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ENGLISH

FINAL RECORD OF THE SIXTY-THIRD PLENARY MEETING

held at the Palais des Nations, Geneva,  
on Tuesday, 26 February 1980, at 10.30 a.m.

Chairman:

Mr. D.S. McPhail

(Canada)

## PRESENT AT THE TABLE

Algeria: Mr. A. BENYAMINA

Argentina: Mr. A. DUMONT

Australia: Ms. M. WICKES

Belgium: Mr. J-M. NOIRFALISSE

Brazil: Mr. S. DE QUEIROZ DUARTE

Bulgaria: Mr. P. VOUTOV  
Mr. I. SOTIROV  
Mr. P. POPTCHEV  
Mr. K. PRAMOV

Burma: U NGWE WIN

Canada: Mr. D.S. McPHAIL  
Mr. J.T. SIMARD  
Mr. B.J. CHERKAAKY

China: Mr. YU Pei-Wen  
Mr. LIANG Yu-Fan  
Mr. YANG Hu-Shan  
Mr. LUO Ren-Shi  
Mr. LIANG De-Fen  
Mrs. GE Yu-Yun  
Mr. XU Liu-Gen

Cuba: Mrs. V. BORODOWSKY JACKIEWICH

Czechoslovakia: Mr. M. R<sup>OV</sup>ŮZEK  
Mr. P. LUKES<sup>V</sup>  
Mr. E. ZÁPOTOCKÝ  
Mr. J. J<sup>OV</sup>IRŮSEK

Egypt: Mr. O. EL-SHAFEI  
Mr. M. EL-BARADEI  
Mr. N. FAHMY

Ethiopia: Mr. F. YOHANNES

France: Mr. F. DE LA GORCE  
Mr. J. DE BEAUSSE  
Mr. M. COUTHURES

German Democratic Republic: Mr. G. HEERDER  
Mr. M. GRACZYNSKI  
Mr. J. DEMBSKI  
Mr. KAULFUSS

Germany, Federal Republic of: Mr. G. PFEIFFER  
Mr. N. KLINGLER

Hungary: Mr. I. KÖMIVES  
Mr. C. GYÖRFY

India: Mr. C.R. GHAREKHAN  
Mr. S. SARAN

Indonesia: Mr. M. SIDIK  
Mr. I.M. DAMANIK  
Mr. HARYOMATARAM  
Mr. H.M.U. SILABAN

Iran: Mr. D. AMERI

Italy: Mr. V. CORDERO DI MONTEZEMOLO  
Mr. M. MORENO  
Mr. C. FRATESCHI

Japan: Mr. Y. OKAWA  
Mr. T. NONOYAMA  
Mr. R. ISHII  
Mr. K. MIYATA

Kenya: Mr. S. SHITEMI

Mexico: Mr. A. GARCÍA ROBLES  
Mr. M.A. CÁCERES

Mongolia: Mr. D. ERDETBILEG  
Mr. L. BAYART

Morocco: Mr. M. CHRAIBI

Netherlands: Mr. R. FEIN

Nigeria: Mr. T.O. OLUMOKO  
Mr. T. AGUIYI-IRONSI

Pakistan: Mr. M. AKRAM

Peru: Mr. J. AURICH MONTERO

Poland: Mr. B. SUJKA  
Mr. H. PAC  
Mr. J. CIAŁOWICZ

Romania: Mr. C. ENE  
Mr. O. IONESCU

Sri Lanka: Mr. I.B. FONSEKA

Sweden: Mr. C. LIDGARD  
Mr. S. STRÖMBÄCK  
Mr. L. NORBERG

Union of Soviet Socialist Republics: Mr. Y.K. NAZARKIN  
Mr. V.I. USTINOV  
Mr. A.I. TIOURENKOV  
Mr. E.K. POTYARKIN  
Mr. Y.P. KLIUKIN  
Mr. O.M. LIHISOV

United Kingdom: Mr. N.H. MARSHALL

United States of America:

Mr. A. AKALOVSKY

Mr. J. CALVERT

Mr. P. SALGADO

Mr. H. SANCHES

Ms. S. FLOOD

Venezuela:

Mrs. R. MUGICA DE ADAMES

Yugoslavia:

Mr. D. DJOKIĆ

Zaire:

Mr. LONGO BEKPWA NDAGA

Secretary to the Committee  
on Disarmament and Personal  
Representative of the  
Secretary-General:

Mr. R. JAIPAL

Mr. AMERI (Iran): As Chairman of the Group of 21, I would like to make a statement on behalf of the Group, and would ask that this statement be issued as an official document of the Committee. After I have finished reading out the statement it will be handed to the Secretariat.

