Tenth special session
AD HOC COMMITTEE OF THE
TENTH SPECIAL SESSION
Agenda items 9, 10, 11
and 12


ADOPTION OF A DECLARATION ON DISARMAMENT

ADOPTION OF A PROGRAMME OF ACTION ON DISARMAMENT

REVIEW OF THE ROLE OF THE UNITED NATIONS IN DISARMAMENT AND OF THE INTERNATIONAL MACHINERY FOR NEGOTIATIONS ON DISARMAMENT, INCLUDING IN PARTICULAR THE QUESTION OF CONVENING A WORLD DISARMAMENT CONFERENCE

Letter dated 24 May 1978 from the Permanent Representatives of Austria, Finland, Sweden and Yugoslavia to the United Nations addressed to the Secretary-General

We have the honour to transmit herewith the views of the Swiss Government on problems which will be discussed at the tenth special session of the General Assembly.

We would be grateful if these views were circulated as a document of the tenth special session of the General Assembly under agenda items 9 to 12.
(Signed) Peter JANKOWITSCH
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(Signed) Ilkka Olavi PASTINEN
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ANNEX

Views of the Swiss Government on some of the problems to be discussed by the General Assembly at its tenth special session

The Swiss Government would like to take the opportunity offered by the present special session of the United Nations General Assembly to present its views and comments on the problems of disarmament. In doing so, it wishes to be associated with United Nations efforts aimed at putting an end to the unbridled arms race and at dismantling the arsenals which have grown to such excessive proportions. The Swiss Government does not intend to cover in this document the whole range of disarmament problems but rather wishes to concentrate on certain aspects of this question which appear to be essential and urgent.

I. General observations

With regard to the question of arms limitation and disarmament, it must not be overlooked that at the present time, despite the considerable efforts made in particular by the United Nations, States can rely only on themselves to safeguard their interests and defend their rights. Hence, they are not in a position to renounce any means of deterrence.

Two fundamental remarks should be made at the outset:

(1) Today, as in the past, it should not be forgotten that military power and the arms race are the result of international insecurity and tension. Thus, the sequential principle "arbitration - security - disarmament" propounded at the time of the League of Nations by Nikolaos Politis is still valid. In order to achieve disarmament, it is essential to create first of all at the international level a climate of peace and trust.

(2) A reduction in the threat or use of force can be expected only if, either beforehand or simultaneously, effective international machinery is set up which permits each State to assert its rights and interests by means other than arms. In our international system, moreover, a reduction in the use of force is necessarily linked with the establishment of arrangements for the peaceful settlement of disputes.

That fact in no way detracts from the value of current disarmament negotiations, whether bilateral or multilateral, nor, a fortiori, from United Nations peace-keeping operations. However, it should not be overlooked that these efforts will meet with only limited success if the world is not able to establish peace and mutual trust and to create a favourable climate for the peaceful settlement of disputes.

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It follows from the complementary nature of the political and military aspects of security that a relationship must exist between the security of each State and world security or that of a region taken as a whole. Consequently, no new measure in the field of arms control and disarmament should either accentuate imbalances or create new ones which merely aggravate the threat to States that are less well armed. There will, of course, always be some States that are more powerful than others; however, it is necessary to ensure that arms control and disarmament, rather than further widening the differences, lead to a better system of balances.

II. Non-proliferation and nuclear questions

With regard to disarmament, the Treaty on the Non-Proliferation of Nuclear Weapons, which has been ratified by Switzerland, envisages the following phases: cessation of the nuclear arms race, then nuclear disarmament and finally general and complete disarmament under strict and effective international control. The Swiss Government considers that those phases are both necessary and very appropriate.

That does not mean that it is necessary to wait for the cessation of the arms race and a world-wide ban on atomic weapons before taking measures in, for example, the field of conventional armaments. Nevertheless, atomic weapons and the problems posed by them should remain in the forefront of our concerns.

These weapons not only have given mankind the means of annihilating itself but also - by virtue of the Non-Proliferation Treaty - have divided States into two categories: on the one hand, a minority of States which are granted the right to possess nuclear weapons and which sometimes derive important political and military advantages therefrom and, on the other hand, all the remaining States, which have renounced that right. In other words, differences in the realm of military power show a tendency to grow rather than diminish.

In ratifying the Non-Proliferation Treaty like nearly 100 other States, Switzerland has shown its willingness unilaterally to limit its sovereignty in order to diminish the dangers caused by the proliferation of nuclear weapons. However, the Federal Council wishes to point out that such discriminatory measures are contrary to the principle of the equality of all States. In that regard, the Treaty on the Non-Proliferation of Nuclear Weapons cannot under any circumstances constitute a model for other disarmament measures.

