

Intervention in First Committee by
H.E. J. Alan Beesley, Canadian Ambassador for Disarmament

November 23, 1982

Mr. Chairman,

Canada has for some years been calling for an approach to nuclear arms control which would halt the technological momentum of the arms race through the negotiation of a number of separate verifiable agreements by the nuclear powers. The draft resolutions before us call for a complex package "freeze" approach, which would prejudice many of the very questions now under serious negotiation.

Canada has also urged the major nuclear powers to achieve verifiable and balanced reductions to the lowest possible level of nuclear arms through a process of direct negotiations between the parties concerned. An immediate global freeze could prove an actual disincentive to negotiations on reductions of existing arsenals, for the reasons which follow.

Firstly, accepting a voluntary "freeze" without binding obligations on verification would mean that compliance would be virtually impossible to ascertain.

Freezes and moratoriums have had a rather unhappy history since World War II. It is inherent in the nature of a freeze or moratorium that it is not binding on the parties and therefore, just as it can be unilaterally assumed, it can be unilaterally abandoned, as post-World-War II history has demonstrated.

Perhaps the unilateral non-binding element of freezes would not alone be enough to warrant their rejection. A second and more serious difficulty is that a freeze proposal -- particularly one as comprehensive as proposed in this resolution -- prejudices all the complex technical scientific political, legal and military issues entailed in serious arms control negotiations.

Thirdly, a freeze must assume a total equilibrium both in its specifics and in its overall effect. Otherwise it would necessarily prejudice the position of one party or the other. A judgement that the parties are in total equilibrium is not one that we share.

For these reasons, while the resolution before us might be looked upon as a useful, albeit partial, statement or checklist of objectives for negotiated arms control agreements of major import, it does not in our view constitute a realistic approach when put forth in the form of a freeze. I am sympathetic to the motives and good faith of the proponents of this freeze proposal, of course, and I refer in particular to the references to the comprehensive nuclear test ban and to the proposal for a prohibition of production of nuclear weapons fissionable material.

Canada itself supports certain types of freeze such as a negotiated and verifiable freeze on the development of weapons technology and of fissionable material for weapons purposes. We are thus not frightened by the concept or the term "freeze", provided it is a negotiated and verifiable freeze. In the present case, while we are attracted by the concept when effectively applied, and appreciate the good motives and constructive purposes of the proponents of this resolution, we are unable to support it.

We consider that the negotiations on intermediate range nuclear forces in Europe and the strategic arms reduction talks constitute realistic means of achieving progress on reductions. It is essential to establish a balance at the lowest possible level of weaponry, including a "freeze" at that reduced level.

Thank you, Mr. Chairman.

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on Resolutions L.6, L.32 Rev. 1 and ~~L.32~~-L.40
November 23, 1982

Explanation of vote

Mr. Chairman,

I wish to address briefly the manner in which the question of a comprehensive nuclear test ban has been dealt with in this Committee, and to make some comments on the resolutions before us.

There are three resolutions on CTB in this Committee: L.6, the draft resolution submitted by the USSR, L.32, Rev.1, co-sponsored by a group of neutral, non-aligned countries and Ireland, and L.40, draft resolution tabled by a number of states including Canada.

The realization of a verifiable, multilateral comprehensive test ban treaty, to end all nuclear testing in all environments for all time is a fundamental Canadian objective. It is integral to the strategy of suffocation; our determination to achieve a comprehensive test ban treaty has been re-affirmed at the two Special Sessions on Disarmament, and is being pursued in the Committee on Disarmament.

The CTB has ranked high on the UN agenda for more than a quarter of a century, a reflection of both

its importance and complexity. Yet despite the concern that this Committee as a whole shares over CTB, there has been a falling off of the will to consensus. Consequently there are before this Committee three resolutions. In some places these resolutions are mutually reinforcing; in many places they are not. The consequence is that the United Nations will not be giving this year a clear signal from the world community as a whole on this vital matter. Competing resolutions on the same subject are all the more cause for regret given the critical nature of what is at stake.

Resolution L.40, which lists Canada as a co-sponsor, sought, in our view, the highest common denominator of agreement. That that agreement was not complete is a measure of the issues which divide this Committee as well as the lack of political will to achieve consensus.

