



# THE DEPARTMENT OF STATE BULLETIN

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UNITED STATES DISCUSSES DISARMAMENT ISSUES  
IN U.N. GENERAL ASSEMBLY DEBATE

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*The Department of State BULLETIN, a weekly publication issued by the Office of Media Services, Bureau of Public Affairs, provides the public and interested agencies of the government with information on developments in the field of U.S. foreign relations and on the work of the Department and the Foreign Service.*

*The BULLETIN includes selected press releases on foreign policy, issued by the White House and the Department, and statements, addresses, and news conferences of the President and the Secretary of State and other officers of the Department, as well as special articles on various phases of international affairs and the functions of the Department. Information is included concerning treaties and international agreements to which the United States is or may become a party and on treaties of general international interest.*

*Publications of the Department of State, United Nations documents, and legislative material in the field of international relations are also listed.*

## United States Discusses Disarmament Issues in U.N. General Assembly Debate

*Following are statements made in Committee I (Political and Security) of the U.N. General Assembly on November 1 by U.S. Representative Joseph Martin, Jr., head of the U.S. delegation to the Conference of the Committee on Disarmament (CCD), and on November 18 by U.S. Representative Fred C. Iklé, Director of the U.S. Arms Control and Disarmament Agency, together with the text of a resolution adopted by the Assembly on December 10 which includes the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques.*

### STATEMENT BY AMBASSADOR MARTIN, COMMITTEE I, NOVEMBER 1

USUN press release 135 dated November 1

Nineteen seventy-six has seen gratifying progress in multilateral disarmament. Notably, the Conference of the Committee on Disarmament, fulfilling the General Assembly's request in Resolution 3475 (XXX), has negotiated and forwarded to the Assembly a draft Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques.

The United States considers that adherence to this convention will effectively eliminate the serious dangers that the hostile use of such techniques may pose. The convention thus will protect the security interests of all states parties with respect to this means of warfare.

We therefore think it is extremely important to correct a mistaken impression which seems to have arisen on the part of at least

one delegation at the CCD and at this Assembly.

The convention does not permit in any sense the hostile use of environmental modification techniques to generate such potentially catastrophic phenomena as earthquakes, tidal waves, cyclones or hurricanes, or alterations in climate patterns, weather patterns, ocean currents, the state of the ozone layer, or the ionosphere. These phenomena are specifically listed illustratively in an agreed understanding forwarded by the CCD to the General Assembly together with the convention text itself.<sup>1</sup> In the understanding the CCD agreed that all those phenomena, when produced by hostile use of environmental modification techniques, would result, or could reasonably be expected to result, in widespread, long-lasting, or severe destruction, damage, or injury.

The convention thus would prohibit any hostile use of environmental modification techniques to cause any of those phenomena as a means of destruction, damage, or injury to another party. Therefore the generation of any of those catastrophic phenomena is absolutely prohibited under the convention. There can simply be no dispute on this point.

In this respect, the convention is consistent with the identical drafts tabled at the CCD in August 1975<sup>2</sup> and referred to in Resolution 3475. However, responsive to the

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<sup>1</sup> For texts of the agreed understandings, see Report of the Conference of the Committee on Disarmament, vol. I, Official Records of the General Assembly, Thirty-First Session, Supplement No. 27 (A/31/27), p. 91.

<sup>2</sup> For text, see BULLETIN of Sept. 15, 1975, p. 419.

views of numerous other countries as set forth in a genuinely multilateral negotiating process, the present text also reflects a number of very significant modifications of the original drafts.

For example, the questions of peaceful use of environmental modification techniques are dealt with much more extensively in the text before this committee. Thus, the preamble of the convention now refers to the 1972 Stockholm Declaration on international responsibilities with respect to the environment.<sup>3</sup> And article III, besides providing that the convention shall not hinder peaceful use of environmental modification techniques, now calls for the fullest possible exchange of scientific and technical information concerning such use. The article also includes an undertaking to contribute to international economic and scientific cooperation in the preservation, improvement, and peaceful utilization of the environment, with due consideration to the needs of developing areas.

Article V of the convention contains an innovation in multilateral arms control compliance procedures. It provides for convening a consultative committee of experts upon the request of any state party to undertake appropriate findings of fact and provide expert views in connection with any problems the requesting party raises with respect to the objectives or application of the convention. The consultative committee should afford all parties the assistance of international expertise which might otherwise be unavailable for factual findings and explanations concerning what may be highly complex technical questions. We consider the provisions for the consultative committee a genuine advance over previous practice.

In another change from the original draft, article VIII of the convention adds provisions for a review conference five years after entry into force. The conference is to examine in particular the convention's effectiveness in eliminating the dangers of mili-

tary or any other hostile use of environmental modification techniques. If, contrary to our expectations, the convention is deemed to have proven ineffective, the conference could consider remedial action. Thus the draft which you are called upon to consider is the result of intensive negotiations which have produced an intricate cloth of compromises of many sincerely felt points of view. It will be impossible to unravel one strand without unraveling the entire fabric.

Taken as a whole, my delegation believes that the Environmental Modification Convention as reported by the CCD is worthy of broad acceptance. Accordingly, we think it should be commended by the General Assembly and opened for signature and ratification as soon as possible. We will support a resolution to that effect and hope most other delegations will do the same. The CCD worked with great determination and diligence to produce the text of the Environmental Modification Convention this year. The adoption of such a resolution by the Assembly will recognize the committee's accomplishment and enable it next year to concentrate on other important subjects on its agenda.

### Consideration of Chemical Weapons Issues

Mr. Chairman, since the 30th session of the General Assembly useful work has also been accomplished in international consideration of controls on chemical weapons. The CCD's discussions of this subject during 1976 have been active and constructive. We were encouraged by increasing acceptance of the concept of a phased approach to a comprehensive chemical weapons ban and by progress on the question of defining the agents to be covered in the initial phase.

The committee's deliberations also reflected increased awareness of the central importance of verification problems related to restraints on chemical weapons. In this connection, while maintaining our reservations regarding reliance on national technical means, we have noted with interest the statement on verification of destruction of chemical weapons stocks contained in the disarmament

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<sup>3</sup> For text of the Declaration of the United Nations Conference on the Human Environment, adopted at Stockholm on June 16, 1972, see BULLETIN of July 24, 1972, p. 116.



ment memorandum recently circulated to the General Assembly by the Soviet Union.<sup>4</sup>

The CCD's consideration of chemical weapons questions this past summer was complemented by technical consultations between U.S. and Soviet experts. These talks were helpful in clarifying the views of the two sides on a variety of complex issues, especially relating to verification, and in identifying some areas of agreement. Both sides considered the consultations useful and agreed that they should be resumed at a future date to be determined. Our view remains that continuation of such consultations cannot in any way substitute for the CCD's ongoing work in this very important arms control area.

Indeed, during the committee's 1977 session we expect it to devote major attention to chemical weapons issues. We look forward particularly to hearing others' views, and offering our own, on the draft convention tabled by the United Kingdom in a welcome initiative last August. More generally, the United States expects to participate actively in the continuing search for solutions to the difficult and complex problems which still face us as we pursue our common objective of effective measures for the prohibition of chemical weapons.

Mr. Chairman, besides its work on environmental modification and chemical weapons, the CCD this year showed renewed vitality and procedural flexibility in other ways as well.

For example, in connection with questions related to nuclear testing, an experts group was established under CCD auspices to study possible measures of international cooperation in detecting and identifying seismic events. The group has made a promising beginning. Its prospective contribution would

be enhanced if experts from regions of the world now unrepresented or underrepresented on the panel would join in its subsequent work.

Also, the Secretary General's working group on the reduction of military budgets met twice in Geneva, maintaining informal contact with various CCD delegations. The working group has produced a valuable report which clarifies definitional and other technical issues relating to the comparison of military expenditures.<sup>5</sup>

The CCD's accomplishments this year renew our conviction that under existing circumstances the committee constitutes the best available vehicle for multilateral disarmament negotiations. On the other hand, we acknowledge the continuing interest shown by many countries in a more general forum and in particular the attention currently being devoted to the question of a General Assembly special session on disarmament. My delegation is prepared to consider an appropriate resolution that would set in motion preparations for a special session in 1978.<sup>6</sup> If it does prove possible for us to support such a resolution, we would hope to take part in the preparatory activity, which must be careful and thorough if the special session is to make progress.

