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DISARMAMENT COMMISSION

VERBATIM RECORD OF THE FIFTY-FOURTH MEETING

Held at Headquarters, New York,
on Friday, 5 June 1981, at 3 p.m.

Chairman:

Mr. MICHAELSEN

(Denmark)

Agenda item 4: (continued)

- (a) Consideration of various aspects of the arms race, particularly the nuclear arms race and nuclear disarmament, in order to expedite negotiations aimed at effective elimination of the danger of nuclear war
- (b) Consideration of the agenda items contained in section II of resolution 33/71 H, with the aim of elaborating, within the framework and in accordance with the priorities established at the tenth special session, a general approach to negotiations on nuclear and conventional disarmament

Agenda item 5: (continued)

Reduction of military budgets:

- (a) Harmonization of views on concrete steps to be undertaken by States regarding a gradual agreed reduction of military budgets and reallocation of resources now being used for military purposes to economic and social development, particularly for the benefit of the developing countries, noting the relevant resolutions of the General Assembly

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- (b) Examination and identification of effective ways and means of achieving agreements to freeze, reduce or otherwise restrain in a balanced manner, military expenditures, including adequate measures of verification satisfactory to all parties concerned, taking into account the provisions of General Assembly resolutions 34/83 F and 35/142 A and, in particular, to identify and elaborate on the principles which should govern further actions of States in the field of the freezing and reduction of military expenditures, keeping in mind the possibility of embodying such principles into a suitable document at an appropriate stage

Agenda item 6: (continued)

Elaboration of the general approach to the study on all aspects of the conventional arms race and on disarmament relating to conventional weapons and armed forces, as well as its structure and scope

Agenda item 9: (continued)

Letter dated 8 March 1979 from the Chairman of the Special Committee against Apartheid addressed to the Secretary-General

Adoption of the report of the Disarmament Commission to the General Assembly at its thirty-sixth session

The meeting was called to order at 5.25 p.m.

AGENDA ITEM 4 (continued)

- (a) CONSIDERATION OF VARIOUS ASPECTS OF THE ARMS RACE, PARTICULARLY THE NUCLEAR--ARMS RACE AND NUCLEAR DISARMAMENT, IN ORDER TO EXPEDITE NEGOTIATIONS AIMED AT EFFECTIVE ELIMINATION OF THE DANGER OF NUCLEAR WAR
- (b) CONSIDERATION OF THE AGENDA ITEMS CONTAINED IN SECTION II OF RESOLUTION 33/71 H, WITH THE AIM OF ELABORATING, WITHIN THE FRAMEWORK AND IN ACCORDANCE WITH THE PRIORITIES ESTABLISHED AT THE TENTH SPECIAL SESSION, A GENERAL APPROACH TO NEGOTIATIONS ON NUCLEAR AND CONVENTIONAL DISARMAMENT

AGENDA ITEM 5 (continued)

REDUCTION OF MILITARY BUDGETS:

- (a) HARMONIZATION OF VIEWS ON CONCRETE STEPS TO BE UNDERTAKEN BY STATES REGARDING A GRADUAL AGREED REDUCTION OF MILITARY BUDGETS AND REALLOCATION OF RESOURCES NOW BEING USED FOR MILITARY PURPOSES TO ECONOMIC AND SOCIAL DEVELOPMENT, PARTICULARLY FOR THE BENEFIT OF THE DEVELOPING COUNTRIES, NOTING THE RELEVANT RESOLUTIONS OF THE GENERAL ASSEMBLY
- (b) EXAMINATION AND IDENTIFICATION OF EFFECTIVE WAYS AND MEANS OF ACHIEVING AGREEMENTS TO FREEZE, REDUCE OR OTHERWISE RESTRAIN IN A BALANCED MANNER, MILITARY EXPENDITURES, INCLUDING ADEQUATE MEASURES OF VERIFICATION SATISFACTORY TO ALL PARTIES CONCERNED, TAKING INTO ACCOUNT THE PROVISIONS OF GENERAL ASSEMBLY RESOLUTIONS 34/83 F AND 35/142 A AND, IN PARTICULAR, TO IDENTIFY AND ELABORATE ON THE PRINCIPLES WHICH SHOULD GOVERN FURTHER ACTIONS OF STATES IN THE FIELD OF THE FREEZING AND REDUCTION OF MILITARY EXPENDITURES, KEEPING IN MIND THE POSSIBILITY OF EMBODYING SUCH PRINCIPLES INTO A SUITABLE DOCUMENT AT AN APPROPRIATE STAGE

