

**CONFÉRENCE OF THE EIGHTEEN-NATION COMMITTEE
ON DISARMAMENT**

ENDC/PV.363
8 February 1968
ENGLISH

FINAL VERBATIM RECORD OF THE THREE HUNDRED AND SIXTY-THIRD MEETING

held at the Palais des Nations, Geneva,
on Thursday, 8 February 1968, at 10.30 a.m.

Chairman:

Mr. A. ZELLEKE

(Ethiopia)

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PRESENT AT THE TABLE

Brazil:

Mr. J.A. de ARAUJO CASTRO
 Mr. C.A. de SOUZA e SILVA
 Mr. E. MOREIRA HOSANNAH
 Mr. A. da COSTA GUIMARAES

Bulgaria:

Mr. K. CHRISTOV
 Mr. B. KONSTANTINOV

Burma:

U KYAW MIN

Canada:

Mr. E.L.M. BURNS
 Mr. A.G. CAMPBELL
 Mr. J.R. MORDEN
 Mr. A. BERNIER

Czechoslovakia:

Mr. V. VAJNAR
 Mr. K. STRASIK

Ethiopia:

Mr. A. ZELLEKE
 Mr. B. ASSFAW

India:

Mr. N. KRISHNAN
 Mr. K.P. JAIN

Italy:

Mr. R. CARACCILO
 Mr. G.P. TOZZOLI
 Mr. E. FRANCO
 Mr. F. SORO

Mexico:

Mr. A. GOMEZ ROBLEDO
 Mr. A. CARRANCO AVILA

Nigeria:

Mr. B.O. TONWE

Poland:

Mr. M. BLUSZTAJN
Mr. E. STANIEWSKI
Mr. S. DABROWA

Romania:

Mr. N. ECOBESCO
Mr. O. IONESCO
Mr. C. GEORGESCO
Mr. A. COROIANU

Sweden:

Mrs. A. MYRDAL
Mr. A. EDELSTAM
Mr. R. BOMAN
Mr. J. PRAWITZ

Union of Soviet Socialist
Republics:

Mr. O.A. GRINEVSKY
Mr. V.V. SHUSTOV
Mr. V.B. TOULINOV

United Arab Republic:

Mr. H. KHALLAF
Mr. O. SIRRY
Mr. M. SHAKER

United Kingdom:

Mr. I.F. PORTER
Mr. R.I.T. CROMARTIE

United States of America:

Mr. S. DePALMA
Mr. L.D. WEILER
Mr. C.G. BREAM
Mr. A.F. NEIDLE

Special Representative of the
Secretary-General:

Mr. D. PROTITCH

Deputy Special Representative of the
Secretary-General:

Mr. W. EPSTEIN

1. The CHAIRMAN (Ethiopia): I declare open the 363rd plenary meeting of the Conference of the Eighteen-Nation Committee on Disarmament.
2. Mrs. MYRDAL (Sweden): 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 non-proliferation treaty (ENDC/192/Rev.1, 193/Rev.1) 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." (ENDC/PV.357, para.43)

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". (ibid., para.44)
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

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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 (ENDC/100/Rev.1).
7. None of the few formalized suggestions for changes in the text presented today in document ENDC/215 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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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 (ENDC/196), Romania (ENDC/199) and Brazil (ENDC/201), 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

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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 disarmament 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 (ENDC/PV.335, para.25). 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.

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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. Mulloy, then upheld the view he had earlier expressed in a formal amendment (ENDC/203) 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 (ENDC/PV.358, para.26).

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 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 (ENDC/195) 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.

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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 (ENDC/206, 207), 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 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;

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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 (INFCIRC/66), 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-table suggested in paragraph 4, seen together with the rules for the entering into force of the treaty

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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.

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30. The problem was touched upon by the Swiss Government in its thoughtful aide-mémoire to this Committee of 24 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" (ENDC/204, p.3).

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 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?

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