#### Progress Since NPT Review Conference

Mr. Chairman, once again this year, an important topic for consideration by the First Committee is the question of preventing the proliferation of nuclear weapons. While the committee's discussion can be expected to span a range of international efforts in the nonproliferation field, the most immediate focus, as specified in the title of the agenda item, will be the implementation of the "conclusions" of the conference to re-

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<sup>4</sup> The statement reads as follows: "Supervision of compliance with the prohibition of chemical weapons should be based on national means. In this respect there exists a positive precedent in the convention banning bacteriological weapons. At the same time, the Soviet Union is ready to examine the possibility of using additional supervision procedures and, in particular, to discuss methods of verifying the destruction of stockpiles of chemical weapons which are to be excluded from the arsenals of States." (U.N. doc. A/31/232, p. 9.)

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<sup>5</sup> U.N. doc. A/31/222.

<sup>6</sup> A resolution deciding to convene a special session of the General Assembly devoted to disarmament, to be held in New York May-June 1978, and establishing a preparatory committee was adopted by Committee I by consensus on Dec. 2 and by the Assembly by consensus on Dec. 21 (A/RES/31/189 B).

view the operation of the Nonproliferation Treaty (NPT), held in May 1975.<sup>7</sup>

Less than a year and a half has passed since the review conference. Nevertheless, the collective findings and recommendations of conference participants, as well as the momentum and international interest generated by the conference itself, have stimulated new or accelerated activity in several critical areas of the nonproliferation effort which has already yielded some substantial results.

It is also encouraging that some of the principal accomplishments of the last 18 months that were promoted by review conference recommendations have involved the cooperation not only of NPT parties but also of states that have not yet chosen to join the treaty. In our view, this reflects the near-universal appreciation of the threat to mankind posed by the proliferation of nuclear weapons, as well as the recognition that success in preventing such proliferation depends on the concerted efforts of all groups of states. Permit me, Mr. Chairman, to review briefly some of the gains that have been made in the last year and a half:

—Significant steps have been taken, in conformity with review conference recommendations, to increase the effectiveness of IAEA [International Atomic Energy Agency] safeguards. These include:

1. Efforts to develop new verification techniques and instrumentation;

2. Broadening of safeguards coverage in agreements with non-nuclear-weapon states not party to the NPT; and

3. Negotiation and approval of agreements to implement the voluntary offers by the United States and United Kingdom to place their civilian nuclear installations under IAEA safeguards.

—In early 1976, as a result of consultations with other nuclear suppliers, the United

States adopted as national policy certain principles that will govern future nuclear exports. We were informed that other governments would do the same. Strengthening common nuclear export requirements was an important consensus recommendation of the review conference. This recommendation reflected the recognition by suppliers and recipients alike that the exercise of special responsibility by supplier governments would promote the security and economic interests of all states.

—Efforts to implement review conference recommendations on the physical protection of nuclear materials have been pursued on several fronts. Major suppliers have decided to include provisions in their nuclear cooperation agreements requiring adequate levels of physical protection in recipient countries. The IAEA has issued a revised set of recommendations on physical protection. In addition, the United States has suggested an international convention that provides for physical protection of nuclear materials in transit and for international collaboration in the recovery of lost or diverted materials and encourages participating countries to adopt measures conforming to international criteria for effective physical protection.

—We have continued to fulfill our commitment under NPT article IV, reaffirmed at the review conference, to facilitate the exchange of nuclear technology and materials for peaceful purposes consistent with the restraints required by articles I and II. Through our bilateral cooperative arrangements for the supply of nuclear reactors and fuel, as well as our expanded contributions to the IAEA's technical assistance programs, we have demonstrated our determination to assist developing countries, particularly those party to the NPT, in meeting their growing energy requirements.

—The review conference gave impetus to the search for safe and economical alternatives to nationally owned sensitive nuclear facilities, such as uranium enrichment and chemical reprocessing plants. Specifically, it encouraged active consideration of multinational nuclear fuel cycle centers. In accordance with that recommendation, the IAEA's

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<sup>7</sup> For text of the treaty, see BULLETIN of July 1, 1968, p. 8; for text of a U.S. statement in the review conference and the final declaration of the conference, see BULLETIN of June 30, 1975, p. 921; for a U.S. interpretive statement, see BULLETIN of Aug. 4, 1975, p. 193.



study of such multinational centers is underway. We believe it is desirable, among other approaches, to continue studying the idea of a few suitably sited multinational fuel cycle centers to serve regional needs, when effectively safeguarded and economically warranted. Through these and related means, we can minimize incentives for the spread of dangerous fuel cycle capabilities.

—We continue to support the validity of the review conference finding that the technology of nuclear explosions for peaceful purposes (PNE's) is still at the developmental stage. Nonetheless, considerable progress has been made in implementing the conference's recommendations on peaceful nuclear explosions. The conference asked that the IAEA expedite examination of the legal issues involved in, and commence consideration of the structure and content of, the international agreement or agreements contemplated in NPT article V. In response, the IAEA Ad Hoc Advisory Group on Peaceful Nuclear Explosions—itself the result of a review conference recommendation—has studied various legal and other factors involved in the establishment and operation of an international PNE service and plans to advise the Board of Governors on these matters during 1977.

### **Security of Non-Nuclear-Weapon States**

The recommendations contained in the review conference final declaration do not, of course, deal only with safeguards and cooperation in the peaceful uses of nuclear energy.

Participants at the conference recognized, as had the negotiators of the NPT itself, that national security and political considerations are the motivating factors in a decision to acquire nuclear explosive capabilities and, accordingly, that in the long run any successful approach to the nonproliferation problem would have to deal satisfactorily with concerns in these areas.

This recognition was reflected in several consensus recommendations concerning strengthening of the security of non-nuclear-weapon states and the cessation of

the nuclear arms race. The United States attaches great importance to these recommendations and plans to work actively toward their implementation. Efforts already have been made to put the recommendations into effect, but we can share in the regret that has been expressed that more rapid progress has not proved possible.

The United States recognizes that alleviation of the legitimate security concerns of non-nuclear-weapon states is a critical component of international efforts to prevent nuclear proliferation. It is easier, however, to state the objective than to devise practical and effective means of promoting it. Reluctance to forgo the nuclear weapons option often arises from local conflicts and insecurities whose origins are invariably complex and rarely susceptible to quick solutions.

For its part, the United States has tried to promote the security of non-nuclear-weapon states in a variety of ways, such as efforts to assist in solving regional conflicts, for example, in the Middle East and in southern Africa; encouragement for regional arms control arrangements; and the provision of positive security assurances such as Security Council Resolution 255.<sup>8</sup> In addition, in exercising the right of collective self-defense, the United States and a number of other nations have entered into mutual security relationships for the purpose of deterring and defending against armed attack. We believe these alliances, by providing sufficient assurance regarding security needs, have had a major impact in influencing states involved to renounce the nuclear weapons option.

On the other hand, we have not been able to accept proposals for universally applicable assurances on the non-use of nuclear weapons, because we have not discovered any formulation that would effectively serve the varied security needs of non-nuclear-weapon states, including our allies. However, we are prepared to consider any appropriate means of strengthening the security of those states, provided such means do not detrimentally affect existing security arrange-

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<sup>8</sup> For text of the resolution, adopted on June 19, 1968, see BULLETIN of July 8, 1968, p. 58.

ments, which, as I have just noted, are important components of the nonproliferation effort.

### **U.S.-U.S.S.R. Arms Control Agreements**

As Secretary Kissinger stated in plenary on September 30, we continue to approach the nonproliferation problem in full recognition of the responsibility that we and other nuclear powers have in limiting our nuclear weapons arsenals. Mindful of this responsibility, and in line with the review conference recommendations on SALT [Strategic Arms Limitation Talks], the United States and the U.S.S.R. have continued actively to pursue an agreement, based on the Vladivostok accord, on the limitation of offensive strategic arms.<sup>9</sup> We would like to stress, however, that we would not regard such an agreement as the final step of the SALT process. We are determined to begin negotiations on further limitations and reductions in the level of strategic arms as soon as possible following the conclusion of a SALT Two agreement.

