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Chairman: Mr. JAROSZEK (Poland)

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The meeting was called to order at 4.10 p.m.

AGENDA ITEMS 34, 35, 38, 40, 42, 45, 49, 50 and 116 (continued)

The CHAIRMAN: We shall resume consideration of the agenda items relating to disarmament, and first we shall continue the consideration of agenda item 34, "Reduction of military budgets". I shall now call on those delegations that expressed the wish to explain their vote after this morning's vote on draft resolution A/C.1/31/L.21.

Mr. JAY (Canada): Thank you, Mr. Chairman, my delegation voted in favour of the draft resolution in document A/C.1/31/L.21 on the reduction of military budgets. We wish to emphasize however, that in Canada's view the value of reductions in military budgets, as an effective disarmament measure, cannot be determined in the absence of an agreed system of assessment or an agreed formula by which reductions in military budgets can be measured and compared among different kinds of budgets and which will provide means to assure States that announced reductions had actually taken place. Thank you, Mr. Chairman.

Mr. van der ZEE (Netherlands): I wish to explain on behalf of the nine States members of the European Economic Community, the background to our vote in favour of resolution A/C.1/31/L.21.

Our nine Governments are greatly concerned at the high level of spending on armaments. We believe that the competitive acquisition of weapons can become a source of international tension and a great risk of outright conflict. We hope that the eventual agreements on the reduction of military budgets will lead to the release of resources for peaceful purposes, including increased aid to others. We nevertheless consider that the kind of resolution which merely prescribes to the world's Governments an arbitrary percentage reduction in arms, without proposing means of measurement or of verification, is misguided. We feel that this problem can be approached only by the development of adequate verification and measurement techniques. We, therefore, welcome the work done by the military budget expert group that was responsible for the report A/31/222 that is before this Committee.

(Mr. van der Zee, Netherlands)

We would, however, have wished that the resolution A/C.1/31/L.21 had contained a greater sense of urgency and had been more specific. The danger is that this good work, like so many other United Nations reports and analyses, may be simply overlooked. We should, however, have preferred to have seen operative paragraph 4 lay a more specific mandate on the experts, namely, to put before the next General Assembly a precise recommendation on which course to pursue in terms of the alternatives presented in paragraph 157 of section VI B of the report A/31/222 before us. In this paragraph it is stated that in testing the validity of the reporting system the General Assembly may opt for a universalistic approach in order to give all Member States an opportunity to participate on a voluntary basis from the outset or that at the initial stage a selected and representative group of States would be a more practical approach.

Our regret is that this draft resolution did not go further and make a clear recommendation. So far as it goes, however, we consider it adequate and have been pleased to be able to vote for it.

Mr. MOHAJER (Iran): My delegation voted in favour of draft resolution A/C.1/31/L.21 on reduction of military budgets for the following reasons. We believe that the draft resolution was conceived, prepared and presented to the Committee in a positive spirit by two delegations whose sense of devotion and constructiveness in the field of disarmament has earned them the respect and appreciation of this Committee. Moreover, the general orientation of the document is realistic; it is significant that permanent members of the Security Council --- those entrusted with the primary responsibility of maintenance of international peace and security --- are put at the centre of the picture and perceived as the ones who have to lead the way. It is no less significant that a reasonably methodical approach has been envisaged to eventually come up with a standardized system of comparison and reporting of military budgets.

My delegation will have occasion to express its views and suggestions on the proposed standardized reporting instrument contained in the report of the Group of Experts, as called for in operative paragraph 3 of the draft in question. There is, however, a cardinal principle guiding the decision of my Government on the issue under consideration which I feel duty bound to underscore again. The defence postures of States are closely linked to the perception of their security which they form on the basis of circumstances particular to their surroundings. In a world still fraught with so much strife, uncertainty and danger, the resort to pressure and force is unfortunately still a means of maximizing policy objectives and while no secure United Nations machinery is yet available to offer genuine protection to medium-sized and small Powers, such States are left with no alternative but to continue to pursue the means of their own defence.

Based on such convictions, our positive vote for this draft resolution must not be interpreted as an indication of pliancy in our resolve in the vital matter of our defence requirements.

Mr. BLACK (United States of America): My delegation's vote for the draft resolution just adopted by the Committee reflects our continuing interest in efforts by the United Nations to develop broadly applicable and generally acceptable standards for the measurement and international comparison of military expenditures. We believe these efforts merit the support of all Members of this Organization, but

(Mr. Black, United States)

as a means of developing a workable standardized system for reporting military expenditures and as a means of addressing the fundamental technical problems that must be resolved if agreed limitations on such expenditures are to become a realistic possibility.

We are pleased to join in the expression of appreciation to the Secretary-General and to the group of qualified governmental experts that assisted in preparing the report called for last year in resolution 3463 (XXX). At the same time, we regret that the resolution does not act fully on the experts' recommendations concerning the operational testing of the system of international measurement, reporting and comparison of military expenditures. We hope the new intergovernmental group of budgetary experts to be established under this resolution will give careful consideration to further steps that can be taken in the near future to test and begin implementation of a standardized measurement and reporting system. We also hope that additional States will participate in refining such a system.

While we are able to support this draft resolution as a whole, my delegation does have reservations regarding its third and fourth preambular paragraphs. With respect to the third, we believe it is inappropriate to call on States, either selectively or collectively, to reduce military spending in the absence of conditions that would make it possible to achieve effective agreements. We do not believe that any State can be expected to reduce its defence expenditures without some assurance that doing so would not jeopardize its security.

With respect to the fourth preambular paragraph, as we have stated before, the United States does not agree with the implied linkage between reduction of military expenditures and a commitment to particular alternative uses of resources that might be made available --- specifically in this case, a commitment to increase development assistance. We view these as distinct and separate issues, each of which should be considered on its own merits.

Mr. ITOUA (Congo) (interpretation from French): The Congolese delegation voted in favour of draft resolution A/C.1/31/L.21. We should like to explain our vote as follows.

(Mr. Itoua, Congo)

The People's Republic of the Congo remains sceptical as to the readiness of the great Powers to reduce their military budgets. This scepticism is justified by the increase in the sums of money devoted by these great Powers to the development of their military industry ever since serious efforts have been undertaken in the United Nations recommending that these Powers reduce the colossal sums of money swallowed up in the arms race.

The Congo is even more doubtful of the readiness of these same Powers to accord priority to the development of third world countries by giving the surplus of the sums saved as a result of a possible reduction. Up to now, indeed, the action of the great Powers in the development sectors of the third world countries has been more like a cosmetic operation than a vigorous effort likely to make an effective contribution to development. It is as if the great Powers intended to maintain the third world in a state of under-development in order to make their assistance an instrument of blackmail. That is why the Congo is primarily relying on its own resources while at the same time attempting to develop horizontal co-operation with the neighbouring countries of central Africa.

Nevertheless, the Congo voted in favour of this draft resolution because within the general problems of peace this is one of the principal instruments of its national and international policy.

Mr. KHAN (Pakistan): My delegation voted in favour of the draft resolution as we support its objective. Pakistan's views on this question were communicated to the Secretary-General last year; however, I wish to point out that, in our view, reductions should be made in such a manner that military balance is not upset, either globally or regionally. To achieve this equilibrium, it would be more equitable to link the reduction of expenditure with force reductions expressed in physical terms of personnel and machines and equipment.

This is the approach which was followed at the talks on mutual and balanced force reductions held in Vienna. Equally important is the consideration that the success of the idea will depend ultimately on the extent to which the existing tensions and mutual differences among the great Powers are decreased and trust and confidence is established between them.

Mr. KEITA (Niger) (interpretation from French): For reasons beyond our control, my delegation, to its great regret, was not able to participate in the work of our Committee. In the course of the work of the Committee this morning three draft resolutions were put to the vote A/C.1/31/L.8, A/C.1/31/L.10/Rev.2 and finally, A/C.1/31/L.21. My delegation wishes to state that, had it been present, it would have cast a favourable vote for each of the draft resolutions and would like this statement to appear in the record.

The CHAIRMAN: I thank the representative of Niger. I should like to draw to his attention, however, that this was not an explanation of vote, and I should like to appeal to representatives to adhere to the rules of procedure. If we are discussing a particular item of the agenda statements should be confined to that item. Any other observations, remarks or statements should be made at an appropriate time. When voting procedure is under way on any particular draft resolution, only points of order actually connected with the conduct of voting are permitted. I hope that the representatives will kindly observe those rules.

Since no other delegation wishes to explain its vote after the vote on resolution A/C.1/31/L.21, I declare the conclusion of the consideration of item 34 of the agenda, "Reduction of Military Budgets".

We shall now proceed to a vote on draft resolution A/C.1/31/L.18, relating to item 38 of the agenda, "Additional implementation of General Assembly resolution 3467 (XXX) concerning the signature and ratification of Additional Protocol II of the Treaty on the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco)".

The draft resolution was adopted by 97 votes to none, with 14 abstentions.

The CHAIRMAN: I call on the representative of China on a point of order.

Mr. HSU (China) (interpretation from Chinese): We voted in favour of the draft resolution, but there was something wrong with the machine and it did not show our vote.

The CHAIRMAN: The statement of the representative of China will be reflected in the verbatim record.

I shall now call on those representatives who wish to explain their votes.

