be registered, so you had better come under my umbrella". So there will be a scramble on the part of the great Powers to court the small Powers and to deepen the differences that already exist between those great Powers. Those great Powers fight tooth and nail in order to control us, to wield power over us. I am not going to give concrete examples; it is embarrassing—they are our colleagues and our brothers, regardless of whether they belong to great Powers, super Powers. The whole struggle is to who will control us small nations, so the struggle will still be there in spite

of the registration; the struggle between the great Powers will still be directed by each towards the end of winning this State or that State to its side because it finds itself incapable of defending itself. This is the crux of the question. How can such a draft resolution be valid?

I appeal to the co-sponsors to withdraw that draft resolution. The idea reminds me of the hydra. I thought we "scotched" the idea in 1965 until we could get into a better world situation, until we could see what would happen amongst the great Powers. It reminds me of the hydra; the hydra had seven heads—this has four. So it is easy now to dive back again, not to rise like the hydra, and I would feel rather constrained to vote against this draft resolution because these co-sponsors are submitting it with the best of intention but they are far removed from the realities of life. Denmark—who does not envy Denmark? Not jealous envy; envy for the good things. Who would not envy Norway—although I would like a little more sunlight during winter. Who would not envy Iceland? I would if I were living in Saudi Arabia in August. But they are far removed from the whole picture and I ask them, I appeal to them, to face the facts and to withdraw that draft resolution gracefully lest it become the pivot of interminable debate—in which I will again participate, because my ammunition of words is not yet spent. I have further arguments as to why this resolution should not be submitted. It is a good thing that my ammunition is of words; the military people always tell me, "Don't use your ammunition all at one time". So we learn from them although they are destructive—though they say they are using the ammunition for self defence. I appeal to them to make our task easier, and to concentrate with us to prevail upon the great Powers, especially the nuclear Powers, to have a little more goodwill amongst themselves and not work surreptitiously under cover to refine the sophisticated arms for mass destruction. We should focus all our efforts on that, not on maintaing the *status quo* which would mean the domination of the strong over the weak, whether it be a State or a people struggling for self-determination or to retrieve its homeland as is the case in the Middle East. There is a people whose self-determination has been cast by the wayside by none other than the United Nations through pressure of certain great Powers of that era, 1947, at Lake Success, which was Lake Failure in so far as that people is concerned.

That people was sold down the river. But there are peoples struggling for their liberation and for their independence in other regions of the world—I do not want to be selfish and just concentrate on the Middle East. Again I must emphasize the danger—that there would be an option that would be a corrupting factor, an attempt to divorce certain weak countries from one camp so that they would join another camp and tip the balance. It will create more trouble for the United Nations than it already has.

Sir, I thank you for affording me the opportunity of addressing myself to the draft resolution in question and I assure you that had there been any speakers in the general debate I would not have taxed the patience of my colleagues by presenting my views on the draft resolution. But since we should utilize the precious time of the United Nations in order to dispatch our work, I must say how grateful I am that you gave me the floor for this purpose.

Statement by the Soviet Representative (Roshchin) to the First Committee of the General Assembly, November 28, 1968 [1]

The consideration by the General Assembly of the disarmament questions which are on our agenda show the great interest of States in real progress in this field. Now the hope for progress is linked to the fact that an agreement has been reached on and many States have signed the treaty on the non-proliferation of nuclear weapons, which is designed to reduce the danger of the dissemination of nuclear weapons throughout the world.[2] The agreement on and conclusion of the treaty on the non-proliferation of nuclear weapons was welcomed in most countries of the world. In this connexion the statements of representatives in the plenary meeting of the General Assembly and in the First Committee are quite symptomatic. The representatives of many countries declared that they fully supported the treaty and were in favour of its entry into force at the earliest possible moment. The delegations of many countries which have signed the treaty declared that their Governments were taking measures to ensure the speediest possible ratification. Yesterday we heard the statement of the representative of the United Kingdom concerning the ratification of the non-proliferation treaty by his country.[3] We wish to express our satisfaction at those statements.

During consideration of disarmament questions attention is paid especially to disarmament measures as such, the need to ensure the security of States and international co-operation in the field of the peaceful uses of nuclear energy. The position of the Soviet Union on disarmament questions was set forth in the statement of the Soviet delegation on 12 November 1968 [4] in which my delegation introduced the memorandum of the Soviet Government on disarmament [5] and furnished the necessary clarifications. The memorandum deals with a wide range of proposals, such as: prohibition of the use of nuclear weapons; cessation of production of those weapons; restriction and limitation of stockpiles and of means of delivery; prohibition of underground nuclear-weapon tests, and so on. Many delegations have supported the proposals contained in the Soviet memorandum and have expressed themselves in favour of their immediate consideration by the Eighteen-Nation Committee on Disarmament.

Representatives have evinced interest in the bilateral Soviet-American conversations concerning the limitation and subsequent reduction of vehicles for the delivery of strategic weapons. Our position on this question was set forth in the statement made at this session of the General Assembly by the Foreign Minister of the Soviet Union, Mr. Gromyko, who declared that the Soviet Government was ready to start a serious exchange of views on the question.

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[1] A/C.1/PV. 1624, pp. 2–26.
[2] *Ante*, pp. 161–165.
[3] A/C.1/PV. 1623, p. 26.
[4] *Ante*, pp. 703–712.
[5] *Ante*, pp. 466–470.

While speaking of disarmament questions, we should like to discuss the balance sheet of the work of the Eighteen-Nation Committee on Disarmament at its session in July and August, immediately after the opening for signature of the non-proliferation treaty. The main task of that session was to lay the ground-work for the implementation of the treaty provisions concerning further disarmament negotiations. The Eighteen-Nation Committee had a wide exchange of views on disarmament questions, and special attention was paid to such questions as the cessation of all nuclear weapon tests, the prohibition of the use of nuclear weapons, the prohibition of the use of chemical and bacteriological weapons, the use of the sea-bed and the ocean floor for exclusively peaceful purposes and other topics. As a result of that exchange of views in the Committee, an agenda was agreed upon for the subsequent consideration of disarmament problems,[6] and it was agreed that first priority should be given to questions relating to nuclear disarmament. The agenda also provides for the due study of problems relating to general and complete disarmament. The Committee further agreed to a proposal by Poland that the Secretary-General be requested to appoint a group of experts to study the effects of the possible use of chemical and bacteriological means of warfare. We support the draft resolution which has been submitted to the First Committee with reference to that question.[7]

At the same time the Soviet delegation feels it must again draw attention to the need to find ways and means of ensuring that all States respect the provisions of the Geneva Protocol of 1925 concerning the prohibition of the use of chemical and bacteriological weapons. We are opposed to any attempt to undermine or revise that important agreement.

At the session of the Eighteen-Nation Committee on Disarmament there was a very useful exchange of views concerning disarmament proposals put forward by various States. At the present time consultations are proceeding among members of the Eighteen-Nation Committee concerning the date for the resumption of its work, and we hope that these consultations will be concluded before the end of the present session of the General Assembly.

In the course of the proceedings of the First Committee many delegations have in their statements spoken in positive terms of the activities of the Eighteen-Nation Committee on Disarmament, and we welcome that.

The need to ensure the security of States is directly linked to the problem of disarmament, and delegations in the General Assembly have devoted much time to the study of that matter. Like many others, we consider that the need to ensure international security is a most important task in the sphere of co-operation among States. The solution of other international problems must be subordinated to it, since the importance of that problem has increased immeasurably in the nuclear age. The most important way of ensuring the security of States is through disarmament measures. History has shown convincingly that an increase in weapons does not lead to an increase in the security of

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[6] *Ante*, p. 593.

[7] A/C.1/L.444, Nov. 18, 1968. Except for the second operative par., this draft resolution was identical with pt. A of G.A. resolution 2454 (XXIII), *post*, pp. 793–795.

States. The contrary is true. Experience of two world wars testifies to the fact that an arms race and superiority achieved temporarily at a certain stage of that arms race by some States, as was the case with imperial and then fascist Germany, ensures neither international peace nor international security; it serves rather as a further impetus for the launching of world wars. The Soviet Union, attaching great importance to security problems, shares the legitimate aspirations of the States of the world with regard to ensuring lasting security for their peoples, especially against nuclear attack or the threat of such attack. One cannot underestimate the importance of this problem, just as one cannot consider justified any action tending to undermine the foundation of the solution of the problem. The need to ensure security must not be opposed to and must not hamper the solution of disarmament problems. There is no doubt that security and disarmament are so closely linked that they are two parts of one single whole. Any progress in the field of disarmament makes for greater security for the States of the world. To gainsay the correctness of this approach is to oppose increased security for the States of the world, and this is the approach that must be adopted when one tries to evaluate the treaty on the non-proliferation of nuclear weapons. That treaty in itself is an element strengthening the security of all States. Aiming at the prevention of dissemination of nuclear weapons in the world and striving to prevent the appearance on the world scene of new States possessing nuclear weapons, the non-proliferation treaty thus ensures the security of all States.

One may ask what influence the appearance of five or ten new nuclear States would have on the security of States. There is no doubt that, with the appearance of new nuclear States, the security of all countries would be substantially reduced. Such a development would lead to greater international tension. In that event the likelihood of nuclear war would greatly increase also. In those conditions any conflict would be fraught with the grave dangers inherent in its becoming a nuclear war. The situation in various parts of the world would become more tense as a result of the appearance of further nuclear Powers. The danger of accidental nuclear warfare as a result of miscalculation or technical error would be increased along with the increase in the number of nuclear countries.

In the report of the Secretary-General on the effects of the possible use of nuclear weapons we find the following:

> If a nuclear conflict were to erupt, however it started, not a single State could feel itself secure. Even if a State were not subject to direct attack, and even if it should not experience any immediate consequences of such an attack, it could nevertheless suffer as a result of later radio-active fall-out.[*]

Given an increase in the number of nuclear States, the developing countries will be in the most unfavourable position, so far as their security is concerned, since they do not have a powerful industrial basis. They do not possess the necessary scientists, engineers and other specialists required to produce nuclear weapons. Taking into account economic and other factors, one can conclude that the overwhelming majority of

[*] *Documents on Disarmament, 1967*, p. 408.

the developing countries will not be able in the near future to count on obtaining nuclear weapons.

In those circumstances, if one is mindful of the need to ensure the security of States, can one consider as justified the devious, and sometimes even the flagrant, opposition of some countries to the speediest possible entry into force of the non-proliferation treaty? Such opposition is conducive only to a greater threat of the launching of nuclear war. An important factor in the strengthening of the security of States and an important addition to the treaty on non-poliferation is Security Council resolution 255 (1968) of 19 June of this year [9] and the identical statements of the three nuclear Powers, the USSR, the United States and the United Kingdom,[10] concerning guarantees for the security of non-nuclear-weapon States parties to the treaty. That resolution recognizes the obligation of the Council, and especially of its permanent members possessing nuclear weapons, to act immediately, in accordance with the United Nations Charter, to repel any act of aggression against a non-nuclear-weapon State in which nuclear weapons are used, or any threat of such aggression. The resolution also endorses the statements made by the three nuclear-weapon Powers.

In the statements of the USSR, the United States and the United Kingdom, the intention is again confirmed that in case of such aggression immediate action by the Security Council would be sought in order to ensure, in accordance with the Charter, support for any non-nuclear State party to the treaty on non-proliferation. Those statements also confirm the right of Member States of the United Nations to collective and individual self-defence, as provided in Article 51 of the United Nations Charter.

That resolution of the Security Council and the statements of the nuclear Powers greatly increase the security element contained in the non-proliferation treaty. Speaking of the security factor, we must point to the fact that the provisions of the non-proliferation treaty contained in article VI are most important. They concern the obligation upon the parties to undertake to pursue negotiations in good faith on effective measures in the field of disarmament, which in fact make the treaty a starting point for the carrying out of other measures to put an end to the arms race and to achieve disarmament.

That provision of the treaty, ensuring progress in the disarmament field, lays a solid foundation for the future development and strengthening of the security of States, since any agreement pertaining to disarmament measures would be a step toward greater security. Can one doubt that the achievement, for example, of an agreement prohibiting the use of nuclear weapons would strengthen the security of all States? The General Assembly must take note of the urgent need to conclude a convention on the prohibition of the use of nuclear weapons and must ask that this problem should be solved as soon as possible. That would be an additional guarantee for the security of States.

In the light of the provisions in the non-proliferation treaty relating to negotiations towards further disarmament measures, the nature and content of the security of non-nuclear and nuclear States should not be considered as part of a static category. These provisions of the

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[9] *Ante*, p. 444.

[10] The U.S. statement appears *ante*, pp. 430–440.

treaty view international security as a dynamic element. Progress in the disarmament field will undoubtedly strengthen the security of all States.

In the light of the possibilities created by the non-proliferation treaty for the strengthening of international security, efforts must be designed, not to create difficulties and obstacles or to allow dilatory manoeuvres to prevent the treaty's entry into force, but, on the contrary, to see to it that the treaty becomes a reality as soon as possible and becomes a genuine principle of international law and a starting point for further agreements and the achievement of further progress in the field of disarmament. One must clearly understand that the non-proliferation treaty is but a partial disarmament measure leading toward a decrease in the threat of nuclear war. It does not and could not aim at ensuring absolute and total security for the non-nuclear and nuclear States parties to the treaty against any attack or threat of nuclear war.

So long as nuclear weapons and all other weapons are not eliminated, no treaty on partial disarmament measures can afford such a guarantee. To ask of the treaty that it should contain large-scale, direct and full guarantees for the security of non-nuclear countries is futile. Such demands are in fact made to undermine the treaty itself. They are used as a pretext to delay its entry into force, and this would lead to a more difficult situation in the field of other partial disarmament measures.

It is with the same aim that use is made of the request by some States concerning the convening of a conference on disarmament questions which would in fact only delay the entry into force of the non-proliferation treaty. Such a request runs counter to the need to ensure the security of States and to create a lasting international peace. Foreign Minister Gromyko said at this session of the General Assembly that

> If things moved in the direction in which they are being pushed by overt or covert opponents of the non-proliferation agreement, many months, if not years, would pass with the nuclear non-proliferation problem still unresolved.[11]

Be that as it may, one conclusion is obvious. If the opponents of the non-proliferation treaty succeeded in preventing the entry into force of this important international agreement, the security of all States, nuclear and non-nuclear, large and small, would be greatly reduced; and the prospects for a solution of the problem of security would be less hopeful.

May I now pass on to another series of questions relating to the non-proliferation treaty which played an important part in the statements of many delegations. This is a problem of the development of international co-operation in the peaceful uses of nuclear energy. Many countries, especially developing countries, show great interest in the influence the non-proliferation treaty would have on the development of international co-operation as far as concerns making use of the tremendous wealth accruing to mankind from the peaceful exploitation of the discoveries of nuclear science and technology. The question

[11] A/PV.1679 (prov.), p. 37.

is raised: would the treaty lead to increasing the material well-being and the standard of living of the peoples of the world on the basis of the wide use of nuclear power? Would it in practice lead to the carrying out of programmes of building nuclear reactors and nuclear power stations and the use of isotopes in industry, agriculture and medicine? Would it lead to large scale construction work through the use of nuclear explosives, and so on? The Soviet Union attaches great importance to the co-operation of States in this field.

Even in the first draft of the non-proliferation treaty the Union of Soviet Socialist Republics pointed to the need to ensure large scale assistance to non-nuclear countries in the field of peaceful uses of nuclear energy.[12] In its present form the treaty provides for the inalienable right of States to take part without any discrimination in international co-operation for the peaceful uses of atomic energy. This treaty will be specially important for developing countries not possessing any resources or possibilities for carrying out large scale programmes in the field of peaceful uses of atomic energy and requiring help and co-operation on the part of the developed countries.

It must be noted that there is one obstacle to a large scale exchange in the field of nuclear technology—secrecy caused by fear that such an exchange and the delivery to other countries of nuclear materials and equipment could be used by those countries for military purposes. The treaty on non-proliferation eliminates such fears to a large extent, since it provides for the establishment of a system of control and inspection by the International Atomic Energy Agency to see to it that States parties to the treaty do not condone the transfer of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices.

Thus the treaty is conducive to eliminating the obstacles which still prevent a large scale exchange of scientific and technical information in the development of international co-operation in the nuclear field. In this connexion this is the shortest, most rational and most economically advantageous road towards the treasure trove of peaceful uses of nuclear energy.

In this connexion we should like to note that at the Conference of Non-Nuclear-Weapon States in Geneva some recommendations were adopted in the field of the peaceful uses of nuclear energy, especially concerning the need for the IAEA to continue its efforts in the field of the collection and dissemination of information pertaining to peaceful uses of nuclear energy, including data concerning the peaceful uses of nuclear explosions.[13] We consider that these recommendations could be transmitted to the International Atomic Energy Agency and to the specialized agencies of the United Nations so that they could study them and subsequently inform the General Assembly of the results of that consideration.

It must be noted that in the attitude of some States towards the problem of the peaceful use of atomic energy not enough care is taken to ensure success for various elements of this problem. For instance the Conference of Non-Nuclear-Weapon States has adopted a recommendation concerning a programme of study and development of

[12] *Documents on Disarmament, 1967*, pp. 338–341.
[13] See *ante*, pp. 668–687.

nuclear technology within the United Nations Development Programme as well as a programme for the use of nuclear energy in economic development projects.[14] The main responsibility for financing such projects must rest with the nuclear Powers.

In this connexion one must note that in working out and adopting such important decisions which at the same time lead to important disbursement, the countries which are intended by the authors of those recommendations to bear the main brunt for the financing of such programmes and projects did not take any part. Secondly, no distinction is made in those recommendations between States parties and States non-parties to the treaty on non-proliferation of nuclear weapons. We do not think that one can put those two categories of States on the same plane as far as concerns taking advantage of all the benefits of the programme embodied in the treaty, since the parties undertake the obligation to accept some modalities of control for peaceful use of nuclear energy as provided for in article III of the treaty of non-proliferation, whereas States non-parties to the treaty do not subscribe to any such obligations. In these conditions assistance to those countries in the field of the peaceful uses of nuclear energy is accompanied by some risk, since there is a danger that this assistance may be used for non-peaceful purposes.

Under the provisions of the non-proliferation treaty, States parties to the treaty will be in a more favourable situation as far as concerns using the benefits of international co-operation in the field of the peaceful uses of nuclear weapons when compared to States which, for their own reasons, refuse to become parties to the treaty.

Thirdly, the working out of programmes of this kind requires prior and careful study and consultation by all the parties concerned on all concrete aspects of the problem—economic, financial, legal, etc. The same resolution of the Conference of Non-Nuclear-Weapon States proposes the creation of a fund of special fissionable materials in the interest of non-nuclear States, especially developing countries and an appeal is addressed to nuclear Powers to undertake firm obligations concerning the delivery of such materials to the fund. This proposal ignores the well-known fact that such a fund of fissionable material has already been created. It does exist within the framework of the International Atomic Energy Agency. There is a sufficient amount of fissionable material in that fund to make it possible to meet the request of States. The creation of a second fund is devoid of any practical meaning; it would only lead to a useless expenditure of resources and efforts.

Such are some of the remarks that we wished to make concerning the problem of international co-operation in the field of the peaceful uses of nuclear energy. We should now like to speak of the views of some States concerning organizational matters. The representatives of Brazil, Italy, and some other countries have come forward in favour of creating a committee on the peaceful uses of nuclear energy. This would continue the efforts of the Conference of Non-Nuclear-Weapon States.

According to the sponsors, such a committee would have wide powers. It would have to study and show respect for the provisions of the

[14] *Ante*, pp. 681–682.

treaty. It would co-ordinate the various activities of States in the field of the peaceful uses of nuclear energy, and it would work out policies in that connexion, and so on.

The Soviet Union categorically opposes the creation of such a special committee since it would merely lead to a duplication of the work of already existing United Nations bodies and specialized agencies within whose purview international co-operation in the peaceful uses of atomic energy falls. For such co-operation, we have a specialized agency, namely, the International Atomic Energy Agency, which is engaged in very important activities in this field. It has a highly qualified staff and considerable resources, equipment, materials, technical documentation, and so on. That Agency also settles political matters linked to its sphere of activity. Generally speaking, it is a most competent body in helping States to co-operate in the peaceful uses of atomic energy. Some aspects of that Agency's work could be improved: its activities must be widened and improved, especially in connexion with its functions under the non-proliferation treaty, including nuclear explosions for peaceful purposes. As the Committee is aware, measures have already been taken in that connexion.

The creation of a new special committee not only would duplicate work already carried out by existing United Nations bodies or other agencies, but would lead to more complex disarmament negotiations and would hamper co-operation in the field of the peaceful uses of atomic energy.

I should now like to say a few words concerning the attempts of some States to ensure the convening of periodic conferences of non-nuclear-weapon States and to obtain the creation of a special body composed of such countries. The attempts to give an organizational form to the group or bloc of non-nuclear-weapon States, as opposed to the nuclear States, is pregnant with very negative consequences. If such plans were carried out, this would undermine the United Nations and would have a negative influence on international relations and solutions of questions relating to international peace and security, disarmament, the economic and social progress of peoples and the common efforts of States with a view to attaining the objectives enshrined in the United Nations Charter. Efforts to ignore the permanent members of the Security Council which are nuclear Powers, efforts to prevent them from playing their role in the solution of political problems such as the security of States, disarmament, and so on, obviously run counter to the Charter of the United Nations. Efforts to examine such questions without the States entrusted by the Charter with primary responsibility for the maintenance of international peace and security are in fact an attempt to revise the Charter. To endeavour to examine and present proposals on questions of disarmament and security without the permanent members of the Security Council—those countries which bore the heaviest burden in the fight against the Hitlerite coalition and in the construction of the post-war world—is in fact a violation of the principles which are the very foundation of the Charter as it was elaborated at the San Francisco Conference in 1945. In fact, this would undermine the United Nations. It would gravely endanger the system of international co-operation, created within the framework

of this Organization, in the solution of the problems of peace and security.

What is at stake is not the creation of new bodies, not the convening of conferences of non-nuclear-weapon States. What is needed is a strengthening of the United Nations, effective and fruitful co-operation of States Members of the United Nations in the solution of problems of peace and security within the existing organs of the United Nations and its existing membership. Consideration of the security problems of States, including non-nuclear-weapon States, and consideration of disarmament questions, are within the purview of the Security Council and the General Assembly. These questions must, therefore, be considered in the Security Council and at sessions of the General Assembly, as well as in the First Committee. For the preliminary consideration of concrete proposals in the field of disarmament and the security of States for the working out of preliminary agreements on recommendations pertaining thereto, we have the Eighteen-Nation Committee on Disarmament.

Practice has shown that consideration of such matters presented by various Governments—proposals later transmitted to the General Assembly—was quite useful. The Eighteen-Nation Committee on Disarmament was able to reach agreement on many disarmament problems, including provisions of the treaty on the non-proliferation of nuclear weapons. All this underlines the importance of the need to strengthen and improve the work of already existing bodies dealing with problems of disarmament and security rather than to create new organs which would only lead to duplication and overlapping and, in fact, would only serve as an obstacle in the path to the solution of these vitally important international problems. A solution of the problems of the security of States, the problems of co-operation in the peaceful uses of atomic energy, must be sought through the implementation of international agreements such as the treaty on the non-proliferation of nuclear weapons. Its importance consists in the fact that it lays real foundations for the strengthening of international security, and the development of co-operation of States in the nuclear field.

It is the task of States, large and small, nuclear and non-nuclear, developing and developed, to achieve those possibilities which are enshrined in the treaty on the non-proliferation of nuclear weapons; and many vital international problems of our times will be solved if we take advantage of these possibilities.

To conclude, we should like to stress once again that the Soviet Union is ready to undertake negotiations on a wide ambit of disarmament problems in order to achieve agreements. That is the object of the Soviet disarmament memorandum presented to this session of the General Assembly.[15] All the disarmament measures contained in the memorandum have a direct bearing on the strengthening of the international security of States. The proposals contained in the Soviet memorandum are an expression of the persistent will of the Soviet Union to achieve effective progress in the field of disarmament and to ensure lasting international security.

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[15] *Ante*, pp. 466–470, 712–713.

Statement by the Indian Representative (Husain) to the First Committee of the General Assembly: Arms Transfers [Extract], November 28, 1968 [1]

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In the field of non-nuclear measures we have before us the draft resolution contained in document A/C.1/L.446, seeking to solicit views of Governments on undertaking an obligation to register with the Secretary-General all imports and exports of conventional arms, ammunitions and implements of war, which information should be published at regular intervals so as

> to promote relaxation of tensions and foster relations of mutual trust between States.[2]

Also, in introducing the draft resolution, the representative of Denmark said that such publication of information

> . . . would entail limitations on arms transfers, because continued secrecy about military build-up of individual countries would tend to increase the insecurity in neighbouring States and lead to unnecessary purchases of arms.[3]

A suggestion for arms registration was made in 1965 in the First Committee by one of the co-sponsors of the draft resolution, and rejected by 19 votes against, 18 in favour, and 39 abstentions.[4] However, since the suggestion has been revived, it needs to be examined afresh in the context of the present-day world situation.

The concept of regional arms control or limitation with reference to particular regions was mentioned in 1966 and 1967 in the Eighteen-Nation Committee on Disarmament, in the General Assembly, and in the Security Council. Although what is now suggested is registration of import and export of arms and ammunition throughout the world, the purpose still appears to be to deal with local conflicts.

At the outset, I should like to say that as a matter of principle, the Government of India favours all proposals which promote relaxation of tension and foster relations of mutual trust between States and thus pave the way for disarmament. It is claimed in the preambular part of the draft resolution before us that publication of information about arms transfers between States, whether by way of trade or otherwise, would promote relaxation of tension and foster relations of mutual trust between States. But it is not clear how universally it is proposed to secure an undertaking to register with the Secretary-General all imports, exports and transfer otherwise of arms and ammunition between States. Does it, for example, cover transfer of arms and ammunition between States within military alliances? Would it cover the placement of arms and ammunition in foreign territories not covered by commercial transactions? Would it include manufacture under licence of arms and ammunition in other countries? It is necessary to ask those questions so as to ensure that the attempt now being made

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[1] A/C.1/PV. 1624, pp. 38–47.
[2] *Ante*, p. 728.
[3] *Ante*, p. 730.
[4] *Documents on Disarmament, 1965*, p. 586.

to restrict the freedom of small Powers in the field of defence would not be a repetition of the unequal obligations of the non-proliferation treaty under which the nuclear-weapon States continue to augment their arsenals, while those which do not possess them undertake never to think of possessing them. We need to ask, is it justifiable that while nuclear-weapon Powers and other armament-producing Powers, in the name of national security and global responsibilities, reserve to themselves secrecy and freedom of action, the smaller, non-armament producing Powers should be subjected to a discipline which would adversely affect their security? We need to be sure that the imbalance created by the possession of nuclear weapons by a few Powers is not going to be further accentuated by creating monopolies in the field of conventional weapons also, thereby intensifying tensions and distrust among nations.

In support of the idea of registration a historical precedent has been invoked by recalling that for a number of years the League of Nations published a *Statistical Year Book of the Trade in Arms and Ammunition*, containing detailed information about countries' imports and exports of arms and ammunition. Since it is suggested that this concept needs to be revived, we need to consider what in fact was done under the League of Nations, what success it achieved, and what relevance it has to our contemporary situation.

It is well known that, following the signature in 1925 of the Geneva Convention for the Supervision of the International Trade in Arms and Ammunition and Implements of War, the *Statistical Year Book on the Trade in Arms and Ammunition* came to be published, and continued to be published till 1938. It should be noted—and this is important—that as a result of the recommendations of the Temporary Mixed Commission, as decided by the Council of the League of Nations, that publication was a companion volume to the *Armaments Year Book* published a year earlier, in 1924, in pursuance of article 8 of the Covenant of the League of Nations. It may be recalled that paragraph 6 of article 8 required that

> **The Members of the League undertake to interchange full and frank information as to the scale of their armaments, their military, naval and air programmes and the condition of such of their industries as are adaptable to war-like purposes.**

Thus, those two publications came to be issued simultaneously as a co-ordinated system of publicity established by the Convention, in anticipation of and in preparation for the expected disarmament conference.

The aim of the *Armaments Year Book* was to improve the international political atmosphere by increasing confidence among States, calling as it did for information as to all national armaments, which went far beyond the question of mere armaments trade. The *Armaments Year Book* was not a purely statistical publication, but also included information on the organization and composition of armed forces, and military legislation governing the system of recruitment, training and period of service, and formations organized on a military basis. Statistical data was included with regard to the numerical strength of the armed forces, expenditure for national defence, lists of warships, aircraft, submarines, and so on. The chapter entitled

"Industries capable of being used for war purposes" included data on output, imports and exports of a large variety of raw materials which could be used for the production of arms, ammunition and other implements of war.

It follows from this that in preparation for a disarmament conference the publication of information about arms transfers was part of the scheme to give publicity about all arms and armed forces of all States. In view of this, are the nuclear-weapon Powers and other Powers producing arms and ammunition prepared to provide the kind of information contained in the *Armament Year Book* of the League era? Are they prepared to make a full report about the production in their countries of all arms for use for themselves and for export? In this context it is not difficult to anticipate the attitude of the nuclear Powers and other large armament-producing Powers. It may be recalled that after the establishment of the United Nations in 1946, on the precedent of the League of Nations the General Assembly by its resolution 42 (I) called on the Security Council to determine the information about armaments and armed forces which should be furnished.[5] Three years later, in 1949, General Assembly resolution 300 (IV) noted that the permanent members of the Security Council had not agreed to the proposals formulated by the Commission for Conventional Armaments for the submission of full information on their conventional armaments and armed forces. A Soviet proposal calling upon the Assembly to declare the submission of such information and on atomic weapons was rejected.[6] No progress was made during the next three years and thereafter the Commission was dissolved, in 1952. And nothing has been heard since then of the inventory of armaments and armed forces of all nations of the world.

Then, there is the question of the success of the arrangements under the League of Nations. The prefaces of the annual issues of the *Statistical Year Book on the Trade in Arms and Ammunition* repeatedly expressed regret over the absence of a universally accepted distinction between firearms and those intended for other purposes. The information given does not appear to have provided a sufficient basis from which the strategic significance of some of the trade could be judged.

A part of the effort during the inter-war period was directed against private and illicit traffic in arms and ammunitions, but it is well known that practically no success was achieved in this field, and another attempt is not likely to succeed. Furthermore, certain important producers of arms and ammunitions refused to sign the Convention or to endorse other suggestions relating to a mere inventory of arms going from one country to another because those measures did not promote disarmament but only enabled certain countries to exercise undue influence and pressure over others. In the contemporary world a similar situation would be repeated with worse results by discrimination against non-armament-producing nations.

What did not succeed when half the world was under colonial or other forms of domination and when discriminatory measures could be more easily and effectively applied does not have a better chance of success when there are more than double the number of independent

[5] *Ibid.*, *1945–1959*, vol. I, pp. 47–50.
[6] *Ibid.*, pp. 230–231.

sovereign States. And we all know that that effort of the League could not and did not prevent local or regional conflicts before humanity was overwhelmed by the Second World War. Peace and security would not be enhanced merely by giving what would inevitably be partial figures of the international transfer of arms. As stated in this Committee by the representative of the United States during the 1965 debate, a mechanical approach to eliminating secrecy in arms transfer is no more likely to succeed now than it did in the past.

India considers that nuclear arms pose the most serious danger to international peace and security. At the same time we are mindful of the danger posed by conventional arms. We consider that both problems should receive balanced treatment in the context of a disarmament treaty and that the big military Powers should be the first to adopt bold and far-reaching measures for substantial reductions in their armaments. India is totally opposed to any proposal which diverts attention from the important question of disarmament and which would virtually lead to control of the smaller nations by the nuclear and other large military Powers. Since the proposal is not concerned with the question of production of conventional arms, directly or indirectly, it could only confer a unilateral military advantage on industrially advanced nations. The proposal will have no practical value unless and until effective international machinery can be created to receive and check all registered documents, which must include those relating to production and not merely those relating to imports and exports.

Further, there would be no guarantee of preventing clandestine international trade in conventional arms, particularly in certain sophisticated weapons, thereby further developing the black market and causing an additional drain on the limited resources of the developing countries, which would have to obtain such arms anyhow in the interest of their security. The proposal would amount to exercising totally unjustified discrimination against non-aligned countries and indirectly forcing them to join military alliances, thereby upsetting the present balance of power in the world. Also, it fails to take into account the position of countries like the People's Republic of China, which is not represented in the United Nations.

It would thus appear that the proposal would further add to the imbalance created by the non-proliferation treaty[7] and adversely affect the security of developing countries, particularly those which are not in a position to manufacture the conventional weapons which they badly need to ensure their security.

While it is true that the draft resolution does not impose an obligation on Member States to furnish information about arms deliveries but merely solicits the views of Governments the very basic concept outlined in the preamble is questionable.

For those reasons my delegation is opposed to the draft resolution contained in document A/C.1/L.446 and supports the appeal made by the representative of Saudi Arabia at our 1617th meeting that it be withdrawn.[8]

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[7] *Ante*, pp. 461–465.
[8] *Infra*, pp. 732–738.

Statement by the French Representative (Michelet) to the First Committee of the General Assembly, November 29, 1968 [1]

A little over a month ago the Minister for Foreign Affairs of France, speaking in the General Assembly of the United Nations, stated the four fundamental principles which should continue to be the objective of our Governments.[2] Disarmament was one of the four. This shows the extreme importance my Government attaches to the execution of this undertaking. It also shows the interest that we have in the present debates in this Committee. The cardinal importance of this objective makes certain duties incumbent upon us. In the first place it means that we have to determine lucidly the exact nature of the problem rather than content ourselves with partial approaches that may be elusive or illusory. This concern is widespread, judging from certain of the statements we have thus far heard in the course of the debate. May we say in this regard that the objectives of the Conference of Non-Nuclear-Weapon States do not seem any further removed from our own thinking.

No matter what our judgement of certain of the resolutions adopted at Geneva, we wish to indicate the interest with which we followed the proceedings of the Conference and to say that we took careful note of the preoccupations expressed by the non-nuclear-weapon States. Essentially those concerns in fact reflect what is wanting, if not misleading, in the process of disarmament as it is now being pursued. Disarmament does not mean simply preventing the spread of nuclear weapons. That is undoubtedly a useful objective and the French Government has always considered that the nuclear States should do nothing directly or indirectly to promote the spread of nuclear weapons which would be contrary to the interests of the world as a whole. As you know, France, in this field, will conduct itself exactly like the States that have decided to adhere to the treaty on non-proliferation.[3] If France intends neither to condemn nor to endorse the conclusion of the Treaty, and if France itself has not subscribed to it, it is above all to point out, as so many speakers have emphasized here, that to deny States not possessing weapons of mass destruction the opportunity to acquire them does not constitute a real act of disarmament.

In the second place neither, quite obviously, does disarmament mean taking partial measures, the only effect of which would be to confirm the nuclear monopoly of a few States and to make world security dependent on a delicate balance which can be upset at any moment.

Thirdly and lastly, neither is disarmament simply a matter of limiting by means of agreements arrived at among Powers that are already excessively armed, the growth of their armaments. Such agreements would undoubtedly constitute a political gesture which would help to bring about a *détente* and, like many other countries, we would welcome anything which would ease world tension. But at this stage

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[1] A/C.1/PV.1626, pp. 36–41.
[2] A/PV.1683 (prov.), pp. 22–42.
[3] *Ante*, pp. 461–465.

such an initiative could hardly be assessed from the standpoint of real disarmament, particularly since for the moment it would be bilateral in nature. The real problem—and all of our discussions prove that this is so—is to meet the needs of security and, in the first place, a security guarantee against nuclear weapons, a need so forcefully expressed by the great mass of humanity. My Government which, in this matter, believes in strict application of the United Nations Charter has long since replied to this fundamental question, that there can be no guarantee against atomic weapons outside of nuclear disarmament.

It was several years ago that we set forth the conditions which, as we see it, govern genuine disarmament, ensuring security for all. It is no more than eight years since the French authorities affirmed that such disarmament should be addressed first to existing nuclear arsenals. We stated at that time that the necessary restrictions should be applied first to nuclear weapons delivery vehicles, and that they should result in the prohibition both of the manufacture of nuclear weapons and in the destruction of stockpiles. We emphasized at that time that successful negotiations would have to be held, first of all, among Powers possessing weapons and consequently capable of entering into the necessary undertakings among themselves.[4] Having heard this restatement of some fundamental principles and of the thesis constantly maintained by the French Government, the Committee will understand the value we attach to the passage in the July 1968 Soviet memorandum which suggests that talks should be held among all the nuclear-weapon Powers to study the best means of ensuring the elimination of nuclear weapons, including the study of the problem of delivery vehicles.[5]

The French Government wishes to reaffirm that it is ready to participate in any initiative which would tend to give practical effect to these suggestions, it being understood of course that there could be no successful negotiations if there was not at the outset a common willingness to accept strict control over the implementation of decisions taken.

The same compelling requirement of precise and effective control applies to the far-reaching conventional disarmament which would have to accompany nuclear disarmament if the ensuing order were not to be marked by a new imbalance of forces. It goes without saying that prohibition and control measures must be extended to biological and chemical weapons. On this subject, and on some others too, we may have more to say, where necessary.

