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Chairman: Mr. JAROSZEK (Poland)

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The meeting was called to order at 10.50 a.m.

AGENDA ITEMS 45, 49 AND 116 (continued)

The CHAIRMAN: The Committee will continue today its consideration of the remaining agenda items relating to disarmament.

We shall first continue our consideration of agenda item 45. As representatives are aware, revisions to the two draft resolutions on this item, draft resolution A/C.1/31/L.4 and draft resolution A/C.1/31/L.5, have been submitted and have been circulated this morning. In this connexion I would request the Secretary of the Committee to make a short clarification.

Mr. BANERJEE (Secretary of the Committee): I should like to draw the Committee's attention to the fact that some of the versions of draft resolution A/C.1/31/L.4/Rev.1 do not contain the correct wording of operative paragraph 3. This does not apply to the English version. Operative paragraph 3 should read:

"Requests the Secretary-General to transmit to all Member States the replies submitted pursuant to paragraph 2 above".

Some of the versions of this revised draft resolution do not include the reference to "paragraph 2" in operative paragraph 3. I would ask representatives kindly to make that change in their respective languages.

I would also mention that today's Journal does not indicate that yesterday the delegation of Mexico orally introduced the amendment which has today been circulated in draft resolution A/C.1/31/L.4/Rev.1. That rectification will be made in tomorrow's Journal.

Mr. MISHRA (India): Yesterday we discussed in a rather charged atmosphere agenda item 45 and the two draft resolutions on it which are before the Committee, but I had the feeling at the end of the meeting that there was some mood of conciliation. In particular, I would recall the appeal made by

(Mr. Mishra, India)

the representatives of Finland and Nigeria to the co-sponsors of draft resolution A/C.1/31/L.4 to consider withdrawing it. We would be very happy to have a response from the co-sponsors to that appeal. If, for good reasons, they do not find it possible to respond to the appeal, I move that under rule 131 of the rules of procedure draft resolution A/C.1/31/L.5/Rev.3 be accorded priority over draft resolution A/C.1/31/L.4/Rev.1.

Mr. CLARK (Nigeria): As has just been mentioned by the representative of India, I made three appeals yesterday: the first, to the co-sponsors of draft resolution A/C.1/31/L.5/Rev.3; the second, to the co-sponsors of draft resolution A/C.1/31/L.4/Rev.1; and the third, to you, Mr. Chairman.

I am both honoured and flattered to find that two of those appeals have received a positive response. For reasons which I understand and respect but which I regretfully cannot share, a response to our third appeal has not been made.

We therefore have the situation in which the representative of India has made a motion for priority under rule 131 of the rules of procedure. Having regard to our discussion yesterday, I have some difficulty in ascertaining the order in which the two draft resolutions will be taken: in the order in which they were submitted, or in another order. I believe that unnecessary acrimony should be avoided in our discussions. I do not think that there is any justification for a confrontation over a draft convention which, though not a perfect instrument, is the fruit of compromise and proof that the Conference of the Committee on Disarmament serves usefully and successfully as the only multilateral forum for negotiations on disarmament and arms control measures. I therefore wish to second the motion presented by the representative of India.

Mr. MARIN BOSCH (Mexico) (interpretation from Spanish): I have listened with interest to the statements just made by the representatives of India and Nigeria. They have reminded the Committee of two facts. First, they have recalled that an appeal was made to the co-sponsors of draft resolution A/C.1/31/L.4/Rev.1 to withdraw that text in view of the amendments submitted to draft resolutions A/C.1/31/L.5/Rev.2 by the delegation of Nigeria and accepted by those sponsors, as indicated in draft resolution A/C.1/31/L.5/Rev.3.

(Mr. Marin Bosch, Mexico)

The second matter of which the representatives of India and Nigeria have reminded us is that when, yesterday, the representative of Mexico said that if there was any doubt regarding the order in which the drafts on agenda item 45 were to be put to the vote we would formally request that the following motion should be put to the vote whether the Committee is ready to pronounce itself on the draft resolutions relating to agenda item 45 in the order in which they were presented. At that time I was told that that was a very unusual motion and that I was seeing ghosts and spectres. And yet in the mere 15 hours that have elapsed since we met last those same spectres which the Mexican delegation saw in the crystal ball yesterday have appeared.

But let me refer more specifically to the question that has been asked by the representatives of India and Nigeria regarding the response to the appeal made. I would have preferred to be called upon first since you, Mr. Chairman, yourself made the appeal to the sponsors of draft resolution A/C.1/31/L.4. However, that was not the case, and the other two representatives got ahead of us and were called upon first.

The sponsors of draft resolution A/C.1/31/L.4/Rev.1 listened very carefully to the appeal of Ambassador Clark of Nigeria. And today Ambassador Clark has, as usual, given proof of his good intentions and good faith in everything relative to questions and negotiations concerning disarmament.

But let me make it clear that the appeal that was addressed to the sponsors of draft resolution A/C.1/31/L.4 was based upon amendments submitted concerning another document, namely A/C.1/31/L.5. Let us now consider the nature of those amendments and whether they may be considered sufficient to warrant our withdrawing our own proposal.

I would start by saying that draft resolution A/C.1/31/L.5 began by being very succinct and extremely short. Originally it was composed of three preambular paragraphs and three operative paragraphs. It has been revised three times, and the text has gradually grown in size. I shall refer to its last enlargement.

As a concession we were told that a new text of the sixth preambular paragraph had been included, reading as follows:

"Noting further that the Convention is intended to prohibit effectively military or any other hostile use of environmental modification techniques in order to eliminate the dangers to mankind from such use".

That is all very well. But in this inflationary spiral certain contradictions have crept in, because earlier, in A/C.1/31/L.5/Rev.2, the text had been swollen by the addition of a new operative paragraph 4. Let us see what it said.

"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".

The Spanish text has "como evitar eficazmente", "how effectively to avert", where the English text has "of effectively averting".

This is to say, that as a concession, we are told that the intention of the draft convention is effectively to prohibit while at the same time we are told that the question must be kept under review so as to see how the prohibition can be made effective. So owing to this enlargement of the text the confusion has been worse confounded.

We were also told that another concession had been made: operative paragraph 1 had been amended. Instead of "Welcomes the Convention", the text now says, "refers the Convention ... to all States ...". For what? For their consideration, signature and ratification. So, as far as the delegations which thought the Convention was unacceptable are concerned, the new so-called concessionary text is even worse than it was. We are not only being asked to welcome the draft convention but also to support a draft resolution in which we would ask our Governments to sign and ratify the convention.

In the light of all I have said, the sponsors, albeit very grateful to the representative of Nigeria, really cannot accede to his appeal, or to your appeal, Mr. Chairman, or to that made by the representative of Finland. Furthermore, I should like to add the following.

The procedure that has been followed to allow the First Committee to reach the point of taking a decision on A/C.1/31/L.5 is very similar to that followed in the Conference of the Committee on Disarmament in the drafting of the convention. The substance of the original proposals is in no way changed, but gradually all that surrounds them has been enlarged and augmented in order to give the impression that there have been negotiations. There have been no negotiations in the Conference of the Committee on Disarmament on article I, nor have there been any negotiations on draft resolution A/C.1/31/L.5. There have been consultations on that draft between its sponsors and some delegations, but there have been no negotiations.

Therefore, we think that because of the confusion that exists and the distortions of fact with which document A/C.1/31/L.5 is filled -- for instance, in the fifth preambular paragraph, where it says the Conference of the Committee on Disarmament has completed the text, whereas, as I said yesterday, it has not completed the text -- I am sure that draft resolution A/C.1/31/L.4/Rev.1 will help the majority of delegations to consider this matter with the calm and serenity necessary for this extremely important item.

At first, we, the sponsors of draft resolution A/C.1/31/L.4 thought of referring the draft back to the Conference of the Committee on Disarmament but many delegations came to us and said there was no need to do that, that the discussion in the CCD did not have to be reopened, that it was unnecessary for the CCD to deal with the subject again when it had to consider other important subjects such as the conclusion of a treaty on the total prohibition of nuclear weapons. In the light of those comments and with the usual flexibility shown by the sponsors of draft resolution A/C.1/31/L.4, we did amend our text, and we simply asked that the text of the draft convention, which many delegations were seeing for the first time buried somewhere in the report of the CCD, should be referred to the States for their consideration without reopening negotiations and discussions and it should be studied with the calm and serenity such an important draft warrants, especially one concerning matters such as techniques for the modification of the environment.