Mr. ISSRAELYAN (Union of Soviet Socialist Republics) (interpretation from Russian): The Soviet delegation has repeatedly set forth its attitude towards the creation of nuclear-free zones in various parts of the world, viewing them as measures for the effective limitation of the proliferation of nuclear weapons, the reduction of nuclear war and the easing of international tension. The Soviet Union is ready to co-operate with the implementation of such proposals. Of course, in the light of the real possibilities in any given region where it is proposed to create a nuclear-free zone, it is also important that such zones be genuinely free from nuclear arms; and that there be no loopholes and that norms of international law be observed. The Soviet Union is guided by its position of principle and also with regard to the Treaty on the Prohibition of Nuclear Arms in Latin America.

We continue to consider that this treaty has a number of short-comings which seriously weaken its effectiveness. There is no ban in it on the carrying out by States parties of nuclear explosions for peaceful purposes nor a ban on the transit of nuclear weapons through their territory. The radius of action of the treaty covers a broad expanse of the high seas, which is not in keeping with the universally acknowledged norms of international law.

For these reasons, the Soviet delegation was unable to support draft resolution A/C.1/31/L.18 regarding the signing and ratification of Additional Protocol II of the Treaty of Tlatelolco and abstained in the vote.

Mr. SALAZAR (Costa Rica) (interpretation from Spanish): I have asked for the floor on a point of order, simply to place on record my delegation's vote in favour of the draft resolution which has just been adopted. Regrettably, it was impossible for me to be present at the time of voting for reasons beyond my control. Of course, as a co-sponsor I wish there to be a record of the vote in favour cast by Costa Rica.

The CHAIRMAN: The statement of the representative of Costa Rica will be duly noted in the records of the Committee.

Mr. MOORE (Guyana): As in previous years, my delegation regretfully found itself in the position of not being able to register support for resolution A/C.1/31/L.18. Guyana wishes none the less to express its accord with the fundamental tenets and principles of the Treaty of Tlatelolco. However, by virtue of the exclusionary provision of article 25, paragraph 2, of that Treaty, which operates in a discriminatory manner by precluding Guyana from becoming a signatory to the Treaty, my delegation was constrained to abstain on the aforesaid resolution, even though Guyana does support its basic objectives.

The CHAIRMAN: There are no other delegations that wish to speak in explanation of their votes and therefore I declare concluded our consideration of item 38 of the agenda, "Implementation of General Assembly resolution 3467 (XXX) concerning the signature and ratification of the Additional Protocol II of the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco)".

We shall now proceed to take a decision on the last draft resolution before the Committee this afternoon, relating to item 50 of the agenda, "Strengthening of the role of the United Nations in the field of disarmament". The draft resolution is contained in document A/C.1/31/L.11/Rev.1. The financial implications, which are quite considerable, are set forth in document A/C.1/31/L.23. A wish has been expressed by the co-sponsors that the draft resolution be adopted by consensus.

I call on the representative of Sweden on a point of order.

Mr. HAMILTON (Sweden): The amendment to this draft resolution has not been introduced yet, but I should be glad to introduce it today, if you feel that is necessary Mr. Chairman.

The CHAIRMAN: It was my understanding that, after incorporation of the amendment, as it now stands in the revised draft resolution, it reads with the

(The Chairman)

consensus of the Committee. So I was under the impression that the sponsor wished to have the revised draft resolution adopted. However, if the representative of Sweden feels that it is useful to introduce the amendment -- which is no longer an amendment, really, because it has been incorporated in the draft resolution, so that it would mean introducing the revised draft resolution -- I will, with the consent of the Committee, call on him.

Mr. HAMILTON (Sweden): Mr. Chairman, I shall follow your wishes. We have nothing against having a consensus on this revised version of the draft resolution.

The CHAIRMAN: I thank the representative of Sweden. We shall return to this question. Does the representative of India wish to speak on a point of order?

Mr. MISHRA (India): Yes, Mr. Chairman. I got perhaps the wrong impression that you were going to proceed to adopt this resolution. If you will kindly allow delegations to explain their vote before the vote, I shall be very grateful to you.

The CHAIRMAN: First, is there any objection to having the draft resolution adopted by consensus? I hear no objection, and we shall therefore proceed with the explanations of position and I would suggest, if the representative of Sweden agrees, that perhaps he could make a statement after we adopt the draft resolution. Or does he wish to speak now?

Mr. HAMILTON (Sweden): If there is a consensus on the revised text, I have nothing to add.

The CHAIRMAN: I thank the representative of Sweden for his co-operation. It is the wish of the Committee, as we have just ascertained, to have the draft resolution adopted by consensus.

I shall now call on representatives who wish to speak in explanation of their positions before a decision is taken.

Mr. MISHRA (India): Concerning draft resolution A/C.1/31/L.11, the feeling of my delegation has been from the very beginning that it would perhaps be more appropriate for the Assembly to wait for the special session devoted to disarmament before taking action on the recommendations of the Ad Hoc Committee which was appointed by the General Assembly last year and whose recommendations are contained in document A/31/36. When we expressed this opinion, a number of delegations that are co-sponsors of A/C.1/31/L.11 pointed out to us that the adoption of the recommendations would in fact help in the preparation of the special session. We were not entirely convinced of this logic, but nevertheless we decided not to press for postponement of the consideration of the recommendations. We did, however, along with the delegations of Nigeria, later joined by Mauritius, introduce amendments to A/C.1/31/L.11, amendments which are contained in document A/C.1/31/L.24. Now we have before us A/C.1/31/L.11/Rev.1, which to a certain extent takes account of the amendments contained in document A/C.1/31/L.24. We have therefore decided not to press our amendments to a vote and to agree to a consensus on A/C.1/31/L.11/Rev.1. However, before we do that, and in order to justify the amendments contained in A/C.1/31/L.24, I should like to bring to the attention of this Committee an action which has been taken by the General Assembly Monday of this week. When the General Assembly dealt with the report of the Fifth Committee, document A/31/358, it approved a resolution which in its operative paragraph 2 says the following:

"Reaffirms its resolution 3417 A (XXX) and requests the Secretary-General, in the implementation of that resolution, to take effective measures, either by recruitment or promotion or both, to increase the number of staff from all developing countries in senior and policy-making posts in the Secretariat so as to ensure their appropriate representation at those levels."

(document A/31/358, pp. 15-17)

My delegation is quite sure that when making the arrangements for the United Nations Centre for Disarmament, which is one of the recommendations from the Ad Hoc Committee on the Review of the Role of the United Nations in the Field of Disarmament, my delegation is sure that the Secretary-General will take into account the wishes expressed in the resolution that I have just finished quoting.

Mr. ISSRAELYAN (Union of Soviet Socialist Republics) (interpretation from Russian): The Soviet Union's view on the role of the United Nations in the field of disarmament has been clearly set forth in the reply of the USSR to the question of the Secretary-General in connexion with resolution 3484 (XXX) and the statements of the Soviet representatives in the course of the work of the Special Committee considering the role of the United Nations in this field. The Soviet delegation is ready to support draft resolution A/C.1/31/L.11/Rev.1 which approves the agreed proposal presented by the Special Committee. We believe that the Special Committee has made a contribution in concluding consideration of the question of the role of the United Nations in the field of disarmament. The Soviet delegation would like to confirm that the Soviet Union always proceeds from the need to take the most effective and realistic measures to call a halt to the arms race and the Soviet Union's proposal on this subject is well known.

In so far as concerns the specific recommendations of the Ad Hoc Committee, to which reference is made in the draft resolution, we should like to call the attention of the Committee to the fact that the proposal for the publication of a United Nations yearbook on disarmament providing various types of information and also the preparation of criteria for assessing such information diverts us from a solution to the problem of actual disarmament and because of this is used by the opponents of disarmament to cover up their reluctance to agree to practical measures in this field.

Without objecting in principle to the expansion of the activities of the Secretariat with regard to publication of material on disarmament and the corresponding increase in the strength of United Nations staff, the Soviet delegation believes that the financial implications of these measures should, in so far as possible, be minimal.

The CHAIRMAN: We shall now proceed to take a decision on the draft resolution contained in document A/C.1/31/L.11/Rev.1. Since the Committee agreed with the suggestion to have the draft resolution adopted by consensus, I accordingly declare the draft resolution A/C.1/31/L.11/Rev.1, relating to agenda item 50, "Strengthening of the role of the United Nations in the field of disarmament", adopted by consensus.

The draft resolution was adopted.

The CHAIRMAN: I shall now call on those representatives who wish to explain their positions after the decision.

Mr. MISTRAL (France) (interpretation from French): My delegation has just participated in the consensus on draft resolution A/C.1/31/L.11/Rev.1 on the strengthening of the role of the United Nations in the field of disarmament. Furthermore, we are in general agreement with the provisions of the text which has just been adopted. Nevertheless, we should like to state that we have two reservations and one regret.

Our first reservation was perfectly well expressed by the representative of the Netherlands when he spoke on behalf of the nine members of the European Community, and my delegation wishes to formally state that we totally endorse the views he expressed.

Our second reservation concerns a question of detail. We note, as regards strengthening the resources of the United Nations Secretariat, that we have not been able to form a reasoned opinion on the need for such a strengthening and so far it has not been proved to us that the Secretariat is suffering from any insufficiency of means of staff to be able to discharge the tasks assigned to it at present in regard to disarmament.

Accordingly, we reserve our position on this point in the hope that this question can be carefully reviewed in the Fifth Committee of our Assembly.