"Statement of the Group of 21 on the Establishment of Working Groups on Items on the Annual Agenda of the Committee on Disarmament in 1980

"The Final Document of the first special session of the United Nations General Assembly devoted to disarmament, in paragraph 2, declares that 'unless its avenues are closed, the continued arms race means a growing threat to international peace and security and even to the very survival of mankind.' And subsequently in paragraph 17 states that 'disarmament has thus become an imperative and most urgent task facing the international community' and that 'there is now a pressing need to translate into practical terms the provisions of this Final Document and to proceed along the road of binding and effective international agreements in the field of disarmament.' It also defines the Committee on Disarmament as 'the single multilateral disarmament negotiating body.'

"In the view of the Group of 21, the adoption of the Annual Agenda is general recognition by the Committee that all the items included therein should be subject of concrete negotiation. It also represents a commitment by all members to pursue, in good faith, negotiations to reach agreement on concrete binding and effective disarmament measures on these items.

"In the light of the above, the Group of 21 believes that the Committee on Disarmament in discharging its responsibilities should pursue concrete negotiations within structured formats and with the aid of the appropriate machinery. It is the considered view of the Group of 21 that working groups are the best available machinery for conduct of concrete negotiations within the Committee on Disarmament. Therefore, the Group of 21 in principle supports the establishment of working groups on the items on its annual agenda.

"The ultimate objective and basic mandate of all the working groups should be to undertake concrete negotiations for the implementation of agreed measures called for in the Final Document of the first special session of the United Nations General Assembly devoted to disarmament.

(Mr. Ameri, Iran)

"The working groups should submit progress reports to the Committee as appropriate and in any case not later than the end of its annual session.

"Within the above context, the Group of 21 proposes the establishment of working groups on the following agenda items: 'Nuclear test ban'; 'Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons'; 'Chemical weapons'; 'Comprehensive programme of disarmament' and on 'Radiological weapons'.

"The working groups should begin their respective sessions during the first part of the 1980 annual session of the Committee on Disarmament on the dates deemed advisable by the Committee for each case.

"The Committee may to the extent it serves its objectives, as defined in the Final Document of the special session of the United Nations General Assembly devoted to disarmament, take into account negotiations conducted in other fora, in keeping with the spirit of paragraph 121 of the Final Document. The Committee cannot, however, be expected to depend in the conduct of its work on such negotiations, the character of which should be to complement and supplement the negotiations within the Committee."

Mr. AKALVOSKY (United States of America): I would like to make a point of order. Last year when discussing our annual report there was an extensive debate on whether or not documents should be introduced under an anonymous heading and I think there was a general understanding that we would not pursue that practice in the future. Therefore, I would respectfully request that the sponsors of the paper that was just read out be identified on it.

The CHAIRMAN: If there is no objection, then I presume that that can be arranged.

Mr. AKRAM (Pakistan): As a sponsor of the document which was just read out by my distinguished colleague from Iran, I must say that my delegation has no difficulties in being identified, but I thought that when we speak of the Group of 21, it is fairly clear in this Committee which delegations we mean.

As for the point of order, may I recall that the discussion which we held last year during the discussion of our annual report was inconclusive, and as far as the

(Mr. Akram, Pakistan)

precedent that has been established is concerned, we have, in the past, issued documents, not only in the name of the Group of 21 in this Committee but in its predecessor Committee. I believe that CCD documents were also issued in the name of a smaller number of countries. Therefore, I do not think that there can be any objection to circulating this document as a document of the Group of 21, but if somebody insists on identifying the names of the members of the Group of 21, this could be done either in a footnote on the document itself or in the annual report that we will submit to the General Assembly.