The review conference expressed the hope for early solutions to the technical and political difficulties that have blocked agreement on an effective comprehensive test ban. So far, these difficulties have not been resolved. However, in our view, some important steps have recently been taken toward our common objective of achieving a comprehensive test ban. In particular, we believe that the Threshold Test Ban Treaty and the integrally related Treaty on Peaceful Nuclear Explosions, the latter of which was signed by the United States and the U.S.S.R. in May 1976, place significant restraints on U.S. and Soviet nuclear explosions.<sup>10</sup> Moreover, the Threshold Test Ban Treaty contains an explicit commitment to continue negotiations

toward the cessation of all nuclear weapons tests, and we are determined to fulfill that commitment.

To sum up, we believe that a reasonably good start has been made, but that we must redouble our efforts to put the review conference recommendations fully into effect. Of course, international action on nonproliferation should not be confined to ideas outlined at the review conference in May 1975. The nature of the nonproliferation challenge continues to change, and accordingly the requirements of a successful strategy to meet that challenge must continue to evolve. The review conference conclusions might therefore be regarded simply as a foundation upon which we can build further cooperative international efforts—involving NPT parties as well as nonparties, nuclear recipients as well as suppliers, and nuclear powers as well as non-nuclear-weapon states. We believe this General Assembly should provide a mandate for such efforts.

Mr. Chairman, in a major foreign policy statement on October 28, President Ford outlined a program of international action in the nonproliferation field. Later in our debate, my delegation will present a detailed account of that important initiative. We also reserve the right to make interventions on other matters as the debate proceeds.

### **STATEMENT BY DR. IKLE, COMMITTEE I, NOVEMBER 18**

USUN press release 153 dated November 18

We welcome this opportunity to address the First Committee again. We consider this the ideal forum in which to present a fuller up-to-date explanation of the United States' most recent policy and proposals on nuclear energy and put forward a related arms control proposal.

Throughout the nuclear age, the United States has launched many efforts to control the destructive potential of the atom and yet keep the peaceful benefits of nuclear energy in mankind's service. Some 30 years ago, when only the United States possessed the atom bomb, we made a proposal to the

<sup>9</sup> For text of a joint U.S.-Soviet statement issued at Vladivostok on Nov. 24, 1974, see BULLETIN of Dec. 23, 1974, p. 879.

<sup>10</sup> For texts of the U.S.-U.S.S.R. Treaty and Protocol on the Limitation of Underground Nuclear Weapon Tests, signed at Moscow on July 3, 1974, see BULLETIN of July 29, 1974, p. 217; for texts of the U.S.-U.S.S.R. Treaty and Protocol on Underground Nuclear Explosions for Peaceful Purposes and agreed statement, see BULLETIN of June 28, 1976, p. 802.



United Nations that envisaged placing all nuclear resources throughout the world under the ownership and control of an independent international authority. Perhaps that proposal called for too great a willingness of other nations to place their trust in international cooperation.

Less than a decade later, in 1954, the United States undertook a second major initiative—the Atoms for Peace program—to assist other countries in acquiring nuclear technology for peaceful uses. And we invited other nations to join with us in building an international agency to facilitate cooperation in peaceful uses of the atom and to safeguard nuclear technology from diversion to destructive ends. The fruit of this initiative can be seen in the broad acceptance and usefulness of the International Atomic Energy Agency and its unprecedented safeguards system.

But in the last two decades, much has been learned about both the promise and the threat of nuclear technology, and the thin dividing line between them. It became clear that further and far-reaching measures were needed. Otherwise, in region after region, new nuclear threats and rivalries could accompany the worldwide spread of peaceful nuclear technology. This concern is widely shared in the United States and other countries. President Ford's October 28 announcement on U.S. nuclear energy policy is a response to these concerns and represents a wide spectrum of agreement in my country as to the steps needed.<sup>11</sup>

I believe it is important to emphasize to you certain premises on which this policy is based:

—First, success in stemming the spread of nuclear weapons must be based on sympathetic understanding of the energy needs of all states. States electing to participate in the necessary restraint arrangements must therefore be assured that they will be able to benefit fully from the peaceful uses of nuclear energy.

—Second, if the United States asks other nations to exercise restraint in certain aspects of their nuclear power programs, it must be prepared to show comparable restraint at home.

—Third, it is of crucial importance that all nations clearly recognize their common interest in preventing the spread of nuclear weapons capabilities to country after country. No single nation or group of nations can insure an effective nonproliferation effort. As President Ford has said: "The United States is prepared to work with all other nations . . . Effective nonproliferation measures will require the participation and support of nuclear suppliers and consumers." The security of many of the nonnuclear nations represented here is perhaps more directly threatened by further proliferation than is the security of countries now possessing nuclear weapons.

### **Enrichment and Reprocessing Technology**

Our new nuclear energy policy sets forth action the United States has decided to take on its own and proposals the United States will make to other nations. Several of these measures are designed to avert the serious dangers that would result from the existence throughout the world of nationally owned uranium enrichment plants and plutonium-reprocessing plants. These plants can produce the materials that can readily be made into nuclear weapons.

In regard to uranium enrichment, we of course recognize that countries which plan for nuclear reactors as an important source of electrical energy need to have an assured and reliable source of nuclear fuel. In forgoing acquisition of sensitive nuclear facilities under national control, it is evident that such countries are entitled to assurances that suitable nuclear fuel will remain available.

It has long been assumed that the energy value remaining in spent reactor fuel would be recovered by reprocessing recovered fissionable material and recycling it back into power reactors. However, as our understanding and information improved, two facts became plain: First, the economic advantages for

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<sup>11</sup> For a statement by President Ford issued at Washington on Oct. 28, 1976, see *BULLETIN* of Nov. 22, 1976, p. 629.

plutonium recycle are at this time very uncertain; second, and more important, in the absence of adequate safeguard measures, the accumulation of separated plutonium can greatly increase the risk of diversion to nuclear weapons. And this risk would lead to instability among the neighboring countries of a region.

The U.S. policy statement of October 28 specifies several actions, domestic and international, aimed at restraining the spread of such plutonium:

—The United States has decided to defer commercial reprocessing activities. We no longer regard reprocessing and recycling of plutonium as a necessary and inevitable step in the nuclear fuel cycle. We will pursue them in the future only if there is sound reason to conclude that it is economically justified and that the world community can effectively overcome the associated risks of proliferation. In the meantime, we will expand our capacity to store unprocessed spent fuel, we will fully consider all the implications of reprocessing, and we will also explore alternative means for recovering the energy value from used nuclear fuel without separating plutonium. Several ideas have been advanced for such recovery methods, and research will now be undertaken to determine their validity.

—We are calling on all nations to join us in refraining from the transfer of reprocessing and enrichment technology and facilities for a period of at least three years. We are also asking suppliers and consumers to work together to establish reliable international means for meeting nuclear fuel needs with minimum risk.

—We will invite other nations to participate in our new evaluation program on the values and risks of plutonium reprocessing and recycling, and the alternatives that may be available.

In addition to these actions, the U.S. policy calls for better controls on the accumulation of plutonium. It proposes international discussions aimed at secure and safe storage arrangements for civil plutonium and spent reactor fuel under the auspices of the Inter-

national Atomic Energy Agency, pending ultimate disposition. We are prepared, when such a storage arrangement is broadly accepted and in operation, to place our own excess civil plutonium and spent fuel under its control. We are also prepared to consider providing a site for international storage of spent fuel and radioactive wastes under IAEA auspices.

Another important element of the U.S. program of action is support for strengthening the IAEA safeguards system. We hope that all states will join us in insuring that the IAEA has the technical resources and staff necessary to meet its growing responsibilities. We are committing more resources to help the Agency improve its safeguards capabilities, and our national laboratories with expertise in safeguards will provide assistance on a continuing basis to the IAEA as the Agency identifies its needs.

### **Nuclear Export Policies**

Let me now turn to U.S. nuclear export policies. The United States is adopting new criteria to encourage nations to pursue cooperative and responsible nonproliferation policies. In determining whether to enter into new or expanded nuclear cooperation, we will consider the following factors:

—Adherence to the Nonproliferation Treaty will be a strong positive factor favoring cooperation with a non-nuclear-weapon state.

—Non-nuclear-weapon states that have not yet adhered to the Nonproliferation Treaty will receive positive recognition if they are prepared to submit to full fuel cycle safeguards, pending adherence.

—We will favor recipient nations that are prepared to forgo, or postpone for a substantial period, the establishment of national reprocessing or enrichment activities or, in certain cases, are prepared to shape and schedule their reprocessing and enriching facilities to foster nonproliferation needs.