Our regret is of a more general kind. We recognize the positive aspect of the provisions which have just been adopted, or at least of most of them. However, we find them very modest, and incommensurate with the breadth of the problem before us, which is, namely, to make the necessary adjustments for our Organization to bring about progress in disarmament. This, in our opinion, would call for a thorough study of structural and institutional problems which have so far acted as a brake on the development of our work.

We consider the resolution which had just been adopted as a first step to be followed by others and as a beginning of a process which must be pursued in years to come.

Mr. OGISO (Japan): With regard to the report of the Ad Hoc Committee on the Review of the Role of the United Nations in the Field of Disarmament, my delegation wishes to express its appreciation of the leadership of Mrs. Thorsson as Chairman of the Ad Hoc Committee. Without her painstaking efforts, the First Committee would not have been able to obtain the agreed proposals which I am confident will serve to strengthen the role of the United Nations in the field of disarmament.

My delegation supported the consensus on the adoption of draft resolution A/C.1/31/L.11/Rev.1, with the understanding that the proposals made in the report are implemented by utilizing to the fullest extent the existing resources of the United Nations on the basis of the scrap-and-build principle. My delegation trusts that the appropriate bodies of the United Nations, the Advisory Committee on Administrative and Budgetary Questions and the Fifth Committee will examine the financial and administrative implications of the proposals with the utmost care.

The CHAIRMAN: There are no more speakers wishing to explain their positions, and I therefore declare concluded the consideration of agenda item 50, "Strengthening of the role of the United Nations in the field of disarmament."

We have concluded the voting on draft resolutions for today, and at the request of the sponsors we have postponed until tomorrow action on draft resolution A/C.1/31/L.20. I would remind the representatives to be ready for action on any of the remaining draft resolutions tomorrow, as I hope to pass through the Committee as many of the remaining drafts as possible at the two meetings we shall have tomorrow.

Before we continue with general discussion on the remaining draft resolutions, I call on the representative of Saudi Arabia on a point of order.

Mr. NUWAISSER (Saudi Arabia) (interpretation from Arabic): Since I was not present during the voting on draft resolution A/C.1/31/L.18, I should like to ask the Secretariat to record my vote in favour.

The CHAIRMAN: The statement of the representative of Saudi Arabia will be reflected in the record of the Committee.

Mr. HAMILTON (Sweden): I should like to address myself to item 35 of our agenda, "Incendiary and other specific conventional weapons which may be the subject of prohibitions or restrictions of use for humanitarian reasons". May I start by underlining what is evident by the very name of the item, namely, that the aims pursued are not disarmament in a narrow sense, but humanitarian. The underlying philosophy is that some weapons and some weapon uses are likely to have such inhumane results that they should be subjected to prohibitions of use or restrictions of use.

To be sure, the military efficiency and economy will always be key issues in the assessment of any weapon. But they cannot be the only ones. There comes a point where humanitarian considerations must prevail. This, of course, was the background of the ban against the dumdum bullet. The soft nose of that projectile mushroomed against the human body and the bullet tore its way through. This caused "unnecessary suffering". A hard-nosed bullet which pierced its way was

(Mr. Hamilton, Sweden)

considered enough for the legitimate aim in a war to place a combatant out of action. This was also the background of bans against some weapons or weapon uses which raised acute risks of affecting combatants and non-combatants alike. There comes a point where the military efficiency of a weapon cannot prevail over its potential for indiscriminate effects.

The present discussions concern only conventional weapons, and, as explained in preambular paragraph 4 of draft resolution A/C.1/31/L.30 before us, they have focused on relatively well-defined categories of weapons. I have in mind napalm and other incendiary weapons; land mines, more particularly methods of using them which are likely to have indiscriminate effects; perfidious weapons, such as explosives designed as toys or religious objects; weapons which rely for their effect upon fragments invisible on X-ray; certain types of especially injurious small-calibre projectiles for assault rifles; certain types of blast and fragmentation weapons, more particularly some anti-personnel cluster-bomb units of extreme area coverage and anti-personnel use of the novel fuel-air explosives.

I think there is a growing feeling that enough data have now been compiled about all or nearly all of these weapons to enable Governments to draw their conclusions. The long series of inquiries began with the 1972 report by the Secretary-General on napalm and other incendiary weapons. It continued with the 1973 expert report of the International Committee of the Red Cross on "Weapons that may cause unnecessary suffering or have indiscriminate effects". It went on with the 106-page report produced by the 1974 Lucerne Conference of Government Experts convoked by the ICRC, and the latest in the long series is the 231-page report prepared by the Lugano Conference of Government Experts convoked by the ICRC this year. I shall not name the numerous studies on the question by writers or institutes like SIPRI.

No one, I think, is requesting any further conferences of government experts. The areas of agreement on facts are not very likely to expand by such conferences. All seem to understand that the need is now rather for the political instances to focus upon the issues. When the various Governments possess, as we think they do, adequate data on both the military efficiency and medical effects or

(Mr. Hamilton, Sweden)

potentials for indiscriminate effects of various weapons or weapon uses, it is essentially a political, not a military, judgement that must be exercised. The Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts, which held its third session in Geneva last spring at the invitation of the Swiss Government, has provided Governments with a forum for joint consideration of this issue. A fourth, and, as we hope and trust, last session of that conference will be held in the coming spring.

It is against this perspective that the Colombo Conference of Heads of State or Government of Non-Aligned Countries adopted a recommendation which

"urges all States, particularly military Powers, to accelerate negotiations, with a view to securing, as rapidly as possible and within the context of the Diplomatic Conference now being held in Geneva, the prohibition of certain conventional weapons of an indiscriminate or cruel effect, particularly the prohibition of the use of napalm and other incendiary weapons".

My delegation whole-heartedly endorses the emphasis placed by the Colombo Conference on incendiary weapons. No category of conventional weapons now under discussion has been more fully analysed, none has been more condemned by public opinion and by Governments in this Committee and in comments transmitted to the Secretary-General. No ban on use of a conventional weapon would be more welcomed by world public opinion and would serve as greater encouragement in the broader sphere of disarmament, than a ban on the use of incendiary weapons, in particular napalm and napalm substitutes. Some reflection of this assessment is found in the second preambular paragraph of the draft resolution.

(Mr. Hamilton, Sweden)

It is not contended that these weapons have a particular potential for indiscriminate use, nor that their military value and efficiency is negligible. The judgement of many experts and Governments is rather that the burn injuries often caused by these weapons are so inhumane that the humanitarian considerations must prevail and the weapons, especially those commonly used against personnel, be banned for use. This will not eliminate burn injuries in war, but will reduce the number of such injuries. Several proposals for bans or restrictions on the use of incendiary weapons are before the Diplomatic Conference that will meet in the spring. It is the fervent hope of my Government that they will lead to a dependable, meaningful agreement. The Foreign Minister of the new Swedish Government stressed this point in her statement before the General Assembly on 13 October of this year.

Although incendiary weapons in general and napalm in particular remains a group on which world public opinion focuses attention, it is not the only category of conventional weapons where a ban on use would have great humanitarian benefits. My Government has tried to the best of its ability to help shed light on the effects of various small calibre projectiles of assault rifles. We have tried to do so by encouraging research and by spreading the results of this research. We have been happy often to co-operate in these endeavours with the Governments of Austria and Switzerland. I shall not go into the complicated matter of wound ballistics; I would merely like to appeal to the Governments represented in this Committee to examine the data which have been publicly presented at the various conferences, as well as other data which are undoubtedly available to many of them. It is our conclusion that all Governments ought to have a common interest in avoiding that new projectiles be mass-produced which would lead to an escalation in injuries, because they break up easily in the human body or because they tumble fast on impact.

Some weapons issues before the Diplomatic Conference might not raise any formidable problems. The impression was gained last spring that rules regarding mines and some perfidious weapons and rules against weapons which rely for their effect on fragments not visible on X-ray, ought to be within relatively easy reach. An impression has also been gained sometimes that agreement could be reached to the effect that fuel air explosives should be used only to destroy material objects, such as minefields.

(Mr. Hamilton, Sweden)

Perhaps my delegation is unduly optimistic. However, but for incurable optimism, how can we work year after year, conference after conference, project after project on these issues? We think there exists a common interest which could be defined, if Governments use the time between now and April, when the Diplomatic Conference resumes, and which could lead to agreement. The key issue is not whether that agreement is formalized at the Conference. The draft resolution does not insist on this. Nor is the key issue whether, on one weapon or another the agreement enters into operation immediately, or perhaps only after some lapse of time, in which Governments are enabled to adjust themselves to the agreement. Nor is the key issue that agreement should immediately cover each and every category of the weapons which have been under discussion at the Conference. The draft resolution does not insist on this either. The key issue is rather that all Governments should make maximum use of the fourth session of the Diplomatic Conference to reach results which are meaningful and tangible from a humanitarian viewpoint and which are reliable. But for such efforts and such results the Conference will have failed in one of the important tasks laid upon it and it will have been yet another case of lost opportunities.

On behalf of the co-sponsors, Algeria, Austria, Egypt, Ethiopia, Ireland, Jordan, Kenya, Mexico, Netherlands, Norway, Tunisia, Venezuela, Yugoslavia and Sweden, I hereby formally introduce draft resolution A/C.1/31/L.30. We trust that this text can be adopted by consensus by the First Committee.

The CHAIRMAN: I thank the representative of Sweden for his statement in the course of which he introduced draft resolution A/C.1/31/L.30.

