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Forty-third session
Agenda item 145LIABILITY FOR THE ILLEGAL TRANSFER **AND/OR** USE OF PROHIBITED
WEAPONS AND WEAPONS OR SUBSTANCES WHICH CAUSE UNNECESSARY
HUMAN SUFFERINGReport of the First CommitteeRapporteur: Mr. Virgilio A. REYES (Philippines)

I. INTRODUCTION

1. The item entitled "Liability for the illegal transfer **and/or** use of prohibited **weapons and** weapons *or* substances **which** cause unnecessary human suffering" was included as a supplementary item in **the agenda** of *the* forty-third **session in accordance** with a letter dated 19 August 1988 from the Permanent Representative of Trinidad and Tobago to the United Nations addressed to the Secretary-General (A/43/195).
2. At its 3rd plenary meeting, **on** 23 September 1988, the General Assembly, **on** the recommendation **of** the General Committee, decided to include the item in its agenda and to allocate it to the First Committee.
3. At its 2nd meeting, on 12 October **1988**, the First Committee **decided to hold** a general debate on the disarmament items allocated to **it**, namely items 51 to 69, 139, 141 *and* 145, **The** deliberations on *those items* took place at the 3rd to 25th meetings, from 17 October to 2 November (see **A/C.1/43/PV.3-25**). Consideration of and action on draft resolutions **on** those items took place between 3 and 18 November (see **A/C.1/43/PV.26-43**).
4. In connection with item 145, **the First Committee had before** it the letter referred to in paragraph 1.

II, CONSIDERATION OF DRAFT RESOLUTION A/C.1/43/L.35 and
DRAFT DECISION A/C.1/43/L.35 AND Rev.1

5. On 31 October, Guyana, Saint Lucia, Trinidad and Tobago, and Vanuatu submitted a draft resolution entitled "Liability for the illegal transfer and/or use of prohibited weapons and weapons or substances which cause unnecessary human suffering" (A/C.1/43/L.35). The draft resolution was introduced by the representative of Trinidad and Tobago at the 30th meeting, on 8 November, and read as follows:

"The General Assembly,

"Concerned about the development and proliferation of new types of weapons of mass destruction,

"Mindful of the grave consequences of the use of weapons of mass destruction or weapons which cause unnecessary human suffering,

"Reaffirming that the use of weapons of mass destruction or weapons which cause unnecessary human suffering would be a violation of the Charter of the United Nations and a crime against humanity,

"Considering that illicit drug trafficking across national frontiers is accompanied by the transfer and use of weapons which cause unnecessary human suffering,

"Convinced of the need to take steps to prevent the use of weapons of mass destruction or weapons which cause unnecessary human suffering, and which would be in furtherance of the disarmament process,

"Convinced also of the need for increased international co-operation in criminal justice administration and for speedy and public trial of transnational offenders through acceptable investigatory and judicial procedures,

"1. Requests the Secretary-General to submit a report to the General Assembly at its forty-fourth session on the illegal transfer and/or use of prohibited weapons of mass destruction and weapons which cause unnecessary human suffering and on measures for preventing such transfer and/or use, including the procedures and mechanisms for increased international co-operation in criminal justice administration;

"2. Decides to include in the provisional agenda of its forty-fourth session the item entitled 'Liability for the illegal transfer and/or use of prohibited weapons and weapons or substances which cause unnecessary human suffering: report of the Secretary-General'".

6. On 16 November, the sponsors submitted a revised draft decision (A/C.1/43/L.35/Rev.1), which was later also sponsored by Antigua and Barbuda, the Bahamas, Barbados, Grenada, Saint Kitts and Nevis and Saint Vincent and the Grenadines, containing the following changes:

(a) Preambular paragraphs 1 to 6 and operative paragraph 1 were deleted;

(b) The phrase "report by the Secretary-General" at the end of operative paragraph 2 was deleted,

7. At its 42nd meeting, on 18 November, the Committee adopted the revised draft decision without a vote (see para. 8).

III, RECOMMENDATION OF THE FIRST COMMITTEE

8. The First Committee recommends to the General Assembly the adoption of the following draft decision;

Liability for the illegal transfer and/use of prohibited weapons
and weapons or substances which cause unnecessary human suffering

The General Assembly decides to include in the provisional agenda of its forty-fourth session the item entitled "Liability for the illegal transfer and/or use of prohibited weapons and weapons or substances which cause unnecessary human suffering".
