

MISC 318

~~Alfonso Garcia Robles~~

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BERASATEGUI: May I first, Mr. Ambassador, welcome you here to the United Nations Office at Geneva and express our deep gratitude for the fact that you very kindly accepted to be interviewed for Oral History. I must say also that it is a privilege for me to have been entrusted with this interview, since I have been following for a number of years your diplomatic career and your contributions to peace, security and disarmament in the world, and I have learned to value those contributions. Therefore, I can assure you that it is for me a real privilege to be today sitting with you to discuss and exchange views on a number of points, questions and events in which you were involved and during which you contributed so much for peace in the world. In saying this, I also wish to express appreciation on behalf of all the Disarmament Secretariat for this occasion to be here with you today.

If you will allow me, I shall start with a number of questions that will certainly help us very much in developing this very important interview for Oral History. The first point that comes to my mind, in view of your long and successful diplomatic experience, is how you came to embark on a diplomatic career. Was this a natural inclination or did it come probably as a result of reflection after your own studies in fields relating to diplomacy and world affairs?

GARCIA ROBLES: I thank you for your very kind words. Let me add that I consider myself lucky that it is you who are in charge of this interview, because you know that disarmament and the activities related to it are a delicate matter, and I consider that there are very few, if any, among the members of the Secretariat dealing with disarmament questions who have the experience and knowledge that you have on them.

With regard to the question you put to me, I would say that my entering a diplomatic career was not the result of an improvisation. I remember when I finished my preparatory school in Mexico my idea was already then to go into the diplomatic service. Unfortunately, at that time, which was the latter part of the 1920s and the beginning of the 1930s, there was no faculty or college in Mexico specializing in preparation for a diplomatic career. Of the various faculties existing at that time in the University, the one which was closest for that purpose was the faculty of law. Consequently, I entered the faculty of law. But already, I repeat, since that time it was my intention not to practise law but to enter the diplomatic service. Proof of that was that of the many branches of law which existed in the faculties the one which since the beginning had my preference and to which I always gave priority was international law. In addition to international law, there was also diplomatic history and in particular the history and analysis of the organizations which were created as a result of the First World War - that is, the League of Nations and other international multilateral organizations.

When on the eve of the Second World War the opportunity arose to go into the diplomatic service, you must realize that I took that opportunity with alacrity - I think that's the English word.

BERASATEGUI: It is very interesting, Mr. Ambassador, the background of the beginnings of your diplomatic career, because I think it has normally been the case in Latin America for many years that in the absence of a specialized career at a university level the schools of law become basically schools for the training of future diplomats. As you said, the fact that special attention is paid to public international law, diplomatic history,

etc. explains the fact that these schools became for many years for all practical purposes the schools preparing foreign service officers in Latin American countries. I think it is a very interesting point, the one you make, because I think it is generally shared among Latin American diplomats.

Could I ask you, Mr. Ambassador, about your first post in the diplomatic service - where it was and when it happened that you were transferred to your first diplomatic post abroad?

GARCIA ROBLES: Well, my first post was in Stockholm, and in that case it was by accident, I would say, because at that time the University of Mexico had asked me to be the Mexican representative in a congress, colloquium or symposium - I don't remember what was the technical name - which took place in Bergen, a very picturesque Norwegian city. That congress had been organized by one of the organs of the League of Nations, the Institute of Intellectual Co-operation. It took place on the eve of the Second World War. I think the invasion of Poland by Hitler took place two or three days after this congress came to an end. At that moment, at the end of the congress, I received a telegram from a friend of mine in the Foreign Office, telling me that there was a vacancy in the - it wasn't an embassy at that time; we had legations in some countries and embassies in other countries, but embassies only in the very important countries - that there was a vacancy in the legation in Stockholm, and that if I wanted it and inasmuch as a world war seemed to have begun, why didn't I just go from Oslo to Stockholm, which was quite close?

My intention to enter the diplomatic service had been to come back to Mexico and to take part in the usual contest. There was every two years a

contest to enter the diplomatic service. But inasmuch as there was this opportunity and inasmuch as it was possible any time afterwards to regularize this situation by presenting the necessary examinations, I accepted that and then I passed from Bergen to Oslo and from Oslo to Stockholm in October 1939.

I was to remain in Stockholm for a year and a half, until the end of March, the beginning of April, 1941. What were my duties in Stockholm? Well, the regular duties of a third secretary. It was not a large legation. As far as I remember, there was the Minister Plenipotentiary in charge of the legation and myself plus an interpreter and two stenographers. What I had to do was to assist the Minister in whatever came up, whatever was necessary, and mainly in preparing the reports to Mexico: the monthly report, which was the regular report, and the extraordinary reports whenever there was an event which warranted the preparation of such reports. That was the main part of my assignment as I remember at that time.

BERASATEGUI: It was certainly a very difficult time for the world, and I can imagine how difficult it must have been for a Latin American to find himself in the middle of a European war which was just beginning. What was your impression when you were serving at the legation in Sweden about the developments in Europe? As you mentioned, you were surprised by the outbreak of hostilities in Norway. It must have been for you quite a personal experience to find yourself not going back to Mexico but moving to a diplomatic post in Sweden, which happened to be then, of course, a neutral country but in the middle of this at first European war in which aggression was rampant in Europe. It must have been, I suppose, from your personal point of view a very difficult time. Am I right?

GARCIA ROBLES: Well, I had already had some time to acquaint myself with the European conditions and the European way of life, because after my studies at the law faculty in Mexico I came to Paris precisely with the intention of specializing in international studies, bearing in mind what I said a few moments ago, that it was my intention since the beginning to go into the diplomatic service. So I made the necessary studies to get the diploma of the Institut des Hautes Etudes Internationales in the University of Paris. It is an institute of the law faculty in the University of Paris, something similar to the institute which also exists in Geneva, as you know.

I was there three years, and then I was also in The Hague, where I got also the diploma of The Hague Academy for International Studies, and then when I received the letter from the University asking me whether I would like to go to Bergen in Norway to the congress to which I referred at the beginning I was already acquainted with the conditions, far from bright, which existed in Europe at that time. I had been following closely the events in the newspapers, reviews, magazines and so on. So when these events of 1939 came, that was the culmination of something which everyone knew would come sooner or later. It seemed something unavoidable and my impression from the beginning was that we were entering a second world war, as was the case. After one or two months we knew that that was the case.

Then the fact that it was not such a long trip as from Mexico to Stockholm, but merely from Paris, then Bergen, Oslo, Stockholm - perhaps that made me take the developments in a more natural way. On the other hand, as you rightly say, Sweden was one of the few neutral countries in the war and it remained so up to the end. Consequently, I did not suffer directly the

results of the war as if I had been living in one of the countries which participated in the war itself.

Then in 1941, when I went back to Mexico, the situation was still completely undecided and the more violent hostilities had not begun. As you will recall, that was the period of what was called the war of the lines - the Ligne Maginot and the Ligne Siegfried - and there was no actual fighting. It came a short time after I left Europe to go to Mexico.

BERASATEGUI: Very interesting, Sir. If you will allow me now I would like to ask you how, once we went through that terrible period of the war, we come to the Chapultepec Conference, and I would like, as I said before, to ask you how you would describe Mexico's preparation for international organization after the war. I remember that on one occasion you mentioned to me a section on post-war problems in the Mexican Foreign Ministry. Perhaps you might wish to comment a little bit on these questions to give us an impression of how the Mexican position developed on this question.

GARCIA ROBLES: Yes, I remember that when I came to Mexico to the Foreign Office I was told that there had been created quite recently, one or two months before my arrival, a new section in the Department of Diplomatic and Political Affairs, and that new section was to deal exclusively with post-war problems, and they thought that in view of my interest in international affairs perhaps I would like to become the chief of that section. I accepted that with pleasure, and it is then in that section where most of the material related to the participation of Mexico in international conferences connected with the war effort took place. We participated in

particular in all the papers which Mexico submitted later on in connection with the San Francisco Conference and prior to that in connection with the Dumbarton Oaks proposals. But before that we also - by "we" I mean people from the Foreign Office - integrated the different delegations sent from Mexico to conferences like the one which created or established FAO, the Food and Agriculture Organization, which was in 1943.

After that came, as you know, the Dumbarton Oaks proposals, but they were reserved exclusively to the Big Four - the United States, Great Britain, the Soviet Union and China, but inasmuch as China which was not the China of nowadays but it was the China which in the United Nations later on in the first years was called the China of Chiang Kai-Shek, inasmuch as the United States had no relations with what is now the People's Republic of China. Those meetings took place in two parts. There was first one with the Big Three and then a second one with the Republic of China at that time. But finally the proposals of Dumbarton Oaks were presented on behalf of the four Powers. As you know also, France was not yet a member of the United Nations, so to speak, although naturally it was contemplated that in whatever international organization would be created there would be a permanent place for France in the Security Council.

Then when the Dumbarton Oaks proposals came, as a result of those conversations, the only thing which the Governments of all the other countries - not only of Latin America but all the other countries of the world - could do was to send their opinions, their comments, because the Dumbarton Oaks proposals were sent to each one in order to present their comments. The Government of Mexico, in order to show its interest and to show

that it had carefully studied those proposals, submitted a document called "Opinion of the Government of Mexico on the Dumbarton Oaks proposals", which I think, if I remember correctly, had the length of at least five times the total length of the Dumbarton Oaks proposals. We began by suggesting that perhaps the title of the world organization would be "Permanent Union of Nations", that that could be an appropriate title. Then we went, taking a section-by-section of the Dumbarton Oaks proposals, expressing our opinion in that respect.

BERASATEGUI: It is very interesting, Ambassador. If you will allow me - I know this might be a very difficult question to answer - I understand that, as you said, the discussions on Dumbarton Oaks were limited to certain Powers and those discussions were held rather privately, I believe. It came to a point where finally they were transmitted to other members of the United Nations. I suppose there is always a moment in diplomatic life when one learns about a particular document and one has a certain reaction in the sense that maybe one would expect what comes or one might have certain difficulties. I was tempted to ask you what was your reaction when you learned of the contents of the Dumbarton Oaks proposals. I think there is a moment in diplomatic life always when one learns about a new document and one looks at it, a document that one has been waiting for. There is sometimes confirmation of existing expectations or there could be a certain degree of disappointment. What was your reaction in connection with the proposals that were drafted in Dumbarton Oaks?

