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ENGLISH

FINAL RECORD OF THE SEVENTH-SEVENTH MEETING

held at the Palais des Nations, Geneva,
on Thursday, 10 April 1980, at 11.00 a.m.

Chairman

Mr. L. Sola Vila

(Cuba)

PRESENT AT THE TABLE

Algeria: Mr. SALAH-BEY
Mr. A. BENYAMINA

Argentina: Mr. A. DUMONT

Australia: Mr. A. BEHM
Ms. M. WICKES

Belgium: Mr. A. ONKELINX
Mr. J-M. NOIRFALISSE

Brazil: Mr. C.A. DE SOUZA E SILVA
Mr. S. DE QUEIROZ DUARTE

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

Burma: U SAW HLAING
U NGWE WIN

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

China: Mr. LIANG De-Fen
Mr. YANG Hu-Shan
Mr. YANG Ming-Liang
Mr. PAN Ju-Shen
Mr. LI Zhang-He

Cuba: Mr. L. SOLA VILA
Mr. F. ORTIZ
Mrs. V. BORODOWSKY JACKIEWICH

Czechoslovakia:

Mr. P. LUKES
Mr. V. ROHAL-ILKIV
Mr. J. JIRUSEK

Egypt:

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

Ethiopia:

Mr. T. TERREFE
Mr. F. YOHANNES

France:

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

German Democratic Republic:

Mr. G. HERDER
Mr. M. GRACZYNSKI
Mr. KAULFUSS

Germany, Federal Republic of:

Mr. N. KLINGER

Hungary:

Mr. I. KOMIVES

India:

Mr. S. SARAN

Indonesia:

Mr. A. SANI
Mr. M. SIDIK
Mr. D.B. SULEMAN
Mr. H.M.U. SILABAN

Iran:

Mr. D. AMERI

Italy:

Mr. V. CORDERO DI MONTEZEMOLO
Mr. F. DE LUCA
Mr. C. FRATESCHI

Japan:

Mr. Y. OKAWA
Mr. R. ISHII

Kenya: Mr. S. SHITEMI
Mr. G.N. MUNIU

Mexico: Mr. A. GARCIA ROBLES
Mr. M. CACERES

Mongolia: Mr. D. ERDEMBILEG
Mr. L. ERDENECHULUUN
Mr. L. BAYART

Morocco: Mr. M. CHRAIBI

Netherlands: Mr. R.H. FEIN
Mr. H. WAGENMAKERS

Nigeria: Mr. O. ADENIJI
Mr. T.O. OLUMOKO

Pakistan: Mr. M. AKRAM
Mr. S. BASHIR

Peru: Mr. J. AURICH MONTERO

Poland: Mr. B. SUJKA
Mr. J. CIALOWICZ

Romania: Mr. T. MELESCANU

Sri Lanka: Mr. I.B. FONSEKA

Sweden: Mr. L. NORBERG

Union of Soviet Socialist
Republics: Mr. V.L. ISSRAELYAN
Mr. B.P. PROKOFIEV
Mr. Y.P. KLIUKIN
Mr. E.D. ZAITZEV
Mr. B.I. KORNEYENKO
Mr. E.K. POTYARKIN

United Kingdom:

Mr. N.H. MARSHALL
Mrs. J.I. LINK
Mr. P.M.W. FRANCIS

United States of America:

Mr. C. FLOWERREE
Mr. A. AKALOVSKY
Mr. M. DALEY
Mr. S. FITZGERALD
Mr. H. WILSON
Mr. C.G. TAYLOR
Mr. J.W. MACDONALD
Mr. C. PELL

Venezuela:

Mrs. G. DA SILVA

Yugoslavia:

Mr. D. DJOKIC

Zaire:

Mr. KALONJI TSHIKALA KAKWAKA

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

Mr. R. JAIPAL

Mr. PROKOFIEV (Union of Soviet Socialist Republics) (translated from Russian):

Comrade Chairman, the Soviet delegation has taken the floor to make a short statement relating to the interpretation of the statement by Ambassador Issraelyan, Head of the Soviet delegation, into the other working languages at yesterday's plenary meeting of the Committee.

We have been informed that the interpretation from Russian, and particularly the interpretation into English, contained a series of inaccuracies and distortions of meaning. We request the Secretariat to draw the attention of the relevant section of the United Nations Office at Geneva to this matter. The official text of our statement on 9 April will appear in the records of the Committee in the next few days.

We would ask delegations who heard our statement in languages other than Russian to bear this in mind.

Mr. EL-SHAFFI (Egypt) (translated from Arabic): Paragraph 77 of the Final Document states that:

"In order to help prevent a qualitative arms race and so that scientific and technological achievements may ultimately be used solely for peaceful purposes, effective measures should be taken to avoid the danger and prevent the emergence of new types of mass destruction based on new scientific principles and achievements. Efforts should be appropriately pursued aiming at the prohibition of such new types and new systems of weapons of mass destruction ...".

In this context, my delegation cannot but emphasize still further the importance of disarmament measures for the halting of the arms race, the qualitative improvement of weapons and the development of new military methods.

My country has been and still is of the opinion that a commitment in the form of a legally binding instrument by countries not to develop or produce any new types or systems of weapons of mass destruction does not run counter to, but may even pave the way for, the conclusion of specific agreements on each of those types and systems of weapons that may be defined. On the other hand, the desire to conclude agreements with appropriate methods of control and detection should not serve as an excuse for failing to reach a comprehensive agreement on the prohibition of new types and systems of weapons of mass destruction or as a stumbling-block. The general prohibition of such weapons and the legal and political commitment of countries to this prohibition can form the basic structure and guidelines for reaching, when and if necessary, new

(Mr. El-Shafei, Egypt)

agreements in this connexion. Accordingly, my delegation has listened with interest to the Soviet proposal concerning the setting up of a working group of governmental experts on weapons of mass destruction, and its jurisdiction.

