24th session
First Committee
Agenda item 29

QUESTION OF GENERAL AND COMPLETE DISARMAMENT: REPORT OF THE CONFERENCE OF THE COMMITTEE ON DISARMAMENT

MEXICO


1. The delegation of Mexico - as it made clear on 10 April 1969 in the Eighteen-Nation Committee on Disarmament and as it stated again with an abundance of supporting arguments in that same Committee on 7 August - is convinced that the system which should be established for preventing the arms race on the sea-bed and ocean floor would be one of total demilitarization which would embrace not only nuclear weapons and other weapons of mass destruction but also the so-called conventional weapons, although this would not, of course, be a bar to keeping those devices to which the delegation of Sweden referred in the Committee as being "of a passive defensive character", such as the electronic devices which are used to detect submarines and which could not properly be referred to as "weapons". Such a system of total demilitarization appears, however, relatively easy to achieve, since the environment to which it would apply is still not being used for military purposes. Since it has been possible to bring about a similar system under treaties now in force not only in the case of the moon and other celestial bodies but also in the case of the Antarctic, which forms part of the surface of our planet, it is to be expected that the achievement of such a system would be more feasible in the case of the sea-bed.

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2. The general feeling which, both in the General Assembly and in those of its subsidiary bodies dealing with the matter, has been expressed since 1967 on the question of the international submarine zone which comprises the sea-bed and ocean floor and the subsoil thereof is, without any doubt, that:

(a) This zone must be reserved exclusively for peaceful purposes;
(b) It constitutes the common heritage of mankind;
(c) The exploration and exploitation of its resources must be carried out in conformity with an international legal régime such as that which is at present being worked out by the Standing Committee established by virtue of resolution 2467 (XXIII);
(d) Until such time as such a régime comes into effect, it is imperative to refrain from any action which might prove harmful to it.

3. In order to have any likelihood of success, any treaty which the General Assembly might recommend to States would have to receive the unanimous and unreserved support of the Members of the United Nations, or at least of the great majority of them, but, in the light of the extensive discussion in the First Committee, this has not happened in the case of the draft treaty which has been submitted by the co-Chairmen of the Geneva Committee and which will be referred to in this document as "the draft". It is necessary not to lose sight of the fact, which is well known, that a treaty of this kind is capable of accomplishing the results being sought if it is signed and ratified by a very large number of States.

4. Taking into account the foregoing and also the fact that this question was before the Geneva Committee for only a few months and, as regards the joint draft which served as the basis for the draft appearing in the annex to the Committee's report, for only a few weeks (and considering the further fact that about 100 States that were not members of the Committee also received the text of the draft, which must be studied in the light of the voluminous records of the Committee), it was only at the beginning of last month that the delegation of Mexico began, as between the two principal alternatives which seem open to the First Committee, to incline unhesitatingly towards the view that the General Assembly should return the draft to the Geneva Committee, together with the meeting records of the First Committee and the working papers on the item which
were submitted to that Committee, with the recommendation that the Geneva Committee should endeavour to prepare a new draft which would be acceptable to all the members of that Committee and would offer some likelihood of being acceptable to all the Members of the United Nations.

5. The procedure which has just been outlined would offer obvious advantages. Among these would be that of making possible a further and redoubled effort to embody in the future treaty not only the military denuclearization but also the total demilitarization of the area covered by the treaty; that of keeping in the foreground the progress expected to be achieved during the next year in the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction; and that of making it possible for all the States Members of the United Nations to give this matter the detailed study which it merits and then, if they so wish, to communicate their wishes to the Geneva Committee.