GARCIA ROBLES: As you probably remember, the antecedents, so to speak, of these proposals - I mean, going back not to the League of Nations

but beginning with those documents which related directly to the Second World War - begin with the declaration of Roosevelt and Churchill which was known as the Atlantic Charter, then after that the United Nations Declaration, because the United Nations is a name which has been used from that moment on. But in the United Nations Organization was to come only later on, as we know. But the United Nations Declaration which was signed by all those States which were already at war with the Axis Powers, as they were called, those States which signed, adopted or gave their support to, the Atlantic Charter principles, in which, as you will recall, there were two main principles: freedom from fear and freedom from want. Those principles should still be valid in my opinion nowadays; they correspond to the two main preoccupations of the human being of today.

Then after that came a series of conferences only of the principal States in the War: the conferences of Moscow, Cairo, Tehran and the latest one, which was Yalta, where the question of the voting procedure for the future international organization was decided. Taking into account these antecedents, and in particular the principles of the Atlantic Charter and the declarations which had been made by the main statesmen of the countries at war with the Axis Powers, and also the many studies which had been carried out by institutes and non-governmental organizations of the United States and Great Britain and the other main States at war, I must say that I was - I think I could say "We were" - a little disappointed with the contents of the Dumbarton Oaks proposals. If you go through the lengthy document I mentioned a few moments ago, the opinion of Mexico on the Dumbarton Oaks proposals, you will realize why in many respects they did not meet our standards, they did not

correspond to our expectations.

BERASATEGUI: This is very interesting. If you will allow me, Ambassador, since you raised this point, the question of the expectations that existed before the Dumbarton Oaks proposals, could I ask you what were your expectations in connection with the Chapultepec Conference and its relationship with the Dumbarton Oaks plan? I think this is an important aspect of the whole thing, and we will benefit very much from your views.

GARCIA ROBLES: The Chapultepec Conference was organized for two purposes. One was connected with regional developments. As you know, there was the intention - there had been the intention for some time - to draft a treaty which would correspond to the needs of regional defence, regional security. That was one. The second one, which was the most urgent, dealt with the international organization, with the world organization, so to speak, which was to be expected as soon as the war came to an end. For the first one we adopted in Chapultepec a declaration which is usually known as the Act of Chapultepec. The Act of Chapultepec was the immediate antecedent of the Rio Treaty, the treaty which later on was going to be drafted and concluded in Rio de Janeiro, the treaty for reciprocal assistance in the Western hemisphere.

In connection with the international organization, we had there the resolution called resolution 30, in which we tried to summarize the main points which we considered should be taken into account in the preparation of the Charter of the world Organization. If I mention some of those points that will give a clear idea of what were the main aspirations of the Latin American countries. The first was the aspiration of universality as an idea towards which the Organization should tend in the future. The second, which was also

very important, was the desirability of amplifying and making more specific the enumeration of the principles and purposes of the Organization. Then the third one - and I think these three were the most important - was the desirability of amplifying and making more specific the powers of the General Assembly in order that its action as the fully representative organ of the international community might be rendered effective, harmonizing the powers of the Security Council with such amplification.

As you know, in connection with this last point, we didn't succeed in obtaining anything in San Francisco. The Security Council remained the executive organ of the United Nations and the General Assembly's powers consist mainly in adopting recommendations. It wouldn't have been so bad if the provisions of the Charter had been implemented faithfully. In that case we would have now collective security, which is one of the main innovations of the United Nations. But, as you know also, collective security has remained on paper and the whole of Chapter VII of the Charter is non-existent.

But I think the Latin American countries, because these seven points of resolution 30 were the result of the various suggestions put forward by Latin American countries in the Chapultapec Conference, may feel proud of their suggestions, because I think that if they had been accepted in their entirety the Charter would have been a better document and perhaps nowadays we would confront a better international situation.

BERASATEGUI: Thank you very much, Mr. Ambassador. It is very important, your reference to resolution 30, and in that connection may I ask another question? My impression from what you have just said is that resolution 30 became extremely important from the point of view of its

contents. Would you say that it had also another effect from the point of view, let us say, of diplomatic tactics, uniting in a way the Latin American countries around the contents of this resolution during the San Francisco Conference?

GARCIA ROBLES: Yes, in some respects: for instance, in connection with this question of the principles and purposes; in connection with amplifying and making more specific the powers of the General Assembly; and also in connection with another point, which I did not mention before - the question of giving to the economic and social problems the importance they deserve, because in these comments of Mexico on the Dumbarton Oaks proposals we had suggested that the Economic and Social Council should become one of the so-called main organs of the United Nations. As you know, the main organs are the General Assembly, the Security Council, the Economic and Social Council, the International Court of Justice and the Secretariat. We emphasized the need to give to the economic and social problems the importance they deserved. I think in that respect, as well as on the other point of enlarging the powers of the General Assembly and making the principles and purposes more specific as the governing norms of the activities of the Organization, resolution 30 played an important role.

BERASATEGUI: When resolution 30 was drafted at Chapultapec did you feel that it became a very difficult negotiating process to achieve the adoption of the resolution? Were there difficulties? We have been discussing mainly the positions of Latin American countries, but there was another participant in the conference which was directly involved in the Dumbarton Oaks proposals. Would you say that the negotiating process to arrive at

resolution 30 was a difficult one?

GARCIA ROBLES: No, I wouldn't. As you know, there was a committee of the Chapultepec conference which was entrusted with the question of the international organization. In that committee its chairman was no one less than Mr. Stettinius, who was at that time the Secretary of State of the United States. I had the privilege of being secretary of that committee, and as far as I remember we decided to establish a subcommittee to deal with that particular problem. Then in the subcommittee the representative of the United States was a very capable man and an expert. I think from the technicians, from the experts of the United States, it was he who had played the most important part in the preparation of the Dumbarton Oaks proposals. He knew very well the subject, and that subcommittee then requested of the participant States to submit their views and suggestions in connection with the modifications which should be made to the Charter in the San Francisco conference which would take place later. I think that in the subcommittee if I remember correctly, in addition to Mexico there were Chile, Cuba and Venezuela and the United States, so with the United States and four Latin American countries in that subcommittee it was relatively easy to reach agreement on what were to become the seven points of resolution 30.

Later on the point which presented some difficulty was what should be asked from the participating States in connection with the seven points and with their attitude or behaviour or action in the San Francisco conference. Naturally, the United States, which had participated directly and probably with the most initial action in the elaboration of the Dumbarton Oaks proposals, didn't find it possible to be asked to fight for these amendments,

because the other countries which had drafted with them the Dumbarton Oaks proposals would be entitled to tell them "What are you doing now? It is your baby." So the solution which was found finally and on which there was unanimity was that the Chapultepec conference asked those States which had not participated in the Dumbarton Oaks conference to do their utmost in San Francisco in order to have these points implemented. So the United States, although it approved these, was not asked to fight for their implementation in the San Francisco conference. That was as far as I remember the solution. That was the only point I think that presented some difficulties. But the other point - namely, the inclusion of the seven points in resolution 30 - was not controversial.

BERASATEGUI: I was tempted to ask now another question which I think has been answered now in a way by you previously. I was planning to ask you what you would consider as the main Latin American objections to the Dumbarton Oaks proposals. You have already mentioned some of them, I believe, when dealing with resolution 30 and what the Latin American States expected from the authors of the Dumbarton Oaks proposals. Is there any other point that you would like to stress in this connection, any other objection from Latin American countries that you feel it might be useful to recall now?

GARCIA ROBLES: As you rightly said, when speaking a few moments ago on the seven points, I think I have already answered this question to a great extent. Perhaps it could be added for elaborating on one of the points that the Latin American countries had a particular interest in mentioning specifically that justice was a norm, which would cover all the activities of the Organization, and consequently they suggested that, I think ... Let me

see the Charter. As you know, in the first article of the Charter there is a specific mention of justice in international law. It was those two elements that the Latin American countries wanted to put at the beginning of the articles. The Article says:

"To maintain international peace and security, and to that end: to take effective collective measures ... for the suppression of acts of aggression ... and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes".

The Latin American nations wanted to put that at the beginning: "To maintain international peace and security in conformity with justice and international law" or "in conformity with the principles of justice and international law." That we did not succeed in in San Francisco.

We were told there were two functions for the Organization. One was the function of a policeman. Then the policeman, when it comes to acting, cannot be bothered with the principles of justice and international law. He just says "Stop fighting" and then we will see later on when the moment comes of the peaceful settlement. It is then that he will be acting as a jury and he will then take care of the principles of justice and international law. That was the reply. That is why, as you see now, these principles appear specifically, expressis verbis, but not in the place where the Latin Americans suggested. But we obtained at least that in the report of the relevant committee, which was Committtee I. It was specifically stated that this place where these principles appear does not mean at all that there has been any pretence that there be some activities of the United Nations connected with

these matters where the principles of justice and international law would not apply.

Let me try to read to you from that report. Unfortunately, I don't have it in English, but I have it in Spanish and I'll try to make a mental translation as I speak. The report says:

"It would seem at first sight that some members who opposed the Latin American proposal were opposed to justice itself, but that was not the case. On the contrary, all those who took the floor in favour of either of the two solutions emphasized that they were in complete agreement that the concept of justice was a concept of fundamental importance and all of them affirmed that a real and lasting peace cannot exist unless it is based on justice."

So, as I tell you the reason why it was accepted in a different place from that in which the Latin Americans suggested it, that does not mean at all, it seems, if the report of Committee I means anything, that the Charter has a different meaning to the one that the Latin American countries suggested in this respect. I think this was perhaps the only point which it would be desirable to amplify a little over what I said before. Could we also say that we suggested in San Francisco that the jurisdiction and competence of the International Court or Tribunal of Justice - at that time it was not yet known whether it would be called Court or Tribunal - would be extended as far as possible? That was another of our points.