My concern here was to indicate what is essential to a genuine policy of disarmament. The statement would, however, be incomplete if my delegation did not emphasize, in conclusion, a cardinal consideration.

As we recalled on 12 June this year in the General Assembly, the process of disarmament requires the nuclear Powers to concert their efforts and reach agreement, which presupposes on their part both the will to bring this about and a far-reaching change in their relations.[6] Who would not agree that today, more than ever, there is an absolute necessity for this last but imperative condition: the establishment of a far-reaching and lasting *détente*?

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[4] See *Documents on Disarmament, 1961*, pp. 637–644.
[5] *Ante*, pp. 466–470.
[6] *Ante*, pp. 429–431.

ACDA Report on World Military Expenditures, 1966–1967 [Extract], December 1968 [1]

Global expenditures for military purposes have reached a new record high level. From $132 billion in 1964, they rose to $138 billion in 1965, $159 billion in 1966 and an estimated $182 billion in 1967. Preliminary data suggest a continued rise in 1968. Since 1962, when UN experts estimated world military outlays at $120 billion, the increase has been more than 50 percent.[2] (The foregoing figures are in current dollars.)

Military spending today exceeds that of any prior period except the peak fighting years of World War II. Global military expenditures now take more than 7 percent of the world's gross product. In money terms they are equivalent to the total annual income produced by the one billion people living in Latin America, South Asia and the Near East. They are greater by 40 percent than world-wide expenditures on education by all levels of government and more than three times world-wide expenditures on public health.

Very rough estimates indicate that since 1900 more than $4,000 billion have been spent on wars and military preparedness. If the current level of military spending should continue, this total will be doubled in only 20 years. If the recent rate of *increase* in military spending continues, the arms race will consume another $4,000 billion in only 10 years.

THE TREND OF MILITARY EXPENDITURES

World military expenditures surged sharply upward in 1966 and 1967, after two years of comparatively small changes overall (Chart I). Spending in 1967 was $44 billion greater than in 1965, an increase of almost one-third.

The dominant influence of the NATO and Warsaw Pact powers on the world's arms race became more pronounced. The two major military alliances accounted for nearly nine-tenths of the rise in expenditures in 1966 and 1967. The increased outlays of the two leading powers in the alliances, the United States and the Soviet Union, made up $35 billion of the $44 billion increase from 1965 to 1967 in world military spending.

Although ACDA's two earlier surveys had found indications of a somewhat more rapid rise in expenditures in developing than in developed countries, this tendency was no longer evident in 1966 and 1967. Compared with the competition between the bigger powers, the trend in the less developed countries (LDC's) appeared relatively moderate. Increases in military expenditures from 1965 to 1967 were 35 percent for the NATO countries, 29 percent for the Warsaw Pact and 24 percent for the rest of the world including the LDC's.

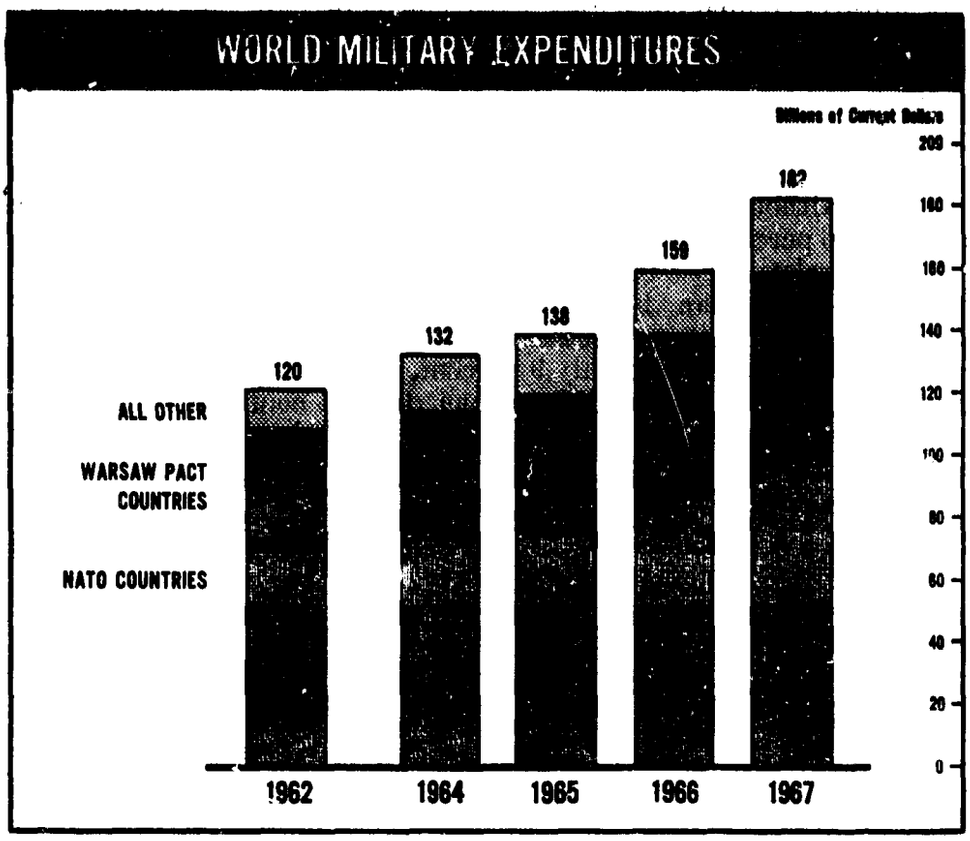
Regional totals of military outlays turned higher in most cases from 1965 to 1966, the greatest relative increases being in North America,

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[1] ACDA Research Report 68-52 (Dec. 1968), pp. 1–6. The appendices are not printed here. For previous ACDA reports on military expenditures, see *Documents on Disarmament, 1966*, pp. 1–3, and *ibid., 1967*, pp. 611–612.

[2] See *ibid., 1962*, vol. I, p. 42.

CHART I



Europe and Asia. The only regional total which appeared to have dropped slightly was that for Africa. The expenditure total for South Asia was lower in 1966 than in 1965 in dollar equivalents (Table I) but this was largely a reflection of a new official exchange rate for India; India's military expenditures rose in terms of purchasing power equivalents (Table V).

COMPARISONS WITH ECONOMIC GROWTH

Since 1964, the year of ACDA's first survey of world military expenditures, there has been a steady and substantial rise in the aggregate gross national products (GNP) of the world, as well as in military outlays. However, not only in absolute but also in relative terms (that is, in comparison with the broader economic base represented by a larger GNP) the *burden* of the arms race was heavier for the world as a whole in 1967 than in 1964.

Chart II and the summary table [3] show the relative trends in GNP and military expenditures and their implications in per capita terms, taking into account the rise in population and in prices between 1964 and 1967. The following conclusions are indicated:

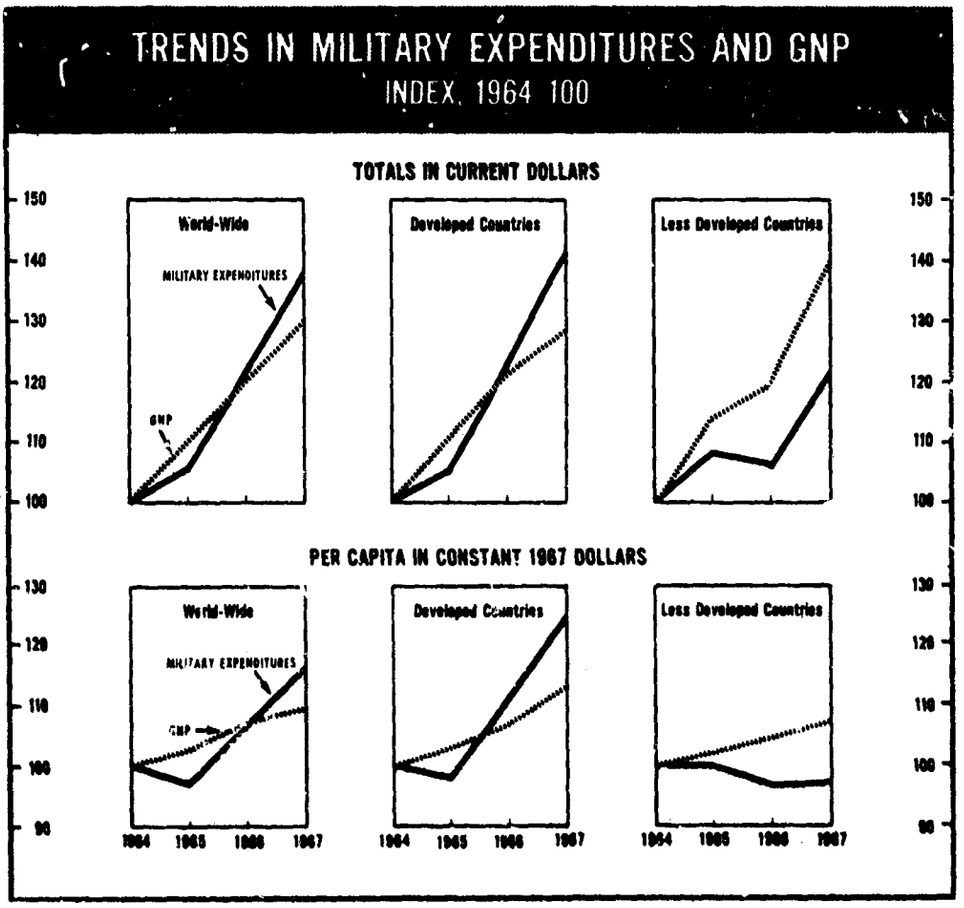
[3] Not printed here.

1. The increase in world-wide outlays for defense is considerably larger than the increase in population, a 38 percent rise in military expenditures comparing with a 7 percent increase in population. This means that per capita military expenditures in current dollars [4] were 30 percent higher in 1967 than they were in 1964—a world average of $53 per person per year compared with $41 in 1964.

2. If the world-wide inflation of prices is taken into account, the increase in military expenditures in *real* terms (that is, in constant dollars [4]), although less pronounced, is still a substantial 23 percent in total and 16 percent per capita.

3. The relative rise in military expenditures from 1964 to 1967 has been more rapid than the growth of world GNP. While military expenditures per capita expressed in constant prices rose 16 percent, GNP per capita increased only 9 percent, suggesting that a significant share of the increment in real product did not contribute to the improvement of living standards but went instead to heavier military expenditures.

CHART II



[4] Figures in current dollars reflect the prices and exchange rates of the respective years to which they apply. Figures in constant dollars have been adjusted for changes in both prices and exchange rates to show real values in terms of 1967 dollars. (See discussion of prices in Appendix).

VARIATIONS IN PATTERN

The 1964–1967 period shows striking variations in national and regional trends in both military outlays and in comparative measures of economic change. For summary purposes, Chart II illustrates these differences in terms of two general categories of countries, the developed and less developed.

In the developed countries the sharpest rise in military outlays occurred after 1965 and by 1967 had pushed this index above the GNP trend. In constant dollars per capita, military expenditures in these countries in 1967 averaged 24 percent higher than in 1964, compared with the 16 percent rise world-wide. The relative gain in real GNP per capita was only half as great, indicating that a growing proportion of the total product in these countries went to military programs. In 1967 the ratio of military expenditures to GNP in the developed countries averaged 8 percent compared with 7 percent in 1964.

In the less developed countries the trend of military expenditures relative to GNP was somewhat more restrained. The rise in military spending appeared to taper off in 1966. Although a new spurt developed in 1967, the index stayed below that for GNP. In real terms, per capita outlays in 1967 averaged slightly less than in 1964, while GNP was slightly higher. The ratio of military expenditures to GNP diminished somewhat over the period; by 1967 it was about 4 percent. This compared with 8 percent in the developed countries.

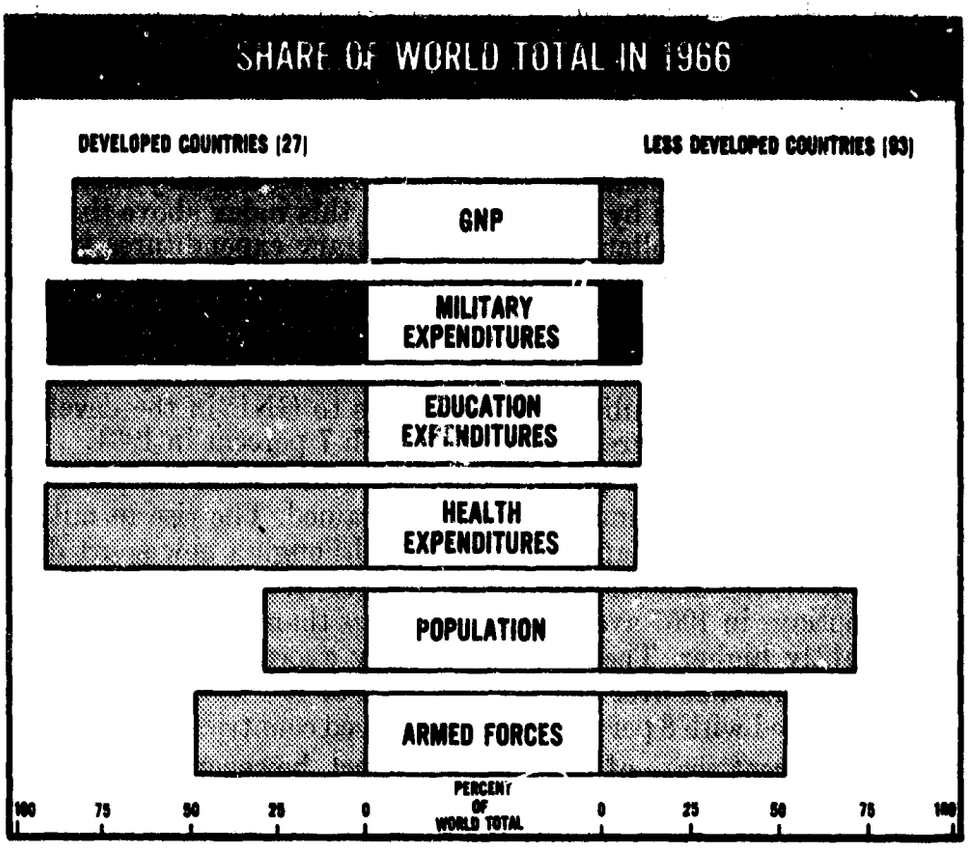
The 4 percent share of the LDC's product, however, was taken out of a considerably smaller overall product and one that was growing more slowly. For these reasons the diversion of resources to military programs in these countries probably represented a greater strain on their economies in terms of the extent and urgency of unmet needs. Per capita GNP in the LDC's averaged less than $200 in 1967, not even one-tenth that in the developed countries. A severe price inflation in many of the LDC's and a relatively large increase overall in population (8 percent compared with 3 percent in the developed countries) made the GNP growth rate per capita a very modest one. In real per capita terms the rate of growth in the less developed areas between 1964 and 1967 was only half that of the developed countries.

What these divergent trends signify for the distribution of resources between the richer and poorer parts of the world is suggested by Chart III. By 1966 the 27 developed countries in this survey, representing 28 percent of the world's population, had 83 percent of its product and spent 89 percent of world military expenditures.

The 93 less developed countries, with 72 percent of the population, had only 17 percent of the world GNP. They spent 11 percent of world military expenditures. Although accounting for an increasing proportion of the world's population, the LDC's had not improved their relative economic position during the period under review.

Further comparisons between the developed and developing countries are discussed in the section following.

CHART III



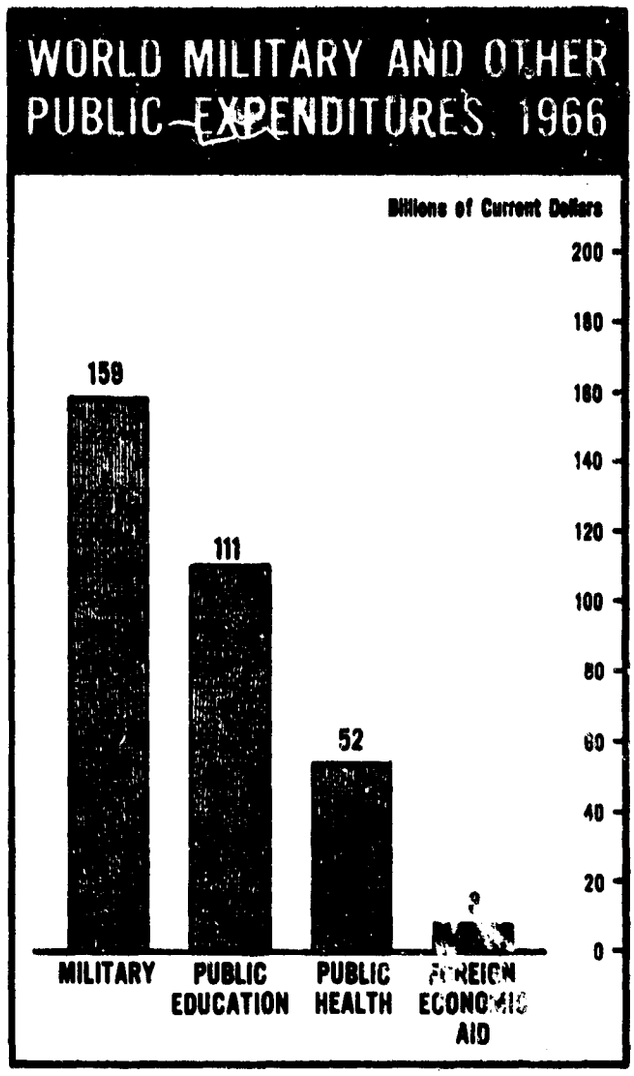
OTHER PUBLIC EXPENDITURES

The dimensions of the military component of national budgets take on more significance when compared with other types of public outlays. The data available permit comparisons with public expenditures on education and health by all levels of government and with expenditures for official foreign economic assistance to LDC's (Chart IV). Unfortunately the figures for education and health are not yet on as current a basis as military expenditures and GNP; therefore they do not lend themselves to comparisons of trends and should be used in a broad rather than precise way for comparisons of level.

Education—The size of the world's public education budget is about two-thirds the budget for military programs. Half the governments in the world spend more on defense than on education. The average annual expenditure per soldier, world-wide, is $7,800. For the estimated one billion young people in the world school-age population (ages 5–19), public expenditures for education average $100 a year.

Country-by-country comparisons of education expenditures must be made cautiously because of differences in national practices with respect to the financing of education. Communist countries support all education through the public budget while others do so through varying mixes of public and private funds. In the United States, for example, the Office of Education estimates private expenditures at $7 billion in 1966, compared with national, state and local governmental expenditures of $34 billion.

CHART IV



On average, developed countries spend a significantly higher proportion of their gross national product on public education (5 percent) than do LDC's (3 percent). This relative showing for the two groups of countries is roughly similar to the relative proportion of GNP going to military expenditures.

The contrasts between developed and developing are more marked when the differences in population are taken into account. (See Chart III.) LDC's have 72 percent of the world's population but their public expenditures on education represent only 11 percent of the world's expenditures. On a per capita basis this means that LDC's spend an average of $5 annually for education and developed countries an average of $100.

Health—The world's public health budget is $52 billion, or one-third the size of its military budget. Only 36 countries, out of 120, spend as much on public health programs as on military programs.

As the figures quoted relate to current outlays only, they understate

total public expenditures on health. In the countries for which recent data are available, national practices vary sharply, but on average reported capital outlays in 1966 and 1967 represented a 10 percent addition to public health budgets.

In the public health field the difference between the developed and developing countries is somewhat more extreme than it is in public education. Developed countries in 1966 accounted for more than 90 percent of world expenditures, LDC's for less than 10 percent. Public outlays for health care average $50 per person annually in the developed countries, and $2 per person in the LDC's.

Like education, health care is privately financed to varying degrees in different countries. Available evidence suggests that on the whole private spending is much more significant in this field than it is in education. In the United States, as an example, it is estimated that private spending for health is approximately 3 times public disbursements.

Foreign economic aid—Official foreign economic assistance provided to the LDC's was approximately the same in 1966 as in 1965. A world total of about $8 billion in economic aid was less than one-half of one percent of the GNP of the donor countries and equivalent to 6 percent of their military expenditures. Aid given averaged $8 per capita in the developed countries, as compared with $170 per capita spent on military programs.

National receipts of foreign economic assistance as shown in the country tabulations amounted to $7 billion, including multilateral as well as bilateral contributions, and receipts from Communist donors. (The difference in the total of aid given and aid received is explained in the Appendix, page 22). All aid received was equal to 2 percent of the LDC's gross product. The military expenditures of the LDC's were more than twice as large as their receipts of foreign economic aid.

MANPOWER

One additional measure of the resource costs of military programs is the manpower which they absorb. This includes not only the armed forces themselves but also the civilians employed in supplying military goods and services directly to the armed forces and in producing the raw materials, equipment and other goods and services that are needed indirectly in the production of military goods and services.

The data available on a world-wide basis cover only active duty armed forces. In 1966 these numbered over 20 million men and women. UN experts in 1962 estimated that in addition to 20 million in the armed forces well over 30 million persons might be directly or indirectly engaged in productive activities resulting from military expenditures. Totals of this order of magnitude are also suggested by recent studies of U.S. manpower utilization.

A total armed forces and military-related employment of over 50 million is larger than the total population of France. It is about 4 percent, or one in twenty-five, of the economically-active population of the world. Although in absolute numbers this employment may be larger in the developed than in the less developed countries, it is in the latter, where trained and educated manpower are relatively lim-

ited, that the diversion of skills from the civilian economy may represent the more serious factor affecting economic progress.

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Six-Power Draft Resolution Introduced in the First Committee of The General Assembly: Conference of Non-Nuclear-Weapon States, December 3, 1968 [1]

The General Assembly,

Noting that pursuant to its resolution 2346 (B) (XXII) of 19 December 1967 [2] a conference of non-nuclear-weapon States was held in Geneva from 29 August 1968 to 28 September 1968, which was attended by ninety-two non-nuclear-weapon States and four nuclear-weapon States,

Appreciating the importance of the consideration given by the participants in the Conference to the problems of achieving a universal peace and, in particular, the security of non-nuclear-weapon States, cessation of the nuclear arms race, general and complete disarmament and harnessing of nuclear energy exclusively for peaceful purposes,

Welcoming the constructive proposals contained in the resolutions adopted by the Conference,

Considering that in order to fulfill the aims of the Conference it is necessary to ensure the implementation of these proposals, which will require appropriate action by the international bodies and Governments concerned,

A

1. *Endorses* the declaration of the Conference of Non-Nuclear-Weapon States; [3]

2. *Takes note* of the resolutions adopted by the Conference; [4]

3. *Requests* the Secretary-General of the United Nations to transmit those resolutions and the declaration to the Governments of States Members of the United Nations and members of its specialized agencies and of the International Atomic Energy Agency, and to the international bodies concerned, as requested in the respective resolutions;

4. *Invites* the specialized agencies, the International Atomic Energy Agency and other international bodies concerned to give careful consideration to the recommendations addressed to them by the Conference of Non-Nuclear-Weapon States and to report to the

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[1] A/C.1/L.450, Dec. 3, 1968. The resolution was sponsored by Australia, Austria, Canada, Finland, Japan, and the Netherlands. After discussions between these countries and the sponsors of the other six-power resolution (*post*, pp. 776–779), both resolutions were withdrawn and replaced by a draft resolution of Dec. 13 (A/C.1/L.458), which became pt. A of G.A. resolution 2456 (XXIII), *post*, pp. 797–801.

[2] *Documents on Disarmament, 1967*, pp. 730–731.

[3] *Ante*, pp. 685–687.

[4] *Ante*, pp. 671–685.

Secretary-General on action taken by them concerning the recommendations contained in the respective resolutions;

B

1. *Requests* the Secretary-General to submit a comprehensive report based on the information supplied by those concerned on the progress achieved in the implementation of the present resolution for consideration at the twenty-fourth session of the General Assembly;
2. *Further requests* the Secretary-General to place the question of the implementation of the results of the Conference of Non-Nuclear-Weapon States, including the question of convening a meeting of the United Nations Disarmament Commission, on the provisional agenda of the twenty-fourth session of the General Assembly;

C

1. *Requests* the Secretary-General, in accordance with resolution G of the Conference, to appoint a group of experts, chosen on a personal basis, to prepare a full report on all possible contributions of nuclear technology to the economic and scientific advancement of the developing countries;
2. *Endorses* the recommendation that the Secretary-General draw the attention of the group of experts to the desirability of taking advantage of the experience of the International Atomic Energy Agency in preparing the report;
3. *Requests* the Secretary-General to transmit the report to the Governments of States Members of the United Nations and members of its specialized agencies and of the International Atomic Energy Agency in time to permit its consideration at the twenty-fourth session of the General Assembly.

Statement by the Argentine Representative (Ruda) to the First Committee of the General Assembly: Arms Transfers [Extract], December 3, 1968[1]

. . . . . .

Starting from the premises which I have just defined, the Argentine delegation has also given careful attention to the draft resolution of the four Powers (A/C.1/L.446).[2] I must express my concern about the wording of this document. It speaks of an obligation to register all imports and exports of conventional arms, ammunition and implements of war.

I must say that this document sets a principle of doubtful value; in other words, the need to register the imports and exports of conventional weapons, etc., but not their production. This principle gives rise to extremely negative consequences. Those countries that have to

[1] A/C.1/PV.1628, pp. 23-26.
[2] *Ante*, p. 728.

obtain armaments from foreign sources will have to submit a list of their needs for international scrutiny when it concerns their national security. A register of trade in weapons has no meaning *per se*—it has to be intended for some purpose. In this specific case, it is obvious that what is being sought is to offer certain elements for judgement which will allow a decision to be arrived at on whether a shipment of weapons is or is not excessive. But what point of reference is to be adopted to come to such a conclusion? Obviously, the requirements of national security. Therefore, whilst the arms race among the great Powers continues and is embodied in the production of ever more sophisticated weapons of mass destruction, those States which have a lower industrial capacity are to bind themselves to a discipline that inevitably spells new limitations on their sovereignty. It is precisely initiatives of the nature that we are considering, which can gradually lead to political imbalances of such a magnitude that they might truly endanger our achievement of the true objective, namely, disarmament.

My delegation is against the adoption of such a measure for the reasons that we have given. We have no doubt whatsoever regarding the true and good intentions of the co-sponsors whose active participation in the disarmament negotiations cannot be minimized. But in this specific case, unfortunately, we shall not be able to go along with them.

. . . . . .

Statement by the Danish Representative (Borch) to the First Committee of the General Assembly: Arms Transfers, December 4, 1968 [1]

On behalf of the sponsors of draft resolution A/C.1/L.446,[2] I should like to make some observations on the criticism voiced in this Committee at previous meetings by the representatives of Saudi Arabia,[3] India,[4] the United Arab Republic [5] and Syria,[6] and by other representatives yesterday.

May I say by way of introduction that we have listened attentively to the objections raised to our proposal, and may I emphasize that we do respect the underlying motives. A common feature is, however, that the scope of the draft resolution has been misinterpreted and overrated and that, starting from what we believe are erroneous premises, the opponents of the proposal have, so to speak, anticipated the course of events.

Let me point out that the proposal is strictly confined to a request

[1] A/C.1/PV.1629, pp. 2–7.
[2] *Ante*, p. 728.
[3] *Ante*, pp. 732–738.
[4] *Ante*, pp. 748–751.
[5] A/C.1/PV.1627, pp. 17–21.
[6] A/C.1/PV.1628, p. 7.

to the Secretary-General to ascertain the position of Member Governments on undertaking an obligation to register with the Secretary-General all imports and exports of conventional arms, ammunition and implements of war. Furthermore, we wish to ascertain the views of Member States on publication of such information by the Secretary-General and on the practical measures to be taken to that end.

It should thus be quite clear from the text of the draft resolution that the proposal is of very limited scope and of a purely procedural character and does not in any way whatever affect the substance of the matter. In the very recognition of the fact that we are here dealing with questions affecting the legitimate security interests of Member States, we considered that the right approach would be to afford Member States the opportunity to state, after careful consideration in their respective Governments, how and on what terms it would be feasible to establish such an arrangement. In the light of the replies to such an inquiry, it would then be possible to ascertain whether there would be any basis for going ahead with the idea and consider how an arrangement could be elaborated.

The arguments which have been raised in the course of the debate are, in fact, examples of such objections as should be incorporated in the sum total of the data it is proposed to collect. Any critical remarks that may be put forward would serve the very purpose we have in mind: to find out whether it would be possible to work out a proposal for a registration arrangement. Only when the answers have been provided will it be possible to decide whether it would be feasible at all to make a substantive proposal. Therefore we submit that it is premature at this juncture to level criticisms at a possible proposal for registration, in as much as the draft resolution does not go any further than to invite Member States to furnish advice, supplementary information and critical remarks of any kind.

In our conception such comments thus belong to the next phase of developments, and therefore the sponsors would at this stage not find it right to enter into a detailed debate with the representatives of the countries I have just mentioned with regard to the arguments they have raised against a proposal the substance of which lies in the future.

Let me once again underline that the step envisaged now is, indeed, of a very modest and preliminary nature. The sponsors want only to ascertain the views of Member States on a very complex but also highly significant set of problems. That is all there is to the proposal—neither more nor less. It is our hope that Member States will understand what the real content of the proposal is.

Finally, I should like, however, to stress as emphatically as possible that the sponsors have never had the slightest intention of discriminating against States which have to import weapons. The sponsors belong to that group of States themselves. We fully agree that measures which would place any State or group of States in an unfavourable position in relation to other States should not be taken.

I have found it necessary to make these comments because the sponsors of the draft resolution are anxious to dispel any doubts about the nature of our proposal.

Statement by the Pakistani Representative (Shahi) to the First Committee of the General Assembly: Arms Transfers [Extract], December 4, 1968 [1]

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The report of the Eighteen-Nation Committee on Disarmament deals in one sentence only—that is in paragraph 28—with the problem of regional arms limitation.[2] We note that views were expressed but no conclusions were reached.

In this Committee the delegations of Denmark, Iceland, Malta and Norway have submitted the draft resolution contained in document A/C.1/L.446, which proposes ascertaining the position of Member Governments (a) on undertaking an obligation to register with the Secretary-General all imports and exports of conventional armaments, and (b) on authorizing the Secretary-General to collect and publish at regular intervals information on the transfer of such armaments.[3]

We are not unaware of the exacerbation of regional tensions and conflicts as a result of competition and rivalry in the acquisition of conventional arms. We listened attentively to the statement of the representative of Denmark at the 1616th meeting of this Committee.[4] The draft resolution seems to be envisaged as only a preparatory step looking towards a possible arrangement for registration of arms shipments in the future. We appreciate the good intention of the sponsors —which is to entail limitation of purchases through publicity—and we also note their assurance that this will not interfere with arms purchases serving legitimate defence interests of States.

But it is difficult to see how the registration of arms transfers would promote the objective in view, namely, the easing of local tensions and conflicts. Some considerations are compellingly evident in this regard:

First, competition in acquisition of conventional armaments is generally the consequence and not the cause of local tensions and conflicts.

Second, in spite of governmental control much of the arms traffic remains secret and clandestine and figures given for publication are likely to be misleading.

Third, the proposal is bound to be discriminatory against non-arms-producing countries. In fact, it could even worsen regional imbalances by operating even among non-arms-producing countries to the advantage of those which are relatively more industrialized than their neighbours.

Above all the draft resolution does not take into account the global and regional alignments and policies of the great armed Powers.

For all those reasons my delegation would like to support the appeal by the representative of Saudi Arabia to the four sponsors not to press their draft resolution to a vote.[5]

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[1] A/C.1/PV.1629, pp. 27–31.
[2] *Ante*, p. 595.
[3] *Ante*, p. 728.
[4] *Ante*, pp. 728–732.
[5] *Ante*, pp. 732–738.

The subject of regional arms limitations on conventional armaments figures both in the Soviet memorandum and in President Johnson's message to the Eighteen-Nation Committee on Disarmament, in the Committee's documents ENDC/227 and ENDC/228, respectively.[6] While we welcome the concern with the subject shown by the two super-Powers we remain sceptical that the Eighteen-Nation Committee on Disarmament will be able to give the matter the kind of consideration that it demands.

The question of how to evolve agreements on regional limitations of conventional armaments is again one of those which do not lend themselves to even a technical or formal discussion that is removed from political realities and in which all countries of the region, if not the entire membership of the United Nations, do not participate. This is again an illustration of the inadequacy of the present negotiation process. In a rarefied discussion, the temptation will be irresistible for the participants to put the cart before the horse—if I may be permitted the use of a homely phrase—and concentrate on the outward manifestation rather than on the underlying causes of regional disputes. Is it not unrealistic to assume that such a discussion would lead to any positive results?

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Statement by ACDA Director Foster to the First Committee of the General Assembly, December 5, 1968 [1]

Before commencing my prepared remarks, I must say that I have noted with interest the comments of the representative of Bulgaria on what he calls the "delay and excuses for delay" in the initiation of talks on the limitation and subsequent reduction of strategic offensive and defensive missiles systems. I must comment that I believe every one of our colleagues in this Committee is aware of the reasons for that delay.

The past year has been one of substantial accomplishment in the field of arms control and disarmament. This should encourage us to face up to the need for making even greater progress in the future if we are to achieve the momentum required to turn back the nuclear arms race and to begin making progress in other areas of arms control and disarmament. The United States believes the non-proliferation treaty [2] holds the promise of facilitating further significant progress.

I have already shared with the Committee my Government's views on prospects for international co-operation opened up by that treaty. We have emphasized that turning those prospects into concrete achievements requires an approach which will enable the competent bodies and experts to get to work without delay.

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[6] The Soviet memorandum appears *ante*, pp. 466-470. For President Johnson's message, see *ante*, pp. 531-532.

[1] A/C.1/PV.1630, pp. 12-27.

[2] *Ante*, pp. 461-465.

Today I should like to discuss several of the arms control and disarmament questions now before the Committee and the related draft resolutions, bearing in mind the practical, step-by-step approach which has led to progress.

Foremost among the arms control issues which have seized our attention for more than two decades is the problem of nuclear disarmament. The Eighteen-Nation Committee on Disarmament recognized the pre-eminence of this area of concern in the programme of work which was adopted at its last session.[3] From the discussion in this Committee it is also clear that, within the broad and complex field, the question of further limitations on nuclear weapon testing stands as a priority item.

Therefore I should like first to comment on the draft resolution placed before the Committee on the suspension of nuclear tests.[4] On numerous occasions in the past, and particularly since the conclusion of the limited test ban treaty in 1963,[5] my delegation has strongly supported the conclusion of an adequately verified comprehensive test ban. We remain convinced that if we are to reach such an agreement, we must continue to work toward a treaty providing for adequate verification.

As for the draft resolution before us, the United States delegation intends to support it, as in fact we supported similar resolutions during previous sessions of the General Assembly. I would, in addition, like to re-emphasize the basic point of our remarks on those previous occasions. We made clear, and I wish to repeat, with respect to operative paragraph 2 of the present draft resolution, that we understand the call for a suspension of tests in all environments to mean suspension pursuant to an adequately verified treaty.

I am pleased to note that the present draft resolution expresses the hope that States will contribute to an effective international exchange of seismic data. As all delegations are aware, the United States has, in connexion with possible limitations on nuclear testing, long urged increased international exchange of seismic data. We have also urged, in the same context, technical discussions relating to identification of seismic events. Therefore, it was especially heartening to us that the meetings of the Seismic Study Group of the International Institute for Peace and Conflict Research held earlier this year in Sweden were able to accomplish much in both those areas. There can be no doubt that exchanges and discussions such as occurred at the Seismic Study Group meetings can be very useful and should continue to be encouraged.

In this connexion, I should like to note that there has been an unfortunate tendency in some quarters to draw unwarranted conclusions from the opinions given in the summary report of the study group's meetings.[6] A careful reading of this summary will leave no one in doubt that the participants agreed that there were sizeable man-made explosions which could not be identified as such—that is, differentiated from earthquakes—using only the available long-range

[3] *Ante*, pp. 501–505.
[4] Identical with G.A. resolution 2455 (XXIII), *post*, pp. 706–707.
[5] *Documents on Disarmament, 1963*, pp. 201–203.
[6] *Ante*, pp. 455–458.

seismic identification criteria. These unidentifiable events are in the range of explosive yields equivalent to many tens of thousands of tons of TNT.

Thus, the explosions which were agreed to be unidentifiable seismically by the Seismic Study Group participants are indeed of yields which are of great military significance. The technical inability to distinguish at long distances between explosions and earthquakes in this yield range is one which cannot be dismissed, no matter how much some might value the political advantages of doing so.

The United States has reported from time to time on seismic research it is undertaking to improve the capability for detecting and identifying underground seismic events, and I should now like to mention briefly several recent endeavours.

The Montana Large Aperture Seismic Array—LASA—established in 1965 and previously described in detail here and at the Eighteen Nation Committee on Disarmament, continues to be operated as a research tool to provide data for evaluation of the detection capability of such arrays. The LASA is also used for studies of identification techniques utilizing high quality long- and short-period array data, and for development and evaluation of sophisticated on-line and off-line data processing techniques for handling the large volume of data generated by large arrays.