—Positive recognition will also be given to nations prepared to participate in an international storage regime, under which spent fuel and any separated plutonium would be placed pending use.



Moreover, we will also encourage other nuclear suppliers to adopt these same criteria as common guidelines. As a fundamental element of our nonproliferation effort, I now reiterate the continuing U.S. support for the Nonproliferation Treaty and our position that all nations ought to adhere to it.

My government believes the international community must take certain concerted actions. It must be made clear that no state can expect to abrogate or violate any nonproliferation agreement with impunity. As President Ford stated on October 28, the United States will, at a minimum, respond to a violation of any safeguards agreement with the United States by immediately cutting off the supply of nuclear fuel to the violator and ending cooperation. We would also consider further steps against violators, steps not necessarily confined to ending nuclear cooperation. Moreover, our actions would not be limited only to agreements in which we are directly involved. In case of violation of any safeguards agreement, particularly one involving the IAEA, we will initiate immediate consultations with all interested nations to determine appropriate action. We invite all concerned governments to adopt a similar policy.

#### **Assuring Adequate and Reliable Supplies**

Mr. Chairman, while the United States believes that the steps I have outlined will inhibit the further spread of nuclear weapons, it recognizes that nuclear energy policy, of course, must also offer the benefits of cooperation and incentives, bearing in mind the importance of nuclear power as an alternative to fossil fuel. The United States will take steps to assure that states which practice responsible nonproliferation policies, and join appropriate international arrangements, will have an adequate and reliable supply of nuclear energy:

—The United States is prepared to act, in cooperation with other nations, to assure reliable supplies of nuclear fuel at equitable prices to a country that accepts effective restraints on reprocessing, plutonium disposi-

tion, and other sensitive technologies. We will initiate consultations with other nations to develop the means to insure that suppliers will be able to offer, and consumers will be able to receive, an uninterrupted and economical supply of low-enriched uranium fuel and fuel services.

—The United States will offer other equitable arrangements. Where appropriate, this may include providing fresh, low-enriched uranium fuel in return for mutual agreement on the disposition of spent fuel, where this clearly fosters our common nonproliferation objectives.

—We will expand cooperative efforts with other countries to develop their indigenous nonnuclear energy resources. We have proposed that an International Energy Institute be established to help other countries match the most economical and readily available sources of energy to their power needs. We will offer technological assistance through this Institute and other appropriate means.

Mr. Chairman, my government believes that the program of actions described in the Presidential statement of October 28, and summarized very briefly today, can provide an improved foundation for the use of nuclear energy throughout the world in ways that meet both nonproliferation objectives and electric power needs. "The task we face," President Ford emphasized in his statement, "calls for an international cooperative venture of unprecedented dimensions." So we ask all nations to join in this opportunity to work together for the benefit of all.

#### **Radiological Weapons Agreement**

I must ask you, however, to keep in mind that all these steps cannot change the fact that large amounts of radioactive materials will continue to accumulate until the question of their final utilization or disposition is resolved. I would like to turn now to a further opportunity for arms control.

These rapidly accumulating radioactive materials have the potential for use in radiological weapons, a hazard distinct from nuclear explosives. Such weapons, if ever developed, could produce pernicious



effects—long term and short term—solely by the radioactivity emitted. Virtually any of the strongly radioactive isotopes might be used to contaminate areas for long periods of time. For example, the amount of plutonium which could be dispersed by a conventional explosive could contaminate a substantial area, with the material retaining its radioactive characteristics for tens of thousands of years. Decontamination, if feasible at all, would be extremely costly.

My government suggests that next year an appropriate forum, such as the CCD, consider an agreement that would prohibit the use of radioactive materials as radiological weapons. Such an agreement would not affect the production of radioactive materials, either as a necessary by-product of power reactors or for other peaceful applications, or affect our call for storage of spent fuel under international auspices.

Such an agreement could complement the Geneva Protocol of 1925, which prohibits the use of poison gas and bacteriological methods of warfare. In addition, a radiological warfare agreement could contain a provision for appropriate measures by the parties to preclude diversion of radioactive materials for use as radiological weapons.

Such a commitment would, of course, be a particularly worthwhile undertaking for the major nuclear industrial states. Countries with substantial nuclear energy programs have accumulated large amounts of waste materials with extensive remaining radioactivity.

Negotiation of a radiological weapons agreement should not, of course, impede work on other multilateral arms control issues. It is our intent that it will not. But feasible arms control steps, such as this, should not go unrealized simply because larger problems have yet to be solved. Such a proposal, if adopted, would address a potentially significant future danger; each arms control agreement that is sound on its own merits can be another positive step toward a safer world.

Mr. Chairman, the measures the United States is here advocating are important to progress in arms control. They will make

more durable our peaceful nuclear cooperation by making it safer. They will help prevent the world's search for energy from fostering rivalries for mankind's most destructive weapon.

All this is good; but all this, of course, is not enough. We must move resolutely toward much broader and more far-reaching controls on nuclear weapons. The security of every nation, of every person, requires that we do our utmost to limit and reduce the nuclear arsenals and that we work with no less determination toward a more secure international order. The United States pledges its continuing dedication to this goal.

#### TEXT OF RESOLUTION <sup>12</sup>

*The General Assembly,*

*Recalling* its resolutions 3264 (XXIX) of 9 December 1974 and 3475 (XXX) of 11 December 1975,

*Recalling* its resolution 1722 (XVI) of 20 December 1961, in which it recognized that all States have a deep interest in disarmament and arms control negotiations,

*Determined* to avert the potential dangers of military or any other hostile use of environmental modification techniques,

*Convinced* that broad adherence to a convention on the prohibition of such action would contribute to the cause of strengthening peace and averting the threat of war,

*Noting with satisfaction* that the Conference of the Committee on Disarmament has completed and transmitted to the General Assembly, in the report of its work in 1976, the text of a draft Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques,

*Noting further* that the Convention is intended to prohibit effectively military or any other hostile use of environmental modification techniques in order to eliminate the dangers to mankind from such use,

*Bearing in mind* that draft agreements on disarmament and arms control measures submitted to the General Assembly by the Conference of the Committee on Disarmament should be the result of a process of effective negotiations and that such instruments should duly take into account the views and interests of all States

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<sup>12</sup> A/RES/31/72 (text from U.N. doc. A/31/382, report of the First Committee on agenda item 45, Convention on the prohibition of military or any other hostile use of environmental modification techniques); adopted by the committee on Dec. 3 by a recorded vote of 89 (U.S.) to 11, with 25 abstentions, and by the Assembly on Dec. 10 by a recorded vote of 96 (U.S.) to 8, with 30 abstentions.

so that they can be joined by the widest possible number of countries,

*Bearing in mind* that article VII of the Convention makes provision for a conference to review the operation of the Convention five years after its entry into force, with a view to ensuring that its purposes and provisions are being realized,

*Also bearing in mind* all relevant documents and negotiating records of the Conference of the Committee on Disarmament on the discussion of the draft Convention,

*Convinced* that the Convention should not affect the use of environmental modification techniques for peaceful purposes, which could contribute to the preservation and improvement of the environment for the benefit of present and future generations,

*Convinced* that the Convention will contribute to the realization of the purposes and principles of the Charter of the United Nations,

*Anxious* that during its 1977 session the Conference of the Committee on Disarmament should concentrate on urgent negotiations on disarmament and arms limitation measures,

1. *Refers* the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques, the text of which is annexed to the present resolution, to all States for their consideration, signature and ratification;

2. *Requests* the Secretary-General, as depositary of the Convention, to open it for signature and ratification at the earliest possible date;

3. *Expresses its hope* for the widest possible adherence to the Convention;

4. *Calls upon* the Conference of the Committee on Disarmament, without prejudice to the priorities established in its programme of work, to keep under review the problem of effectively averting the dangers of military or any other hostile use of environmental modification techniques;

5. *Requests* the Secretary-General to transmit to the Conference of the Committee on Disarmament all documents relating to the discussion by the General Assembly at its thirty-first session of the question of the prohibition of military or any other hostile use of environmental modification techniques.

