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ENGLISH

FINAL RECORD OF THE THIRTIETH MEETING

held at the Palais des Nations, Geneva  
on Wednesday, 25 April 1979, at 10.30 a.m.

Chairman: Mr. P. NOTERDAEME (Belgium)

## PRESENT AT THE TABLE

<u>Algeria:</u>	Mr. A. BENSMAIL
<u>Argentina:</u>	Mr. F.J. DAVILA
<u>Australia:</u>	Mr. A.J. BEHM Ms. M.S. WICKES
<u>Belgium:</u>	Mr. P. NOTERDAEME Mr. P. BERG Mr. G. VAN DUYSE
<u>Brazil:</u>	Mr. A. CELSO DE OURO PRETO
<u>Bulgaria:</u>	Mr. P. VOUTOV Mr. I. PETROV Mr. I. ŞOTIROV
<u>Burma:</u>	U SAW HLAING U THAUNG HTUN
<u>Canada:</u>	Mr. R. HARRY JAY Mr. J.T. SIMARD
<u>Cuba:</u>	Mrs. V.B. JACKIEWICH
<u>Czechoslovakia:</u>	Mr. V. TYLNER Mr. L. STAVINOHÁ
<u>Egypt:</u>	Mr. O. EL-SHAFEI Mr. M. EL-BARADEI Mr. N. FAHMY
<u>Ethiopia:</u>	Mr. G. ALULÁ
<u>France:</u>	Mr. F. DE LA GORCE Mr. BENOIT D'ABOVILLE Mr. GESBERT

German Democratic Republic:

Mr. G. HERDER  
Mr. S. KAHN  
Mr. M. GRACZYNSKI

Germany, Federal Republic of:

Mr. G. PFEIFFER  
Mr. J. POHLMANN  
Mr. H. MULLER

Hungary:

Mr. M. DOMOKOS  
Mr. C. GYÖRFFY  
Mr. A. LAKATOS

India:

Mr. C.R. GHAREKHAN  
Mr. S.T. DEVARE  
Mr. S. SABHARWAL

Indonesia:

Mr. C. ANWAR SANI  
Mr. I. DAMANIK

Iran:

Mr. M. FARTASH  
Mr. D. CHILATY

Italy:

Mr. M. MORENO  
Mr. C. FRATESCHI  
Mr. FOLCO DE LUCA

Japan:

Mr. M. OGISO  
Mr. T. NONOYAMA  
Mr. T. IWANAMI  
Mr. R. ISHII

Kenya:

Mr. G.N. MUNIU

Mexico:

Mr. A. GARCÍA ROBLES

Mongolia:

Mr. D. ERDEMBILEG  
Mr. L. ERDENECHULUUN

Morocco:

Mr. M. RAHHALI

Mr. M. CHARIBI

Netherlands:

Mr. R.H. FEIN

Mr. A.J. MEERBURG

Nigeria:

Mr. K. AHMED

Mr. T. OLUMOKO

Pakistan:

Mr. M. AKRAM

Peru:Poland:

Mr. B. SUJKA

Mr. H. PAĆ

Mr. B. RUSSIN

Romania:

Mr. C. ENE

Mr. V. TUDOR

Mr. T. MELESCANU

Sri Lanka:

Mr. I.B. FONSEKA

Sweden:

Mr. C. LIDGARD

Mr. L. NORBERG

Mr. J. LUNDIN

Mr. S. STRÖMBÄCK

Union of Soviet Socialist Republics:

Mr. V.L. ISSRAELYAN

Mr. Yu. V. KOSTENKO

Mr. M.G. ANTIUKHIN

Mr. A.I. TIOURENKOV

United Kingdom:

Mr. D.M. SUMTERHAYES

Mr. P.M.W. FRANCIS

United States of America:

Mr. A.-S. FISHER

Mr. C. FLOWEREE

Mr. A. AKALÓVSKY

Mr. M. DALEY

Mr. M.L. SANCHES

Venezuela:

Mr. A.R. TAYLHARDAT

Miss D. SZOKOLOCZI

Yugoslavia:

Mr. D. DJOKIĆ

Zaire:

Mr. E. MULONGANDUSU

The CHAIRMAN (translated from French): First, I would like to apologize to the distinguished delegates for having delayed the opening of this thirtieth meeting of the Committee on Disarmament. I thought it useful to carry out some consultations on minor matters before declaring this plenary meeting open.

The speakers on the list for today on the item "chemical weapons" of our agenda are the Netherlands and Romania. With your permission I now call on Ambassador Fein, the distinguished representative of the Netherlands.

Mr. FEIN (Netherlands): I intend to make only a very few and general remarks on the item under discussion, item 4 of our agenda, taking into account that the Netherlands has already said one or two things on the chemical weapons problem earlier in this spring session. In informal talks this week, my delegation might give some further, more detailed views on a number of specific issues.

This spring we encountered five activities and proposals with respect to a ban on chemical weapons.

First of all, the all-important bilateral talks between the United States and the Soviet Union have continued. The last round was concluded, we understood, a short while ago. We had hoped that these two countries would submit, jointly or separately, a report on these talks to this Committee, but apparently we shall have to do without for the time being; in the meantime we wish them success.

Secondly, my Delegation submitted a working paper (CD/6) proposing to start negotiations, as a first step towards a chemical weapons treaty, on a general outline of such a treaty.