In the context of weapons of mass destruction, and in pursuance of the provisions of paragraph 76 of the Final Document of the tenth special session which states that "a convention should be concluded prohibiting the development, production, stockpiling and use of radiological weapons", my delegation would like to make a few remarks on the initiation of negotiations within the Committee on Disarmament on this subject.

In spite of the many studies which have concluded that the prospect of an outbreak of a radiological war is hypothetical and of no practical significance, the view held by my country, which I expressed in my statement before the Committee on 14 February 1980, is that preparation should be made for the initiation of negotiations on a draft treaty on the prohibition of radiological weapons. This view is based on the fact that the conclusion of a convention on the prohibition of any existing or potential types of weapons is a step in the right direction, provided that negotiations on that convention should not be held at the expense of or serve as an excuse for postponing those on urgent priority items of the Committee's agenda.

Although my delegation welcomes the idea of setting up a Working Group to be concerned with negotiations on radiological weapons, we believe that the time available during the session of the Committee on Disarmament should be equally allocated to the work of the various working groups and in such a way as to reflect objectively and satisfactorily the priorities agreed upon.

With regard to the joint proposal submitted by the Soviet Union and the United States on the fundamental elements of a draft treaty on this subject, my delegation would like to make the following remarks:

First, the discussion of the subject of radiological weapons independently of nuclear weapons makes it necessary to refer in the preamble of any draft treaty on radiological weapons to the importance and priority of nuclear disarmament, since a general and final prohibition of the use of radiological substances and weapons can be achieved only through the prohibition of the use of nuclear weapons and the banning of nuclear tests.

(Mr. El-Shafei, Egypt)

Secondly, the definition contained in the joint proposal needs to be more specific. Here my delegation shares the view held by other delegations that a reference should be made to the importance of discussing the desirability of including weapons using radioactive particle beams among the prohibited radiological weapons. In the light of the identical statements made by the United States and Soviet representatives when submitting their joint proposal, to the effect 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 except such uses as the parties to the treaty have undertaken not to engage in in pursuance of the provisions of the treaty", my delegation would like to join the Swedish delegation in inquiring about the kind and nature of the activities referred to.

Thirdly, the procedures of consultation and co-operation between the States Parties to the convention relating to the settlement of the disputes arising over the purposes of the treaty or the implementation of its provisions, in accordance with article 8 of the joint proposal, need to be more specific and effective. In particular, we would like to refer to the powers of the Consultative Committee, as defined in the annex to the joint proposal. We understand the powers of that Committee as consisting of carrying out fact-finding activities, and of providing technical expertise when problems arise over the application of the Convention as a first step before the filing of a specific complaint with the Security Council. Accordingly, the role and powers of the Consultative Committee as a monitoring device with regard to the implementation of the provisions of the Convention assume an important and concrete dimension, especially because only a small number of States possess the technical potentials to enable them to carry out monitoring operations using their national institutions.

In keeping with the monitoring and complaint procedures, the filing with the Security Council by the Parties to the convention of complaints regarding violations of the provisions of the treaty, coupled with the possibility of the permanent members vetoing those complaints constitutes, in our view, a violation of the principle of equal obligations and also brings into question the effectiveness of such a procedure. Furthermore, to grant Security Council members who are not parties to the treaty the right to interfere in the implementation of the treaty may be inconsistent with the principle of regarding treaties as a contract between the parties to it.

(Mr. El-Shafei, Egypt)

Fourthly, the ten-year period provided for in the joint proposal for convening the first Review Conference is a very long time, in view of the rapid scientific and technological advances; and in our opinion it may be reduced to a reasonable period of five years.

Lastly, my delegation would like to emphasize that any treaty to be concluded in this respect must not in any way prejudice the principle of the peaceful use of radiological resources resulting from radiological decomposition, and the need for the exchange of information in this field.

These are some of the remarks which my delegation would like to make at the present stage, leaving the detailed proposals and remarks to be made to the sub-committee dealing with this subject.

Mr. LUKES^V (Czechoslovakia): May I first of all extend to you my congratulations on your assumption of the Chairmanship of the CD for the month of April.

I would like to assure you, Comrade Chairman, of the readiness of my delegation to contribute full support to your responsible task in dealing with the remaining procedural questions as well as in fulfilling the work of our Committee's spring session.

In your personality I honour a representative of the Republic of Cuba which is successfully fulfilling the presidency of the non-aligned movement.

In my statement today I would like to dwell on two questions which are the subject of our agenda — the cessation of the nuclear arms race and nuclear disarmament and new types of weapons of mass destruction and new systems of such weapons.

I am convinced that there is no need to speak in a broad scope about the extraordinary danger of nuclear arms, and of the still continuing nuclear arms race, to the whole existence of civilization. We have many studies and prognoses to deal with the possibilities and consequences of the use of the military nuclear arsenal which has been stockpiled up to now. The Final Document of the tenth special session of the United Nations General Assembly in its paragraph 47 states that: "Nuclear weapons pose the greatest danger to mankind and to the survival of civilization. It is essential to halt and reverse the nuclear arms race in all its aspects in order to avert the danger of war involving nuclear weapons. The ultimate goal in this context is the complete elimination of nuclear weapons".

The socialist States, among them the Czechoslovak Socialist Republic, had this goal in mind from the very outset of the coming into existence of nuclear weapons, when they proposed a number of initiatives and proposals in this field.