In accordance with an agreement signed in June of this year between the Governments of the United States and Norway, a second large aperture seismic array—the Norwegian Seismic Array, called, for short, NORSAR—will be installed as a co-operative enterprise in southern Norway, and will come into effect soon. Preliminary studies began in 1967, and the NORSAR is expected to be completed by the fall of 1969. It will be operated by Norwegian agencies.

The NORSAR will permit evaluation of performance of large aperture arrays in geologic and geographical environments different from the Montana LASA. Among other things, the NORSAR will allow a determination of the improvement that can be made in identification of small seismic events by using multiple large arrays. The NORSAR will consist of a heptagonal pattern of twenty-two sub-arrays, each of which will contain six short-period seismographs and one three-component long-period seismograph, with data being transformed into digital form at the centre of each sub-array and transmitted by telephone lines to a central point for processing and analysis. The total array aperture will be about 110 kilometers.

When the Gasbuggy underground nuclear explosion experiment for gas stimulation was performed in New Mexico on 10 December 1967, as part of the United States Atomic Energy Commission's Plowshare Programme, advantage was taken of the opportunity to record this relatively large seismic energy source—twenty-six kilotons—in order to obtain data on the crust and upper mantle of the earth in the region of the explosion. More than fifty portable seismic stations were especially deployed to record this event at distances ranging from fifty to several thousand kilometers.

The average seismic magnitude of the Gasbuggy explosion was 4.5. Detailed studies of the structure of the crust and upper mantle are presently in progress and will be made available when completed.

It is certain that detailed studies of the Gasbuggy data will significantly add to our knowledge of the crust and upper mantle structure in North America and of the seismic characteristics of that structure.

Of course, data has been released for other United States underground nuclear explosions and the release has proven most useful for seismic purposes worldwide. Indeed, some explosions, such as the Long Shot experiment of the United States Department of Defense's VELA programme in 1965, have had pre-planned worldwide seismic coverage.

As demonstrated by activities such as these, the United States is continuing to devote considerable resources to seismic research so as to improve the capability to detect and identify underground seismic events. However, it is a fact that, with the existing technology, we are unable to gather all available seismic data at long distances. We are unable at such distances to detect or locate accurately all seismic events or to identify positively whether certain seismic signals come from earthquakes or from man-made explosions.

Fortunately, there is clearly a widespread desire—fully shared by the United States—for further advancement in seismic technology and for increased international exchange of information in this field.

It is in keeping with this desire that I should like to present today a proposal which the United States considers could do much to advance objectives in these areas. The United States proposes that some underground nuclear explosions be conducted with the collateral objective that these serve as explosions for worldwide seismic investigations. These are investigations in which all States with the appropriate seismic instrumentation could participate. Indeed, the success of this proposal would depend in large measure on the extent of worldwide participation in the collection and evaluation of the seismic data.

Such underground explosions could provide, among other things, a means of determining important seismological characteristics, both of the geological media and of the explosions. Furthermore, implementation of the proposal would systematize, in a most valuable manner, worldwide use for seismic purposes of information released on certain underground nuclear explosions, as well as worldwide evaluation of seismic information gathered on such explosions.

I should like to note that the United States underground nuclear explosions contemplated in connexion with this proposal would not involve development or testing of nuclear weapons.

The proposal would be implemented as follows:

Sufficiently in advance of an explosion with the collateral seismic purpose, seismic stations throughout the world would be alerted so as to be fully prepared to record the explosion. Data on scheduled time, location, depth, geological medium and predicted explosive yield would also be provided in advance. Following the explosion, the actual time of explosion, yield and other pertinent data from national seismic systems would be furnished.

Seismic data would then be exchanged throughout the world. To compare known results with derived results, interested States would in turn calculate, using the seismic data, the explosion's geographic co-ordinates, time of origin and explosive yield. The States would also calculate the explosion's measured seismic magnitude. Also, they would analyze the data, using various available identification criteria, such as

the surface-wave/body-wave magnitude criterion, which the Stockholm Seismic Study Group considered to be of significant value.

The results of the seismic analysis would be published and distributed and could then be discussed in the relevant forums.

As I have already said, the success of that proposal would depend greatly on the extent of worldwide participation in collecting and evaluating the seismic data, and I am sure that a great many States would want to participate to the fullest extent possible and thus assure the success of this endeavour.

Of course it will be obvious to this audience that the carrying out of the seismic investigation proposal, useful as it would be, would not be in any way a panacea for the problems regarding negotiation of a comprehensive test ban. A situation whereby the world's seismic stations are in a very high state of readiness awaiting an explosion of known and substantial yield in a specified location and medium, and for which no attempt at evasion would be made, simply cannot be considered as being directly relevant and applicable to a comprehensive test ban situation. However, a proposal need not be a cure-all to be of value. The United States is convinced that its proposal for seismic investigation using underground nuclear explosions is of significant value and has much to commend it. In our view, it is a proposal in which many States represented here can—and we hope will—participate directly and fruitfully. This proposal is the kind of practical effort required to make serious progress in the field of arms control and disarmament.

My Government is gratified that a practical approach has also been suggested in tackling the question of chemical and biological warfare. The draft resolution on this subject which is before the Committee properly reflects the serious concern which has been expressed over the potential threat to mankind posed by the development and possible use of lethal chemical and biological weapons.[7] We believe the proposal constitutes a realistic, first step to further consideration of an issue that has only too often been approached with divisive political motives by some who have sought to exploit it mainly for propaganda purposes.

I should now like to discuss the draft resolution before us. The United States is pleased to associate itself again with the request in operative paragraph 1 that the Secretary-General should prepare a concise report of the effects of the possible use of chemical and bacteriological means of warfare, in accordance with both the proposal in paragraph 32, Part II, of his introduction to the Annual Report for 1967–1968[8] and with the recommendation contained in paragraph 26 of the recent report by the Eighteen-Nation Committee on Disarmament.[9]

My Government would like to suggest, however, that such a study should deal equally and individually with the effects of chemical and biological weapons. In our view the scientific and technological differences between the two systems, as well as differences which obtain

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[7] A/C.1/L.444. Except for operative par. 2, this draft resolution was identical with pt. A of G.A. resolution 2454 (XXIII), *post*, pp. 793–796.

[8] General Assembly *Official Records: Twenty-third Session, Supplement No. 1A* (A/7201/Add. 1), p. 4.

[9] *Ante*, pp. 591–595.

in their operational applications, warrant such a particular approach to each category of weapons.

While the language in the recommendation by the Eighteen-Nation Committee on Disarmament specifically refers to chemical and bacteriological means of warfare, it is our understanding that the latter would embrace those types of weapons also referred to as biological, as is made clear in the Secretary-General's introduction to his Annual Report to the twenty-third session of the General Assembly. I might add that this form of warfare is also at times referred to as microbial warfare, bacterial warfare, microbiological warfare, or germ warfare. We should also understand that it means disease-causing living micro-organisms, be they bacteria, or viruses or whatever they might be, used as deliberate weapons of war.

The United States earnestly hopes that a study undertaken along those lines will provide the requisite scientific and technical perspective for further consideration by the Eighteen-Nation Committee on Disarmament and this Committee of ways of dealing with those weapons and, as requested in operative paragraph 3, we are prepared to co-operate fully with the Secretary-General, as well as with the experts appointed by him.

My Government agrees with the request in operative paragraph 4 that the report should be furnished to the Eighteen-Nation Committee on Disarmament, the Security Council and the General Assembly at an early date. At the same time we believe the experts should be given sufficient time to develop a complete and technically sound appraisal of the effects of such weapons.

The United States also welcomes the reaffirmation, in the first preambular paragraph, of General Assembly resolution 2162 B (XXI) of 5 December 1966 which, *inter alia*, called for the strict observance by all States of the principles and objectives of the 1925 Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, and condemned all actions contrary to those objectives.[10] However, in noting that operative paragraph 6 of the draft resolution now before us reiterates, in effect, both operative paragraphs of General Assembly resolution 2162 B (XXI), I should like to recall that the United States co-sponsored and supported the first operative paragraph which I have just cited. At that time my Government set forth its position with regard to that Protocol and our consistent support of its principles and objectives, together with our reasons for not having ratified that instrument.

I should like to reiterate that the United States takes the view that whether, or by what procedure States that have not yet done so should adhere to the Geneva Protocol is for each of them to decide in the light of constitutional and other considerations that may determine their adherence to any international instrument. Accordingly, we regard the substance of operative paragraph 6 as not intended to

[10] The resolution appears in *Documents on Disarmament, 1966*, pp. 798-799. For the Geneva protocol, see Senate Foreign Relations Committee, Subcommittee on Disarmament, *Disarmament and Security: A Collection of Documents, 1919-55* (Com. print, 84th Cong., 2d sess.), pp. 169-170.

prejudge for political purposes the results of the study to be undertaken.

I should now like to comment briefly on the draft resolution which would request the Secretary-General to ascertain the position of Member Governments on establishing a system for the registration and publication of information on the international transfer of conventional arms, ammunition and implements of war.[11] My delegation believes that the draft resolution would provide an opportunity for Governments to give serious thought to and to make known their views on a subject where progress is needed—the subject of conventional arms transfers. That is an important, as well as a complex and difficult subject.

I should also like to say a few words on the problems of general and complete disarmament. That is one of mankind's oldest hopes and it continues to be an urgent task.

No one who is familiar with the complex negotiations which led to the limited test-ban treaty,[12] the outer space and Antarctic Treaties [13] and the non-proliferation treaty [14] can have any illusion that the road to general and complete disarmament is an easy one. But however difficult that road may be, my Government remains determined that general and complete disarmament must be our final goal.

My Government supports the draft resolution requesting the Conference of the Eighteen-Nation Committee on Disarmament to pursue renewed efforts toward achieving substantial progress on general and complete disarmament under effective international control, as well as on important partial measures of disarmament.[15]

We also have before us a draft resolution submitted by the representative of Cyprus.[16] While appreciating the concerns which underlie this suggestion, I frankly believe it would be most inadvisable to place before the Eighteen-Nation Committee on Disarmament, as this draft resolution proposes, most of the major problems that confront the United Nations. In particular the United States would oppose a change in the established mandate of the Eighteen-Nation Committee on Disarmament in order to include matters not now within its competence. Grafting additional responsibilities onto a body charged with arms control and disarmament would so overload it as to render it ineffective. Moreover, a broadened and diffused mandate could lead to an overlap and interference in the work of other institutions.

Finally, I should like to comment on the draft resolution on the non-nuclear Conference submitted by the delegations of Australia, Austria, Canada, Finland, Japan and the Netherlands.[17] As everyone is aware, my Government was not a voting participant in that Conference. For

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[11] *Ante*, p. 728.

[12] *Documents on Disarmament, 1963*, pp. 291–293.

[13] The outer-space treaty appears *ibid.*, *1967*, pp. 38–43. For the Antarctic treaty, see *ibid.*, *1945–1959*, vol. II, pp. 1550–1556.

[14] *Ante*, pp. 461–465.

[15] A/C.1/448/Rev. 1, Dec. 4, 1968. Except for the fourth preambular par., this draft resolution was identical with pt. B of G.A. resolution 2454 (XXIII), *post*, pp. 793–793.

[16] A/C.1/L.444, Dec. 2, 1968. The Cypriot resolution, revised Dec. 9, was not put to a vote.

[17] *Ante*, pp. 761–762.

this reason, and quite apart from some of the views it expresses, we do not believe the United States should be asked to endorse the Declaration of the Conference.[18]

However, aside from this reservation, I find that over-all this draft resolution does embody an approach to the problem of dealing with the results of the non-nuclear Conference that the United States can support. It meets our concern that existing bodies have an opportunity to work on the constructive suggestions adopted at the non-nuclear Conference and that subsequently the General Assembly have an opportunity to look at the results of those efforts to see what further steps might be required—including in that context, the possibility of convening a session of the United Nations Disarmament Commission. To consider calling for further steps before the twenty-fourth session of the General Assembly would, in our view, be premature and detrimental to the efforts under way in existing bodies. Notwithstanding our reservation concerning the Declaration, we hope that this draft resolution will find wide support in this Committee and in the plenary of the General Assembly.

Statement by the Italian Representative (Farace) to the First Committee of the General Assembly: Results of the Conference of Non-Nuclear-Weapon States, December 5, 1968 [1]

The Italian delegation is today taking the floor for the second time in the First Committee on item 96 of our agenda. As we had the opportunity to indicate in our previous statement,[2] the Italian delegation attaches special importance to this item and dares to presume, in view of the debate which has taken place during the past weeks in this Committee, that its approach is shared by many, if not by all delegations. Nobody, we think, has denied or minimized the significance of the Conference of Non-Nuclear-Weapon States which took place in Geneva last September: a Conference which was held only a few weeks after the General Assembly, at its resumed twenty-second session, had commended and had opened to signature the Treaty on the non-proliferation of nuclear weapons.[3] The two events—the signing of the non-proliferation treaty, and the Conference of Non-Nuclear-Weapon States—are, in our view, two landmarks in the history of the community of nations, in that, for the first time, they attempted in a global manner to cope with the problems of the nuclear age: disarmament, security for all nations, economic development for all, and the peaceful uses of nuclear energy.

May I be allowed to concentrate my attention on the Conference of Non-Nuclear-Weapon States: what we believe it meant for all those

[18] *Ante*, pp. 685–687.
[1] A/C.1/PV.1630, pp. 53–60.
[2] *Ante*, pp. 714–718.
[3] *Ante*, pp. 461–465.

who took part in it, with or without the right of vote; the lessons that can be drawn from it, and its future.

The results of the Conference are before us in document A/7277.[4] Despite its shortcomings, despite the limited time allotted to it, despite the magnitude of the task with which it was confronted, we firmly believe—and we heard no voice to the contrary—that it did achieve significant results; and, in particular, it confirmed and emphasized two basic principles: first, that the problems of the nuclear age are indivisible; second, that co-operation towards their solution—the co-operation of the nuclear and non-nuclear Powers alike, and of the industrialized countries as well as of the developing countries—is essential.

The Committee is also aware that one of the early conclusions reached by the Conference of Non-Nuclear-Weapon States and embodied in a unanimously adopted resolution was the necessity of ensuring the continuation of its endeavours and of the work which was begun in Geneva. That idea, I might add, inspires and runs through each of the documents approved by the Conference and has been expressed by several speakers who have taken part in this debate. But—and this is the main point to which I should like to draw the attention of the Committee—what we consider as essential is that the continuity of the Conference be ensured, not only in a piecemeal or fragmentary way, through the work of the various United Nations bodies or agencies within the United Nations family, a work which is of essential importance and which must be carried on and developed in every possible way, but also through a unitary process, capable of studying these problems and helping to move towards their solution in a single context.

The Italian delegation, in close co-operation with a number of countries belonging to all regional groups represented in this Committee, has in the past few weeks given its undivided attention to that issue. The specific views and suggestions of the Italian delegation, pointing to the creation of an *ad hoc* committee are, we believe, well known to the First Committee. They were set forth in our statement of 18 November, fully reproduced in the verbatim records of the First Committee.[5]

It is not the purpose of this statement to re-emphasize our position or to answer the objections or the reservations that have been made in respect of our original proposal, although, speaking on behalf of the Italian delegation, I still maintain that our assessment was correct and our approach sound and sensible. However, our intention is to move forward. What we have in mind is co-operation, not only regarding the objectives to be pursued but also regarding the methods to be adopted. For those reasons, as I have just mentioned, we have joined our efforts with those of a group of countries which share our views and we have extended the range of our consultations to all geographical groups and sectors of the United Nations membership in order to find a common denominator for action.

The result of our efforts is a joint draft resolution, which I understand is being circulated unofficially in the Committee. It is sponsored

[4] *Ante*, pp. 668–687.
[5] *Ante*, pp. 714–718.

by the delegations of Argentina, Brazil, Chile, Pakistan and Yugoslavia, as well as by my own delegation.[6] We feel the document does not need a lengthy introduction. Most of what it contains is already known to the members of the Committee. Part of it, I hasten to say, is drafted along lines which are parallel with those of another draft resolution which is already before the Committee[7]—a circumstance which is evidence of the extent and depth of the consultations which we have conducted with other delegations.

In our exchanges of views some of the differences emerging between the draft resolutions did in effect find a compromise, in particular the timing of the convening of the United Nations Disarmament Commission, a point on which our concessions appear, at least to my delegation, to be very substantial, but agreement could not be reached on the essential problem of the terms of reference.

For our part we consider that the results of the Conference of Non-Nuclear-Weapon States and, as a consequence, the follow-up of the resolutions approved at that Conference, should be considered as a whole. The Conference studied and evaluated the problems of the nuclear age in a single context. It seems to us that very little purpose could be served by convening the United Nations Disarmament Commission for the sole purpose of dealing with disarmament, leaving aside the problems of security and the peaceful uses of nuclear energy.

I should like to leave to other delegations which are sponsoring this draft resolution with us the possibility of elaborating on the separate sections of the resolution itself. For my part, I feel it consistent with the charge which has been entrusted to my delegation to indicate only the main lines on which we have based our work and our thinking, hoping for the kind support of the Committee.

Those main lines may be summed up as follows:

First, to ensure as the first and main objective the continuity of the work and decisions of the Conference of Non-Nuclear-Weapon States.

Second, to stress the fact that the Conference of Non-Nuclear-Weapon States was an event which deserves to receive consistent and global—and I wish to emphasize the word "global"—follow-up.

Third, to dispel some doubts, even though in our view they are unjustified, about the setting up of an *ad hoc* committee, by proposing that the United Nations Disarmament Commission be used instead and asking, therefore, that the Commission should be convened.

Fourth, to take into due account reservations made by some countries concerning the date on which the Commission should be convened. On that point also we have followed a very flexible line by suggesting that the Secretary-General should put forward alternative possibilities to Member States.

Fifth, to spell out the objective of the follow-up of the Conference by fixing the terms of reference of the United Nations Disarmament Commission—terms of reference which should cover the entire set of problems connected with the nuclear field: disarmament, security and the peaceful uses of nuclear energy.

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[6] *Infra.*

[7] *Ante*, pp. 761–762.

Sixth, to draw up a draft resolution specific in its wording but clearly indicating that, far from desiring confrontation, we sincerely seek co-operation between nuclear and non-nuclear countries; that we are engaged in the task of non-proliferation; and that we do not intend to create duplicates, still less to challenge the importance and the tasks of other agencies and institutions which are working in this field.

Time, in our view, will prove that our assessment of the interest of all countries, nuclear and non-nuclear, in establishing a procedure capable of co-ordinating and promoting every possible endeavour in the nuclear field in this nuclear age, is the right approach to the solution of problems which are so close to us and of which every country, whatever its stage of technological development, is particularly mindful. The problems we are faced with are of great moment. Let us from now on take them into the fullest consideration and dedicate to them the attention which they require in the best interests of progress and peace.

The draft resolution that we have the honour to introduce is our meditated contribution to that end. We warmly commend it to the Committee's attention, and I think I can speak on behalf of all the sponsors when I say that we solicit suggestions and views of all other delegations, in order to secure for the draft resolution the widest possible acceptance and support.

Six-Power Draft Resolution Introduced in the First Committee of the General Assembly: Conference of Non-Nuclear-Weapon States, December 5, 1968 [1]

The General Assembly,

Recalling its resolution 2346 (B) of 19 December 1967,[2] by which it decided to convene the Conference of Non-Nuclear-Weapon States at Geneva from 29 August to 28 September 1968,

Noting that accordingly the Conference of Nor-Nuclear-Weapon States took place at Geneva with the participation of ninety-two non-nuclear-weapon States, and of four of the nuclear-weapon States: France, the Union of Soviet Socialist Republics, the United Kingdom and the United States of America,

Having examined the final document of the Conference of Non-Nuclear-Weapon States (A/7277),[3]

Taking into account the fact that the Conference has considered the problems of universal peace and, in particular, the security of non-nuclear-weapon States, cessation of the nuclear arms race including proliferation of nuclear weapons, general and complete disarmament and harnessing of nuclear energy exclusively for peaceful purposes,

[1] A/C.1/L.451, Dec. 5, 1968. The resolution was sponsored by Argentina, Brazil, Chile, Italy, Pakistan, and Yugoslavia. After discussions between these countries and the sponsors of the other six-power resolution (*ante*, pp. 761–762), both resolutions were withdrawn and replaced by a draft resolution of Dec. 13 (A/C.1/L.458), which became pt. A of G.A. resolution 2456 (XXIII), *post*, pp. 797–801.

[2] *Documents on Disarmament, 1967*, p. 733.

[3] *Ante*, pp. 608–687.

Noting that the Conference has adopted the Declaration of the Conference of Non-Nuclear-Weapon States and fourteen resolutions containing various recommendations,

Considering that in order to fulfil the aims of the Conference it is necessary to ensure the implementation of the recommendations adopted by the Conference,

Noting in particular the provisions of resolution N of the Conference by which it invited the General Assembly at its present session to consider the best ways and means for the implementation of the decisions taken by the Conference and the continuity of the work undertaken, and at a subsequent session to consider the question of the convening of a second Conference of Non-Nuclear-Weapon States,[4]

I

1. *Endorses* the Declaration of the Conference of Non-Nuclear-Weapon States; [5]

2. *Endorses* the recommendations of the Conference, in resolution C recommending that the Conference of the Eighteen-Nation Committee on Disarmament should undertake negotiations on matters of nuclear disarmament,[6] and in resolution D urging the Governments of the Union of Soviet Socialist Republics and the United States to enter at an early date into bilateral discussions on the limitation of offensive strategic nuclear weapons delivery systems and systems of defence against ballistic missiles; [7]

3. *Endorses* the recommendation of the Conference, in resolution B,[8] concerning the establishment of nuclear weapon-free zones and the urgency of full compliance by the nuclear-weapon Powers with paragraph 4 of resolution 2286 (XXII) adopted by the General Assembly on 5 December 1967; [9]

4. *Requests* the prompt attention and full co-operation of the International Bank for Reconstruction and Development and the International Atomic Energy Agency as regards ways and means for the implementation of the programmes and measures contemplated in resolution J; [10]

5. *Notes* the recommendations of the Conference contained in resolution A [11] reaffirming basic principles of the United Nations Charter, and in resolutions E, F, H, I, K, L and M concerning various issues in the field of peaceful uses of nuclear energy; [12]

6. *Requests* the Secretary-General of the United Nations to transmit the above-mentioned resolutions and the Declaration to all the members of the United Nations, of its specialized agencies and of the International Atomic Energy Agency, and to the international bodies concerned, for due consideration;

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[4] *Ante*, pp. 684-685.
[5] *Ante*, pp. 685-687.
[6] *Ante*, pp. 674-675.
[7] *Ante*, p. 675.
[8] *Ante*, pp. 672-674.
[9] *Documents on Disarmament, 1967*, pp. 620-621.
[10] *Ante*, pp. 681-682.
[11] *Ante*, pp. 671-672.
[12] *Ante*, pp. 675-684.

7. *Requests further* the Secretary-General to submit a report based on the information supplied by those concerned on the progress achieved in the implementation of the present resolution for consideration by the General Assembly at its twenty-fourth session.

II

1. *Decides* to convene the United Nations Disarmament Commission;
2. *Requests* the Secretary-General to consult Member States to ascertain their preference on the alternatives of convening a meeting of the United Nations Disarmament Commission either not later than July 1969 or after the twenty-fourth session of the General Assembly and before March 1970:

(a) To consider, taking duly into account the reports of the Conference of the Eighteen-Nation Committee on Disarmament, what new measures could be taken in the field of disarmament, particularly nuclear disarmament, as well as in the field of security assurances;
(b) To consider, taking duly into account the reports of the International Atomic Energy Agency and other concerned organizations, further international co-operation in the peaceful uses of nuclear energy among all States with special regard to the needs and interests of developing countries;

3. *Recommends* that the Disarmament Commission should ensure by appropriate means continuous and efficient efforts in these fields;
4. *Requests* the Secretary-General to furnish to the Disarmament Commission all necessary assistance, including the information supplied by those concerned on the progress achieved in the implementation of the present resolution;
5. *Requests* the Disarmament Commission to submit a report on its work to the subsequent session of the General Assembly.

III

1. *Requests* the Secretary-General to appoint a group of experts in accordance with resolution G of the Conference,[13] chosen on a personal basis, to prepare a full report on all possible contributions of nuclear technology to the economic and scientific advancement of the developing countries;
2. *Endorses* the recommendation that the Secretary-General draw the attention of the group of experts to the desirability of taking advantage of the experience of the International Atomic Energy Agency in preparing the report;
3. *Requests* the Secretary-General to transmit the report to the Governments of States Members of the United Nations, its specialized agencies and the International Atomic Energy Agency in time to permit its consideration at the twenty-fourth session of the General Assembly.

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[13] *Ante*, p. 678.

IV

Requests the Secretary-General to prepare, in consultation with the States Members of the United Nations, of its specialized agencies and of the International Atomic Energy Agency, and to transmit to the above-mentioned Governments, in time for its consideration by the General Assembly at its twenty-fourth session:

(a) A report, with the assistance of the United Nations Development Programme and the International Atomic Energy Agency, on the establishment, within the United Nations Development Programme, of a "Nuclear Technology Research and Development Programme", to be executed as a matter of priority with the co-operation of the International Atomic Energy Agency for the benefit of the developing countries;

(b) A report, with the assistance of the group of experts referred to in section III, as well as with the assistance of the International Atomic Energy Agency and of other international bodies concerned, on the establishment within the framework of the International Atomic Energy Agency, of an international service for nuclear explosions for peaceful purposes under appropriate international control.

Statement by the Soviet Representative (Malik, to the First Committee of the General Assembly, December 9, 1968 [1]

The position of the Soviet Union on disarmament matters has been sufficiently clarified in statements by the Soviet delegation during the debate in the First Committee. At the present juncture we should like to make a few remarks as an explanation of vote on the draft resolutions presented to the Committee.

The non-aligned countries, members of the Eighteen-Nation Committee on Disarmament, together with some other countries, have introduced a draft resolution stressing the need to make new efforts to achieve an agreement on general and complete disarmament and containing an appeal to the Eighteen-Nation Committee on Disarmament that it redouble its efforts in that direction.[2] In this connexion the draft resolution specifically draws the attention of the Eighteen-Nation Committee to the Memorandum of the Government of the USSR of 5 July of this year, concerning urgent measures to stop the arms race and achieve disarmament.[3]

The importance of that Memorandum was also stressed by the Chairman of this Committee in his statement at the time when he declared that the Committee was passing to the vote on the draft resolutions. The Soviet delegation would like to underline again that the concrete and realistic proposals contained in the Memorandum of the

[1] A/C.1/PV.1634, pp. 2-15.
[2] Identical with pt. B of G.A. resolution 2454 (XXIII), *post*, pp. 793-796.
[3] *Ante*, pp. 466-470.

Soviet Government furnish a wide base for future disarmament negotiations; for strengthening and expanding the success achieved as a result of the elaboration and signing of the treaty on the non-proliferation of nuclear weapons.[4] Agreement on and implemention of any of the disarmament measures set forth in that Memorandum would be a new and further contribution to the solution of the problem of the strengthening of international security for all States, nuclear and non-nuclear.

The representative of the USSR in the Eighteen-Nation Committee on Disarmament will continue to make all necessary efforts in that direction.

We should like again to draw the special attention of the First Committee and, therefore, of the General Assembly, to the fact that the Memorandum of the Soviet Government sets forth as a matter of first priority the problem of the prohibition of the use of nuclear weapons. Discussions on disarmament in the First Committee have also shown that many States consider the prohibition of the use of nuclear weapons as one of the most important measures to strengthen their security and as the next important step towards disarmament after the conclusion of the treaty on the non-proliferation of nuclear weapons. The Soviet Union, as the Committee knows, presented to the twenty-second session of the General Assembly a draft convention on the prohibition of the use of nuclear weapons, proposing that every State undertake not to use nuclear weapons, not to threaten to use them and not to incite other States to use those weapons.[5] That kind of prohibition would be of tremendous international importance. It would be a restrictive factor for all those who might intend to use nuclear weapons against other States and would contribute to strengthening peace as well as being an important foundation for further disarmament measures.

In its memorandum the Soviet Government proposes to consider that draft convention as a matter of first priority and asks that there be an exchange of views on the convening of an international conference to sign an appropriate convention. The conclusion of such a convention on the prohibition of the use of nuclear weapons would be especially important. It would be of historical importance for ensuring international security and would be an excellent base and premise for carrying out nuclear disarmament measures. It would pave the way for wide prospects in the field of the peaceful uses of the atom in the interests of mankind.

We consider that the General Assembly must note the urgent nature of the question of the prohibition of the use of nuclear weapons, of the need to conclude a convention prohibiting the use of those weapons and must urge that this problem be settled as soon as possible. The Eighteen-Nation Committee must consider this matter without delay.

We are glad to note that during the debate in the First Committee many delegations pointed to the importance of the Soviet Memorandum and asked that measures contained in it concerning the limitation of armaments and disarmament be carried out. The Soviet delegation, while not insisting on a vote on its own draft resolution,[6] will

[4] *Ante*, pp. 461–465.
[5] *Documents on Disarmament, 1967*, pp. 419–421.
[6] *Ante*, pp. 712–713.

vote in favour of the draft resolution contained in document A/C.1/L. 448/Rev.2.[7]

The First Committee has received from a group of States, namely Canada, Hungary, India, Mexico, Poland, Sweden, United Arab Republic and others, a draft resolution in which the Secretary-General of the United Nations is asked for the assistance of a group of experts to prepare a report on the effects of the possible use of chemical and bacteriological weapons.[8] The Soviet delegation has already had occasion to say that it supports that draft resolution and would like to express its conviction that the adoption of such a resolution and the implementation of measures provided in it will further strengthen the Geneva Protocol of 1925 prohibiting the use of chemical and bacteriological weapons,[9] that it will be conducive to strict respect for the provisions of that Protocol by all States and encourage adherence to that Protocol on the part of States which have not yet adhered to it.

Concerning the amendments to that draft resolution contained in document A/C.1/L.445,[10] the Soviet delegation categorically opposes the proposal that the preparation of the report on the effects of the possible use of chemical and bacteriological weapons be used to revise or weaken the Geneva Protocol that it be used for propaganda, for giving credence to the unsubstantiated concept according to which that Protocol is obsolescent; and these amendments in fact—whether the sponsors so wish or not—lead in that direction.

Since this is so, they can only be interpreted as an attempt to prevent a group of experts from carrying out the task which would be entrusted to them by the General Assembly—that is to say, to prepare a report on the effects of the possible use of chemical and bacteriological weapons.

This is a most important task, which is being replaced with a proposal that irrelevant matters be considered, such as the nature of chemical and bacteriological weapons, and so on. In the light of these weighty reasons, my delegation will vote against these amendments.

The delegations of Brazil, Burma, Ethiopia, Finland, India, Mexico, Nigeria, Sweden and the United Arab Republic have tabled a draft resolution on the question of the suspension of nuclear-weapon tests.[11] The Soviet Union, as the Committee knows, is a firm advocate of the prohibition of all nuclear-weapon tests and is ready immediately to agree to the prohibition of underground nuclear-weapon

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[7] Identical with pt. B of G.A. resolution 2454 (XXIII), *post*, pp. 793–796.

[8] Except for operative par. 2, this resolution was identical with pt. A of G.A. resolution 2454 (XXIII).

[9] Senate Foreign Relations Committee, Subcommittee on Disarmament, *Disarmament and Security: A Collection of Documents, 1919-55* (Com. print, 84th Cong., 2d sess.), pp. 169–170.

[10] This draft resolution, sponsored by Malta and Trinidad and Tobago, would have the proposed report "include an indication of the nature, means of delivery and effects, including economic and health implications of the possible use of chemical, bacteriological and other biological means of warfare, with particular reference to the position of States that are unable to establish adequate measures of detection and protection against the possible use of these means of warfare." It was not put to a vote.

[11] Identical with G.A. resolution 2455 (XXIII), *post*, pp. 796–797.

tests on the basis of the use of national means of detection and control over such prohibition.

To achieve agreement on the question of a cessation of underground nuclear-weapon tests, only one thing is required: a political decision to put an end once and for all to underground nuclear tests. We are deeply convinced of this. Because of this position of the Soviet Union, my delegation will vote in favour of that draft resolution.

The First Committee has also been seized of several draft resolutions concerning the Conference of Non-Nuclear-Weapon States. The position of the Soviet Union concerning the Conference of Non-Nuclear-Weapon States is well known; it has often been set out here in the First Committee. The Soviet Union opposes the division of the world into nuclear and non-nuclear States. The fallacious nature of this opposition of nuclear to non-nuclear States resides first of all in the fact that if such a situation were instilled into world affairs, this would lead to the undermining of the United Nations and would be a negative influence on the development of international relations and co-operation, including the solution of the problems of ensuring international peace and security, disarmament, aid to the economic and social development of peoples and concerted action among States to achieve the objectives set out in the United Nations Charter.

Attempts to differentiate between States on such an arbitrary basis as the existence or absence of nuclear weapons is not in keeping with the political and social realities of the present-day world. On the basis of such an approach, one would find in one and the same group of nuclear, non-nuclear or semi-nuclear States, reactionary and progressive States, Imperialist and Socialist States, racists and colonialists and freedom-loving States, those fighting against colonialism and so forth.

It is obvious that the creation of such political confusion in the United Nations system and in international relations would be in the interest of aggressive imperialist régimes, which find themselves isolated and which strive to divert the attention of the peoples of the world from their fight against the forces of imperialism, colonialism and racism in favour of strengthening international peace and security. In view of the fact that the declaration adopted by the non-nuclear-weapon States and many of its resolutions [12] are predicated upon such a division of the world into nuclear and non-nuclear countries and are designed to give organizational form and substance to the creation of a bloc of non-nuclear States which would be opposed to nuclear countries, the Soviet Union cannot support either this declaration or many of the decisions of the non-nuclear-weapon States.

My delegation approaches the draft resolutions concerning the Conference of Non-Nuclear-Weapon States and the decisions of that conference from the following angle. Are they conducive to advancing the cause of the treaty on the non-proliferation of nuclear weapons or, on the contrary, do they hamper and obstruct the attainment of its objectives? Do they help those who are looking for all kinds of artificial pretexts for not adhering to the treaty? It is easy to see that those who cannot or will not recognize this, are wittingly or unwit-

[12] *Ante*, pp. 686-687.

tingly, helping the aggressive, revenge-seeking circles of West Germany to conceal their desire to possess nuclear weapons.

The peoples of Europe remember very well how German imperialism has twice within one generation brought upon Europe and the world the bloody orgy of two world wars. The peoples of the world will never forget it and will never allow the West German revenge-seekers to commit for a third time the same crime against the world and against mankind. In this connexion it must be noted that some of the decisions of the Conference of Non-Nuclear-Weapon States, and this may be reflected in some of the draft resolutions submitted here, can be used by the opponents of the non-proliferation treaty at least to prevent or delay as much as possible the entry into force of that treaty. Another thing must be noted. Some non-nuclear countries, refusing to sign this treaty, evince a tendency which must make us wary. These countries strive to obtain significant advantages in the field of the peaceful use of nuclear energy; they demand additional guarantees for their own security, but they refuse to assume any obligations and they do not adhere to the treaty on the non-proliferation of nuclear weapons. The Soviet delegation would like to point out the unrealistic and unfounded nature of such an approach.

The Committee knows that in keeping with the provisions of the non-proliferation treaty—and this is quite logical—States which have signed the treaty will of course be in a very advantageous position from the point of view of enjoying the advantages and privileges provided by the treaty for its participants. It is in the interest of all the parties to the treaty to ensure that it enter into force as soon as possible, thus enabling the parties to this important international agreement to pass on to the solution of concrete questions relating to the peaceful uses of the atom. The entry into force of the treaty would also significantly strengthen the security of all States—nuclear and non-nuclear alike.

The Soviet delegation would like to point out also that a good number of decisions of the Conference of Non-Nuclear-Weapon States are insufficiently well-founded and were adopted without necessary preliminary consultations with the specialized agencies of the United Nations and international organizations to which those decisions are addressed. The Committee knows that some specialized agencies, of the United Nations Development Programme, have already drawn attention to this fact. That being so we consider that it is necessary to study very carefully those decisions of the Conference of Non-Nuclear-Weapon States.

Therefore, the Soviet Union does not object to a number of constructive decisions of the Conference being sent for careful perusal to Governments of States, the International Atomic Energy Agency, the specialized agencies and other international organizations to which these decisions are addressed. We are deeply convinced that such an approach is just and businesslike. First, all these institutions and States must carefully study those constructive decisions of the Conference rather than try at this time, and in undue haste, to adopt at this session of the General Assembly decisions concerning the carrying out of all the resolutions and recommendations of the Conference without any exception.

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Other proposals are even less acceptable, such as the proposal that a special organ or machinery be set up to carry out the decisions of the Conference of Non-Nuclear-Weapon States, or that the United Nations Disarmament Commission be transformed into what might be called a "watchdog" body to supervise the carrying out of those decisions. Such functions and tasks are obviously completely outside the purview of the United Nations Disarmament Commission.