We abstained on draft resolution L.6 because it contained a number of troubling elements. The useful language from the last trilateral CTB report has been re-interpreted in a way not shared by all. At the same time, resolution L.6 does not come to grips with the critical area of verification, agreement

on which is essential for any effective CTB treaty. Finally, its reference to a test ban moratorium ruled out the possibility of full agreement in this Committee.

We abstained on L.32 Rev.1. Many in this Committee consider that the issue of verification and compliance is an impediment to the conclusion of a test ban treaty, and indeed so it is. We should seek to remove this impediment by reaching agreement on this fundamental matter, not by ignoring it. Surely it is in our collective interest that the work begun in the Committee on Disarmament last year in the CTB working group to seek to resolve these issues be continued. No doubt that a debate, whether here or in Geneva on the CTB's working group's mandate would not be fruitful; and indeed a call for a moratorium if issued in a vacuum, is unlikely to produce results we all seek.

Annex III - Developing Land-Based Producers

The Canadian Delegation strongly supports the proposed amendments to introduce a new paragraph 8 (bis) in Draft Resolution 1. The most seriously affected among the developing land-based countries who will be damaged by the onset of seabed mining deserves special attention and it is therefore appropriate that a special commission be set up to undertake studies and recommend measures that will contribute towards alleviating their economic adjustment problems.

For many years the Canadian Delegation has pointed out that the major consumers of the minerals known to be contained in manganese nodules (nickel, copper, manganese and cobalt) will become the major seabed miners of these same minerals. The provisions of PIP in particular make clear that the countries consuming 80 - 90% of these minerals will become their own producers with a view to becoming self-sufficient. Quite clearly this will have implications for the markets available to the Enterprise and to land-based producers. If we take into account also the possibility of various forms of subsidization of deep seabed mining by both state and private entities, then there is no further justification needed for the retention of the nickel production formula, which would give only a limited measure of protection to land-based producers and by the addition of a floor can afford an advantage to deep-seabed miners, and would give any such protection only for a limited phase-in period. As we have pointed out, the Convention would now contain such provisions.

It is the considered view of the Canadian Delegation that the Convention and the resolutions, in particular the PIP resolution, taken together, constitute a fair deal.

I wish to comment on only one special point concerning the resolution. The USSR alleges that PIP is discriminatory because the USSR must sign the Convention in order to be certified as a pioneer state, whereas some Western states need not do so provided that one state actively controlling a national or juridical person involved in a seabed mining consortium qualifies as a certifying state. The Canadian Delegation has difficulty accepting this interpretation by the USSR. In paragraph 1(a)(i) of the resolution France, Japan, India and the USSR are all treated in identical fashion. Wherein lies the discrimination? Developed and developing countries are treated alike. Western, capitalist and socialist states are treated alike. There is no discrimination whatsoever.

If there is an element of discrimination it may arise out of a compromise proposal put forth by the Canadian delegation and accepted as a counter-proposal to that of the USSR; namely, the requirement that no pioneer investor can obtain approval of a plan of work as a pre-condition to production authorization until all of the states controlling all of the entities involved in a consortium have ratified the Convention. Indeed, if there is an element of discrimination it arises out of the danger that a state controlling any entity involved in such a consortium can prevent the authorization of a plan of work and the authorization of production through refusing or delaying ratification.

There are many provisions in the Convention and its annexes, which have not been reopened by any delegation, which give explicit recognition to private or juridical persons as objects of the conventional rules of law we are together creating. Highly academic criticisms suggesting that the resolution makes private companies the subject of international law are unfounded. If, however, they have any basis, then many provisions of the treaty and its annexes must be renegotiated. Surely this is not what the USSR is proposing. Are we now to be faced with a red book of amendments as a companion-piece to the green book of amendments? I hope not.

Mr. President, we are all aware that even at this late stage of our negotiations, there are serious issues remaining unresolved. Time has nearly run out. I urge every state participating in this conference, whether developing or developed, whether Western or socialist, to recognize the achievements already made and the dangers of a failed conference and, having done so, participate in the negotiations with renewed vigour with a view to producing a universal convention.

Thank you, Mr. President.