(Mr. Lukeš, Czechoslovakia)

Nevertheless, all endeavours which have taken place within the framework of the United Nations and in other international forums still remain at the level of declarations and recommendations. Having this regrettable fact in mind, the group of socialist States submitted in this Committee, on 1 February last year, working paper CD/4 concerning negotiations on ending the production of all types of nuclear weapons and gradually reducing their stockpiles until they have been completely destroyed. It is gratifying that this proposal has met with the positive reactions and support of many delegations, not only among the members of our Committee, but also in the deliberations which took place during the thirty-fourth session of the United Nations General Assembly.

However, it is an irreversible fact that, despite this undeniably useful discussion which helped to classify a number of aspects of nuclear disarmament, the Committee on Disarmament was unfortunately not in a position to start substantive negotiations on this vitally important issue because of lack of a goodwill on the part of some delegations. In this connexion, I would like to stress that the delegation of the Czechoslovak Socialist Republic is of the opinion that document CD/4 is appropriate for use as a starting point for the process of negotiations aimed at real disarmament in the sphere of nuclear disarmament, in full conformity with the Final Document of the tenth special session of the United Nations General Assembly. Our Committee on Disarmament is a very suitable forum in which, since the beginning of this year's session, all the nuclear Powers are taking part. These countries by their active and constructive approach to negotiations on this issue would on the one hand fulfil their special responsibilities in the field of nuclear disarmament; and, on the other hand, they have all possibilities to observe their interests with respect to the principle of the inviolability of their security and to the existing military balance as one of the pre-requisites for nuclear disarmament.

The above-mentioned document CD/4 is a document open to all other constructive proposals by all States interested in preparing substantive negotiations without any delay. There are a great number of reasons for trying to achieve this aim. I would like to point out that our Committee cannot postpone the decision on the manner in which nuclear disarmament is to be negotiated, having regard to the fact that the Committee is charged with the elaboration of a comprehensive programme of disarmament.

(Mr. Lukeš, Czechoslovakia)

In the recommendations of the United Nations Disarmament Commission, adopted by consensus as a document A/34/42, article 11 states that:

"During the first stage of the implementation of the comprehensive programme of disarmament, special attention should be given to the immediate cessation of the nuclear arms race and the removal of the threat of a nuclear war".

As is well known, our Committee has to elaborate the comprehensive programme of disarmament by the beginning of the next special session of the United Nations General Assembly devoted to disarmament in 1982. This makes it necessary to reach tangible results in this field as soon as possible. My delegation is aware of the pressure of time, and welcomes the appeal of the Soviet delegation presented by the distinguished representative of the USSR, Ambassador Issraelyan, in his statement at our 75th plenary meeting.

In the second part of my intervention I would like to present the position of the Czechoslovak Socialist Republic on the item entitled "New types of weapons of mass destruction and new systems of such weapons."

My Government, together with other socialist countries, attaches great importance to the prevention of the misuse of new scientific and technological achievements for military purposes in general and especially for the development and production of still more effective and sophisticated types of weapons of mass destruction.

The endeavour of our Committee to find a speedy and effective means for the termination of this senseless, harmful and extremely dangerous waste of human and material resources is in this connexion more and more expected by the world community. We consider the establishment of the Working Group dealing with radiological weapons to be a first concrete step in this connexion. We hope that this group will be able to accomplish its task and show its readiness to elaborate the draft of a treaty prohibiting the development, production, stockpiling and use of radiological weapons on the basis of the joint Soviet Union and United States initiative.

In order to intensify our further substantive negotiations concerning new types of weapons of mass destruction, the delegation of the Czechoslovak Socialist Republic highly appreciates and fully supports the new initiative of the Soviet Union for the establishment of a special group of qualified governmental experts which should meet on periodical basis and consider either the preparation of the general prohibition treaty or specific agreements on individual types of new weapons of mass destruction.

I would like to put on record the fact that my delegation is ready to participate in such a group as soon as it would be necessary.

Mr. AKRAM (Pakistan): Mr. Chairman, since this is the first opportunity which my delegation has had to make a substantive statement under your Chairmanship, may I take this occasion to extend the heartfelt congratulations of the Pakistan delegation on your assumption of the Chairmanship of the Committee on Disarmament. Pakistan, as a member of the non-aligned group, owes you double allegiance as the Chairman of our Committee and as the Chairman of the non-aligned group. We are confident that, under your Chairmanship, the Committee will initiate concrete work on the various items on its agenda. We would also like to take this opportunity to congratulate your predecessor Ambassador Yu Pei-Wen of China, for his tireless and diligent discharge of the responsibilities during the month of March. Under his chairmanship, the CD has taken the decision, which has been described as historic, to establish four working groups for the conduct of concrete negotiations on various agenda items.

The Pakistan delegation has asked for the floor to explain its general position regarding the question of the prohibition of new weapons of mass destruction and on radiological weapons. It is self-evident that the continued and rapid development of science and technology gives rise to the possibility of the development of new types of weapons of mass destruction as well as those that could be used in conventional warfare. The item on the agenda of this Committee is limited to the examination of new weapons of mass destruction, although at some stage the Committee will need to give attention to those new weapons which have been continuously developed in the conventional field and which have rendered armed conflicts more destructive and inhumane for combatants and non-combatants alike.

As regards the question of new weapons of mass destruction, the Pakistan delegation feels that this is a matter which has a lower priority than other urgent questions on the CD's agenda such as the CTB, security assurances to non-nuclear weapon States and nuclear disarmament. Our consideration of this question should not divert attention from these priority goals of the Committee on Disarmament.