BERASATEGUI: Could you evaluate - although this seems to emerge from the exchange of views that we had - the results of the Chapultepec Conference as a whole?

GARCIA ROBLES: I think it facilitated in San Francisco the active participation of many delegations, because if you read the observations on the Dumbarton Oaks proposals submitted by the Latin American delegations you will conclude that several of those countries did not have a very thorough idea of what were the weak points of those proposals. They did not have either the time or the ability to analyse those proposals. Then after the Chapultepec Conference, as a result of the active participation of the delegations of all the Latin American countries in the conference, it was possible to draft, to formulate in a clear way, half a dozen or a little more - as it is seven - of the main points. I think that was a very helpful contribution for the active participation of many of the Latin American delegations.

BERASATEGUI: Turning now to the San Francisco Conference, could you tell us what were your feelings when you arrived at San Francisco in 1945? How did you see the general mood at the conference, because it was a very special time in international relations? We were moving into another attempt at an international organization.

GARCIA ROBLES: As far as I remember, I would say that the mood was optimistic and that practically all the participants there expected that this experiment would be far superior to the one which resulted in the Pact for the League of Nations. After all, it was already clear at that moment that the war had been won. Naturally, there still remained Japan, which was fighting, but it was obvious, and as you know many of the observers of the international scene believed, that it would not have been even necessary to use nuclear weapons, that Japan was already defeated. But, rightly or wrongly in that respect, it is a fact that the war had been won by the United Nations at that point.

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On the other hand, nobody could ignore what was the price of that victory and that there were 30 million of more people killed in that war, and that the world had suffered enormously, and consequently that now the time seemed to have arrived to take seriously the principles for which the United Nations had been fighting in that war, the principles which I summarized a few moments ago, taking the words of the Atlantic Charter. So I think that when we began the San Francisco Conference we all expected that this time we were opening a new era for mankind.

BERASATEGUI: When it comes to the Latin American activity at the conference, it gives me the impression from what you said previously that the Chapultepec resolution, resolution 30 ... (end of take)

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BERASATEQUI: ...was a rallying point for Latin American States.

Would you care to comment by comparing the strength of the Latin American group now and the solidarity of the Latin American group in the United Nations today as compared with what it was then? I suppose that one could assume that San Francisco was the first time that the Latin American States were together in a highly political United Nations conference. Since then, time has passed, and it might be useful to benefit from your views - how you see the Latin American group today as compared with what it was at San Francisco?

GARCIA ROBLES: I have not had the opportunity of attending the Latin American group meetings or caucuses in New York recently, but when I was Permanent Representative of Mexico, from the beginning of 1971 to the end of 1975, my impression, roughly speaking, was that solidarity existed more or less in the same manner as it had existed at San Francisco. The only occasions where I've found that it was difficult to reach unanimity was in the question of elections where, as you know, very often different countries submit different candidates. But even there, in most of the cases in the end, with very few exceptions, it has been possible to reach unanimity for the support of a single candidate.

In questions of substance, especially in questions of political importance, such as the seven points of resolution 30, I think there still exists unity of positions in the Latin American countries.

BERASATEQUI: Thank you very much, sir.

You mentioned also a few minutes ago that the general mood before the San Francisco Conference was one of optimism, a mood that you shared at that time. Would you feel that there was any specific point dealing with the discussions at San Francisco on which your expectations had been particularly centred? Was there any specific area for consideration at San Francisco to which you attached particular importance and on which your expectations were, as I said, concentrated - if one can use that word?

GARCIA ROBLES: I think that the expectations of Mexico corresponded to the seven points of resolution 30, for the formulation of which, as you know, Mexico contributed to a great extent. But then, if we were to be even more concise, I will say that the question of amplifying the rights and amplifying the functions of the General Assembly and the question of giving sufficient importance to the Economic and Social Council came in the first row.

BERASATEQUI: Some time ago you stressed the importance the question of the purposes and principles of the United Nations had for Mexico and other Latin American States, and you also referred to this important proposal for a change dealing with the concept of justice and international law. Within that context, within the context of the purposes and principles of the United Nations, was there any other point in addition to this one that you mentioned about international law and justice which was particularly important for Mexico and other Latin American States?

GARCIA ROBLES: We had proposed that were it says that the Organization is based on the principle of sovereign equality it perhaps could be said - it's in Article 2, paragraph 1: "The Organization is based on the principle of the sovereign equality of all its Members" - that we could say "of the juridical equality of all its Members". But I think that was a

question of semantics, because the report of the pertinent or competent Committee specifically said that sovereign equality meant three things. One of the three things was juridical equality. So I am satisfied that sovereign equality incorporates juridical equality and something else.

BERASATEQUI: I understand, Mr. Ambassador, that at San Francisco you also dealt with the Committee which took up the question of the Security Council's structure and procedure. Would you care to comment in connection with the work of that Committee?

GARCIA ROBLES: That Committee, the Committee dealing with Security Council structure and procedure, had, among its problems, one of the most difficult which confronted the Conference, the question of the voting procedure. In this connection, as you recall, there was a protracted fight against the rule of unanimity, much more frequently known as the veto power of the Permanent Members. As far as I recall, in the first row of that fight we should place Dr. Evatt (?), who was at that time the Minister of Foreign Affairs of Australia, Mr. Fraser, who was the Prime Minister of New Zealand, and, perhaps, myself. I contributed a little also in that respect.

One of the questions which arose in this connection was to know - because the proposals of Dumbarton Oaks were not very explicit - exactly to which decisions the so-called rule of unanimity would apply and which decisions of the Council would be free from the veto. The members participating in the Conference were asked to submit their concrete observations or concrete questions in that respect, and if I remember correctly something like 23 different questions were submitted - yes, 23 different questions - and then the Committee decided to establish a sub-committee which would deal with this particular problem.

The Sub-Committee then asked the United States, the United Kingdom, the USSR and the Republic of China to tell it - the Sub-Committee - in order that it might inform the Committee, what was the answer of the Powers which had drafted the Dumbarton Oaks proposals to those 23 questions. They worked hard, I think, during two weeks - the representatives of these four States - trying to find replies to those 23 questions on which they all could agree, and finally, after two weeks, they came with a reply couched in very general terms. According to that reply, which the Sub-Committee transmitted to the Committee, the only decisions of the Security Council to which the rule of unanimity or the veto is not applicable are those which, in the Charter, correspond to Chapter V, that is, contained in Articles 28, 29, 30, 31 and 32. As you recall, Article 28 is merely the question that the Security Council shall be so organized as to be able to function continuously and that the Council shall hold periodic meetings, and that it may hold meetings in other places outside the Headquarters of the Organization. So there is absolutely no problem there. Article 29 is that the Security Council may establish such subsidiary organs as it deems necessary for the performance of its functions. There, also, the veto will not apply. Article 30 is "The Security Council shall adopt its rules of procedure, including the method of selecting its President."

Article 31, any Member of the United Nations which is not a member of the Secretary may participate, without vote, in the discussion of any question brought before the Council whenever it considers that the interests of that Member are specially affected - there again, it is not a question subject to a veto. As you know, in the Conference - the subsidiary organ now called the Conference on Disarmament, which was the "Committee on Disarmament" up to the

end of last year - the delegation of Mexico has since 1980 submitted a proposal to modify our rules of procedure in order that that may become automatic, that it is not subject to the rule of consensus. We have not yet succeeded in obtaining that, but I do hope that one of these days we may succeed, because if the Security Council, which is the executive organ of the United Nations, has agreed not to have this subject to the veto, it will be really comic that we still maintain that the rule of consensus is necessary for that.

Then, Article 32 is the one which says that any Member of the United Nations which is not a member of the Council, if it is a party to a dispute under consideration by the Council, shall be invited to participate. It is mandatory that it be invited, naturally without vote, in the discussion relating to the dispute.

So I think that that is the main comments or observations which may be made in relation to this question of the Security Council's structure and procedure. After the Sub-Committee presented its report to the Council, and in as much as - I repeat - these had been the result of prolonged deliberations of the authors of the Dumbarton Oaks proposals, then the Committee realized that there was nothing to do for the time being and that we should accept the provisions as they were. In that way, we would at least have free from the veto those few provisions to which I have just referred.

BERASATEQUI: Could I ask you, Sir: in connection with the San Francisco Conference, I understand that consultations were practically permanent among the major Powers, and we also know from experience that sometimes those consultations become, let us say, very private.

GARCIA ROBLES: Definitely.

BERASATEQUI: Was it the case in San Francisco? Was it difficult for other participants to follow the consultations being held by the major Powers and be fully aware of what was going on in those consultations?

GARCIA ROBLES: Well, naturally we could not say that we were kept up to date, but, as you know, in whatever international organ these types of consultations are held there are always leaks, voluntary or involuntary. So, we more or less knew in advance what was going to come.

BERASATEQUI: I see.

During the San Francisco Conference of course the question of regional organizations had to be discussed in the context of some provisions of the Charter. Is there any significant aspect of the deliberations at San Francisco concerning the place of regional organizations that you feel would deserve some specific comments now?

GARCIA ROBLES: I think it is necessary to bear in mind in this respect that the San Francisco Conference took place at the moment when the policy of Franklin Delano Roosevelt that is known as the "Good Neighbour Policy," was at the highest possible level. Consequently, it is understandable that many of the Latin American countries attributed particular importance and value to the inter-American regional organization. And we must also bear in mind that, first in the seventh inter-American conference of Montevideo and then the thirty-sixth conference of Buenos Aires and then the eighth inter-American conference of Lima, Peru, it had been possible to formulate with the unanimous approval of all the Latin American States and the United States the principle of non-intervention.

If we take that into account and, on the other hand, the fact that all Latin American States had been contributing to the war effort, they expected

that all those provisions and several other inter-American provisions would be real, would be implemented, would not be left on paper or violated frequently - as, unfortunately, has happened. You have mentioned for instance cases which I followed very closely - the case of President Arbenz, the case of President Allende - and, if we want to go a little nearer, we see in the newspapers practically every day news coming from the North which is, in my opinion, incompatible with the engagement contained in the main instruments of the inter-American system.