AGENDA ITEM 6 (continued)

ELABORATION OF THE GENERAL APPROACH TO THE STUDY ON ALL ASPECTS OF THE CONVENTIONAL ARMS RACE AND ON DISARMAMENT RELATING TO CONVENTIONAL WEAPONS AND ARMED FORCES, AS WELL AS ITS STRUCTURE AND SCOPE

AGENDA ITEM 9 (continued)

LETTER DATED 8 MARCH 1979 FROM THE CHAIRMAN OF THE SPECIAL COMMITTEE AGAINST APARTHEID ADDRESSED TO THE SECRETARY-GENERAL (A/CN.10/4)

The PRESIDENT: This morning the Commission adopted the procedural part of its report contained in document A/CN.10/CRP.13 and the recommendations on agenda item 7 contained in document A/CN.10/CRP.16.

As I indicated this morning, this afternoon should be devoted to dealing with the remaining parts of the report of the Commission, namely the recommendations contained in the other working papers I mentioned this morning. I propose that we start by considering the recommendations on agenda item 5 (a) and (b) contained in document A/CN.10/CRP.14. I now call upon the Chairman of Working Group I and Rapporteur of our Commission.

Mr. MAHMOUD (Egypt), Chairman of Working Group I: It is my pleasant duty to report to the Disarmament Commission on the outcome and final results of the deliberations and negotiations of Working Group I, which was entrusted with dealing with agenda item 5 (a) and (b).

The Working Group held three meetings. It devoted one meeting to an informal general exchange of views, after which the Group requested the Chairman to prepare a background paper on some of the proposed principles and ideas which should govern further actions of States in the field of freezing and reduction of military expenditures. The background paper was compiled and presented to the Working Group and was based mainly on some of the principles and ideas inherent in the replies received from Governments and contained in the report of the Secretary-General in document A/CN.10/23/Add.1 2 and 3.

(Mr. Mahmoud, Chairman, Working
Group I)

The background paper was also based on some of the principles highlighted in the general exchange of views held by the Working Group, on the written proposals presented by some delegations to the Chairman and, finally, on the joint Romanian-Swedish working paper, document A/CN.10/26.

The Working Group agreed to permit the Chairman to conduct informal consultations with an open-ended group of friends of the Chairman to attempt to edit the background paper and avoid repetition of some of the principles and ideas.

This was done, and I note here the impeccable efforts made by almost everyone present in the group of the friends of the Chairman and the valuable assistance they have given to me.

Although the Chairman stated that this background paper was not exhaustive, conclusive or definitive, that the listing of the principles was not done on a priority basis and that some delegations had expressed reservations about and disagreement with some of the principles and ideas contained therein and with the fact that these principles and ideas should be considered in their relationship with each other, the discussions and negotiations revealed that no agreement could be reached at this stage on the content of the background paper.

(Mr. Mahmoud, Chairman,
Working Group I)

There was general agreement, however, on annexing that background paper to the report of our Working Group to the Disarmament Commission. The final outcome of our deliberations is made explicit in paragraphs 4 to 6.

The Working Group encountered the problem of lack of time and I should note that our meetings took place at the same time as those of other groups on other agenda items, in addition to the meetings of the Ad Hoc Committee on the Indian Ocean. However, I must note that the members of the Working Group spared no effort to assist the Chairman, and our binding common denominator was assurance and determination to discharge our mandate and arrive at a successful conclusion of our work.