Thirdly, Italy submitted a paper containing somewhat similar proposals.

Fourthly, a group of 21 countries proposed the establishment of an ad hoc working group to negotiate on a chemical weapons ban.

And in the fifth place, the Federal Republic of Germany and the United Kingdom organized workshops, particularly on verification matters.

In my opinion, these five issues are not incompatible, as I shall endeavour to demonstrate.

The bilateral talks are of course potentially vital to our discussions in this Committee. Indeed, solutions found on complicated and sensitive issues between the main chemical weapons Powers are, of course, of overriding importance to our deliberations. But this in no way detracts from the fact that a chemical weapons ban, once agreed upon and to be enforced, is just as directly relevant to other

(Mr. Fein, Netherlands)

countries as well. Restrictions on and verification of chemical industries of all countries in the world, at least in theory, will be involved. Specific regional situations in which chemical weapons could play a military role are not unthinkable, including in developing areas of the world. That is one more reason why many of us feel that this multilateral body should handle the chemical weapons question.

In document CD/6, my delegation offered some suggestions on how to make a start with this process. We suggested trying to develop, as a first step, a general outline of a chemical weapons treaty. Much preliminary work on the chemical weapons question has already been done in the past in the CCD. As indicated in a statement of my predecessor, on 2 August 1977,<sup>1/</sup> there seems to be agreement on quite a number of issues -- at least in general terms -- which have, however, never been "formalized". Other problems, of course, will not be solved easily. Using such a paper as a basis, the Committee on Disarmament could lay down guidelines on how to proceed with more detailed work, in working groups, expert groups, etc. Some of this detailed work could perhaps also be done in the bilateral talks, for example on questions which are of particular relevance to the two countries involved. Thus I could imagine that preliminary work by the two Powers on sensitive issues such as the destruction of stockpiles and the dismantling of production plants could be very helpful for the future work of the Committee. On other matters, such as the scope, certain confidence-building measures, some legal questions and the verification of the non-production of chemical weapons could perhaps be handled by the Committee on Disarmament itself. Since the United States and the USSR would, of course, also be involved in these talks, there would not appear to be much danger that the bilateral talks would be hampered. On the other hand, members of the Committee could provide valuable contributions to the discussions and the bilateral talks would only have to concentrate on particularly complex -- more or less bilateral -- matters.

The question has been raised whether we need to establish an ad hoc working group for the first step, which, in our view, is the development of a general paper. It would seem logical to set up such a working group since this would clearly be more efficient than working in plenary meetings, whether formal or informal of the

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<sup>1/</sup> CCD/PV.758

(Mr. Fein, Netherlands)

Committee as a whole. My delegation is therefore, in principle, in favour of such a move. However, we do not consider the establishment of an ad hoc working group indispensable; for us starting serious discussions and negotiations is more important than the form in which this happens and we certainly would not want to waste any time on fruitless debates on the terms of reference of such an ad hoc working group if we were given to understand that -- in the end -- there might be no consensus to set one up in any case.

We have therefore also noted with interest the proposal of the distinguished representative of Poland for establishing an informal contact group, which is to report as early as possible during the summer session; that would be by mid-June. We would like to explore this possibility further in the informal meetings which we shall have later to-day or later this week. Is it the intention of Poland that the contact group would meet during the spring recess, i.e. during the month of May? That would seem to follow logically from the timing indicated by the distinguished representative of Poland in his statement yesterday.

In any case it would be desirable to decide already now on what dates the Committee on Disarmament will resume its discussions on chemical weapons this summer. By agreeing now to such a period reserved for chemical weapons, we could make arrangements for our experts on such weapons to be with us at that time. We would suggest a period of two weeks during the late part of June and/or early July.

Finally, a few words on the very interesting workshops in the Federal Republic of Germany and the United Kingdom, a subject to which we shall revert in more detail in informal meetings. We are very grateful for the great hospitality tendered by these two countries and we were even more impressed by the excellent programme which they organized. Verification of a chemical weapons ban is a most thorny question. We have discussed this issue, in the abstract, for a long time. The practical workshops have demonstrated in a much more convincing way what possibilities there are for on-site inspection and which problems it raises. It has convinced us again that practical and not unacceptably intrusive verification of important elements of a chemical weapons ban is possible, although we realize that much more work still needs to be done. It was a pity that some members of this Committee did not see their way clear to sending their experts, countries which have at times stated that on-site inspection is not possible. They could have seen for themselves that it is indeed possible, even in countries with a free, competitive market economy. Hopefully, there will be more workshops in the future to demonstrate to experts and negotiators how to find practical solutions for our future chemical weapons ban.



Mr. ENE (Romania) (translated from French): In my statement today I should like to make a few very brief comments on the second item on our Committee's programme of work, namely, chemical weapons.

I should like to say, at the outset, that the importance which the Romanian delegation attaches to the prohibition of chemical weapons is a consequence of our broader concern with the outlawing of weapons of mass destruction, and the concern that the Committee's work should be firmly oriented towards the crucial problems of disarmament, in full accord with the Final Document and very spirit of the special session of the General Assembly devoted to disarmament.