At the same time, the Pakistan delegation believes that it would be unwise to ignore the question entirely merely because no new systems of mass destruction weapons are presently being developed or deployed. In recent years, a number of technical journals have published reports about the efforts under way to develop new means of destruction, such as high-energy beams of charged sub-atomic particles designed to destroy offensive nuclear missiles. If perfected, the so-called particle beam weapons could virtually eliminate the concept of nuclear deterrence

(Mr. Akram, Pakistan)

which is the particular basis for the present tenuous strategic balance between the super-Powers. Such a development would not be in the interest of international peace and security. Other possibilities of new weapons of mass destruction have also been mentioned in the documents circulated in this Committee and in the discussions of governmental experts in the CCD.

The question is: how can these possibilities of new types of weapons of mass destruction be averted? Two approaches have been suggested;

- (i) To elaborate a comprehensive agreement which could provide for a specific list of new types of weapons to be barred; and
- (ii) The elaboration of specific agreements on a case-by-case basis prohibiting any new type of mass destruction weapon that becomes feasible.

Weighty reasons have been advanced in favour of both these approaches. The case-by-case approach, to put it simply, is more practical in that the agreement for a prohibition would be directed at a specific weapon system or the possibility thereof. On the other hand, it is also the experience of disarmament negotiations that once a new weapon system has been developed, or is in the process of development, it becomes difficult to prohibit it. There is a tendency to use the technological advantage at least as a bargaining chip. In view of this experience, my delegation has a marked preference for finding a way of stopping the possibilities of the development and production of new weapons of mass destruction before they see the light of the day.

The Pakistan delegation is in favour of a general convention which would comprise a straightforward agreement in principle to ban the development and production of any new type of weapons and systems of mass destruction, accompanied by an agreed list of the new systems or possibilities thereof to be banned, as well as an agreement to review the list periodically at the expert level followed by such a review at the plenipotentiary level. In elaborating such a convention or agreement, we believe that the following considerations should be borne in mind;

- (i) It should not compromise the freedom of scientific research; and
- (ii) Future conventions or agreements should not detract from an existing convention or any convention under negotiation.

(Mr. Akram, Pakistan)

A general prohibition of this nature, which is envisaged in the draft agreement submitted by the Soviet Union, would constitute international law. In the absence of technical barriers, barriers which are difficult to impose on research and development, such an agreement would at least create international legal and political barriers to the development and deployment of new weapons and systems of mass destruction. In this way, it could ensure that the task of promoting disarmament in the nuclear and conventional fields does not become further complicated.

It may be argued that such an international agreement would not strictly be a disarmament measure. This may well be so, depending on the definition of disarmament that one adopts. It may also be pointed out that strict verification of such an agreement could not be assured. Such an assertion would need to be further explored by technical experts. Prima facie, my delegation would presume that at least the two major military Powers and perhaps some other advanced States have the technical and other capability to monitor, if not scientific research and development, at least any serious efforts that would seem to presage the development of new weapons and systems of mass destruction.

In taking this position, the Pakistan delegation readily admits that our expertise to assess the possibilities of the development of new weapons and systems of mass destruction is extremely limited. Nor are we in the best position to evaluate the validity of the arguments that have been advanced regarding the difficulties in definition of such weapons of mass destruction, the military rationale that can spur or prevent the development of such weapons, the problems involved in the verification of a general agreement and the effect that such an agreement would have on existing disarmament treaties and related international law. We would in particular be interested in examining the implications of such an agreement on the peaceful application of science and technology. My delegation is prepared to be educated on these and other technical subjects, and I would presume that several other delegations are in the same position.

For these reasons, if no other, it would seem appropriate that the Committee on Disarmament should give serious consideration to the establishment of a group of scientific experts who could elucidate the present situation regarding the possibility and dangers of the development of new weapons and systems of mass destruction and the problems relating to the prohibition of such weapons. Alternatively, the Committee can commission an in-depth technical study by governmental experts on the same subject.

(Mr. Akram, Pakistan)

The position of the Pakistan delegation regarding the joint United States-USSR proposal for the prohibition of the development, manufacture and use of radiological weapons is determined by the same considerations I have outlined with regard to other new weapons of mass destruction. We note that radiological weapons are at present not deployed or even developed by any Power. In realistic terms there seems to be no reason why the radiological weapons would be developed by any State. Nor is the question of prohibiting radiological weapons a matter of the first priority for my delegation.

Nevertheless, if it is considered that the present stage of science and technology provides the possibility for countries to develop radiological weapons, we are prepared to join efforts for the elaboration of a convention to prohibit such weapons. The provisions of the joint proposals submitted by the United States and the USSR on this question are being carefully examined by my Government. My delegation has also heard with interest the comments made in this Committee by several delegations on the joint proposal, especially by the delegations of Sweden, Mexico, the Netherlands and Belgium. These comments and suggestions would need to be carefully considered in the ad hoc Working Group.

For the moment, I would merely like to outline some general considerations which will guide my delegation in the negotiations to be undertaken in the ad hoc Working Group.

First, we would prefer the scope of the prohibition of radiological weapons to be as broad as possible. Therefore, we would like to consider carefully whether this prohibition should be limited only to radiation effects produced by non-explosive means. We also feel that the question posed by Sweden regarding the application of the convention to the so-called particle beam weapons would need careful scrutiny.

Secondly, my delegation could not contemplate any provision in the convention which would have the effect of discriminating against any State, particularly between nuclear and non-nuclear States. Such a question of discrimination seems to arise with regard to the verification and safeguards provisions of the convention. The distinguished representative of Egypt has already replied to the inherent and innate qualities in the Security Council procedures which are contemplated in the draft convention as regards complaints and verification. But there are some other aspects also which need consideration.

