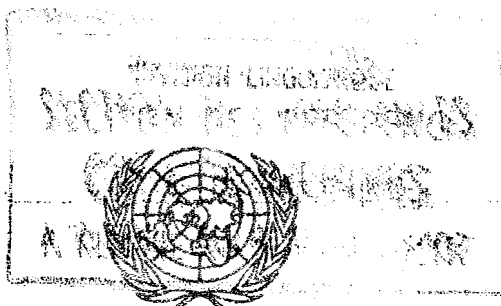


UNITED NATIONS
GENERAL
ASSEMBLY



Distr.
GENERAL

A/CONF.95/SR.11
3 November 1980

Original: ENGLISH

UNITED NATIONS CONFERENCE ON PROHIBITIONS OR RESTRICTIONS OF USE
OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE
EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS

Second session

SUMMARY RECORD OF THE 11th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 10 October 1980, at 10 a.m.

President: Mr. ADENIJI (Nigeria)

later: Mr. DUMONT (Argentina)

CONTENTS

Tribute to the memory of Mr. Peiotor Mironovich Macherov

Consideration of prohibitions or restrictions of use of certain conventional
weapons which may be deemed to be excessively injurious or to have indiscriminate
effects (continued)

Consideration of draft resolution and a draft proposal

Report of the Conference Working Group on a General Treaty

Report of the Committee of the Whole

Organization of the Conference (continued)

(f) Credentials of representatives

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be
set forth in a memorandum and also incorporated in a copy of the record. They should
be sent within one week of the date of this document to the Chief, Official Records
Editing Section, room E.6108, Palais des Nations, Geneva.

Any corrections to the records of the meetings of the Conference will be
consolidated in a single corrigendum to be issued shortly after the end of the
Conference.

GE.80-66926

The meeting was called to order at 11.10 a.m.

TRIBUTE TO THE MEMORY OF MR. PEIOTOR MIRONOVICH MACHEROV

1. On the proposal of the President, the members of the Conference observed a minute of silence in tribute to the memory of Mr. Peiotor Mironovich Macherov, First Secretary of the Central Committee of the Communist Party of the Byelorussian Soviet Socialist Republic and a member of the Praesidium of the Supreme Soviet of the Union of Soviet Socialist Republics.

CONSIDERATION OF PROHIBITIONS OR RESTRICTIONS OF USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS (agenda item 3) (continued)

Consideration of draft resolutions and a draft proposal (A/CONF.95/L.1, L.2, L.3, L.4, L.5/Rev.1, L.6, L.7)

2. Mr. ONKELINK (Belgium), introducing the draft resolution on regional agreements (A/CONF.95/L.1) on behalf of the delegations of Ireland and the Netherlands and of his own delegation, said that, in recent years, the international community had shown increasing interest in the regional approach to negotiations on disarmament and the security of States. Belgium was among those countries which wished to promote the regional approach in that the conclusion of regional arrangements made it possible to advance towards the conclusion of agreements of a universal character. Such arrangements had the undoubted advantage of being able to take into account the characteristics, aspirations and security conditions of the region concerned. Naturally, they must always remain compatible with efforts undertaken at the world level, of which the current conference was an outstanding example.

3. A group of government experts would be submitting to the General Assembly at its current session a full report on the regional aspects of disarmament, which had been prepared on the proposal of his delegation. The regional approach should not be overlooked by the Conference. At its first session, the Mexican delegation had proposed the insertion in the body of the General Treaty of a text on regional agreements. That proposal had been withdrawn in the interests of compromise. However, it would be useful if the Conference, without formulating any new legal rules, recorded its recognition of the value of the regional approach, and it appeared to some delegations that a resolution, which had no binding force, was the most appropriate way to do so. There was nothing controversial in draft resolution A/CONF.95/L.1 and he hoped that the Conference would be able to adopt it.

4. The PRESIDENT said that, in the light of consultations with the delegations sponsoring the seven draft texts before the Conference and with other delegations, he understood there to be general agreement that the Conference would not take a decision on any of those texts but that they would enjoy equal status as part of the record of the Conference.

5. Mr. ROBERT (Federal Republic of Germany) drew attention to the fact that document A/CONF.95/L.7 contained a draft article on a Consultative Committee of Experts to be included in the proposed general treaty; it was therefore different from the other texts, which were all draft resolutions. However, he had no objection to the course of action mentioned by the President.