(Mr. Marin Bosch, Mexico)

The amendments that we submitted yesterday have been circulated in document A/C.1/31/L.4/Rev.1, and if any delegation wants any further clarification the Mexican delegation would be very happy to explain. However, I repeat that yesterday I stated that my delegation accepted as a fact that the Committee would pronounce itself on those drafts in the order in which they were submitted and that if there were any doubts regarding that matter my delegation would formally request an immediate vote on the motion I mentioned earlier. I have been surprised today to see that the spectres that I was accused of seeing yesterday have materialized. Furthermore, the sponsors of draft resolution A/C.1/31/L.4 themselves wish to make a sincere appeal to the sponsors of the draft resolution in document A/C.1/31/L.5, and particularly to the delegation of Finland, to withdraw that draft, because we believe that the adoption of that draft in this Committee or its attempted adoption would not redound to the credit of either this Committee or the United Nations -- and far less would it add to the credibility of the Conference of the Committee on Disarmament as a negotiating body on disarmament. So I repeat that we make a sincere appeal to the sponsors of draft resolution A/C.1/31/L.5 to consider withdrawing that draft.

The CHAIRMAN: I should like to make two points clear.

First, it is incorrect to say that I appealed yesterday to the sponsors of draft resolution A/C.1/31/L.4. I appealed to the sponsors of both draft resolutions to continue efforts to arrive at a solution satisfactory and acceptable to all. That was the appeal I made yesterday. I did not appeal specifically to the sponsors of draft resolution A/C.1/31/L.4.

Second, the representative of Mexico indicated at the beginning of his statement that I should have given him the right to speak first at this morning's meeting. I assure the Committee that I am adhering strictly to the rules of procedure. Rule 109 states:

"The Chairman shall call upon speakers in the order in which they signify their desire to speak."

The representatives of India and Nigeria signified their desire to speak before the representative of Mexico, and that is why I called on them before him.

(The Chairman)

The Committee has before it a formal motion by the representative of India, seconded by the representative of Nigeria, to accord priority in the voting to draft resolution A/C.1/31/L.5. I shall read rule 131:

"If two or more proposals relate to the same question, the committee shall, unless it decides otherwise,"-- and I understand that the motion of the representative of India refers exactly to this -- "vote on the proposals in the order in which they have been submitted. The committee may, after each vote on a proposal, decide whether to vote on the next proposal."

I intend now to proceed to a vote on the motion made by the representative of India and seconded by the representative of Nigeria, but I understand that the representative of Peru would like to speak on a point of order.

Mr. PALMA (Peru) (interpretation from Spanish): I was wondering, Mr. Chairman, since you have decided to put to the vote the motion submitted by the delegations of India and Nigeria, whether I could express the views of my delegation against that motion.

The CHAIRMAN: Certainly the representative of Peru may speak against the motion. but I would propose to the Committee that after the representative of Peru speaks we close the discussion on that motion and then immediately proceed to a vote. We have heard two speakers for the motion. Now we have heard the representative of Mexico, and I understand the representative of Peru will speak against the motion. Then I intend to put the motion to the Committee for a decision. I shall now call upon the representative of Peru, after which we shall immediately proceed to a vote.

Mr. PALMA (Peru) (interpretation from Spanish): My delegation has listened very carefully to the arguments adduced by the representative of Mexico, and we fully share those views. We also appreciate the goodwill shown by the representative of Nigeria in his effort to devise a formula that might be considered way way of compromise. The representative of Mexico has already shown not only that the modifications made would not be enough to meet the general

desire of the members of the Committee but that those modifications, furthermore, introduce elements that would make the presentation of this draft and the voting on it and the change of priorities extremely inappropriate. However, I should like to stress one point that is in fact contained in draft resolution A/C.1/31/L.5/Rev.3, specifically in the seventh preambular paragraph which says:

"Bearing in mind that draft agreements on disarmament and arms control measures submitted to the General Assembly by the Conference of the Committee on Disarmament should be the result of a process of effective negotiations and that such instruments should duly take into account the views and interests of all States" -- and I stress: "of all States" -- "so that they can be joined by the widest possible number of countries,".

Bearing in mind the views expressed repeatedly in this Committee in dealing with this subject, the least we can say is that the very condition made by the sponsors in the preamble of draft resolution A/C.1/31/L.5/Rev.3 has not been met because the least we can say is that the text of this draft resolution does not take fully into account the interests and views of all States or of as many States as possible and thus cannot be and will not be joined by the widest possible number of countries. That is the first point.

The second point is that this Committee is fully aware of the fact that the sponsors of draft resolution A/C.1/31/L.4 have on their side also made an effort to devise a formula which would be as flexible as possible and most in keeping with the interests of all States. We have witnessed a debate in which no agreement seemed possible. Now an opportunity is being offered to all Members of the United Nations, with the necessary calm and reflection, to consider this text and to submit comments and remarks to the Secretary-General, who would in due course refer them back to the States, and that finally they would be the subject of further consideration over a period of a year. This appears to us the formula which would allow not only the members of the Conference of the Committee on Disarmament themselves but all Members of the Organization to make comments and study the very serious and very important and far-ranging implications of the draft resolution before us, and then, in the light of all that, at some future time we could take a decision on this text and make known our views.

(Mr. Palma, Peru)

We believe that in draft resolution A/C.1/31/L.4/Rev.1 we have taken into account the interests of the majority of States. We do not discount any progress that may have been made in the preparation of this draft convention, but we are giving all the Members of the United Nations the opportunity, in the broadest, most flexible and most democratic form, to take a decision after full reflection.

Therefore my delegation feels that there is no reason to alter the order of the drafts. We believe that draft resolution A/C.1/31/L.4/Rev.1, that we submitted, should be voted on first because it is useful and compatible with the interests of the majority of States, and we trust that it will be adopted by the majority of members.

The CHAIRMAN: As I announced before calling on the representative of Peru, I now intend to put to a vote the motion submitted by the representative of India and seconded by the representative of Nigeria. A recorded vote has been requested.

Mr. MARIN BOSCH (Mexico) (interpretation from Spanish): I request to be allowed to speak.

The CHAIRMAN: I would appeal to the representative of Mexico not to obstruct the proceedings of the Committee. I can call on him as often as he likes, but this Committee cannot be in the hands of one delegation. Does the representative of Mexico wish to speak in connexion with the actual conduct of the voting?

Mr. MARIN BOSCH (Mexico) (interpretation from Spanish): Mr. Chairman, I am surprised that you continue to judge the positions of delegations members of the First Committee. I think that, as a small courtesy, you might clarify for our benefit what happened to the Mexican motion submitted yesterday.

I understand the eagerness of some to carry out this somewhat unusual vote in the First Committee, but I think that everyone will agree that, when a representative has submitted a motion of the nature that I submitted yesterday, it should at least be responded to.

(Mr. Marin Bosch, Mexico)

I repeat what I said yesterday: my delegation takes it as a fact that the Committee will vote on the draft resolutions, namely A/C.1/31/L.4/Rev.1 and L.5, in the order in which they were submitted. And then I added that, if there were any doubt on this matter, my delegation would formally request an immediate vote on the following motion: "Does the Committee agree to vote on the draft resolutions on item 45 in the order in which they were presented?" And what objection is there to that vote being taken, since the doubts that we feared would appear have in fact appeared?

The CHAIRMAN: I should like to draw the attention of the representative of Mexico to the fact that his point of order was not directly connected with the actual conduct of the voting on the motion proposed by the representative of India.

As to his question, my understanding was that, after some discussion yesterday, the representative of Mexico was not formally pressing for a vote on his motion, and therefore the Committee took no decision.

This morning, a motion was put forward first by the representative of India, and we have therefore to vote on that particular motion. What the representative of Mexico did yesterday was to announce a sort of intention that if there were some doubts he would then ask the Committee, but he did not actually ask the Committee nor did he make a formal proposal. Had he done so, the Committee would have had to take action on it, but there was no formal proposal for a vote.

On the other hand, this morning we had a proposal for a vote; and with this clarification I shall ask the Committee to proceed with the voting.

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

Mr. AL-IMAM (Kuwait): I should be very grateful, Mr. Chairman, if before we vote you would read to us the motion on which we are to vote.