The diversion of radio-active material for the purposes of the development of radiological weapons could be detected and perhaps prevented, in the case of those non-nuclear-weapon States which have accepted international safeguards over their

(Mr. Akram, Pakistan)

nuclear and other facilities. In this connexion, the Netherlands delegation has proposed that the application of the recently developed Convention on the Physical Protection of Fissionable Materials should be extended to radio-active material also. We shall examine this idea very carefully. But the main question is how will the convention provide guarantees against the diversion of radio-active material from unsafeguarded facilities -- that is, from facilities in non-nuclear weapon States which are not under safeguards or from dedicated facilities which are located in the nuclear-weapon States. This, to us, seems to constitute a serious loophole in the whole idea of a verifiable convention on the prohibition of radiological weapons.

Thirdly, my delegation would like to ensure that no provision of the convention on radiological weapons impinges on the development and operation of peaceful nuclear programmes, especially of the developing countries. This point has been made earlier by the representative of Egypt and I would like to emphasise it, especially in the light of recent experience in this field.

Fourthly, we view the radiological weapons convention, as any other agreement in the disarmament field, in the context of the total disarmament process. Therefore, in our view, the convention should contain categorical provisions regarding the obligations of all member States to promote nuclear disarmament, to prevent the threat of nuclear war and to preserve international peace and security.

Finally, we note that there are some provisions in the draft submitted to the Committee which would create difficulties for my delegation and, I am sure, for certain other delegations. For example, I would like to mention article VII of the draft convention which mentions the Non-Proliferation Treaty. My country is not a party to this Treaty and therefore we could not endorse any provision which would require a strict observance of its obligations. These are the remarks that we would like to make at this stage on the question of the convention on radiological weapons. We shall elaborate our views in the ad hoc Working Group.

The CHAIRMAN (translated from Spanish): I thank the representative of Pakistan for his statement and for the kind words he has addressed to our country and to me personally.

There are no other speakers on the list for today. Does any other delegation wish to take the floor?

Representatives will remember that during yesterday's plenary meeting we decided to begin our consideration of requests by States not members of the Committee to take part in our discussions, such requests to be considered one by one in the order that they were received.

(The Chairman)

A draft decision on Finland's request was accepted, and we then began to consider a second draft decision on the request received from the Socialist Republic of Viet Nam. In this connexion, the delegations of China and Pakistan stated that they were not in a position to associate themselves with a consensus on this request at the present time. We shall take note of the absence of consensus at the present time and proceed with the third and other requests.

The Ambassador of the German Democratic Republic and the Ambassador of Mexico had asked to speak on this question.

The representative of the German Democratic Republic has the floor.

Mr. HERDER (German Democratic Republic): In my statement yesterday, I expressed my delegation's concern about certain reservations and preconditions which were raised by two delegations in connexion with the consideration of the request of the Socialist Republic of Viet Nam to participate in the work of the Committee concerning the question of chemical weapons. I said that this is the more surprising for us since the Socialist Republic of Viet Nam has already constructively contributed to the work of our Committee and was invited to take part in the consideration of chemical weapons during last year. Yesterday, certain reservations and preconditions were raised in this connexion. We regard such attempts to make further consideration of the request of the Socialist Republic of Viet Nam dependent upon certain preconditions as incompatible with the principle of the sovereign equality of States, as enshrined in the Charter of the United Nations and in other generally recognized international instruments -- a principle which, without any doubt, is also an indispensable prerequisite for the work of the Committee on Disarmament. In this particular case, we are not facing an issue of a procedural nature but a far reaching political attempt not only to complicate but also to disrupt the normal work of this body. We are very unhappy that such a situation could emerge in a body which was well known for its unique and businesslike atmosphere when dealing with complicated disarmament negotiations. We are not inclined to go along with such discriminatory treatment of any of the non-member States of the Committee on Disarmament. Under such circumstances, my delegation and the other members of the group of socialist countries on whose behalf also, I am making this statement, are not ready -- and, I would like to underline, are not prepared in any way -- to accept this situation and to continue with the consideration of other requests without responding first to the request of the Socialist Republic of Viet Nam. The responsibility for such a grave situation will fall entirely on those delegations which have provoked this situation in the Committee, fully neglecting the consequences of such an attitude for the further work of this important international multilateral forum for disarmament negotiations.

Mr. GARCIA ROBLES (Mexico) (translated from Spanish): I must confess that yesterday afternoon I was more than once tempted to intervene in order to see whether it was possible to find a solution to the problem under discussion. I refrained from speaking because I felt that little by little the tempers of some representatives were rising and that it was preferable to wait until the atmosphere of the discussion was calmer. I think that today it is.

Mr. Chairman, my delegation has been considering the question with the greatest objectivity and calmness since it was raised here over a month ago. We have made our examination in the conviction that for the orderly conduct of the work of any organ, national or international, but especially international, it is absolutely essential to have rules of procedure and to adhere scrupulously to those rules.

Also, in each case the Committee considers, it will be essential to take into account the facts, the elements which put the case under discussion in its proper context.

In this case which we have been considering and which developed into a problem, I repeat, over a month ago, I think that certain facts, such as those which I shall now try to set forth, are particularly relevant.

First of all, we must bear in mind that the question of the representation of a State, whether in the United Nations General Assembly, in a specialized agency or in an organ sui generis such as ours, is something that cannot be solved by resolutions. For more than twenty years the General Assembly adopted year after year a resolution on what was known as the question of the representation of China, and we all know that it was necessary to wait until the development of events finally made it possible in 1971, more than twenty years after the question had arisen, to find the appropriate solution. I am not going to try here -- it would be quite out of place -- to analyse the various factors which contributed to this solution, but I am simply mentioning the facts.

A second element which should also be kept in mind is that the Committee on Disarmament is not a subsidiary organ of the United Nations General Assembly. Nor is it a body independent of the United Nations. It is, as I said, an organ sui generis; and this will be understood better if we go back to 1961, the year of establishment of what was originally called the Eighteen-nation Disarmament Committee.