The Treaty on the Non-Proliferation of Nuclear Weapons itself contains certain provisions which should help to mitigate that discrimination. An example is the obligation on the part of the nuclear Powers parties to the Treaty to put an end to the nuclear arms race and promote nuclear disarmament (art. VI). The Treaty also guarantees the unrestricted use of atomic energy for peaceful purposes - with the exception of explosions (and explosive devices) - and facilitates international co-operation in that field (art. IV).
It is generally recognized that the measures taken thus far do not come up to the legitimate expectations of those States parties to the Non-Proliferation Treaty which do not possess nuclear weapons. Those measures have not been successful in putting an end to the arms race, much less in bringing about nuclear disarmament. Indeed, the general ban on nuclear tests envisaged well before the Non-Proliferation Treaty has not yet been achieved.

An unsatisfactory, and even disturbing, development is also discernible in the field of the peaceful use of nuclear energy. The danger of proliferation has unquestionably grown during recent years as a result of the spread of certain technologies which, although required for the peaceful use of nuclear energy, also make it possible to develop nuclear weapons.

The Swiss Government is eager to study, together with all States interested in the peaceful use of nuclear energy, any additional measure that might reduce the danger of proliferation. Solutions can no doubt be found, but there can be no question of prohibiting such technologies outright or restricting their use to a small circle of selected States.

Measures that still need to be taken in the field of the peaceful use of nuclear energy in order to reduce the danger of proliferation should, in the view of the Swiss Government, fulfil two conditions: they should not restrict the freedom to use nuclear energy provided for in the Treaty on the Non-Proliferation of Nuclear Weapons, and they should distribute the burden equitably among all States, whether or not they possess nuclear weapons. Lastly, there is a need to provide for compensation for States which accept a restriction on their sovereignty in order to ensure the non-proliferation of nuclear weapons. Such compensation could take the form of a fully reliable guarantee to provide fissionable material and access to complete fuel cycle services.

All the achievements of the past 10 years in the field of the non-proliferation of nuclear weapons could be nullified if, in the coming years, the discrimination stemming from the Non-Proliferation Treaty is not offset by corresponding disarmament measures. The same would be true if the recent tendency to restrict the freedom to use nuclear energy for peaceful purposes were to take firm hold. Such a development is likely to discourage all States which were previously prepared to make sacrifices in order to support efforts aimed at preventing the proliferation of nuclear weapons. It will also have the effect of providing justification for those States which so far have refused to sign the Non-Proliferation Treaty or to unilaterally give the undertakings which it contains.

III. Regional disarmament

Up to the present time, arms control and disarmament have on each occasion taken on a universal dimension in the sense that each phase in the arms race and in even limited disarmament has, in the final analysis, had consequences for every State. It should not be forgotten, however, that the universal problem of disarmament in most cases exhibits different aspects according to the region in
question. That is why the States of a particular region, which are fully aware of their special characteristics, are clearly the ones best able to find appropriate solutions. It would therefore unquestionably be useful to adopt at the regional level an increasing number of disarmament and arms-limitation measures in order to establish stability and security in the world as a whole; that is particularly the case for areas of tension.

It is with that same end in view that the Swiss Federal Council replied to the questionnaire from the Secretary-General of the United Nations concerning regional aspects of disarmament which was addressed to all States pursuant to General Assembly resolution 32/87 D of 12 December 1977. In that context, the Swiss authorities wish to emphasize their profound regret that the Vienna negotiations on mutual and balanced force reductions - which may be regarded as just such a regional initiative - have not produced any results after five years of discussions. The success of those negotiations, which would help to reduce the military build-up in Central Europe, would unquestionably strengthen the security of a small neutral State like Switzerland.

The Swiss Government, for its part, states that it is ready to support any proposal for regional negotiations on disarmament and arms limitation in which all States of a particular region would participate. In the case of Europe, for example, it should be possible to set up such an indispensable forum by invoking the Conference on Security and Co-operation in Europe.

IV. Control

Adequate control of the application of disarmament or arms-limitation measures is, generally speaking, just as important as the measures themselves. Without such control, many disarmament measures would reduce the degree of security of most of the States concerned, since those which secretly contravened the arrangements could acquire military advantages.

The two super-Powers, the United States and the Soviet Union, are currently the only countries able to undertake the widest possible control of disarmament measures. These two States are in a better position than any other to keep all other countries without exception, and each other, under surveillance. It must be remembered that in so doing they likewise improve the conditions for any eventual use of their military power. Observation satellites play an important role in this connexion.

The Swiss Government considers that mutual confidence would be strengthened, to the great benefit of disarmament efforts, if all States parties to a disarmament agreement had the same opportunity to verify whether the treaty in question was effectively respected by the other parties.

For that reason the Swiss Confederation supports the proposals to that end, for example the proposal made last March at the Conference of the Committee on Disarmament (CCD) in Geneva, and in the Preparatory Committee for the tenth special
session of the General Assembly, concerning a study on the establishment of an international disarmament organization. The Federal Council was also particularly impressed by the idea put forward last January concerning an international observation satellite agency and fully supports it.