I seize this opportunity to extend my appreciation to the secretariat of the Commission, to the Secretary of the Working Group and to the Centre for Disarmament for their relentless efforts and zeal. I also take this opportunity to extend to the members of the Commission, and particularly to the members of the Working Group, my personal gratitude and my profound appreciation of the honour they have bestowed upon me to preside over Working Group I. Without their valuable assistance it would have been difficult, if not impossible, to conclude our work.

Before concluding, the Working Group decided yesterday to include an additional paragraph on page 2, paragraph 7, which reads:

"In the light of its consideration of agenda item 5 (a) and (b) reflected in the present report, the Disarmament Commission recommends that the General Assembly, at its thirty-sixth session, after examining the item "Reduction of military budgets", request the Disarmament Commission to continue at its next substantive session the consideration of this agenda item, including consideration of the background paper, as well as other proposals and ideas on this subject-matter, with a view to identifying and elaborating on the principles which should govern further actions of States in the field of freezing and reduction of military expenditures, keeping in mind the possibility of embodying such principles in a suitable document at an appropriate stage."

(Mr. Mahmoud, Chairman,
Working Group I)

For technical reasons, this paragraph was not included, but I wish to request its inclusion in our report to the thirty-sixth session of the General Assembly, in accordance with the decision of the Working Group yesterday.

The CHAIRMAN: Does any delegation wish to comment on the report contained in A/CN.10/CRP.14, with the addition you have just heard read out by the Rapporteur?

May I take this silence to mean that the Commission adopts the report on item 5 (a) and (b) as amended?

The report of Working Group I (A/CN.10/CRP.04) was adopted.

Mr. DIACONU (Romania) (interpretation from French): After the adoption of the report which we understand will be part of the report of the Commission to the General Assembly and which, if I have understood correctly, will contain a paragraph 7 consisting of the text read out by our Rapporteur, I should like to state that yesterday in the Working Group the Romanian delegation requested the inclusion of other texts in the report of the Commission addressed to the General Assembly. These were texts concerning the general debate in the Commission on the question of military budgets, as well as texts presenting the substance of the Romanian-Swedish document, which was the only one presented to the Commission in this regard. We submitted those texts to the Secretariat and we would have expected them to have been included in the report presented by our Rapporteur, or issued in some other form, and presented to the Commission today, just as we would have expected that the text for paragraph 7 which has just been read out by the Rapporteur could have been issued, like all the other texts, and submitted here in writing, particularly because it was the subject of an agreement in the Working Group.

There is another question which greatly disturbs us. We would have expected the report to have a clearly defined structure which we could all follow from the outset, and we regret the way in which the report is made up. I use the present tense because the final form of the report, its final configuration, is not yet clear to us. There is no clear concept guiding our work in the

(Mr. Diaconu, Romania)

preparation of this report. We do not know what the subheadings and the chapter headings in the report are going to be. How is it going to be drawn up and presented to the General Assembly? Are we using the report of last year as a model or not? We are not sure. We are not clear as to the shape of the report as a whole. We do, of course, reserve the right to give our view when we have the report as a whole before us, but in view of the lateness of the hour we are not going to insist at this stage that the texts I referred to be included in the report, even though they could have provided a useful additional information for the General Assembly. We should at least like to know why these texts, which we referred to yesterday and which we ourselves drafted - without any obligation to do so, because it is not our job to draft the Commission's report - could not have been issued and been before the Commission today.

The CHAIRMAN: I call on the Secretary of the Commission.

Mr. ALEM (Secretary, Disarmament Commission): The recommendations on item 5 (a) and (b) regarding the freezing and reduction of military budgets will be included in section IV of the report which, of course, because of the shortage of time, we have not had the opportunity to put together in a consolidated document to be submitted to the Commission. There are texts which are still in preparation and there is one drafting group which was meeting until a few moments ago. Therefore the final structure of the report could not really be crystallized and finalized before this meeting. However, it has been a practice in the past to present reports or recommendations on various items separately, in separate documents, or in conference room papers, as is the case today. Those recommendations, and in particular the recommendations on item 5 (a) and (b), as well as recommendations on many other items before the Commission will be included in section IV under the title "Recommendations".