The CHAIRMAN: The motion presented by the representative of India and seconded by the representative of Nigeria was that the Committee give priority,

(The Chairman)

so far as voting is concerned, or that it take action first, on the draft resolution in document A/C.1/31/L.5/Rev.3. This is the motion on which we are going to vote.

I see the representative of Argentina is requesting to speak. Does he wish to speak on a point of order in connexion with the voting? I can only entertain the request of the representative of Argentina under rule 128 of the provisional rules of procedure, which states:

"After the Chairman has announced the beginning of voting" -- and I did so -- "no representative shall interrupt the voting except on a point of order in connexion with the actual conduct of the voting."

If this is the case, then I shall call on the representative of Argentina. If not, I would appeal to him to refrain from speaking now and to wait until after we have concluded the vote to explain his position or whatever.

Mr. OTEGUI (Argentina) (interpretation from Spanish): Mr. Chairman, I should most respectfully like to find out through you, since you have presumed that the delegation of Mexico withdrew the formal proposal that it made yesterday, whether the Mexican delegation has in fact withdrawn that proposal.

And secondly, I should like to know whether it would be possible for delegations to explain their vote on the procedural matter before the voting.

The CHAIRMAN: I intend to adhere to rule 128 of the rules of procedure. I do not intend to prolong this debate. A recorded vote has been requested on the motion made by the delegation of India to give priority to draft resolution A/C.1/31/L.5/Rev.3.

A recorded vote was taken.

In favour: Afghanistan, Austria, Bahrain, Belgium, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Canada, Central African Republic, Colombia, Congo, Cuba, Czechoslovakia, Democratic Yemen, Denmark, Ethiopia, Finland, German Democratic Republic; Germany, Federal Republic of; Ghana, Greece, Hungary, Iceland, India, Iran, Italy, Ivory Coast, Japan, Jordan, Lao People's Democratic Republic, Lebanon, Liberia, Luxembourg, Madagascar, Malawi, Mongolia, Mozambique, Nepal, Netherlands, Nigeria, Norway, Oman, Poland, Portugal, Sierra Leone, Somalia, Sudan, Swaziland, Syrian Arab Republic, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Zaire

Against: Argentina, Burundi, Chile, China, Costa Rica, Cyprus, Ecuador, France, Grenada, Iraq, Jamaica, Kenya, Kuwait, Malaysia, Mauritius, Mexico, Nicaragua, Panama, Paraguay, Peru, Philippines, Qatar, Romania, Rwanda, Singapore, Surinam, Thailand, Trinidad and Tobago, Uganda, Uruguay, Venezuela

Abstaining: Algeria, Australia, Bangladesh, Burma, Chad, Egypt, El Salvador, Equatorial Guinea, Fiji, Guyana, Indonesia, Ireland, Israel, Mali, Mauritania, Morocco, New Zealand, Niger, Pakistan, Saudi Arabia, Senegal, Spain, Sri Lanka, Sweden, United Arab Emirates, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Yugoslavia, Zambia

The motion was adopted by 59 votes to 31, with 30 abstentions.

The CHAIRMAN: We shall now proceed to take action on the draft resolution contained in document A/C.1/31/L.5/Rev.3. I shall now call on those delegations wishing to speak in explanation of vote before voting.

Mr. DUMAS (Trinidad and Tobago): My delegation regrets that it will not be able to support the draft resolution contained in document A/C.1/31/L.5/Rev.3. We have several reasons for this position.

Firstly, as I said in my statement to this Committee on 17 November, the definitions of the words "widespread", "long-lasting" and "severe" contained in the understanding relating to article 1 of the draft convention and appearing in document A/31/27 do not, in the view of my delegation, address themselves to the situation of small entities such as the islands of the Caribbean.

It has been suggested to my delegation that there is a difference between "widespread, long-lasting and severe" and "widespread, long-lasting or severe". My delegation appreciates the fineness of the legal distinction between "and" and "or", but with the greatest respect considers it, as far as small entities are concerned, largely irrelevant.

If, for instance, an artificially-created tidal wave were to wash in a few minutes -- and there is nothing "long-lasting" there -- over a small island and destroy nearly everything and everyone on it, who, then, of the island's governmental authorities would complain about the severity of the damage? A delegation of corpses? And of what significance would such a complaint be?

Secondly, not only are the definitions and the understanding relating to article I inadequate from our point of view, but, to make things worse, neither that understanding nor any of the other understandings form part of the draft convention. I do not need to tell the Committee what such an omission may one day mean.

(Mr. Dumas, Trinidad and Tobago)

Here I must refer to the statement made here the day before yesterday by the representative of the Netherlands. If I am correct -- I have not yet seen the text of his remarks -- he said that military and any other hostile use of environmental modification techniques was almost totally banned under the terms of the draft convention. And he implied, if he did not say, that what was not covered by the draft convention was not too important. He then went on to admit that small tropical countries might have problems, and that what might apply to Trinidad and Tobago might not apply to the United States of America. He concluded that, in such a case, Trinidad and Tobago, as a small entity, could seek, and should seek, proportionate redress.

If I am representing his position accurately, I have only two comments to make at this stage. In the first place, if the draft convention is really so encompassing in its scope, and if the political will of those who have proposed it is really so benign, then most of us really have nothing to fear, and it is perfectly all right for most of us to accept it without question, even if the understandings of its articles do not form an integral part of it. The Netherlands has a sovereign right to believe that, if it so desires. Trinidad and Tobago, alas, is not so trusting.

Secondly, my delegation regrets that it must totally reject the implication -- I hope unintentional -- that small tropical entities like Trinidad and Tobago are not too important. They may indeed not be to many people, but those who live in them and those who represent them will, I hope, be forgiven for disagreeing absolutely with that point of view.

Our third reason for not being able to support the draft resolution is that we do not agree that this Committee, which is largely not a technical group, ought by its decision to commit Governments to accept, without the mature consideration of those Governments, a recommendation of a non-representative body like the Conference of the Committee on Disarmament (CCD). What is more, I bear in mind that there appears to have been no consensus within the CCD itself on the understandings which do not form part of the draft convention.

(Mr. Dumas, Trinidad and Tobago)

It is almost like saying that the recommendations, if any, of the Paris Conference on International Economic Co-operation can be submitted to the Second Committee for its consideration and recommendation to the General Assembly without reference to and close scrutiny by Governments. I doubt that there are many delegations present here that would favour such a course of action.

Fourthly, my delegation is not impressed by the argument that half or a quarter of a loaf is necessarily better than no bread at all and that, since the two super-Powers have got together and churned out a common text, we should all be grateful. Here I should like to quote the representative of Tanzania, who, on 17 November, addressing himself to this very question of the draft convention, said:

"Secondly, the tendency in disarmament efforts to be contented with partial prohibition of arms and armament seems to be now a permanent feature. We would like to repeat what we always said: that the effect of such half measures can only be to deceive ourselves that we have accomplished something simply because we have adopted a disarmament instrument while in fact such complacency is not only unjustified but a dangerous sign of slackness.

"How long can we afford to continue with half measures while the problem is allowed to continue to exist?" (A/C.1/31/PV.36, p. 21)

Also, we should ask ourselves whether breathing a sigh of relief and appearing to defer more and more to the alleged wisdom of the two super-Powers is in the long run in the best interests of the small and medium-sized countries of the United Nations.

Further, my delegation is not sure how those who are ardent proselytizers of the view that there should be an all-embracing treaty on the non-use of force can easily reconcile that view that the promulgation of a draft convention which, even in their opinion, falls desperately short of perfection. I shall no doubt be told that what is ideal is not usually attainable, and I agree with that, but I should have thought that such a perception might be more often translated into action so far as the international behaviour of certain States is concerned.

Our fifth reason relates to certain aspects of the draft resolution itself. I shall not deal with everything about it that puzzles us. In the first place, we do not understand how, in the twelfth preambular paragraph, we can hear anxiety expressed that the Conference of the Committee on Disarmament (CCD) "should concentrate on urgent negotiations on disarmament and arms limitation measures", when on 18 November, just two weeks ago, the Director of the Arms Control and Disarmament Agency of one of the super-Powers sponsoring the draft resolution could suggest that "next year an appropriate forum, such as the CCD, should consider an agreement that would prohibit the use of radioactive materials as radiological weapons". And this after admitting that "such weapons, if ever developed, could produce pernicious effects -- long-term and short-term -- solely by the radio-activity emitted". So, in spite of the twelfth preambular paragraph, the CCD is apparently still to be asked to divert its attention from "urgent negotiations on disarmament and arms limitation measures", and this to consider an agreement on weapons which have not yet been developed and which may have short-term as well as long-term effects. Any resemblance to "long-lasting" as opposed to "short-term" effects of environmental modification techniques is, of course, purely coincidental.