6. The only danger which a prudent waiting period of this kind might entail is that the nuclear Powers might hasten to emplace devices with nuclear weapons on the sea-bed and ocean floor. This does not seem likely, however, because the fact that the two main nuclear Powers have come to an agreement on a draft treaty which prohibits the emplacement of such devices is clear evidence that they have reached the conclusion that it would be contrary to their own security and excessively costly to initiate a new arms race in the abyssal regions. Furthermore, this same fact, namely, that they have submitted to the Assembly a text of which they are co-authors, implies for them a moral obligation - since in practice they are probably the only nuclear Powers capable of doing what the draft prohibits - to refrain from carrying out actions of that kind. None the less, in order that the international community as well as the nuclear Powers themselves might be assured that any postponement of a decision on the draft would not prove harmful to the objective being pursued, the delegation of Mexico considers that, in the light of the hypothetical possibility being examined, it would be advisable to apply the following procedure:

(a) The nuclear-weapon States, or at least those which have ratified the Moscow Treaty and the Non-Proliferation Treaty, would each make an identical unilateral statement in which they would bind themselves to assume the obligations set out in articles I and II of the draft until such time as the treaty which would be arrived at should come into force.
(b) The General Assembly, for its part, would take note of those statements with deep satisfaction and would urge all States to do everything in their power during the same transitional period to facilitate strict compliance with the obligations in question.

7. As has already been indicated, the delegation of Mexico considers the above solution preferable from every viewpoint, for the reasons outlined in the first four paragraphs of this working paper. Nevertheless, if a substantial majority of the States represented on the First Committee was inclined at the last minute to approve a resolution similar to resolution 2373 (XXII), which, as will be recalled, had annexed to it the text of the Treaty on the Non-Proliferation of Nuclear Weapons, the delegation of Mexico would have no difficulty in adding its vote to that majority, on condition however that, by means of genuine negotiation, the co-sponsors of the draft would be prepared to amend it as found necessary or advisable. In case that possibility should become a reality, the Mexican delegation wishes to indicate some of those amendments:

(a) The treaty should include an article identical or similar to that proposed by Sweden (document CCD/271), which is worded as follows:

"Each of the Parties to the Treaty undertakes to continue negotiations in good faith on further measures relating to a more comprehensive prohibition of the use for military purposes of the sea-bed and the ocean floor and the subsoil thereof."

(b) The words "in particular those of articles..." should be added at the end of article V, paragraph 1 of the draft. The article referred to here would be that incorporating the text just referred to. Consequently, the paragraph in question would be worded as follows:

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

(c) As has already been proposed by many delegations, article I should refer to a belt, band, strip or zone of twelve nautical miles instead of "the maximum contiguous zone provided for in the 1958 Geneva Convention on the Territorial Sea and the Contiguous Zone". This would require the omission of paragraph 2 of the article, and resulting amendments to articles II and III of the treaty;

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(d) Article III, dealing with the procedure for observance and verification, should be substantially amended to protect the rights of all coastal States, especially as regards their continental shelf. Combining the working papers submitted by the delegations of Canada and Brazil into a single document of which both could approve might perhaps provide a satisfactory text for this article;

(e) The treaty should contain, at an appropriate point, provisions aimed at excluding any interpretation and prohibiting any action which might infringe upon the principle that the sea-bed and the ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction are the common heritage of mankind, or might prejudice the content of the international legal régime to be established for the exploitation of the resources of that area;

(f) Finally, Mexico, as a party to and depositary State of the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco), in accordance with which, like all other States Parties to that instrument, it is obliged to maintain a régime of total absence of nuclear weapons from its territorial waters, including the bed and subsoil thereof, finds it essential that the future treaty, the draft of which has been under consideration, should contain an article drafted as follows:

"Article ..."

"1. The provisions of this Treaty shall in no way affect the obligations assumed by States Parties to it under international instruments establishing zones free from nuclear weapons.

"2. The States Parties to this Treaty undertake not to contribute in any way to the commission, in the zone referred to in article I, of acts involving a violation of such obligations."

The urgent need to include such an article is obvious if it is taken into account that, as the Mexican delegation sees it, article I of the draft implies, on the one hand, the right of any coastal State to emplace nuclear weapons on the sea-bed and ocean floor and the subsoil thereof within a belt of sea twelve miles in breadth adjacent to its coasts, and, on the other hand, also implies the right of the nuclear Powers to establish submarine nuclear bases in that zone with the sole restriction that they should have the consent to such installation of the coastal State concerned.

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It was for reasons similar to those above that it was found necessary to include in the Non-Proliferation Treaty an article (article VII) specifying that:

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