Neutral States could perform certain functions with regard to control in the interest of the international community.

V. Confidence-building measures

Today, in many parts of the world, but particularly in Europe, the arms race and the high degree of preparation of the forces present increase the danger of an armed conflict or military initiatives decided upon as the result of a misunderstanding or based on an incorrect evaluation of the facts. It is in such a climate and such a context that confidence-building measures could be useful: on the one hand they could increase stability and security in the world in general and in certain regions in particular, and on the other they could pave the way for efforts to avoid military confrontation and to promote disarmament. For example, the military confidence-building measures agreed on in the context of the Conference on Security and Co-operation in Europe could contribute to détente and encourage disarmament. To that end, however, the means of applying them would have to be improved and they would have to be completed by supplementary measures, such as prior notification of major military manoeuvres at sea or in the air, prior notification of major troop movements and greater frankness concerning military expenditure. It might be interesting to study the possibility of extending to other regions of the world the military confidence-building measures which already exist in Europe.

VI. Peaceful settlement of disputes

As stressed elsewhere in this document, various measures are essential if all the efforts made in the field of disarmament and arms limitation are not to remain a dead letter. The Swiss Government feels that among these essential measures priority should be given to the strengthening and more universal application of existing methods for the peaceful settlement of international disputes and the establishment of new machinery in this field. Those ideas fully coincide with the objectives of the United Nations. In this context, it is appropriate to refer to Articles 33 and 52 of the Charter, which stress respectively the need to settle disputes by peaceful means and the importance of regional arrangements in that regard. It is doubtless no accident that the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization is likewise studying the problem of improving methods for the peaceful settlement of disputes. In the context of the Conference on Security and Co-operation in Europe, Switzerland did not fail to recall the need for such improvement and submitted to its fellow participants a draft concerning the establishment of a new system for the peaceful settlement of disputes applicable to the participating States.

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Consideration of this draft will continue at a conference of experts to be convened by the Swiss Government next October in Montreux in the context of the Conference on Security and Co-operation in Europe.

VII. Questions relating to humanitarian law

Another problem arises in connexion with disarmament and arms limitation, namely the prohibition or restriction for humanitarian reasons of the use of certain conventional weapons deemed to be excessively injurious or to have indiscriminate effects on people and on military and civilian objects. In its resolution 22 (IV) the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts, which ended in June 1977, transmitted a proposal along those lines to the United Nations. As a result of the adoption by the General Assembly of resolution 32/152, a preparatory conference on that subject will take place this autumn in Geneva. The Swiss Federal Council, for exclusively humanitarian reasons, has from the outset been a supporter of such prohibition or restriction. It sincerely hopes that this preparatory conference will be a success and pave the way for an international convention which has become essential. A consensus has already been largely achieved among the States which have participated thus far in the negotiations, at least as regards certain points such as the security measures to be taken concerning the use of mines, booby-traps or fragmentation weapons whose fragments are not detectable in the human body. A successful outcome would be all the more encouraging because no progress has been made in this field since the Hague Conventions, which were concluded at the beginning of this century. In order to avoid such long hiatuses in the future it might be desirable to arrange for the periodic or permanent review of weapons on the basis of humanitarian criteria.

VIII. Conclusions

The Swiss Federal Council is aware of the need to take steps to limit arms and promote disarmament. However, it is also aware of the difficulties that have to be overcome. The efforts being made throughout the world to achieve disarmament and arms limitation are nevertheless essential to ensure the survival of the international community. Those efforts should not be abandoned, no matter how disappointing the results may sometimes be. If disarmament and arms-limitation problems are not taken in isolation but placed in their general context and if, parallel to those efforts, supplementary measures are taken, it will no doubt be possible to achieve greater success.

The Federal Council is prepared to support any measures to that end, provided that they are effective and subject to the necessary control. Moreover, all obligations should be shared equitably among all States and the measures as such must be compatible with the armed neutrality of Switzerland. That status obliges Switzerland to ensure its own defence to the best of its ability and in the light of potential threats. That is the task of the army in particular.

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Thus far, Switzerland has found it possible to accede to most of the multilateral disarmament treaties drafted since the Second World War. The Swiss Government will in future continue to follow with the greatest interest the efforts undertaken at the international level, in most cases under the auspices of the United Nations. It hopes in particular that this special session of the General Assembly will help to overcome the difficulties which have arisen in various areas.

Disarmament is a universal problem. It is in the interest of every State that the efforts deployed to that end should succeed, but success requires genuine political will at the outset. Only if all States, large and small, developed and developing, are ready to make a contribution will the time come when an increasingly large portion of the huge sums currently spent on weapons can be used for the development of mankind.