A second aspect of the draft resolution that defeats my delegation's intelligence is the seventh preambular paragraph. If the sponsors really believe that "draft agreements on disarmament and arms control measures submitted to the General Assembly by the Conference of the Committee on Disarmament should be the result of a process of effective negotiations and that such instruments should duly take into account the views and interests of all States so that they can be joined by the widest possible number of countries", why is it that they have given the impression of wishing to force the draft convention through this General Assembly when they know that the overwhelming majority of States represented in this Committee have not had the opportunity to consider it with any degree of care? How many Ministries of Justice and Attorney-Generals' Departments have even seen the draft convention that we are asked to accept today? Is this what is meant by "effective negotiations"? Have the sponsors really taken into account "the views and interests of all States"? Have they even solicited such views or examined such interests? If they had done so, would we for instance have heard one representative admit the day before yesterday to what may have been a recent discovery that tropical seasons were different from temperate seasons? And all this in the context of the manifest unhappiness of many, if not most, delegations with the whole issue of the draft convention. Yesterday the sponsors of draft resolution A/C.1/31/L.4 submitted a revision to the effect that the draft convention be sent to Governments for their comments, a procedure that does not appear in draft resolution A/C.1/31/L.5/Rev.3. Who can reasonably object to such a procedure? Or does any delegation have good reason to believe that if the draft convention -- which, after all, was first proposed two years ago and in a much more positive form -- is not adopted this year the risks of environmental warfare will be immeasurably increased? If so, we should know about it so that we may look at the matter with fresh eyes.

A third aspect of the draft resolution that bothers us relates to the ninth preambular paragraph. It simply is not good enough merely to bear in mind "all relevant documents and negotiating records of the Conference of the Committee on Disarmament on the discussion of the draft convention". Here again we come back to the question of the understandings. I imagine that few

delegations represented here are fully content with the terms of the draft convention. And yet the understandings, which seek to clarify the draft convention and with elements of which my delegation is not in agreement, are not part of the draft convention and are now, together with other documents, merely to be borne in mind. It simply is not good enough.

A fourth aspect of the draft resolution that concerns us related to the eleventh preambular paragraph. We find it difficult to accept that the draft convention -- and incidentally I notice that the draft convention is referred to several times in the draft resolution as "the Convention", as though it had already been adopted -- "will contribute to the realization of the purposes and principles of the Charter of the United Nations". We see in the United Nations Charter that the first purpose of the United Nations is "to maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace...". The important word there is "collective". To be sure, it does not mean unanimous, but can we honestly say that if we adopt this draft resolution today we would be contributing to the taking of effective collective measures for the prevention and removal of threats to the peace?

Lastly, I would remind the sponsors of the draft resolution of a king of the Molossians, a people of ancient Epirus, whose life span straddled the fourth and third centuries before Christ. He was a man of high intelligence and a famous warrior, and he won many victories in Greece and Sicily and in what is now the Italian mainland. But his military successes were always achieved at tremendous cost in lives, equipment and so forth. His name was Pyrrhus.

The CHAIRMAN: In accordance with a decision which the Committee took at one of its first meetings, we must finish consideration of the disarmament items today. We still have five draft resolutions before us. I should therefore like to appeal to all delegations as far as possible to limit the time in which they explain their votes on the various draft resolutions.

(The Chairman)

I should not like at this stage to use my authority under rule 128 to impose a formal time-limit on statements and I hope that I shall not be forced to do so. I shall count on the kind understanding and co-operation of the members, in view of the fact that we have only a few more hours left in which to consider and take action on the five draft resolutions.

I call on the representative of the Libyan Arab Republic on a point of order.

Mrs. SHELLI (Libyan Arab Republic) (interpretation from Arabic): In the vote which just took place I pressed the correct button but my vote was not recorded. I should like to make it clear that we support the draft resolution that was voted upon.

The CHAIRMAN: The statement of the representative of the Libyan Arab Republic will be included in the verbatim records of the Committee.

I am sorry to say that this is already the third time that the mechanical means of voting have not been completely accurate. I hope that it will not happen again.

Mr. TEMPLETON (New Zealand): My delegation faces considerable difficulty in determining and explaining its votes on the draft resolutions before us.

This is surely an item on which a consensus decision should have been possible. But, instead, we have rival draft resolutions and a voting confrontation. A number of delegations, including my own, have expressed misgivings about the fact that the draft convention on the prohibition of military or any other hostile use of environmental modification techniques does not in fact completely prohibit such uses.

In view of these unresolved misgivings, we have doubts about the wisdom of taking now the decisive step of opening the convention for immediate signature, as proposed in draft resolution A/C.1/31/L.5/Rev.3. At the same time, we did not wish to see the Conference of the Committee on Disarmament (CCD) spend a major part of its time in 1977 renegotiating the text while other more urgent matters were again put to one side.

My delegation has taken careful account of the changes which have been made in the revised version of draft resolution A/C.1/31/L.5, and we are gratified to note the preambular paragraph which says that disarmament and arms control treaties negotiated in the CCD should take into account the views and interests of all States. However, we must say with great regret that the immediate opening of the draft convention for signature does not seem compatible with that objective and, indeed, if it were to be assumed in this instance that adequate effect has been given to the principle set out in the preambular paragraph in question, an undesirable precedent could have been set for the future.

My delegation has noted with interest the amendments made to draft resolution A/C.1/31/L.4, which are incorporated in the text we have before us this morning (A/C.1/31/L.4/Rev.1). By suspending formal action on the convention for one year, States which were not party to the negotiations would be permitted to study

(Mr. Templeton, New Zealand)

the convention and to communicate their views to the Secretary-General. In all the circumstances, the New Zealand delegation considers that the course of action proposed in draft resolution A/C.1/31/L.4/Rev.1 is the more appropriate of the alternatives open to us. We shall therefore vote for that draft resolution and abstain on draft resolution A/C.1/31/L.5/Rev.3.

Mr. KISAKA (Kenya): I have asked to speak in order to explain why Kenya intends to vote against draft resolution A/C.1/31/L.5/Rev.3 and in favour of draft resolution A/C.1/31/L.4/Rev.1, both dealing with the draft convention on the prohibition of military or any other hostile use of environmental modification techniques, which has been prepared under the auspices of the Conference of the Committee on Disarmament (CCD).

Kenya is unalterably opposed to the use of any environmental modification techniques for military or hostile purposes and, consequently, we support the goals behind the draft convention. However, article I of that draft convention restricts the prohibition to modification techniques having widespread, long-lasting or severe effects, and by implication, therefore, permits hostile environmental modification techniques which in the eyes of the user do not have these effects. This kind of elastic prohibition would create imponderable, imprecise and permissive prohibition which in the long run might run counter to the very objectives of the draft convention.

This drawback in the draft convention is in no way remedied by the consultation and co-operation machinery spelled out in article V of the draft convention, since this machinery does not establish any binding third party dispute settlement procedure. In any case, the complaint under the procedure set out, which includes investigation by the Security Council of a complaint, would have to be restricted to non-compliance with the partial ban of military and hostile use of environmental modification techniques, which, as I have already indicated, is unduly restrictive and therefore unacceptable to Kenya.

We are not at present at war, and hence we should not be rushed into signing and ratifying a partial ban on hostile use of environmental modification techniques. The draft convention before us does not even enjoy a consensus within the Conference of the Committee on Disarmament (CCD), which is absolutely essential

(Mr. Kisaka, Kenya)

if it is to constitute an acceptable and sound basis, and if it is to be capable of commanding widespread support within the international community.

It seems only logical that Governments should therefore have a look at the draft convention and communicate their views and suggestions to the Secretary-General on this question. This is what draft resolution A/C.1/31/L.4/Rev.1 does, and that is why that draft resolution commends itself to my delegation.