Mr. SUCHARIPA (Austria) (interpretation from French): Allow me to speak at this stage in order to emphasize once again the particular importance which my country attaches to the question of the prohibition or restriction of the use of incendiary and other weapons which cause excessive injury. As in the past, we have joined the French delegation to submit to this Committee a draft resolution on these questions. I can assure you that the co-sponsors of the draft resolution just introduced by the representative of Sweden has endeavoured to draw up a balanced text while still conveying a certain feeling of urgency.

(Mr. Sucharipa, Austria)

The delegation of Austria sincerely hopes that the Committee will be able to adopt this resolution by consensus and, in so doing, give proof of the spirit of compromise so necessary to obtain concrete results in this field. Of course, I am fully aware of the complexity of the problems which we must face in the course of our efforts for an agreement to lessen the suffering inflicted on people during our conflicts which, despite the prohibitions already established on recourse to the threat or use of force, appear inevitable however regrettable this might be.

At the same time I should like to reiterate the firm conviction of my delegation that with regard to the types of weapons we are discussing today, the humanitarian aspect must be considered to prevail over all other aspects, including the military interest the various weapons might have. Already during these last years, much has been done in studying the use and effects of specific categories of weapons the use of which, for humanitarian reasons, must be the subject of prohibition and restrictions. The discussions both at the conference of governmental experts on the use of certain specific conventional weapons held at Lugano in February of this year, as well as at the third session of the diplomatic conference at Geneva on the reaffirmation and development of international humanitarian law applicable in armed conflict, led to some progress, particularly regarding weapons which produce fragments invisible to X-rays of the human body and the question of the emplacement of land mines. This progress, however limited, is encouraging. This prudent optimism is corroborated by the fact that, for the first time, this year serious attempts have been made to bring about a meeting of minds of opposite points of view and to seek bases for agreement. At the same time, there is a growing consciousness of the importance of the objective we seek, namely, to make armed conflict less inhuman.

However, we cannot forget that the Geneva Conference was not able to issue any draft article on the prohibition or limitation of the use of specific conventional weapons which cause needless suffering or have indiscriminate effects. At the same time, it would be futile to try to conceal the undeniable fact that there is a vast field of contradictory opinions that have to be resolved. I have no illusions regarding the difficulties which will arise at the fourth session

(Mr. Sucharipa, Austria)

of the Geneva Conference, particularly when it takes up the problem of incendiary weapons and small-calibre projectors.

Therefore, the delegation of Austria whole-heartedly hopes that in the course of its next and probably last session, the Conference will set up a working group to facilitate the work of the Ad Hoc Committee on Conventional Weapons and that concrete results will be obtained, at least as regards certain specific weapons. In any case, we believe that the work of those in question has now been the subject of a thorough analysis and that now we must consider specific proposals and negotiate actual agreements. To arrive at this objective, active co-operation on the part of all delegations will unquestionably be necessary.

I should like to add here that the Government of Austria is not against the idea of convening at a later date a separate conference to consider only the question of the prohibition or limitation of specific conventional weapons.

(Mr. Sucharipa, Austria)

In conclusion, may I say a few words on an aspect which, in the opinion of the delegation of Austria, deserves to be given more thorough consideration next year. I am referring to an informal proposal which was submitted by the experts of Austria at the Lugano Conference and which concerned the question of a review mechanism. Obviously the details of this suggestion must be discussed in relation with the specific provisions which, as we hope, will result from the fourth session of the Geneva Conference. Nevertheless, we believe that such a mechanism in the form of a review conference, organized at regular intervals as soon as the new rules on weapons will have been adopted, will be needed in the near future to ensure the sustained development of international humanitarian law -- an objective to which we have all subscribed by assuming the obligations of the Charter of our Organization.

Mr. SHAHI (Pakistan): I have asked to be allowed to speak in order to introduce to the Committee the draft resolution on strengthening the security of non-nuclear-weapon States, submitted by Pakistan in document A/C.1/31/L.33. Pakistan's deep interest in this question is no secret. My delegation has strived relentlessly for the objective of promoting the security of non-nuclear-weapon States, despite the admittedly difficult political and technical issues involved. We believe that this objective is of critical importance, not only for the non-nuclear States which are to be so vulnerable to the nuclear threat, but also for the international community effort to prevent nuclear proliferation and achieve general and complete disarmament. The preambular part of the draft resolution seeks to place in perspective the recommendations of its operative paragraphs. The basic premise of this endeavour is that security is the legitimate concern of all States, nuclear and non-nuclear, large or small, developed or developing. The security of all the countries and peoples of the world is threatened by the continuing escalation of the arms race, especially the nuclear arms race. More of the material and human resources of the world are spent today on the production and sophistication of the means of destruction than ever before in the history of mankind. Never before have the preparations for war been so total and immense as they are today. Never before has man had such awesome capacity to destroy his own kind, completely and irrevocably. While the nuclear

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Powers and in particular the two super-Powers may obtain some measure of satisfaction about their security because of the so-called balance of nuclear deterrents, the non-nuclear States of the world have no assurance whatsoever against nuclear threat or blackmail. Indeed, the security of these States is increasingly jeopardized in proportion to the escalation of the nuclear arms race.

If history provides any lesson, it is that, if peace rests merely on the strength of arms, a peace without justice, a peace which leaves the majority of nations weak, vulnerable and impoverished, cannot survive and will inevitably break down. Therefore, as stated in preambular paragraph 3 of the draft resolution, perfect security in the nuclear era can only come about through disarmament resulting in the complete elimination of nuclear weapons. The impetus towards this goal must come first and foremost from the two super-Powers. For while each nation may have to some degree contributed to the climate of global insecurity, the greatest responsibility rests on the two super-Powers. Their military capacity, especially in nuclear armaments far outstrips that of any other State. Their existing and continuously expanding nuclear arsenals constitute the most serious threat to world peace and security. We hope that the super-Powers will soon demonstrate the political will and vision to accept progressive reductions in the size of their nuclear arsenals and an immediate halt to further nuclear testing and sophistication of their weapons. In the meantime, however, the non-nuclear-weapon States cannot be expected to leave themselves open to the growing danger of the use or threat of use of nuclear weapons from any quarter. The question of ensuring that their independence and territorial integrity is safeguarded against such a threat is not only a moral but also a political imperative. During the consideration of the non-proliferation treaty, it was generally acknowledged that universal adherence to the non-proliferation régime would depend on the extent to which the security concerns of the non-nuclear-weapon States were met.

(Mr. Shahi, Pakistan)

However, the response of the three nuclear Powers parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) to the security concerns of the non-nuclear States was limited in nature and lacking in credibility. After the adoption of resolution 255 (1968) by the Security Council, the non-nuclear-weapon States represented on the Council -- namely, Algeria, Brazil, India and Pakistan -- made clear their dissatisfaction with the declarations of the three nuclear Powers noted in the resolution. They stated, inter alia, that the offers of assistance against nuclear "aggression" lacked credibility since they were merely statements of intention, not commitments. The assistance was subject to a veto in the Security Council; it was to extend only to those non-nuclear States which are parties to the NPT; and, in any case, the kind of obligations offered under resolution 255 (1968) already existed under Article 51 of the Charter.

The non-nuclear States have made several attempts to evolve an effective answer to the concern about their security against nuclear weapons. The most far-reaching approach was suggested by Ethiopia and a number of other developing countries in General Assembly resolution 1653 (XVI). This resolution declared that the use of nuclear weapons is contrary to the aims of the United Nations and, as such, a direct violation of the Charter of the United Nations and contrary to the rules of international law and to the laws of humanity. The resolution went on to state: "Any State using nuclear or thermo-nuclear weapons is to be considered as violating the Charter of the United Nations, as acting contrary to the laws of humanity and as committing a crime against mankind and civilization". But, the nuclear Powers at that time, apart from the Soviet Union, did not subscribe to this declaration of the General Assembly.

It will be recalled that one of the basic purposes of the non-nuclear-weapon States Conference held in August 1968 was to consider how the security of the non-nuclear-weapon States could best be assured. The Conference considered various proposals on the subject, including a proposal submitted by Pakistan. This urged the nuclear Powers to refrain from the use or threat of use of nuclear weapons against non-nuclear States and recommended that they assist a non-nuclear State which was a victim of aggression, not only through the Security Council, but also jointly and severally, in the exercise of the inherent right of individual and

(Mr. Shahi, Pakistan)

collective self-defence, until the Security Council could act. However, no consensus could be reached on the proposal due to the known opposition of the nuclear Powers.

The NPT Review Conference was another occasion when the security concerns of the non-nuclear-weapon States could have been allayed. The draft protocol on the question submitted at the Conference by the non-nuclear-weapon States proposed that the nuclear Powers should extend to them guarantees of protection against nuclear threat or attack and should undertake not to use or threaten to use nuclear weapons against them. Once again, this proposal was given but cursory examination and failed to evoke a positive response from the nuclear Powers parties to the NPT.

The Pakistan delegation acknowledges that the demand for the extension to non-nuclear-weapon States of protection against nuclear threat or attack, although not outside the realm of possibility, may raise certain political and technical problems for the nuclear Powers which may require further discussion to resolve. But, we see no good reason why they cannot at least undertake the negative obligation to abjure the use or threat of use of nuclear weapons against non-nuclear-weapon States. My delegation believes, and most disarmament experts confirm, that such an undertaking would in no way prejudice the national interests or security concerns of the nuclear Powers. For the past three years, the Pakistan delegation has endeavoured, both here at the United Nations, within the Islamic Conference and bilaterally, to build a measure of consensus on a formula for negative guarantees to non-nuclear-weapon States. We were encouraged by the unanimous adoption by the General Assembly of resolution 3261 G (XXIX), which recommended urgent consideration to be given, without delay, to the question of strengthening the security of non-nuclear-weapon States.