For these reasons, the Soviet delegation opposes the draft resolutions concerning the Conference of Non-Nuclear-Weapon States contained in documents A/C.1/L.449,[13] 450 [14] and 451.[15] At the same time, I should like to point out that the Soviet Union does not reject all the decisions of the Conference of Non-Nuclear-Weapon States.

We have already pointed to the constructive approach which should be adopted towards those decisions. We consider that for a business-like and serious consideration of the decisions of the Conference which are of a constructive nature, the General Assembly ought to take a decision which would be supported by the nuclear Powers and the non-nuclear-weapon States. Precisely such a solution of the questions relating to the Conference of Non-Nuclear-Weapon States is contained in the draft resolution presented by Bulgaria and Hungary and the Soviet delegation supports this draft resolution.[16]

In conclusion, we should like to note that the Soviet Union always approaches disarmament matters, not from the point of view of a temporary situation but as a world problem which is of paramount importance for all countries, for all peoples—for the whole of mankind.

The struggle for disarmament is one of the main guidelines of the foreign policy of the Soviet State. But those who under various guises refuse to have the disarmament problem solved and try to place obstacles in the way of the implementation of agreements already reached, including the non-proliferation treaty, must understand one very simple thing. Positive progress and the successful solution of the disarmament problem is of no more or less interest to the Soviet Union than to other States, because the solution of disarmament problems is to a large extent a condition for a bright future for all States, large or small, nuclear or non-nuclear. Of course we understand that a solution to the disarmament problem is fraught with many difficulties and requires persistent effort and that much serious work lies ahead. However, the need to ensure international security requires that the search for an agreement on these questions should continue and redouble, so as to eliminate the threat of war from the future of mankind, so that the vast resources consumed by the arms race could be directed at improving the conditions of life and welfare of all peoples of the world. Now that, through the collective efforts of many States, the treaty on non-proliferation has been worked out and signed, the world has passed yet one more milestone in its forward movement towards the solution of all disarmament problems and towards attaining the main objective of general and complete disarmament.

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[13] The Cypriot draft resolution of Dec. 2, 1968.
[14] *Ante*, pp. 761–762.
[15] *Ante*, pp. 776–779.
[16] A/C.1/L.452. The resolution was not put to a vote.

Statement by the French Representative (Chayet) to the First Committee of the General Assembly, December 10, 1968 [1]

I should like very briefly to explain the vote of the French delegation on the draft resolutions which will soon be voted upon in the Committee.

Concerning draft resolution A/C.1/L.448/Rev.2,[2] the French delegation, whose attitude on disarmament matters is well known, will abstain. We should like to recall that we already had occasion during the disarmament debates to state our views on some of the ideas contained in the preamble of this draft, and it seems to us useless to dwell on these matters again.

Regarding draft resolution A/C.1/L.447 the French delegation, which will also abstain from the vote on this text, merely wishes to point out that the measures envisaged in the framework of the non-proliferation treaty for the creation of bodies which would undertake peaceful nuclear explosions, are incompatible with the prohibitions contained in item 28 of the agenda as recalled in the first paragraph of the preamble of that draft resolution:

> . . . question of the urgent need for suspension of nuclear and thermonuclear tests . . . .[3]

These draft resolutions concerning nuclear explosions for peaceful purposes presuppose, on the contrary, a modification of the Moscow Treaty.[4]

Finally, concerning draft resolution A/C.1/L.444,[5] my delegation would first like to reaffirm that the French Government, which is a depositary of the Geneva Protocol,[6] attaches great importance to that international instrument, which we deem it necessary to keep in force. However, we have no objections to entrusting the Secretary-General of the United Nations with the task of investigating the effects of the possible uses of chemical and bacteriological weapons, it being understood that the experts will be able to deal with all biological weapons. We should no doubt have preferred a draft resolution containing less mention of a body which would seem to have a kind of mandate in this field if we judge by a reading of the penultimate paragraph of the preamble. However, we take note of the fact that operative paragraph 4 clearly indicates that the General Assembly will have the last word on this report, and that is why we shall vote in favour of draft resolution A/C.1/L.444, taking into account the amendment just presented

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[1] A/C.1/PV.1635, pp. 21–22.
[2] Identical with pt. B of G.A. resolution 2454 (XXIII), *post*, pp. 793 796.
[3] Identical with G.A. resolution 2455 (XXIII), *post*, pp. 796-797.
[4] *Documents on Disarmament, 1963*, pp. 291-293.
[5] Except for operative par. 2, this resolution was identical with pt. A of G.A. resolution 2454 (XXIII).
[6] Senate Foreign Relations Committee, Subcommittee on Disarmament, *Disarmament and Security: A Collection of Documents, 1919–55* (Com. print, 84th Cong., 2d sess.), pp. 169–170.

by the representative of Poland.[7] On this occasion we should like to welcome the spirit of understanding shown by the sponsors of draft resolutions A/C.1/L.444 and L.445 [8] in their efforts to overcome all existing difficulties.

I should like to conclude by saying that we should very much like to see studied later on the possibility of prohibiting, under effective control, the manufacture of weapons dealt with in this draft resolution.

Statement by the Soviet Representative (Malik) to the First Committee of the General Assembly, December 17, 1968 [1]

The position of the Soviet Union on the draft resolutions on the Conference of Non-Nuclear-Weapon States which were previously contained in documents A/C.1/L.450 [2] and 451,[3] was set forth in detail in the statement the Soviet Union delegation made in the First Committee on 9 December 1968.[4] The Committee now has before it for consideration a new draft resolution prepared by the co-sponsors of the two earlier drafts on the basis of their merger into this draft resolution in document A/C.1/L.458.[5]

Having carefully studied this new draft resolution, the Soviet Union delegation deems it necessary to state that the considerations of principles set forth in its statement of 9 December 1968 are fully applicable to the new joint draft resolution also, the draft which is now submitted to us by the co-sponsors of the two earlier drafts. First, this draft, like the previous ones, calls for approval of the declaration of the Conference of Non-Nuclear Weapon States,[6] which as you know would direct the United Nations toward the holding in future of another conference of non-nuclear-weapon States and would sidetrack it from the treaty on the non-proliferation of nuclear weapons.[7]

Secondly, it is significant that the new draft resolution, like the previous ones, contains not a single reference to the treaty on the non-proliferation of nuclear weapons, which in itself must necessarily put us on our guard. In addition to this clear anomaly, we also have to consider that among the co-sponsors of the draft resolution are several countries which have not yet signed the treaty on non-proliferation, while some of them have directly stated their reluctance to adhere to the treaty.

Thirdly, the purpose of the draft resolution is to decide in advance here and now that all decisions of the Conference without exception

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[7] I.e., the final version of operative par. 2 of pt. A of G.A. resolution 2454 (XXIII).

[8] The amendment by Malta and Trinidad and Tobago (*ante*, p. 781, n. 10).

[1] A/C.1/PV.1643, pp. 13–21.

[2] *Ante*, pp. 761–762.

[3] *Ante*, pp. 776–779.

[4] *Ante*, pp. 779–784.

[5] Identical with pt. A of G.A. resolution 2456 (XXIII), *post*, pp. 797–801.

[6] *Ante*, pp. 685–687.

[7] *Ante*, pp. 461–465.

whether they are constructive or not should be carried out. The adoption of such a resolution would necessitate not only the approval of all these recommendations by the General Assembly, but would be tantamount to a call for their mandatory implementation.

This approach is fundamentally incorrect. The Soviet Union believes that this decision must be studied very carefully. It is only the constructive decisions of the Conference that must be considered first. The General Assembly should not attempt in haste to take at the present session all the decisions regarding implementation of all its resolutions and recommendations, without exception.

Fourthly, the Soviet Union, as has already been stated, considers unacceptable the proposal that use should be made of the United Nations Commission on Disarmament for carrying out the decisions of the Conference as envisaged in the new draft resolution.

Fifthly, we cannot but express regret that the co-sponsors of the new draft resolution have not taken account of the constructive and businesslike proposals put forward by the socialist countries in the draft resolution by Bulgaria and Hungary.[8] In this connexion, the Soviet delegation would also like once again to draw attention to an extremely important question which is of cardinal importance to all socialist countries. We should like to remind the Committee that as long ago as the time when the question of holding a conference of non-nuclear countries was under discussion, the Soviet delegation strongly opposed the illegal and discriminatory approach to those socialist countries that were not Members of the United Nations and its specialized agencies, an approach which was at variance with the Charter. Now, we see that the joint draft resolution again includes what we regard as a fallacious and completely unfounded imperialist formula used vis-à-vis the socialist countries that are not Members of the United Nations or of its specialized agencies. This discriminatory approach to those socialist States, our friends and brothers, is imposed on the United Nations by those who are unwilling to come to terms with the realities of our times. Those who are blinded by class hatred of socialism close their eyes to the fact that for almost twenty years now there has been a sovereign independent socialist State existing and successfully developing in Europe—the German Democratic Republic. Another important fact is that the German Democratic Republic was one of the first States to sign the treaty on non-proliferation of nuclear weapons, whereas West Germany on various contrived pretexts has thus far avoided acceding to the treaty.

That imperialist and anti-socialist formula which is contained in the new draft resolution, a formula which has been previously imposed on the United Nations in a number of other documents, is also aimed to the same extent against the socialist Democratic People's Republic of Korea and also the socialist Democratic Republic of Viet-Nam. In view of the above-mentioned considerations, the Soviet delegation is strongly opposed to the new draft resolution in document A/C.1/L.458 and will vote against that draft resolution.

Further, we consider it necessary to express our views on draft reso-

[8] A/C.1/L.452. The resolution was not put to a vote.

lution A/C.1/L.460. According to this draft resolution, the General Assembly would take steps to study the question of setting up an international service for using nuclear explosions for peaceful purposes under appropriate international control.[9] The first thing that should be noted in this connexion is that the twelfth International Atomic Energy Agency conference, which was held this year, has already decided on the practical steps to be taken by the Agency so that it may effectively discharge the functions and tasks entrusted to it by the treaty on non-proliferation of nuclear weapons.[10]

In regard to the peaceful utilization of nuclear explosive devices, we consider that since that Agency is itself already dealing with this matter and has already begun to study it, it would not be correct to give parallel instructions to the Secretary-General of the United Nations on the same matter. We are convinced that the Agency has the international organization best qualified in this field and can itself through a study of this question find the most suitable and effective organization or form for the discharge of its functions in providing services for the conduct of peaceful nuclear explosions in accordance with that treaty. Furthermore, it is well known that IAEA is an independent international organization and it would be improper to ask the Secretary-General of the United Nations to prepare a report on the establishment within the framework of IAEA of an international service for nuclear explosions for peaceful purposes. It is quite obvious that IAEA should concern itself with the matter quite independently.

Apart from these considerations, we have objections to this draft resolution also because it completely ignores the treaty on non-proliferation of nuclear weapons. Indeed the treaty is not even referred to in the text of the draft resolution. It does not only not take note of the existence of the treaty but it is also in direct contradiction with some of its provisions. Here it should be pointed out that the draft resolution calls for the holding of nuclear explosions for peaceful purposes under appropriate international control whereas the treaty on non-proliferation calls for international supervision, the purpose of which is to prevent violations of the non-proliferation treaty. Consequently, the subject of it should be not nuclear devices themselves but the procedures for the carrying out of explosions, with a view to preventing the holding of explosions that may lead to the manufacture of nuclear weapons. But the approach proposed in this draft resolution may lead to a leakage of secret information which would facilitate the carrying out of nuclear explosions for military purposes, which would mean a violation of the non-proliferation treaty. In view of these considerations, my delegation cannot agree to the approach proposed in that draft resolution and will vote against it if it is put to a vote.

As regards the draft resolution on the question of the treaty forbidding nuclear weapons in Latin America,[11] we consider it necessary to reaffirm the generally known position of the Soviet Union with regard

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[9] Identical with pt. C of G.A. resolution 2456 (XXIII), *post*, pp. 797–801.
[10] See *ante*, pp. 461–465.
[11] Identical with pt. B of G.A. resolution 2456 (XXIII).

to that treaty. Being guided by that position, the Soviet delegation will abstain in the vote on that draft resolution.

The Soviet delegation is prepared to vote for draft resolution A/C.1/L.462 concerning bilateral negotiations between the Union of Soviet Socialist Republics and the United States on the strategic means of delivering nuclear weapons.[12]

However, one cannot but notice that the co-sponsors of this draft resolution, in referring to resolution D of the Conference of Non-Nuclear-Weapon States,[13] did not find it possible to refer in their draft—as resolution D in fact does—to the treaty on the non-proliferation of nuclear weapons, nor to the fact that article VI of the treaty contains an undertaking to pursue negotiations in good faith on effective measures relating to the cessation of the nuclear arms race at an early date and to disarmament. We regard this as a serious omission on the part of the co-sponsors of the draft resolution. As far as the Soviet Union is concerned, it approaches this undertaking contained in the non-proliferation treaty with a sense of responsibility and will do everything in its power to comply with it.

In accordance with the established practice of rotation, the representative of the United States, as co-Chairman of the Eighteen-Nation Committee on Disarmament, speaking on behalf of the two co-Chairmen, will announce at this meeting the date of the reconvening of that Committee. We would express the hope that the new session of the Eighteen-Nation Committee on Disarmament will be productive and will lead to new agreements on the halting of the arms race and on disarmament.

In this connexion we would again draw the Committee's attention to the fact that the memorandum of the Soviet Government of 1 July 1968 on urgent measures to stop the arms race and achieve disarmament,[14] represents a good basis for this.

Statement by the French Representative (Dejammet) to the First Committee of the General Assembly, December 17, 1968 [1]

The French delegation would like to explain briefly its vote on some of the draft resolutions dealing with the question of disarmament.

First of all, with regard to draft resolution A/C.1/L.458 submitted by Argentina and eleven other countries,[2] we should like to point out that we were unable to ratify all the resolutions adopted by the Conference of Non-Nuclear-Weapon States and, therefore, cannot agree

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[12] Identical with pt. D of G.A. resolution 2456 (XXIII).
[13] *Ante*, pp. 668–687.
[14] *Ante*, pp. 466–470.
[1] A/C.1/PV.1643, pp. 21–25.
[2] Identical with pt. A of G.A. resolution 2456 (XXIII), *post*, pp. 797–801.

unreservedly, as we are invited to do in paragraph 1 of the operative part of this draft resolution, to "endorse" the declaration of the Conference.[3]

However, as we said in our statement in the general debate on disarmament, we understand and appreciate the concern of the participants in that Conference. Without necessarily supporting all the conclusions reached at the Conference of Non-Nuclear-Weapon States, we should like to express the interest with which we have followed its work. The vote which we shall cast in favour of draft resolution A/C.1/L.458 attests to that interest.

I would add that, without prejudging the position of France on the question of the possible convening of the Disarmament Commission, the French delegation wishes to say that it is not in favour of the attribution to that body—whose terms of reference were defined clearly by resolution 502 (VI) of 11 January 1952[4]—of any specific competence in matters of security.

The interest of the French delegation in the work of the Conference of Non-Nuclear-Weapon States also explains why we are able to give our views on draft resolution A/C.1/L.452, submitted by Bulgaria and Hungary,[5] without our vote implying any modification in our position concerning the treaty on non-proliferation.[6]

With regard to draft resolution A/C.1/L.460, dealing with the creation of an international service for nuclear explosions for peaceful purposes,[7] my delegation would recall that, generally speaking, we wish to avoid the multiplication of international organs. That is why, although we understand full well the concern of the non-nuclear-weapon States, we feel that the IAEA can play the role which is defined in this document. Therefore, it was with this in mind that on 30 September 1968 we associated ourselves with the vote by the general conference of the Agency on a resolution which directed the Director-General of the latter to undertake studies on this subject.[8] We believe that we should await the results of this investigation and report before taking any new stand or new initiative on the question. The French delegation will abstain from voting on draft resolution A/C.1/L.460.

With regard, finally, to draft resolution A/C.1/L.462,[9] we must repeat that we are convinced that any agreement between the United States and the USSR tending to limit the increase in their armaments would constitute a profitable gesture towards *détente*, but we believe that this is not necessarily a disarmament measure. Our abstention from voting on that draft resolution, therefore, will not imply that we disagree with the holding of the proposed conversations. It will merely serve to recall that real nuclear disarmament can be undertaken only when the Powers possessing the atomic bomb can agree together on measures to ensure its elimination.

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[3] *Ante*, pp. 685-687.
[4] *Documents on Disarmament, 1945–1959*, vol. I, pp. 337-339.
[5] A/C.1/L.452. The resolution was not put to a vote.
[6] *Ante*, pp. 461-465.
[7] Identical with pt. C of G.A. resolution 2456 (XXIII), *post*, pp. 797-801.
[8] *Ante*, pp. 667-668.
[9] Identical with pt. D of G.A. resolution 2456 (XXIII).

Statement by ACDA Director Foster to the First Committee of the General Assembly, December 17, 1968 [1]

I should like first to make a brief announcement, as indicated by the representative of the Soviet Union, on behalf of the two co-Chairmen of the Eighteen-Nation Committee on Disarmament as well as the other members of the Committee, regarding the reconvening of the Eighteen-Nation Committee on Disarmament. The members of that Committee have held consultations and it has been agreed that the Committee will again begin its meetings on 6 March 1969.

As we are all aware, draft resolution A/C.1/L.448 requests the Eighteen-Nation Committee on Disarmament to resume its work as early as possible and to renew its efforts on the question of general and complete disarmament and continue efforts to negotiate collateral measures of disarmament.[2] I think I can speak for all the members of the Eighteen-Nation Committee on Disarmament in expressing the hope that our renewed efforts will be rewarded by progress on the vital issues that will be before us.

To turn now to the draft resolution before us, we have studied with care the important statements of Ambassador Shahi and Ambassador Eschauzier, introducing draft resolution A/C.1/L.458.[3] In particular, it is clear that this draft resolution is the product of constructive compromise on the part of many delegations in this Committee. We are appreciative of the genuine spirit of conciliation which has motivated many delegations to develop a broadly acceptable solution.

There is, however, one paragraph in the draft resolution which it is not possible for my delegation to support. This is operative paragraph 1, which endorses the Declaration of the Non-Nuclear Conference.[4] The reasons we would like to abstain regarding this paragraph are the following: first, we were non-voting participants at the Non-Nuclear Conference and, by virtue of this, we did not register our views on a number of the important issues which came before the Conference; second, a number of statements contained in the final Declaration are not consistent with our views. Accordingly, the United States cannot regard itself as in any way committed to the statements contained in the Declaration.

In addition, my delegation would like to make clear its understanding that the preamble of draft resolution A/C.1/L.458 welcomes those proposals adopted by the Non-Nuclear Conference that are constructive.

The United States would appreciate the holding of a separate vote on operative paragraph 1 of the draft resolution, and I hereby so request. Following a separate vote on paragraph 1, on which we shall abstain, we shall vote affirmatively for the draft resolution as a whole.

To turn now to another item, I should like to make a brief explana-

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[1] A/C.1/PV.1643, pp. 22–28.
[2] Identical with pt. B of G.A. resolution 2454 (XXIII), *infra*.
[3] Identical with pt. A of G.A. resolution 2456 (XXIII), *post*, pp. 797–801.
[4] *Ante*, pp. 685–687.

tion of the vote of the United States delegation on draft resolution A/C.1/L.460, introduced by the representative of Mexico.[5]

You are all aware of the fact that article V of the non-proliferation treaty [6] provides, among other things, that non-nuclear-weapon States party to the treaty will be able to obtain potential benefits from peaceful applications of nuclear explosions pursuant to a special international agreement or agreements through an appropriate international body with adequate representation of non-nuclear-weapon States. It also provides that "negotiations on this subject shall commence as soon as possible after the treaty enters into force".

The treaty provisions obviously do not preclude preliminary studies or discussions of the subject. For its part, the United States favours an early start on studies. They can help develop a more precise understanding of the state of the art, of the peaceful applications that are most likely to prove technically and economically feasible and when they may become so. Studies also can provide fuller understanding of the various technical and administrative aspects of carrying out projects involving nuclear explosions, and of the specialized information and skills needed by States contemplating the use of nuclear explosion services. In addition, they should help to identify the duties that the international body should perform to facilitate, at the appropriate time, the provision of peaceful nuclear explosion services, including the processing of requests for such services.

The International Atomic Energy Agency, which we believe is the international organization with the appropriate mandate, experience and technical background, has begun some studies of the kind described above in its traditional role of assembling and disseminating information concerning the peaceful uses of nuclear energy. Moreover, pursuant to a resolution adopted by the general conference of the IAEA at the annual meeting in September of this year,[7] the Agency has initiated a study of the functions it must be called upon to perform and the procedures it might follow in assuming the role of the international body contemplated in the treaty. This study, which is to be reported to the next annual general conference of the IAEA in September, appears to us to make sense as a necessary step in developing greater clarity and specificity as to the manner in which article V should be implemented.

In considering the advisability of requesting the Secretary-General to prepare a report on the establishment of an international service for nuclear explosions for peaceful purposes, we think it is useful to bear the following factors in mind:

This is a highly technical area of scientific endeavour and it is important to have the problem carefully studied by the IAEA, as the body most competent to deal with matters concerning the peaceful use of atomic energy. The primacy of the IAEA in this field has long been recognized in practice and in the relationship that the United Nations has with the Agency. At the same time, we believe the IAEA should, in preparing its studies, consult with the United Nations and

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[5] Identical with pt. C of G.A. resolution 2456 (XXIII).
[6] *Ante*, pp. 461–465.
[7] *Ante*, pp. 667–668.

its specialized agencies as well as with interested non-nuclear-weapon States which are members of those bodies. We understand that this is the Agency's intention.

The relationship between the United Nations and the IAEA has been clearly defined in a formal agreement between the two bodies. One of the primary purposes of this agreement was to avoid duplication, confusion and wasted effort by clarifying the areas of responsibility of the two organizations. The first principle of the agreement governing that relationship between the United Nations and the International Atomic Energy Agency clearly recognizes the IAEA as the Agency responsible for international activities concerned with the peaceful use of atomic energy. Article XI of the same agreement covering co-ordination between the two bodies recognizes the desirability "of avoiding the overlapping and duplication of activities".[8] These provisions not only establish binding constitutional principles; they also seem to us to be eminently sensible guidelines for ensuring that the activities of the United Nations and the IAEA are conducted as efficiently as possible.

The United States would be concerned if an effort were made by the General Assembly to lay down guidelines relating to the functions to be undertaken and the procedures to be followed by the IAEA. The study which would be authorized by the proposal of the representative of Mexico would appear to leave open these various possibilities, although that may not be its intention.

Notwithstanding our reservations on the compatibility of this draft resolution with the relationship agreement between the United Nations and the IAEA, the United States will not oppose this draft resolution, but will abstain. In so doing, we assume that the report called for by the draft resolution will not impinge on the proper role of the IAEA and that it will ultimately be transmitted to the IAEA for its consideration in connexion with studies which that Agency is presently undertaking on the same subject.

General Assembly Resolution 2454 (XXIII): Question of General and Complete Disarmament, December 20, 1968[1]

A

The General Assembly,

Reaffirming the recommendations contained in its resolution 2162 B (XXI) of 5 December 1966 calling for strict observance by all States of the principles and objectives of the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases,

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[8] General Assembly *Official Records: Twelfth Session, Supplement No. 18* (A/3805), pp. 56-58.

[1] A/RES/2454 (XXIII), Jan. 10, 1969. Pt. A was adopted by a vote of 107 to 0, with Guinea and Malawi abstaining. Pt. B was approved 109 to 0, with Cuba, France, Guinea, and Malawi abstaining.

and of Bacteriological Methods of Warfare signed at Geneva on 17 June 1925,[2] condemning all actions contrary to those objectives and inviting all States to accede to that Protocol,

Considering that the possibility of the use of chemical and bacteriological weapons constitutes a serious threat to mankind,

Believing that the people of the world should be made aware of the consequences of the use of chemical and bacteriological weapons,

Having considered the report of the Conference of the Eighteen-Nation Committee on Disarmament which recommended that the Secretary-General should appoint a group of experts to study the effects of the possible use of such weapons,[3]

Noting the interest in a report on various aspects of the problem of chemical, bacteriological and other biological weapons which has been expressed by many Governments and the welcome given to the recommendation of the Conference of the Eighteen-Nation Committee on Disarmament by the Secretary-General in the introduction to his annual report on the work of the Organization submitted to the General Assembly at its twenty-third session,[4]

Believing that such a study would provide a valuable contribution to the consideration by the Conference of the Eighteen-Nation Committee on Disarmament of the problems connected with chemical and bacteriological weapons,

Recalling the value of the report of the Secretary-General on the effects of the possible use of nuclear weapons,[5]

1. *Requests* the Secretary-General to prepare a concise report in accordance with the proposal contained in paragraph 32 of the introduction to his annual report on the work of the Organization submitted to the General Assembly at its twenty-third session and in accordance with the recommendation of the Conference of the Eighteen-Nation Committee on Disarmament contained in paragraph 26 of its report;

2. *Recommends* that the report should be based on accessible material and prepared with the assistance of qualified consultant experts appointed by the Secretary-General, taking into account the views expressed and the suggestions made during the discussion of this item at the twenty-third session of the General Assembly;[6]

3. *Calls upon* Governments, national and international scientific institutions and organizations to co-operate with the Secretary-General in the preparation of the report;

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[2] The G.A. resolution appears in *Documents on Disarmament, 1966*, pp. 798–799. For the Geneva protocol, see Senate Foreign Relations Committee, Subcommittee on Disarmament, *Disarmament and Security: A Collection of Documents, 1919–55* (Com. print, 84th Cong., 2d sess.), pp. 169–170.

[3] *Ante*, pp. 591–595.

[4] General Assembly *Official Records: Twenty-third Session. Supplement No. 1A* (A/7201/Add. 1), p. 4.

[5] *Documents on Disarmament, 1967*, pp. 476 ff.

[6] In its original form, this par. read as follows:

"2. *Recommends* that the report be based on accessible material and prepared with the assistance of qualified consultant experts appointed by the Secretary-General (A/C.1/L.444, Nov. 18, 1968)."

On Dec. 10 the Polish representative informed the First Committee that the sponsors had agreed on the revised language.

4. *Requests* that the report be transmitted to the Conference of the Eighteen-Nation Committee on Disarmament, the Security Council and the General Assembly at an early date, if possible by 1 July 1969, and to the Governments of Member States in time to permit its consideration at the twenty-fourth session of the General Assembly;

5. *Recommends* that Governments should give the report wide distribution in their respective languages, through various media of communication, so as to acquaint public opinion with its contents;

6. *Reiterates* its call for strict observance by all States of the principles and objectives of the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare signed at Geneva on 17 June 1925, and invites all States to accede to that Protocol.

B

The General Assembly,

Considering that one of the main purposes of the United Nations is to save mankind from the scourge of war,

Convinced that the armaments race, in particular the nuclear arms race, constitutes a threat to peace,

Believing that it is imperative to exert further efforts towards reaching agreement on general and complete disarmament under effective international control,

Noting with satisfaction the agreement of the Governments of the Union of Soviet Socialist Republics and of the United States of America to enter into bilateral discussions on the limitation and reduction of both offensive strategic nuclear weapons delivery systems and systems of defence against ballistic missiles,[7]

Having received the report of the Conference of the Eighteen-Nation Committee on Disarmament,[8] to which are annexed documents presented by the delegations of the eight non-aligned members of the Committee and by Italy, Sweden, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America,

Noting the memorandum of the Governments of the Union of Soviet Socialist Republics dated 5 [*1*] July 1968 concerning urgent measures to stop the arms race and achieve disarmament[9] and other proposals for collateral measures which have been submitted at the Conference of the Eighteen-Nation Committee on Disarmament,

Recalling its resolutions 1767 (XVII) of 21 November 1962,[10] 1908 (XVIII) of 27 November 1963,[11] 2031 (XX) of 3 December 1965,[12] 2162 C (XXI) of 5 December 1966,[13] 2344 (XXII) of 19 December 1967[14] and 2342 B (XXII) of 19 December 1967,[15]

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[7] This par. was proposed by the U.K. at the Dec. 6 meeting of the First Committee and accepted by the sponsors on the same date.

[8] *Ante*, pp. 591–595.

[9] *Ante*, pp. 466–470.

[10] *Documents on Disarmament, 1962*, vol. II, pp. 1072–1073.

[11] *Ibid., 1963*, pp. 624–627.

[12] *Ibid., 1965*, pp. 622–623.

[13] *Ibid., 1966*, pp. 799–800.

[14] *Ibid., 1967*, p. 732.

[15] *Ibid.*, pp. 730–731.

1. *Requests* the Conference of the Eighteen-Nation Committee on Disarmament to make renewed efforts towards achieving substantial progress in reaching agreement on the question of general and complete disarmament under effective international control, and urgently to analyse the plans already under consideration and others that might be put forward to see how in particular rapid progress could be made in the field of nuclear disarmament;

2. *Further requests* the Conference of the Eighteen-Nation Committee on Disarmament to continue its urgent efforts to negotiate collateral measures of disarmament;

3. *Decides* to refer to the Conference of the Eighteen-Nation Committee on Disarmament all documents and records of the meetings of the First Committee concerning all matters related to the disarmament question;

4. *Requests* the Conference of the Eighteen-Nation Committee on Disarmament to resume its work as early as possible and to report to the General Assembly, as appropriate, on the progress achieved.

General Assembly Resolution 2455 (XXIII): Urgent Need for Suspension of Nuclear and Thermonuclear Tests, December 20, 1968 [1]

The General Assembly,

Having considered the question of the urgent need for suspension of nuclear and thermonuclear tests and the report of the Conference of the Eighteen-Nation Committee on Disarmament,[2]

Recalling its resolutions 1762 (XVII) of 6 November 1962,[3] 1910 (XVIII) of 27 November 1963,[4] 2032 (XX) of 3 December 1965,[5] 2163 (XXI) of 5 December 1966 [6] and 2343 (XXII) of 19 December 1967,[7]

Recalling further the joint memorandum on a comprehensive test ban treaty submitted on 26 August 1968 by Brazil, Burma, Ethiopia, India, Mexico, Nigeria, Sweden and the United Arab Republic and annexed to the report of the Conference of the Eighteen-Nation Committee on Disarmament,[8]

Noting with regret the fact that all States have not yet adhered to the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water, signed in Moscow on 5 August 1963,[9]

Noting with increasing concern that nuclear weapon tests in the atmosphere and underground are continuing,

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[1] A/RES/2455 (XXIII), Jan. 10, 1969. The resolution was adopted by a vote of 100 to 0, with 5 abstentions (Central African Republic, Cuba, France, Guinea, South Africa).

[2] *Ante*, pp. 501–505.

[3] *Documents on Disarmament, 1962*, vol. II, pp. 1029–1033.

[4] *Ibid., 1963*, p. 627.

[5] *Ibid., 1965*, pp. 623–624.

[6] *Ibid., 1966*, pp. 802–803.

[7] *Ibid., 1967*, p. 731.

[8] *Ante*, pp. 589–591.

[9] *Documents on Disarmament, 1963*, pp. 291–293.

Taking into account the existing possibilities of establishing, through international co-operation, a voluntary exchange of seismic data so as to create a better scientific basis for a national evaluation of seismic events,

Recognizing the importance of seismology in the verification of the observance of a treaty banning underground nuclear weapon tests,

Noting in this connexion that experts from various countries, including four nuclear-weapon States, have recently met unofficially to exchange views and hold discussions in regard to the adequacy of seismic methods for monitoring underground explosions, and the hope expressed that such discussions would be continued,

1. *Urges* all States which have not done so to adhere without further delay to the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water;

2. *Calls upon* all nuclear-weapon States to suspend nuclear weapon tests in all environments;

3. *Expresses the hope* that States will contribute to an effective international exchange of seismic data;

4. *Requests* the Conference of the Eighteen-Nation Committee on Disarmament to take up as a matter of urgency the elaboration of a treaty banning underground nuclear weapon tests and to report to the General Assembly on this matter at its twenty-fourth session.

General Assembly Resolution 2456 (XXIII): Conference of Non-Nuclear-Weapon States, December 20, 1968 [1]

A [2]

The General Assembly,

Noting that pursuant to its resolution 2346 B (XXII) of 19 December 1967 the Conference of Non-Nuclear-Weapon States was held at Geneva from 29 August to 28 September 1968 and attended by ninety-two non-nuclear-weapon States and four nuclear-weapon States: France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America,

Having examined the Final Document of the Conference of Non-Nuclear-Weapon States,[3]

Appreciating the importance of the consideration given by the participants in the Conference to the problems of achieving a universal peace and, in particular, the security of non-nuclear-weapon States, cessation of the nuclear arms race, general and complete disarmament and harnessing of nuclear energy exclusively for peaceful purposes,

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[1] A/RES/2456 (XXIII), Jan. 10, 1969.

[2] Pt. A was adopted by a vote of 103 to 7, with 5 abstentions. Bulgaria, the Byelorussian S.S.R., Czechoslovakia, Hungary, Poland, the Ukrainian S.S.R., and the U.S.S.R. voted against it. The following countries abstained: Cuba, Guinea, Malawi, Mauritania, and Syria.

[3] *Ante*, pp. 668-687.

Noting that the Conference has adopted the Declaration of the Conference of Non-Nuclear-Weapon States and fourteen resolutions containing various recommendations,

Welcoming the constructive proposals adopted by the Conference,

Considering that in order to fulfil the aims of the Conference it is necessary to ensure the implementation of these proposals, which will require appropriate action by the international bodies and Governments concerned,

Noting in particular the decision of the Conference inviting the General Assembly at its twenty-third session to consider the best ways and means of implementing its decisions and continuing the work that has been undertaken,

1. *Endorses* the Declaration of the Conference of Non-Nuclear Weapon States;[4]

2. *Takes note* of the resolutions adopted by the Conference;

3. *Requests* the Secretary-General to transmit the resolutions and the Declaration to the Governments of States Members of the United Nations and members of the specialized agencies and of the International Atomic Energy Agency, and to the international bodies concerned, for their careful consideration;

4. *Invites* the specialized agencies, the International Atomic Energy Agency and other international bodies concerned to report to the Secretary-General on the action taken by them in connexion with the recommendations contained in the respective resolutions of the Conference;

5. *Invites* the International Bank for Reconstruction and Development, the United Nations Development Programme and the International Atomic Energy Agency to continue, in consultation with their member States, the study of the recommendations of concern to those organizations, contained in resolution J of the Conference;

6. *Requests* the Secretary-General to submit a comprehensive report based on the information supplied by those concerned on the progress achieved in the implementation of the present resolution for consideration by the General Assembly at its twenty-fourth session;

7. *Further requests* the Secretary-General to place on the provisional agenda of the twenty-fourth session of the General Assembly the question of the implementation, taking into account the reports of the Conference of the Eighteen-Nation Committee on Disarmament and the International Atomic Energy Agency, of the results of the Conference of Non-Nuclear-Weapon States, including:

(*a*) The question of convening early in 1970 a meeting of the United Nations Disarmament Commission to consider disarmament and the related question of the security of nations;

(*b*) The question of further international co-operation in the peaceful uses of nuclear energy with particular regard to the special needs and interests of developing countries;

8. *Further requests* the Secretary-General, in accordance with resolution G of the Conference,[5] to appoint a group of experts, chosen on a

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[4] *Ante*, pp. 685-687.

[5] *Ante*, p. 678.

personal basis, to prepare a full report on all possible contributions of nuclear technology to the economic and scientific advancement of the developing countries;

9. *Endorses* the recommendation that the Secretary-General should draw the attention of the group of experts to the desirability of taking advantage of the experience of the International Atomic Energy Agency in preparing the report;

10. *Requests* the Secretary-General to transmit the report to the Governments of States Members of the United Nations and members of the specialized agencies and of the International Atomic Energy Agency in time to permit its consideration by the General Assembly at its twenty-fourth session.

B [6]

The General Assembly,

Having examined the Final Document of the Conference of Non-Nuclear-Weapon States,

Considering that the establishment of zones free from nuclear weapons, on the initiative of the States situated within each zone concerned, is one of the measures which can contribute most effectively to halting the proliferation of those instruments of mass destruction and to promoting progress towards nuclear disarmament,

Observing that the Treaty for the Prohibition of Nuclear Weapons in Latin America, opened for signature on 14 February 1967, has already established a nuclear-weapon-free zone comprising territories densely populated by man,[7]

Reiterates the recommendation contained in resolution B of the Conference of Non-Nuclear-Weapon States, concerning the establishment of nuclear-weapon-free zones,[8] and especially the urgent appeal for full compliance by the nuclear-weapon Powers with paragraph 4 of General Assembly resolution 2286 (XXII) of 5 December 1967,[9] in which the Assembly invited Powers possessing nuclear weapons to sign and ratify as soon as possible Additional Protocol II of the Treaty for the Prohibition of Nuclear Weapons in Latin America.[10]

C [11]

The General Assembly,

Having considered the Final Document of the Conference of Non-

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[6] Pt. B was approved 98 to 0, with 16 abstentions (Bulgaria, Byelorussian S.S.R., Central African Republic, Cuba, Czechoslovakia, France, Guinea, Hungary, Malawi, Mauritania, Mongolia, Poland, Romania, Somalia, Ukrainian S.S.R., U.S.S.R.).