6. The PRESIDENT noted the comment of the representative of the Federal Republic of Germany. If there was no objection, he would take it that the Conference was agreeable to the course of action which he had outlined.

7. It was so decided.

Consideration of the report of the Conference Working Group on a General Treaty (A/CONF.95/9 and Add.1)

8. Mr. de ICAZA (Mexico), Chairman of the Conference Working Group on a General Treaty, introducing the Group's report (A/CONF.95/9 and Add.1), recalled that the Group had been established by the Conference at its 1st plenary meeting in 1979 and that during the current session it had held 11 formal meetings and a number of informal meetings, using as its basic text the Outline of a Draft Convention contained in the report on the work of the Conference's first session (A/CONF.95/8, annex II, appendix A). The outcome of the negotiations was the text approved by the Working Group at its meeting of 9 October which appeared in document A/CONF.95/9/Add.1.

9. Mr. KALSHOVEN (Netherlands) said he believed that the Drafting Committee had not yet completed its work on the text included in document A/CONF.95/9/Add.1. His delegation was prepared to accept that text on the understanding that a number of drafting changes would be made, in particular to article 6, paragraph 1.

10. Ms. SEGARRA (Executive Secretary of the Conference), speaking on behalf of the Secretary-General of the United Nations, said that the Secretary-General had noted that under a number of provisions contained in article 3 */ of the proposed General Convention, he was to convene conferences of the States Parties thereto or of all States. That proposed function was in addition to the normal Depositary functions that he was to carry out in respect of that treaty and in respect of the several Protocols thereto.

11. The Secretary-General considered it necessary for the Conference to understand that he would only be able to convene conferences pursuant to requests made under the General Convention if the necessary financial arrangements therefor were made either by the General Assembly or by the States participating in the Conference.

12. The PRESIDENT said that, if there was no objection, he would take it that the Conference approved the report of the Conference Working Group on a General Treaty (A/CONF.95/9 and Add.1).

13. It was so decided.

*/ Article 8 of the text adopted by the Conference at its 12th plenary meeting (see A/CONF.95/INT.6).

Report of the Committee of the Whole (A/CONF.95/11)

14. Mr. VOUTOV (Bulgaria), Chairman of the Committee of the Whole, introducing the Committee's report (A/CONF.95/11), drew attention to paragraphs 6 and 7 in which the Committee's understandings concerning the draft protocols on mines, booby-traps and other devices and on incendiary weapons were reproduced. The report also had two annexes: annex I contained a summary of the informal consultations on small calibre weapons systems and annex II contained proposals on other categories of weapons - fuel-air explosives, anti-personnel fragmentation weapons and flechettes - which owing to lack of time, it had not been possible to consider. Some delegations felt that those proposals could be taken up in due course through the follow-up mechanism to be provided by the general convention. He was highly satisfied with the important results achieved, which would not have been possible without the spirit of co-operation and understanding that had characterized the Committee's deliberations.

15. The PRESIDENT said that, if there was no objection, he would take it that the Conference approved the report of the Committee of the Whole (A/CONF.95/11).

16. It was so decided.

ORGANIZATION OF THE CONFERENCE (agenda item 2) (continued)

(f) CREDENTIALS OF REPRESENTATIVES (A/CONF.95/12)

17. Mr. ARRASSEN (Morocco), Chairman of the Credentials Committee, said that the Credentials Committee had met on 9 October 1980 and had examined the credentials of the representatives at the Conference. It had subsequently adopted its report (A/CONF.95/12) to which should be added a reference to the credentials of Mongolia, which had arrived only a few hours previously. Drawing attention to paragraph 7 of the report, which stated that the Credentials Committee had decided to accept the credentials of the various representatives he recommended that the Conference should approve that report.