At the twenty-ninth session of the Assembly, consultations were initiated on the recommendation of the Kuala Lumpur Conference that the existing security assurances provided to non-nuclear-weapon States should be reviewed with a view to making them more effective and that the nuclear-weapon-States should undertake not to use, or threaten to use, nuclear weapons against non-nuclear-weapon States. During these consultations, some of the nuclear Powers expressed their concern that such assurances, as the United States representative put it in his statement this year, may "detrimentally affect existing security arrangements". It was pointed

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out that some of the strategic doctrines of the super-Powers relating to the North Atlantic Treaty Organization (NATO) and Warsaw Pact alliances do not rule out the possibility of a nuclear strike against a non-nuclear State of the opposing bloc. We are deeply concerned at the persistence of such strategic doctrines, which contemplate the possibility of the use of nuclear weapons, especially against non-nuclear States, in any contingency.

This view is reflected in the last preambular paragraph of the draft resolution. However, in a spirit of realism and as a first step towards the goal of the complete prohibition and elimination of nuclear arms, my delegation has attempted to devise a formulation which would take into account the preoccupations expressed by some of the nuclear Powers. It would ask the nuclear-weapon States to consider undertaking not to use or threaten to use nuclear weapons against non-nuclear-weapon States not parties to the nuclear security arrangements of some of the nuclear Powers.

(Mr. Shahi, Pakistan)

I should like to clarify that by the phrase "parties to the nuclear security arrangements" is meant those States members of the NATO and Warsaw Pact alliances and others which are parties to bilateral arrangements and consider themselves to be protected against nuclear attack. All other known nuclear-weapon States could be eligible under this formula to the undertaking called for of the nuclear Powers. The exclusion of States parties to nuclear security arrangements meets the concern expressed by some nuclear Powers and should enable them to give the assurances regarding the non-use of nuclear weapons to all non-nuclear-weapon States which are not and do not wish to be parties to the kind of nuclear security arrangements devised within NATO and the Warsaw Pact.

These States, the overwhelming majority of which are the countries of the third world, are of the view that their security against the nuclear threat should be ensured without submitting themselves to the alliances and blocs of either of the two super-Powers. The formulation in operative paragraph 1, furthermore, provides that the undertaking against the use or threat of use of nuclear weapons should be without prejudice to the obligations of the nuclear Powers arising from treaties establishing nuclear-weapon-free zones. It has been found necessary to include this qualification in order to respond to the concern of some non-nuclear-weapon States, mainly those from Latin America, that a general undertaking of non-use should not derogate from the specific obligations undertaken by the nuclear Powers, such as those contained in Protocol II of the Treaty of Tlatelolco. The qualification contained in operative paragraph 1 would maintain not only the obligations arising from the Treaty of Tlatelolco but also under such other nuclear-weapon-free zones as may be established in the future.

The formulation of security assurances suggested in operative paragraph 1 has been evolved as a result of exhaustive consultations with all shades of opinion and interest over a number of years. It is our belief that while it may not fully satisfy each and every Member State, it does represent the highest common denominator of agreement that can be achieved at this stage. The non-nuclear countries could indeed readily agree on a much stronger and categorical course not only for negative but also positive assurances against a nuclear threat. But our purpose is serious. We do not wish merely to pass a declaration which will not materially advance the security concerns of the non-nuclear-weapon States. Our

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desire is to work out the basis for a genuine and binding undertaking from the nuclear Powers which, while leaving aside for the moment their complex strategic doctrines and theories of deterrence, would enhance the security of all non-nuclear States.

We have not attempted to press anything on the nuclear Powers against their will. Operative paragraph 1 merely requests them to consider -- and I repeat, consider -- the undertaking for non-use of nuclear weapons. One of the nuclear Powers, China, has already declared it will not be the first to use nuclear weapons or threaten the use of such weapons against non-nuclear States. France has declared that its nuclear capability is exclusively for the purpose of defence. The other three nuclear Powers have also reiterated on several occasions that they attach importance to the objective of strengthening the security of non-nuclear-weapon States. For these reasons, the Pakistan delegation is hopeful that all the nuclear Powers will agree to consider the undertaking suggested in operative paragraph 1 of the draft resolution.

In any case, we would be very surprised indeed if they were to respond negatively to this recommendation. The draft resolution, Mr. Chairman, does not close the door to the consideration of different points of view on this question. What we ask is that there be serious response to the formula for security assurances contained in operative paragraph 1. Any difficulties encountered with the formulation could be taken into account at the next session of the General Assembly when the progress on this subject is reviewed in accordance with paragraph 2 of the draft resolution.

The objective of draft resolution A/C.1/31/L.33 is admittedly modest. It is designed to take a small but meaningful step towards the goal of eliminating the threat of nuclear weapons and achieving general and complete disarmament. It is an initiative which can and which must be taken by the non-nuclear-weapon States themselves to reduce the threat to their security in the nuclear era. They can no longer continue to depend on the goodwill of the nuclear Powers to disengage the non-nuclear States from global nuclear strategies which can spell disaster for their very survival.

On 19 May 1974, the Prime Minister of Pakistan, Mr. Zulfikar Ali Bhutto, stated:

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"We must realize that the exercise of the nuclear threat by a nuclear-weapon Power against a non-nuclear-weapon country is something which affects not only the victim but also the entire international community, particularly the great Powers."

The United Nations has grappled with the question of strengthening the security of non-nuclear-weapon States for more than a decade. Surely, it is time that the world Organization acted positively on this crucial issue.

The CHAIRMAN: I thank the representative of Pakistan for his statement, in the course of which he introduced draft resolution A/C.1/31/L.33.

Mr. CLARK (Nigeria): Let me make two points quite clear from the outset. We are not here to discuss the policies of apartheid of the Government of South Africa. The grotesque and ugly features of that racist régime have been exposed and condemned in another forum, the Special Political Committee of the General Assembly. Secondly, the Declaration on the Denuclearization of Africa was adopted by the Heads of State and Government of Africa in the first session of the Assembly of the Heads of State and Government of the Organization of African Unity held at Cairo in October 1964 without prejudice to the interests of any State. It was based on the fundamental principles of the Charters of the United Nations and the Organization of African Unity. Both Charters proscribe the use or the threat of force in international relations.

Furthermore, the Declaration was believed at the time, and it remains so to this day, as a solid contribution to world peace and security. When 48 States or a clear one third of the Membership of the United Nations, in free exercise of their sovereign will, declare their continent to be a nuclear-weapon-free zone, it is a major and historic event, for it contributes to the security not only of the States concerned but also of the entire international community. It provides a moral and political challenge and check to the proliferation, vertical and horizontal, of nuclear weapons. And not least, it is a step, a firm and encouraging step, towards the goals of general and complete disarmament, affirming the need for the prevention, limitation, reduction and elimination of all armaments, particularly nuclear disarmament.

That Declaration is now a part of the vernacular of the United Nations. Its aims and objectives have been universally accepted. It has been given recognition everywhere. Many resolutions have been adopted upholding its legitimacy and validity. We need not therefore debate its merits. We are therefore not calling for a new doctrine or declaration.

Africa has just emerged from its worst trauma, colonialism. I do not want to speak of those who bear the guilt for that. With our backs to the past, we are determined to remain in the vanguard of the movement for liberty and peace. Economic development is important to this effort. Social regeneration is what we need. We therefore want peace and a world order that makes peace secure.

The presentation of this resolution would therefore have been different from the last session but for the developments in the Republic of South Africa which

(Mr. Clark, Nigeria)

have drastically transformed the over-all situation. The Soweto uprisings have sharply focused world attention on the inequitous social and political control which the racist régime of South Africa exercises over the oppressed people of that unfortunate country. Partly because the situation has developed into a serious threat to world peace and security, and partly because certain Powers are determined to underwrite South Africa's so-called stability and security in order to perpetuate the status quo of economic exploitation and cheap labour, every occurrence in South Africa attracts considerable attention.

It is common knowledge that South Africa's estimated defence expenditure has leapt from 948 million rands last year to 1,300 million rands for the current 1976-1977 financial year and that its military manpower stands over 315,000. It is also common knowledge that certain Powers which have special responsibility under the Charter for the maintenance of international peace and security and which claim to be friends of Africa are major arms suppliers to South Africa and indulge in sophisticated military collaboration with the apartheid régime of South Africa. Furthermore, it is common knowledge that an important military alliance is reaching out to South Africa in the vain belief that there is a global balance of power in Africa to be maintained and that its member States have certain interests in a Cape Route to be defended. I do not want to dwell on these facts. They speak for themselves. The only grief I feel about them is that their perpetrators do not seem to be able to learn from history, past and particularly present. I also wish to use this opportunity to pay tribute to many liberal activists in Europe and the United States of America who use their time and talent to dissuade their Governments and compatriots from strengthening the economic and military base of apartheid.

Our preoccupation today is the threat and danger which the atomic bomb in the wicked hands of apartheid South Africa poses to Africa and the world. Our immediate concern is over the continuing assistance which certain Powers are giving to South Africa to achieve its cruel nuclear ambitions.