The intense activity carried on since 1972 on the preparations for the adoption of effective measures aimed at prohibiting the production of chemical weapons and the destruction of existing stocks has been referred to in many emphatic statements. The presentation of the three draft conventions, the many documents which throw light on important aspects of the prohibition of chemical weapons, the contribution of the technical experts in that respect, the positive proposals submitted concerning the organization of the negotiations -- all these represent a considerable amount of work. This fact was acknowledged by the General Assembly of the United Nations which, in its resolution 33/59 of 14 December 1978 specifically requested the Committee on Disarmament "as a matter of high priority, to undertake, at the beginning of its 1979 session, negotiations with a view to elaborating an agreement on effective measures for the prohibition of the development, production and stockpiling of all chemical weapons and for their destruction, taking into account all existing proposals and future initiatives."

It is in this spirit that we agree with the views which have been expressed that our Committee is not only bound to consider, as a matter of priority, the question of the prohibition of chemical weapons, but that it also has at its disposal the results of intense activity which has been undertaken and which justifies the proposal to pass on to a specific phase of work.

For years it has been the Romanian delegation's opinion that for the purpose of the effective conduct of negotiations in the field of disarmament effective machinery has to be employed. We start from the idea that such machinery would constitute a virtual laboratory within which it would be possible to carry on a dialogue between the Parties with a view to identifying possible areas for agreement and exploring the possibilities for overcoming existing differences.

Accordingly, and in conformity with the line of action consistently followed by Romania with regard to the working machinery of our Committee, we endorse the proposal put forward by the countries of the Group of 21 concerning the establishment of an ad hoc working group on chemical weapons, open to the participation of all Member

(Mr. Ene, Romania)

States of the Committee, and other proposals submitted on this question by the delegations of Italy and the Netherlands at the beginning of the session. We particularly welcome these proposals since Romania, as a co-sponsor of one of the draft conventions on chemical weapons, itself put forward in the past the idea of forming such a working group.

At the same time, because the topic of chemical weapons is of broad interest and because the Member States of the Committee have made a prominent contribution to the work done so far, the full participation in the ad hoc group's work also by non-member States is justified. We are thinking of all the rights provided for non-member States by the rules of procedure, including rule 35 under which interested non-member States may be present during the deliberations.

In the course of our discussions, some opinions have been expressed also concerning the possible implications of the beginning of the specific negotiations within the Committee for efforts undertaken at other levels in the area of chemical weapons.

As far as we are concerned, we have welcomed and shall continue to welcome in the future any initiative in any setting, provided that it contributes to the advancement of our common objective of general disarmament. Such a result can be achieved only by concentrating all efforts and by utilizing all the instruments and possibilities available to the international community. Thus, we were appreciative of the study visits organized by the Federal Republic of Germany and the United Kingdom which also enabled a Romanian expert to become acquainted with certain technical aspects involved in the prohibition of chemical weapons.

However, we must realize that all these initiatives cannot be dissociated from the multilateral framework of the negotiations, particularly in the case of chemical weapons which are, pre-eminently, weapons of mass destruction and might be available to quite a large number of States. The problem of principle which consequently arises is, in our opinion, how the framework of the new Committee -- which is founded on the principle that disarmament is of general concern -- may be used for devising the modalities of pooling the efforts of all so that they may contribute to the achievement of progress in the interests of all. In any case, the Committee on Disarmament, as the sole multinational negotiating body in the field of disarmament, should not be excluded from the initiatives that contemplate the prohibition of chemical weapons.

These are the practical considerations which my delegation felt it appropriate to bring to the Committee's attention at this phase in our deliberations.

It is our belief that, through the constructive approach of all members of the Committee, we shall be able to decide to establish an ad hoc working group on chemical weapons and so to move, during the second part of the session, towards the elaboration of a draft convention in the area of chemical weapons.

The CHAIRMAN (translated from French): Are there any other speakers wishing to take the floor?

If that is not the case, I should now like to suggest that we should resume consideration of the question we began to discuss yesterday at the end of the twenty-ninth meeting. As we agreed, the Secretariat has made available to delegations the communication received by the Chairman from the Secretary-General of the United Nations and the document attached to it. Some delegations asked for time to acquaint themselves with that document; other delegations, I must say a large number of delegations, urged that the Committee should decide without delay to circulate the communication and the document attached to it as an official document of our Committee. Before inviting comment on this point, I should like to make just one observation. I should like to say to you that I consider that the consultations we hold on this matter fall within the scope of rule 11 of our rules of procedure, which clearly provides that, apart from exercising the normal functions of a presiding officer and in addition to the powers conferred upon him elsewhere by those rules, the Chairman shall, in full consultation with the Committee and under its authority, represent it in its relations with States, the General Assembly and other organs of the United Nations and with other international organizations. I consider, therefore, that this type of consultation comes within the scope of rule 11 of the rules of procedure.

I should now like to ask delegations whether they still have comments to make on this particular question.