## ANNEX

### CONVENTION ON THE PROHIBITION OF MILITARY OR ANY OTHER HOSTILE USE OF ENVIRONMENTAL MODIFICATION TECHNIQUES

#### *The States Parties to this Convention,*

*Guided* by the interest of consolidating peace, and wishing to contribute to the cause of halting the arms race, and of bringing about general and complete disarmament under strict and effective international control, and of saving mankind from the danger of using new means of warfare,

*Determined* to continue negotiations with a view to achieving effective progress towards further measures in the field of disarmament,

*Recognizing* that scientific and technical advances may open new possibilities with respect to modification of the environment,

*Recalling* the Declaration of the United Nations Conference on the Human Environment, adopted at Stockholm on 16 June 1972,

*Realizing* that the use of environmental modification techniques for peaceful purposes could improve the interrelationship of man and nature and contribute to the preservation and improvement of the environment for the benefit of present and future generations,

*Recognizing*, however, that military or any other hostile use of such techniques could have effects extremely harmful to human welfare,

*Desiring* to prohibit effectively military or any other hostile use of environmental modification techniques in order to eliminate the dangers to mankind from such use, and affirming their willingness to work towards the achievement of this objective,

*Desiring* also to contribute to the strengthening of trust among nations and to the further improvement of the international situation in accordance with the purposes and principles of the Charter of the United Nations,

*Have agreed* as follows:

#### Article I

1. Each State Party to this Convention undertakes not to engage in military or any other hostile use of environmental modification techniques having widespread, long-lasting or severe effects as the means of destruction, damage or injury to any other State Party.

2. Each State Party to this Convention undertakes not to assist, encourage or induce any State, group of States or international organization to engage in activities contrary to the provisions of paragraph 1 of this article.

#### Article II

As used in article I, the term "environmental modification techniques" refers to any technique for changing—through the deliberate manipulation of natural processes—the dynamics, composition or structure of the earth, including its biota, lithosphere, hydrosphere, and atmosphere, or of outer space.

#### Article III

1. The provisions of this Convention shall not hinder the use of environmental modification techniques for peaceful purposes and shall be without prejudice to generally recognized principles and applicable rules of international law concerning such use.

2. The States Parties to this Convention undertake to facilitate, and have the right to participate in, the fullest possible exchange of scientific and technological information on the use of environmental modification techniques for peaceful purposes. States Parties in a position to do so shall contribute, alone or together with other States or international organizations, to international economic and scientific co-operation in the pres-



ervation, improvement, and peaceful utilization of the environment, with due consideration for the needs of the developing areas of the world.

#### *Article IV*

Each State Party to this Convention undertakes to take any measures it considers necessary in accordance with its constitutional processes to prohibit and prevent any activity in violation of the provisions of the Convention anywhere under its jurisdiction or control.

#### *Article V*

1. The States Parties to this Convention undertake to consult one another and to co-operate in solving any problems which may arise in relation to the objectives of, or in the application of the provisions of, the Convention. Consultation and co-operation pursuant to this article may also be undertaken through appropriate international procedures within the framework of the United Nations and in accordance with its Charter. These international procedures may include the services of appropriate international organizations, as well as of a consultative committee of experts as provided for in paragraph 2 of this article.

2. For the purposes set forth in paragraph 1 of this article, the Depositary shall, within one month of the receipt of a request from any State Party, convene a consultative committee of experts. Any State Party may appoint an expert to this committee whose functions and rules of procedure are set out in the annex, which constitutes an integral part of this Convention. The committee shall transmit to the Depositary a summary of its findings of fact, incorporating all views and information presented to the committee during its proceedings. The Depositary shall distribute the summary to all States Parties.

3. Any State Party to this Convention which has reasons to believe that any other State Party is acting in breach of obligations deriving from the provisions of the Convention may lodge a complaint with the Security Council of the United Nations. Such a complaint should include all relevant information as well as all possible evidence supporting its validity.

4. Each State Party to this Convention undertakes to co-operate in carrying out any investigation which the Security Council may initiate, in accordance with the provisions of the Charter of the United Nations, on the basis of the complaint received by the Council. The Security Council shall inform the States Parties to the Convention of the results of the investigation.

5. Each State Party to this Convention undertakes to provide or support assistance, in accordance with the provisions of the Charter of the United Nations, to any Party to the Convention which so requests, if the Security Council decides that such Party has been harmed or is likely to be harmed as a result of violation of the Convention.

#### *Article VI*

1. Any State Party may propose amendments to this Convention. The text of any proposed amendment shall

be submitted to the Depositary, who shall promptly circulate it to all States Parties.

2. An amendment shall enter into force for all States Parties which have accepted it, upon the deposit with the Depositary of instruments of acceptance by a majority of States Parties. Thereafter it shall enter into force for any remaining State Party on the date of deposit of its instrument of acceptance.

#### *Article VII*

This Convention shall be of unlimited duration.

#### *Article VIII*

1. Five years after the entry into force of this Convention, a conference of the States Parties to the Convention shall be convened by the Depositary at Geneva. The conference shall review the operation of the Convention with a view to ensuring that its purposes and provisions are being realized, and shall in particular examine the effectiveness of the provisions of article 1, paragraph 1, in eliminating the dangers of military or any other hostile use of environmental modification techniques.

2. At intervals of not less than five years thereafter, a majority of the States Parties to this Convention may obtain, by submitting a proposal to this effect to the Depositary, the convening of a conference with the same objectives.

3. If no review conference has been convened pursuant to paragraph 2 of this article within 10 years following the conclusion of a previous review conference, the Depositary shall solicit the views of all States Parties to this Convention on the holding of such a conference. If one third or 10 of the States Parties, whichever number is less, respond affirmatively, the Depositary shall take immediate steps to convene the conference.

#### *Article IX*

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

2. This Convention shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Secretary-General of the United Nations.

3. This Convention shall enter into force upon the deposit with the Depositary of instruments of ratification by 20 Governments in accordance with paragraph 2 of this article.

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

5. The Depositary 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 and the date of the entry into force of this Convention and of any amendments thereto, as well as of the receipt of other notices.



6. This Convention shall be registered by the Depositary in accordance with Article 102 of the Charter of the United Nations.

#### Article X

This Convention, of which the Arabic, Chinese, English, French, Russian, and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations who shall send certified copies thereof to the Governments of the signatory and acceding States.

IN WITNESS WHEREOF, the undersigned, duly authorized thereto, have signed this Convention.

Done at \_\_\_\_\_ On \_\_\_\_\_

#### ANNEX TO THE CONVENTION

##### *Consultative Committee of Experts*

1. The Consultative Committee of Experts shall undertake to make appropriate findings of fact and provide expert views relevant to any problem raised pursuant to article V, paragraph 1, of this Convention by the State Party requesting the convening of the Committee.

2. The work of the Consultative Committee of Experts shall be organized in such a way as to permit it to perform the functions set forth in paragraph 1 of this annex. The Committee shall decide procedural questions relative to the organization of its work, where possible by consensus, but otherwise by a majority of those present and voting. There shall be no voting on matters of substance.

3. The Depositary or his representative shall serve as the Chairman of the Committee.

4. Each expert may be assisted at meetings by one or more advisers.

5. Each expert shall have the right, through the Chairman, to request from States, and from international organizations, such information and assistance as the expert considers desirable for the accomplishment of the Committee's work.

## Bill of Rights Day, Human Rights Day and Week, 1976

### A P R O C L A M A T I O N <sup>1</sup>

We Americans have been deeply moved by the sights and sounds of our Bicentennial observance, celebrated this year with pageantry, with fireworks, and with tall ships whose friendly visits have reminded us of our close ties, both contemporary and historical, with many nations around the globe. More importantly, we have given renewed thought to those principles of liberty and justice that underlie our national experience. Reexamined in the light of the past two centuries, the great instruments of our freedom—the Declaration of

Independence, the Constitution and the Bill of Rights—retain both their vitality and their relevance to today's problems.

When he introduced his proposal for a Bill of Rights to the House of Representatives of the First Congress, James Madison called it "the great work." He said: "It will be a desirable thing to extinguish from the bosom of every member of the community, any apprehensions that there are those among his countrymen who wish to deprive them of the liberty for which they valiantly fought and honorably bled."

Madison argued that "the great object in view is to limit and qualify the powers of Government, by excepting out of the grant of power those cases in which the Government ought not to act, or to act only in a particular mode." Those cases include rights and freedoms all Americans cherish today—freedom of religion, of speech, of the press; security against unreasonable searches and seizures; freedom from self-incrimination; the guarantee of due process of law; trial by jury.