(Mr. Alem, Secretary, Disarmament
Commission)

As for those texts or sections of the report, which have not been distributed, the Secretariat usually receives from the Chairmen of the Working Groups all the texts or recommendations which are to be included in the report. Members of the Commission, needless to say, are free to submit anything to the Commission and the Commission is free to adopt it and add it to the report.

The CHAIRMAN: We now come to the recommendations on item 6, contained in document A/CN.10/CRP.15. I call on the Chairman of Working Group II.

Mr. HEPBURN (Bahamas), Chairman, Working Group II: First, I should like to reiterate the thanks that I have expressed to the members of the Working Group for the support they gave me in the execution of my duties as Chairman of Working Group II, dealing with the mandate given to us in General Assembly resolution 35/156 A of 12 December 1980, requesting the Disarmament Commission to work out the general approach to and structure and scope of the study on conventional disarmament.

I should also like to thank the Secretariat staff for the invaluable help they have given in making all of this possible.

The Working Group, under my chairmanship, held six meetings between 28 May and 5 June. The paper that was prepared by the Chairman at the request of the members of the Working Group to synthesize the many invaluable views presented in the papers and the statements was presented to the Group and, despite the fact that a consensus was not reached on the document, the members of the Working Group decided to adopt the following recommendation on item 6, which will appear in paragraph 6 of document A/CN.10/CRP/15:

"The intensive discussions and consultations revealed a significant divergence of views on the matters before the Commission on this item and it became clear that it was not possible at this stage for the Commission to discharge the responsibility assigned to it by the General Assembly in resolution 35/156 A. In the circumstances some delegations expressed the desire for further time to consider the nature of the study, particularly in the light of the valuable discussions which had taken place. Some other delegations expressed their readiness to accept the Chairman's paper as a mandate for the study. The Commission therefore decided to recommend Member States to give the matter further consideration in the light of all the papers presented to the Working Group, with the aim of reconciling the differences of views."

(Mr. Hepburn, Chairman, Working Group II)

Finally, I should like to point out that at the end of paragraph 5 there should appear the following additional sentence:

"At its 5th meeting on 5 June, the Chairman submitted a revised paper, A/CN.10/81/WG.II/CRP.2/Rev.1."

The texts of both papers will be annexed.

The CHAIRMAN: Does any delegation wish to comment on the report just given by the Chairman of Working Group II?

May I take it that the Commission wishes to adopt the report with the amendments as presented?

The report of Working Group II (A/CN.10/CRP.15) was adopted.

The CHAIRMAN: I should like to inform members that consultations are taking place at this time on agenda item 4. I would therefore propose that we suspend our meeting, which would also give the Secretariat time to distribute the conference room paper on agenda item 9.

The meeting was suspended at 5.50 p.m. and resumed at 7.05 p.m.

The CHAIRMAN: We shall now continue the discussion of the draft report. We shall begin with document A/CN.10/CRP.17 concerning agenda item 4 (a) and (b).

Before we begin the discussion, I should like to inform members that there are some changes to be made to the document as it has been distributed. A final meeting of the drafting group has taken place to resolve some outstanding issues and document A/CN.10/CRP.17 should therefore be amended as follows.

In paragraph 6, the third line, the word "appropriate" should be inserted after the words "should give", so that it would read "should give appropriate effective assurances to non-nuclear-weapon States ...". The rest of the paragraph would remain unchanged.

In paragraph 11, second sentence, the words "In the meantime the" at the beginning of the sentence should be replaced by the word "Another". Paragraph 12 contains two parts in brackets. Everything in brackets should be deleted and replaced by the following:

"The Commission expressed the view that the Committee on Disarmament, in conformity with its mandate, should fully discharge its responsibilities in order to promote rapid progress on all items on its agenda, paying due regard to the priorities set out in the relevant paragraphs of the Final Document."

Those amendments have been worked out after intensive discussions and much compromise by all concerned. As Chairman of the Committee of the Whole and of the Commission, I earnestly recommend them for the Commission's approval.