So, I don't know what the situation would have been if the San Francisco Conference had taken place in 1984 and if the question of the role of regional organizations were discussed in such a conference in 1984. I don't know what the position of the Latin American States would have been.

BERASATEQUI: A few minutes ago you mentioned the importance that the Latin American countries attached to the Economic and Social Council as one of the main organs of the United Nations. Would you like to comment at this point on the proposals that were made in San Francisco in connection with this question?

GARCIA ROBLES: I think that the question of the Economic and Social Council being one of the main organs of the United Nations - as you know, it was secured and it is in the Charter. Also, I would say that if you compare the functions and powers of the Economic and Social Council incorporated in the Charter with the functions and powers which were contemplated in the Dumbarton Oaks proposals you will see that there has been a substantial progress in that respect.

BERASATEQUI: I gather from some of your answers that certain provisions of the Charter were not entirely satisfactory, from your point of

view, that sometimes or in some specific questions perhaps something more should have been done. This raises the question of how you saw the future of the Charter at that point as a legal instrument, the possibility of reviewing it or going into certain amendments in the future. Did you at that time foresee the possibility or the need for adjustments in the text of the Charter?

GARCIA ROBLES: Yes; and, as far as I remember, in the comments of Mexico and the comments made on the Dumbarton Oaks proposals we had even suggested that there be in a certain time - in certain period of years - a review conference. We did not succeed in that, but in view of the suggestions by Mexico and other countries - as you know - a provision was incorporated in the Charter that if, after ten years, there had not been a review of the Charter a conference should be held on that.

But the modifications made to the Charter up to now have been relatively minor, the number of members of the Security Council increased from 11 to 15, and things like that. I don't know whether we should not concentrate, to begin with, not on modifying but merely in implementing what is already in the Charter. I will be very happy if we begin with that.

BERASATEQUI: I think in a way what I was planning to ask has been answered by you already. I was planning to ask you how you would evaluate what was done in drafting the Charter in the light of nearly 40 years' experience, but I see that your last remark is very much to the point and fully covers that particular question.

If you will allow me, I would now like to go into the early United Nations years and, in particular, into your role during those years of the Organization. I understand that you were appointed in the Secretariat in 1946 as Director of the General Political Division in the Department of Political

and Security Council Affairs of the Secretariat. Could you tell us how you came to this important position from the foreign service of your country?

GARCIA ROBLES: I think it was by accident, I would say. As I already mentioned, I participated in the San Francisco Conference, not only in the Conference itself, but as Chief of the Section of Post-War Problems in Mexico, in all the preparatory work which Mexico submitted in connection with that. Then I went to San Francisco to the Conference itself both as adviser and Secretary-General of the delegation of Mexico.

The composition of the delegations to that Conference was a special one. The number of representatives, if I remember correctly, in all the delegations - in the Mexican delegation, in any case, and several others - was very small. There were three representatives. The representatives of Mexico were the Minister of Foreign Affairs, the Under-Secretary of Foreign Affairs and the Ambassador of Mexico to the United States. Those were the three representatives. Then there were some 25 advisers, all of them of higher calibre - I am not speaking for myself; I was at that time only a Minister Councillor. There were several ambassadors. There was, for instance, Ambassador Padilla Nervo (?) who later on became so well known in the United Nations; there was Ambassador Rafael de La Colina (?) who is still our representative of the Organization of American States (OAS); there was Ambassador Quintanilla (?), Ambassador Roberto Cordova, who later became a judge on the International Court of Justice. And I was one of those advisers and, in addition to that, Secretary-General of the United Nations.

That fact, and the fact that I was the Mexican representative in the Committee which became probably the most controversial committee, Committee 31 to which I referred a few minutes ago - to give you an idea of the importance

some countries attached to the Committee, we had as representative of the Soviet Union Andrei Gromyko, who was at that moment Ambassador to Washington. As representatives of the United States we had Senator Vandenberg and Senator Tom Connolly.

[End of Side 3]

[Set A, Side 4]

Those facts perhaps made my name and my physical image known to some people who were connected with United Nations work. Consequently, when the Secretariat of the United Nations came to be built in New York, one of those who had known me there thought that perhaps I could discharge a job in the Secretariat and they sent a cable to the Ministry of Foreign Affairs, without mentioning me specifically, through our Ambassador in New York in charge of the delegation of Mexico, saying that they offered to Mexico the post of Director of the General Political Division. Then I remember that our Minister called me and said, "Well, we have received this, and I know your interest, I know what you have contributed, I think you will be the right person." But I must confess that my first reaction was not very enthusiastic.

I had been working for five years in the Foreign Office, and it was very hard work during those five years, and I had the promise of the Minister that when the moment came that I was sent out I would be given one of the small legations in Europe, which were very pleasant, all of them, where there would be not too much work, and where I would be Minister Plenipotentiary. As I said at the beginning, for instance in Stockholm we had a legation, in Norway we had a legation, in the Netherlands we had a legation, in Belgium we had a legation. So if I had that I would then be head of a diplomatic mission, and after the five years of hard work I thought that was a very desirable proposition.

So I told my Minister of Foreign Affairs, "But do you recall what you have promised me, Sir? I prefer to wait one more year, and then I will, et cetera." "Oh," he said, "as you like. I thought that it was something of

interest to you. So, we are going to reply then that, unfortunately, there is not anyone available now." I thought that was the end of it. But then, some ten days later another cable came from our Ambassador here saying that they wanted this post to be offered to me specifically and to know what I would say. Well, when the Minister told me that, I said, "Well, it's really an honour, not only to Mexico, but to me. Let us do it this way. I will go to New York, see what it's all about, and if I find it really interesting then I will accept; I will come back and put in order all my papers and then five or six weeks later I will return to New York. Otherwise I'll come back and what we have agreed still stands."

"Yes," he said, "it's all right." So I went to New York. When I arrived in New York I spoke with the high officials in the Secretariat and I asked them, "This General Political Division, how many members is it going to have?" They said, "We contemplate some five sections for it, and that will mean between 45 or 50 officers and the necessary number of secretaries." "All right; and how many do you have?" And the answer was, "Well, we have two officers and one secretary, so you will contribute to the building of this Division," and so on. And I must confess that that appeared interesting to me, to build something from scratch and something in which I would be in a position to make known my views, to make proposals, and so on and so forth. So I accepted.

I went back to Mexico and then I came back, and then, as you know, I was Director of that Division. Originally I was supposed to be Director for five years. After five years they asked me to stay five more, so I thought it was not ... and I was -

When I first went for the first five years I was placed on what technically is known in the Mexican Foreign Service - I think it's the same in all foreign service - as leave of absence for five years, and then I was placed on it for ten years. And that was the history of my coming into the United Nations Secretariat. That was 1946.

BERASATEQUI: May I say, Mr. Ambassador, that from your own answer it's very clear that you were not offered this position simply because of your physical presence in Committee 31. I am sure that there were a lot of other reasons, having known your activity and your knowledge of the United Nations. But may I also say that I would find it difficult to imagine yourself in charge of a very quiet diplomatic legation? It would be, I suppose, very difficult to see you in a very quiet post.

May I now ask you if you would care to comment on how it was to work in the Secretariat during the first decade of the United Nations? I suppose that the Secretariat has evolved with the expansion of the activities of the Organization, the changes or the additions - very important additions - to the membership, and being yourself an outstanding observer of United Nations activities as well, maybe you would like to comment on this point: how do you see the Secretariat now and then, let's say?

GARCIA ROBLES: When I arrived in New York the Department of Political and Security Council Affairs to which the General Political Division belonged had also another division, the Administrative and General Division. To define the functions of the two Divisions in a few words, the General Political Division's function was research and drafting; the Administrative and General Division's was servicing committees. So the Administrative Commission provided all the services for all the General Assembly and Security

Council commissions or committee, and we prepared the background papers, the notes for the Chairmen and all this type of papers which required research and study. Those were in rough the main lines of the functions of the two Divisions.

The General Political Division had a number of sections. Originally there were two functional sections: one of them was General Political Problems and Procedures of Pacific Settlement and the other was Regional Arrangements. The others were geographic: one was Western Hemisphere Affairs, another was European Affairs and another was Middle East and African Affairs, another was Asia and Pacific Affairs - four geographic and two functional. Of those two functional only one remains as a functional division, the one of General Political Problems and Procedures of Pacific Settlement. The one on Regional Arrangements was merged with the Western Hemisphere so it became Regional Arrangements and Western Hemisphere Affairs Section. You now have an idea of the structure of the General Political Division.

Of the main tasks accomplished in that field of research and study during the first years of my stay there, from let us say 1949 on, I would mention two projects which are, I think, still going on. One of them is the Repertoire of the practice of the Security Council and the other is the Repertory of practice of United Nations organs. I think for research and for practical knowledge of how the Security Council and how all the other organs of the United Nations have worked and work this is an invaluable tool, not because I have participated in its preparation, but because of what I have heard from many delegates from East and West, from North and South, who have had recourse to those volumes.

In the case of the Repertoire of the practice of the Security Council, it has been prepared as a compilation of case histories, and, naturally, in as much as the Security Council very often does not mention any Article of the Charter which it is applying, it refers to a Chapter or to several Chapters, it is in the form of case histories which are under broad headings, like "Pacific settlement of disputes," "Enforcement actions," something like that.

In the other project, which is naturally longer because it covers all the organs of the United Nations, the Repertory of Practice of United Nations Organs, there it has not been necessary to be so careful as it has in the case of the Security Council, and perhaps a more academic method has been followed.

So, in what concerns the work carried out originally - it was not at Lake Success; we began with this once the United Nations was in New York City, in this crystal building, and as for what was carried out then I would mention mainly those two projects in addition to all the routine work I mentioned - notes for the chairmen, working papers. The duties of the officers of the various sections were to keep under constant observation the various problems and situations in the world in order to prepare and to have ready a working paper whenever a question was supposed to be coming or expected to come to the United Nations. The notes for the chairmen - for instance the Chairman of the First Committee of the General Assembly, the Chairman of the Ad Hoc Political Committee - if that Committee had 20 items, you would need to have notes for the chairmen in a concise form - because you will remember the French proverb, "Une page pour le roi," one page for the chairman, it is the same, it needs to be something short. Sometimes it is more difficult to write something down well in a short space than to do it at

length. So there was the preparation of those working papers and the notes for the chairmen.

