

# Test-Ban Bid to China Held No Recognition

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President Johnson's proposal that Red China join the nuclear test-ban treaty does not in any way constitute recognition of the Peking regime, State Department experts said yesterday.

In his address to the Nation Sunday the President said:

"We call on the world, especially on Red China, to join the nations which have signed it."

His remarks did, thus, in a sense, take official cognizance of Red China's existence, but this is not diplomatic recognition. Nor would China's actual signing of the treaty constitute recognition.

This same problem arose last year when Communist East Germany, another state not recognized by the United States, joined the test-ban treaty.

Secretary of State Dean

Rusk clarified that point before the Senate Foreign Relations Committee when he said that "in international law, the governing criteria of recognition is intent."

What Rusk said concerning East Germany is valid for Communist China, too, the experts said.

In addition, they stressed that according to international law, the participation in a multilateral treaty arrangement does not affect recognition.

The test-ban treaty had an additional safeguard against any such misinterpretation: the provision permitting every government to choose between Washington, London and Moscow, as depository of the treaty.

Treaties usually provide for a single depository. The nuclear test-ban treaty, however, established the formula of a

triple depository, meaning that the United States, for instance, need not accept a signature from a state it does not recognize.

In addition, the experts

said, the United States has had direct dealings with the Chinese Communists, as in the meetings of ambassadors in Warsaw, without a question of recognition.