Mr. AL-IMAM (Kuwait): In my delegation's statement on disarmament on 9 November we expressed our views on the draft convention on the prohibition of military or any other hostile use of environmental modification techniques. We also associated ourselves with the remarks made by Mr. Garcia Robles, the Minister for Foreign Affairs of Mexico, who pleaded for an absolute prohibition of environmental modification techniques by omitting the qualifying clause in article I.

It is a cause of great regret that, although the Mexican plea was supported by many delegations, the authors of the draft convention have not responded to it in a positive manner.

My delegation has also made it abundantly clear on many occasions that draft agreements on disarmament, like all other international instruments, should not be treated as sacrosanct but should be subject to the normal procedures applicable to treaties in general. States should be afforded an ample opportunity to participate in the drafting and adoption. The provisions of article I of the draft convention affect all countries, big or small, and thus cannot be left to the unfettered discretion of a few Powers.

In this particular case, a large number of States requested the omission of the qualifying clause in article I. The authors of the draft convention have shown utter disregard for this view and faced us with a fait accompli in the form of a draft resolution now contained in document A/C.1/31/L.5/Rev.3, which does not substantially differ from the earlier versions, as it refers the draft convention to all States for their consideration, signature and ratification and requests the Secretary-General to open it for signature at the earliest possible date.

(Mr. Al-Imam, Kuwait)

In the circumstances, we have no alternative but to vote against this text. We shall vote in favour of the draft resolution contained in document A/C.1/31/L.4/Rev.1, which invites all Member States to communicate to the Secretary-General their views and suggestions on this question before 30 June 1977 and decides to include this item in the agenda of the next session of the General Assembly. This draft resolution, we believe, is more conducive to protecting the interests of all States and ensuring that disarmament conventions reflect the will of the international community.

Mr. MARIN BOSCH (Mexico) (interpretation from Spanish): Both in the Conference of the Committee on Disarmament (CCD) and at the present session of the General Assembly, the delegation of Mexico has explained in detail its position on the text of the so-called convention on the prohibition of military or any other hostile use of environmental modification techniques. We have given the reasons why we cannot support that text as now worded.

Nor can the delegation of Mexico support draft resolution A/C.1/31/L.5/Rev.3. Our principal reason is that operative paragraph 1 would refer the convention to Governments for their signature and ratification. Another reason why we cannot support the draft resolution is that under operative paragraph 2 the Secretary-General, as depositary of the convention, would be requested to open it for signature and ratification at the earliest possible date.

The risks entailed in those provisions, not only legally but practically speaking, can be judged even more clearly if we take into account the explanation that has been given of the term "environmental modification techniques" in article II of the text of the convention. According to that explanation, the term refers, among other things, to the deliberate manipulation of natural processes to create earthquakes, tidal waves, various types of cyclones, and hurricanes, or to change the ozone layer, the ionosphere and ocean currents.

We find it extremely alarming that anyone could think of legitimizing, through an international convention, such monstrous actions as those to which I have just referred. It seems even more alarming that the Secretary-General could be asked to be the depositary of an instrument legitimizing such warlike activities -- especially when we know that Article I of the Charter prohibits all acts of aggression in international relations. We absolutely refuse to become accomplices in this intention to legitimize, in a so-called disarmament instrument, warlike activities such as those I have just described.

Hence, the delegation of Mexico will vote against draft resolution A/C.1/31/L.5/Rev.3.

Mr. KY (Upper Volta) (interpretation from French): My delegation would like briefly to explain its attitude towards draft resolution A/C.1/31/L.5/Rev.3, concerning the prohibition of environmental warfare.

The Government of Upper Volta attaches great importance to this problem, because it is really more urgent than some people think. We must, unfortunately, note -- and the discussions in the Conference of the Committee on Disarmament (CCD) have amply proved this -- that there is a great divergence of views, not so much on the very principle of the prohibition as on the terms of the proposed convention. In our opinion, that will be a serious handicap for the future, despite the fact that two giant hands have brought this question to the baptismal font.

Upper Volta, for its part, recognises that the proposed convention is not ideal. In particular, its article I contains some restrictive terms which singularly limit the convention's scope. It is obvious that that article poses some extremely serious problems for small countries like mine. We would have preferred it if, after the discussions in the CCD, our Governments could have had the possibility of studying the convention in detail, in order to be able to take a decision in full knowledge of all the relevant factors. Indeed, that is the spirit in which resolution 3475 (XXX) was adopted. Fortunately, the amendment presented yesterday by the representative of Nigeria fills this gap.

My delegation is also aware that the CCD did not reach broader agreement because it was simply impossible for it to do so. We recognize that efforts have been made to overcome our legitimate fears. That is true particularly of the statements which have been made and the concern that has been shown to achieve the text of an acceptable resolution.

Although the new text does not satisfy us entirely -- particularly because it does not give States the possibility of changing the text transmitted by the CCD -- my delegation, rather than awaiting unanimity which probably would not come all that soon, will vote in favour of draft resolution A/C.1/31/L.5/Rev.3. In so doing, however, my delegation will not be automatically accepting the text of the convention as now worded. Upper Volta reserves the right to explain its position in further detail if we decide to sign or ratify this convention.

I should like to make it clear also that if the other draft resolution were put to the vote, my delegation would not oppose it.

Mr. LAZAMORA (Peru) (interpretation from Spanish): My delegation will vote against the draft resolution because we cannot morally endorse an instrument whose deficiencies and ambiguities entail risks that new weapons systems that some developed countries are trying to perfect will be used, and this time legitimately used.

The so-called agreements which, we are told, would make impossible the use of these weapons, also known as "environmental modification techniques", and therefore would avoid the possibility that the widespread, long-lasting or severe effects would result in catastrophe, are, in the best of cases, the result of the discussion in a Working Group of the CCD. Those "agreements" are not part of the convention, and their binding nature is, to say the least, a moot question.

On the other hand, we have been told that under such "agreements" it is very difficult to find any environmental modification technique that would be allowed. If that is true, we do not understand why we have not been presented with a genuine, complete, unambiguous prohibition, containing no non-binding elements, a text which, after the necessary negotiations, could list the very few exceptions which we are told might be allowed. That would be a much more logical way of tackling the problem than the present deficient text that we are discussing, which, because of its ambiguity and broad terms, seems to favour experimentation with, development of and -- in critical circumstances -- use of such weapons, to the detriment of countries that can neither produce these weapons nor face the serious consequences of their use; that is, none other than the developing countries, in which the majority of mankind lives.

(Mr. Alzamora, Peru)

For those reasons my delegation will not support the draft resolution before us. Judging by the vote on the procedural question of a few moments ago, in which the majority did not support the procedural proposal, we doubt whether this document enjoys the necessary confidence and support to ensure the political and moral validity that a document of this nature should have.

Mr. HSU (China) (interpretation from Chinese): What came to pass just now in the Committee once again revealed a super-Power's arrogance, which naturally aroused the indignation of all justice-upholding delegations. Whenever they reach agreement on any sham disarmament treaty the two super-Powers demand that other countries immediately accept and sign it, without allowing them even the right to express their views. This is extremely unreasonable.

In the light of this the Chinese delegation voted against the procedural motion voted on a moment ago.

The Chinese delegation has already pointed out that the so-called prohibition of military or any other hostile use of environmental modification techniques is a fraud of sham disarmament, which talks about remote things at the expense of immediate concerns and is designed to divert attention.

Proceeding from this principled stand, the Chinese delegation will not participate in the vote on the relevant draft resolution.

Mr. RIOS (Panama) (interpretation from Spanish): My delegation wishes to state that it will vote against draft resolution A/C.1/L.5/Rev.3 because we feel that through this draft resolution the General Assembly would to a certain extent place the seal of legitimacy on something which according to the title of the proposed convention it should prohibit -- namely, the use of environmental modification techniques.

As proof, I shall cite operative paragraph 1 of the draft resolution, which refers to "the prohibition of military or any other hostile use of environmental modification techniques". Now, my delegation feels that there should be no limitation of any sort in this matter. The use of the so-called environmental modification techniques should be prohibited flatly, regardless of the reasons for their use, because, when all is said and done, military purposes are in themselves

(Mr. Rios, Panama)

prejudicial, and any other purpose that may harmfully counteract environmental protection is also dangerous and can under no circumstances be condoned by the United Nations. The same argument can be applied to operative paragraph 4. And, as far as article I of the draft convention itself is concerned, it again has the same flaw, and there it is even more blatant and flagrant. I would accept that article if it said that each State party to the Convention undertakes definitively once and for all to refrain from using environmental modification techniques for military or any other use having partial, widespread, long-lasting, temporary, slight or severe effects and without at the end saying "as a means of ... damage ... to any other State party". It cannot be allowed if it damages anybody. The use of this type of technique should be prohibited once and for all. It is of a destructive nature, whether used in the northern or southern areas of the planet, or in Africa or Latin America or any other part of the world.