In addition to that, there have been other duties or assignments. For instance, with the Bogota Conference which became historical mainly because the Charter for the Organization of American States was drafted there but also because of what is known as the "Bogataso," and to that the United Nations Secretary-General sent an Under-Secretary, Mr. Price, as his representative and a deputy personal representative, myself. So, if we take the staff of the Conference on Disarmament, you can say that Mr. Price was(?) and I was yourself.

In addition to that, to the Bogota Conference, there was this question mainly of the United Nations Special Committee on Palestine (UNSCOP) and then the Suez crisis. If you think it would be of interest, I could say a few words in connection with both of those.

In connection with UNSCOP, you will recall that the situation of the Palestine Mandate had become very difficult and the British had said that they were not willing to stay there any longer; they wanted to get out. The question came before the General Assembly, and the General Assembly decided to establish a Committee, the United Nations Special Committee on Palestine, known by its acronym, UNSCOP, which, if my recollection is correct, had 11 members. The Chairman of that Committee was a judge of the Swedish Court of Justice, Judge Sanstrom (?), and the composition of the Committee was more or less even as to the tendencies. I would say that, in addition to the Chairman, who is supposed, whatever personal feelings, to be completely objective and impartial - and he certainly was in this case - there were five who were more inclined towards Israel and five more towards the Arab States.

We went to Jerusalem. In Jerusalem we were provided with a small fleet of Chevrolets of war vintage - olive green in colour, no chrome at all - and in that fleet we visited the whole of Palestine. We spent probably three weeks or a little more in Jerusalem. We made those excursions to the various corners, to all the corners, of Palestine, and we also had hearings. In those hearings the Committee heard whoever wished to present their opinions. The Arab States did not wish to participate in the hearings because they said that in Jerusalem they would not participate, and consequently the Committee went to Beirut. We went to Beirut to hear the representatives of the Arab States.

After that, we came to Geneva, and it was in Geneva that the report of the Special Committee was drafted. As you recall, Ralph Bunche, who was at that time in the Secretariat of the United Nations, was the member of the Secretariat entrusted with the task of preparing the report, a report which has two alternatives: one was the partition with economic union and the other was the question of a unified or federated solution. It was partition that had the majority, and then after that the report of the Committee came to New York and there was, as you will recall, a special, an ad hoc session on Palestine, which was presided over by Mr. Evatt (?), the same man who had been at the San Francisco Conference.

The other mission, also in connection with the Middle East, was the Suez crisis. The first one was 1947 and the second was 1956. It is curious that the first one was a very short time after I came to the United Nations; the second was a very short time after I left the United Nations to go back to the foreign service. As a matter of fact, in the second one I had not told Mr. Hammarskjold - it was November 1956 - that in April of the following year I was going back to the foreign service, because I was waiting until the date

was nearer. But then, when he called me and told me, "I am going to the Suez Canal, I am going to Cairo, and I would like you to come with me and to stay there as my personal representative," then I felt that it was my duty to tell him: "I'll go if you wish, but if it is a long-term mission I cannot stay after March."

I told him that and he said, "It will be short term, naturally later on I will appoint someone to replace you." So we went, and, as you know, General Burns (?) from Canada was the military head of UNEF, the United Nations Emergency Force, and I was the chief political adviser and personal representative of the Secretary-General. Mr. Hammarskjold himself went there. I think he must have remained something like a week or ten days, and then he came back to Headquarters and we both remained in Cairo, General Burns on the military side, myself on the political side.

My stay in Cairo must have been something like two months, November-December 1956, perhaps a little of January, and then I came back to New York. I had taken with me - as I had been told at the time I could take a junior officer as my assistant, whomever I wished - and I chose from the General Political Division a young officer who had been the equivalent perhaps of a third or second secretary, a Mr. Reddy, who I think is now an assistant Secretary-General for all the problems of apartheid. He was really an excellent officer there; I was very happy with the choice I had made, and I am very happy to know that he is now in this important post.

So I came back to New York, and, as contemplated, in March of 1957 I went back to the foreign service. There had been two new posts created quite recently. One of them was for Western Hemisphere affairs and the other one was for European, Asian and African Affairs and multilateral organizations.

This first one was occupied by Mr. Oscar Rabassa (?), one of my fellow ambassadors, and the second one was occupied by myself, and I automatically was promoted to the next post, because when I came to the United Nations I was a minister plenipotentiary, and then the next post was ambassador, and thus I became an ambassador in 1957.

BERASATEQUI: Perhaps I should stop here, because I have been abusing your generosity. I have been keeping you here for more than two hours now, and we might, if you wish, continue later on on a date that would be appropriate for you. I am very grateful really; I think people will be very happy in New York. It's been quite interesting, I must say quite frankly, for me; I am learning a lot from what you are telling us now, and I hope we can continue soon if your duties and responsibilities allow us to do so.

GARCIA ROBLES: Yes, we can do it. With pleasure.

BERASATEQUI: Thank you very much.

[End of Set A, side 4]

BERASATEGUI: I understand that you left the United Nations Secretariat early in 1957, after your mission to Cairo, and went back to the Ministry of Foreign Affairs. Would you like to tell us a little bit about it and how you became involved in those two very important Conferences on the Law of the Sea?

GARCIA ROBLES: Yes. As you said, when I returned to the Foreign Office I was given a position the title of which was Principal Director, or Chief Director - in Spanish it was Director en Jefe - for European, Asian and African Affairs and also for multilateral affairs. That meant that my responsibilities had a double base: on the one hand, they were geographical - Europe, Asia and Africa - and, on the other, they were somewhat functional - multilateral affairs.

The first Conference on the Law of the Sea had already been in preparation for several years, but naturally it fell entirely within my jurisdiction because of being a multilateral affair. It had been in preparation for several years and the International Law Commission had played an important part in that preparation. It had been preparing annual reports which dealt with particular aspects of the law of the sea. Finally, I think it was in its eighth report it considered that it had already studied the subject sufficiently and had consulted sufficiently with all the Governments, so it sent that to the General Assembly and the Assembly convened the Conference and asked it to take as a basic document for its deliberations the report of the International Law Commission.

As you know, the first Conference could be said to have been successful, because it approved four conventions: the Convention on the High Seas; the Convention on Territorial Sea - with the exception of two items, the breadth of the territorial sea and the limits of the fishing zone; it also approved the Convention on the Continental Shelf, and one on Conservation of the Living Resources of the

Sea. I think it was a successful Conference. Nevertheless, probably the two most difficult questions of the law of the sea - the breadth of the territorial sea and the limits of the fishing zone - could not be solved at that Conference.

That was nothing new. In 1930 the Codification Conference, which was convened in The Hague under the auspices of the League of Nations, failed in that respect. And I remember that one of the most well-known experts on those matters, Professor Gilbert Gevelle(?) had said, and rightly so, that the main victim of the 1930 Codification Conference was the so-called three-mile-limit rule, because the Conference had clearly showed that there was no such thing as a three-mile rule in international law.

Something of the same nature happened at the First Conference of 1958 - but perhaps that would be going into another of the questions that you may wish to put to me and, therefore, I shall refrain.

BERASATEGUI: No, Mr. Ambassador, I feel that what you just mentioned is extremely important, because I was tempted to ask how you would describe the state of international maritime law before 1958 and I happen to feel that in a certain way you have replied to that question by mentioning that you consider the 1958 Conference to be a successful one.

Would you care to comment on whether you feel the achievements of the 1958 Conference can be considered as improving the general situation with regard to the law of the sea as it existed before that Conference?

GARCIA ROBLES: As I have said, the Conference succeeded in approving four conventions. Certainly the Convention on the Continental Shelf, for instance, marked definite progress in the situation that existed before; that is also true in respect of that on the Conservation of the Living Resources of the Sea and the

Convention on the High Seas. If we examine what existed before: first there were no conventions, just the national rules that existed in the legislation of each country; those national rules were quite different. There were also international customs which certainly had some points in common. But, as you know, international customs are not on the same level or in the same category as the treaties, conventions, protocols and so-called solemn instruments of international law. In that respect, then, there was certainly progress.

The fact that the first Conference did not succeed on those other touchy and delicate problems should not make us forget the very appreciable progress that it achieved.

BERASATEGUI: What were Mexico's main interests in developing a codified body of sea law? Was there any specific, concrete, concern on Mexico's part on this point?

GARCIA ROBLES: Yes, I would say so. Mexico had a breadth of its territorial sea which I would not hesitate to describe as peculiar - not because it went beyond the breadth which other States had fixed for their territorial sea but because it was a figure that was not very common: it was nine miles. At that time, in 1958, the year of the first Conference, you could find breadths of the territorial sea of three miles, four miles, 12 miles and even of 200 miles; but, as far as I know, you would not find another one of nine miles. The reason was an historical one.

In 1848, when Mexico concluded the peace treaty with the United States, the border of the two States was said in the Treaty to be nine miles from the line from which the breadth of the territorial sea was measured. That served as a basis, a rule, for several other treaties which Mexico concluded in subsequent years, to

such an extent that the moment came when Mexico had 18 treaties and in all of them the breadth of its territorial sea was nine miles. When the first Conference of 1958 took place five were not in force any longer but eight were still in force. So, you see, Mexico was interested in having recognized internationally, in a legally binding document, that it was legal to have a nine-mile breadth of the territorial sea. And, inasmuch as there were several other States which had 12 miles, Mexico thought the best way would be to leave it up to the coastal States to decide the breadth it preferred within that reasonable limit of 12 miles. That's why in the first Conference, together with India - we were the two sponsors - we presented a working paper proposing a formula to the effect that the breadth of the territorial sea should be fixed by the coastal State within a maximum limit of 12 miles and that when the breadth of the territorial sea fixed was below that limit it should complete that same area with an exclusive fishing zone.