Mr. FISHER (United States of America): I think for those of us that have at least 24 hour memories it is no secret any more that I requested that this decision be deferred to this morning. I have now, thanks to the courtesy of the Committee, had the opportunity to read, although I find a little confusion as to the documents which are there, a letter from the Under-Secretary-General for Political and Security Council Affairs. I have seen elsewhere a letter from Mr. Lesley Harman to the Secretary-General and I have seen in a couple of printings the document of the Committee Against Apartheid, reporting the United Nations Seminar on Nuclear Collaboration with South Africa. I feel that under rule 11, the Committee does not automatically make a decision that a Secretary-General's document is before us. On the other hand, I find this particular document is

(Mr. Fisher, United States)

germane to the work of this Committee, and, having had a chance to read it I have no objection to its being circulated. Clearly what we can argue is whether or not the Seminar report is an annex or a document. Frankly, I do not care. The United States does not care. It will all be circulated anyhow. However, and I do not expect to have agreement on this, I would hope in the limited time at our disposal we could agree on a result, not on a theory, as with 39 delegates here, if we had to agree on a whole rationale it might well take us until 12 June. I would be perfectly prepared to agree that the letter should be circulated and the attachments, as part of the document, officially. I have no objection to it. I would, however, state the position of the United States, and I am not expecting unanimous agreement on this, that under the rules of procedure, if there is any question as to the relevance of a document to the work of this Committee, the Chairman is not only authorized, but obligated by rule 11, which every one of us in this room agreed to, to consult the Committee, and I assume that consultation of the Committee involves giving the Committee a chance to figure out what they are talking about. It does not involve consultation one minute and decision the next. We all agreed to rule 11. I am not quite sure why we are so worried about it right now. Having said that, and not expecting complete agreement on my rationale, the United States has no objection at all to the circulation of the letter from the Under-Secretary-General for Political and Security Council Affairs as a document of the Committee on Disarmament, precisely how the Secretariat decides to stamp the various attachments -- and I would assume you would have at least the attachments that Mr. Harman sent to the Secretary-General as well as the document itself; I have not found that in the document before us at present -- how we designate those, I would leave to the full discretion of the Secretariat on the grounds that the application of a stamp, whether "Committee on Disarmament" or something else, on the attachment, as well as on the document itself, is not a matter that really affects the national security of any of the countries sitting in this room.

Mr. AKRAH (Pakistan): I would at the moment confine my remarks to the document which is before us, that is the letter addressed to you, Mr. Chairman, by the Under-Secretary-General for Political and Security Council Affairs, and also, I am afraid, I must comment on the statement just made by the distinguished representative of the United States.

(Mr. Akram, Pakistan)

First of all, I would like to say that we are glad there is no objection to the circulation of this document. As far as my delegation is concerned, we believe that as soon as this letter had been received by you, it was incumbent on you, as Chairman of this Committee, to have it officially circulated, because there are no grounds, we feel, for holding up the circulation of an official transmission from the United Nations for any reason whatsoever. The distinguished Ambassador of the United States argued that this falls under the functions of the Chairman under rule 11. Most respectfully I would beg to disagree with that contention. Rule 11 relates to the functions of the Chairman and his relationship, as the representative of this Committee, in our relations with the General Assembly and with other States and organizations. It does not relate to the matter of the documentation which the Committee is authorized to receive. I would like to recall that when the Secretary-General of the United Nations sent a message to this Committee, when we opened our session, it was not put to this Committee whether that message should be circulated as an official Committee document. Secondly, we have before us resolutions of the General Assembly which have been circulated as official documents and that were not put before the Committee for consideration as to whether those resolutions should be circulated to us, nor was a specific decision required to circulate those decisions in the Committee. Lastly, we have in this Committee the services of the Secretariat, which is nominated by the United Nations Secretary-General, which is paid for by the United Nations, and this is an integral and essential link between this Committee and the United Nations and something without which we cannot function. Is it our intention, whenever we have the services of staff from the United Nations Secretariat, to have this Committee decide whether we shall receive that staff or the work conducted by that staff? I think that the point which Ambassador Fisher has alluded to could lead us into very, very difficult straits. I would therefore appeal to you, Mr. Chairman, that first of all, of course, this document be circulated. A decision is not required, and I do not think that the Committee should take any decision to circulate this document -- it should be done automatically. Secondly, I think we must, as a general rule, make it clear that in future, official transmissions from the United Nations Secretariat and from the intergovernmental organs of the United Nations system must be circulated within this Committee as a matter of course, and not require any specific decision or consultation by the Chairman. I think this is a logical, reasonable stand. Anything else, Sir, would create immense difficulties for our work.

Mr. FISHER (United States of America): I do not wish to engage in a personal controversy with my good friend whose suggestion yesterday made this resolution possible, and I can only express my gratitude to him for that. I think we do have a difference between knowing what the document is, and having it circulated as an official document of the Committee on Disarmament. I am perfectly prepared to agree that there is a substantial amount of discretion vested in the Chair as to whether to circulate a document that is given to him by the Secretariat. I do think, however, that the Secretariat does fall under the distinction of rule 11, which says "other organs of the United Nations". As I read my Charter, the Secretariat is an organ of the United Nations and I would think that I am perfectly prepared to agree to this being circulated as an official document, leaving to the Secretariat of this Committee its wise discretion as to what stamp it puts on the attachments and whether or not it has any attachments. For example, the letter from Chairman Harman to the Secretary-General of the United Nations, which I do not find in the material that was circulated, but which I know in fact exists. But I will not agree that it is automatically a Committee document if the Secretary-General says that it is. We, our Committee, have our own right. Now, if we are going to debate this as a matter of principle we may last until 12 June, thereby making our plans for the UNDC rather theoretical. I would suggest that the thing be circulated and I am perfectly prepared to finesse whether or not it be circulated pursuant to a decision to which I agree, as long as it is circulated. I am perfectly prepared to agree with that and have no objection. However, I do want to make the position of the United States clear on the relationship between this body and the United Nations, and the responsibilities placed on the Chairman by rule 11, which does not require every document to be circulated for prior consideration by the Committee, because there are some which should obviously be automatically circulated. Document CD/1 was one of them; it contained things dealing with this Committee. Now, it is a little bit hard for me to argue that as a precedent in interpreting rule 11, because what happened in the case of CD/1, as one with any chronological identity would recognize, was that it was circulated before rule 11 was adopted. On the other hand, even with rule 11 as it now appears, I would have no objection to this document being automatically circulated.