[7] *Documents on Disarmament, 1967*, pp. 60 ff.

[8] *Ante*, pp. 672-674.

[9] *Documents on Disarmament, 1967*, pp. 620-621.

[10] *Ibid.*, p. 83.

[11] Pt. C was adopted 75 to 9, with 30 abstentions:

For—Afghanistan, Argentina, Austria, Barbados, Bolivia, Brazil, Burma, Burundi, Ceylon, Chad, Colombia, Cyprus, Dahomey, Democratic Republic of the Congo, Dominican Republic, El Salvador, Ethiopia, Finland, Gabon, Ghana, Guatemala, Guyana, Haiti, Honduras, Iceland, India, Indonesia, Iran, Ireland, Italy, Jamaica, Japan, Kenya, Kuwait, Laos, Lebanon, Liberia, Libya, Luxem-

Footnote continued on following page.

Nuclear-Weapon States,[12]

Observing that the use of explosive nuclear devices for peaceful purposes will have an extraordinary importance in the light of the technical documents prepared for the Conference at the request of the Secretary-General of the United Nations,

Recalling the statements made at the 1577th meeting of the First Committee by the representatives of the Co-Chairmen of the Conference of the Eighteen-Nation Committee on Disarmament to the effect that it will be convenient to initiate promptly the preparatory work for the determination of what appropriate principles and international procedures could be adopted in order that the potential benefits of any peaceful application of nuclear explosions might be made available, with due consideration for the needs of the developing areas of the world,[13]

1. *Requests* the Secretary-General to prepare, in consultation with the States Members of the United Nations and members of the specialized agencies and of the International Atomic Energy Agency, and with the co-operation of the latter and of those specialized agencies that he may consider pertinent, a report on the establishment, within the framework of the International Atomic Energy Agency, of an international service for nuclear explosions for peaceful purposes, under appropriate international control;

2. *Further requests* the Secretary-General to transmit the report to the Governments of the States mentioned in paragraph 1 above in time to permit its consideration by the General Assembly at its twenty-fourth session.

D[14]

The General Assembly,

Noting the recommendation contained in resolution D of the Conference of Non-Nuclear-Weapon States,[15]

Considering that, pursuant to the agreement reached in July 1968 by the Governments of the Union of Soviet Socialist Republics and the United States of America to enter into bilateral discussions on the limitation of both offensive strategic nuclear-weapon delivery systems and systems of defence against ballistic missiles, such discussions could lead to the cessation of the nuclear arms race and to the achievement of nuclear disarmament and relaxation of tensions,

Urges the Governments of the Union of Soviet Socialist Republics and the United States of America to enter at an early date into

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bourg, Madagascar, Malaysia, Maldive Islands, Mali, Malta, Mauritius, Mexico, Morocco, Nepal, Netherlands, Nicaragua, Nigeria, Pakistan, Panama, Paraguay, Peru, Portugal, Romania, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Southern Yemen, Spain, Sudan, Sweden, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, United Republic of Tanzania, Venezuela, Yugoslavia, Zambia.

Against—Bulgaria, Byelorussian S.S.R., Czechoslovakia, Hungary, Mongolia, Poland, Ukrainian S.S.R., U.S.S.R., U.K.

Abstaining—Algeria, Australia, Belgium, Canada, Central African Republic, China, Congo (Brazzaville), Cuba, Denmark, France, Gambia, Greece, Guinea, Iraq, Israel, Ivory Coast, Jordan, Malawi, South Africa, Syria, Uganda, UAR, U.S., Yemen.

[12] *Ante*, pp. 685–687.

[13] *Ante*, pp. 411–413, 416–418.

[14] Pt. D was adopted 108 to 0, with 7 abstentions (Central African Republic, Cuba, France, Guinea, Malawi, Mauritania, and Tanzania).

[15] *Ante*, p. 675.

bilateral discussions on the limitation of offensive strategic nuclear-weapon delivery systems and systems of defence against ballistic missiles.

General Assembly Resolution 2457 (XXIII): Report of the International Atomic Energy Agency, December 20, 1968 [1]

The General Assembly,

Noting that great progress in the application of nuclear energy for peaceful purposes has taken place in many countries in recent years,

Recalling that the Treaty on the Non-Proliferation of Nuclear Weapons [2] provides that potential benefits from any peaceful applications of nuclear explosions will be made available under appropriate international observation and through appropriate international procedures,

Recognizing that the International Atomic Energy Agency, whose membership already includes more than ninety non-nuclear-weapon States, was established to accelerate and enlarge the contribution of atomic energy to peace, health and prosperity throughout the world,

Recognizing also that during the last decade the Agency has acquired experience and competence that are contributing to the attainment of these objectives,

Desirous of enabling the Agency to function smoothly and to be in a position to carry out the new responsibilities which it will assume with the eventual entry into force of the Treaty on the Non-Proliferation of Nuclear Weapons,

1. *Takes note* of the report of the International Atomic Energy Agency to the General Assembly for the year 1967-1968; [3]

2. *Takes note also* of two resolutions adopted by the General Conference of the Agency at its twelfth regular session:

(*a*) Resolution GC(XII)/RES/241 of 30 September 1968 requesting the Board of Governors to review article VI of the Statute of the Agency and to submit to the General Conference at its thirteenth regular session a report containing a study of ways and means by which the membership of the Board will adequately reflect:

(i) The progress and developments in the peaceful uses of nuclear energy achieved by many States members of the Agency, including the developing countries;

(ii) An equitable geographical distribution;

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[1] A/RES/2457 (XXIII), Jan. 15, 1969. The resolution was adopted by a vote of 93 to 0, with 4 abstentions (Brazil, Gabon, Guinea, Tanzania).

[2] Ante, pp. 461–465.

[3] A/7175 and Add. 1.

(iii) The continuing need for the effectiveness of the Board as the executive body of the Agency; [4]

(*b*) Resolution GC (XII)/RES/245 of 30 September 1968 requesting the Director-General of the Agency to initiate studies of the procedures that the Agency should employ in performing its role in connexion with the peaceful uses of nuclear explosions, and requesting the Board of Governors of the Agency to review the results of these studies and to report thereon to the General Conference at its thirteenth regular session; [5]

3. *Requests* the Director-General of the Agency to keep the Secretary-General of the United Nations informed of action taken in connexion with the above matters.

General Assembly Resolution 2467 (XXIII): Examination of the Question of the Reservation Exclusively for Peaceful Purposes of the Sea-Bed and Ocean Floor, and the Subsoil Thereof, Underlying the High Seas Beyond the Limits of Present National Jurisdiction, and the Use of Their Resources in the Interests of Mankind, December 21, 1968 [1]

A [2]

The General Assembly,

Recalling the item entitled "Examination of the question of the reservation exclusively for peaceful purposes of the sea-bed and the ocean floor, and the subsoil thereof, underlying the high seas beyond the limits of present national jurisdiction, and the use of their resources in the interests of mankind",

Having in mind its resolution 2340 (XXII) of 18 December 1967 [3] concerned with the problems arising in the area to which the title of the item refers,

Reaffirming the objectives set forth in that resolution,

Taking note with appreciation of the report prepared by the *Ad Hoc* Committee to Study the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction,[4] keeping in mind the views expressed in the course of its work and drawing upon its experience,

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[4] *Ante*, p. 667.
[5] *Ante*, pp. 667–668.
[1] A/RES/2467 (XXIII), Jan. 14, 1969.
[2] Pt. A was adopted 112 to 0, with 7 abstentions (Byelorussian S.S.R., Cambodia, Cuba, Equatorial Guinea, Hungary, Ukrainian S.S.R., U.S.S.R.).
[3] *Documents on Disarmament, 1967*, pp. 727–729.
[4] *Ante*, pp. 595–615.

Recognizing that it is in the interest of mankind as a whole to favour the exploration and use of the sea-bed and the ocean floor and the subsoil thereof, beyond the limits of national jurisdiction, for peaceful purposes,

Considering that it is important to promote international co-operation for the exploration and exploitation of the resources of this area,

Convinced that such exploitation should be carried out for the benefit of mankind as a whole, irrespective of the geographical location of States, taking into account the special interests and needs of the developing countries,

Considering that it is essential to provide, within the United Nations system, a focal point for the elaboration of desirable measures of international co-operation, taking into account alternative actual and potential uses of this area, and for the co-ordination of the activities of international organizations in this regard,

1. *Establishes* a Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction, composed of forty-two States;

2. *Instructs* the Committee:

(*a*) To study the elaboration of the legal principles and norms which would promote international co-operation in the exploration and use of the sea-bed and the ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction and to ensure the exploitation of their resources for the benefit of mankind, and the economic and other requirements which such a régime should satisfy in order to meet the interests of humanity as a whole;

(*b*) To study the ways and means of promoting the exploitation and use of the resources of this area, and of international co-operation to that end, taking into account the foreseeable development of technology and the economic implications of such exploitation and bearing in mind the fact that such exploitation should benefit mankind as a whole;

(*c*) To review the studies carried out in the field of exploration and research in this area and aimed at intensifying international co-operation and stimulating the exchange and the widest possible dissemination of scientific knowledge on the subject;

(*d*) To examine proposed measures of co-operation to be adopted by the international community in order to prevent the marine pollution which may result from the exploration and exploitation of the resources of this area;

3. *Also calls upon* the Committee to study further, within the context of the title of the item, and taking into account the studies and international negotiations being undertaken in the field of disarmament, the reservation exclusively for peaceful purposes of the sea-bed and the ocean floor without prejudice to the limits which may be agreed upon in this respect;

4. *Requests* the Committee:

(*a*) To work in close co-operation with the specialized agencies, the International Atomic Energy Agency and the intergovernmental bodies dealing with the problems referred to in the present resolution, so as to avoid any duplication or overlapping of activities;

(*b*) To make recommendations to the General Assembly on the questions mentioned in paragraphs 2 and 3 above;

(*c*) In co-operation with the Secretary-General, to submit to the General Assembly reports on its activities at each subsequent session;

5. *Invites* the specialized agencies, the International Atomic Energy Agency and other intergovernmental bodies including the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization to co-operate fully with the Committee in the implementation of the present resolution.

B[5]

The General Assembly,

Recognizing that it is in the common interest of all nations that the exploration and exploitation of the resources of the sea-bed and the ocean floor, and the subsoil thereof, should be conducted in such a manner as to avoid infringement of the other interests and established rights of nations with respect to the uses of the sea,

Mindful of the threat to the marine environment presented by pollution and other hazardous and harmful effects which might result from exploration and exploitation of the areas under consideration,

Desiring to promote effective measures of prevention and control of such pollution and to allay the serious damage which might be caused to the marine environment and, in particular, to the living marine resources which constitute one of mankind's most valuable food resources,

Recognizing the complex problem of ensuring effective co-ordination in the wide field of environmental pollution and in the more specific area of prevention and control of marine pollution,

Noting with satisfaction the measures being undertaken by the Inter-Governmental Maritime Consultative Organization to prevent and control pollution of the sea by preparing new draft conventions and other instruments for that purpose,

Recalling, in this regard, the progress achieved towards such concerted action by intergovernmental bodies and the establishment, by the Food and Agriculture Organization of the United Nations, the United Nations Educational, Scientific and Cultural Organization and its Intergovernmental Oceanographic Commission, the Inter-Governmental Maritime Consultative Organization and the World Meteorological Organization, of a joint group of experts on the scientific aspects of marine pollution,

Recalling further the competence and continuing valuable contributions of the other intergovernmental organizations concerned,

1. *Welcomes* the adoption by States of appropriate safeguards against the dangers of pollution and other hazardous and harmful effects that might arise from the exploration and exploitation of the resources of the sea-bed and the ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction, notably in the form of concrete measures of international co-operation for the purpose of realizing this aim;

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[5] Pt. B was unanimously adopted.

2. *Considers* that, in connexion with the elaboration of principles underlying possible future international agreements for the area concerned, a study should be made with a view to clarifying all aspects of protection of the living and other resources of the sea-bed and ocean floor, the superjacent waters and the adjacent coasts against the consequences of pollution and other hazardous and harmful effects arising from various modalities of such exploration and exploitation;

3. *Considers further* that such a study should take into consideration the importance of minimizing interference between the many means by which the wealth of the ocean space may be harvested, and that it should extend to the examination of the circumstances in which measures may be undertaken by States for the protection of the living and other resources of those areas in which pollution detrimental to those resources has occurred or is imminent:

4. *Requests* the Secretary-General, in co-operation with the appropriate and competent body or bodies presently undertaking co-ordinated work in the field of marine pollution control, to undertake the study referred to in paragraphs 2 and 3 above and to submit a report thereon to the General Assembly and the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction.

C[6]

The General Assembly,

Having considered the item entitled "Examination of the question of the reservation exclusively for peaceful purposes of the sea-bed and the ocean floor, and the subsoil thereof, underlying the high seas beyond the limits of present national jurisdiction, and the use of their resources in the interests of mankind",

Reaffirming that exploration and exploitation of the results of the sea-bed and the ocean floor, and the subsoil thereof, should be carried out for the benefit of mankind as a whole, taking into special consideration the interests and needs of the developing countries,

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[6] Pt. C was adopted 85 to 9, with 25 abstentions:

For—Afghanistan, Algeria, Argentina, Austria, Barbados, Bolivia, Brazil, Burma, Burundi, Cameroon, Central African Republic, Ceylon, Chad, Chile, Colombia, Costa Rica, Cyprus, Dahomey, Democratic Republic of the Congo, Denmark, Dominican Republic, El Salvador, Equatorial Guinea, Ethiopia, Finland, Gabon, Ghana, Greece, Guatemala, Guyana, Haiti, Honduras, Iceland, India, Indonesia, Iran, Ivory Coast, Jamaica, Japan, Kenya, Kuwait, Laos, Lebanon, Lesotho, Liberia, Malaysia, Maldive Islands, Mali, Malta, Mauritania, Mauritius, Mexico, Morocco, Nepal, Netherlands, Niger, Nigeria, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Southern Yemen, Spain, Swaziland, Sweden, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Republic of Tanzania, Uruguay, Venezuela, Yemen, Yugoslavia, Zambia.

Against—Bulgaria, Byelorussian S.S.R., Czechoslovakia, Hungary, Mongolia, Poland, Romania, Ukrainian S.S.R., U.S.S.R.

Abstaining—Australia, Belgium, Cambodia, Canada, China, Congo (Brazzaville), Cuba, France, Guinea, Ireland, Israel, Italy, Jordan, Luxembourg, Madagascar, Malawi, New Zealand, Portugal, South Africa, Sudan, Syria, U.A.R., U.K., U.S., Upper Volta.

Ireland subsequently informed the U.N. Secretariat that it had intended to vote in favor of the resolution.

Recalling that international co-operation in this field is of paramount importance,

Bearing in mind its resolution A above establishing the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction, and the mandate entrusted to it,

1. *Requests* the Secretary-General to undertake a study on the question of establishing in due time appropriate international machinery for the promotion of the exploration and exploitation of the resources of this area, and the use of these resources in the interests of mankind, irrespective of the geographical location of States, and taking into special consideration the interests and needs of the developing countries, and to submit a report thereon to the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction for consideration during one of its sessions in 1969;

2. *Calls upon* the Committee to submit a report on this question to the General Assembly at its twenty-fourth session.

D[7]

The General Assembly,

Convinced that the nations of the world should join together, with due respect for national jurisdiction, in a common long-term programme of exploration of the ocean as a potential source of resources, which should eventually be used for meeting the needs of all mankind with due recognition of those of developing countries and irrespective of the geographical location of States,

Recalling also that in its resolution 2172 (XXI) of 6 December 1966 the General Assembly requested the Secretary-General to prepare proposals for ensuring the most effective arrangements for an expanded programme of international co-operation to assist in a better understanding of the marine environment through science, and for initiating and strengthening marine education and training programmes,[8]

Recalling further the proposals made by the Secretary-General in his report,[9] pursuant to resolution 2172 (XXI), as well as the various views expressed during the consideration of this subject by the General Assembly at its twenty-third session,

Noting that the Bureau and Consultative Council of the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization considered the proposed International Decade of Ocean Exploration a useful initiative for broadening and accelerating investigations of the oceans and for strengthening international co-operation,

Endorsing the objectives expressed in Economic and Social Council resolutions 1380 (XLV), 1381 (XLV) and 1382 (XLV) of 2 August 1968[10] and recalling particularly the invitation to the General As-

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[7] Pt. D was adopted without a vote.

[8] General Assembly *Official Records: Twenty-first Session, Supplement No. 16* (A/6316), p. 32.

[9] E/4487, Corr. 1 & and Add. 1.

[10] Economic and Social Council *Official Records: Forty-fifth Session, Resolutions, Supplement No. 1*, pp. 9-13.

sembly to endorse the concept of a co-ordinated long-term programme of oceanographic research, taking into account such initiatives as the proposal for an International Decade of Ocean Exploration and international programmes already considered, approved and adopted by the Intergovernmental Oceanographic Commission for implementation in co-operation with other specialized agencies,

Aware of the consideration given to the proposal in the *Ad Hoc* Committee to Study the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction, arising from the contribution which the International Decade of Ocean Exploration would make to scientific research and exploration of the sea-bed and ocean floor, as an important part of a co-ordinated long-term international programme of oceanographic research,

Seeking to enrich the knowledge of all mankind by encouraging a free flow of scientific information on the oceans to all States,

1. *Welcomes* the concept of an International Decade of Ocean Exploration to be undertaken within the framework of a long-term programme of research and exploration, including scientific research and exploration of the sea-bed and the ocean floor, under the aegis of the United Nations on the understanding that all such activities falling under the national jurisdiction of a State shall be subject to the previous consent of such State, in accordance with international law;

2. *Invites* Member States to formulate proposals for national and international scientific programmes and agreed activities to be undertaken during the International Decade of Ocean Exploration with due regard to the interests of developing countries, to transmit these proposals to the United Nations Educational, Scientific and Cultural Organization for the Intergovernmental Oceanographic Commission in time to begin the Decade in 1970, and to embark on such activities as soon as practicable;

3. *Urges* Member States to publish as soon as practicable the results of all activities which they will have undertaken within the framework of the International Decade of Ocean Exploration as part of a long-term co-ordinated programme of scientific research and exploration, and at the same time to communicate these results to the Intergovernmental Oceanographic Commission;

4. *Requests* the United Nations Educational, Scientific and Cultural Organization that its Intergovernmental Oceanographic Commission:

(*a*) Intensify its activities in the scientific field, within its terms of reference and in co-operation with other interested agencies, in particular with regard to co-ordinating the scientific aspects of a long-term and expanded programme of world-wide exploration of the oceans and their resources of which the International Decade of Ocean Exploration will be an important element, including international agency programmes, an expanded international exchange of data from national programmes, and international efforts to strengthen the research capabilities of all interested nations with particular regard to the needs of the developing countries;

(*b*) Co-operate with the Secretary-General, in accordance with paragraph 4 of General Assembly resolution 2414 (XXIII) of 17 De-

cember 1968 on the resources of the sea in the preparation of the comprehensive outline of the scope of the long-term programme of oceanographic research of which the International Decade of Ocean Exploration will be an important element, making available its views as to the appropriate relationship between the several international programmes already considered, approved and adopted by the Intergovernmental Oceanographic Commission for implementation, the Decade, and the long-term programme;

(*c*) Keep the Secretary-General informed of all proposals, programmes and activities of which it is informed in accordance with paragraphs 2 and 3 above together with any comments it may consider appropriate;

(*d*) Report through appropriate channels to the General Assembly at its twenty-fourth session on progress made in the implementation of the present resolution.

* * *

In accordance with the decision taken by the First Committee at its 1648th meeting, on 19 December 1968, the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction, established under paragraph 1 of resolution A above, will consist of the following Member States: Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Cameroon, Canada, Ceylon, Chile, Czechoslovakia, El Salvador, France, Iceland, India, Italy, Japan, Kenya, Kuwait, Liberia, Libya, Madagascar, Malaysia, Malta, Mauritania, Mexico, Nigeria, Norway, Pakistan, Peru, Poland, Romania, Sierra Leone, Sudan, Thailand, Trinidad and Tobago, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America and Yugoslavia.

Chinese Communist Communique on Hydrogen Bomb Test, December 28, 1968 [1]

In the advance to the all-round victory of her great proletarian cultural revolution and under the tremendous inspiration of the Communique of the Enlarged 12th Plenary Session of the Eighth Central Committee of the Chinese Communist Party, China exploded another hydrogen bomb over her western region on December 27, 1968, and thereby successfully conducted a new thermonuclear test.

This is another great victory for the invincible thought of Mao Tse-tung, another fruitful result of the great proletarian cultural revolution and a significant gift to the forthcoming Ninth National Congress of the Party. We hail with great joy the success of this hydrogen bomb test which marks a new leap forward in the development of China's nuclear weapons.

Our great leader Chairman Mao teaches us: "We cannot just take

[1] Hsinhua News Agency communique, Dec. 28, 1968; *Peking Review*, Jan. 3, 1969, pp. 5-6.

the beaten track traversed by other countries in the development of technology and trail behind them at a snail's pace. We must break away from conventions and do our utmost to adopt advanced techniques in order to build our country into a powerful modern socialist state in not too long a historical period."

The success of this hydrogen bomb test is the result of the all-out efforts in grasping revolution and promoting production with vigour and militancy by the Chinese workers, People's Liberation Army men and scientific and technical personnel engaged in the research, manufacture and testing of nuclear weapons, who, by holding aloft the great red banner of Marxism, Leninism, Mao Tse-tung's thought, have closely followed Chairman Mao's great strategic plan and resolutely responded to Chairman Mao's great call to "carry out the task of struggle-criticism-transformation conscientiously." In the course of the research, manufacture and testing, they made a penetrating study of the history of the struggle between the two lines, forcefully repudiated the counter-revolutionary revisionist line pushed by the renegade, traitor and scab Liu Shao-chi and his agents, and resolutely defended the proletarian revolutionary line represented by Chairman Mao. They brought into full play the leading role of the working class and carried out the principle of integrating the scientific and technical personnel with the workers and of integrating theory with practice. Pooling their wisdom and relying on their own efforts, they boldly undertook scientific experiments, overcame all kinds of difficulties and solved a series of new problems, thus ensuring the complete success of this new hydrogen bomb test.

The Central Committee of the Communist Party of China, the Cultural Revolution Group Under the Party's Central Committee, the State Council, and the Military Commission of the Central Committee of the Party extend warm congratulations to the workers, the commanders and fighters of the People's Liberation Army, the engineers, technicians and scientists and other people who are engaged in the research, manufacture and testing of nuclear weapons! It is hoped that they will guard against conceit and impetuosity and continue to exert themselves and that, under the leadership of the proletarian headquarters with Chairman Mao as the leader and Vice-Chairman Lin as the deputy leader, they will hold still higher the great red banner of Marxism, Leninism, Mao Tse-tung's thought, energetically give prominence to proletarian politics, implement Chairman Mao's latest instructions in an all-round way, and raise to a new level the mass movement for the creative study and application of Chairman Mao's works. They should further promote the revolutionization of their thinking, constantly strengthen their revolutionary spirit, scientific approach and sense of organization and discipline, work hard to fulfil the tasks set by Chairman Mao for the various stages of struggle-criticism-transformation, carry the great proletarian cultural revolution through to the end, and make new and still greater contributions to accelerating the development of our country's national defence science and technology and to realizing the modernization of our national defence!

At present, the world revolution has entered a great new era. Riddled with contradictions and beset with difficulties both at home and abroad, the imperialists headed by the United States and the modern revisionists with the Soviet revisionist renegade clique as their centre are disintegrating; they are at the end of their tether and are becoming increasingly isolated. In order to save themselves from doom, U.S. imperialism and Soviet revisionism are both colluding and struggling with each other and are stepping up arms expansion in a vain attempt to re-divide the world. On the question of nuclear weapons, they concocted a so-called nuclear non-proliferation treaty [4] and are plotting to make a new deal on "limitation and reduction of strategic nuclear weapons systems" in an effort to maintain their nuclear monopoly—which has already been broken—and to push nuclear colonialism. But their counter-revolutionary collusion only serves as a negative example to educate the revolutionary people all over the world and promote the latter's great struggle against imperialism headed by the United States, modern revisionism with the Soviet revisionist renegade clique as its centre and all reaction. The success of China's new hydrogen bomb test is another blow at the policy of nuclear threat and nuclear blackmail pursued by U.S. imperialism and Soviet revisionism. It is a great inspiration and support to the heroic Vietnamese people in carrying their war against U.S. aggression and for national salvation through to the end and to the people of all countries in their revolutionary struggles.

The Chinese Government reiterates once again that the conducting of necessary and limited nuclear tests and the development of nuclear weapons by China are entirely for the purpose of defence and for breaking the nuclear monopoly, with the ultimate aim of abolishing nuclear weapons. We solemnly declare once again that at no time and in no circumstances will China be the first to use nuclear weapons. We always mean what we say. As in the past, the Chinese people and Government will continue to make common efforts with the other revolutionary people and other countries in the world which uphold independence and cherish peace in striving to achieve the lofty aim of complete prohibition and thorough destruction of nuclear weapons.

Eighth Annual Report of the United States Arms Control and Disarmament Agency, February 13, 1969 [1]

LETTER OF TRANSMITTAL

To the Congress of the United States:

Attached is the Eighth Annual Report of the United States Arms Control and Disarmament Agency. I am transmitting it pursuant to law.

[4] *Ante*, pp. 461–465.
[1] *Eighth Annual Report to Congress* (ACDA pub. 51, 1969).

In this report, the Agency describes its activities for the calendar year 1968.

THE WHITE HOUSE, *March 11, 1969* RICHARD NIXON

LETTER OF SUBMITTAL

U.S. ARMS CONTROL AND DISARMAMENT AGENCY
Washington, February 13, 1969

MR. PRESIDENT:

I submit herewith to you for transmittal to the Congress, as required by the Arms Control and Disarmament Act, the eighth annual report concerning the activities of the U. S. Arms Control and Disarmament Agency.

This report covers the period from January 1, 1968 to the end of the calendar year. The Agency has arranged for it to be printed by the Government Printing Office.

Respectfully,

ADRIAN S. FISHER
Acting Director

THE PRESIDENT,
The White House.

INTRODUCTION

The Treaty on the Nonproliferation of Nuclear Weapons was opened for signature on July 1, 1968.[2] Representatives of 56 nations, including the United States, Great Britain, and the Soviet Union, signed the treaty in a ceremony held in the East Room of the White House. Similar ceremonies were held in London and Moscow.

This project, having major implications for world security, was realized after four and a half years of patient and painstaking negotiations in Geneva, in the United Nations, and in many capitals of the world.

The desire for a nonproliferation treaty was expressed over the years by almost all nations of the world—both individually and collectively in the United Nations. When confronted with a concrete treaty draft, non-nuclear-weapon countries expressed the view that, in return for their giving up the option to acquire nuclear weapons, the nuclear powers should take initiatives to halt the nuclear arms race and to reduce their own arsenals. In response to this view, a new article VI, in which the parties undertake "to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament . . . ," was added to the treaty. The commitment which the United States made in article VI is a reflection of U.S. policy developed over two decades under the Administrations of four Presidents.

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[2] *Ante*, pp. 461–465.

The U.S. Arms Control and Disarmament Agency (ACDA) is in its eighth year of its task, as defined in its statute, to develop, recommend, and negotiate measures to lessen the threat of war and bring the arms race under control.[3] It has carried out this mandate under the direction of William C. Foster, Director, and Adrian S. Fisher, Deputy Director, since its creation in 1961. The Director has served as the principal adviser on arms control and disarmament to the President and the Secretary of State. In addition, he has been the chief U.S. negotiator in the field of arms control.

International negotiations on arms control and disarmament matters were conducted almost continuously throughout 1968.

In December 1967, the twenty-second U.N. General Assembly adopted a resolution urging the Eighteen-Nation Disarmament Committee (ENDC) to continue its work in preparing a draft international treaty to prevent the proliferation of nuclear weapons, and requested that the ENDC submit a report on its negotiations by March 15, 1968.[4] The ENDC met from January 18 to March 14, and transmitted the draft treaty which it had negotiated during that session as an annex to its report to the General Assembly.[5]

The treaty draft then became the subject of extensive debate in the General Assembly in the resumed twenty-second session, April 24 to June 12. On the final day, the General Assembly adopted a resolution commending the nonproliferation treaty, which had undergone still further revisions during the course of the debate, and requesting that it be opened for signature and ratification at the earliest possible date.[6]

The fourteenth session of the ENDC convened on July 16. In his message to the opening of the conference, President Johnson said, "The world looks today for a beginning of the negotiations called for by the (nonproliferation) treaty—'negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament. . . .' . . . The United States takes this responsibility with the utmost seriousness."[7] The discussion centered on future arms control measures and the order in which these measures should be taken up by the ENDC. A provisional agenda was adopted on August 15 which will provide the basis for the Committee's work when it meets again in 1969.[8]

This summer session of the ENDC adjourned on August 28 in order that its members could attend the Conference of Non-Nuclear Weapon States, which opened the next day. This conference was called by a U.N. Resolution and was attended by 92 nonnuclear nations. The nuclear-weapon powers were invited to participate, although they were not given a vote, and all did with the exception of Communist China, which continued to belittle and boycott international conferences on arms control and disarmament. This conference ended on September 29.

The twenty-third session of the U.N. General Assembly began on September 24 and continued until December 21. The discussion on

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[3] *Documents on Disarmament, 1961*, pp. 482 ff.
[4] *Ibid., 1967*, pp. 732–733.
[5] *Ante*, pp. 192–193.
[6] *Ante*, pp. 431–432.
[7] *Ante*, pp. 531–532.
[8] *Ante*, pp. 583–584.

arms control and disarmament matters related largely to the seabed, chemical and biological warfare, suspension of nuclear testing, and limitations on strategic offensive and defensive missiles.

The Director and other senior officials of ACDA represented the United States in these international forums.

ACDA was responsible for initiating and coordinating the U.S. Government's careful consideration of the Treaty for the Prohibition of Nuclear Weapons in Latin America.[9] The treaty has two protocols, the first designed for extracontinental states having territories within the proposed Latin American nuclear-free zone and the second for states that have developed nuclear weapons. On April 1, 1968, the United States signed Protocol II, with the statement set forth in Appendix X.[10] This protocol has not yet been submitted to the Senate for its advice and consent to ratification.

Before multilateral or bilateral negotiations on an arms control measure are begun, exhaustive work must be done to insure that the security interests of the United States, both immediate and long-range, are fully protected, and that necessary consultations with our allies have been undertaken.

The formulation of U.S. policy on arms control is the result of extensive coordination and consultation within the Government. ACDA has maintained day-to-day contact with the Departments of State and Defense, the Atomic Energy Commission, and other executive departments and agencies engaged in national security affairs. Congressional Committees, such as Senate Foreign Relations, House Foreign Affairs, Armed Services, and the Joint Committee on Atomic Energy, have been kept currently informed on policy and negotiating developments.

In 1968, as in previous years, the primary device for the review and coordination of such recommendations was the Committee of Principals, composed of the Secretaries of State and Defense, the Chairman of the Joint Chiefs of Staff, the Director of the Arms Control and Disarmament Agency, the Chairman of the Atomic Energy Commission, the Director of Central Intelligence, the Special Assistants to the President for National Security Affairs and for Science and Technology, the Administrator of the National Aeronautics and Space Administration, and the Director of the U.S. Information Agency. Negotiations were not undertaken on any arms control measure until the Committee of Principals had been consulted, and as appropriate, the President had given his approval.

ACDA has planned and managed an integrated research program in support of its policy formulation and its conduct of international negotiations. The research has been carried out by internal staff analysis and by outside contractors. The field of inquiry ranged from the complex technology of strategic missile systems, to political and social science factors bearing on negotiating positions of our adversaries, to the economic impact of defense and disarmament expenditures in our society.

This report describes the efforts that have been made in the past year by the U.S. Arms Control and Disarmament Agency toward

[9] *Documents on Disarmament, 1967*, pp. 69–83.
[10] *Ante*, pp. 204–205.

solving some of the major problems which stand as obstacles to peace and progress for the United States, and indeed, for the other nations of the world.

NONPROLIFERATION

The Eighteen-Nation Committee on Disarmament (ENDC) reconvened on January 18, 1968, after a month's recess. On that day, the United States and the Soviet Union, as Co-Chairmen of the conference, tabled separate but identical drafts of a treaty to prevent the spread of nuclear weapons.[11] This step was made possible as a result of their agreement on the text of an article III, the safeguards provision, disagreement on which held up the entire project until that time.

The basic provisions of the treaty contained in articles I and II had been submitted to the ENDC the previous August when the United States and the Soviet Union tabled identical treaty texts, with only article III left blank.[12] The treaty commits nuclear powers

> . . . not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly, or indirectly; and not in any way to assist, encourage, or induce any non-nuclear-weapon State to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices.

Nonnuclear-weapon parties are committed not to manufacture or otherwise acquire such weapons or devices.

Agreement on article III came only after extensive consultations with our NATO allies—part of the process of continuous consultation with them on all aspects of the treaty. The discussions on the safeguards provision, which took place in the capitals of alliance members, in the North Atlantic Council, and in EURATOM, resulted in a compromise draft which was given the "green light" by the North Atlantic Council as a basis for further negotiations. It was this language which the Soviet Union agreed to accept.

The January 18 draft also amended certain parts of the August 24, 1967, draft to reflect suggestions put forth by the ENDC members and our allies during the debate which followed tabling of that draft.

Safeguards

There was general agreement that the treaty should include a provision setting forth safeguards arrangements which would prevent the diversion of nuclear materials from peaceful to weapons uses.

Significant amounts of plutonium, a byproduct resulting from nuclear fission, will soon be scattered throughout the world in the wake of the many nuclear electric power reactors that will be installed in many countries. Plutonium can be used in the manufacture of nuclear weapons. Bilateral safeguards would not suffice to eliminate suspicions that could arise among third parties; neither would the continued incomplete voluntary acceptance of international safeguards. Because one could never be certain that mounting quantities of plutonium could be accounted for in the future and placed under safeguards, a point

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[11] *Ante*, pp. 1–6.
[12] *Documents on Disarmament, 1967*, pp. 338–341.

would soon be reached when international cooperation in the development of peaceful uses of atomic energy could be seriously inhibited. The safeguards established by the nonproliferation treaty would eliminate that hindrance to cooperation.

The problem lay in finding an acceptable formula for the administration of the safeguards procedures. The issue was resolved by working out language which stipulates that nonnuclear parties would conclude safeguards agreements with the International Atomic Energy Agency (IAEA) (an organization already operating, with headquarters in Vienna), either individually or together with other states in accordance with IAEA's statute and safeguards system.

In explaining the draft article III to the ENDC, the U.S. Representative, Adrian S. Fisher, stressed it was based on several guiding principles. First, the safeguards should be of such a nature that all parties could have confidence in their effectiveness. The agreements to be concluded with IAEA must enable that agency to carry out its responsibility of providing assurance that no diversion is taking place.

The second principle is that nonnuclear parties could negotiate safeguards agreements with IAEA individually or together with other parties; specifically, an agreement covering such obligations could be entered into between IAEA and another international organization, the work of which is related to the IAFA and the membership of which includes the parties concerned.

Third, in order to avoid unnecessary duplication, IAEA should make appropriate use of existing records and safeguards procedures, provided that under such mutually agreed arrangements, IAEA can satisfy itself that nuclear material is not diverted to nuclear weapons or other nuclear explosive devices.[13]

These principles would permit the European Atomic Energy Community (EURATOM), an organization established by the six Common Market countries, to enter into agreement with the IAEA on a mutually satisfactory safeguards arrangement.

The safeguards provisions contained in the January 18 draft serve two beneficial purposes: By verifying a crucial obligation of the treaty—not to divert fissionable material to nuclear weapons—they will strengthen trust among the parties, and thus will make the treaty a more effective instrument. Secondly, they will provide an impetus for accelerated cooperation among all parties in the development of peaceful nuclear research and industry since possible reluctance to provide source and special fissionable material, specialized equipment and information on peaceful nuclear applications to nonnuclear states will be removed by the extensive application of treaty safeguards.

Some of the nonnuclear countries expressed the view that the safeguards provisions were discriminatory since they apply only to them and not to the nuclear powers. Others also felt that the safeguards might place them at a commercial disadvantage in comparison with nuclear powers. To help allay these misgivings, President Johnson, on December 2, 1967, offered to place all nuclear activities in the United States under IAEA safeguards, excluding only those with direct na-

[13] *Ante*, pp. 12–14.

tional security significance, when the treaty safeguards become operative.[14]

Some ENDC members, as well as some other potential signatory nations, wished to insure that continuing efforts would be made to improve the safeguards techniques applied under the treaty. This led to the inclusion of a preambular paragraph expressing the support of the parties to the treaty 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."

The United States has underway a research program designed to help make the safeguarding process as unobtrusive and inexpensive as possible. Although the major U.S. research effort is now being undertaken by the Atomic Energy Commission (AEC), the Arms Control and Disarmament Agency has initiated, in coordination with the AEC, several research projects directed toward the solution of some of the technical problems that are being encountered in the development of a credible, relatively nonintrusive, instrumented international safeguards system.