Mr. YEO (Malaysia): My delegation will not be able to support draft resolution A/C.1/L.5/Rev.3 because we are of the view that no convention should be open for signature and ratification if there is no consensus over the substance of one of its articles. This, however, does not mean that we are against having such a convention, which we believe will certainly further the objectives of disarmament.

For that reason my delegation will abstain in the vote on draft resolution A/C.1/31/L.5/Rev.3. I would add that if draft resolution A/C.1/31/L.4/Rev.1 were put to the vote we would vote in favour of it.

The PRESIDENT: Before proceeding to the vote, I should like to announce that the Syrian Arab Republic has become a sponsor of draft resolution A/C.1/31/L.5/Rev.3.

The Committee will now vote on the draft resolution in document A/C.1/31/L.5/Rev.3. A recorded vote has been requested.

A recorded vote was taken.

In favour: Afghanistan, Algeria, Australia, Austria, Bahrain, Bangladesh, Belgium, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Canada, Central African Republic, Colombia, Cuba,

Cyprus, Czechoslovakia, Democratic Yemen, Denmark, El Salvador, Ethiopia, Fiji, Finland, Gabon, German Democratic Republic; Germany, Federal Republic of; Ghana, Greece, Guyana, Hungary, Iceland, India, Indonesia, Iran, Ireland, Israel, Italy, Japan, Jordan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Republic, Luxembourg, Madagascar, Malawi, Mali, Malta, Mauritania, Mongolia, Morocco, Nepal, Netherlands, Nicaragua, Niger, Nigeria, Norway, Oman, Philippines, Poland, Portugal, Qatar, Romania, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Syrian Arab Republic, Thailand, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Upper Volta, Uruguay, Yugoslavia, Zaire

Against: Burundi, Ecuador, Grenada, Kenya, Kuwait, Mauritius, Mexico, Panama, Peru, Trinidad and Tobago, Zambia

Abstaining: Argentina, Chad, Chile, Congo, Costa Rica, Dominican Republic, Egypt, Equatorial Guinea, France, Iraq, Ivory Coast, Jamaica, Malaysia, New Zealand, Pakistan, Paraguay, Rwanda, Saudi Arabia, Surinam, Togo, Uganda, United Republic of Cameroon, United Republic of Tanzania, Venezuela, Yemen

The draft resolution was adopted by 89 votes to 11, with 25 abstentions.

The CHAIRMAN: I shall now call on those delegations that wish to explain their positions after the vote.

Mr. HAMILTON (Sweden): Sweden voted for draft resolution A/C.1/31/L.5/Rev.3 as a participant in the long and arduous negotiations in the Conference of the Committee on Disarmament (CCD) in Geneva last summer on a convention on the prohibition of military or any other hostile use of environmental modification techniques. However, I wish to stress that my Government has strong sympathy for the idea behind draft resolution A/C.1/31/L.4/Rev.1, that Member States of the United Nations that have not participated in the work of the CCD should have sufficient time to consider and express their opinions on draft treaties in the important disarmament field.

Mr. CRAIG (Ireland): The Irish delegation has carefully followed the debate on agenda item 45 regarding the draft convention on the prohibition of military or any other hostile use of environmental modification techniques. As my Ambassador remarked in his speech in the general debate on disarmament, we noted the hesitations of a number of States regarding the effect of the provisions of the draft convention and appreciated the nature of these hesitations but at the same time noted that many members of the CCD considered it desirable to recommend that the convention be opened for signature in its present form.

As a small country, we could not but share the doubts expressed about the effect of the words "having widespread, long-lasting or severe effects" in article I of the draft convention and about the threshold approach this represents. Furthermore, although we appreciated that the negotiations in the CCD had resulted in agreed definitions of the meaning of these words in this context, we found it odd that these had not been incorporated in the convention, nor were they laid before the General Assembly, except indirectly through the report of the CCD. We were disturbed at the failure of the proponents of the convention adequately to explain the nature of these definitions and the reasons why an unqualified prohibition was not desirable. I cannot say that all our anxieties were dispelled in the course of the debate, though I should say that we found the statement on 1 December of the representative

(Mr. Craig, Ireland)

of the Netherlands particularly helpful in this regard, when he made it clear that the combined effect of articles I and II, together with the related understandings, is indeed to place very severe limitations on the exemption for certain environmental modification techniques apparently permitted by article I.

I should also add that we shared the disappointment expressed by a number of delegations that it had not been possible to arrive at a more satisfactory complaints procedure than that provided for in article V.

Having said this, I should say that the Irish delegation is conscious, firstly, that the present convention is designed to prevent the use of techniques which up to now have not been used rather than to be a measure of disarmament as such and, secondly, that it was the subject of detailed discussion in the CCD. We therefore doubted, like many others, whether the CCD should be asked to devote more time to an endeavour which is peripheral to what should, in our view, be its major concern: negotiations towards concrete measures of disarmament and specifically towards a comprehensive test ban and a ban on the production and stockpiling of chemical weapons. We were not persuaded that the defects which exist in the draft convention could be remedied or that fundamental improvements would be obtained by referring the matter back to the CCD or by delaying the opening of the convention for signature.

We have considered carefully the amendments to draft resolution A/C.1/31/L.4, and we do not in principle have any objection to requesting the views of Member States on the draft convention, but we do not feel that, in the light of the debate in this Committee, it would in fact bring about any major change in the position that has been revealed. If that draft resolution is put to a vote, we would therefore abstain on it.

While doubting the value of operative paragraph 4 of draft resolution A/C.1/31/L.5/Rev.3, we were grateful to the co-sponsors of that draft resolution and other delegations which participated in the consultations for the other additions they made to their original draft and, in particular, for the introduction of a specific reference to article VIII and the provision for a review conference. We believe that the review conference will provide the

(Mr. Craig, Ireland)

opportunity for detailed debate on the basis of practical experience of the implementation of the convention's provisions and will allow recommendations for its further development. We would expect the active co-operation of the major military Powers in ensuring the full application of the provisions of article VIII at that time. It was on this basis that we lent our support to draft resolution A/C.1/31/L.5/Rev.3.

In concluding I should like, firstly, to express our appreciation for a positive aspect of the draft convention, the fact that the Secretary-General of the United Nations would be made the depositary -- a welcome practical measure towards strengthening the role of the United Nations in the field of disarmament. Secondly, the Irish delegation would like to emphasize that, in its view, the debate in this Committee has been a most valuable one and that it is the prerogative of the General Assembly to examine closely the outcome of the deliberations of the CCD and indeed that it is the only opportunity that non-members of the CCD have for such an examination. I should say that we cannot regard the outcome of the vote we have just taken as a particularly happy one in this regard.

Finally, I wish to say that the Irish delegation's approval of draft resolution A/C.1/31/L.5/Rev.3 and of the opening of the convention for signature should not be interpreted as approval of the adoption of the threshold approach on other disarmament issues.

The CHAIRMAN: I should like once again to appeal to representatives to be as brief as possible in explanation of their votes. We still have four draft resolutions to deal with and we have only half an hour left to the end of this meeting and then three hours at this afternoon's meeting, and surely if we proceed as we are doing we shall have to have a meeting at 8.30 p.m. this evening, which I for one should like to avoid. So again I appeal to delegations for their kind co-operation. I think that the positions are absolutely clear to everyone and it is not necessary to repeat statements that were made either in the general debate or in the general discussions.

Mr. LOPEZ-CHICHERI (Spain) (interpretation from Spanish): My delegation voted in favour of the draft resolution in document A/C.1/31/L.5/Rev.3 because we regard it as a step, albeit limited, towards disarmament, and my country is extremely interested in that subject. But this favourable vote does not mean that my delegation has no reservations concerning the text of the draft convention prepared in the CCD. We did not, after all, participate in its drafting and, as the Spanish delegation explained in the course of the debate, we object to article I and the limitations contained therein regarding the prohibition of military or any other hostile use of environmental modification techniques. The Spanish Government, in accordance with the terms of operative paragraph 1 of the resolution, will consider the convention when it receives a text from the Secretary-General, and on the basis of its views and considerations will then decide whether to sign and ratify it.