BERASATEGUI: This is very, very interesting. Mr. Ambassador.

I understand that you played a very active role in the first Conference in 1958. Would you care to describe, in addition to the very specific proposal that you just mentioned, how you saw your activities during that Conference. Were there certain other questions that were of particular concern to you? Would you like to make another point in connection with the question of the width of the territorial sea at this stage?

GARCIA ROBLES: At the first Conference on the Law of the Sea I was there but not as Head of the delegation; I was the representative of Mexico in the First Committee of the Conference, which dealt exclusively with that particular point, the breadth of the territorial sea and the breadth of the exclusive fishing zone;

consequently, I concentrated on that. But the field was a very wide one and, if I remember correctly, I thought that on that question - on which the disparities of opinion went back very far, to the Middle Ages; to Italy in the fourteenth century and constantly since then - it had not been possible to achieve a uniform rule of law, not even with a flexible formula as we proposed then.

Inasmuch as I thought, and still think, that the law - especially international law - should be based on reality, real facts, not on wishes, we thought that perhaps the best thing the Conference could do in order to carry out its task was to have at its disposal a compilation of facts, of real existing facts - not of what professor X has said or this head of State believes, but of facts. The facts could be found in national legislation. Therefore we asked the Conference secretariat to prepare a cuadro sinóptico - synoptic table. The best proof that many of our adversaries, so to say, in the Conference were not very happy with the anticipated results of that table was that, usually, such a procedural proposal was unanimously accepted. However, in that case, we had, I think, 45 in favour and 39 against - or something like that.

The reason was clear when we saw the table. It proved conclusively, by a compilation of the figures, that at least two thirds of the States of the world had a breadth of the territorial sea that went beyond the three miles which several of the representatives there said was the only rule of international law. At least two thirds had in their legislation a breadth of the territorial sea in excess of three miles, and the majority had a breadth within the 12-mile limit that I mentioned. That helped to strengthen our position. But, as you know, in international conferences it is not the facts which decide the behaviour of some representatives but other reasons and, consequently, regardless of the conclusive

nature of the synoptic table, they did not change their position. We went to the end with the same two or three proposals: one, originally nine miles of fishing rights and a three-mile breadth of the territorial sea - subsequently, it was six plus six; and then there was another proposal to leave with the coastal State the right to fix the breadth within a limit of 12 miles.

In the Committee our proposal had a majority, but, as you know, in a conference of that type when you come to the plenary body it is necessary to have a two thirds majority and none of the proposals could get a two thirds majority.

BERASATEGUI: From what I see, this question was obviously related to the problem of fishing rights. Depending on the width of the territorial sea, there were proposals or suggestions concerning how the fishing rights of the coastal State should be protected, I suppose. Would you wish to comment on the question of fishing rights or do you feel that -

GARCIA ROBLES: To me the explanation or reason is quite clear. For many States - I would say for the majority of States which were and are not naval Powers, the advantage of the territorial sea was economic, mainly the fishing rights. If those States could get exclusive fishing rights within a larger zone, it was only natural that they would be willing not to insist on having a territorial sea of many miles or many kilometres.

BERASATEGUI: I was tempted to ask you what you see as the significance of the 1958 Conference, but I believe you have given us a very good reply to that in pointing out the fact that it was a positive Conference and helped to conclude four draft conventions on the law of the sea.

Going back to the question of the limit of territorial waters, you have also provided us with some background of the difficulties that existed there. Would you care to add anything about the reasons that made it impossible to define the limit - apart from the views that you have already given us.

GARCIA ROBLES: I think that the main reason why it proved impossible to define the limit of territorial waters was that some of the large maritime Powers had not yet become used to the situation existing in the world. They were still thinking - that was my impression - of a world in which they had the privilege of the colonial Powers of the past. That was why they presented the three-mile rule as if it were something which still existed, despite the fact that all the figures showed it did not. Unfortunately, the Conference's duration did not provide enough time to permit them, I think, to understand, to realize, it would be to their advantage to take into account the realities. As you know, it was necessary to wait almost 12-15 years more in order for the light to shine into the ministries of those States. I am sorry that, despite the fact that the third international Conference took something like 10 years, with almost-unanimous result, there are still countries with a similar mentality - although it is not with regard to the breadth of the territorial sea.

BERASATEGUI: Would you describe the Mexican proposal on the limits of the territorial waters and the contiguous zone presented after the Conference in 1960? I understand that you tabled a proposal there at the Conference in connection with that question.

GARCIA ROBLES: In the first Conference on the Law of the Sea the representatives of the large maritime Powers stressed the fact that the territorial sea should be, for all practical purposes, to facilitate navigation, for security reasons and so on; there should be a narrower territorial sea. They were willing then to recognize exclusive fishing rights to the coastal States as compensation. But, as you realize from what I have already said, they did not wish a territorial

sea of 12 miles - although the reality proved that was the generally accepted breadth by international custom. No, they wanted something narrower. We thought - Mexico thought - that if they were so interested in a narrower territorial sea, and since they kept pointing out that the compensation to the coastal State would be a broader exclusive fishing right zone, consequently a formula should be devised to implement that idea.

We had said in the first Conference that the coastal State had a right to fix its territorial sea up to 12 miles and when it decided on less it had the right to complete that zone, up to 12 miles, with exclusive fishing rights. Naturally, if a State was convinced it was within its right to fix a territorial sea of 12 miles and we wanted that State not to exercise that legitimate right we needed to offer it something, not a 12 mile exclusive fishing right zone - because, if it was entitled to 12 miles exclusive fishing rights and something more, as if it had the right of sovereignty over that zone, it would not abandon that right for an exclusive fishing zone of the same breadth.

What therefore did we think would be the formula? We presented a formula to the effect that the State had the right to fix its territorial sea up to 12 miles, but where the coastal State was willing not to exercise its right up to 12 miles but fix a narrower territorial sea - let's say one of between three and six miles, whatever it chose - in that case it would be entitled to a breadth of up to 18 miles: the 12-mile breadth to which it was entitled as territorial sea and six more miles of exclusive fishing rights. We thought that would be a tempting proposal for the coastal State, because it would gain in exclusive fishing rights. In case a coastal State chose not between three to six miles but between seven and nine, it would be entitled to exclusive fishing rights up to a limit of 15 miles.

Therefore, even in that case, it would gain three more miles. In cases where it chose to exercise to the full its right to a territorial sea of 12 miles, or with a very minor reduction of one mile, that is, 11 miles, it would not be entitled to anything else - just the 12 miles.

You see, in reality, we took the position as defined by the large maritime Powers at the first Conference. So if they were willing to recognize exclusive fishing rights to gain a narrower territorial sea - all right, it would be easy for them to prove that by deeds. But, unfortunately, that was not the case. Our proposal did not receive any support from the large maritime Powers and, consequently, after a reasonable period of one or two weeks we said: You see, we put forward this proposal in good faith but your behaviour shows that what you have been contending is not true. Therefore we revert to our original proposal - up to 12 miles of territorial sea and, whenever it is less, it will be completed with the exclusive fishing rights. That was the proposal which, with the co-sponsorship of 17 more States became an 18-Power proposal, was put to the vote and, again, as happened at the first Conference, did not obtain the required two thirds majority.

Neither did the proposal of the United States, Canada and the United Kingdom, big maritime Powers, get the two thirds majority; consequently, that Conference failed, just like the first. However, I think that time the Powers which had been so eager to convene the second immediately after the first, without heeding all the warnings sounded by several delegations and in particular by the delegation of Mexico to the effect that the situation was exactly the same as in 1958, became wiser and didn't think of convening a third conference immediately after the second.

BERASATEGUI: I have been following your comments with particular interest. I believe that at the Conference there was a proposal by the United

States and Canada for a six-mile territorial limit and six miles more of contiguous zone. At first glance, it seems to me that that proposal did not have the advantages of the one made by you. In a way you were inducing countries to take a more cautious view of the question of the territorial sea by extending their benefits in connection with fishing rights. It seems to me that the United States-Canadian proposal did not have the same effect at all.

GARCIA ROBLES: I must say that they are minor things but very illustrative.

The second Conference on the Law of the Sea was held - if I remember correctly, something like March-end of April or beginning April-May, in any case the Easter period fell within the Conference. Let's assume that the Conference lasted four or five weeks, at the end of the second or third week was the Easter recess of four or five days. At that time we had already voted in Committee and the vote there proved conclusively that it would be absolutely impossible to get a two thirds majority. The great Powers have some powers of persuasion which the small ones do not have. They put those "powers of persuasion" to the maximum possible use during those four or five days while we were innocently enjoying ourselves, either on a beach or visiting the mountains and monasteries. When we came back I think they were very confident that they would get a two thirds majority in the vote. They were really very confident, to such an extent that I remember there was a reception given by the President of the Conference - if I remember correctly it was Prince (Juan Whytayakum????) from Thailand. I went to that reception; it was on the eve of the voting. At that reception all representatives who subscribed to the six plus six formula, beginning with the host, were particularly polite to me.

Later on I thought they were saying to themselves "This poor man has fought so strenuously and now he is going to lose tomorrow and we will have our six plus six formula approved." I think they were very near to having it approved. The reason why it did not succeed was owing to their over-confidence. In the vote they were one short of the required majority. Later the reason became known: they were over-confident and had circulated among the delegations that they had not only the required majority but two or three votes in excess. They were absolutely certain that they would win.

Among the delegates who had received instructions to vote in favour of the big maritime Powers' formula was the representative of one of the three Pacific countries of Latin America, which had in their legislation - and, I believe, in their Constitutions - a much larger breadth of the territorial sea, 12 miles, not to mention 3 miles. That representative said:

"Well, if now these gentlemen have the required majority and two or three more, why on earth am I going to vote in favour of six plus six when my Constitutional breadth of the territorial sea is this. At least I would be voting for the 12, but for that I shall abstain."

In any case, he abstainedⁱⁿ that vote, and that abstention cost them the two thirds.