Our national commitment to the principles of the Bill of Rights is echoed in the community of nations by our respect for the ideals enunciated in the Universal Declaration of Human Rights, adopted by the United Nations General Assembly in 1948. This Declaration eloquently affirms that the foundation of freedom, justice and peace in the world lies in the recognition of the inherent dignity, and the equal and inalienable rights, of all members of the human family.

In December we pay special tribute to these fundamental documents. December 15 is the one hundred and eighty-fifth anniversary of the adoption of the Bill of Rights and December 10 is the twenty-eighth anniversary of the Universal Declaration. As we enter the third century of our national existence we need more than ever to remember that the principles contained in these fundamental statements of human purpose have immediate application, not only domestically in our dealings with one another, but also internationally in our pursuit of friendly relations with all countries.

Now, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby proclaim December 10, 1976, as Human Rights Day and December 15, 1976, as Bill of Rights Day. I call upon the American people to observe the week beginning December 10, 1976, as Human Rights Week. Further, I ask all Americans, as they reflect with conscious pride on our history, not to be content with past accomplishments but to recognize the future task of our Nation and mankind: to bring about the full realization of the ideals and aspirations expressed in the Bill of Rights and the Universal Declaration of Human Rights.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of December, in the year of our Lord nineteen hundred seventy-six, and of the Independence of the United States of America the two hundred and first.

GERALD R. FORD.

<sup>1</sup> No. 4479; 41 *Fed. Reg.* 52977.

## U.S. Gives Views on U.S.S.R. Proposal for World Treaty on the Non-Use of Force

*Following are statements made in Committee I (Political and Security) of the U.N. General Assembly by U.S. Representative Albert W. Sherer, Jr., on October 28 and 29 and a statement made in Committee VI (Legal) by U.S. Representative Robert Rosenstock on November 22.*

### AMBASSADOR SHERER, COMMITTEE I

#### Statement of October 28

USUN press release 133 dated October 28

I would like at the outset to touch on a procedural aspect of this discussion. The chairman, in making his introduction to the current item at the morning meeting on October 25, was somewhat imprecise in referring to the General Assembly's decision as to the handling of the item. In fact, the General Committee recommended, on the conciliatory proposal of President [of the General Assembly Hamilton Shirley] Amerasinghe, that the item be allocated initially to the First Committee and thereafter to the Sixth Committee.

The General Assembly considered this recommendation the same afternoon. The President of the Assembly stated, and I quote:

...it is my understanding that it was agreed that the item be referred to the sixth committee promptly upon completion of its consideration in the First Committee. May I take it that the General Assembly adopts the General Committee's recommendations?

*It was so decided.*

We are aware that the President has informed our chairman that this item is to be referred "at the appropriate stage" to the Sixth Committee "for examination of its legal

implications";<sup>1</sup> but what this means, if interpreted in good faith, is that the matter will be sent *promptly* to the Sixth Committee in conformity with the decision of the General Assembly.

As a gesture both to the President and to the proponents of this item, the U.S. delegation accepted the conciliatory proposal by President Amerasinghe in the General Committee and the corresponding decision taken by the General Assembly. Efforts to deprive the General Assembly of its rightful opportunity to consider the significant legal aspects involved in the current treaty proposal amount to a disavowal of the President's proposal and the Assembly's decision.

Mr. Chairman, this year marks the 31st anniversary of the United Nations Charter, a treaty dedicated to the maintenance of international peace and to the prevention of war.

Every member state of the United Nations has pledged to uphold the provisions of that treaty, including article 2, paragraph 3, which calls upon all members to "settle their international disputes by peaceful means," and article 2, paragraph 4, which obligates all members to "refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state." In other sections, the charter goes on to develop further the obligations of member states regarding the use of force and, for example, draws a distinction between the legitimate threat or use of force in the exercise of the right of individual or collective self-defense and the

<sup>1</sup> U.N. doc. A/C.1/31/1/Add.1, Oct. 4, 1976; Allocation of agenda items to the First Committee; letter dated Oct. 4 from the President of the General Assembly to the chairman of the committee.

illegitimate use of force for purposes of aggression.

Indeed, the obligations of article 2, paragraph 4, of the charter regarding the use of force are binding not only on U.N. members. They are declarations of general international law and represent standards of behavior binding on all states. Moreover, it is essential that we insist upon such a broad application of these principles if the world is to have hope of ever being spared continued lawlessness and violence, whatever their source.

It is precisely because the charter's basic provisions concerning the conduct of states are so clear and have such broad and authoritative application that the United States views with concern any proposal for their restatement or revision. It is important for world peace that we not diminish the full force and effect of the obligations imposed by the United Nations Charter and that any attempt to modify those obligations be undertaken only in accordance with the provisions of the charter.

Moreover, because sound international relations depend upon the understanding and strong support of our citizenry, it is also important we be confident that any such effort be accepted as a genuine step forward in the development of standards by which states will guide their relations. Otherwise, we would not only mislead ourselves, our governments, and our people but lead them to treat with suspicion all international understandings.

Viewing the Soviet proposal for a treaty on the non-use of force from these perspectives,<sup>2</sup> the United States is forced to conclude that, at very best, the proposal would add nothing to the obligations which we already have under the charter and therefore is unnecessary and unwise. Article 2, paragraphs 3 and 4, set forth the charter's basic obligations with respect to the peaceful settlement of disputes and the non-use of force, and the primacy of those obligations is firmly established by article 103.

Under closer scrutiny, however, the United States concludes that the Soviet proposal would have us embark on an exercise

which purports to expand but which may in fact diminish the charter's obligations by casting doubt on the solemnity of the legal commitments undertaken therein. The very proposal of a separate treaty on the non-use of force tends to undermine existing charter obligations by implying that the member states of the United Nations are still free to adopt or reject the principle of non-use of force embodied in article 2, paragraph 4, of the charter. We reject any such suggestion.

Mr. Chairman, there is no lack of obligations and standards regarding the non-use of force. These exist, and they can be read in their most forceful and authoritative version in the Charter of the United Nations. The problem lies in continuing unwillingness to abide by and enforce existing obligations.

In short, we have rules enough. What we need is the will to adhere to the rules that exist. It is to that end, rather than to the repetition and restatement of existing standards, that the governments of the United Nations should dedicate themselves.

### Statement of October 29

USUN press release 134 dated October 29

The United States will abstain in the vote on the draft resolution before us (document A/C.1/31/L.3.)<sup>3</sup> We are concerned that the proposal by the Soviet Union for a treaty on the non-use of force could undermine the United Nations Charter—either by needlessly duplicating it or by selecting certain provisions to endorse but omitting others, thereby adding new and disputed provisions. These are serious matters, in our view. It is curious that one of the strongest opponents of charter review in general seems to have developed doubts as to the relevance and sufficiency of the charter's basic provisions

<sup>2</sup> For text of the proposed treaty, see U.N. doc. A/31/243, Sept. 28, 1976.

<sup>3</sup> The resolution, which "Invites Member states to examine further the . . . draft World Treaty on the Non-Use of Force in International Relations . . .," was adopted by Committee I on Oct. 29 by a rollcall vote of 94 to 2, with 35 abstentions (U.S.), and by the Assembly on Nov. 8 by a recorded vote of 88 to 2, with 31 abstentions (U.S.) (A/RES/31/9).



against the use of force and in favor of peaceful settlements of disputes.

Even with these problems, the United States could have voted in favor of a study of the question of the need for or desirability of a new treaty. But what we cannot accept is the apparent attempt to prejudge the issue. The draft resolution determines, without any consultation or discussion of the very serious issues involved, that a treaty is needed and that all that remains to be done is to negotiate the contents of that new treaty. We described our position to the Soviet delegation and stated our willingness to join in an objective study of whether there is a need for such a treaty. We regret that there was no indication of flexibility on its part in this matter.

**MR. ROSENSTOCK, COMMITTEE VI,  
NOVEMBER 22**

USUN press release 156 dated November 22

The prohibition of the threat or use of force is one of this century's greatest contributions to law and to mankind. The modern origins of the idea of eliminating force as a means of settling disputes lie in the great conferences of the last days of the 19th century. The League of Nations Covenant and the Kellogg-Briand Pact marked the beginnings of governmental commitment to norms designed to eliminate force as a legitimate aspect of governmental policy.