Mr. FONSEKA (Sri Lanka): My recollections are not very clear as to whether a decision, which the distinguished representative of the United States referred to, was in fact made by this Committee. If such a decision was made, I think I would have some recollection, and certainly the records of this Committee would show it. The distinguished delegate of Pakistan has already referred to this matter and said that perhaps the discussion was inconclusive. Perhaps the representative of the United States would be able to identify the occasion. I do, however, remember, that at the end of the last session, in August 1979, the Group of 21 did present a paper which was read by the distinguished representative of India. But I certainly do not recall any decision by this Committee saying that unidentified delegations cannot present a paper. Mr. Chairman, I think it would be helpful if you could inform the Committee if such a decision was made, by recalling the official records.

Having said that, may I add that my delegation is one of those that subscribes to the paper which has just been read, and if need be, I say if need be, we are prepared to have our name listed.

The CHAIRMAN: Before other speakers take the floor, may I first thank the representative of Sri Lanka. I will attempt to respond to the request he addressed to the Chair. I am advised by the Secretariat that discussion of this matter at the end of the 1979 session was somewhat inconclusive. I would refer you to the report of the Committee of last year, paragraph 59, which simply lists

(The Chairman)

that certain documents were tabled for inclusion in the record of the Committee. The first of these was document CD/50, "submitted by the Group of 21, entitled 'Statement by the Group of 21 on the conclusion of the annual session of the Committee on Disarmament in 1979'." There is therefore one precedent; on the other hand, the next sub-paragraph of that same paragraph speaks of document CD/51 submitted by a group of socialist States, with a footnote which lists those States. I am not sure if that will be helpful to the Committee, but that is my response to the request put to me by the representative of Sri Lanka.

Mr. AMERI (Iran): As explanations have been given by the representatives of Pakistan and Sri Lanka, I would not like to repeat them. However, since there has been a point of order, and as I hope that this Committee conducts its work on the basis of its rules of procedure, I would like to know the exact article in the rules of procedure which permits delegations to resort to a point of order.

Mr. AKALOVSKY (United States of America): As far as the question of the Iranian representative is concerned, I think that all of us have agreed to raise a point of order whenever there is a doubt as to the correctness of any procedure. With respect to the comments made by the distinguished representative of Sri Lanka, I did not refer to a particular decision, I simply said that I thought there was a general understanding that all of us here are representing independent States, and since this is a negotiating body we are negotiating as independent countries. I do not see how we could negotiate between groups; surely we can consult, we can form our own groups, we have our own groups in which we consult regularly, but we never represent a group in any formal way in this Committee. We do not act as individual groups, and I think it is only proper for every country to support documents with which it identifies itself. I see no problem with this aspect of our work, and I wonder why the question has arisen as to the propriety of identifying the countries who subscribe to a paper.

The CHAIRMAN: From the point of view of the Chair, I would have to say that I believe it to be the responsibility of the Chairman to consider the points of order which are raised in the context of the rules of procedure. Equally, I think that as a Chairman, I would be bound to listen to a point of order raised by any member of the Committee who felt that the rules of procedure in themselves were not explicit or complete. I think that is the right interpretation to give to the rules by which this Committee was established, that it would work by consensus, and would adopt its own rules of procedure. I think that, in fairness to any delegation that may wish to raise a point of order that is not explicitly covered by the rules of procedure, the Chair must listen to that point and then attempt to establish whether there is consensus on the practice. I would like to refer to one further precedent in paragraph 42 of the report of the Committee in 1979. There is a reference to a document submitted by the Group of 21, to which there is a footnote listing the member States which form that group. One could argue precedents perhaps and say that that is the first reference to the Group of 21 in the report, but the footnote is there to identify the members of the Group of 21 and it is not repeated in that same report. I as Chairman, and I think the Secretary also, would give such an interpretation to that particular method of treating the question.