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I do think, however, that if there is any question of doubt, the Chairman has the right, and the duty, to consult the Committee and not to announce that the Secretary-General has said this is relevant to your work, therefore it is. Therefore this is a document and the United States will stand by that position hoping that debates on that position will not hinder this report being circulated as an official document.

Mr. GARCIA ROBLES (Mexico) (translated from Spanish): To all those who took part in the discussions which made possible the adoption of the rules of procedure of the Committee on Disarmament, I think it is clear that the statement just made by Ambassador Fisher contains a large element of truth. If we insist on taking a decision generally applicable to such cases, his warning, I repeat, seems to be well-founded, and we might still be here discussing the matter in June.

Since, on the other hand, what counts here, so far as this document is concerned, is that it should be distributed; and since, in this connexion, the representative of the United States has told us that he has no objection, I would suggest that the decision be taken to distribute it, there being general agreement as to this, and that we should leave outstanding the question whether a general decision should be taken. Perhaps we shall find time in June to consider the various aspects of this question and be able to reach a consensus.

That would be my concrete suggestion as regards this point. Since I have the floor, I should like to refer to the other matter: the question of the two letters which have also been distributed to us, or rather, to be more exact, which were deposited in our boxes. I mean the letters from Finland and Switzerland.

On this point, I think we could now already take a decision of a general nature. And I venture to hope that there will be no objection as regards this. The general decision which I would suggest for communications coming under rules 33 and 34 of the rules of procedure is that when communications of this kind, or documents attached to them, are received, they should also be distributed as Committee documents automatically. This will save time and enable us to familiarize ourselves with the contents; and to my way of thinking such a procedure could not be objectionable to any member of the Committee.

The CHAIRMAN (translated from French): Are there any other comments on this question?

If there are no further comments, I should like to make the following suggestion: first, I would not like the Committee to continue now with the debate on the interpretation of rule 11. I do not think it is necessary to carry on the debate. But I wish to be very clear. I consider it my duty as Chairman to be clear on this point. I would not wish there to be the slightest misunderstanding. As Chairman, I am inclined to believe that this type of question comes within the scope of application of rule 11. I tell you this in all honesty and sincerity. As Chairman, I maintain that this question comes within the scope of application of rule 11; I think it my duty to bring this interpretation to your knowledge, but it should not become the subject of another debate. I feel that I am entitled to tell you the substance of my thinking. That being said, I should like to address myself to the decision which we have to take, and I wish to suggest to you that the communication I have received, together with its annex, should be transformed without delay into an official document of our Committee.

Mr. AKRAM (Pakistan): Mr. Chairman, since there is no question of anybody objecting to the circulation of the document I believe it should be done. It does not require a decision of the Committee. I think we can put that discussion to rest. I do not think it was a discussion that was necessary. I do not think we should discuss that point any longer, especially since there is no objection. As for the application of rule 11, you, Mr. Chairman, have no doubt your own personal point of view; my own delegation has its own position. At the moment, we do not coincide in these points of view. Perhaps it might be best not to discuss that matter any further, because it is not necessary, either. Therefore, I think we should now turn to the other subject which we have before us.



The CHAIRMAN (translated from French): If there is no objection to the decision which I have just suggested, it is decided that the communication shall be distributed as an official document of the Committee.

Mr. AKRAM (Pakistan): Mr. Chairman, my delegation would have an objection to the Committee deciding to circulate it; we do not think the decision is necessary. We think that documents should be circulated per se, there is no need to take a decision in this Committee. We think that a decision to circulate a document could create a precedent which is contrary to our understanding of the rules of procedure and the way in which this Committee should work. Since there is no objection to the circulation of the document, there is no question of the Committee needing to take a decision. The document should be circulated, there is no need for a formal decision on the matter. I would submit therefore, that we leave that matter aside for the moment, and turn to the other question, and the document will be circulated by your authority.

Mr. HARRY JAY (Canada): I apologise to you Mr. Chairman for having been late for this meeting, because of participation in another meeting in the building. However, on the subject under discussion, I would like to dissociate myself from the interpretation of rule 11 advanced by the delegation of Pakistan. I would also dissociate myself from the implications of what he has been saying with regard to your conduct of the chairmanship, Mr. Chairman, and I would associate my delegation with the consensus to circulate the documents in question.

Mr. ISSRAELYAN (Union of Soviet Socialist Republics): The Soviet delegation believes that your actions are entirely correct, Mr. Chairman, and your interpretation of rule 11 likewise correct. Inasmuch as there is consensus on the question which is now before us, we feel that it is possible to associate ourselves with it, and we are in favour of the publication of the document.

