

CD/PV.35^{*/}
17 July 1979
ENGLISH

FINAL RECORD OF THE THIRTY-FIFTH MEETING
held at the Palais des Nations, Geneva,
on Monday, 25 June 1979, at 1.00 p.m.

Chairman:

Mr. C.A. DE SOUZA E SILVA

(Brazil)

*/ Reissued for technical reasons.

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PRESENT AT THE TABLE

Algeria: Mr. A. BENSIALI

Argentina: Mr. A. DUMONT
Miss N. FREYRE PENABAD
Mr. C.A. PASSALACQUA

Australia: Mr. A. BEHM

Belgium: Mr. G. VAN DUYSSE

Brazil: Mr. C.A. DE SOUZA E SILVA
Mr. A.C. DE OURO PRETO

Bulgaria: Mr. P. VOUTOV
Mr. I. SOTIROV
Mr. C. HALACHIEV

Burma: U THEIN AUNG
U NGWE WIN
U THAUNG HTUN

Canada:

Cuba: Mr. V.B. JACKLEWICH

Czechoslovakia: Mr. V. TYLNER
Mr. J. JIRUSEK

Egypt: Mr. M. EL-BARADEI

Ethiopia: Mr. T. TERREFE

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

German Democratic Republic: Mr. G. HERDER
Mr. W. KOETTER
Mr. H. GRACZYNSKI

Germany, Federal Republic of: Mr. J. POHLMANN
Mr. H. MULLER

Hungary: Mr. C. GYORFFY

India: Mr. S.T. DEVARE

Indonesia: Mr. D.B. SULEMAN

Iran: Mr. D. AHERI

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

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

Kenya: Mr. S. SHITEMI
Mr. A. JET ODENDO

Mexico: Mr. A. GARCIA ROBLES
Miss A. CABRERA

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

Morocco:

Netherlands: Mr. R.H. FEIN
Mr. A.J. MEERBURG

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

Pakistan: Mr. A.A. HASHMI

Peru: Mr. J. AURICH MONTERO

Poland: Mr. B. SUJKA
Mr. H. PAC
Mr. M. KRUCZYK

Romania: Mr. C. ENE

Sri Lanka:

Mr. I.B. FONSEKA

Sweden:

Mr. C. LIDGARD

Mr. S. STROMBACK

Union of Soviet Socialist
Republics:

Mr. V.L. ISSRAELYAN

Mr. N.V. PESTEREV

Mr. A.M. VAVILOV

Mr. A.I. TIOURENKOV

Mr. M.G. AMPIUKHIN

Mr. V.P. PERFILIEV

Mr. N.P. SITDOVICH

United Kingdom:

Mr. D.M. SUMMERHAYES

Mr. N.H. MARSHALL

United States of America:

Mr. A.S. FISHER

Mr. C.C. FLOWERREE

Mr. D. KOELEMIAY

Mr. W.H. DUNLOP

Mr. A. RADZIANKI

Venezuela:

Mr. A.R. TAYLHARDAT

Yugoslavia:

Mr. H. VRHUNEC

Mr. D. DJOKIC

Zaire:

Mr. MULONGANDUSU ESUK

The CHAIRMAN: According to the decision taken by this Committee concerning our programme of work, this week we begin the consideration of the item entitled "Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons". We already have two official documents tabled for the discussion on this question. One is document CD/10, sponsored by the delegation of Pakistan, and the other is document CD/23, submitted by the delegations of Bulgaria, Czechoslovakia, the German Democratic Republic, Hungary, Mongolia, Poland and the Union of Soviet Socialist Republics. In addition to these two official documents, the delegation of Pakistan made an informal distribution of a working paper which is now before all delegations.

We have also received a request from the Permanent Mission of the Socialist Republic of Viet Nam which has been distributed as an official document of the Committee (CD/24, of 22 June 1979). With regard to the request made by the Permanent Mission of the Socialist Republic of Viet Nam (CD/24); and as a result of extensive informal consultations, I suggest that we adopt the following decision:

"By virtue of rules 33 to 35 of our rules of procedure, we shall invite the representative of Viet Nam to participate in the work of the Committee on Disarmament for the consideration of the second item in its programme of work (Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons) between 25 and 29 June 1979, both at its formal and informal meetings. In accordance with the above-mentioned request, the Representative of Viet Nam will also be invited to participate in the formal and informal meetings which may be held on this item during the remainder of this current second part of the 1979 session of the Committee".

It was so decided.

The CHAIRMAN: I accordingly ask the Secretariat to invite the representative of Viet Nam to take his seat in this Conference Room.

Mr. GARCÍA ROBLES (Mexico) (translated from Spanish): I should like to make a general statement -- and I must stress the word general -- concerning procedure.

In view of the unquestionable importance of the Committee's decisions in respect of section IX of its rules of procedure, entitled "Participation by States not members of the Committee", I should like to place on record our position on certain points which we deem to be essential in this regard, and which are as follows:

(Mr. García Robles, Mexico)

The delegation of Mexico considers that:

1. The provisions of rules 33 and 34 of the rules of procedure of the Committee on Disarmament, especially if interpreted in the light of paragraph 120 (g) and (h) of the Final Document, with which they are closely linked, imply almost automatic granting of permission to participate, which any State not a member of the Committee may request on the basis of these articles.

2. The invitations to which rule 35 refers are, on the contrary, of an optional nature, as is clear from the words used ("may...invite" instead of "will invite") and from the fact that paragraph 120 of the Final Document does not refer expressly to the matter. Nevertheless, the delegation of Mexico will apply a very liberal interpretation to cases of this nature, as already shown in its attitude to the request from the Permanent Mission of Finland (CD/14, 25 April 1979) and the request by the Permanent Mission of Viet Nam (CD/24, 21 June 1979), except where it feels there are **exceptional circumstances**, and will take a favourable view when express requests are made to participate in the informal meetings of the Committee under article 35. As regards participation in the meetings of subsidiary bodies, the delegation of Mexico feels that no generally applicable conclusions can be reached, and that each case should be considered on its merits.

3. Requests by States to participate, and the corresponding invitations by the Committee, should preferably be limited to the periods specifically assigned in the work programme to consideration of the items of interest to the requesting States, and they should in no case go beyond the period allowed by the work programme.

Mr. FISHER (United States of America): The United States is not objecting to this decision, but we would like to point out, however, our concern that rules 34 and 35 not be applied in such a way as to make this body, in fact, an open-ended body. We do not consider this decision a precedent for doing so.

There has been a good deal of talk, of course, about the Finnish decision. There was, of course, also a decision involving the Swiss Government, which merely permitted the Swiss Government to come and make a statement. We would hope that we will not overlook the fact that the language of rule 33 merely says "participate in the discussions", and that the language of rule 34, under which I believe this request falls, merely says entitled "to express views" when the particular items are under discussion.

(Mr. Fisher, United States)

While the United States is not objecting, in this case, to the rather open-ended nature of the final part of the decision, we do not want to have that read back to us later as a precedent.

One final point; in the view of the United States, this decision and other decisions both in the past and the future made under section IX, "Participation by States not members of the Committee", do not in the view of the United States, involve participation by States in the consensus procedure established under section VI, "Conduct of work and adoption of decisions".

The CHAIRMAN: The next plenary meeting of the Committee will take place tomorrow, Tuesday, 26 June, at 10.30 a.m. in this room.

The meeting rose at 1.30 p.m.