Mr. PFEIFFER (Federal Republic of Germany): I share the view of those whose impression of last year's discussion was that the Committee remained inconclusive about this particular question. To help to find a solution to this point, may I draw the attention of the Committee to the fact that last year this question arose rather late in the session. Some documents introduced by groups were accepted, but then we had to discuss it and a solution was found which I think was only valid for last year. There was a feeling in the Committee last year that this question should be taken up again in order to find a solution. In the rules of procedure there is no backing for any reference to any groups which could authorize them to introduce papers. The rules of procedure speak only of member States. So Mr. Chairman, of course, it is up to you to start consideration of this question, but I think last year we touched upon the point at a rather late stage, and I think we had the feeling that we had to take it up again in order to settle it for the future.

Mr. AKRAM (Pakistan): The matter which we are discussing this morning is quite an intricate one, and I think that points of view could be set forth for both sides, whether individual delegations are the only ones who can submit papers or whether groups can do so also. The practice of bodies to which this Committee is affiliated, that is, the United Nations, would tend to show that, in practice, groups do submit papers and that the practice varies from organization to organization. Therefore, in theory, we could adopt whatever practice we choose, but the burden of a precedent is something that is the easiest to follow, and that precedent, as you have yourself pointed out, indicates that we have enabled countries and groups of countries to submit papers in this Committee.

Last year, as a compromise between the two points of view, it was decided to make a footnote in the report the first time that reference was made to a particular group, identifying the members of that group. It would thereafter be presumed that the members of that group had been identified and were known to those reading the report. Therefore, I see no difficulty in following the same practice in our report this year. I do believe that the discussion which has arisen this morning is, first of all rather pointless, because, in any case, we could not reach a conclusion this morning. My delegation would be prepared to recommence such a discussion at a later date, convenient to the Committee, but I believe that at the moment we are engaged in a much more important task, that of agreeing upon our work programme and the terms of reference of working groups. Therefore, I would suggest that we keep to the practice that was followed last year, and, at a later stage, if any delegation wishes to raise the matter formally, perhaps we could be given some notice, and all come prepared with our text books on law and precedent to discuss the matter.

The CHAIRMAN: Should I take it therefore, that we follow the suggestion of the representative of Pakistan to employ the precedent established one year ago, meaning that we shall, until a further decision is taken, indicate by footnote in the report the members of groups who wish to submit documents. Thereafter we shall be able to refer to them by the collective title pending further discussion, perhaps in an informal meeting, which should be initiated by those concerned.

Mr. LIDGARD (Sweden): From the Swedish side we have so far abstained from more detailed comments on the joint Soviet-United States draft convention on the prohibition of radiological weapons. We have, however, now carefully studied the relevant documents, and are prepared to enter into negotiations on a convention in the course of this session. It may be recalled that the question was first raised at the twenty-fourth session of the General Assembly, in 1969, which in resolution 2602 invited the CCD, inter alia, to consider effective methods of control against the use of radiological methods of warfare conducted independently of nuclear explosions.

The matter was discussed in the CCD in 1970. The Netherlands delegation presented a working paper (CCD/291) in which it stated that "judging by the available information, possibilities for radiological warfare do exist theoretically but do not seem to be of much or even of any practical significance". The Swedish delegation stated on 3 August 1970 that the Swedish National Defence Research Institute had devoted some energy to exploring the subject and had come to the same conclusion as the Netherlands delegation.

Recent investigations undertaken by my Government essentially confirm the validity of our 1970 conclusion. The danger posed by the possible use of radiological weapons is indeed limited as compared to the immensely much graver danger from radioactive substances produced by nuclear weapons, particularly weapons with 'dirty' design or excessive yield. Abiding by paragraph 76 of the Final Document of the special session, we are, however, willing to participate in the negotiation of a convention on radiological weapons. We are also of the opinion that we in this endeavour should constructively survey the whole related sector of possible future weapons of warfare methods in order to make the negotiations as meaningful as possible.

Thus, even if we deliberately exclude nuclear weapons from the purview of the envisaged convention, we should in the preamble refer to the priority we give to nuclear disarmament, in order to prevent any misconception that the convention on radiological weapons is to be regarded as a substitute.