Mr. FONSEKA (Sri Lanka): It was really not my intention to get into this, but I am one who has not been a member of this Committee for long. Notwithstanding the very worthwhile suggestion made by the distinguished representative of Mexico that we postpone a decision on this question for the very good reason that we may not get an answer, it occurs to me to ask two questions: one, may I ask, because of my ignorance of past practice in the CCD, when a document was transmitted by the Secretary-General or an official acting on his behalf -- how was it handled? two, now I am not quite clear in my mind whether the point of view expressed by the delegate of Pakistan has been taken into account. Nevertheless, I ask whether, in the light of how this document has now been treated, hereafter if we get any document from the United Nations Secretary-General, and I expressly refer to the Secretary-General of the United Nations, is it going to be the duty of the Chairman under rule 11 to have to come before this Committee and consult us as to whether that document is to be circulated? I ask these two questions Mr. Chairman, I do not wish to get into controversy, but I do wish to place this before the Committee and you, Mr. Chairman, because exercising the office of Chairman is going to involve somebody else next sitting in that Chair and he might have to make up his mind on this. What is the position?

The CHAIRMAN (translated from French): I thank the distinguished delegate of Sri Lanka.

If there are no more comments, I should like to sum up as follows: in the absence of objections, the communication and the document attached to it will be circulated as official documents of the Committee. The question of the interpretation of rule 11 is a matter which remains open and concerning which I should not like to draw any conclusion at the present stage.

Mr. AKRAM (Pakistan): I am sorry to take the floor again, but I do believe that the matter at hand is of some importance for the future work of

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our Committee, and that we should not take a decision which would bind us one way or another. My delegation is very clear in its own view of the nature and character of this Committee's relations with the United Nations and so forth. We do not wish to impose this point of view on anyone, but at the same time we do not wish either, by implication, to accept the point of view of the other side about the nature of this body. Therefore, my delegation would not be prepared to take any decision, consensus or other form of taking a decision, on the circulation of this document. We would not, however, object if you, Mr. Chairman, wish to make a statement to this Committee that under the authority that has been given to you, you would be circulating the document you have received. But there is no question of any reference to there being no objection, or other form of consultation that you have referred to. We would not object if you wish to make a statement that under the authority entrusted to you, you would be circulating this document, and I think that would not compromise the position of anybody.

Mr. HARRY JAY (Canada): I wonder if I could make a suggestion which may or may not be helpful, but it intends to be helpful. Would it be possible for the Chair to say that on this occasion, having consulted the Committee, you, Mr. Chairman, have decided to circulate the document?

Mr. FISHER (United States of America): I think that one of our problems is that we start to discuss the question of who has authority, to do what. I found our distinguished Pakistan colleague's presentation just a statement that the document is to be circulated as an **official** document. I am not saying who has the authority to decide, but we should reserve our respective positions, continue with our work and circulate the document. I think that the constructive spirit which gave me the opportunity to read this document should be carried through, and I would accept his formulation completely without reservation.

The CHAIRMAN (translated from French): Allow me to address myself to the distinguished delegate of Pakistan.

I fully understand that we are faced with a delicate problem. I made a point of saying, in the second part of my statement, that I did not wish to draw any conclusion whatsoever from the exchange of views on the application or interpretation of rule 11. In the first part of my statement I carefully avoided using the word "decision". I spoke of a communication which I was making to members of the Committee. If I make a communication to members of the Committee, I think I am entitled to formulate that communication myself. I formulated it in the following manner: since there are no objections, the document will be circulated as an official document. In the context of a communication I have a right to say this to the Committee. I was careful not to use the word "decision" because I do not wish to prejudge the possible outcome of a discussion on the interpretation of the application or non-application of rule 11. But I think that, in a communication to the distinguished delegates on the Committee, I can say that, in the absence of objections, the document will be circulated as an official document of the Committee. When the Chairman makes a communication to the Committee, I think he should have some latitude in phrasing it, inasmuch as he has no intention of prejudging the interpretation of rule 11 in any way.

A few moments ago I told you the essence of my thinking. I made a point of saying that I was not asking the Committee's views on my interpretation; however, I believe that when I close a debate by making a communication, I have the right to formulate that communication myself. In this particular case I do not need to seek the Committee's views. That is what I should like to say to the distinguished delegate of Pakistan.

Mr. AKRAM (Pakistan): Mr. Chairman, first of all let me say that neither my delegation nor myself have or would have the temerity to question in any way the prerogatives of the Chair. Of course, when you convey anything to the Committee you have full right to do so in the manner that you feel is the most appropriate. What my delegation is concerned about is that the communication from the Chairman can have certain implications, because as you know, you are acting as the Chairman, as our guide and as the collective representation of this Committee, and when you say that the document will be circulated, since there is no objection, the implication is clear, that is that if there was objection, the document would not be circulated, and that is an implication which my delegation is, as I have stated before, not in a position to accept. Therefore, and especially since the

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distinguished Ambassador of the United States has voiced no difficulty with the sort of communication which I had very humbly suggested, which would not contain this implication of objections or no objections from various delegations, I would again suggest whether you, Mr. Chairman, might not find it possible to make a communication which would not contain any reference to the question of objections to the circulation of the document, but merely state that you are circulating the document. I do not think anybody would object to that or could read any implications into that.