Mr. MISTRAL (France) (interpretation from French): My delegation would like to explain some of the reasons which prompted us to abstain from voting on the draft resolution in document A/C.1/31/L.5/Rev.3.

In principle, the French Government welcomes the idea of subjecting the military use of environmental modification techniques to controls. However, the final text of the draft convention prepared by the CCD was only very recently transmitted to us. We were unable, therefore, to give it more than a cursory examination. Moreover, the text may give rise to serious difficulties -- technical difficulties and difficulties of interpretation, first of all -- and if we are to subscribe to this convention we must be perfectly clear as to the scope of any commitments we make. There are also legal difficulties; we are not convinced that some of the provisions in the draft convention are compatible with the provisions of the Charter, particularly those in Chapters VI and VII.

In addition, there are political difficulties. It has been unanimously recognized in the debate in this Committee that the text is very restrictive in character. On this point, some speakers have even maintained that this text, the purpose of which is to prohibit the use of environmental techniques, would to a certain degree legalize the use of some of those techniques. Our examination is continuing, therefore, and my Government has as yet taken no

(Mr. Mistral, France)

decision of principle on the matter. I must confess that we expected that the debate in this Committee would have given us food for thought and thrown some fresh light on the matter. My delegation could note only the emergence of two contradictory currents of thought. For some, the text is simply bad because it is far too restrictive, and should be referred back to the CCD for amendment. For others the text is not a good one, but it should be adopted anyway because we are unlikely to get a better one. Our perplexities have not been dispelled, and in the circumstances, until we had concluded our consideration and had a clearer view of the situation, my delegation decided to abstain in the voting on the draft resolution.

The CHAIRMAN: With the consent of the Committee, I propose that we close the list of speakers in explanation of vote after the voting. If I hear no objections, it will be so decided.

It was so decided.

Mr. S. KHAN (Mozambique): My delegation would like simply to indicate that technology once more failed us. We voted "yes" and the machine did not record our vote. I am requesting you, Mr. Chairman, to record an affirmative vote from Mozambique. It would be surprising to many were Mozambique not to participate, since it is one of the sponsors.

The CHAIRMAN: In this connexion I shall call on the Secretary of the Committee to make some clarification.

Mr. BANERJEE (Secretary of the Committee): The voting machine is functioning perfectly. The servicemen have checked it and have found that it worked this morning and at the last voting.

Mr. Chairman, perhaps before the next voting starts you could call on me to explain to the delegations how to operate the voting machine.

Mr. NYILINKINDI (Rwanda) (interpretation from French): My delegation abstained in the voting on draft resolution A/C.1/31/L.5/Rev.3. It believes, in the first place, that all States have not had enough time for a detailed study of the draft convention on the prohibition of military or any other hostile use of environmental modification techniques. Furthermore, the implications of article I are too important and too dangerous for us to have been able to support the draft resolution. Indeed, how are we to interpret the provisions of article I, whereby States could use environmental modification techniques at their discretion provided the effects were limited in area and in terms of seasons?

My delegation therefore abstained in the voting, and if draft resolution A/C.1/31/L.4/Rev.1 is put to a vote my delegation will vote in favour of it.

Mr. NSABABAGANWA (Burundi) (interpretation from French): Our reasons for voting against draft resolution A/C.1/31/L.5/Rev.3 are more or less the same as those given by the representative of France. We refused to accept this compromise supinely. Unfortunately, it has been adopted.

To agree to send the draft convention to Governments is a circuitous way of ensuring that it will be approved, since its ratification by 20 Governments will establish it as an international document. But more than 30 countries are already authors of the document, and therefore the blessing given by our Committee opens the road to tests whose consequences will be very serious. They will be serious because the effects of environmental modification techniques are not limited either in time or in space. They will also be serious because there is no provision for compensation for damage or injury to third countries.

These were the reasons why my delegation did not vote in favour of the draft resolution. It hopes, however, that the draft convention will be amended and completed to the satisfaction and in the interests of all States.

Mr. CHERKAOUI (Morocco)(interpretation from French): The Moroccan delegation had voiced the hope, in the general debate on disarmament, that a satisfactory consensus would emerge on the two draft resolutions before us. Unfortunately, that was not the case. Nevertheless, my delegation feels that the draft convention in document A/C.1/31/L.5/Rev.3 is the fruit of positive work done by the Conference of the Committee on Disarmament (CCD) and is a useful instrument for the banning of environmental warfare.

Furthermore, the amendments submitted by the representative of Nigeria, were entirely satisfactory to us and will provide States with an opportunity to examine, sign and ratify the Convention on the prohibition of military or any other hostile use of environmental modification techniques. That is why the Moroccan delegation voted in favour of draft resolution A/C.1/31/L.5/Rev.3.

Mr. KEITA (Niger)(interpretation from French): Mine is one of the delegations deeply concerned over the wording of article 1 of the draft convention on the prohibition of military or any other hostile use of environmental modification techniques. Indeed, countries like my own, whose livelihood is very closely linked to the sometimes capricious change of seasons, cannot fail to be concerned over the dangerously restrictive terms contained in that article. What is the meaning of requesting prohibition of environmental modification techniques only when they have widespread, long-lasting or severe effects? In my country the rainy season lasts only three months,

The long and arduous debates that have taken place here have fortunately given us some solace, and the amendments submitted by our colleague from Nigeria contributed certain elements to draft resolution A/C.1/31/L.5/Rev.3 which rendered it acceptable to us; that is why my delegation voted in favour of it.

In fact, in our view, the tenth preambular paragraph takes into account the major concerns of countries like my own, and operative paragraph 1 gives States a chance first to examine and adopt this draft convention, and then, if they deem it appropriate, to sign and ratify it.

It was in that spirit that my delegation felt it necessary to vote in favour of that draft resolution so as to avoid having to refer this agenda item of our Committee back to the CCD.

The CHAIRMAN: The First Committee has thus concluded its consideration of the resolution just adopted (A/C.1/31/L.5/Rev.3).

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

Mr. PASTINEN (Finland): I wish to raise a point of order under rules 128 and 131 of the rules of procedure of the General Assembly. I do so, I believe, on behalf of the sponsors of the resolution (A/C.1/31/L.5/Rev.3) just adopted by the Committee; and because it was adopted by 89 delegations voting here, I believe that the clarification I am seeking is also addressed to you, Sir, on their behalf.

The point I want to have clarified is the following. Before the voting began a moment ago on the matter of priority, you, Sir, referred to rule 131, the last sentence of which reads:

"The committee may, after each vote on a proposal, decide whether to vote on the next proposal."

Now, the next proposal, in this instance, is that contained in document A/C.1/31/L.4/Rev.1. I would seek clarification on whether, in view of the vote and the decision just taken by this First Committee on the draft resolution (A/C.1/31/L.5/Rev.3) it is your intention to put draft resolution A/C.1/31/L.4/Rev.1 to the vote or not.

The CHAIRMAN: May I ask the representative of Finland whether he is making a formal proposal that, in view of the adoption of the resolution contained in document A/C.1/31/L.5/Rev.3 relating to the same item on the agenda, the Committee not proceed to the vote on the draft resolution contained in document A/C.1/31/L.4/Rev.1?

Mr. PASTINEN (Finland): I was planning, if necessary, to make such a proposal in due course. But before I make that proposal, I would like to appeal to the representative of Mexico, if it is his intention still to press his draft resolution (A/C.1/31/L.4/Rev.1) to the vote -- and this is the same appeal that was made earlier on by the representatives of Nigeria and India and repeated again this morning -- to desist from such action, since it would seem to my delegation and, I believe, to the sponsors of resolution A/C.1/31/L.5/Rev.3 that after the adoption of that resolution by 89

(Mr. Pastinen, Finland)

members of this Committee, it would be anomalous to vote on another draft resolution on the same subject.

I hope that this explanation has made my position clear. As I said and as I repeat, I am prepared to make a formal motion if it becomes necessary. I hope it will not.

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

Mr. MISHRA (India): I should like to support the appeal made by the representative of Finland, but more specifically to say that, in our view, there is a contradiction between the draft resolution just approved by the Committee and draft resolution A/C.1/31/L.4/Rev.1.