The Charter of the United Nations represents the culmination of the drive to eliminate the use of force in international relations. For the first time in the history of the world, states expressly committed themselves to a binding treaty obligation in article 2, paragraph 4, to "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." Today that clear and direct rule is universally recognized as a peremptory norm of international law binding on all and not subject to derogation by unilateral declarations or bilateral agreements.

In the years since 1945, the international community has deepened its understanding of this fundamental norm through experience and through pronouncements such as those contained in the Declaration on Principles of International Law Concerning Friendly Relations and Cooperation Among States in Accordance with the Charter.<sup>4</sup> It is far from clear that further U.N. pronouncements on the matter are likely to be useful.

As a result of the clarity of article 2, paragraph 4, and the subsequent consideration of the norm, there is little doubt as to its content. Indeed, none of the post-1945 armed conflicts can be attributed to any lack of understanding of the rule on the part of the decisionmakers in national governments. If one reflects on the instances of conflict in the last 31 years, one finds occasions of total cynical or contemptuous disregard of the prohibition, examples of disputes as to underlying facts, and instances of long-festered disputes which, left unresolved, exploded into conflicts.

This analysis leads to the conclusion that what is desperately needed is not further glosses on the prohibition of the threat or use of force or further instruments reiterating once again obligations none deny, but:

—First, greater will on the part of states to honor what they know full well to be their obligations;

—Second, examination of methods of resolving differences as to facts and an intensive, prolonged, and detailed examination of the alternative to the use of force—the peaceful settlement of disputes.

Clearly, differences between states exist and will continue to exist for the foreseeable future. It is a moral as well as a pragmatic imperative in today's interdependent, nuclear world that states become habituated to settling their disputes by peaceful means. There is no rational alternative. Unfortunately, while there is much learning and little doubt concerning the meaning of paragraph 4 of article 2 of the charter, the same

<sup>4</sup> For text of the declaration, adopted by the General Assembly on Oct. 24, 1970 (A/RES/2625 (XXV)), see BULLETIN of Nov. 16, 1970, p. 627.

cannot be said of paragraph 3 of article 2. The charter wisely listed the obligation to settle international disputes by peaceful means ahead of the prohibition of the threat or use of force because disputes must be settled if we are to avoid violence. The two norms are part of an inseparable whole.

Whether we concentrate on the prohibition of the threat or use of force or on the peaceful settlement of disputes or both, one thing is clear: the issues are complex and delicate. If we are to examine these issues usefully, we must first recognize that they need careful examination grounded in expertise and experience. They need examination by those trained in the analysis of legal norms. They should be examined by the Legal Committee, which has gained so much learning and made such contributions as the Declaration on Friendly Relations and the Aggression Definition.<sup>5</sup> These perceptions are essential to any serious examination of these questions.

If a detailed examination is to be undertaken, we must, moreover, take great care not to base such an examination on a premise which is harmful to our shared goal. Whatever the motivation for the item before us, if we decide to proceed further with it we must do so responsibly. The issues are too serious to allow the matter to be handled in a casual manner without due regard for the effect this item may have for concrete obligations.

To commence discussion of the prohibition of the use of force on the basis that what is needed is a new treaty is to approach the problem in a counterproductive manner.

We all have a solemn treaty commitment to avoid the threat or use of force in the charter. We must not diminish the full force and effect of these charter obligations by elaborating a partial parallel treaty structure. We would do no service to the primacy of the charter by adopting another treaty on the same subject matter.

If the provisions of both treaties were to be identical, we would debase the treaty-making process and rule of *pacta sunt servanda*

[treaties are to be observed] by suggesting that two treaties are better than one. If the words of the two treaties were not precisely the same, comma for comma, a number of difficulties would be bound to arise. Among the foremost of the difficulties would be that not all states will become parties to the second treaty and we will have two regimes, sometimes parallel, sometimes divergent. A second major difficulty that would arise is that some states will seek to find interpretive loopholes stemming from the differences between the two texts, however slight those differences may be. It is even possible that some may argue that the elaboration of a new treaty implies member states are free to adopt or reject the basic prohibition of the threat or use of force.

All of these difficulties produce uncertainty and confusion in the critical field of the prohibition of the threat or use of force. They must be avoided.

If we are not to follow the treaty route, but decide the general area merits further examination, we would do well to ask whether the suggestions of the character contained in the U.S.S.R. proposal contain a useful basis for pursuing the elaboration of a recommendation such as a resolution or declaration. If it is decided to continue examination of this matter in the future, this is obviously a question which would need careful and detailed examination in this committee, and not something on which we or anyone else can comment definitively at this time.

What we can do at this point is share some preliminary reactions with a view to more considered discussion at any subsequent stage which may be agreed upon. On balance, we are inclined to think that the approach and format contained in the Soviet text are not, even aside from the inadvisability of a treaty, a good basis for consideration of the complex of issues involved in the prohibition of the threat or use of force and the obligation to settle disputes by peaceful means.

We are disinclined to take note of an unspecified series of instruments and declarations, some of which may contain or support doctrines that are not consonant with the fundamental obligations of the charter. We

<sup>5</sup> For text of the Definition of Aggression, adopted by the General Assembly on Dec. 14, 1974 (A/RES/3314 (XXIX)), see BULLETIN of Feb. 3, 1975, p. 158.



are, moreover, concerned that any reference to the Conference on Security and Cooperation in Europe not suggest that any one part of that conference's work is more important than any other part. The Helsinki Declaration is a compilation of various elements including the non-use of force but also including humanitarian issues and the free exchange of ideas and information.<sup>6</sup> If the conference produced nothing more than a reiteration in nontreaty form of existing obligations it would be a redundant way to spend time; the emphasis on human rights and the free exchange of ideas and information is what protects that declaration from a charge of redundancy.

We see no merit in new paraphrases of article 2, paragraph 4, of the charter, whether in the context of a treaty or a resolution; for such a paraphrase can only create confusion of a potentially dangerous nature. The danger is enhanced when the paraphrase takes a single notion out of the context of any entire legal framework.

We agree that any serious effort to deal with the problem of the threat or use of force must deal with the peaceful settlement of disputes, which is, as noted above, another of the aspects of the international security system as a whole. In order to be meaningful, however, any effort to deal with peaceful settlement must build upon the principle contained in the Friendly Relations Declaration that:

Recourse to, or acceptance of, a settlement procedure freely agreed to by States with regard to existing or future disputes to which they are parties shall not be regarded as incompatible with sovereign equality.

What is needed is an examination of the various means of dispute settlement and a recognition that acceptance of dispute settlement procedures involving impartial third parties for future disputes is essential if we are to eliminate force as a means to settle disputes. Experience teaches us that once a dispute has become serious each party may

be hesitant to seek third-party dispute settlement for fear it is a sign of weakness. The stronger party is frequently tempted to find ways of avoiding third-party settlement lest it lose the advantages flowing from its superior strength; its public opinion may insist it yield no advantages without a negotiated quid pro quo.

States derive their sovereignty from international law. They must come to recognize that the supreme manifestation of that sovereignty is to agree not merely to the principle of peaceful settlement but to meaningful and expeditious settlement procedures. This is where the concern to avoid the use of force can now be most productively directed.

A meaningful effort to discuss the norms contained in article 2 of the charter must not suggest that these norms exist in a vacuum. Other parts of the entire system, such as chapters VI [Pacific Settlement of Disputes], VII [Action With Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression], and VIII [Regional Arrangements], must also be taken into account, if distortion and confusion are to be avoided. Emphasis on only some parts of the interlocking system risks downgrading other parts. Vague references to measures for limiting confrontation and for disarmament are more likely to distract us from serious efforts to reduce armaments and tension than contribute to positive change.

If we are to proceed with future consideration of ways and means of eliminating the use of force, all of these aspects of the problem must be carefully studied and analyzed. There is no benefit to be derived from ill-considered and hastily adopted political manifestations which reflect merely a general disinclination to oppose high-sounding phrases. Such exercises debase the United Nations and create the risk of lulling some with the view that our problems have been lessened.