Mr. GARCIA ROBLES (Mexico) (translated from Spanish): I shall begin by saying, Mr. Chairman, that my delegation would have no difficulty with the formula you have just explained to us. We believe it is a formula which in no way prejudges the question of the interpretation of rule 11 of the rules of procedure; a formula moreover, which you, Mr. Chairman, are fully authorized to use in the exercise of your rights and duties.

If, however, there are representatives, or even a representative, to whom this formula presents difficulties, a communication of the following kind might be used: a descriptive communication, for whatever position on the substance a delegation might take, it cannot deny that what has happened has happened. And what is it that has happened? What has happened is that, rightly or wrongly -- there is no reason for us to form a judgement on this at this moment -- the Chairman decided to consider this matter; the Chairman thought and still thinks that it is his duty to apply rule 11. No one can deny this. It is a fact. The Chairman thought it was his duty to apply rule 11 and resort to full consultation with the Committee.

As a result of this full consultation, the Chairman has found either that there are no objections, or that there is a consensus. Here, too, it is a question of describing a fact. There is consensus, and there are no objections. Consequently, the Chairman decides, or resolves, as we say here, to issue under his authority instructions that this document be distributed as an official document.

I believe that such a formula, while maintaining the Chairman's prerogatives to the full, may set the Pakistan representative's misgivings at rest.

The CHAIRMAN (translated from French): Distinguished delegates, I should now like to close this discussion and to make the following communication. In the light of the exchange of views which has taken place so far, I decide, as Chairman, that the document under consideration will be circulated as an official document of the Committee. If there are no objections, we can proceed to another item of business. I had gathered that we would have informal discussions on the other communications submitted to the Chairman of the Committee which involve the application of rule 11 and rules 13, 34 and, possibly, 35. We had also decided to

(The Chairman)

hold formal discussions today on the topic of chemical weapons. That being so, I should like to make the following procedural suggestion: we might recess and suspend our plenary meeting to consider the question of the other communications received by the Chairman.

Secondly, after we have finished our consultations, we could meet in plenary session to take decisions. After that we could continue our informal consultations on the subject of chemical weapons. Do you agree to this procedure?

Mr. GARCIA ROBLES (Mexico) (translated from Spanish): I would have no difficulty with the procedures you suggest, Mr. Chairman, but it seems to me that, among the different matters you mentioned, there is one, which I pointed out a few moments ago, which could perhaps here and now be resolved by a question from the chair. This question could be as follows: You have all heard the suggestion by the representative of Mexico. (It was the one I made a few moments ago and which I am now going to repeat.) If there are no objections, could we regard it as adopted? And then we would proceed to the informal meeting, on the understanding that if there is a single objection to this proposal by the Mexican delegation, this matter also would be referred to the informal meeting.

The reason why I venture to hope there will be no objection, however, is that this is the usual procedure followed in all United Nations bodies, whether it be the Assembly, the Security Council or the Economic and Social Council; and it is also the one which was followed here in the CCD.

I shall mention as an example what I believe was the last working paper of the CCD: unless I am mistaken, it was a communication from Finland, reproduced as document CCD/577, of 22 August 1978. A communication which, like the annex, was a very long, technical annex. This annex was not reproduced, but a note was added to the effect that since the number of copies was limited, only one copy would be given to each delegation.

But there were several like this in the CCD. Consequently, communications coming under rules 33 or 34 of the rules of procedure, documents which either, like the communication from Finland of 20 April, transmit a working paper, or which express the wish that the representative of the country in question should be heard by the Committee, should in my opinion automatically be reproduced as documents of the Committee.

The CHAIRMAN (translated from French): Delegations have all heard the proposal made by the distinguished representative of Mexico, namely, that the documents and communications which we have received should be circulated immediately as official documents of the Committee.

Mr. FISHER (United States of America): Mr. Chairman, I have no objection to what our distinguished colleague from Mexico has said. On the other hand, I do not think we ought to postpone action on these questions until that circulation takes place. After all, the calendar is moving and I think we ought to take action on them and it should be done seriatim. I hope that we could have an informal meeting of 40 minutes and then resume the formal meeting to take action on both of these documents. It could be done in fairness to the people concerned; therefore we really ought to take action now and I think that this is possible. I have a different view as to the two respective requests and so I think we ought to discuss them seriatim, but my recommendation would be that we follow your action and, in the informal session, deal with the two things separately, and then I think we could resolve it very simply.

Mr. GARCIA ROBLES (Mexico) (translated from Spanish): The United States representative's reply to my question is the one which I hoped for and which I would hope to receive from everyone: i.e. that there is a consensus in favour of automatic distribution.

I only ask for the floor, Mr. Chairman, to say that my suggestion in no way rules out what you suggested, for right from the start I said I was in agreement to our proceeding to the informal meeting immediately afterwards. And I will add that I agree with the United States representative that at the informal meeting we need not wait until the document appears with the CD symbol, and that we could take a decision on the substance immediately.

The CHAIRMAN (translated from French): I thank the distinguished delegate of Mexico. Accordingly, if there are no further observations or comments, I suggest that both of these communications should become official documents of the Committee. But before taking that decision I give the floor to the distinguished delegate of Pakistan.