In a Newsweek interview on 10 May 1976, Mr. John Vorster, the Prime Minister of the racist régime of South Africa was asked about South Africa's nuclear capability. He answered, "We can enrich uranium, and we have the capability." He then went on to say most significantly, "And we did not sign the nuclear non-proliferation treaty."

(Mr. Clark, Nigeria)

The official statement of the South African Premier is instructive in several respects. Earlier on in October 1970, Dr. A. J. A. Roux, Chairman of the Atomic Energy Board of South Africa, had stated that South Africa no longer requires foreign assistance to erect a hexafluoride plant for uranium conversion, that is necessary for fuel enrichment for both reactors and weapon manufacture. According to the Johannesburg Star of 22 October 1976, quoting the Financial Times of London, South Africa achieved this ominous feat through nuclear collaboration between it and the United States, several European countries, notably France, the Federal Republic of Germany and the United Kingdom of Great Britain and Northern Ireland.

According to the Johannesburg Star of 26 September 1976, work has already begun on the construction of the 850 million rands nuclear power station at Koeberg, north of Cape Town. A French consortium won the contract against bids by American and the Federal Republic of Germany-led groups. The two-unit power station will consist of two pressurized water reactors, each with an electrical output of 922 MW -- each almost large enough to feed Johannesburg. The first unit is scheduled for commissioning in November 1982, the second one a year later. South Africa intends to build five stations of this size under its current programme.

(Mr. Clark, Nigeria)

Two questions readily come to mind: why should South Africa, which prides itself on its cheap sources of energy, move into expensive nuclear energy which as a power force is a subject of intense world-wide controversy? Why should France, a friend of Africa, supply South Africa with reactors capable of producing about 1,000 pounds of plutonium a year, enough to make the Nagasaki-sized atomic bomb?

The profession of opposition to apartheid and of adherence to a policy of non-proliferation of nuclear weapons on the part of the suppliers is not enough. Nor is the so-called acceptance by South Africa of IAEA safeguards adequate enough or fool-proof. We need to probe further. According to the Financial Mail of Cape Town of 3 September 1976, and the Rand Daily Mail of 16 October 1976, South Africa is conducting a gigantic industrial blackmail. Since South Africa is one of the top three producers of uranium in the world, its role in raising uranium prices and fixing quotas is crucial to the nuclear industry in the Western world. South Africa calls its own terms and has free access to nuclear technology of the West. The current problems of the United States company, Westinghouse, are pertinent in this regard. I understand that they are at present the subject of a Federal Grand Jury investigation in Washington, D.C. So the less said the better, at this stage.

Secondly, there are still evil-minded people in key countries who believe that South Africa can only buy time and stem the tide of freedom and independence sweeping through Africa by acquiring nuclear weapons. Hence the fact that South Africa's nuclear capability is far in excess of her requirement for peaceful purposes. According to official South African sources, the uranium enrichment plant in Pelindaba is designed to accommodate 1,500 preparation stages, thereby facilitating enrichment in the higher degrees for military purposes. Otherwise, it could have been conceived to contain 100 preparation stages which would enrich 5,000 tons of uranium per year to U-235-3%, the formula used for economic purposes such as power stations.

Thirdly, as rightly pointed out by Mr. Robert Alvarez to the House International Relations Sub-Committee on International Resources, Food and Energy of the United States House of Representatives on 8 June 1976, if South Africa develops a nuclear weapons capability, with direct or indirect external assistance, the possibility of blackmail on the part of South Africa to have those external interests support her repressive policies are inevitable. When those interests

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happen to coincide with the economic and financial interests which dominate the economy of South Africa, then the possibilities of collusion for evil are too horrendous to contemplate. According to the World Bank Atlas of 1975, the GNP of South Africa in 1973 is over \$US 25 billion. This is an enormous market for those interested in economic exploitation.

Fourthly, the world-wide implications for this development in South Africa are of diabolical proportions. For instance, there are already reports that Taiwan has acquired nuclear capability via uranium acquired from South Africa. Whether these reports are true or false is beside the point for the time being. What is relevant is that South Africa, unfettered by any international obligations and in desperate panic for friends, is able to, and most likely would, export uranium to other countries to create havoc and mischief outside Africa as well.

In the light of what I have said, I believe that draft resolution A/C.1/31/L.31, which I now have the honour of introducing on behalf of the African States, will meet with your sympathetic understanding. May I take this opportunity to say that our brothers from Upper Volta and Sudan have joined in co-sponsoring the resolution. I should also like to indicate at this stage a clerical error in the draft, because Zambia is not a co-sponsor. The first two preambular paragraphs of the resolution call for no explanation. They have been a part of the liturgy of the United Nations since 1961 when Africa, assuming its responsibilities, refused to condone atomic testing in the Sahara, and nuclear armaments in the world. Hence the Declaration of the Denuclearization of Africa which forbade the introduction of nuclear weapons into Africa.

The third preambular paragraph also requires no extensive elaboration. It refers to a resolution of our leaders which they adopted this year at Port Louis, Mauritius, on the subject-matter. When subsequently the Heads of State or Government of Non-Aligned Countries met in Colombo, they strongly reaffirmed the concern of the African States, as well as their own, over the collaboration between certain Powers and South Africa in the military and nuclear issues which were enabling South Africa to acquire nuclear-weapon capabilities.

The fourth preambular paragraph flows from a logical concern and apprehension at the development of South Africa's nuclear potential. The Seventh Islamic Conference of Foreign Ministers, which met at Istanbul from 12-15 May 1976, added

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(Mr. Clark, Nigeria)

its voice to the call for full support for the establishment of nuclear-weapon-free zones in Africa, the Middle East and South Asia, as well as a zone of peace in the Indian Ocean. Subsequently, the Organization of African Unity and the summit Conference of the Non-Aligned States, demanded urgent action on the establishment of nuclear-weapon-free zones in these areas so crucial to world peace and security. Should nuclear weapons be introduced into Africa by South Africa, there will be a chain reaction not only in Africa but elsewhere. The consequent scenario could be comparable to two madmen locked up in a telephone booth, each armed with time bombs ready to go off at any moment.

The activities of the racist régime of South Africa, as evidenced in its aggressive forays into Angola, and in its defiant illegal occupation of Namibia, amount without doubt to threat or breach of international peace and security. To assist it to go nuclear is not only to compound the raving madness in its conduct of international affairs but to add a dangerous dimension to the tension that now rocks Africa and the world. Make no mistake about it. Africa will not stand by idly and helplessly while South Africa intimidates her with nuclear blackmail. To avoid this, and to contribute to all the goals of nuclear disarmament and general and complete disarmament, South Africa must be stopped from developing her nuclear-weapon capability.

The first two operative paragraphs are similarly not contentious, nor are the fourth and fifth operative paragraphs. They merely reproduce what we have always agreed upon over the years. I shall therefore limit myself to the third operative paragraph which also is not contentious. That paragraph contains a solemn appeal for reason and duty. To do less would be to betray the high ideals which motivate all of us to respect the Charter of the United Nations and to work for disarmament.

As the International Herald Tribune of 25 July 1976 rightly enjoined the world to do, "stop the bomb peddling". If misguided national pride and profit dictate the day that the pressures needed to save in a world of nuclear proliferation, it would be a national dishonour for any nation to provide South Africa with nuclear weapons after the crime it has committed with conventional weapons against its own people, defenceless women and children.

There are very few illusions left in Africa. Perhaps one of them is that no responsible State would in good conscience deliver to South Africa, or place at its

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(Mr. Clark, Nigeria)

disposal any equipment or fissionable material or technology that would enable its racist régime to acquire nuclear-weapon capability.

Perhaps it is an illusion based on faith in the goodness of man. Perhaps it is an illusion that makes us believe in the promise of the United Nations.

Please do not destroy those illusions.

The CHAIRMAN: I thank the representative of Nigeria for his statement, in the course of which he introduced draft resolution A/C.1/31/L.31.

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Mr. PASTINEN (Finland): Mr. Chairman, I understand that you have called on me to introduce draft resolution A/C.1/31/L.34 under agenda item 49, "General and complete disarmament". This draft resolution stands in the name of my delegation and it refers to the report of the International Atomic Energy Agency (IAEA).

The consistent support of the Government of Finland to the Non-Proliferation Treaty is well recorded and well known. Historically, it goes back to the resumed session of the twenty-second session of the General Assembly of the United Nations, when Finland had the chairmanship of the group of sponsors of resolution 2373 (XXII). By this resolution the General Assembly commended by an overwhelming majority the NPT and expressed the hope for the widest possible adherence to it.

The most recent manifestations of this consistent policy of the Finnish Government are our positions in the First Review Conference of the Parties to the NPT, held in Geneva in May 1975, and our subsequent action for strengthening the non-proliferation régime, particularly by our proposals on the strengthening of the IAEA safeguards on a comprehensive basis and I refer to United Nations document A/C.1/31/6, which explains our views more fully.

The Government of Finland, therefore, feels that it holds, together with the other parties to the NPT, a position of trust and responsibility to do everything that can be done in the way of strengthening the NPT and the non-proliferation régime.