The best proof was that, even in that vote which was short of the required majority - let us say 68 instead of 69, or something like that - there were several delegations, at least 10, which voted against their own will, obeying instructions that had come from home - and home had sent instructions owing to those powers of persuasion to which I have already referred. Why do I say that? Because the Head of the United States delegation was naturally not happy with the result of that vote and after half an hour, during the same meeting, asked for the floor and said:

BERASATEGUI: I suppose, then, that the situation was very, very close up to the end. If I may ask, when it came to the vote what was your estimate of the the situation? Did you expect the proposal to be adopted, rejected or were you unsure of the result? That was a critical moment in diplomatic life normally.

GARCIA ROBLES: I was sure that even if the six plus six formula had obtained the necessary number of votes it would have been a Pyrrhic victory. Why? I shall give you a concrete example.

The representative of Iran had gone to the podium the day before the vote - or the same day, I do not remember - and said, with a frankness not found very often:

"Mr. President, I am going to vote in favour of this formula. But I wish to place on record it is because I have instructions to that effect. I shall place on record here that, regardless of what happens, Iran's law will continue as is - a breadth of 12 miles of territorial sea."

You see, as I say, it would have been a Pyrrhic victory. No one among those with a 12-mile breadth of territorial sea would have ratified that convention.

You asked what I personally thought. I was convinced of what I just said: it would be a victory on paper that would not lead anywhere. But for the immediate purpose of the Conference, I had prepared two statements since I really did not know what the result would be. One was in case they had passed the six plus six formula, in which case I would have elaborated what I just told you about the Pyrrhic victory. The other, in case that formula was not adopted - as in fact it did not - was to make an appeal that we should allow time for understanding to mature and reach an agreement. The moment would come when we would have an agreement, but not within only one year. Time has proved that I was correct.

BERASATEGUI: Certainly so, Mr. Ambassador.

It is obvious that the Conference did not succeed in achieving an agreement on the question of the territorial sea. From your very precise description of what happened at that Conference, although there were no practical results on the question of the territorial sea, one could assume that the Conference had an impact in the sense that it made clear to the maritime Powers that the question of the law of the sea was a really difficult one and that a variety of interests had to be taken into account. Would you say that that is a proper assumption?

GARCIA ROBLES: It is a very correct assumption, and I think that the Conference failed to adopt a formula which, I repeat, would not work. It failed in that but succeeded in showing what you have just summarized. I think that the foundation for convening the third Conference could be found in the first and, especially, the second Conferences.

BERASATEGUI: If you will allow me now, I should like to turn to a very important subject -- the Treaty for the Prohibition of Nuclear Weapons in Latin America, well known as the Treaty of Tlatelolco. The very important role that Mexico and, in particular, yourself had in the actual negotiation of that very important measure resulting in the establishment of the first nuclear-weapon-free zone in a densely inhabited area is, of course, well known. How did you develop that idea and what were the various steps taken to implement it? On this particular question of nuclear-weapon-free zones, the Treaty of Tlatelolco has become a model for other initiatives in this field, and that has been recognized, because in your particular case the importance of the Treaty had a bearing on your being awarded the Nobel Peace Prize in 1982. It is extremely important for us to hear from you how the idea was developed and implemented.

GARCIA ROBLES: In 1962-1963 I was the Ambassador of Mexico to Brazil but went two or three times a year to Mexico for consultations on various national and international subjects. During one of those visits - I think at the beginning of 1963 - the high officials of the Foreign Office were very much interested in the question of nuclear-weapon-free zones. Thus we began internal discussions in the Foreign Office itself on the possibility of making the establishment of a nuclear-weapon-free zone a reality. It was considered that perhaps a practical method was before taking the matter to the United Nations - because it was obvious that it would be necessary to take that proposal there - at the highest level a small group of Latin American countries, their Presidents, should make a joint statement to that effect.

The question was how to proceed with the choice. What happened in the General Assembly in 1962 provided the solution. In 1962, as you will probably recall, in the General Assembly Brazil, first, and then Brazil with the co-sponsorship of three other States, presented in the First Committee a proposal for the creation of a nuclear-weapon-free zone, but later withdrew it. The proposal was therefore not put to a vote in 1962. Nevertheless, the fact that Brazil and three other Latin American States were willing to make that proposal to the General Assembly was a clear indication that their Presidents would be in agreement with such a proposal. Consequently, we in Mexico thought that perhaps the Presidents of those four countries and Mexico could make a proposal in the spring of 1963 - and that was what happened.

I was asked to return immediately to Brazil and carry on consultations at the highest level there. My colleagues from the other four countries - Bolivia, Brazil, Chile and Ecuador - went back to the respective countries to which they were accredited to carry out informal consultations on the feasibility of that

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idea. So far as I can remember, in Brazil I received enthusiastic reaction from both the Minister for Foreign Affairs, Professor Irmiz Lima (??) and the President of the country, President Jourwoolat(???). The same or similar thing happened in the other three Latin American countries and, consequently, on 29 April 1963 the four Presidents made a declaration on radio, in their respective countries, to establish a nuclear-weapon-free zone in Latin America. They also took great care to emphasize that that initiative would need to be examined by all - not just the five - the Governments of Latin America and we would continue examination of that question in New York during the United Nations General Assembly. And that's what happened.

In New York the five aforementioned countries plus six more - Costa Rica, El Salvador, Haiti, Honduras, Panama and Uruguay - a total of 11, submitted a draft resolution, which was adopted and became a very well-known one - resolution 1911 (XVIII). It is very simple. In its main operative paragraph the General Assembly took note with satisfaction of the joint declaration of the Presidents and then requested the Secretary-General of the United Nations to extend to the States of Latin America, at their request - not spontaneously, but at their request - such technical facilities as they may require in order to achieve the aims set forth in the resolution. That was the beginning of the activities that would culminate in the Treaty of Tlatelolco.

BERASATEGUI: As I recall, after the adoption of resolution 1911 (XVIII), there was a preliminary meeting, or session, for the denuclearization of Latin America, held in Mexico City. On the basis of decisions taken at that preliminary meeting, it was decided to set up the Preparatory Commission for the Denuclearization of Latin America, which actually drafted the Treaty. Would you comment on how the preliminary session was convened and how the consultations proceeded to the drafting stage.

GARCIA ROBLES: General Assembly resolution 1911 (XVIII) was adopted on 27 November 1963. Immediately after the delegation of Mexico to the Assembly returned the Mexican Foreign Office began informal consultations with all the Latin American countries, as a result of which it was possible to convene, in Mexico, the Preliminary Session for the Denuclearization of Latin America (REUPRAL).

REUPRAL took place in Mexico City from 23 to 27 November 1964. The informal consultations were not 100-per cent successful; we did not yet have all the Latin American countries, but we must have had perhaps 16 or 17 of them. The informal consultations helped very much to build a minimum common denominator. REUPRAL met for those four days and the main resolution that it approved was for the establishment of a Preparatory Commission for the Denuclearization of Latin America (COPREDAL). In that resolution COPREDAL was given the following mandate:

"To prepare a preliminary draft of a multilateral treaty for the denuclearization of Latin America and to this end to conduct any prior studies and take any prior steps that it deems necessary."

That is a model of the mandate. If the Conference on Disarmament here adopted a similar mandate it would achieve all that the delegations, East, West, North and South, wish. It would say "to prepare a treaty and to that effect take all necessary steps...". That would be sufficient. But that was the Preparatory Commission's mandate. After a certain number of years the Preparatory Commission succeeded.

BERASATEGUI: I remember that at that time, if I'm not mistaken, you were back in the Foreign Ministry as Under Secretary in charge also of multilateral affairs, you became Chairman of the Preparatory Commission and certainly had a decisive role in the negotiations. I was very modestly involved, but I remember that in addition to the Commission's public meetings and those of subsidiary bodies there were extensive informal consultations conducted by you during the

Conference. I should like to hear your impressions, since you were practically the central point of all those consultations and the Commission's public meetings and those of the subsidiary bodies. How did you see the Preparatory Commission working? Am I right in saying that, in addition to the Conference's normal activities there were extensive informal consultations conducted by you as the Chairman of the Preparatory Commission so as to settle very difficult points that emerged as the negotiations proceeded?

GARCIA ROBLES: Yes, there were many informal consultations and there were also some subsidiary organs of limited membership which were very helpful.

As you know, I was President of REUPRAL and President of COPREDAL throughout its existence, from the first to the fourth and last sessions. Therefore, I believe I know what I am talking about. In my opinion, one of the key elements of the success was the fact that from the beginning we established an organ called the Co-ordinating Committee, which was comprised of the President of COPREDAL, two Vice-Presidents and the Chairmen of the three Working Groups, a total of six persons. That subsidiary organ began working from the very beginning and considerably facilitated the informal consultations and at the same time gave a certain formality to the results of those consultations. It was that Co-ordinating Committee which was able at COPREDAL's third session to put forward a complete draft for the future treaty. Naturally there was no agreement yet on some of the main points, but it was a very important step forward.

As for the main problems that confronted us, I think the most difficult of them all was the Treaty's entry into force. As you know, there were two main trends: one of them - in which Mexico was included - maintained that the Treaty of Tlatelolco, regardless of its very well-known importance, delicate nature and so on, should not be accorded treatment different from that given to all treaties,

that is, it would come into force after X number of countries - to be decided later - had signed and ratified it and deposited their instruments of ratification. That was one school of thought. The other trend - in which perhaps the most well-known representative was Brazil - was that, in this particular case, owing to the treaty's nature and considerations of security and so on, it should not come into force until a series of conditions had been fulfilled.

If each of the members of those two schools of thought had maintained their original positions we would still be waiting to have a Treaty of Tlatelolco. But, fortunately, good sense prevailed and reasonable concessions were made by both sides and we found the formula which, as you know, is contained in the article dealing with its entry into force. If I remember correctly, it is article 28 in which a formula is defined which, on the one hand, permits those States which do not wish to be bound by the Treaty until a series of conditions have been met to sign and ratify it; and, on the other, those States which believe that for them the Treaty should enter into force as soon as they deposit their instrument of ratification can do that. Therefore, none of the signatories of the Treaty may claim a veto. I think it was a very happy formula and at present the Treaty of Tlatelolco has 23 States Parties.