In the definition of radiological weapons, in the proposed article II the concept of a "nuclear explosive device" is used. This concept has, however, not been used in any previous convention. It will no doubt be used again in a future nuclear-test-ban treaty. A co-ordination has to be considered so that we use the same definition in both conventions.

(Mr. Lidgard (Sweden))

My delegation wishes, however, to draw attention to another, may be still more important, aspect of the definition of radiological weapons, namely that it does not seem to include so-called particle-beam weapons, which give ionization radiation in another way than through radioactive decay. Particle-beam weapons may be of the same hypothetical character as the radioactive weapons which are dealt with in the draft convention, but in order to prevent a possible weapons development in the future, it is our conviction that it might be appropriate to explore if particle-beam weapons should be included among the prohibited radiological weapons or if they should be outlawed in another context, which may seem more expeditious.

In introducing the draft, the Soviet and United States delegates made one identical statement, namely that "no obligations undertaken by States in the projected treaty will be interpreted as covering the use of radioactive materials or any sources of radiation for the purpose of any activity except such activities as the parties to the treaty have undertaken not to engage in pursuant to the provisions of the treaty". My delegation would like to have some clarification of this statement. Do the two negotiators have any particular activity in mind?

In the discussion in the Committee last year, it was pointed out that the prohibition of the dissemination of radioactive material in articles II and III also was intended to cover actions for defensive purposes. We think that this should be stated explicitly in the convention.

In article III of the draft convention, the deliberate dissemination of radioactive material which is not produced by a nuclear explosive device is prohibited, if the intention is to cause destruction, damage or injury by means of the radiation produced by the decay of such material. We should, however, be aware that military attacks or deliberate damaging in war of nuclear reactors or other nuclear-fuel-cycle facilities may cause the release of dangerous radioactive substances, which may imply considerably larger risk of damage and injury than that from direct spread of such substances. We therefore consider that this problem should be taken into account when we consider article III or generally the scope of the convention.

Prohibition of such military action has been prescribed in the Protocols additional to the Geneva Conventions of 1949 (Protocol I, art. 56, and Protocol II, art. 15), but the prohibition is limited to the purpose of the protection of civilians and refers only to "nuclear electrical generating stations". For the purpose of a treaty prohibiting radiological warfare, we should consider such a ban to be without operational exceptions and to cover all facilities containing large amounts of radioactive substances.

(Mr. Lidgard (Sweden))

The provisions of article VI of the draft convention seem to bear some relationship to the recently concluded Convention on the physical protection of nuclear material. Some explicit reference therefore seems worth considering, either in article VI or in the preamble.

In that context it might be explored whether IAEA safeguards should be applied, as modified for this purpose, to all radioactive waste in the States parties to the future convention. Because of the risks of hostile use of radioactive substances by terrorists, it may also be considered whether the Convention on the physical protection of nuclear material should be extended to radioactive waste.

As regards the complaints procedure in the draft treaty, we have some serious concern. The only instance which may decide upon the complaint of a State party against another State party because of an alleged breach of obligations deriving from the provisions of the treaty is the Security Council of the United Nations. As long as the permanent members may exercise their right of veto in such matters, we consider this procedure insufficient.

Finally, we also consider the proposed period of ten years from the entry into force of the convention till the first review conference too long, taking into account the rapid development in the field of nuclear technology, and also in view of the fact that the definition of the concept of 'nuclear explosive device' in a nuclear-test-ban treaty might affect the scope of the convention on radiological weapons. We consider five years a more appropriate time length.

These are some of the considerations which we would like to present on this occasion. When we come to the stage of a more detailed examination of the matter, we may have additional observations and suggestions.

The CHAIRMAN: You will recall that in our informal meeting yesterday the Committee decided to hold open-ended consultations on the various questions before it. Immediately following this plenary meeting, I intend therefore to start those consultations in Conference Room C 108, in five minutes' time.

The next plenary meeting of the Committee will be held on Thursday, 28 February, at 10.30 a.m.

The meeting rose at 11.20 a.m.