ACDA's research is currently directed toward two different aspects of the safeguards instrumentation problem. The first is the development of portable instruments for use in verifying inventories of uranium and plutonium. Two prototype instruments for the field assay of uranium and plutonium have been designed and constructed, and were made available to the IAEA in September for testing and evaluation. The initial reports on the performance of the plutonium instrument, a neutron coincidence detector, have been very encouraging. IAEA tests of the uranium instrument, a modified commercial multichannel analyzer, have not been started, but preliminary U.S. tests suggest that it may be particularly useful in verifying the inventory of nuclear fuel elements containing highly enriched U–235.

Another area of research is the field testing of a prototype tamper-resistant data link for use in those nuclear facilities where unattended safeguards measurements must be made. The use of unattended sensors has considerable appeal for an international safeguards inspection system from the point of view of reducing both the cost and intrusiveness of inspection.

Following an agreement between the U.S. and Canadian Governments, the Nuclear Power Demonstration Reactor at Chalk River, Canada, was selected for testing the prototype instrumentation system. This facility operates on a continuously refueled basis, and the decision to try out the system there was based, in part, on a recently completed IAEA safeguards study which concluded that unattended, tamper-resistant instrumentation would be very useful in safeguarding this important class of power reactors.

A description of two tests of the safeguards instrumentation concept will be found in the section "Field Tests in Support of Arms Control Verification."[15]

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[14] *Documents on Disarmament, 1967*, pp. 613–615.
[15] *Infra.*

Peaceful Uses of Nuclear Energy

It has been generally accepted that a nonproliferation treaty should promote the development of nuclear energy for peaceful uses as well as prohibit the spread of nuclear weapons. The draft treaty tabled on January 18 included a revised article IV, designed to strengthen this objective. It elaborated the obligation for cooperation among nations for the development and promotion of the benefits of the peaceful atom.

The final text of article IV provides that nothing in the treaty shall be interpreted as affecting the inalienable right of all parties to develop research, production and use of nuclear energy for peaceful purposes. The article continues that all parties undertake to facilitate and have the right to participate in the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy. It calls on parties in a position to do so to cooperate in contributing—alone, with other nations, or with international organizations—to the further development of the applications of nuclear energy for peaceful purposes, especially in the territories of nonnuclear parties and with due consideration for the needs of the world's developing areas.

To understand the importance of this provision, one need only look at the major ways the peaceful atom can contribute to economic and social progress. At the top of the list is nuclear generation of electric power. World consumption of electrical energy is expected to increase in the next 30 years to at least eight times the present level, and the world's nuclear fuel resources have the potential capacity to meet this requirement economically.

Low-cost sources of energy on a large scale can determine the availability of other basic resources, including food, industrial materials, and water. New sources of cheap fertilizers can be made available; metal can be refined from ore more cheaply; desalted water can make the deserts arable. Because nuclear fuels are compact and long-lived, nuclear powerplants can be constructed where they are needed, far from their sources of fuel.

A second major benefit from the peaceful atom is the application of radioactive isotopes, produced in research reactors. The widespread availability of radioisotopes has made possible innumerable uses in medicine, agriculture, industry, and scientific research. For example, radioisotopes are used to diagnose and treat diseases, to preserve food, to eradicate insect pests, to develop superior strains of plants, to control industrial processes, and even to supply power to satellites orbiting the earth.

The benefits of nuclear energy for electric power and radioisotopes are proven, but the potential benefits of nuclear explosions for peaceful purposes are still in the experimental stage. Nonetheless the possibilities have captured the imagination of developed and developing nations alike. Nuclear explosions could conceivably be used to excavate canals, harbors, or lakes; to divert rivers; to free and make commercially exploitable deep deposits of oil and minerals.

It has long been U.S. policy to cooperate fully with other nations in the development of peaceful uses of nuclear energy. The "Atoms for

Peace" program entered its 14th year in 1968. Strong support for the IAEA included financial support to its budget, cost-free experts, fellowships, equipment grants, technical information, and special nuclear materials for use in projects in research and medical therapy. By the end of 1968 the United States had 32 Agreements for Cooperation for civil uses of atomic energy in effect with various nations and groups of nations.

Almost all nonnuclear states have accepted the fact that an undertaking not to manufacture or otherwise acquire nuclear weapons also entails a similar obligation with respect to nuclear explosive devices for peaceful purposes, since these devices are essentially indistinguishable from nuclear weapons. But these states have also maintained that renunciation of all nuclear explosive devices should not deprive them of the benefits which may be derived from nuclear explosions for peaceful purposes.

The preamble of the August 1967 draft treaty contained a declaration of intention that such potential benefits should be made available through appropriate international procedures. This intention was made more explicit by a new article V in the January 18, 1968, draft. The final text of this article spells out that any potential benefits of peaceful nuclear explosions will be made available to nonnuclear weapon parties on a nondiscriminatory basis and that the charge for the explosive devices used will be as low as possible and exclude any charge for research and development. It provides that nonnuclear states may obtain such benefits either "pursuant to a special international agreement or agreements, through an appropriate international body with adequate representation of non-nuclear-weapon States," or "pursuant to bilateral agreements." The United States believes the IAEA should be the "appropriate international body" and the forum for devising procedures for responding to such requests as may be directed through that body. However, formidable problems still remain to be solved before the peaceful uses of nuclear explosions will be economically and technologically feasible.

Pursuit of Further Disarmament Measures

Throughout the negotiations on the nonproliferation treaty, the nonnuclear nations have held the view that renunciation of nuclear weapons by them should be accompanied by progress toward the cessation of the nuclear arms race by the nuclear powers. The nuclear powers agreed with this view in principle but believed that the nonproliferation treaty must not be complicated by making it contingent on the achievement of other specific arms control and disarmament measures.

The August 1967 draft treaty preamble contained a declaration of intent to achieve the cessation of the arms race and a reaffirmation of the objective of general and complete disarmament. The January 18, 1968, draft was strengthened by the inclusion of a new article VI which would obligate the parties to undertake "to pursue negotiations in good faith on effective measures regarding cessation of the nuclear arms race and disarmament and on a treaty on general and complete disarmament under strict and effective international control." The new operative clause was in addition to the preambular references, which remained in the new text.

In presenting the new and complete draft to the ENDC, the Co-Chairmen emphasized that it was not an immutable text but rather a recommendation for further consideration by the conference. Suggestions by ENDC members for changes were discussed extensively. Many of these reflected the nonnuclear nations' desire for a more positive treaty commitment in pursuit of additional disarmament measures.

On March 11 the Co-Chairmen introduced a draft treaty which incorporated certain suggestions responsive to this desire.[16] A paragraph was added to the preamble recalling the pledge made in the limited test-ban treaty to continue negotiations for a comprehensive test ban.[17] Article VI was revised to add the words "at an early date," and to specify "nuclear"disarmament. It was made clear that the realization of the "purposes of the Preamble and the provisions of the Treaty" was to be appraised by the review conference, and it was provided that further review conferences could be called at 5-year intervals if a majority of the parties so desire.

Security Assurances

The January 18 draft treaty did not contain a provision on security assurances, although this question was widely regarded as one of the most significant aspects of the effort to halt the spread of nuclear weapons. Its importance was matched only by its complexity. Not only do the security interests of allied and nonaligned nations differ, but the interests of various nations within each of these groups also differ. As the U.S. representative, Ambassador Samuel De Palma, pointed out to the ENDC, "Any attempt to extend a guarantee by a treaty provision covering such a variety of interests and applying to unforeseen future circumstances would simply not be credible." [18] The conclusion reached was that, in addition to the security benefits provided by the treaty itself, further assurance of security could most appropriately be provided in the context of the United Nations Charter, under which every member has assumed a solemn obligation to cooperate in the maintenance of peace.

On March 7 the United States, the Soviet Union, and the United Kingdom submitted to the ENDC a draft resolution which they had agreed to sponsor for consideration by the U.N. Security Council at the time the nonproliferation treaty was brought before the United Nations for discussion and action. The Security Council is the organ of the United Nations bearing the primary responsibility for maintenance of international peace and security.[19]

The representatives of the United States, the Soviet Union, and the United Kingdom also reported to the ENDC on March 7 that their Governments proposed to state declarations of intention, in conjunction with Security Council action, to support the principles of the resolution. These declarations would affirm the intention of their respective Governments to seek immediate Security Council action to provide assistance, in accordance with the Charter, to any nonnuclear-weapon state party to the treaty that is a victim of an act of aggression or an

[16] *Ante*, pp. 162–166.
[17] *Documents on Disarmament, 1963*, pp. 291–293.
[18] *Ante*, p. 93.
[19] Identical with the Security Council resolution of June 19 (*ante*, p. 444).

object of a threat of aggression in which nuclear weapons are used. The declarations would state that nuclear aggression against a non-nuclear nation would create a qualitatively new situation in which the nuclear-weapon states which are permanent members of the Security Council would have to act immediately through the Security Council to take the measures necessary to counter such aggression or to remove the threat of aggression in accordance with the United Nations Charter, which calls for taking "effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace." The declarations would reaffirm in particular the inherent right, recognized under article 51 of the Charter, of individual and collective self-defense if an armed attack, including a nuclear attack, occurs against a member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security.[20]

Discussions in the United Nations

The twenty-second session of the U.N. General Assembly had adopted a resolution on December 19, 1967, urging the ENDC to continue its work in preparing a draft international treaty to prevent the proliferation of nuclear weapons. The resolution requested the ENDC to submit a report on its negotiations by March 15, 1968.[21] The ENDC met the deadline. The draft treaty of March 11 and the tripartite security assurances proposal of March 7 were annexed to the report.

The joint treaty draft then became the subject of an extensive debate in the General Assembly, which resumed its twenty-second session (part II) on April 24.

On May 1 Finland introduced a resolution endorsing the treaty; it was cosponsored by 19 nations, including the United States and the Soviet Union. Under the terms of the resolution, the General Assembly would also request the depositary governments—the United States, the United Kingdom, and the Soviet Union—to open the treaty for signature, express its hope for the widest possible adherence, and request the ENDC to pursue negotiations on nuclear disarmament and general and complete disarmament.[22]

An overwhelming number of U.N. members supported the draft treaty during the course of the debate. At the same time, various representatives called for further improvements in the draft text. Taking these comments into account, the United States and the Soviet Union once again revised the treaty draft and submitted it to the First Committee (where the resolution supporting the treaty was being considered) on May 31.[23] Language was added to the preamble recalling the principles of the U.N. Charter limiting the use of force, and strengthening the obligation to pursue measures to limit the nuclear arms race. Articles IV and V were strengthened to stress the right of parties to participate in the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful

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[20] See *ante*, pp. 156–158.
[21] *Documents on Disarmament, 1967*, pp. 732–733.
[22] *Ante*, p. 271.
[23] *Ante*, pp. 404–409

use of nuclear energy and to share in the potential benefits from any peaceful applications of nuclear explosions.

The revised version offered on May 31 represented the seventh draft of the treaty. Since submitting the first agreed draft on August 24, 1967, the Co-Chairmen had made 13 major changes—6 in the January 18 draft, 3 in the March 11 draft, and 4 in the May 31 draft. U.S. Ambassador Goldberg told the Assembly that the treaty was "the product of a wide effort to arrive at a generally acceptable consensus" and noted that the changes responded to suggestions by many states.[24]

The resolution as adopted by the General Assembly on June 12 by vote of 95 to 4, with 21 abstentions, commended the treaty and requested that it be opened for signature.[25] The majority included the United States, the United Kingdom, the Soviet Union, and 11 other ENDC members. Albania, Cuba, Tanzania, and Zambia voted against. Brazil, Burma, France, India, and Spain were among the abstainers.

After the vote was taken, President Johnson addressed the General Assembly and affirmed American determination "to make this but a first step toward ending the peril of nuclear war." He called the treaty the most important disarmament agreement since the beginning of the nuclear age. He pledged that the United States will carry out its full responsibilities under the treaty.[26]

On the day the General Assembly Resolution was approved, the United States, the United Kingdom, and the Soviet Union submitted their proposal on security assurances to the Security Council. On June 17 Ambassador Goldberg read to the Security Council the formal declaration referred to in the ENDC on March 7.[27]

On June 19 the Security Council approved the tripartite resolution by a vote of 10 to 0, with Algeria, Brazil, France, India and Pakistan abstaining.[28]

Treaty Is Opened for Signature

The way was now clear for the treaty to be opened for signature. Arrangements were made to hold simultaneous ceremonies in the capitals of the three depositary governments (the United States, the United Kingdom, and the Soviet Union) on July 1. In Washington, the ceremony was held in the East Room of the White House. President Johnson, Secretary of State Rusk, British Ambassador Sir Patrick Dean, and Soviet Ambassador Anatoliy F. Dobrynin made statements at the signing ceremony. Secretary Rusk and ACDA Director Foster signed the treaty for the United States. Representatives of a total of 61 nations signed for their Governments during the ceremonies in Washington, London, and Moscow. The treaty will come into force when the three depositary governments and 40 other nations have ratified it.

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[24] *Ante*, pp. 415–422.
[25] *Ante*, pp. 431–432.
[26] *Ante*, pp. 432–435.
[27] *Ante*, pp. 439–440.
[28] *Ante*, p. 444.

Senate Action on the Treaty

The treaty was forwarded to the United States Senate on July 9 for its advice and consent to ratification. Hearings were held before the Foreign Relations Committee, which was joined by Senate Members of the Joint Committee on Atomic Energy. Executive branch witnesses testifying in support of ratification were Secretary of State Dean Rusk, ACDA Director Foster, Deputy Secretary of Defense Paul H. Nitze, Chairman of the Joint Chiefs of Staff Earle G. Wheeler, and Chairman Seaborg of the Atomic Energy Commission.

On September 17 the Committee voted 13 to 3, with 3 abstentions, to recommend Senate consent to ratification. The second session of the Ninetieth Congress subsequently adjourned, however, without having taken up the treaty on the floor.

Nuclear Arms Race

The precarious peace which has existed for the past two decades has rested on mutual deterrence—a "mutual balance of terror." Both the United States and the Soviet Union have long-range strategic armaments capable of inflicting unacceptable damage on the other, even after absorbing the devastation of a full-scale nuclear attack. This is generally referred to as a "second-strike" capability. Put conversely, neither the United States nor the Soviet Union has a "first-strike" capability; i.e., one that could destroy the other side's ability to retaliate with unacceptable damage. Most authoritative analysts are agreed that neither power can hope to achieve such a capability.

The commitment which would be undertaken by the United States pursuant to article VI of the Nonproliferation Treaty to "pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race . . .," was a reflection of official U.S. policy which has been stated since 1964.

During the ceremony marking the signing of the Nonproliferation Treaty, on July 1, 1968, President Johnson announced that agreement had been reached with the Soviet Union to enter into discussions on the limitation and reduction of both offensive strategic nuclear weapons delivery systems and systems of defense against ballistic missiles.[29]

Exchanges regarding talks were carried on at the highest levels of the two governments. Moreover, Secretary of State Rusk and ACDA Director Foster stressed the importance and urgency of the talks numerous times with Soviet Ambassador Dobrynin in Washington and with the Soviet Co-Chairman of the ENDC, and Ambassador Llewellyn Thompson periodically raised the matter with the Soviet Government in Moscow. It appeared that the Kremlin began to reassess the Soviet position following the Glassboro summit meeting in 1967, but it was not until June 27, 1968, that Foreign Minister Gromyko told the Supreme Soviet, "One of the unexplored regions of disarmament is the search for an understanding on mutual restriction and subsequent reduction of strategic vehicles for the delivery of nuclear weapons—offensive and defensive—including anti-missile. The

[29] *Ante*, p. 460.

Soviet Government is ready for an exchange of opinion on this question." [30]

Agreement was about to be reached on the date and place for the talks when the Soviets began their invasion of Czechoslovakia. In those last days of August, the impending missile talks fell victim to the invading tanks.

Yet the dynamics of the strategic arms race remained a reality, and the need to seek limitation of nuclear arms remained the urgent task of the nuclear giants It is also the earnest hope of the waiting world. At the Conference of Non-Nuclear States in Geneva in September [31] and again at the United Nations General Assembly in December, a resolution was adopted without a dissenting vote urging the United States and the Soviet Union to commence the talks as soon as possible.[32]

Controlling the strategic arms race is an extremely complex problem requiring the application of the best resources available within the U.S. Government, supported by selected external contract research activities. ACDA's research program has concentrated on the problems involved in the strategic area since the beginning of the Agency. During the last 2 years, the pace and range of research activities have greatly increased, within both ACDA and the other key Government agencies involved. This research has been aimed primarily at defining the precise terms and scope of the basic U.S. position for entering the talks. This task was greatly facilitated by the existence of the extensive data base which had been built from the continuing research program. Nevertheless, extremely difficult problems involving detailed analyses had to be resolved.

To supplement and support its internal research and analytical capabilities, ACDA has external contracts directed to the technical aspects of the arms control implications of both defensive and offensive strategic weapons systems. In addition, ACDA has worked closely with other Government agencies to assure that all pertinent information is brought to bear on specific strategic arms control considerations. External contractors normally perform technical research in depth on specific tasks; however, in each case, arrangements have been made whereby the contractor's resources are made immediately available for assistance in the solution of various problems which could arise during the preparation of U.S. positions or during the negotiations themselves.

Using computer techniques which ACDA has now developed into an effective tool, significant inhouse studies have provided insights into the effects of various concepts for limitation or reduction of strategic nuclear armaments.

One such study evaluated the effects on the U.S. and Soviet strategic deterrent of an agreement to freeze the numbers and certain characteristics of strategic nuclear delivery systems on both sides. Another major study was made of the military implications of agreements which would either freeze, reduce or permit limited increases in cer-

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[30] *Ante*, p. 452 (variant translation).
[31] *Ante*, p. 675.
[32] *Ante*, pp. 800–801.

tain strategic nuclear armaments. This study yielded important information on the effects on assured destruction capability, and therefore the stability of the strategic military balance, of possible agreements to fix strategic arms at various levels.

Work was begun on an internal research project, assisted by an interagency working group, to evaluate the cost implications of several strategic force assumptions.

During the year, the question of further limitations on nuclear weapons testing continued to hold the attention of the ENDC and the U.N. General Assembly. A draft resolution was introduced in the twenty-third session of the General Assembly, calling for the suspension of all nuclear tests, and elaboration by the ENDC of a treaty banning underground tests.[83] In addressing the U.N. First Committee on this resolution, Mr. Foster reiterated U.S. support for a verified comprehensive test ban. He said, "We remain convinced that if we are to reach such an agreement, we must continue to work toward a treaty providing for adequate verification." [84]

The draft resolution included a recommendation for international exchange of seismic data. The United States has long advocated such an exchange, as well as technical discussions relating to identification of seismic events. In keeping with the now widespread desire for further advancement in seismic technology and increased international exchange of information in this field, especially in connection with possible limitations on underground testing, Mr. Foster presented a U.S. proposal that some underground nuclear explosions be conducted with the collateral objective that they serve as explosions for worldwide seismic investigations. He emphasized that the nuclear explosions the United States would carry out in connection with this proposal would be those conducted as a part of research into peaceful applications and would not involve development or testing of nuclear weapons.

The success of the proposal would depend in large measure on the extent of worldwide participation in the collection and evaluation of seismic data. Such underground explosions could provide, among other things, a means of determining important seismological characteristics of the explosions, the geological media in which they were conducted, and the worldwide transmission paths of the seismic signal. Furthermore, implementation of the proposal would systematize, in a most valuable manner, worldwide use for seismic purposes of information released on certain underground nuclear explosions, as well as worldwide evaluation of seismic information gathered on such explosions.

Arms Control Measures for the Seabed

Beginning with the fall 1967 session, the U.N. General Assembly has given considerable attention to the possibilities of insuring that the seabed is reserved for peaceful purposes. The approach of the General Assembly followed the pattern of its earlier successful effort to establish a legal regime for outer space and to insure that that environment would remain "off-limits" to nuclear and other weapons

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[83] Identical with G.A. resolution 2455 (XXIII), *ante*, pp. 796–797.
[84] *Ante*, p. 767.

of mass destruction. The history of arms control achievements has shown that it is easier to prohibit weapons from an area where they have not been introduced than it is to restrict or eliminate them once they exist.

The U.N. discussion has pointed up the complexities involved, and it is apparent that answers must be found to many legal, economic, and technical questions before an arrangement can be devised which would realize the peaceful objective while preserving the sovereign rights and interests of nations.

A resolution was adopted by the General Assembly in December 1967 which established an *Ad Hoc* Committee to study the scope and various aspects of the peaceful uses of the seabed and ocean floor beyond the limits of present national jurisdiction.[35] Working sessions of the *Ad Hoc* Committee were held in June and in August 1968. In view of the growing interest in the seabed and the many unresolved questions, the General Assembly voted in December 1968 to establish a permanent Seabed Committee composed of 42 nations, including the United States and the Soviet Union. During the deliberations on this resolution, U.S. Ambassador Wiggins stated:

> **The U.S. strongly feels that the seabed and deep ocean floor should not become an area for an armaments race. We must work toward effective action, in conditions of mutual confidence, to enable states with the potential capability of emplacing weapons of mass destruction on the deep ocean floor to refrain from doing so in the secure knowledge that they will not thereby be placed at a military disadvantage.[36]**

The new committee was instructed, among other things, "to study further . . . the reservations exclusively for peaceful purposes of the seabed and the ocean floor . . . taking into account the studies and international negotiations being undertaken in the field of disarmament." [37]

The Arms Control and Disarmament Agency first became directly interested in arms control prospects for the seabed in 1966. The first ACDA study in support of an arms control measure to prohibit the emplacement of nuclear weapons and other weapons of mass destruction on the seabed was undertaken in April 1967. There followed extensive interagency consultations, principally among ACDA, the Department of State and the Department of Defense. Among the questions raised by the draft proposal, the following were found to require the closest scrutiny: (1) the effect of the proposal on the law of the sea; (2) means of verification to assure that the terms of an agreement would not be violated; and (3) potential defense requirements for the security of the nation.

By April 1968, ACDA's studies and consultations with other concerned Government agencies had progressed to the point that a formal proposal was made to the Committee of Principals, involving the prohibition against the emplacement of weapons of mass destruction on the seabed. Following the Committee of Principals deliberations on the subject, the President authorized the U.S. representative to the U.N.

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[35] *Documents on Disarmament, 1967*, pp. 727–729.
[36] *Ante*, p. 701.
[37] *Ante*, p. 803.

Ad Hoc Committee to enunciate the U.S. policy during the June session of the committee:

> **The United States is . . . proposing today that the Eighteen-Nation Committee on Disarmament be asked to take up the question of arms control on the seabed and ocean floor with a view to defining those factors vital to a workable, verifiable and effective international agreement which would prevent the use of this new environment for the emplacement of weapons of mass destruction . . . .[38]**

During the course of the discussions in the June session of the *Ad Hoc* Committee, three types of arms control and disarmament proposals were suggested. Basically, these involved:

(1) Reservation of the seabed and ocean floor exclusively for peaceful purposes;
(2) No military use of the seabed and ocean floor;
(3) No emplacement of weapons of mass destruction on the seabed and ocean floor.

The final working session of the *Ad Hoc* Committee convened at Rio de Janeiro from August 19 to August 30, 1968. Significant progress was achieved at this conference. The United States joined all members in affirming the principle that the seabed and ocean floor should be reserved exclusively for peaceful purposes. The U.S. representative stated, however, that the term "peaceful purposes" does not preclude all military activities.[39] Specific limitations on military activities will require the negotiation of a detailed arms control agreement. We proposed that the ENDC examine the question whether a viable international agreement might be achieved in which each party would agree not to emplace or fix weapons of mass destruction on the seabed. These discussions would also consider the need for reliable and effective means of verifying compliance with such an agreement.

The U.S.S.R. has proposed that the ENDC consider the question of the prohibition of the use for military purposes of the seabed and ocean floor beyond the limits of territorial waters of coastal states as an urgent matter.[40] The effect of this proposal, if adopted, would be to prohibit military activities on the continental shelf undertaken by the coastal state as well as by others. Still another proposal requested consideration of the question of banning the use of the seabed and ocean floor beyond the limits of national jurisdiction by nuclear submarines and banning all military fortifications and missile bases on the seabed and ocean floor.

The international community is not agreed as to the outer limits of national jurisdiction of coastal states over the seabed and ocean floor. Some nations hold that it coincides with their claimed breadth of the territorial seas. In some cases, as much as a 200-mile-wide territorial sea has been claimed. Other nations are of the view that one contemporary guide to the outer limits of national jurisdiction is to be found in the Convention on the Continental Shelf. However, this guide is unclear since it defines the continental shelf as comprising the submarine area adjacent to a coastal state "to a depth of 200 meters or,

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[38] Cf., A/AC.135/WG.1/SR8, p. 71.
[39] *Ante*, p. 589.
[40] *Ante*, p. 445.

beyond that limit, to where the depth of superjacent waters admits of the exploitation of the national resources of the area." [41] Modern technology has already permitted some exploitation beyond the 200-meter depth.

It is anticipated that this important subject will continue to receive wide attention during 1969. The first meeting of the U.N. Permanent Committee is scheduled for February 6, 1969. During the 1968 summer session of the ENDC, the members agreed that the question of prevention of an arms race on the seabed should be included on the conference provisional agenda, which will be the basis for discussions when the ENDC convenes again in March 1969.

Chemical and Biological Warfare

Discussions in the ENDC and in the U.N. General Assembly during 1968, reflected the growing pressure for international debate on the consequences of the development and possible use in war of lethal chemical and biological weapons. Secretary-General U Thant told the General Assembly in July, "In my view, the development of the biological and chemical warfare materials is in a way far more serious than the development of nuclear weapons. . . . they are easily accessible to the poor countries also. That is why it is far more dangerous." [42]

A number of proposals have been suggested by delegates to the ENDC and to the United Nations for dealing with this question. These proposals divide into three basic categories: (1) a ban on the use of chemical and bacteriological weapons; (2) a ban on the production and possession of such weapons; (3) a call for a study by the Secretary-General on their effects and the implications of their use.

At the summer session of the ENDC, the representative of Great Britain submitted a working paper which proposed the conclusion of a new Convention for the Prohibition of Microbiological Methods of Warfare, which would supplement but not supersede the 1925 Geneva Protocol.[43] The British took the position that a new convention is needed which bans the production, possession, and the use in any circumstances of microbiological weapons.

The U.S. representative, Ambassador George Bunn, expressed the belief that the British proposal should receive serious study by the ENDC. He also reminded the conference that the United States, although not a party to the Geneva Protocol of 1925, has consistently supported the principles and objectives of that protocol.[44]

The second category of proposals would ban the production and possession of chemical and bacteriological weapons. The U.S. representative pointed out that the most serious difficulty with such a ban

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[41] 15 UST 471.

[42] Mr. Thant made this statement at a July 10 press conference in Geneva (*U.N. Monthly Chronicle*, Aug.-Sept. 1968, p. 105).

[43] The British working paper appears *ante*, pp. 569–571. For the Geneva protocol, see Senate Foreign Relations Committee, Subcommittee on Disarmament, *Disarmament and Security: A Collection of Documents, 1919–55* (Com. print, 84th Cong., 2d sess.), pp. 169–170.

[44] *Ante*, pp. 579–583.

is the problem of verification. He recommended that a working group be formed under the auspices of the ENDC to study this problem as well as other problems relating to such a ban.[45]

The Arms Control and Disarmament Agency has been engaged in research for several years on the technical aspects of controlling chemical and biological weapons (CBW). Two research contracts were completed in 1968. One concerned the feasibility of verifying a ban on CBW field testing; the other continued earlier studies investigating the production, transportation and storage stages of the CBW weapons cycle.

These studies confirmed earlier tentative findings that the problem of controlling chemical and biological weapons may not be so intractable as generally believed. However, while these conclusions are encouraging, the inspection techniques and concepts developed in the studies, and upon which the conclusions have been based, have not yet been validated. They need to be thoroughly and realistically tested to prove that what is believed can be done can actually be achieved. The Agency has started a program to test the CBW inspection concepts.

The Agency also needs to know whether or not there are feasible means which a nation considering evasion of an arms control agreement might utilize in acquiring a CBW capability; how reasonable it would be from a technical and economic basis for a country to embark on such a course; and how such tactics could be discovered and countered. Knowledge of this nature will assist the Agency in assessing the probabilities that CBW arms control agreements can be verified, and determining the degree to which on-site inspection may be required to gain the necessary assurance of compliance. Research was initiated in 1968 to further investigate these aspects of the problem.

The United States expressed full support for the proposals calling for the U.N. Secretary-General to make a study of the effects of the possible use of chemical and bacteriological weapons. The British representative proposed such a study for chemical weapons alone; the representative of Poland proposed such a study for both chemical and bacteriological weapons. The U.S. position was that, on balance, some net gain could be realized in treating chemical weapons separately from bacteriological weapons, but voiced support for a study of both, whether together or separately. The representative of the Soviet Union took the view that the 1925 Protocol includes "all imaginable forms of chemical and bacteriological warfare"; called for strict observance of the existing protocol, and discounted the need for a new convention.[46]

While no further action was taken with regard to the British proposal for a new convention, the ENDC agreed to recommend to the General Assembly that the Secretary-General appoint a group of experts to study the effects of the possible use of chemical and bacteriological means of warfare.[47] Subsequently, on December 20, 1968, the General Assembly adopted a resolution, by a vote of 107 to 0, with

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[45] *Ibid.*
[46] *Ante*, pp. 574–575.
[47] *Ante*, p. 594.

2 abstentions, requesting the Secretary-General to prepare a report in accordance with the ENDC recommendation.[48]

Pursuant to this resolution, and in response to the Secretary-General's request for the assistance of qualified consultants, the United States on December 23, 1968, nominated Dr. Ivan L. Bennett, Jr., as its consultant expert. Dr. Bennett has served as Deputy Director of the Office of Science and Technology in the Executive Office of the President. The Secretary-General's study group will consist of expert. from 13 other countries (U.K., France, Canada, the Netherlands, Hungary, Poland, Czechoslovakia, U.S.S.R., Japan, Sweden, Ethiopia, India, and Mexico).

The study is expected to focus on:

(1) the basic characteristics of chemical and bacteriological means of warfare; (2) the probable effects on military and civilian personnel, both protected and unprotected; (3) possible long-term effects on human health and ecology; (4) environmental and other factors affecting the employment of chemical and bacteriological means of warfare; and (5) economic and security implications of the development, acquisition and possible use of chemical and bacteriological weapons and of systems for their delivery.

According to the resolution, it is requested that the Secretary-General's report be transmitted by July 1, 1969, if possible, to the ENDC, the Security Council and the U.N. General Assembly and to the Governments of Member States in time to permit its consideration at the twenty-fourth session of the U.N. General Assembly in the fall of 1969.

Mutual European Force Reductions

Prior to the Soviet invasion of Czechoslovakia in August 1968, the North Atlantic Treaty Organization (NATO) was actively engaged in a study of the possibilities of balanced mutual force reductions in Europe. This study had been initiated in January 1968 after the Foreign Ministers of the NATO countries confirmed the decision of the Permanent Council to give priority to this complex and important work, as part of the overall effort to assess the major future tasks of the alliance.

In the communique following the December 1967 Ministerial Meeting of the North Atlantic Council, the Foreign Ministers "emphasized the importance of promoting progress in disarmament and arms control." In the same communique, the Ministers "agreed that one of the foundations for achieving an improvement in East-West relations and a peaceful settlement in Europe must be NATO's continuing military strength and capability to deter aggression."

These conclusions were reached in parallel. The Ministers "reaffirmed their view that, if conditions permit, a balanced reduction of forces on both sides could constitute a significant step towards security in Europe."[49]

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[48] *Ante*, pp. 793–795.
[49] *Documents on Disarmament, 1967*, pp. 676 ff.

Motivation for the study stemmed in part from NATO concern that the relaxation of tensions in Europe might result in unilateral reductions of Western forces, taken by separate national decisions, without compensating Soviet or East European force reductions. There were a variety of political, economic, and military developments that were causing the United States and its NATO allies to review their attitudes toward troop strengths in Central Europe.

The NATO study is being conducted by the Senior Political Advisers of the NATO countries with the help of disarmament and military experts. The United States representatives, including its disarmament experts, played an important role in developing guidelines for the study and providing analytical data.

The study thus far has produced several hypothetical models for mutual reductions. These were constructed by the disarmament experts of the United States, Great Britain, the Federal Republic of Germany, Canada, and Belgium to illustrate the kinds of problems which would arise in a consideration of balanced East-West force reductions. Factors highlighted in the models are the areas to be covered, numbers and types of forces to be redeployed or demobilized, disposition of theater conventional and nuclear equipment, and requirements for and means of verification.

The results of the work which the NATO study group had accomplished during the first 6 months of 1968 were reported to the semiannual meeting of the NATO Foreign Ministers, held in Reykjavik, Iceland, in June. A "Mutual and Balanced Force Reduction Declaration Adopted by Foreign Ministers and Representatives of Countries Participating in the NATO Defense Program" was an attachment to the communique issued at the close of the meeting. The declaration affirmed the readiness of the NATO countries to explore with other interested states specific and practical steps in the arms control field and stated "in particular, the Ministers agreed that it is desirable that a process leading to mutual force reductions should be initiated. To that end they decided to make all necessary preparations for discussions on this subject with the Soviet Union and other countries of Eastern Europe as they call on them to join in this search for progress towards peace." [50]

The NATO Ministers met again in Brussels in mid-November, one month earlier than scheduled, to discuss the serious situation following the armed intervention in Czechoslovakia. While their communique stated that "prospects for mutual balanced force reductions have suffered a severe setback," it continued, "Nevertheless, the Allies in close consultation are continuing their studies and preparations for a time when the atmosphere for fruitful discussions is more favorable." [51] The North Atlantic Council subsequently agreed to have the Senior Political Advisers resume study activity in a meeting with national disarmament experts scheduled in February 1969.

ACDA has, for several years, conducted extensive research concerning possible arms control measures applicable to the military confrontation in Central Europe. The problems of inspection and verification

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[50] *Ante*, pp. 447-450.
[51] *Department of State Bulletin*, Dec. 9, 1968, p. 596.

have received a concentrated effort and an extensive amount of data and experience gained are being brought to bear on the NATO study. (See separate chapter on "Field Tests in Support of Arms Control Verification.") [52]

Another important area of research is concerned with the impact of potential arms control measures on the military balance in Central Europe. ACDA began as early as 1963 to develop a capability for evaluating this impact. An internal project on the relative military capabilities of NATO and Warsaw Pact forces formed the basis of detailed contract research on broad arms control concepts for Europe and on the impact of arms control measures on the ground forces capabilities. Examples of the tasks undertaken under this continuing research were effects of percentage reductions, zonal nuclear agreements, and the usefulness of limitations on Soviet Bloc logistic support arrangements. A recent contract concerned with West European interest in arms control included several quick-reaction tasks to assist the U.S. participants in NATO's mutual force reductions study.

By themselves, imagination, systematic analysis and careful review cannot produce successful arms control measures. What is needed in addition is the proper combination of political factors which make fruitful negotiations possible. In particular, the political situation must permit a degree of confidence that each side will observe certain elementary rules or standards. In order to assess the prospects for possible steps, ACDA requires up-to-date information regarding various nations' interests and motives in arms control.

For this reason, the Agency is continuing its research, both inhouse and external, into the factors which influence Soviet decisions on arms control matters. The Agency has contracted with the Institute for Defense Analyses for a study of future Soviet attitudes toward arms control. This study will build on past research efforts and will attempt to project fundamental Soviet interests in order to pick out the likely choices and preferences of Soviet leaders over the next several years, as those leaders react to changes in the Soviet Union and its external environment. The study is expected to be finished in mid-1969.

In addition the Agency has contracted with Columbia University for preparation of an analysis of the nature and implications of possible arrangements for European security. The study now underway will focus on the role of arms control in contributing to European security alternatives.

Conventional Arms Transfers

Although much of the Agency's capabilities were devoted to preventing the spread of nuclear weapons and preparing for negotiations on strategic missile limitations, ACDA not only continued, but intensified its search for ways of encouraging regional conventional arms control and discouraging arms races among the developing nations. In pursuing these objectives, the Agency has become increasingly involved in a wide range of arms transfer policy issues. The focus of the Agency's efforts in the arms transfer field was on the developing

[52] *Infra.*

countries, many of whom were involved in actual or potential confrontations with their neighbors.

The most dramatic evidence of the consequences of regional arms rivalries was offered in the Middle East in 1967 and on the Indian subcontinent in 1965. In other regions of the world, there are ever increasing pressures by individual states to acquire modern, sophisticated armaments not directly responsive to their national security needs. In the process of so doing, these developing nations generate fears and insecurity on the part of their neighbors who, in turn, enter into unrealistic and wasteful arms acquisition programs. This generates not only arms races, but also tragic diversions of resources that are required for the satisfaction of basic human needs.