18. Mr. LIANG (China) said that his delegation had taken note of the work of the Credentials Committee and fully supported the Committee's acceptance of the credentials of 76 participating countries. It had also taken note of the lengthy statement by the representative of Poland, as reflected in paragraph 4 of the report and his slanderous remarks about the representative of Democratic Kampuchea, a Member of the United Nations. That statement was highly irregular and the Chinese delegation could only express its regret that it had been made. The Government of Democratic Kampuchea was the sole lawful representative of Kampuchea, a fact reconfirmed at recent sessions of the United Nations General Assembly and at other United Nations conferences and it was therefore quite natural that Democratic Kampuchea should send a representative to the present Conference. In view of the importance of the Conference within the United Nations system, it went without saying that it should observe United Nations principles and resolutions. The so-called People's Republic of Kampuchea was nothing but a puppet régime propped up by Viet Nam and could not represent the Kampuchean people. It would be of no avail for it to send a representative to a United Nations conference in an effort to cover up the crime of aggression committed by Viet Nam. The Chinese delegation could not therefore agree to the statement by the representative of Poland being retained in the report of the Credentials Committee.

19. Mr. AKRAM (Pakistan) said that his delegation shared the reservation expressed in the Credentials Committee by the representative of the Syrian Arab Republic with regard to the credentials of the representative of Israel.

20. It had noted the views expressed in the Committee with respect to Democratic Kampuchea, and welcomed the fact that the credentials of that country's delegation had been approved by the Committee, in accordance with the decision of the United Nations General Assembly at its thirty-fourth session and the recommendation of the Credentials Committee at the current session of the Assembly. The present Conference had been convened by and under the auspices of the United Nations and therefore had to abide by the decisions of the General Assembly. It was most unfortunate that the views expressed in the Credentials Committee of the Conference did not fully reflect the positions of the majority of States Members of the United Nations, which had upheld the representation of Democratic Kampuchea in the General Assembly and other international forums. His delegation opposed any attempt to accord legitimacy to the illegal régime imposed on the people of Kampuchea by foreign arms. Furthermore, it was somewhat unusual that the views expressed in the Credentials Committee with regard to the credentials of Democratic Kampuchea should have been reflected at such length in the Committee's report. His delegation was prepared to approve that report on the understanding that its views were fully reflected in the records of the Conference.

21. Mr. QUAN PHAN (Viet Nam), speaking in exercise of the right of reply, said that China, while posing as a humanitarian and socialist country, had been completely unmasked by its obvious support for a genocidal clique claiming to represent so-called "Democratic Kampuchea". The delegation of Viet Nam felt compelled categorically to reject all the false allegations made against its country by China and to establish the facts of the matter. Despite their efforts to divert attention to others, the Chinese leaders were unable to hide their misdeeds. Which country, on 18 February 1979, had launched 600,000 men and hundreds of aircraft in a war of aggression against Viet Nam along the whole of its northern frontier? Which country had concentrated over 20 military divisions and hundreds of tanks along Viet Nam's border and had violated its territorial waters with warships, ready to launch a second war against Viet Nam and to give it a "second lesson". Which country had pursued a policy of expansionism and hegemony against all its neighbours occupying part of the territory of India, Burma, Mongolia, etc.? Who had published a modern map of China, used in Chinese schools, showing China as comprising parts of the Soviet Union, parts of Japan, the whole of Korea, Taiwan, the Pescadores, the whole of Indo-China, Singapore, Malaysia, Thailand, Burma, Bangladesh, Bhutan, Nepal and part of India, and intended to claim those lands? Which country was trying to camouflage itself as a socialist country and enter into collusion with the United States in order to fight against all the liberation movements of the world; had entered into diplomatic relations with Pinochet shortly after President Allende's assassination; had supported Somoza in Nicaragua; and was fostering crimes of genocide in Kampuchea and supplying arms of all kinds with which to massacre the Cambodian people expelled by the Kampucheans? The answer, in all those cases, was China and the reactionary hegemonistic group within the Peking Government. Those facts were enough to rebut all the slanders made by the representative of China against Viet Nam.

22. Mr. SARAN (India) said that his Government had decided to establish diplomatic relations with the Government headed by President Heng Samrin in Kampuchea, which was the sole lawful Government of that country. That decision was an expression not only of the view held by the overwhelming majority of India's citizens but also of India's general policy of recognizing the political situation inside Kampuchea. It did not therefore recognize the Government of so-called Democratic Kampuchea and was opposed to its representation at the Conference. The Indian delegation approved the report of the Credentials Committee on the understanding that its statement would be fully reflected in the records of the Conference.

23. Mr. ARRASSEN (Morocco) said that his delegation wished to make it clear that the reservations expressed by the Syrian Arab Republic in paragraph 3 of the report of the Credentials Committee, reflected an arrangement in force within the Arab League and concerned all countries members of the League.