(Mr. Garcia Robles, Mexico)

Before that Committee, there had been three bodies which were created by the Assembly and were subsidiary bodies of the Assembly: the Atomic Energy Commission, the Commission for Conventional Armaments, and the Disarmament Commission, which replaced the other two. These three organs had a membership which corresponded exclusively to the two major systems of alliance existing at the time.

When in 1961 it was considered advisable to create a body with a new composition in which in addition to these two groups the countries -- very numerous in fact -- which did not belong to either of these two alliances were to be represented, the Assembly asked the two super-Powers, which were those which had been negotiating in matters of nuclear disarmament, to reach agreement on a membership -- I think that these are more or less the exact terms of the relevant resolution -- that would be satisfactory for them and for the rest of the world. This was the point of departure for this new type of body which I have described as sui generis.

The two super-Powers presented their agreement to the Assembly and the Assembly endorsed it. In 1969, when an attempt was made to enlarge the Eighteen-nation Disarmament Committee, the Mexican delegation, without waiting for the session of the Assembly, placed on record its express reservations concerning, and its protest against, the procedure envisaged; and at the twenty-fourth session of the Assembly, it had the satisfaction of noting that there was general agreement that, in order to enlarge the membership of the Committee, a resolution similar to that of 1961 was required, that is to say, a resolution -- 2602 B (XXIV) of 16 December 1969 -- which contained the two elements: the agreement of the nuclear Powers, but also the agreement of the Assembly itself. A similar procedure was applied in 1974 -- resolution 3261 A (XXIX) -- and in paragraph 120 of the Final Document of the first special session of the General Assembly devoted to disarmament.

I repeat, therefore, Mr. Chairman, that I consider that although this Committee is not a subsidiary body of the Assembly, it is not an organ independent of the Assembly either; it is an organ sui generis.

There is a third highly relevant element in this case, and that is the fact that the provisions of rule 34 of the rules of procedure are mandatory and imperative provisions. Rule 34 of the rules of procedure states that the Committee shall invite States not members of the Committee, upon their request, to express views, etc. etc.

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A fourth element, which on this occasion is also of special relevance, is that such provisions apply to all States whose governmental representation is not disputed. The case of two or more groups or régimes, each of which claims to be the legitimate government of a State, is not provided for in the rules of procedure. Accordingly, and in particular in the light of the interminable discussions which we have had on this matter, my delegation considers that at the appropriate time, whether at the present spring session or at the summer session, we must try to make good this omission in the rules of procedure. For this purpose, Mr. Chairman, we have rule 47 -- a rule which, I might mention in passing, was proposed by the delegation of Mexico -- which provides that "These rules of procedure may be amended by decision of the Committee." My delegation considers that it would be highly desirable to add a rule which would settle, once and for all, those cases which may arise again in the future in which two or more groups or régimes each claim to be the legitimate government of a State.

A fifth element is that, as all those who attended the last session of the United Nations General Assembly will undoubtedly know, there is a deep division in the world Organization on the subject of the representation of Kampuchea. The relevant resolution, relating to the report of the Credentials Committee, was resolution 34/2 A. It was adopted by 71 votes in favour, 35 against and 34 abstentions. The same division exists also in this Committee. My delegation has examined the details of the vote in New York, and the results are as follows: of the 40 members of this Committee, 21 voted in favour (i.e. in favour of the report of the Credentials Committee recognizing the credentials of the delegation of Democratic Kampuchea); 11 voted against; seven, including Mexico -- and this has helped me consider this question with absolute objectivity and calmness -- abstained; and one was absent. There were then, Mr. Chairman, 21 votes in favour; and if we add together the votes against, the abstentions and the absence -- which was obviously an abstention also -- we obtain a total of 19, a figure almost identical to the previous one. We must take this situation into account; we cannot hide our heads in the sand, as the saying goes.

The States -- and this, Mr. Chairman, is the sixth element which my delegation considers very important -- the States to which rule 34 applies have,

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in accordance with the rules of procedure, an unrestricted right to be invited on the conditions specified in that rule. In the opinion of my delegation, an attempt to make the exercise of this right subject to conditions which are not provided for in the rules of procedure would be tantamount to a violation of those rules.

We consider, as I said at the beginning, that scrupulous compliance with the rules of procedure in any national body, and above all in an international body, is the best guarantee of the rights of member and non-member States. The application of the rules of procedure may one day favour one group, another day another group; but it is the only way of carrying out the work of the organ in an orderly way and with absolute impartiality.

From the foregoing considerations, in our opinion, various conclusions can be drawn and, among these conclusions, I would like to emphasize the following: of the six requests to participate which we have received, five come from States which according to the rules of procedure have an unrestricted right to be invited. One of them we already invited yesterday: this was Finland. There are another four in the same position -- Viet Nam, Denmark, Spain and Austria. The second conclusion is that, with respect to Kampuchea, the Committee has received two requests to participate: one from Democratic Kampuchea, contained in document CD/76, the other from the People's Republic of Kampuchea, contained in document CD/37. Once the Committee has made good the omission which now exists in the rules of procedure, and once it has adopted a rule relating to these cases, we shall never again have to face problems such as that which has taken up so much of our time. In the meantime, Mr. Chairman, my delegation would suggest that with respect to the two requests from Kampuchea, you, as Chairman of the Committee, might invite one representative from the 21 members of the Committee who voted in favour of the report of the Credentials Committee in New York; one representative from the eleven members of the Committee who voted against that report, and a third, who would be what is usually called an umpire in a dispute, from among those who abstained. Perhaps, Mr. Chairman, with the help and co-operation of those three representatives, you could find a solution, a solution that would be provisional until we make good the omission in the rules of procedure, a solution that would be acceptable to all.