There are a number of critical problems in the world. The recurrence of resort to force is one of them. If this institution determines that future study of the problem of the use of

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<sup>6</sup> For text of the Final Act of the Conference on Security and Cooperation in Europe, adopted at Helsinki on Aug. 1, 1975, see BULLETIN of Sept. 1, 1975, p. 323.



force merits priority consideration, then we need to decide how that consideration is to proceed. We must not assume that the problem is simple or subject to ready amelioration by the hasty adoption of glib generalities. If we intend to grapple with the problem, we must do so carefully and with the benefit of existing expertise. We believe that expertise exists to a unique extent in the Legal Committee and are consequently firmly convinced that any future study of the item should be conducted in the Legal Committee.

## Letters of Credence

### India

The newly appointed Ambassador of the Republic of India, Kewal Singh, presented his credentials to President Ford on November 30.<sup>1</sup>

### Singapore

The newly appointed Ambassador of the Republic of Singapore, Punch Coomaraswamy, presented his credentials to President Ford on November 30.<sup>1</sup>

### Spain

The newly appointed Ambassador of the Spanish State, Juan José Rovira, presented his credentials to President Ford on November 30.<sup>1</sup>

### Surinam

The newly appointed Ambassador of the Republic of Surinam, Roel F. Karamat, presented his credentials to President Ford on November 30.<sup>1</sup>

### Venezuela

The newly appointed Ambassador of the Republic of Venezuela, Ignacio Iribarren Borges, presented his credentials to President Ford on November 30.<sup>1</sup>

<sup>1</sup> For texts of the Ambassador's remarks and the President's reply, see Department of State press release dated Nov. 30.

## TREATY INFORMATION

### Current Actions

#### MULTILATERAL

##### Health

Amendments to articles 34 and 55 of the constitution of the World Health Organization of July 22, 1946, as amended (TIAS 1808, 4643, 8086). Adopted at Geneva May 22, 1973.<sup>1</sup>

*Acceptance deposited:* The Bahamas, December 14, 1976.

##### Patents

Strasbourg agreement concerning the international patent classification. Done at Strasbourg March 24, 1971. Entered into force October 7, 1975. TIAS 8140.

*Declaration of continued application:* Surinam, November 16, 1976.

##### Property—Industrial

Convention of Paris for the protection of industrial property of March 20, 1883, as revised. Done at Stockholm July 14, 1967. Articles 1 through 12 entered into force May 19, 1970; for the United States August 25, 1973. Articles 13 through 30 entered into force April 26, 1970; for the United States September 5, 1970. TIAS 6923.

*Notification from World Intellectual Property Organization that accession deposited:* The Bahamas (with the exception of articles 1 to 12), December 10, 1976.

*Declaration of continued application:* Surinam, November 16, 1976.

##### Property—Intellectual

Convention establishing the World Intellectual Property Organization. Done at Stockholm July 14, 1967. Entered into force April 26, 1970; for the United States August 25, 1970. TIAS 6932.

*Declaration of continued application:* Surinam, November 16, 1976.

##### Terrorism—Protection of Diplomats

Convention on the prevention and punishment of crimes against internationally protected persons, including diplomatic agents. Done at New York December 14, 1973.<sup>1</sup>

*Ratification deposited:* Yugoslavia, November 25, 1976.

##### Trade

Procès-verbal extending the declaration on the provisional accession of Colombia. Done at Geneva November 12, 1976. Enters into force between Co-

<sup>1</sup> Not in force.

lombia and any participating government as soon as it has been accepted by Colombia and such government.

## **Wheat**

Protocol modifying and further extending the wheat trade convention (part of the international wheat agreement) 1971. Done at Washington March 17, 1976. Entered into force June 19, 1976, with respect to certain provisions and July 1, 1976, with respect to other provisions.

*Ratification deposited:* Finland, December 20, 1976.

*Accession deposited:* Spain, December 22, 1976.

Protocol modifying and further extending the food aid convention (part of the international wheat agreement) 1971. Done at Washington March 17, 1976. Entered into force June 19, 1976, with respect to certain provisions and July 1, 1976, with respect to other provisions.

*Ratification deposited:* Finland, December 20, 1976.

## **BILATERAL**

### **Belize**

Memorandum of understanding relating to cooperative efforts to protect crops from plant pest damage and plant diseases. Signed at Washington December 8, 1976. Entered into force December 8, 1976.

### **Bulgaria**

Agreement concerning fisheries off the coasts of the United States, with agreed minute and related letter. Signed at Washington December 17, 1976. Enters into force on a date to be mutually agreed by exchange of notes.

### **Federal Republic of Germany**

Technical exchange and cooperative arrangement in the field of management of radioactive wastes, with patent addendum and appendix. Signed at Bonn December 20, 1976. Entered into force December 20, 1976.

### **Haiti**

Agreement for sales of agricultural commodities, relating to the agreement of March 20, 1975, with memorandum of understanding. Signed at Port-au-Prince November 30, 1976. Entered into force November 30, 1976.

### **Iceland**

Memorandum of cooperative mapping arrangements, with annex. Signed at Washington November 10, 1976. Entered into force November 10, 1976.

### **Indonesia**

Loan agreement relating to the development of higher education, with annex. Signed at Jakarta October 28, 1976. Entered into force October 28, 1976.

### **Iran**

Agreement concerning management, disposal, and utilization of funds derived from sale of military assistance program property. Signed at Tehran October 19, 1976. Entered into force October 19, 1976.

### **Israel**

Agreement amending the agreement for sales of agricultural commodities of September 30, 1976 (TIAS

8382). Effected by exchange of notes at Washington December 10, 1976. Entered into force December 10, 1976.

## **Mexico**

Agreement relating to additional cooperative arrangements to curb the illegal production and traffic in narcotics. Effected by exchange of letters at Mexico November 22, 1976. Entered into force November 22, 1976.

## **Pakistan**

Loan agreement relating to Tarbela Dam repairs. Signed at Islamabad September 22, 1976. Entered into force September 22, 1976.

Loan agreement relating to on-farm management, with annex. Signed at Islamabad October 27, 1976. Entered into force October 27, 1976.

## **Zaire**

Agreement amending the agreement for sales of agricultural commodities of March 25, 1976 (TIAS 8403). Effected by exchange of notes at Kinshasa August 23 and December 7, 1976. Entered into force December 7, 1976.

## **Zambia**

Agreement for sales of agricultural commodities, with minutes. Signed at Lusaka December 3, 1976. Entered into force December 3, 1976.

## **PUBLICATIONS**

### **GPO Sales Publications**

*Publications may be ordered by catalog or stock number from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. A 25-percent discount is made on orders for 100 or more copies of any one publication mailed to the same address. Remittances, payable to the Superintendent of Documents, must accompany orders. Prices shown below, which include domestic postage, are subject to change.*

**U.S. Participation in the UN, Report by the President to the Congress for the Year 1975.** Annual report describing activities such as political and security affairs; economic, social, scientific, and human rights affairs; trusteeship and dependent areas; legal developments; and budget and administration. Pub. 8880. International Organization and Conference Series 124. 407 pp. \$3.60. (Cat. No. S1.70:8880).

**Lease of Radar Sets.** Agreement with Canada. TIAS 8317. 6 pp. 35¢. (Cat. No. S9.10:8317).

**Finance—Health Sector Loan.** Agreement with the Dominican Republic. TIAS 8319. 122 pp. \$1.90. (Cat. No. S9.10:8319).

**Arms Control and Disarmament.** United States Discusses Disarmament Issues in U.N. General Assembly Debate (Ikle, Martin, text of resolution including Environmental Modification Convention) ..... 17

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**Checklist of Department of State  
Press Releases: December 20–26**

Press releases may be obtained from the Office of Press Relations, Department of State, Washington, D.C. 20520.

No.	Date	Subject
*612	12/20	Shipping Coordinating Committee, Subcommittee on Safety of Life at Sea, working group on radiocommunications, Jan. 19.
*613	12/20	Kissinger: Bicentennial essay published in Dec. 27 issue of Time magazine.
*614	12/22	Ocean Affairs Advisory Committee, Jan. 25–26.
*615	12/22	Study group 1, U.S. National Committee of the International Telegraph and Telephone Consultative Committee (CCITT), Jan. 18–19.
†616	12/22	Visit by Ghassan Tueini, special envoy of Lebanese President Sarkis.
*617	12/23	Study group CMTT, U.S. National Committee for the International Radio Consultative Committee (CCIR), Jan. 26.
*618	12/23	Study group 2, U.S. National Committee for CCIR, Jan. 26.

\* Not printed.  
† Held for a later issue of the BULLETIN.