24. Mr. LIANG (China) said that the statement by the representative of Viet Nam had contained many lies; that same representative had not dared to mention that Viet Nam had invaded Kampuchea on behalf of the so-called People's Republic of Kampuchea, a régime propped up by an invading army of over 200,000 troops which had not won recognition from the majority of the countries forming the international community.

25. Mr. QUAN PHAN (Viet Nam) read out the statement contained in document A/CONF.95/10, which made clear his delegation's position on the unrepresentative character of the delegation of so-called Democratic Kampuchea. The régime which had governed Democratic Kampuchea had closed the country off to the outside world in order to pursue its policy of genocide. One year after that régime had been overthrown and expelled from the country, its representatives had come to Geneva claiming to represent Democratic Kampuchea at a humanitarian conference. It was absurd that those persons should claim such representation: they did not even have a capital, certainly not in Kampuchea at least.

26. His delegation fully supported the position expressed in the statement submitted by the Foreign Minister of the People's Republic of Kampuchea to the Secretary-General of the United Nations and the President of the thirty-fifth session of the General Assembly on 10 September 1980. Consequently, it strenuously protested against the presence of the representative of Democratic Kampuchea at the Conference and had serious reservations regarding his credentials.

27. Mr. Dumont (Argentina) took the Chair.

28. Mr. TE SUN HOA (Democratic Kampuchea) said that his delegation had submitted a formal statement and a letter to the President of the Conference on 9 October 1980 (A/CONF.95/13) which it would like included in the report of the Conference on the same footing as all other statements.

29. The words of the representative of the Hanoi Government would carry greater conviction were it not for the presence in Kampuchea of 200,000 troops and hundreds of advisers from Viet Nam. Those forces constituted an army of occupation which was using the entire arsenal of warfare including chemical weapons, as well as famine, while at the same time attending a conference dealing with prohibitions

or restrictions of use of such weapons. The maintenance of an army in Kampuchea and Laos and incursions into Thailand posed a grave threat to peace in the area. The Government of Hanoi had no support whatsoever from the Vietnamese people. Consequently, his delegation expressed the strongest reservations regarding the representation of the Government of Hanoi at the Conference. He requested that his statement should be reflected in the report of the Conference.

30. Mr. BARROMI (Israel) said that his delegation rebutted the disparaging remarks and allegations made by the representatives of Pakistan and Morocco at the current meeting and by the representative of the Syrian Arab Republic in the Credentials Committee. The credentials of the Israeli delegation had been properly issued and were valid and in good order. The statements made by the representatives of the Syrian Arab Republic, Pakistan and Morocco were both irrelevant and preposterous, did not fall within the scope of the Conference, were inconsistent with its aims, and deserved to be utterly rejected.

31. Mr. SUJKA (Poland) said that he would refrain from going into polemics with the Chinese delegation over the statement made by the Polish delegation, which appeared in the report of the Credentials Committee. However, he requested that document A/CONF.95/10 should be duly reflected in the report of the Conference. If that were done, his delegation would be ready to accept the report of the Credentials Committee.

32. The PRESIDENT said that document A/CONF.95/10 would be referred to in the list of Conference documents.

33. Mr. SUJKA (Poland) said that his delegation was of the opinion that the proper course would be to insert the text of that document in the report of the Conference to the General Assembly as a foot-note.

34. The PRESIDENT pointed out that the Conference was not currently considering its report to the General Assembly. He suggested that the matter might be taken up later in the day, by which time the Executive Secretary would have held consultations and would be in a better position to say whether or not the text of the document concerned could be included in the place requested.

35. Mr. SUJKA (Poland) agreed to that suggestion.

36. Mr. ABDINE (Syrian Arab Republic) said that it was generally admitted in international law that, where there was no recognition between Governments or States, a State or its representative had the right to make reservations vis-à-vis a State not recognized. His delegation had availed itself of that right at the present Conference in accordance with international law.

37. Mr. ARRASSEN (Morocco) said that his delegation strongly rejected the irresponsible and irrelevant statement made by the representative of the Zionist entity.

38. The PRESIDENT said that, if there was no objection, he would take it that the Conference wished to take note of the report of the Credentials Committee (A/CONF.95/12).

39. It was so decided.

The meeting rose at 12.30 p.m.