Mr. AKRAM (Pakistan): Mr. Chairman, here again I am taking the floor not so much because of the contents of the two communications which are addressed to you, Sir, and which we have received informally, but because of the implications which our action may have for the future. We all know the relevant rule of procedure concerning the intervention by non-member States of the Committee in our work, both as regards statements that they can make and the circulation of documents. As you will recall, the relevant rule of procedure, not only the rules of procedure, but also the decision of the 10th special session of the General Assembly, states that this Committee will invite -- the words are "will invite" -- non-member States of the Committee to participate in matters which are of particular concern to them. Now, my delegation has previously stated the point of view that we believe that the participation of non-member States of the Committee in our work should be more or less automatic. That is, that all that would be required is a request to be made, after which the Chairman could convey to them the concurrence of the Committee after some informal consultations. We do not believe that the sort of consultations which we are holding today on these two communications are necessary for the future. We understand, of course, that this is the first occasion and therefore caution has been the better part of valour and that you, Mr. Chairman, have deemed it necessary to consult us in this formal way, but in future we do not think it is necessary that the Chairman should call a meeting of the Committee especially to inform us that he has received a communication from such-and-such a State. If it is a Member State, if it is a State, -- in fact, the General Assembly document speaks of States -- if it is a State, and if the communication clearly establishes that it has a particular interest in some item on the agenda of the Committee and it indicates in the communication that it would like to address itself to that item, I think the decision should be quite automatic to invite that State to participate in our work. There is no implication in our rules of procedure whereby the Committee or the Chairman could refuse participation to any State which expresses a desire to participate in our work. Therefore, from what I have said



(Mr. Akram, Pakistan)

the other implication which arises is whether it would be necessary in the future for us to circulate requests made by non-member States as formal documents of this Committee, because to us it would be quite simple: a formal communication would be received by the Chairman, he would consult informally with other members and the State would be invited to participate. We do not think it would be strictly necessary to circulate as an official document of this Committee any request that may be made to the Chairman. Because our rules of procedure do not speak of written requests and they do not speak of circulation of these written requests to the Committee. Those are the questions that are raised in the mind of my delegation and we would like to share our views with other colleagues before we proceed to take any decision on this question.

The CHAIRMAN (translated from French): Are there any other comments? You have all heard the proposal made by the distinguished delegate of Mexico. That being so, the proposal of the distinguished delegate of Mexico is accepted. I should now like to suspend this formal meeting.

Mr. AKRAM (Pakistan): I thought I had expressed myself clearly: apparently I had not. My delegation would not for the moment like to take a decision on the proposal made by the distinguished Ambassador of Mexico to circulate these documents formally. We would like, first, to discuss the full implications arising from the circulation of and consultations on these documents and thereafter we could decide whether it is at all necessary to circulate those documents formally to the Committee.

Mr. GARCIA ROBLES (Mexico) (translated from Spanish): I should like to reassure the representative of Pakistan. My suggestion is "crystal clear", as the saying goes in English. There are no mysterious proposals; it is the procedure which is followed in all United Nations bodies, and which, on various occasions, was followed by the CCD.

The effect is not to render more difficult but on the contrary to facilitate and speed up document submission and distribution and hearings for those requesting them.

(Mr. Garcia Robles, Mexico)

I shall merely recall, for the sake of clarity, that when the desire of Viet Nam to be heard was transmitted to us by one of your predecessors, there were delegations here which expressed the wish to see the request of Viet Nam in writing.

This will perhaps set the Pakistan representative's mind at rest. My suggestion seeks, not to render more difficult, but on the contrary to facilitate, the application of the relevant rules of procedure.

The CHAIRMAN (translated from French): If there are no further comments, I suggest that the formal meeting be suspended and that we resume our work at an informal meeting in ten minutes or so.

It was so decided.

The meeting was suspended at 12.30 p.m. and resumed at 1.15 p.m.

The CHAIRMAN (translated from French): I now wish to propose the following:

First, the communications which we have received, respectively, from the distinguished representative of Finland and from the distinguished representative of Switzerland will be circulated officially as documents of our Committee.

Secondly, by virtue of rules 33 and 35 of our rules of procedure, we shall invite the distinguished representative of Finland to participate in the work of the Committee on Disarmament on chemical weapons, until 27 April 1979, at both formal and informal meetings.

Thirdly, I suggest that, under rules 33 and 35 of the rules of procedure, in response to his request the distinguished representative of Finland should be invited to participate also in the formal or informal meetings which will be held on the question of chemical weapons later during this session of the Committee.

Fourthly, as regards the request by the distinguished delegate of Switzerland to address the Committee, we shall invite the distinguished delegate of Switzerland, under rule 34 of the rules of procedure, to make his statement in the Committee.

If there are no objections, it is so decided.

It was so decided.

(The Chairman)

With apologies to the interpreters and members of the Secretariat, I should now like to close the meeting. Before I close the meeting, may I ask you at what time it would suit you to meet informally to continue our debate on the question of chemical weapons.

Mr. FISHER (United States of America): I would recommend 4 o'clock this afternoon.

The CHAIRMAN (translated from French): The distinguished representative of the United States proposes that we should meet informally at 4 o'clock this afternoon; is that convenient to members of the Committee?

We are therefore going to meet at 4 o'clock this afternoon to continue consideration of the question of chemical weapons at an informal meeting. Before closing the meeting, I should like to announce that the next formal meeting of the Committee will take place tomorrow at 10.30 a.m.

I should now like, with your permission, to declare the meeting closed.

The meeting rose at 1.20 p.m.