BERASATEGUI: You may not wish to say it, but I think I should make the point that it was precisely that formulation, that compromise, which made possible agreement on the Treaty resulted from your initiative as President of the Commission. I remember quite well that you actually drafted that compromise, and I had that in mind when I said you played a decisive role as President in informal consultations with delegations to solve a number of difficult points. I think that confirms my impression.

I also remember that the Co-ordinating Committee held meetings between COPREDAL's sessions in order to advance the work and make preparations for the next round. I recall, too, that as President of COPREDAL you had to see that consensus achieved in the Co-ordinating Committee was expanded to include the whole membership of COPREDAL. So you had not only a decisive role but also produced a masterpiece of diplomacy in the Treaty of Tlatelolco - at least that is what I have heard from many who were involved in the actual work on the Treaty and I believe that I should include that in the record of this interview. As I said, I was very modestly involved in the negotiation process, but enough to recognize how you handled extremely difficult problems. And if today there is a Treaty of Tlatelolco it is thanks to your diplomatic ability and patience.

Going back to the subject of the Treaty as such, what do you see as the most significant aspects of the Treaty of Tlatelolco?

GARCIA ROBLES: Before answering your question, let me say that, with your usual modesty, you almost ignore the very important contribution you and the delegation of your country made to the final success. In addition to persons like you, I must refer to all the members of COPREDAL; however, naturally, you have to confine yourself to those with whom you were more closely in touch and whose contribution you appreciate more directly. In that connection, I mention the representative who later became the Secretary-General of the Organization for the Prohibition of Nuclear Weapons in Latin America (OPANAL), Ambassador Leopoldo Benites Vinuesa(??) of Ecuador; the representative of Brazil, José Cetto Camera; and the representative of El Salvador, Vice-President Mr. Egisarbal Dobias(???). I am sure that in your recollection you see all of them and yourself sitting and trying to solve the problems until we succeeded.

With reference to the most significant aspects of the Treaty, one of them is the one we have mentioned, the question of the formula for its entry into force. Another was the question of explosions for peaceful uses. As you know, that was also a very difficult problem, and it succeeded with - I recognize it - an ambiguous formula, but very often the formulas that facilitated success in such cases had to be ambiguous. A third was the question of verification and control. This is usually one of the questions that present more difficulties. If you examine the treaties and conventions which have been prepared in previous negotiating organs you will find proof of it; however, in the case of this Treaty, the provisions dealing with verification and control, along with the preamble, were the first to be approved.

The Tlatelolco Treaty - and I am not the one who said it; U Thant said so when he went to Mexico to the first session of OPANAL - is probably the only disarmament Treaty with such a complete verification and control system. On the one hand, it has safeguards from the International Atomic Energy Agency (IAEA), Vienna, and, on the other, a verification and control system by OPANAL's organs themselves.

Since I have mentioned OPANAL, perhaps it would be well to say a few words about it. It is the acronym for the permanent organ for the denuclearization of Latin America, but during the last session of the Preparatory Commission the title used in the previous sessions "Denuclearization of Latin America" was changed to "Prohibition of Nuclear Weapons in Latin America", hence the Organization for the Prohibition of Nuclear Weapons in Latin America (OPANAL). The reason for the change in the title was precisely to emphasize that what was desired, what everyone was seeking, was the prohibition of nuclear weapons in Latin America, not the prohibition of the peaceful uses of nuclear energy.

BERASATEGUI: I would add only one thing - which I feel is very significant - to what you have said. In fact, the Tlatelolco Treaty is the first multilateral agreement that establishes a complete verification system based on an international agency. The Tlatelolco Treaty preceded the Non-Proliferation Treaty in fact, and certainly the verification system, as you said, is elaborated much more in the Tlatelolco Treaty. But I should be asking questions, basically.

Coming to other initiatives relating to nuclear-weapon-free zones, one is tempted to ask why other regions have not been able to establish such zones, as Latin America has done. What would be your view in that connection?

GARCIA ROBLES: The existing situation in those regions for which proposals have been put forward for the creation of nuclear-weapon-free zones is, I recognize, not as favourable as the position in Latin America. You can examine all of them and I think you will reach the same conclusion. On the other hand, I don't think those conditions should make the creation of nuclear-weapon-free zones impossible in those regions.

For instance, there have been proposals for a Nordic nuclear-weapon-free zone. I understand that two countries - perhaps Norway and Denmark - are parties to a military alliance. However, there are other countries there in the northern part of the world which are not parties to any alliance; they could begin with that.

As I said and as you know, not all of Latin America is a nuclear-free zone, but we are very happy to have 23 - even if not 26, as we prefer.

With regard to Africa, the first proposal brought to the United Nations for a nuclear-weapon-free zone was not Tlatelolco but for Africa, as you recall. I know that South Africa is in Africa, but, in my opinion, that should not be an insuperable obstacle. On the contrary, if the African States began negotiations on

BERASATEGUI: You mentioned too that the Treaty has now entered into force for 23 States in the Latin American region and that you hope to see the number increased to 26 soon. I would think that by now most of Latin America is in fact a nuclear-weapon-free zone. Am I right?

GARCIA ROBLES: I sincerely hope that the whole of Latin America is a nuclear-weapon-free zone in practice. I don't think - and hope not - that any country has the idea of changing that. I do think that at present there is not a single nuclear weapon in Latin America - not only nuclear weapon belonging to any of the States of the region but also nuclear weapon belonging to a nuclear-weapon State brought to Latin America. I repeat that I hope that situation will not be modified.

A few moments ago I said "26"; I should have said 27, because, as you know, at present there is one country, Brazil, which has signed and ratified the Tlatelolco Treaty but has not made the dispensation of the requirements contemplated in article 28. But it should be added in this connection that the Brazilian Government, at the very high level of Minister for Foreign Affairs, has said on more than one occasion that Brazil, having signed and ratified the Treaty, feels itself bound by its purpose, spirit and provisions. They have said so on at least two occasions.

There is another country, Argentina, which has signed but not ratified the Treaty. I do hope that now with the change of régime Argentina will reach the conclusion that it is to its advantage at least to reach the same position as Brazil, that is, ratify and make a similar declaration.

Then we have another country, Chile, which is in a similar situation.

Finally, there is Cuba. Cuba has not signed and has not ratified it. On the other hand, it must be said that from the very beginning Cuba has adopted a consistent attitude in this respect. I remember that as President of COPREDAL I

was asked, on behalf of that body, to approach the Cuban Government and tell it that the members of COPREDAL would be most pleased if Cuba would participate in its preparatory work. The reply was that, first, they liked very much the initiative for the denuclearization of Latin America - at that time it was the "military denuclearization of Latin America"; secondly, that it would be most willing to participate but felt it could not do so until some conditions had been fulfilled. The conditions were the following.

First, in connection with those Territories of the Western Hemisphere in the sub-continent of Latin America for which the United States was responsible, that Government would undertake the same obligations which the parties to the Treaty accepted when they became such. That first condition has been met, because as is known the United States has signed and ratified Additional Protocol I.

The second condition was that the United States should get out of Guantanamo. As is known, Guantanamo is a United States military base on Cuban territory. From what I have heard from friends of the United States, including some high military men, Guantanamo now has no strategic value whatsoever. I think that will make less difficult - at a time which I hope will not be too far away - United States departure from Guantanamo as a counterpart of some negotiation in connection with the establishment of normal relations with Cuba.

The third was that the United States should put an end to what Cuba has been calling "the aggressive policy of the United States towards Cuba".

That is the present situation. But, as you see, we are not very far from the goal, because as you know, if the conditions were met, you would not need to renounce any conditions. One automatically becomes a party to the Treaty when one signs and ratifies it.

It's the only case, I think, and when I see our discussions in the Conference on Disarmament in connection with negative security assurances I am tempted to go back to the Treaty of Tlateloco, because there there have been legally binding commitments on the part of the five nuclear-weapon States. It's a very interesting precedent, and that shows that it can be done.

BERASATEGUI: Mr. Ambassador, thank you very much for all these references to the Treaty of Tlatelolco. Could I now take up another question, the Treaty on the Non-Proliferation of Nuclear Weapons, which followed the conclusion of the Treaty of Tlatelolco.

Would you care to comment on what you consider as the basic provisions of the Treaty on the Non-Proliferation of Nuclear Weapons?

GARCIA ROBLES: The non-proliferation Treaty, at least as the non-nuclear-weapon States understood it when it was being negotiated both in Geneva and in New York, contains the provisions which establish, on the one hand, what is called "non-horizontal proliferation" and, on the other hand, "non-vertical proliferation". For the non-horizontal proliferation the main articles are articles I and ^{II}~~II~~. By article I, each nuclear-weapon State party to the Treaty undertakes not to transfer to any recipient whatsoever nuclear weapons or other explosive devices. By article II, each non-nuclear-weapon State party to the Treaty undertakes not to receive the transfer from any transferor whatsoever of nuclear weapons or other explosive devices and not to manufacture or otherwise acquire nuclear weapons. That then is non-proliferation on the horizontal level.

As to non-proliferation at the vertical level, I think the main provisions of the Treaty are to be found, first, in the pre-penultimate preambular paragraph - which is called in Spanish the antepenultimo paragraph

- where it is recalled that the States parties to the 1963 Treaty, which is usually called the partial test-ban Treaty, were committed to seek to achieve the discontinuance of all test explosions of nuclear weapons for all time and to continue negotiations to this end.

So if that commitment had been taken seriously, by now it would have been a long time since we already had the so-called comprehensive test-ban or nuclear test-ban. That is one of the main provisions for non-proliferation at the vertical level. The other one, which is still more explicit, is contained in article VI which says as you know, the following:

"Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control".

Unfortunately, as you know, it will be not only ironic but sarcastic to say that these provisions have been fulfilled.

BERASATEGUI: Thank you very much, Mr. Ambassador. I think that we might need a third session, if you don't mind, because we would like to ask you a number of questions.

GARCIA ROBLES: Yes, on the Treaty on the Non-Proliferation of Nuclear Weapons it would be impossible to finish today. There is a lot of material still.