We do so -- and I refer to the statement that I had the honour of making to this Committee on 5 November -- because the issue of non-proliferation of nuclear weapons is of equal concern to us all, parties to the NPT and non-parties alike. On that occasion I went on to say that this is so because the basic security of us all is involved, and I can find no more eloquent testimony to this than the statement which the representative of Nigeria has just given to this Committee. That interest, as I said, should unite, not divide. If that simple truth is recognized, then we should be able to move together, with benefit to all and with harm to none. In the view of the Finnish Government, the NPT remains the best available instrument for promoting that interest. There are instruments, nuclear-free zones to promote restraints both on horizontal and on vertical proliferation, and my Government's views on that concept are well known to this Committee.

(Mr. Pastinen, Finland)

It has been argued that while the NPT is designed to stop horizontal proliferation, it has had little or no effect over vertical proliferation. While the Finnish Government does not agree with this assessment we consider the SALT negotiations between the Governments of the USSR and the United States a serious effort to put a halt to vertical proliferation -- it does want to emphasize that the dangers of vertical proliferation should not be compounded by the added risks of horizontal proliferation. The dangers inherent in horizontal proliferation are a threat to the international community in general and particularly to the small and defenceless countries which cannot afford to maintain strong and sophisticated military establishments and do not have the protection of military alliances. Finland is a small neutral country in a position which in many respects is similar to that of an overwhelming majority of the Members of the United Nations. This majority consists of non-aligned countries.

It is on the basis of these essential considerations that Finland has ever since 1968 taken a position of strong support to the NPT.

The basic elements behind the draft resolution can be summarized as follows:

- (1) Preservation of the essential achievements of the NPT Review Conference as agreed by consensus in the final declaration;
- (2) Strengthening of the NPT and the non-proliferation régime, particularly by way of strengthening IAEA safeguards on a comprehensive basis.

In this instance, Finland particularly refers to previous bilateral consultations with your Government.

On the first point the Finnish Government, for its part, considers its undertakings under the final documents adopted by the NPT Review Conference solemn commitments in pursuance of the common security interest of all countries, of which the NPT is an instrument.

In its final declaration the Review Conference recognized that the accelerated spread and development of peaceful applications of nuclear energy will, in the absence of effective safeguards, contribute to further proliferation of nuclear explosive capability.

This statement defines in a nutshell the basic dilemma of nuclear proliferation to wit: How to satisfy the legitimate aspirations of nations to benefit from nuclear energy for peaceful purposes while guarding against the dangers of putting its enormous destructive potential in the hands of an evergrowing number of States? This is the very dilemma that the NPT proposes to solve. One of the major tools by which the NPT proposes to solve it, is the control mechanism provided for in article III of the Treaty.

(Mr. Pastinen, Finland)

There is no doubt that the experience of the functioning of the IAEA safeguard has been one of the most successful features of the operation of the Treaty. While there is room for improvement in the technical application of safeguards, on the whole the control functions satisfactorily in the countries which are subject to it, i.e. parties to the NPT. But the problem lies elsewhere. It stems from the fact that not all countries are parties to the NPT and therefore not under a legal restraint to be subject to the comprehensive control system it provides.

The only satisfactory solution to this problem would seem to be the one advocated by the Director General of IAEA, Mr. Sigvard Eklund, and by an overwhelming majority of the States at the Review Conference. According to that solution, NPT parties exporting nuclear materials and equipment should require membership of the NPT or other arrangements involving the application of safeguards to the complete nuclear fuel cycle of the importing countries as a condition for supply. And Mr. Eklund, who is the highest international authority in this field, repeated his stand on this question with great emphasis and urgency at the General Conference of IAEA, held in September in Rio de Janeiro. It is the view of my delegation that the enforcement of such a condition would guarantee that parties to the NPT do not contribute either by commission or by omission to the spread of nuclear explosive capability in contravention of the spirit of the NPT.

It is the view of my Government that parties to the NPT have an incontrovertible obligation to act in this manner and that they are so obligated not only by the spirit of the NPT but indeed by its letter. In article I of the Treaty, the nuclear-weapon States parties to the Treaty undertake not in any way to assist, encourage or induce any (and that must mean whether party to the NPT or not) non-nuclear-weapon State to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices or control over them. As far as supply policies are concerned, a further specification of this basic obligation is contained in article III:2 which enjoins all parties to the Treaty to supply nuclear materials and equipment only subject to IAEA safeguards required by this article (i.e. NPT safeguards covering the complete nuclear fuel cycle of the recipient).

The risks of nuclear weapon proliferation inherent in peaceful applications of nuclear energy have recently been heightened by the prospective spread of

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technologies relating to particularly sensitive parts of the nuclear fuel cycle i.e. enrichment and reprocessing. The latter, as we know, provides a direct source for the main "raw material" for nuclear weapons, namely plutonium. It is quite natural, therefore, that the NPT Review Conference clearly recognized the dangers involved and also recommended a sensible solution to this problem: the establishment of regional or multinational nuclear fuel cycle centres. To us this recommendation, which is at present under intensive study by IAEA, makes sense not only from the point of view of non-proliferation but also in economic terms. And the Finnish draft resolution also addresses itself to that problem.

It is in support of these over-all objectives that the Finnish Government has pursued, in consultation with a number of other Governments, a suggestion that common export requirements be complemented by common import requirements, i.e. that parties to NPT could also consider committing themselves to import nuclear material or other equipment only from countries which are parties to NPT, or which have accepted full cycle safeguards, or which have otherwise shown that they follow responsible nuclear export policies, including the application of the Agency safeguards to their nuclear exports. We have been stressing and continue to stress that the idea of import requirements, sometimes called "customers' club", is ancillary to the efforts to institute common export requirements, and it is designed to support those efforts by way of eliminating any element of distortion of competitive market conditions which might hamper such efforts. On the basis of consultations which the Finnish Government has conducted on this matter over the last year, there is reason to believe that the time may come when the Finnish Government should give serious consideration to the possibility of pursuing this matter in a more organized, multilateral context.

I come to the end of my statement by saying the following: I have tried to adduce the argument that the thrust of the matter of non-proliferation is of great urgency and that there is overriding interest in taking co-operative international action in this field. My final observation would be that, while these reasons therefor are overwhelming, the procedural thrust of the draft resolution which I am introducing is very modest. In very simple words, it is a request to IAEA to study and to report. Because of this I trust that this draft resolution could be passed by this Committee by consensus and I request you, when we come to the proper moment, to follow that procedure.

The CHAIRMAN: I have noted the desire of the representative of Finland that the draft resolution should be adopted, when the time comes, by consensus. That will be, of course, up to the Committee to decide.

Mr. van der ZEE (Netherlands): Although a lot has already been said on the draft convention to prohibit environmental warfare, my delegation is still under the impression that a number of misunderstandings exist on the exact scope of the convention. This is understandable, since the draft covers a broad spectrum of possible hostile activities which have been described in the convention in a very concise way. A more detailed description of the meaning of articles I and II of the draft convention is given in the so-called "agreed understandings". These understandings, although of different legal nature from the convention itself, form part of the negotiating history of the draft convention, negotiations in which I was myself personally involved.

I want to underline again that, contrary to the interpretation given by the Foreign Minister of Mexico, the use of environmental modification techniques to cause any of the phenomena listed as examples in the agreed understandings on article II is always -- I repeat, always -- prohibited. Only with respect to activities which are not mentioned in the examples, but which clearly fall under the description in article II, the question arises if these are "widespread", "long-lasting" or "severe". I have tried to find examples of possible hostile activities in this field which would not be prohibited by the convention. Frankly, they are not easy to find. Taking into account the definitions given of the words "widespread, long-lasting, or severe" and taking into account that the activity is prohibited when only one of the three elements applies, there is really very little left. As far as I know, no one has mentioned as yet any example of a permitted activity.

(Mr. van der Zee, Netherlands)

The only examples I could find refer to the stimulation or dissipation of fog, the diversion of a creek near a border area or other such small activities. I do not see why we should defer the ratification of a convention for the sole reason that it does not cover such very restricted activities.

For small countries, the definition of "widespread" may represent a major proportion of their total area. I am particularly referring to the statement made by the representative of Trinidad and Tobago. For some tropical countries, a "season" may be longer-lasting than for other countries. Such countries, however, would find their interests, in our opinion, best protected by the word "severe", which has been defined as "involving serious or significant disruption or harm to human life, natural and economic resources or other assests". This introduces an element of proportionality that is clearly of great importance. Of course, proportionality would not count in a case in which 100 people were killed, either in India or Luxembourg. In both cases, the effect would be serious and would thus be prohibited. However, the proportionality comes into view when we look at the disturbance of, for example, crop-growing in the United States or Trinidad and Tobago. A small disturbance would possibly not be significant in the United States but could well be in Trinidad and Tobago. In the latter case it would be prohibited.

It is true that we cannot foresee all the problems in the operation of the convention which might arise in the coming years. We can review the situation at the first review conference, and the following ones of course. In the meantime, any such problem could quite possibly be solved in consultations between parties, inter alia in the consultative committee of experts provided for in article V of the draft convention.

I want to remark that interpretation problems could also arise under a complete prohibition, since the description of prohibited activities in article II is only of a general nature.

Turning to another aspect of the matter, I cannot resist saying a few words on the negotiations in the Conference of the Committee on Disarmament (CCD), in particular, since the representative of Mexico referred to this question. I should simply like to note that the three countries that are co-sponsors of draft resolution A/C.1/31/L.4 and are also CCD members played very different roles in the negotiations. One, despite its repeated opposition to the threshold approach in

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the draft convention, played a very constructive role in the negotiations. The views of the others were only expressed at a very late stage in the negotiations or not at all.