The developing nations are estimated to have spent a total of $20 billion on their military establishments in 1967, more than twice the amount of foreign economic aid received by them. Their per capita gross national product was, at the same time, below $200. The proportion of the gross national product devoted to military expenditures was about 4 percent, compared to 8 percent for the developed countries. This 4 percent share for the less developed countries, however, comes out of a smaller overall production and one that is growing more slowly. For these reasons, the diversion of resources to military programs in these countries represents a greater strain on their economies in terms of the extent and urgency of unsatisfied basic needs.[83]

The concern of the U.S. Congress with the growing diversion of the resources of less developed countries to military purposes was highlighted in legislation passed by the Congress in late 1967 and early 1968. The so-called Symington Amendment to the Foreign Assistance Act of 1967 was designed to insure that U.S. economic assistance would not directly, or indirectly, be applied by aid recipients to unnecessary military expenditures that materially interfere with their development. The Conte-Long amendments to the Foreign Assistance Appropriation Act of 1968 prohibited the use of appropriated funds to provide sophisticated weaponry to underdeveloped countries without a Presidential waiver, and also discouraged their acquiring such weapons systems by threat of a reduction in U.S. economic assistance. These amendments were repeated, in somewhat modified form, in the Foreign Military Sales Act and the Foreign Military Assistance Authorization and Appropriation Acts passed in October 1968.

The implementation of these restrictions became the responsibility of separate interagency committees; one, the Political-Military Affairs, Department of State, and the other, the "Symington" Committee, headed by AID. Representatives of ACDA played a major role in the establishment of the terms of reference and operating procedures for both groups. In addition, the Agency, as a regular member of these bodies, presented its views on whether the amendments applied in the case of individual aid recipients.

In an attempt to inject arms control considerations into deliberations on specific arms supply issues, the Agency participated in a variety of interagency forums. During 1968, as in 1967, representatives of the Agency continued to attend the weekly meetings of the State/

[83] See *ante*, pp. 754-761.

Defense Coordinating Committee, at which U.S. sales of weaponry to other countries are discussed. An ACDA spokesman participated in the Senior Interdepartmental Group (SIG) discussions on issues relating to South Asia, North Africa, and Latin America, and Interdepartmental Regional Group (IRG) meetings on a variety of policy problems relating to the Middle East. In addition, the Agency's views were solicited on other major policy issues, not the subject of a formal meeting of the SIG or IRG, by the Under Secretary of State or Assistant Secretaries for particular geographic areas.

The Agency has actively participated in the discussions within the U.S. Government on the need to retain the existing restrictions agreed to by the United States, the United Kingdom, and other Western nations and Japan, on the export of technology and particular hardware items to Eastern Europe and Communist China. In addition, ACDA's Arms Transfer Division provided the Agency's positions on over 80 munitions control cases, most of which had some possible missile or nuclear association.

In February the Arms Transfer Division was established within the Weapons Evaluation and Control Bureau. A senior policy review and coordinating body for arms transfer matters, The Arms Transfer Advisory Council, was created at the same time.

With the additional resources applied to the problem by the new organizational elements, it was possible to broaden considerably the participation with other agencies of the Executive branch in the complex issues inherent in the field. The research base that had been constructed over the years by inhouse projects and external contract studies was substantially improved. The reimbursable arrangement with the Bureau of the Census continued to provide basic data for the Economic Bureau's classified reports on "U.S. Exports of Military Items and Commodities of Potential Military Use." These serve as very useful compilations on the number and types of arms and equipment that the U.S. has supplied to particular countries and regions. By the end of 1968 this program had resulted in reports for calendar years 1965, 1966, 1967, and the first half of 1968. They are distributed widely in the State, Defense, and Commerce Departments, the agencies with primary responsibility for implementing U.S. arms export policies. The information, in the form presented in these reports, is not available from any other source.

During the year, studies were undertaken on the military resources of 18 selected developing countries. Compilations of U.S. and foreign military equipment that are on "the world market" were prepared. In addition, a comprehensive study on the pattern of armament acquisitions, military expenditures, force levels, and other military resources of more than 20 developing countries covering the last 15 years was initiated and is expected to be completed early in 1969. This study emphasizes countries which have been involved in arms competitions with other states and is designed to provide indicators and insights into the characteristics of an "arms race."

A major contribution to ACDA's arms transfers research is an Agency-sponsored project at M.I.T. on "The Control of Local Conflict." This study includes an analysis of the role of conventional arms acquisitions in relation to arms races and the outbreak of local con-

flict in the developing world. The study also examines possible measures for the control of such transfers. The M.I.T. program, in addition, involves the use of political-military gaming techniques to develop possible arms transfer controls, as well as other measures, appropriate to the prevention, containment, and termination of various types and stages of local conflict.

Several major studies were started which will contribute considerably to the Agency's competence in the arms transfer field. One is a detailed analysis of the various arms registration and publication proposals that have emerged in international forums since World War II. A major ingredient in this study is a report on "The Reporting of International Arms Transfers" prepared under ACDA contract with U.C.L.A. A related project is being conducted on a reimbursable basis by the Department of Commerce. This is a study of current practices of foreign countries in reporting arms exports and imports. The subject of arms registration was under active consideration during the 1968 session of the U. N. General Assembly where the Danish delegation tabled, and then withdrew, a resolution to request the Secretary-General of the United Nations to poll the member states on their views on the subject.[54] It may well be put forth for discussion again. It is, therefore, important that ACDA conduct a comprehensive review of the pertinent issues and assist in the establishment of U.S. positions on them.

A broad look at the Military Assistance Program for Latin America since its inception was undertaken in order to single out its arms control implications. A major assist in this effort is the Agency's reimbursable agreements with the Bureau of Intelligence and Research, Department of State, by which ACDA has been provided, and will continue to receive, detailed analyses on the organization, composition, functions, and attitudes of the armed forces of particular Latin American nations and the role of U.S. military assistance in their development.

Impact of Reduced Defense Expenditure on the American Economy

The Paris talks on Viet-Nam and the indicated Soviet willingness to discuss limitations on strategic weapons have tended to heighten interest in the problems of economic adjustment to changes in defense spending. Elimination of Viet-Nam spending—even if partially offset by some increases in the non-Viet-Nam portion of the defense budget—might mean job displacements nationally of well over one million in number. An additional, although much smaller, number of displacements would take place in the event of an agreed limitation on strategic systems. Although economists are agreed that Government tax and spending policies can be used effectively to create the requisite number of job opportunities to maintain full employment after Viet-Nam and after any arms control agreement, they also are agreed that there could be short-term transitional problems of relating quickly job seekers with job opportunities. There also could

[54] See *ante*, p. 728.

be particular problems for areas and communities which are especially dependent economically on defense dollars.

ACDA-sponsored economic impact research has concentrated rather heavily on these so-called "structural" problems. The University of Colorado has just completed a study for the Agency which synthesizes and reevaluates the results from three previous studies of the reemployment experience of defense workers laid off in 1963–1965 from the Boeing plant in Seattle, the Martin plant in Denver, and the former Republic Aviation plant on Long Island. The Colorado study finds that variations in the personal characteristics (i.e., sex, education, age, etc.) and degree of skill of workers do not have as great an influence on reemployment success as traditionally has been thought. Such success is more strongly related to factors affecting the availability of jobs and workers' knowledge of the location of jobs. The study points up the need for better information channels for workers after mass layoffs.

Another study recently completed for the Agency by the Department of Employment of the State of California dealt with the potential application of production worker skills at missile plants to job requirements in nondefense industry. It was found that such skills are not as specialized as had been thought and that there are many opportunities for missile workers to apply their skills elsewhere with little or no retraining. The California study, which matched the job requirements in the missile plant with those in civilian occupations in the state, will be furnished by the U.S. Department of Labor to state Bureau of Employment Security offices throughout the country for use in defense mass layoff situations which may arise.

A study now being completed for the Agency by the University of Illinois on pensions, severance pay and related fringe benefits for defense workers finds that, although such benefits for defense workers compare favorably with those for workers in other fields, the pension and severance pay provisions for defense workers are rather poorly suited to easing economic adjustment after mass layoff. The pension and severance pay provisions, since they are related to longevity of service, tend to provide inadequate cash benefits to workers who are young and have low seniority. Given the dynamics of the defense market, workers who have been laid off from defense plants thus far have tended to be younger and more junior in service. The study points out that supplemental unemployment benefits, which generally are proportionate to the losses incurred by a worker during unemployment, are unfortunately not widely used in defense industry. The study suggests that the probable solution to the problem of adequate protection for displaced defense workers lies in some strengthening and improvement of the Federal-State Unemployment Insurance system.

Several new studies were sponsored by the Agency this year on economic impact. The University of Pittsburgh was awarded a contract to study the time lags which might occur in generating economic activity following the initiation of new or expanded public programs after disarmament. The University is concentrating upon four selected programs—oceanography, mass transit, urban development, and highway construction—and is focusing on both the legislative-adminis-

trative time lag in providing funds for actual expenditure and the economic time lags in creating employment associated with different stages of the budgetary-expenditure process.

The Division of Economic Growth of the Bureau of Labor Statistics is conducting a study for the Agency of the probable effects on aggregate and industry employment of changes in defense spending as the result of cessation of hostilities in Viet-Nam and of various possible arms control measures. The study necessarily makes certain assumptions in regard to the timing of cessation of hostilities in Viet-Nam and alternative Government policies for maintaining total demand in the economy. The Bureau of Labor Statistics already has completed, under the study, the projection of the national economy to 1970 based upon the assumption of continuation of hostilities in Southeast Asia without significant escalation or deescalation of the conflict. It also concluded that about 10 percent of total military and civilian employment in that year will be defense-generated as compared with about 8 percent in 1965. The projections to 1970 will be updated to 1971 if circumstances so require.

ACDA recently signed a contract with the University of Colorado for a comprehensive review of the whole economic impact problem. In addition to several of its own scholars—one of whom is Dr. Kenneth Boulding, President of the American Economic Association—the University is utilizing in the study the services of a number of leading economists at other universities. The study is looking into what has been learned thus far from ACDA and other studies of the problems of economic adjustment to reduced defense spending and what other information is required for effective economic adjustment planning and decision making. The study will rely on outputs from the Bureau of Labor Statistics study mentioned in the preceding paragraph to establish the quantitative framework of economic change.

Field Tests in Support of Arms Control Verification

The verification for compliance with international arms control agreements to protect U.S. security interests is one of the fundamental tenets of U.S. policy. Such verification may in specific cases involve mutual inspection by bilateral agreement or multilaterally by an international agency.

A field testing organization has been active since early in the Agency's history working on the problems of developing and testing inspection concepts. It was originally established as a joint venture with the Department of Defense, but is now the responsibility solely of ACDA.

In anticipation of possible requirements for inspection in the nuclear arms area as well as in the conventional, or general purpose forces area, tests have been conducted in both categories since 1963 and are part of an ongoing program. During 1968 five such tests were underway.

Tests Related to General Purpose Forces

Between 1963 and 1968 there had been four tests conducted within the United States involving elements of inspection systems which might be used for inspecting general purpose air and ground forces.

During 1968 the first international test was conducted using the accumulated knowledge from the preceding tests in a realistic fashion in a foreign environment. This was Field Test-15, or FIRST LOOK.

During the summer, ACDA, in cooperation with the British Ministry of Defence, conducted the exercise in Southern England. This cooperation included sharing financial, technical, and leadership responsibility. It was the largest exercise of its kind to late and was designed to investigate conventional arms control inspection techniques.

Headquartered at a deactivated RAF base near Newbury, Berkshire, under the command of Test Director British Army Brigadier Paul S. Ward, C.B.E., the joint force of 480 personnel, with representatives from all U.S. and British Armed Forces, continued and refined the work started in the earlier ACDA tests. Under far more realistic conditions, they looked into effective team size, the necessity to have inspection teams actually enter military installations, and the degree to which technology in the form of aerial reconnaissance and unmanned sensors could assist or reduce the need for a human ground inspection system.

Emphasis throughout the test was placed on examining whether small teams of inspectors, operating completely openly and non-intrusively, could provide adequate assurance that a declared level of forces was being maintained and could provide the necessary degree of knowledge either to assure that there were no treaty violations or substantiate on a timely basis violations which might affect a nation's security. Utilizing British Army Landrovers, each subsystem's inspection team spent 13 weeks monitoring a military population of approximately 30,000 British Army and RAF personnel in the 2,000 square mile test area.

FIRST LOOK aroused considerable international interest. During the course of the exercise visitors included journalists and scientists as well as distinguished military and diplomatic leaders representing nations from all parts of the world. Groups of leaders came from NATO, the ENDC in Geneva, the British Foreign Office and Ministry of Defence, Members of Parliament, and the Western European Union. Distinguished individual visitors included Supreme Allied Commander, Europe, General Lyman L. Lemnitzer.

The tremendous volume of recorded data will, when analyzed, provide invaluable information on the relative importance of various elements of a conventional weapons verification system. The analysis phase of FIRST LOOK is now in progress in the Field Operations Office of ACDA. A preliminary report is scheduled for January 1969, to be followed by a detailed report in the fall of 1969.

Tests Related to Nuclear Arms Control

Work was initiated or continued on four field tests relating to arms control initiatives in the nuclear field.

The requirements imposed by the Nonproliferation Treaty on the IAEA's safeguards system will increase over the next few years. It will become necessary that the IAEA have available, for meeting these requirements, safeguards procedures and equipment which are effec-

tive, tamper-resistant, nonintrusive, and economical in manpower. There are two field tests underway in this area.

Field Test–45, Tamper Proof Data Link, is being conducted to determine the limitations of a data link concept and to point the way for further development of the link and associated sensor system.

The use of unattended sensors for arms control inspection has considerable appeal from the point of view of reducing the cost and intrusiveness of inspection. A complete sensor system might include a number of sensors of different types, each gathering its own form of information and transmitting this through a data link to a central recording unit. There the information would be stored for later use by the inspectorate who, presumably, would visit the site at infrequent and irregular intervals for the purpose of picking up the sensor records, servicing the sensor system, checking for evidence of tampering, and conducting any additional inspection of the facility called for under the agreement. Unattended sensor systems should be tamper-resistant to the extent that they would reliably detect and reveal any efforts to insert false information. An application of such a system would be the inspection of nuclear reactors under IAEA control.

A concept for a generalized version of such a sensor system has been developed under two ACDA contracts. The concept envisions a number of sensors carefully located throughout an installation under surveillance; each sensor furnishing an electrical signal to a data link. The data link would transmit the sensor-derived information to a nearby central location where it would be recorded for eventual examination by a visiting inspector or inspectors.

The data link, which utilizes a novel tamper-prevention and detection scheme, forms the major component of the suggested system and a component which can be standardized for use with a variety of sensors. A laboratory version has been constructed by the ACDA contractor for use in the development field test.

Field Test–62 is the Development of Safeguards Inspection Techniques for Reactor Fuel Reprocessing Facilities. Because of the large number of civilian power plants operating throughout the world, one of the most vulnerable stages for fissionable materials diversion occurs during reactor fuel element reprocessing. The need for safeguarding the byproducts including the residual fuel and plutonium has been well recognized by the AEC, IAEA, and ACDA. The reprocessing in 1969 of Yankee Power Reactor cores 5 and 6 presents a timely opportunity to evaluate new safeguards techniques for application to fuel reprocessing plants. The test will be conducted at the Nuclear Fuel Service, Inc., West Valley, N.Y., plant where the Yankee Reactor cores are scheduled for reprocessing. This planned field test is unique in that it has the direct financial support not only of ACDA, but of the AEC and the IAEA.

The problem of verification of compliance with a comprehensive test ban has also been addressed by ACDA. Field Test–1A, On-Site Inspection for the Identification of Underground Nuclear Tests, was a test of the principal techniques of on-site inspection: reconnaissance, visual search, and radioactive gas sampling. Teams using jeeps, trucks, and helicopters conducted on-site inspections in search of simulated underground nuclear tests. Operations took place near Fort Huachuca,

Ariz., and Mercury, Nev., between October 1966 and May 1967. The recorded data was analyzed and evaluated during 1968. The test produced results on the effectiveness of ground and air search for detecting visual evidence of underground nuclear testing and the effectiveness of atmospheric and soil-gas sampling in detecting radioactive gases. It also produced results, described in the final classified report, on the effects of several factors on inspection operations and logistic support.

The basis for Field Test-34, Demonstrated Destruction of Nuclear Weapons, was the U.S. offer made in connection with the cutoff proposal to obtain fissionable material for transfer to peaceful uses by destroying nuclear weapons.

This test consisted of an investigation of the demonstration of the destruction of nuclear weapons by visual observation, use of radiation detection equipment, inspection of X-ray plates of weapons, and laboratory analyses of the resulting fissionable material. The test was conducted from June through October 1967 at the following U.S. Atomic Energy Commission plants: the Pantex Plant, Amarillo, Tex., where the initial receipt and disassembly of weapons and disposition of high explosives took place; the Rocky Flats Plant, Golden, Colo., where recovery and processing of plutonium occurred; the Paducah Plant, Paducah, Ky., where processing and disposition of nonnuclear components were performed; and the Y-12 Plant, Oak Ridge, Tenn., where recovery and processing of uranium and lithium compounds took place.

The analysis phase of the test was carried out during 1968. The test objectives, which have been met, were to determine the extent to which the proposed method of demonstrating nuclear weapons destruction reveals classified weapon information; to evaluate the effectiveness of the tested procedures in terms of convincing the Test Inspection Force that nuclear weapons are being destroyed; to evaluate the practicability and effectiveness of the proposed methods and to suggest and develop possible improvements during the test; and to identify operational, technical, classification, safety, and security problems which arise. The final report has been issued, and because of the nature of the test, its contents are classified.

Agency Operations

Organization

The Arms Control and Disarmament Act assigns to the U.S. Arms Control and Disarmament Agency the primary responsibility within the U.S. Government for searching out ways to put an end to the arms race. The Act provides that the Agency "must have such a position within the Government that it can provide the President, the Secretary of State, other officials of the executive branch, and the Congress with recommendations concerning United States arms control and disarmament policy, and can assess the effect of these recommendations upon our foreign policies, our national security policies, and our economy." [55]

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[55] *Documents on Disarmament, 1961*, p. 483.

In addition to being the principal adviser on arms control and disarmament to the President and the Secretary of State, ACDA's Director is also the chief U.S. negotiator in the field of arms control. He, or his Deputy Director, has served as head of the U.S. delegation to the Eighteen-Nation Disarmament Committee in Geneva and as a member of the American delegation to the U.N. General Assembly and the U.N. Disarmament Commission.

During 1968 the Geneva Conference met from January 18 to March 14 and again from July 16 to August 28. The twenty-second session of the U.N. General Assembly resumed on April 24 and continued to June 12. The twenty-third session of the General Assembly convened on September 24 and adjourned December 21. In addition, the Conference of Non-Nuclear Weapon States met in Geneva from August 29 to September 29.

To carry out the functions assigned to it by the Congress, ACDA has an organizational structure which, in addition to the Offices of the Director and Deputy Director, includes four bureaus, each headed by an Assistant Director. These are the International Relations Bureau, the Science and Technology Bureau, the Economics Bureau, and the Weapons Evaluation and Control Bureau. Supporting the Director, Deputy Director, and the four bureaus are the Office of the General Counsel, the Public Affairs Adviser, and the Office of the Executive Director.

The ACDA staff is comparatively small—slightly more than 200—and is drawn from a variety of disciplines—military, political, scientific, legal, behavioral, and economic. The work of the Agency falls primarily into two categories: formulation of arms control and disarmament policy recommendations, including preparation for and management of international negotiations, and research into the many complex problems related to arms control and disarmament. In addition to ACDA's extensive internal research and analysis, research projects are conducted by outside contractors, with ACDA officers acting as monitors. ACDA also maintains a list of consultants whose expertise is drawn upon by the Agency for special projects or other problems.

Formulation and Coordination of Policy Recommendations

It has been the practice for the Director to make policy recommendations to the President through the "Committee of Principals" whose members in addition to the Director of ACDA are the Secretaries of State and Defense, the Chairman of the Joint Chiefs of Staff, the Chairman of the Atomic Energy Commission, the Director of Central Intelligence, the Special Assistants to the President for National Security Affairs and for Science and Technology, the Administrator of the National Aeronautics and Space Administration, and the Director of the U.S. Information Agency. As a committee these top-ranking officials review and coordinate arms control recommendations for the President. It is the President who must give final approval for any measures to be set forth in negotiations.

In 1968 the Committee addressed itself to such questions as the nonproliferation treaty, the strategic arms limitation talks, and arms control measures for the seabed.

General Advisory Committee

An advisory group, made up of prominent citizens appointed by the President and confirmed by the Senate, provides valuable advice to the Agency on its programs and objectives. They come from private life, from the business, labor, academic, military, and scientific fields. The group met four times in 1968, each time for a 2-day session (Jan. 8–9, April 8–9, August 1–2, and Nov. 11–12). As in previous years, the timing of the meetings permitted the Agency to benefit from the advice and counsel of this influential group in the preparation and conduct of the international negotiations.

Officials of the Departments of State and Defense and the Central Intelligence Agency joined ACDA officials in briefing the General Advisory Committee on the latest information bearing on the arms race and on U.S. arms control policies and objectives. The sessions are characterized by a free and lively exchange of comment and opinion. The assistance of this group is an invaluable contribution to the formulation of policy in arms control and disarmament and in planning for its execution.

Planning and Coordination of Research

The Research Council, which reviews and makes recommendations to the Director on all proposed external research projects, is made up of the Assistant Directors who head the four bureaus, the General Counsel, and Executive Director. The last is Chairman of the Research Council.

ACDA operates a Reference Information Center as a central point for the development, implementation, execution, and coordination of information service. The Center continues to build a storehouse of information on arms control and disarmament, aimed toward the maximal utilization of the information derived from the Agency's research program. This information retrieval effort is now partially machine supported; complete mechanical processing and computer assistance are envisioned for the future, as the needs of the Agency expand.

In order to eliminate the problem of duplication of research within the Government, the Congress charged the Agency with the responsibility "to coordinate the research, development, and other studies conducted in the field of arms control and disarmament by or for other Government agencies." [56] Under this authority the Agency has reviewed, coordinated and evaluated the arms control related research of other Government agencies and has submitted to the Bureau of the Budget—on an annual basis—a report of research conducted in this area within the U.S. Government.

In addition to reports to the Bureau of the Budget, reports covering the key research targets and programing structure are submitted to other Federal Government agencies having arms control and disarmament research projects, as an aid to interagency coordination and the establishment of a comprehensive balanced U.S. arms control research program.

ACDA research in foreign attitudes toward arms control problems

[56] *Ibid.*, p. 485.

is coordinated closely with the Foreign Area Research Coordination Group (FAR) of the State Department, which is charged with the systematic coordination of government-sponsored foreign area research in the social sciences. ACDA sits on the main committee of FAR and also participates in a number of the subcommittees concerned with the interchange of research data and discussion of future plans.

The interagency relationships on a day-to-day basis between ACDA staff personnel and their working-level counterparts in agencies—such as the Departments of Defense and State, the Atomic Energy Commission, the Central Intelligence Agency, the Department of Labor—with which ACDA shares mutual interests and problems, continues to be a most valuable means of coordination.

ACDA's foreign area external research in the social sciences is also formally cleared with the Department of State's Foreign Affairs Research Council, in order to insure that proposed projects of this type would not be adverse to U.S. foreign relations.

Social Science Advisory Board

The ACDA Social Science Advisory Board was established in March 1964 by the Director under his statutory authority to advise on the social science aspects of the Agency's programs. In 1968 it held two meetings: on March 27–28, and September 17–18. During these sessions, the members of the Board were briefed on current arms control and disarmament programs, and on the status of the Agency's social science programs.

In the intervals between meetings, Board members were frequently called upon for advice and assistance with regard to specific research projects underway in ACDA or with regard to new proposals under consideration.

Members of the Board represent an important channel of communication between the Agency and the academic community. Through them, universities and individual scholars can be acquainted with ACDA's plans for new research, and with the results of completed studies. By virtue of the Board's intimate knowledge of research being pursued in universities and colleges as well as work being done by individual scholars, it is of invaluable assistance in suggesting the names of qualified institutions or individuals to be considered for particular research projects.

Three members of the Board are on the National Academy of Sciences committee which advises in the selection of candidates for the Agency's Dissertation Support Program which was instituted in 1968.

Public Information

The Arms Control and Disarmament Act gives the Agency responsibility for "the dissemination and coordination of information concerning arms control and disarmament."[87]

In carrying out this responsibility to inform, the Agency has responded to requests from individuals, organizations, schools, churches, and institutions located in the United States and abroad—for pam-

[87] *Ibid.*, p. 483.

phlet material, for speakers and conference participants, and for advice on curriculums, research projects, and study programs. ACDA officers have also accepted invitations to sit in with committees of national organizations, serving as advisers on factual matters, to help in the consideration of issues in the field of arms control and disarmament.

During the course of the year, in response to invitations, officers of the Agency addressed audiences in the United States and abroad at meetings sponsored by organizations, luncheon groups, universities, labor unions, and business associations.

The Agency also welcomed touring groups from schools and churches to its offices in the State Department building, and arranged briefings for them on the Government's activities and positions in arms control and disarmament.

ACDA literature, presenting basic information on U.S. positions at disarmament conferences, was distributed by the Agency itself, by the State Department and by the Government Printing Office. It is under particularly heavy demand from students. Unclassified research reports prepared by Agency staff or by contractors were mailed to academic institutions, and depository libraries, who have asked to be placed on the distribution list or who are known by the Agency to be particularly interested and concerned with the subject matter covered in the various reports. Such reports are also available upon request to companies and individuals at a small cost. When limited Agency stock of this material is depleted, it may be obtained in most instances at moderate cost from the Department of Commerce Clearing House for Scientific and Technical Information in Springfield, Va., or (in case of some economic studies) from the U.S. Government Printing Office. The 96 depository libraries are listed in Appendix XIV of this report.[58]

Many universities now include the study of arms control in their curriculums, either as separate courses or as part of courses on national security, international relations, political science, or history. When requested to do so, the Agency provides assistance in planning such courses, and its officers have on many occasions delivered lectures to such classes.

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The General Advisory Committee

Chairman

John J. McCloy of New York, former adviser on disarmament to President Kennedy, is Chairman of the Committee. Mr. McCloy is a member of the law firm of Milbank, Tweed, Hadley and McCloy; member of the board, Chase Manhattan Bank; and former High Commissioner for Germany

Members

Roger M. Blough of Hawley, Pa., Chairman of the Board of Directors of the U.S. Steel Company

[58] *Infra.*

John Cowles of Minneapolis, Minn., Newspaper Publisher, Editor, and President of *The Minneapolis Star and Tribune Company*
Gen. Alfred M. Gruenther of Washington, D.C., former Supreme Allied Commander in Europe and former President of the American Red Cross
George Bogdan Kistiakowsky of Cambridge, Mass., Professor of Chemistry at Harvard University and former Special Assistant to the President for Science and Technology
Dean Anderson McGee of Oklahoma City, Okla., President of Kerr-McGee Oil Industries
Ralph E. McGill of Atlanta, Ga., Editor of *The Atlanta Constitution* and recipient of the Pulitzer Prize for editorial writing
George Meany of Bethesda, Md., President of the AFL–CIO
Maurine Neuberger of Cambridge, Mass., former Senator from Oregon; Professor of Government, Radcliffe Institute and Boston University; Consultant to Food and Drug Administration; and National Chairman of the Advisory Council on the Status of Women
James A. Perkins of Ithaca, N.Y., President of Cornell University
Herman Phleger of Redwood City, Calif., a partner in the San Francisco law firm of Brobeck, Phleger and Harrison and former Legal Adviser to the State Department
Troy V. Post of Dallas, Tex., President and Chairman of the Board, the Greatamerica Corporation
Isidor Isaac Rabi of New York, N.Y., Professor of Physics at Columbia University; recipient of the Nobel Prize for Physics; former Chairman of the President's Science Advisory Committee (Office of Defense Mobilization)
Stephen J. Wright of New York, N.Y., Executive Director, United Negro College Fund, Inc., and former President of Fisk University
Herbert Frank York of San Diego, Calif., Professor of Physics at the University of California; former Chief Scientist of the Advanced Research Project Agency, Department of Defense; former member of the President's Science Advisory Committee; and former Director of Defense Research and Engineering, Department of Defense

The Social Science Advisory Board

Chairman

Philip Mosely, Professor of International Relations and Director of the European Institute at Columbia University, New York, N.Y.

Members

Abram Bergson, Professor of Economics at Harvard University, Cambridge, Mass.
Urie Bronfenbrenner, Professor of Psychology and of Child Development and Family Relationships at Cornell University, Ithaca, N.Y.
William M. Capron, Senior Fellow, Brookings Institution, Washington, D.C.
Gordon A. Craig, Professor of History at Stanford University, Stanford, Calif.

W. Phillips Davison, Professor of Journalism and Sociology, Columbia University, New York, N.Y.
Alice Hsieh, Specialist on China and Senior Staff Member, Social Science Department, The RAND Corporation, Santa Monica, Calif.
Morris Janowitz, Professor of Sociology at the University of Chicago, Chicago, Ill.

Officials of the Agency

Director: William C. Foster.
Deputy Director: Adrian S. Fisher.
Assistant Director, International Relations Bureau: Samuel De Palma.
Deputy: Culver Gleysteen.
Assistant Director, Weapons Evaluation and Control Bureau: John J. Davis, Lt. Gen., USA.
Deputy: Walter L. Deemer.
General Counsel: George Bunn.
Deputy: Charles N. Van Doren.
Assistant Director, Science and Technology Bureau: Herbert Scoville, Jr.
Deputy: Sidney N. Graybeal.
Assistant Director, Economics Bureau: Archibald S. Alexander.
Deputy: Richard N. Brill.
Public Affairs Adviser: Nedville E. Nordness.
Deputy: Anne W. Marks.
Executive Director: John George Bacon.
Deputy: Emery J. Adams.
Special Assistant to the Director and Executive Secretary: Clement E. Conger.
Disarmament Adviser: Lawrence D. Weiler.
Disarmament Adviser: Ralph S. Smith.

ACDA Depository Libraries

University of Alaska, Documents Section, University Library, College, Alaska 99735
American University Library, Massachusetts & Nebraska Avenues NW, Washington, D.C. 20016
Arizona State University, Documents Service, University Library, Tempe, Ariz. 85281
University of Arkansas, Reference Department, University Library, Fayetteville, Ark. 72701
Dartmouth College, Documents Section, Baker Library, Hanover, N.H. 03755
Battelle Memorial Institute, Attn—Actiac/Robert Little, 505 King Avenue, Columbus, Ohio 43201
Baylor University Library, Box 6307, Waco, Tex. 76706
Boston Public Library, Copley Square, Boston, Mass. 02117
Bowling Green University Library, Government Documents Department, Attn—Marian E. Gray, Bowling Green, Ohio 43402
Miss Eleanor Boyles, Documents Librarian, Michigan State University Library, East Lansing, Mich.
Bryn Mawr College, Bryn Mawr, Pa. 19010

University of California Library, Government Publications Services, 405 Hilgard Avenue, Los Angeles, Calif. 90024
University of California, Documents Department, General Library, Berkeley, Calif. 94720
University of California, Government Documents Department, University of California Library, Davis, Calif. 95616
Chicago Public Library, 78 East Washington Street, Chicago, Ill. 60602
University of Chicago Library, Serial Records Department, Chicago, Ill. 60637
Clemson University Library, Clemson, S.C. 29631
Cleveland Public Library, 325 Superior Avenue, N.E., Cleveland, Ohio
University of Colorado Libraries, Government Documents Division, Boulder, Colo. 80302
Cornell University Libraries, Central Serial Record Department, Ithaca, N.Y. 14850
Dag Hammarskjold Library, Acquisitions Section, United Nations, New York, N.Y. 10017
Dallas Public Library, 1954 Commerce Street, Dallas, Tex. 75201
Defense Documentation Center Headquarters, Cameron Station, Alexandria, Va. 22314
University of Delaware Library, Government Documents Department, Newark, Del. 19711
Denver Public Library, 1357 Broadway, Denver, Colo. 80203
Detroit Public Library, 5201 Woodward Avenue, Detroit, Mich.
Duke University, Public Documents Department, William Perkins Library, Durham, N.C. 27706
Emory University Library, Documents Center, Atlanta, Ga. 30322
Enoch Pratt Free Library, 400 Cathedral Street, Baltimore, Md. 20201
Free Library of Philadelphia, Logan Square, Philadelphia, Pa. 19103
Georgetown University, Processing Department, 37th and O Streets, NW, Washington, D.C. 20007
University of Georgia, Documents Division, The University Libraries, Athens, Ga. 30601
Mrs. Ruth Hall, Law Library—Serials Department, Stanford University, Stanford, Calif.
Harvard University, Center for International Affairs Library, 6 Divinity Avenue, Cambridge, Mass. 02138
University of Hawaii Library, Government Documents Collection, 2425 Campus Road, Honolulu, Hawaii 96822
Claremont Colleges, Honnold Library, Documents Department/ACDA, Claremont, Calif. 91711
Howard University, Founders Library, Reference Department, Washington, D.C. 20001
Idaho State University, Documents Department—Library, Pocatello, Idaho 83201
Indiana State University, Documents Librarian, Cunningham Memorial Library, Terre Haute, Ind. 47809
Indiana University, Documents Section, University Library, Bloomington, Ind. 47401

Iowa State University Library—Government Documents, Ames, Iowa 50010
Joint University Libraries, Acquisitions Department, Nashville, Tenn. 37203
Sarah D. Jones, Goucher College Library, Goucher College, Towson, Baltimore, Md. 21204
Kansas State University Library, Documents Department, Manhattan, Kans. 66502
Miss Helen G. Kurtz, Documents Librarian, Brown University Library, Providence, R.I. 02912
Library of Congress, ACDA Bibliography Section, General Reference & Bibliography Division, Reference Department/Mr. Robert Hess, Washington, D.C. 20540
Library of Congress, Washington, D.C. 20540
Los Angeles Public Library, 630 West Fifth Street, Los Angeles, Calif. 90017
Louisville Free Public Library, Fourth and York Streets, Louisville, Ky. 40203
University of Maine, Documents Librarian, Raymond H. Gogler Library, Orono, Maine 04473
Margaret I. King Library, University of Kentucky, Lexington, Ky. 40506
University of Maryland, Social Sciences Department, McKeldin Library, College Park, Md. 20740
Massachusetts Institute of Technology, M.I.T. Libraries, Documents Section/14E-210, Cambridge, Mass. 02139
University of Michigan, General Library, Serials and Documents Section, Acquisitions Department, Ann Arbor, Mich. 48104
Milwaukee Public Library, 814 West Wisconsin Avenue, Milwaukee, Wis. 53233
Minneapolis Public Library, 300 Nicollet Avenue, Minneapolis, Minn.
Mississippi State University Library, Head, Acquisitions Department, State College, Miss. 39762
University of Missouri, Library—Documents, Columbia, Mo. 65201
University of Montana Library, Documents Department, Missoula, Mont. 59801
University of Nebraska Libraries, Acquisition Department, Receiving Section, Lincoln, Nebr. 68508
University of Nevada Library, Government Publications Department, Reno, Nev. 89507
New Mexico State University, Documents Division, University Library, Las Cruces, N. Mex. 88001
University of New Mexico, Zimmerman Library, Albuquerque, N. Mex. 87106
New Orleans Public Library, 219 Loyola Avenue, New Orleans, La. 70140
New York Public Library, Fifth Avenue and 42d Street, New York, N.Y. 10017
State University of New York, Document Section, Binghamton, N.Y. 13901
University of North Carolina Library, BA/SS Division—Documents, Chapel Hill, N.C. 27514

University of North Dakota, School of Law Library, Attn—Burnette E. Koebernick, Acquisitions Assistant, Grand Forks, N. Dak. 58201
Oberlin College Library, Documents Librarian, Oberlin, Ohio 44074
Oklahoma State University Library, Documents Department, Stillwater, Okla. 74074
Olin College Library, Middletown, Conn. 06457
University of Oregon, Office of Federal Government Relations, Attn: Mary Jo Hall, Eugene, Oreg.
United Nations, Palais des Nations Library, Geneva, Switzerland
University of Pennsylvania Library, Serials Department, 3420 Walnut Street, Philadelphia, Pa. 19104
University of Pittsburgh, Documents/ACDA/Dept., G-8, Hillman Library, Pittsburgh, Pa. 15213
Princeton University Library, Documents Division, Princeton, N.J. 08540
Purdue University, Government Documents Reference Services, General Library/Memorial Center, Lafayette, Ind. 47907
G. Flint Purdy, Director of Libraries, Wayne State University, Detroit, Mich. 48202
Fondren Library, Rice University, Gifts and Exchanges, P.O. Box 1892, Houston, Tex. 77001
San Francisco Public Library, Civic Center, San Francisco, Calif. 94102
San Jose State College, Library—Documents Department, 250 South Fourth Street, San Jose, Calif. 95114
Seattle Public Library, 4th and Madison, Seattle, Wash. 98104
Southeast Missouri State College, Government Documents, Kent Library, Cape Girardeau, Mo. 63701
St. Johns River Jr. College Library, 5001 St. Johns Avenue, Palatka, Fla. 32077
St. Louis Public Library, Olive, 13th and 14th Streets, St. Louis, Mo. 63103
Hoover Inst./War-Revolution-Peace, Stanford University, Librarian, Stanford, Calif.
University of Texas Library, Documents Acquisition, Austin, Tex. 78712
U.S. Air Force Academy, Colorado Springs, Colo. 80901
U.S. Military Academy, West Point, N.Y. 10996
U.S. Mission, Eighteen-Nation Disarmament Conference, Geneva, Switzerland
United States Mission, United Nations Library, 799 U.N. Plaza, Attn—Mr. Richard F. Pederson, New York, N.Y. 10017
U.S. Naval Academy, Annapolis, Md. 21402
University of Virginia, Public Documents, Alderman Library, Charlottesville, Va. 22901
West Virginia University, Library—Documents Collection, Morgantown, W. Va. 26506
Western Kentucky University, Margie Helm Library, Bowling Green, Ky. 42101
Wichita State University, Documents Department Library, Wichita, Kans. 67208
Yale University Library, Documents Room, 1603A Yale Station, New Haven, Conn. 06520

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[2] Also printed *ante,* pp. 272–273.