(Mr. Garcia Robles, Mexico)

My delegation considers that with a spirit of co-operation on both sides, it would not be impossible to find such a solution. I would suggest, for example, thinking aloud, that we might agree as a possible solution, bearing in mind the very limited scope of rule 34 of the rules of procedure, to authorize the Chairman to invite a representative from each of the two régimes which are claiming to be the Government of Kampuchea to make a statement to the Committee. Naturally all the States members of the Committee could place on record their respective positions -- those which are in favour of the régime of Democratic Kampuchea stating that it is the only legitimate Government of Kampuchea, those who are against that régime making a corresponding statement about the régime of the People's Republic of Kampuchea, and those who abstain explaining their positions as they see fit. This might be one solution. Another solution might be for the Committee to decide, in view of the controversy regarding the legitimate representation of Kampuchea, to inform the signatories of the respective requests that, until the question of the representation of Kampuchea is settled, the Committee considers that the spirit of rule 34 would be complied with if both were to submit communications containing the statements which they intended to make, these statements to be distributed as Committee documents. This might also be a solution in the opinion of my delegation. And, in this case too, all representatives could state for the record that the procedure followed in no way prejudiced or affected their respective positions.

I would like to end, Mr. Chairman, by stating that in the opinion of my delegation it would seem to be unacceptable that four States with an unrestricted right to be invited should be deprived of this right on account of the abnormal situation regarding the international representation of a fifth State at the present time.

Mr. SIDIK (Indonesia): Speaking for the first time in this Committee under your Chairmanship, I should like to congratulate you warmly on your assumption of the Chair for the month of April and at the same time my delegation pledges its continued co-operation in the proceedings of this Committee under your wise guidance.

I have asked for the floor to put on record the position of my delegation with regard to the request submitted by six States non-members of the CD to participate in the work of the CD. This position has been stated earlier during the plenary informal meeting a few days ago.

Chapter IX of the rules of procedure of this Committee governing participation by States non-members of the Committee, and particularly rule 34, explicitly provides for such participation by interested States, if they so request, and states that the Committee will, through its Chairman, transmit an invitation to that effect to the States concerned.

Therefore my delegation sees no difficulty, taking into account also past practices of the Committee last year, in complying with the request of all the six States.

Specifically with regard to the request for participation made by the Democratic Republic of Kampuchea, my delegation agrees with the considerations expressed by the distinguished representative of Pakistan yesterday, inter alia that, since the Democratic Republic of Kampuchea is the State recognized as a Member of the United Nations, its request to participate in the work of the Committee should be granted.

Mr. SALAH-BEY (Algeria) (translated from French): As I am speaking for the first time I would like to congratulate you on assuming the Chairmanship for the month of April, and to assure you of the collaboration of my delegation in achieving progress in the work of the Committee on Disarmament.

My delegation would like to state its position with regard to the question now under discussion, i.e. the participation of non-member States in the work of the Committee. First of all I think we should welcome the fact that the Committee is tackling this question after long hesitating to do so. My delegation considers that this is a step forward in our Committee's work. We hope that this initial step will be followed by others in the same direction. The position of my delegation on

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this question is that every request by a non-member State for participation should be studied on its own merits and in relation to the question that we are in the course of discussing, that is the question of disarmament which we must always keep in mind. With regard to the question of the participation of Viet Nam in our Committee's work, Algeria obviously supports very strongly the request from this country, since we consider that Viet Nam can, by its participation, make a particular contribution to the progress of our work. More generally, I would like to stress that, in the context of the task entrusted to it, the Committee on Disarmament represents not only the members of which it is composed, but the international community as a whole. Clearly, we are invested with a responsibility that goes beyond the representation of each of our States. The personal representation of each State is a difficult task in itself; and the Algerian delegation believes that, if to this one adds the wider responsibility we have towards the international community as such, it is clear that positions taken on important problems of the participation of non-member States must, by reason of the importance of this question, be the right positions. It is difficult for us to understand that participation by a State in the work of our Committee can be linked to participation or non-participation by a member State. The only question we ask ourselves is whether participation by a given State is of importance to the work of our Committee or not. With regard to Viet Nam we can reply in a totally positive manner.

In conclusion, my delegation would nevertheless like to draw the attention of the representatives of States members of the Committee to the difficulties that may arise when the consensus rule is applied almost systematically. We are all aware of the problem that arises in other forums when recourse is made to the right of veto, which our country has had occasion to condemn; and we do not think it is desirable that the systematic application of the consensus rule, in particular on questions of this type, should lead to the re-emergence in our Committee of a right of veto which might paralyse the work of the Committee.

The CHAIRMAN (translated from Spanish): I thank the Ambassador of Algeria for his statement and for the words he addressed to the Chair.

We should like to ask delegations whether any of them wish to make any specific reference to the proposal by the Ambassador of Mexico, Mr García Robles.

Mr. AKRAM (Pakistan): Mr. Chairman, my delegation would have preferred not to speak on the statements which have been made this morning by some representatives in the Committee and especially not to comment on the proposals and ideas advanced by the distinguished Ambassador of Mexico because we hold him in very great respect. Therefore, Sir, let me be quite brief and say that my delegation, at least, cannot agree with the logic of the arguments presented by the distinguished Ambassador of Mexico and perhaps not even with his arithmetic about the nature of the reflection of various groups in the General Assembly. We cannot envisage a procedure which would involve discrimination against a Member State of the United Nations, no matter what the position is considered to be by one or more delegations. The United Nations has taken a position that is the view of the General Assembly, of which we are all members; and, if we begin to make distinctions and discriminate against any Member of the United Nations General Assembly, that will open up a Pandora's box which will have grave implications for all of us. Therefore, Sir, we cannot go along with this sort of procedure, and I would very respectfully say that we cannot contemplate the kind of procedures outlined by the distinguished Ambassador of Mexico.