Some countries have asserted that no negotiations took place on article I. The fact that the text of that article remained unchanged does not mean, however, that no negotiations took place on the subject. The meaning of article I was modified significantly, as is clear from the agreed understandings on articles I and II. Moreover, a new preambular paragraph was introduced and it was made clear that, during the review conferences, particular attention would be paid to the scope of the convention.

The agreed understandings have a rather complicated history. Certain parts are of a descriptive nature which would not fit, in our opinion, in the treaty itself. Early in the negotiations, it was proposed that the definition of the terms "widespread", "long-lasting" or "severe" should be made an integral part of the convention, but one or more countries voiced serious objections to that. The examples of prohibited activities were also originally included as an integral part of the convention, but my country, for instance, had serious legal problems with the inclusion of examples in a treaty. Other countries had other objections. It is therefore not simple to make the understandings an integral part of the convention, and frankly, I do not think it is necessary.

Concluding, I should like to stress that, in the opinion of my delegation, it is perfectly justified for the General Assembly to send the draft convention back to the CCD if the majority of member States do not like it. The CCD members do not want to press their results on the rest of the member States. However, one must always weigh what is the best way to achieve meaningful results in the field of disarmament. My delegation is of the opinion that, in this particular case, it is better to commend the convention for ratification. After the long negotiations in the CCD, my delegation thinks that the convention cannot be improved substantially. Of course, we regret very much that no complete consensus could be found, but apparently that is impossible at the moment and this is, of course, no novelty in the field of disarmament. I am very afraid that sending the convention back to the CCD would take up a lot of time in the CCD -- time which could be spent much better on important disarmament issues. The result would probably be about the same. I

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therefore think it wise to commend the treaty for ratification. I should like to stress, however, that this is certainly not a precedent for the handling of future arms control and disarmament agreements negotiated by the CCD.

Ms. DENNIS (New Zealand): I should like to comment briefly on draft resolution A/C.1/31/L.30 concerning incendiary and other specific conventional weapons which may be the subject of prohibitions or restrictions of use for humanitarian reasons. This draft resolution was introduced earlier this afternoon by the representative of Sweden.

As a mark of its deep concern for the humanitarian aspects of the use of incendiary or other types of conventional weapons which are indiscriminate or unnecessarily cruel in their effects, New Zealand was one of the co-sponsors of a similar resolution on this question adopted by the General Assembly last year. My delegation noted with satisfaction the fact that the scope of that resolution had been broadened with regard to those weapons which should, by their nature, be subject to special restrictions. Resolution 3464 (XXX) also made provision for the possibility of reaching agreement on either the restriction or the prohibition of the use of such weapons.

During the past year, New Zealand has continued actively to participate in the work of the Diplomatic Conference on Humanitarian Law Applicable in Armed Conflicts and has explored all possible approaches to urgently reaching a solution of this problem. It has concluded that, at this stage, it would be more fruitful in these negotiations to work as a first step towards rules which would restrict and regulate the use of such weapons and that this approach offers the best prospect of early agreement. We note that, as in the past, this is one of the alternative objectives envisaged in operative paragraph 2 of the draft resolution before the Committee.

Consistently with New Zealand's policy on this question, and in the hope that draft resolution A/C.1/31/L.30 will assist the negotiations scheduled to take place next year, my delegation has decided to co-sponsor this draft resolution.

The CHAIRMAN: I should like to announce that Kuwait has become a co-sponsor of draft resolution A/C.1/31/L.30 and Morocco a co-sponsor of draft resolution A/C.1/31/L.33. I now call on the representative of Mexico who wishes to speak in exercise of the right of reply.

Mr. MARIN BOSCH (Mexico) (interpretation from Spanish): With the adoption this afternoon of draft resolution A/C.1/31/L.13 the First Committee had concluded its consideration of item 33 of the agenda dealing with the additional protocol II to the Treaty for Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco). The consideration of this item has once again demonstrated the fact that, to some States in this Committee, the clock seems to have been stopped. The representative of the Soviet Union, in his explanation of vote a few moments ago, was unable to adduce one single new argument to attempt to justify the negative attitude his Government has taken with regard to additional protocol II of the Treaty of Tlatelolco, and this will make it possible for me to save the time of this Committee considerably.

In fact, I feel that I need merely add, in this connexion, that from the statement my delegation made in 1973 on 10 November -- which can be consulted in the verbatim record of the 1809th meeting of the First Committee on pages 33-96 -- one can clearly see, in our view, the total absence of any foundation for the reasons that once again were adduced by the delegation of the Soviet Union.

I did not intend to touch upon any other item, but since the representative of the Netherlands did refer to the question of the prohibition of techniques of modification of the environment for hostile purposes -- or for other purposes, that is to say for military purposes or for other hostile purposes -- I should like to say that his attempts to clarify the position of the countries that claim that the General Assembly should approve the text of the so-called convention, have unfortunately made the entire situation in this Committee even more confused -- and I say more confused for the following reasons:

I had understood that the country that Mr. Meerburg represents co-sponsored the revised draft resolution A/C.1/31/L.5. If I am not mistaken, at the opening session on 1 November, the representative of the United States told us -- more or less -- that the draft as presently framed effectively prohibits any kind of technique to modify the environment. Now, we find ourselves in a situation which is really somewhat odd because the

(Mr. Marin Bosch, Mexico)

representative of the Netherlands is a co-sponsor of the draft resolution in document A/C.1/31/L.5/Rev.2, whose fourth paragraph states:

"Calls upon the Conference of the Committee on Disarmament, without prejudice to the priorities established in its programme of work, to keep under review the problem of effectively averting the dangers of military or any other hostile use of environmental modification techniques".

I wonder how we can claim that the Assembly would approve a convention which would prohibit effectively these dangers and at the same time request the CCD to continue to see how one can effectively prohibit them. But this is not where the confusion finally is dispelled. The confusion becomes even more complicated when we are told by the representative of the Netherlands that there are some agreements that exist -- which he calls some understandings -- in the CCD for what he calls the history of negotiation. I believe that the countries which are participating in CCD's proceedings will recall that there was, indeed -- at least insofar as I remember -- an agreement for those understandings to be couched as an integral part of the convention.

But, even if we were to accept that, I should like to remind the representative of the Netherlands of an opinion handed down by the Permanent Court of Justice which I shall read in English:

"It is a cardinal principle of interpretation that words must be interpreted in the sense which they would normally have in their context, unless such interpretation could lead to something unreasonable or absurd".

The CHAIRMAN: I thank the representative of Mexico. I am not absolutely sure whether his intervention falls within the right of reply as construed in the rules of procedure, but I consider it rather a contribution to the discussion on the draft resolutions.

I call on the representative of Brazil on a point of order.

Mr. BUENO (Brazil): Just a point of clarification. In view of the number of draft resolutions that have been circulated this afternoon,

(Mr. Bueno, Brazil)

we would be glad if you could let us know about the plans for tomorrow's meetings -- whether we are going to vote, and if so on what draft resolutions.

The CHAIRMAN: I am afraid that the representative of Brazil was not present in this room when I indicated twice today, at the morning meeting and then again at the afternoon meeting, that tomorrow I hope to take action on all or most of the remaining draft resolutions, and I asked delegations to be prepared, to be ready, to take positions -- to vote or otherwise -- on any of the other remaining draft resolutions, and that is my intention. I cannot indicate now with what draft resolution we shall start. I shall try to follow the order in which the draft resolutions have been tabled, taking into consideration, of course, that negotiations are still in progress on some of them. But, as I indicated earlier, I hope to put before this Committee for decisions as many of the remaining draft resolutions as possible tomorrow, and we shall have two meetings tomorrow.

Does this answer the question of the representative of Brazil?

Mr. BUENO (Brazil): Thank you, Mr. Chairman, for your clarification. In view of your statement, I would request to have draft resolution A/C.1/31/L.34, which has been introduced by the representative of Finland, not voted on until Thursday or Friday, if possible.

The CHAIRMAN: I take note of the wish expressed by the representative of Brazil, but I would suggest that we take a final decision at tomorrow's meeting.

Mr. OXLEY (Australia): I do not want to be repetitive. I merely wish to support the remarks of the representative of Brazil, but before I do so may I ask whether it is intended to have two meetings on Friday, 3 December, and if so, whether or not it would be possible to consider deferring until Friday consideration of those draft resolutions which were newly introduced today.

The CHAIRMAN: In this case also I would remind the representative of Australia that I said I hoped that we should finish our business on Friday morning, that is that we should have one meeting on Friday. But it is impossible to say at this stage whether that will be feasible because, of course, there may be discussion on draft resolutions. I do not know how many delegations would like to address themselves to each particular draft resolution in explanation of their votes and so on. So we have a maximum of four meetings before us. Hopefully, if everything goes smoothly we may finish consideration of agenda items relating to disarmament on Friday morning, but that is by no means certain. My intention is, as I said, to put as many draft resolutions before the Committee for action tomorrow as possible. Of course, if we see tomorrow that there are various reasons not to take action or to defer action on one or two draft resolutions and postpone them until Friday, then of course it will be up to the Committee to decide. However, I should like to make it clear that we have to consider the cases on an individual basis, because we could not possibly postpone all or even most of the remaining draft resolutions until Friday, as we would then not finish our work on Friday.

The meeting rose at 6.45 p.m.