[3] Printed *ante,* pp. 17–19.

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[1] The report appears in *Documents on Disarmament, 1967*, pp. 476–513.

LIST OF PERSONS

ABDEL-HAMID, SHAFFIE. Counselor, U.A.R. delegation to the United Nations; member, Legal Working Group, U.N. *Ad Hoc* Committee To Study the Peaceful Uses of the Sea-Bed and the Ocean Floor Beyond the Limits of National Jurisdiction, 1968.

ACHESON, DEAN G. Lawyer; U.S. Secretary of State, 1949–1953.

ADAIR, E. ROSS. Member, U.S. House of Representatives (Rep., Ind.), 1951– ; member, Foreign Affairs Committee.

ADAMS, EMERY J. Deputy Executive Director, United States Arms Control and Disarmament Agency, 1961– .

AIKEN, FRANK. Deputy Prime Minister of Ireland and Minister for External Affairs, 1951–1954, 1957– .

AIKEN, GEORGE D. U.S. Senator (Rep., Vermont), 1940– .

AKWEI, RICHARD MAXIMILIAN. Ghanaian Ambassador, permanent representative to the United Nations; representative and Vice President, Conference of Non-Nuclear Weapon States, 1968.

ALEXANDER, ARCHIBALD S. Assistant Director, Economics Bureau, U.S. Arms Control and Disarmament Agency, 1963–1969; member of the Committee on the Economic Impact of Defense and Disarmament, 1963–1965.

AMADEO, MARIO. Argentine diplomat, permanent representative to the United Nations, 1958–1962.

AMERASINGHE, HAMILTON S. Representative of Ceylon and Chairman, U.N. *Ad Hoc* Committee to Study the Peaceful Uses of the Sea-Bed and the Ocean Floor Beyond the Limits of National Jurisdiction, 1968.

ANDERSON, ROBERT BERNARD. American lawyer and statesman associated with numerous enterprises; Chairman, Atlantic-Pacific Interoceanic Canal Study Commission, 1965– .

DE ARAUJO CASTRO, JOÃO AUGUSTO, Brazilian Ambassador, leader of the delegation to the ENDC, 1963–1964, Jan.–Mar. 1968; permanent representative to the United Nations, 1968– .

ARORA, R. C. Member, Indian delegation to the United Nations; member, Economic and Technical Working Group, U.N. *Ad Hoc* Committee To Study the Peaceful Uses of the Sea-Bed and the Ocean Floor Beyond the Limits of National Jurisdiction, 1968.

ASTROM, SVERKER C. Swedish Ambassador, permanent representative to the United Nations.

ATKINSON, JAMES D. Professor of Government Georgetown University, Washington, D.C. 1966– .

BACON, JOHN G. Executive Director, U.S. Arms Control and Disarmament Agency, 1967– .

BALL, GEORGE W. U.S. Under-Secretary of State, 1961–1966; U.S. permanent representative to the United Nations, May-Sept., 1968.

BARODY, JAMIL M. Saudi Arabian Ambassador, deputy permanent representative to the United Nations.

BELOVSKI, DIMCE. Yugoslav Assistant Secretary of State for Foreign Affairs; representative and Vice President, Conference of Non-Nuclear-Weapon States, 1968.

BENITES, LEOPOLDO. Ecuadorian Ambassador, permanent representative to the United Nations; Chairman, Legal Working Group, U.N. *Ad Hoc* Committee To Study the Peaceful Uses of the Sea-Bed and the Ocean Floor Beyond the Limits of National Jurisdiction, 1968.

BENNETT, IVAN L., JR. Deputy Director, Office of Science and Technology, Executive Office of the President, 1966–1968; U.S. member of Secretary-General's CBW Study Group, 1968.

BENNETT, WALLACE F. U.S. Senator (Rep., Utah), 1951–1959; member, Joint Committee on Atomic Energy.

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BERARD, ARMAND. French Ambassador, permanent representative to the United Nations, 1959–1962, 1967– .

BERGSON, ABRAM. Professor of Economics, Harvard University, 1956– ; member, Social Science Advisory Board, U.S. Arms Control and Disarmament Agency, 1966– .

BERRY, ELLIS Y. Member, U.S. House of Representatives (Rep., South Dakota), 1951– ; member, Foreign Affairs Committee.

BLOUGH, ROGER M. Chairman of the Board of Directors of the U.S. Steel Co.; member, General Advisory Committee, U.S. Arms Control and Disarmament Agency, 1965– .

BLUSZTAJN, DR. MIECZYSLAW. Director of the International Organizations Department, Polish Ministry of Foreign Affairs; member of delegations at Geneva Conferences of Experts on Nuclear Tests and Surprise Attack, 1958; leader of the delegation to the ENDC, 1963–1964, 1966, 1967, Jan.–Mar. 1968.

BOECH, OTTO R. Danish Ambassador, permanent representative to the United Nations.

BOTHA, MATTHYS IZAK. South African Ambassador, permanent representative to to the United Nations, 1962– .

BOULDING, KENNETH. Professor of Economics, University of Michigan, 1949–1967, University of Colorado, 1967– ; president, American Economic Association, 1968.

BREZHNEV, LEONID ILYICH. General Secretary of the Central Committee of the Communist Party of the Soviet Union, 1964– .

BRODIE, BERNARD. Professor of Political Science, University of California at Los Angeles, 1966– .

BRONFENBRENNER, URIE. Professor of Psychology, Cornell University; member, Social Science Advisory Board, U.S. Arms Control and Disarmament Agency, 1965– .

BUCHANAN, JOHN H., JR. Member of the House of Representatives (Rep., Ala.), 1965– ; member of the Committee on Foreign Affairs.

BUNN, GEORGE. Attorney Adviser, U.S. Disarmament Administration, 1961; General Counsel, U.S. Arms Control and Disarmament Agency, 1961–1968; Alternate representative to the ENDC, second session, 1968.

BURNS, LT. GEN. EDSON L. M. Canadian Ambassador and leader of the delegation to the ENDC, 1962–1968.

CAPRON, WILLIAM M. Senior Fellow, Brookings Institution; member, Social Science Advisory Board, U.S. Arms Control and Disarmament Agency, 1968– .

CARACCIOLO, ROBERTO. Italian Ambassador and leader of the delegation to the ENDC, July 1967– .

CARLSON, FRANK. U.S. Senator (Rep., Kansas), 1951–1969.

CASE, CLIFFORD. U.S. Senator (Rep., N.J.), 1955– ; member, Foreign Relations Committee.

CASTAÑEDA, DR. JORGE. Ambassador, Chief Director, Mexican Ministry of Foreign Affairs; representative to the ENDC, 1967, 1968.

CHALFONT, LORD. British Disarmament Minister, 1965–1967; leader of the U.K. delegation to the ENDC, 1965–1967.

CHAYET, CLAUDE. French diplomat, deputy permanent representative to the United Nations, 1967– .

CHRISTOV, KROUM. Bulgarian Ambassador and leader of the delegation to the ENDC, 1967– .

CLARK, JOSEPH S. U.S. Senator (Dem. Pa.), 1956–1969; member, Committee on Foreign Relations.

CLIFFORD, CLARK M. Secretary of Defense, 1968–1969.

CONGER, CLEMENT E. Special Assistant to the Director and Executive Secretary, U.S. Arms Control and Disarmament Agency, 1963–1968.

CONSTANTINESCU, LIVIU. Romanian geophysicist, member of seismic study group of the Stockholm International Peace Research Institute.

COOPER, JOHN SHERMAN. U.S. Senator (Rep., Ky), 1946–1949, 1952–1955, 1956– ; member, Committee on Foreign Relations.

COSTA E SILVA, ARTHUR. President of Brazil, 1967– .

COWLES, JOHN. President, *Minneapolis Star and Tribune Company;* member, General Advisory Committee, U.S. Arms Control and Disarmament Agency, 1962– .

CRAIG, GORDON A. Professor of History, Stanford University; member, Social Science Advisory Board, U.S. Arms Control and Disarmament Agency, 1964– .

DANIELI, AKULI B. C. Tanzanian representative (third session), U.N. *Ad Hoc* Committee to Study the Peaceful Uses of the Sea-Bed and the Ocean Floor Beyond the Limits of National Jurisdiction, 1967–1968.

DAVIS, LT. GEN. JOHN J. Assistant Director, Weapons Evaluation and Control Bureau, U.S. Arms Control and Disarmament Agency, 1966– .

DAVISON, W. PHILLIPS. Professor of Journalism and Sociology, Columbia University; member, Social Science Advisory Board, U.S. Arms Control and Disarmament Agency, 1964– .

DEAN, SIR PATRICK. British Ambassador to the United States, 1965–1969.

DEJAMMET, ALAIN. Member, French delegation to the United Nations.

DENORME, ROGER. Member of the Belgian delegation to the United Nations; Chairman, Economic and Technical Working Group, U.N. *Ad Hoc* Committee to Study the Peaceful Uses of the Sea-Bed and the Ocean Floor Beyond the Limits of National Jurisdiction, 1968.

DE PALMA, SAMUEL. Assistant Director, International Relations Bureau; U.S. Arms Control and Disarmament Agency, 1966–1969; Ambassador and alternate representative to the ENDC, Feb.-April 1968; leader of the U.S. delegation, Conference of Non-Nuclear-Weapon States, 1968.

DERWINSKI, EDWARD J. Member, U.S. House of Representatives (Rep., Ill.), 1959– ; member, Foreign Affairs Committee.

DIAZ ORDAZ, GUSTAVO. President of Mexico, 1964– .

DOBRYNIN, ANATOLIY F. Soviet Ambassador to the United States, 1961– .

DODD, THOMAS J. U.S. Senator (Dem., Conn.), 1959– ; member, Foreign Relations Committee.

ECOBESCO, NICOLAE. Romanian Ambassador and leader of the delegation to the ENDC, 1967– .

EDEN, ANTHONY, EARL OF AVON. British Foreign Secretary, 1935–1938, 1940–1945; Foreign Secretary and Deputy Prime Minister, 1951–1955; Prime Minister, 1955–1957.

EISENHOWER, DWIGHT D. President of the United States, 1953–1961.

EKLUND, DR. SIGVARD. IAEA Director General, 1961– .

EL KONY, MOHAMED AWAD. U.A.R. Ambassador, permanent representative to the United Nations.

EPSTEIN, WILLIAM. Deputy Special Representative of the U.N. Secretary-General to the ENDC.

ERICSSON, ULF. Swedish Scientist; adviser, Swedish National Defense Research Institute; member, Seismic Study Group of the Stockholm International Peace Research Institute.

ESCHAUZIER, H. F. Netherlands Ambassador, member of delegation to the United Nations.

ESPIELL, HECTOR GROS. Uruguayan representative, Chairman of Committee I, Conference of Non-Nuclear-Weapon States, 1968.

EVENSEN, JENS. Norwegian representative, (first two sessions), U.N. *Ad Hoc* Committee to Study the Peaceful Uses of the Sea-Bed and the Ocean Floor Beyond the Limits of National Jurisdiction, 1968.

FANFANI, AMINTORE. Italian Prime Minister, 1962–1963; Minister of Foreign Affairs, 1965–1968.

FARACE, ALESSANDRO. Italian Ambassador to Canada; member of delegation to the United Nations, 1968.

FINDLEY, PAUL. Member, U.S. House of Representatives (Rep., Ill.), 1961– ; member, Foreign Affairs Committee.

FISHER, ADRIAN S. Deputy Director, U.S. Arms Control and Disarmament Agency, 1961–1969.

FOSTER, DR. JOHN S. Director of Defense Research and Engineering, Department of Defense, 1957– .

FOSTER, WILLIAM C. Director, U.S. Arms Control and Disarmament Agency, 1961–1968.

FRASER, DONALD M. Member, U.S. House of Representatives, (Dem., Minn.), 1963– ; member, Foreign Affairs Committee.

FRELINGHUYSEN, PETER H. B. Member, U.S. House of Representatives (Rep., N.J.), 1953– ; member, Foreign Affairs Committee.

FULBRIGHT, J. WILLIAM. U.S. Senator (Dem., Ark.), 1945– ; Chairman, Senate Committee on Foreign Relations.

GALLAGHER, CORNELIUS E. Member, U.S. House of Representatives (Dem. N.J.), 1959– ; member, Foreign Affairs Committee.

GANDHI, INDIRA. Indian Prime Minister, 1966– .

GARCIA ROBLES, ALFONSO. Mexican diplomat; Chairman of the Preparatory Commission for the Denuclearization of Latin America, 1964–1967; Under-Secretary for Foreign Affairs, 1964– ; Ambassador, head of delegation to the United Nations, 1965– .

GAUCI, VICTOR J. Counselor, Maltese delegation to the United Nations; member, U.N. *Ad Hoc* Committee To Study the Peaceful Uses of the Sea-Bed and Ocean Floor Beyond the Limits of National Jurisdiction, 1968.

GOLDBERG, ARTHUR J. U.S. permanent representative to the United Nations, 1965–1968.

GÓMEZ ROBLEDO, ANTONIO. Mexican Ambassador and leader of the delegation to the ENDC, 1964–1966; Ambassador to Italy 1967– ; representative to the ENDC, Jan.-Mar. 1968; representative to the Conference of Non-Nuclear-Weapon States, 1968.

GROMYKO, ANDREI A. Soviet Minister of Foreign Affairs, 1957– .

GRUENTHER, GEN. ALFRED M. Supreme Allied Commander, Europe, 1953–1956; President, American Red Cross, 1957–1964; member of the General Advisory Committee, U.S. Arms Control and Disarmament Agency, 1966–1969.

GUICCIARDI, VITTORIO WINSPEARE. Director-General, United Nations Office at Geneva.

HABIB-DELONCLE, MICHEL. French lawyer and politician; adviser, French delegation to the United Nations, 1967–1968.

HASLUCK, PAUL M. C. Australian Minister of Foreign Affairs, 1964– .

HAYMERLE, DR. HEINRICH. Austrian Ambassador, alternate representative to the United Nations; representative and Vice President, Conference of Non-Nuclear-Weapon States, 1968.

HAYS, WAYNE L. Member, U.S. House of Representatives (Dem., Ohio), 1949– ; member, Foreign Affairs Committee.

HERRIN, EUGENE T. American geologist and educator; Director, Dallas seismological observatory, 1958– ; member of Seismic Study Group of the Stockholm International Peace Research Institute.

HICKENLOOPER, BOURKE B. U.S. Senator (Rep., Iowa), 1945–1969; member, Foreign Relations Committee.

HICKS, W. B. JR. Executive secretary of Liberty Lobby.

HILDYARD, DAVID H. T. British Minister; alternate representative, U.K. delegation to the United Nations.

HOFFENBERG, MARVIN. Co-author, with Wassily Leontief, of article on economic effects of disarmament.

HOLIFIELD, CHET. Member, U.S. House of Representatives (Dem., Calif.), 1943– ; Vice Chairman, Joint Committee on Atomic Energy; Congressional adviser to the U.S. delegation to the IAEA General Conferences 1957, 1959, 1963, 1965; Congressional adviser to American Delegation to Conference on the Discontinuance of Nuclear Weapons Tests at Geneva, 1959, 1961.

HOSMER, CRAIG. Member, U.S. House of Representatives (Rep., Calif.), 1953– ; member, Joint Committee on Atomic Energy.

HSIEH, ALICE. China specialist, Social Science Department, RAND Corporation; member, Social Science Advisory Board, U.S. Arms Control and Disarmament Agency, 1964– .

HUMPHREY, HUBERT H. U.S. Senator (Dem., Minn.), 1949–1965; Chairman, Subcommittee on Disarmament of Senate Committee on Foreign Relations, 1955–1964; Vice President of the United States, 1965–1969.

HUSAIN, ARSHAD. Pakistani Minister of Foreign Affairs; President, Conference of Non-Nuclear-Weapon States, 1968.

HUSAIN, M. A. Indian Ambassador to Switzerland; leader of delegation to ENDC, 1968– .

JAKOBSON, MAX. Finnish journalist and diplomat; Ambassador, permanent representative to the United Nations, 1965– .

JANOWITZ, MORRIS. Professor of Sociology, University of Chicago; member, Social Science Advisory Board, U.S. Arms Control and Disarmament Agency, 1964– .

JAROSZEK, HENRYK. Polish Ambassador, leader of the delegation to the ENDC, second session, 1968.

JOHNSON, LYNDON B. Vice President of the United States, 1961–1963; President, 1963–1969.

KÁRNÍK, V. Czech member of seismic study group of the Stockholm International Peace Research Institute.

KELLY, EDNA F. Member, House of Representatives (Dem., N.Y.), 1949– ; member, Foreign Affairs Committee.

KENNAN, SEAN P. Irish representative and Chairman of the Credentials Committee, Conference of Non-Nuclear-Weapon States, 1968.

KENNEDY, JOHN F. President of the United States, 1961–1963.

KHALLAF, DR. HUSSEIN. U.A.R. Ambassador and leader of the delegation to the ENDC, 1966– ; representative and Vice President, Conference of Non-Nuclear-Weapon States, 1968.

KIESINGER, KURT GEORG. Chancellor of the Federal Republic of Germany, 1966– .

KILLIAN, JAMES R. Special Assistant to the President for Science and Technology, 1957–1959.

KISTIAKOWSKY, GEORGE B. Special Assistant to the President for Science and Technology, 1959–1961; Professor of Chemistry, Harvard University; member, General Advisory Committee, U.S. Arms Control and Disarmament Agency, 1962– .

KOSYGIN, ALEXEI NIKOLAEVICH. Chairman of the U.S.S.R. Council of Ministers, 1964– .

KRAJEWSKI, ALEKSANDER. Polish representative (first two sessions), U.N. *Ad Hoc* Committee To Study the Peaceful Uses of the Sea-Bed and the Ocean Floor Beyond the Limits of National Jurisdiction, 1968.

KUZNETSOV, VASILI VASILIEVICH. First Deputy Foreign Minister of the U.S.S.R., 1963– .

LAHODA, TOMÁS. Deputy leader of the Czech delegation to the ENDC, 1966; leader, 1968.

DE LAIGLESIA, DON EDUARDO. Special representative on disarmament affairs, Spanish delegation to the United Nations; representative and Vice President, Conference of Non-Nuclear-Weapon States, 1968.

LALL, ARTHUR. Indian representative to the United Nations, 1954–1959; Professor of International Relations, Columbia University, New York, 1965– .

LAUSCHE, FRANK J. U.S. Senator (Dem., Ohio), 1957–1969; member, Committee on Foreign Relations.

LEMNITZER, GEN. LYMAN L. Commander in Chief, U.S. European Command, 1962–1969.

LEONTIEF, WASSILY. Professor of Economics, Harvard University, 1946– ; director of the Economic Research Project, 1948– .

LILIENTHAL, DAVID E. Chairman, U.S. State Dept. Board of Consultants on International Control of Atomic Energy, 1946; Chairman, U.S. Atomic Energy Commission, 1946–1950.

LIN PIAO. Vice-Chairman of the Central Committee of the Chinese Communist Party; Vice-Chairman of the Politburo; Minister of National Defense.

LIU SHAO-CHI. President, People's Republic of China, 1959–1968.

MACOMBER, WILLIAM B., JR. Assistant Secretary of State for Congressional Relations, 1957–61, 1967– .

MACOVESCU, GEORGE. Romanian First Deputy Foreign Minister, 1961– ; representative and Vice-President, Conference of Non-Nuclear-Weapon States, 1968.

DE MAGALHÃES PINTO, JOSÉ. Brazilian Minister for External Relations, 1967– .

MAILLIARD, WILLIAM S. Member, House of Representatives (Rep., Calif.), 1953– ; member, Foreign Affairs Committee.

MAKONNEN, LIJ E. Cabinet Minister, Imperial Ethiopian Government; permanent representative to the United Nations.

MALIK, JAKOV A. Soviet Deputy Foreign Minister 1946–1953, 1960–1967; Ambassador to United Kingdom, 1953–1960; permanent representative to the United Nations, 1948–1952, 1967– ; representative on U.N. Atomic Energy Commission and Commission for Conventional Armaments, 1948–1952; representative on Disarmament Commission, 1952–1953.

MALINOVSKI, MARSHAL RODION YA. Soviet Minister of Defense, 1957–1967.

MANSFIELD, MICHAEL J. U.S. Senator (Dem., Mont.), 1953– ; Senate Majority Leader, 1961– ; member, Foreign Relations Committee.

MAO TSE-TUNG. Dominant figure in Chinese Communist Party since 1935; Chief of State of "People's Republic of China", 1949–1959; Chairman of Central Committee of the CCP and Chairman of Politburo, 1943– .

MARTINEZ CORO, DR. JOSÉ R. Ecuadorian representative and Vice-President, Conference of Non Nuclear-Weapon States, 1968.

MCBRIDE, JAMES. Research fellow, Georgetown University, Center for Strategic Studies, 1962–65; politico-military analyst, Office of National Security Studies, Bendix Systems Division, 1965– .

MCCLOY, JOHN J. Adviser to the President on Disarmament Matters, 1961; Chairman, General Advisory Committee, U.S. Arms Control and Disarmament Agency, 1962– .

McElroy, Neil H. Secretary of Defense, 1957–1959.
McGee, Dean A. President, Kerr-McGee Oil Industries; member, General Advisory Committee, U.S. Arms Control and Disarmament Agency, 1962– .
McGill, Ralph E. Publisher, *The Atlanta Constitution*, 1960–1969; recipient of Pulitzer prize for editorial writing, 1958, and of *Atlantic* nonfiction prize, 1963; member, General Advisory Committee, U.S. Arms Control and Disarmament Agency, 1961–1969.
McNamara, Robert S. Secretary of Defense, 1961–1967. President of the World Bank, 1967– .
Meany, George. President, AFL–CIO, 1955– ; member, General Advisory Committee, U.S. Arms Control and Disarmament Agency, 1962– .
Mechler, P. Member of seismic study group of the Stockholm International Peace Research Institute.
Medici, Giuseppe. Italian agricultural economist and politician; Minister of Foreign Affairs, June 1968– .
Mendelevich, Lev I. Soviet Ambassador, deputy permanent representative to the United Nations, 1967– .
Michelet, Edmond. French Deputy; alternate representative, delegation to the United Nations, 1968.
Miki, Takeo. Japanese Foreign Minister, 1966–1968.
Miyamura, Setsumi. Japanese seismologist, member of seismic study group of the Stockholm International Peace Research Institute.
Morgan, Thomas E. Member, U.S. House of Representatives (Dem., Pa.), 1945– ; member, Foreign Affairs Committee.
Morse, Wayne L. U.S. Senator (Dem., Oreg.), 1945–1969; member, Foreign Relations Committee.
Mosley, Philip. Professor of International Relations and Director of the European Institute, Columbia University; member, Social Science Advisory Board, U.S. Arms Control and Disarmament Agency, 1964– ; Chairman, Social Science Advisory Board, 1968– .
Mulley, Fredrick W. British Minister of State for Foreign Affairs, 1967– ; leader of the delegation to the ENDC, 1967– .
Mundt, Karl E. U.S. Senator (Rep., S. Dak.), 1948– ; member, Foreign Relations Committee.
Myrdal, Mrs. Alva. Swedish Ambassador and leader of the delegation to the ENDC, 1962– ; Minister without portfolio, in charge of disarmament, 1966– .
Nabwera, Burudi. Kenyan Ambassador, permanent representative to the United Nations; representative and Chairman of Committee II, Conference of Non-Nuclear-Weapon States.
Neuberger, Maurine. U.S. Senator (Dem., Oreg.), 1960–1967; member, General Advisory Committee, U.S. Arms Control and Disarmament Agency, 1967– .
Nitze, Paul H. Assistant Secretary of Defense for International Security Affairs, 1961–1963; Secretary of the Navy, 1963–1967; Deputy Secretary of Defense, 1967–1969.
Nixon, Richard M. Vice President of the United States, 1952–1960; President, 1969– .
Nordness, Nedville E. Public Affairs Adviser, U.S. Arms Control and Disarmament Agency, 1962– .
Ofstad, Einar-Frederik. Norwegian representative (third session), U.N. *Ad Hoc* Committee To Study the Peaceful Uses of the Sea-Bed and the Ocean Floor Beyond the Limits of National Jurisdiction, 1968.
Ogbu, Edwin O. Nigerian Ambassador, permanent representative to the United Nations.
Oliver, Richard P. Supervisory Statistician, Division of Economic Growth, Bureau of Labor Statistics, Department of Labor.
Pasechnik, I. P. Scientific Associate, U.S.S.R. Academy of Sciences; member of seismic study group of the Stockholm International Peace Research Institute.
Pastore, John O. U.S. Senator (Dem., R.I.); Chairman, Joint Committee on Atomic Energy, 1967– .
Pell, Claiborne. U.S. Senator (Dem., R.I.), 1960– ; member, Senate Committee on Foreign Relations.
Perkins, James A. President, Cornell University, 1963–1969; member, General Advisory Committee, U.S. Arms Control and Disarmament Agency, 1962– .
Petersen, Kai. Vice-Chairman, Federation of Danish Trade Unions; adviser, Danish delegation to the United Nations.

PFLEGER, HERMAN. Legal Adviser, Department of State, 1953–1957; member, General Advisory Committee, U.S. Arms Control and Disarmament Agency, 1962– .

PIÑERA, JOSÉ. Chilean Ambassador, permanent representative to the United Nations; member, U.N. *Ad Hoc* Committee To Study the Peaceful Uses of Sea-Bed and the Ocean Floor Beyond the Limits of National Jurisdiction, 1968.

POPPER, DAVID H. Deputy Assistant Secretary of State, Bureau of International Organization Affairs, 1965–1969.

PORTER, IVOR F. Ambassador, deputy leader, U.K. delegation to the ENDC 1968– .

POST, TROY V. President and Chairman of the Board, the Great-America Corporation; member, General Advisory Committee, U.S. Arms Control and Disarmament Agency, 1967– .

PRESS, FRANK. American geophysicist; Director, California Institute of Technology, Division of Geological Sciences, Seismological Laboratory, 1957–1965; head, Department of Geology and Geophysics, Massachusetts Institute of Technology, 1965– ; member of seismic study group of the Stockholm International Peace Research Institute.

PROHASKA, ANTON. Austrian representative, Economic and Technical Working Group, U.N. *Ad Hoc* Committee To Study the Peaceful Uses of the Sea-Bed and the Ocean Floor Beyond the Limits of National Jurisdiction, 1968.

PROTITCH, DRAGOSLAV. U.N. Under Secretary for Special Political Affairs, 1963– ; Special Representative of the U.N. Secretary-General to the ENDC, 1964– .

QUARLES, DONALD. Assistant Secretary of Defense, Research and Development, 1953–1955; Secretary of the Air Force, 1955–1957; Deputy Secretary of Defense, 1957–1959.

RABI, DR. ISIDOR ISAAC. Winner of Nobel Prize in physics, 1944; Chairman, President's Science Advisory Committee, 1957; member, IAEA Science Committee, 1958; Professor of Physics, Columbia University; member, General Advisory Committee, U.S. Arms Control and Disarmament Agency, 1962– .

ROBINSON, THOMAS EDMOND. American educator; President of Glassboro State College, 1952– .

ROSHCHIN, ALEXEY A. Member of the Soviet delegation to the ENDC, 1962; Ambassador and leader of the Soviet delegation to the ENDC, 1966– .

RUDA, DR. José M. Argentinian Ambassador, permanent representative to the United Nations.

RUSK, DEAN. U.S. Secretary of State, 1961–1969.

RUSSELL, RICHARD B. U.S. Senator (Dem., Ga.), 1957– ; Chairman, Committee on Armed Services.

RUTZIK, MAX A. U.S. Department of Labor, Bureau of Labor Statistics, Mobilization Coordinator.

SCOVILLE, HERBERT, JR. Assistant Director, Science and Technology Bureau, U.S. Arms Control and Disarmament Agency, 1963–1969.

SEABORG, GLENN T. Associate Director, Lawrence Radiation Laboratory, 1954–1961; member, President's Science Advisory Committee, 1959–1961; Chairman, U.S. Atomic Energy Commission, 1961– .

SEATON, EARLE E. Judge of the High Court, United Republic of Tanzania; Vice Chairman, delegation to the United Nations; representative and Vice President, Conference of Non-Nuclear-Weapon States, 1968.

SHAHI, AGHA. Pakistani Ambassador, permanent representative to the United Nations, 1967– .

SHARP, MITCHELL. Canadian Secretary of State for External Affairs, 1968– .

SHAW, PATRICK. Australian Ambassador, permanent representative to the United Nations, 1965– .

SPARKMAN, JOHN J. U.S. Senator (Dem., Ala.), 1946– ; member, Foreign Relations Committee.

SPÜHLER, WILLY. President of the Swiss Confederation, 1963, 1968.

STRAUSS, LEWIS L. Special assistant to the President on Atomic Energy matters, 1953; Chairman, Atomic Energy Commission, 1953–1958.

STRAUSZ-HUPÉ, DR. ROBERT. Director, Foreign Policy Institute, University of Pennsylvania, 1955– .

STULBERG, LOUIS. President and General Secretary, International Ladies' Garment Workers' Union, 1966– ; member, U.S. delegation to the United Nations, 1968.

SULE KOLO, ALHAJI. Nigerian Ambassador and leader of the delegation to the ENDC, 1967– .

TAFT, ROBERT, JR. Member, U.S. House of Representatives (Rep., Ohio), 1963–1965, 1967– ; member, Foreign Affairs Committee.

TEKOAH, YOSEF. Israeli Ambassador, permanent representative to the United Nations.

TELLER, DR. EDWARD. American physicist; assistant director, Los Alamos Scientific Laboratory, 1949–1951; director, Lawrence Radiation Laboratory at Livermore, 1958–1960; Chairman, Divisional Advisory Group, Air Force Space and Missiles Systems Organization, 1961– .

THANT, U. Acting Secretary-General of the United Nations, 1961–1962; Secretary-General, 1962– .

THIRLAWAY, H. Member of seismic study group of the Stockholm International Peace Research Institute.

THOMPSON, LLEWELLYN E. U.S. Ambassador to the Soviet Union, 1966–1969.

THOMSON, VERNON W. Member, U.S. House of Representatives (Rep., Wis.), 1961– ; member, Foreign Affairs Committee.

TOMOROWICZ, BOHDAN. Polish Ambassador, permanent representative to the United Nations; member, U.N. *Ad Hoc* Committee To Study the Peaceful Uses of the Sea-Bed and the Ocean Floor Beyond the Limits of National Jurisdiction, 1968.

TSURUOKA, SENJIN. Japanese Ambassador, permanent representative to the United Nations; representative and Vice President, Conference of Non-Nuclear-Weapon States, 1968.

TURBAY AYALA, DR. JULIO CESAR. Colombian Ambassador, permanent representative to the United Nations; representative and Vice President, Conference of Non-Nuclear-Weapon States, 1968.

UNDÉN, BÖ OSTEN. Swedish Foreign Minister, 1945–1962; member, delegation to the United Nations, 1946–1961.

URIBE, ARMANDO. Member of the Chilean delegation to the United Nations.

VARGHESE, T. Member of seismic study group of the Stockholm International Peace Research Institute.

VINCI, PIERO. Italian Ambassador, permanent representative to the United Nations, 1964– ; representative and Vice President, Conference of Non-Nuclear-Weapon States, 1968.

WALDRON-RAMSEY, WALDO E. Tanzanian representative (first two sessions), U.N. *Ad Hoc* Committee To Study the Peaceful Uses of the Sea-Bed and the Ocean Floor Beyond the Limits of National Jurisdiction, 1968.

WEILER, LAWRENCE D. Special Assistant to the Deputy Director, U.S. Arms Control and Disarmament Agency, 1964–1969; Counselor, U.S. Arms Control and Disarmament Agency, 1969– .

WHEELER, GEN. EARLE G. Chief of Staff, U.S. Army, 1962–1964; Chairman, Joint Chiefs of Staff, 1964– .

WIGGINS, JAMES RUSSELL. U.S. permanent representative to the United Nations, Oct. 1968–Jan. 1969.

WILLIAMS, JOHN J. U.S. Senator (Rep., Del.), 1946– ; member, Foreign Relations Committee.

WILSON, CHARLES E. Secretary of Defense, 1953–1957.

WILSON, HAROLD. British Prime Minister, 1964– .

WHITHAM, K. Member of seismic study group of the Stockholm International Peace Research Institute.

WRIGHT, STEPHEN J. Executive Director, United Negro College Fund; member, General Advisory Committee, U.S. Arms Control and Disarmament Agency, 1963– .

YANKOV, ALEXANDER. Bulgarian representative, Legal Working Group, U.N. *Ad Hoc* Committee To Study the Peaceful Uses of the Sea-Bed and the Ocean Floor Beyond the Limits of National Jurisdiction, 1968.

YORK, HERBERT F. Director, Lawrence Radiation Laboratory, 1952–1958; Director, Defense Research and Engineering, Department of Defense, 1958–1961; Chancellor, University of California at San Diego, 1961– ; member, General Advisory Committee, U.S. Arms Control and Disarmament Agency, 1962– .

ZABLOCKI, CLEMENT J. Member, House of Representatives (Dem., Wis.), 1949– ; member, Foreign Affairs Committee.

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SIGNATORIES TO THE NONPROLIFERATION TREATY JUNE 27, 1969

Unless otherwise indicated, signature took place at Washington on July 1, 1968, when the treaty was opened for signature. The names of signatories which have deposited their instruments of ratification are printed in italics, and the date of deposit is indicated in parentheses.

Afghanistan
Austria (June 27, 1969)
Barbados
Belgium—Aug. 20, 1968
Bolivia
Botswana (Apr. 28, 1969)[1]
Bulgaria
Cameroon—July 17, 1968 (Jan. 8, 1969)
Canada—July 23, 1968 (Jan. 8, 1969)
Ceylon
Chad[2]
Republic of China
Colombia
Congo (Kinshasa)—July 22, 1968
Costa Rica
Cyprus
Czechoslovakia
Dahomey
Denmark (Jan. 3, 1969)
Dominican Republic
Ecuador—July 9, 1968 (Mar. 7, 1969)
El Salvador
Ethiopia—Sept. 5, 1968
Finland (Feb. 5, 1969)
Gambia—Sept. 5, 1968
[German Democratic Republic][2,3]
Ghana
Greece
Guatemala—July 26, 1968
Haiti
Honduras
Hungary (May 27, 1969)
Iceland
Iran
Iraq[2]
Ireland (July 1, 1968)
Italy—Jan. 28, 1969
Ivory Coast
Jamaica—Apr. 14, 1969
Jordan—July 10, 1968
Kenya
Republic of Korea
Kuwait
Laos
Lebanon
Lesotho—July 9, 1968
Liberia
Libya—July 19, 1968
Luxembourg—Aug. 14, 1968
Malagasy Republic—Aug. 14, 1968
Malaysia
Maldive Islands—Sept. 11, 1968
Malta—April 17, 1969
Mauritius (Apr. 8, 1969)
Mexico—July 26, 1968 (Jan. 21, 1969)
Mongolia—(May 14, 1969)[2]
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Nepal
Netherlands—Aug. 20, 1968
New Zealand
Nicaragua
Nigeria (Oct. 7, 1968)
Norway (Feb. 5, 1969)
Panama
Paraguay
Peru
Philippines
Poland (June 12, 1969)
Romania
San Marino
Senegal
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Sudan—Dec. 24, 1968[2]
Swaziland—June 24, 1969[2]
Sweden—Aug. 19, 1968
Syria[2]
Togo
Trinidad and Tobago—Aug. 20, 1968
Tunisia
Turkey—Jan. 28, 1969
Union of Soviet Socialist Republics
United Arab Republic[4]
United Kingdom (Nov. 27, 1968)
United States
Upper Volta—Nov. 25, 1968
Uruguay
Venezuela
Viet-Nam
Yemen Arab Republic—Sept. 23, 1968[2]
Yugoslavia—July 10, 1968

[1] Signed treaty or deposited instruments of ratification at London only.
[2] Signed treaty or deposited instruments of ratification at Moscow only.
[3] The U.S. has not accepted notification of the signature in Moscow of the so-called German Democratic Republic.
[4] Signed treaty at Moscow and London.

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