I ask representatives to take note that in operative paragraph 2 of draft resolution A/C.1/31/L.5/Rev.3 we request the Secretary-General to open the Convention for signature and ratification at the earliest possible date. On the other hand, in draft resolution A/C.1/31/L.4/Rev.1 the proposal is to invite all Member States to communicate to the Secretary-General their views and suggestions on this question before 30 June 1977. So, in fact, in that proposal we would be laying down a time-limite and that would make a contradiction between the resolution we have adopted and the proposal which is now before the Committee.

In view of this, we would like to appeal to the sponsors of draft resolution A/C.1/31/L.4/Rev.1 not to press their draft resolution to a vote and avoid creating confusion. The creation of confusion is not the intention, I grant, but would be the result. Therefore, I join in the appeal.

If the appeal is not accepted, then we would also move, under rule 131, that the Committee decide not to consider draft resolution A/C.1/31/L.4/Rev.1.

The CHAIRMAN: Two delegations have thus made an appeal to the sponsors of draft resolution A/C.1/31/L.4/Rev.1 and have also voiced their hope that their appeal will receive a positive response; but if that should not be the case, they ask that, under rule 131, the Committee take a decision not to proceed with the consideration of draft resolution A/C.1/31/L.4/Rev.1.

Before proceeding further, I would ask the representative of Mexico to make his position known.

Mr. MARIN BOSCH (Mexico) (interpretation from Spanish): This has been a most curious morning, and my delegation is very happy to note that lunchtime is close so that we can think of other things.

So far as I can recall, what we decided during the procedural vote was to invert the order; but there was no clarification to the effect that if we changed the order an appeal would then be issued to the sponsors. I am surprised that appeals have been made to the sponsors of draft resolution A/C.1/31/L.4/Rev.1, and made so repeatedly.

The First Committee has two drafts before it. The First Committee, and it alone, must decide what should be done with those drafts. The sponsors have made their position very clear with regard to document A/C.1/31/L.4/Rev.1. And if an effort is being made to interpret draft resolutions A/C.1/31/L.4/Rev.1 and A/C.1/31/L.5/Rev.3 as mutually exclusive, that is to say, contradictory, by adducing arguments such as that just put forward by the representative of India, then I would ask him to bear the following in mind.

In the draft resolution just adopted by the Committee, the draft is referred to "all States for their consideration"; and one way of examining that draft is the procedure suggested in draft resolution A/C.1/31/L.4/Rev.1. It is true that we request the Secretary-General "to open the draft for signature and ratification at the earliest possible date". But that "earliest possible date" could be tomorrow morning, 1 July 1977 or in September next.

In the light of the foregoing, the Committee will have to decide what it wants to do with draft resolution A/C.1/31/L.4/Rev.1.

The CHAIRMAN: My understanding of the situation is -- and I stand to be corrected by the representative of Mexico -- that Mexico does not intend to withdraw draft resolution A/C.1/31/L.4/Rev.1. I will therefore have to ask the Committee for a decision, in accordance with the proposal made by Finland and India, on how we should proceed.

The representatives of Finland and India have proposed that, in case the sponsors of the draft resolution contained in document A/C.1/31/L.4/Rev.1 did not heed their appeal to withdraw their draft resolution, the Committee should take a decision on the matter.

(The Chairman)

Therefore, I must put to the vote the proposal made by the two delegations that I have just mentioned, namely, that the Committee not put to a vote the draft resolution contained in document A/C.1/31/L.4/Rev.1 which pertains to the same item as draft resolution A/C.1/31/L.5/Rev.3 which has just been adopted.

I call on the representative of Saudi Arabia on a point of order.

Mr. AL NUWAISSEER (Saudi Arabia): Does not the statement of the representatives of Finland and India remind you, Mr. Chairman, of the motion made yesterday by the representative of Mexico about which we heard some arguments this morning?

As I understand it, the representatives of Finland and India said they would make a formal motion, if the representative of Mexico and the other sponsors of draft resolution A/C.1/31/L.4/Rev.1 did not withdraw their resolution, and would ask to have that motion put to a vote. That reminds me of the similar statement made yesterday by the representative of Mexico regarding priority for draft resolutions and rejected by you, Mr. Chairman. That is what I mean.

The CHAIRMAN: I did not reject it. The situation was different. My understanding -- and I stand to be corrected by the representative of Finland or India -- was that they had formulated their statement in such a way as to appeal to the sponsors of draft resolution A/C.1/31/L.4/Rev.1, but that, at the same time, if that appeal was not heeded they would put forward a motion to put the matter to the Committee for a decision.

In view of the point raised by the representative of Saudi Arabia, who questions my understanding, I request the representatives of Finland and India to make their position clear.

Mr. PASTINEN (Finland): Mr. Chairman, your understanding is entirely correct.

Mr. MISHRA (India): I feel that the representative of Finland has answered for both of us; however, since it seems necessary, I should like to recall that I quoted a specific rule and asked for a decision on the basis of that rule.

The CHAIRMAN: Accordingly, I put to the Committee for a decision the proposal made by the representative of Finland, supported by the representative of India, to the effect that the Committee take no further action on the draft resolution contained in document A/C.1/31/L.4/Rev.1. A recorded vote has been requested.

Mr. PALMA (Peru) (interpretation from Spanish): I wish to speak on a point of order.

The CHAIRMAN: I shall call on the representative of Peru when the voting has been concluded.

A recorded vote was taken.

In favour: Afghanistan, Austria, Belgium, Bhutan, Bolivia, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Canada, Central African Republic, Colombia, Cuba, Czechoslovakia, Denmark, Equatorial Guinea, Ethiopia, Finland, German Democratic Republic; Germany, Federal Republic of; Ghana, Hungary, Iceland, India, Iran, Italy, Japan, Jordan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Madagascar, Mongolia, Mozambique, Nepal, Netherlands, Nigeria, Norway, Philippines, Poland, Swaziland, Syrian Arab Republic, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Zaire

Against: Algeria, Argentina, Benin, Burundi, Chile, China, Costa Rica, Cyprus, Dominican Republic, Ecuador, France, Grenada, Israel, Jamaica, Kenya, Kuwait, Luxembourg, Malaysia, Malta, Mauritania, Mexico, Morocco, Nicaragua, Panama, Paraguay, Peru, Romania, Rwanda, Saudi Arabia, Singapore, Spain, Surinam, Thailand, Togo, Trinidad and Tobago, United Arab Emirates, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Zambia

Abstaining: Australia, Bahrain, Bangladesh, Botswana, Burma, Chad, Congo, Democratic Yemen, Egypt, El Salvador, Fiji, Gabon, Greece, Guyana, Indonesia, Iraq, Ireland, Ivory Coast, Libyan Arab Republic, Malawi, Mali, New Zealand, Niger, Oman, Pakistan, Portugal, Qatar, Senegal, Sierra Leone, Somalia, Sri Lanka, Sudan, Sweden, Tunisia, Yugoslavia.

The motion was adopted by 49 votes to 42, with 35 abstentions.

The CHAIRMAN: The Committee will, therefore, not give further consideration to the draft resolution in document A/C.1/31/L.4/Rev.1.

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

Mr. PALMA (Peru) (interpretation from Spanish): My point of order is somewhat belated now. My delegation, and perhaps many other delegations, should have liked the necessary clarification regarding the vote, so that it could be understood that delegations in favour of having draft resolution A/C.1/31/L.4/Rev.1 put to the vote would have voted "yes" and those that did not want it to be put to the vote would have voted "no". However, the vote has already taken place and I regret that the confusion did arise.

The CHAIRMAN: I do not think that there was any confusion. We voted on the motion of the representatives of Finland and India, which was that the Committee take no further action on the draft resolution in document A/C.1/31/L.4/Rev.1. Those who voted "yes" voted for the motion of the representatives of Finland and India and not for the draft resolution. I believe that the result of the vote reflects the positions of the respective delegations.

We have thus concluded consideration of agenda item 45, entitled "Convention on the Prohibition of Military or any Other Hostile Use of Environmental Modification Techniques".

Before adjourning the meeting, I should like to announce that Nicaragua and Panama have become sponsors of the draft resolution in document A/C.1/31/L.33.

The meeting rose at 1.05 p.m.