The CHAIRMAN (translated from Spanish): In this case, it is clear that for the time being one group of delegations is not prepared to continue the consideration of these requests; and accordingly I feel that I should begin immediate consultations for the purpose of exploring possible solutions to this situation. If the Committee so authorizes me, I shall proceed in the manner indicated, working in the spirit which the Chairman has wished to introduce here, namely the desire to seek a solution and the hope that our work can be continued along these lines. If there are no objections, we shall proceed in this manner.

Since Finland has been invited to take part in our discussions on chemical weapons, I suggest that if that country wishes to make a statement before the end of this first part of the session, it may do so in any of the plenary meetings that remain between now and 29 April.

There are no objections? It is so decided. I shall ask the secretariat not only to communicate the invitation to Finland, but also to inform it that it may now make a statement on any of the other topics which we are discussing in the Committee on Disarmament.

I now give the floor to the Personal Representative of the Secretary-General and Secretary of the Committee, Ambassador Jaipal, who wishes to make a statement.

Mr. JAIPAL (Secretary of the Committee and Personal Representative of the Secretary-General): Mr. Chairman, in response to certain points made by some delegations at yesterday's meeting I should like to take this opportunity to make a brief statement.

First of all, may I clarify that we regard ourselves as the secretariat of the Committee on Disarmament for functional purposes, and not an extension of the United Nations secretariat. The functions of this Committee's secretariat are precisely defined in its rules of procedure, and I refer in particular to rules 13 to 17. Everywhere in the rules of procedure the role of the secretariat has been defined as one of providing assistance at the request of the Committee and the Chairman. The nature of this assistance is spelt out in the rules. In addition, the secretariat shall perform such other functions as may be entrusted to it by the Committee. Secondly, the secretariat of the Committee **does** not advise the Chairman or the Committee on any matter unless its advice is specifically sought. In such an eventuality the secretariat's duty is to offer its advice **impartially, objectively** and juridically, and in a manner that is devoid of any political bias. In doing so, the secretariat is inter alia guided by the procedures, precedents and practices of the Committee. Having said this, I must add that the Chairman and Committee are not bound by the advice of the secretariat in taking decisions.

Thirdly, for administrative purposes only, the secretariat of this Committee is an integral part of the United Nations secretariat but of course this fact can have no bearing or impact on its functions, which are derived from the Committee's rules of procedure as well as the Committee's and the Chairman's instructions.

I might mention in relation to this administrative relationship with the United Nations secretariat that paragraph 120 of the Final Document of the first special session of the United Nations General Assembly devoted to Disarmament inadvertently or deliberately failed to request the Secretary-General of the United Nations to provide the necessary staff and services for the functioning of this Committee. This omission created for the Committee's secretariat problems of a legal, budgetary and administrative character last year. It was almost as if this Committee's secretariat was without any visible means of support or authority.

I was obliged therefore to seek the assistance of the distinguished Ambassador of Burma to rectify this omission last year. In his then capacity as Chairman of the Committee on Disarmament, the distinguished Ambassador of Burma kindly agreed to sponsor a draft resolution in the last session of the General Assembly formally

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requesting the Secretary-General of the United Nations to provide this Committee with the requisite staff, services, and so on. Evidently, it was not possible to secure wider co-sponsorship than Burma's. Fortunately, draft resolution 34/83 L was adopted without a vote, since a vote might have created difficulties for some Member States. Thus this Committee's secretariat now has formal authority to serve the Committee and its subsidiary bodies in conformity with the Committee's rules of procedure.

I should like to turn now to another important matter raised yesterday by the distinguished representative of Pakistan, and that concerns the practice of circulation of official documents of this Committee. It goes without saying, of course, that the secretariat does not act on its own in this matter. So far it has been acting on the instructions of various Chairmen in the absence of any agreed general guidelines. It should also be borne in mind that several members of this Committee have rather different opinions from other members regarding the significance to them of resolutions of the General Assembly by voting and by consensus. Our rules of procedure provide no guidance in regard to circulation of communications. Decisions taken at informal meetings are not recorded. Precedents are few and they are still in the process of creation. This is clearly an unsatisfactory situation from all points of view -- from the point of view of the Chairman, from the point of view of the Committee and also from the point of view of the secretariat.

Yesterday in another context regarding substantive issues, the distinguished representative of Pakistan said that: "We are not physicians; we are the disease". However, in relation to procedures, may I suggest that we are the physicians and may I take the liberty of quoting another saying: "Physician, heal thyself". I should like to suggest that at the current session itself the CD should discuss the question of its documentation and related matters at an informal meeting or two with a view to evolving agreed guidelines for the Chairman as well as the secretariat.

If this suggestion is accepted, the secretariat will inform the Committee at its informal meetings of the different kinds of communications and documentation it receives from members, non-members, NGOs and private persons and will seek the instructions of the Committee regarding their distribution, acknowledgement, replies to be sent, etc. Apart from difficulties over non-member States, we are not sure

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even about the definition of non-governmental organizations within the meaning of our rules of procedure. I have had occasion to mention these difficulties privately to several members of the Committee in the past. I regard this matter as sufficiently urgent and important to warrant its early consideration at informal meetings of the Committee.

The CHAIRMAN (translated from Spanish): I thank the Secretary of the Committee and Personal Representative of the Secretary-General for his statement. I am sure that all the members of the Committee have taken note of the statement by Ambassador Jaipal.

The Chairman will make arrangements for the Committee to consider the questions raised in his statement.

The next plenary meeting of the Committee on Disarmament will be held on Tuesday 15 April at 10.30 a.m.

The meeting rose at 12.55 a.m.