Mr. FLOWERREE (United States of America): My delegation participated in the drafting group working on the production of the recommendations on agenda items 4 (a) and 4 (b). I would say that there was a great deal of of willingness to compromise and to take into account the views of other delegations. Nevertheless, the document which emerged is not one which my Government is currently prepared to accept.

However, in view of the fact that this document is, or appears to be, acceptable to all other delegations, unless we hear otherwise, we would not wish to break the consensus, and therefore would accept its inclusion in the final report provided the following reservation is also included: I will read the reservation and then ask respectfully that it be included in the final report to follow the recommendations that we have before us in document CRP.17. The reservation is as follows:

"The United States delegation reserved its position on the recommendations in the foregoing paragraphs. It noted that they were derived from a working paper introduced only in the closing days of the session. Further, it believed that the deliberations of the Commission on item 4 of its agenda were insufficiently detailed to permit the development of considered judgements on the important and complicated issues covered by this item."

That is the end of the text that I would like to have inserted; if the Chairman would agree, I can provide a copy to the Secretary of the Commission.

The CHAIRMAN: Does any other delegation wish to comment on the report and on the reservation made by the representative of the United States?

Mr. YANG (China) (interpretation from Chinese): First of all, I should like to make some brief comments on the suggestion presented on this item, which has been given to us on rather short notice. Consequently,

(Mr. Yang, China)

we did not have enough time to look at it closely. However, we can make some preliminary comments on it.

In our view, after efforts made by many countries, this Disarmament Commission, in order to promote nuclear disarmament, has drafted these suggestions. The draft itself includes many positive elements. The Chinese delegation appreciates those efforts and supports them. At the same time, we should like to point out that there are various paragraphs in the recommendation - for example, paragraph 8, with regard to the increase in military expenditures - in which it is unclear where the main responsibility lies. We think the States should assume the main responsibility in that regard. That point has not been made clear. According to that paragraph, it seems that the constant increase in military expenditures and the responsibility for it is a question on which we hold a different view.

In our view, the two super-Powers, possessing as they do the largest nuclear arsenals and conventional weapons arsenals, must consequently assume the main responsibility for the increase in military expenditures. We feel that this paragraph could be greatly improved.

However, in view of the fact that time is short, the Chinese delegation, in a spirit of compromise, does not request a specific revision. At the appropriate time, we should like to present our position and ask that it be reflected in the official records.

The CHAIRMAN: May I then take it that the report and the statement made by the representative of the United States is accepted by the Commission?

The report (A/CN.10/CRP.17) as amended was adopted.

The CHAIRMAN: We now come to consideration of Conference Room Paper 18 concerning agenda item 9. Before we begin consideration of that paper, I should like to inform the Commission that there is a minor change in the text that has been distributed: the end of the last sentence, page 1, paragraph 4, should read "the collective aspiration of the African countries to realize the denuclearization of Africa".

Does any delegation wish to comment on CRP.18?

Mr. FLOWERREE (United States of America): In connexion with the recommendations on item 9, my delegation would like to make several comments. But to begin with, may I reiterate that there should be no doubts whatsoever as to the repugnance which my Government feels towards the policy of apartheid practised in South Africa. In that, it shares the views of all the other Members of the United Nations.

My delegation participated actively in the working group discussion which took place on the document submitted by some non-aligned countries, contained in document A/CN.10/30.

(Mr. Flowerree, United States)

This document was intended to serve as the section of the report of the United Nations Disarmament Commission on its discussions on item 9 of the agenda. It is with great regret that upon detailed consideration of the document as amended by the Working Group, and now before us in document A/CN.10/CRP.18, my delegation cannot associate itself with any consensus based on this document. This decision is not one which the United States delegation has taken lightly.

I should now like to explain some of the considerations that lie behind it. The first problem is one of procedure. The document was submitted to us very late in our work. Had it been the intention of the delegations that submitted it that it form the basis for our report, then it should have been submitted much earlier to allow my delegation and others the time to consider it adequately. The issues raised are indeed important, and we should have had more time to consider those issues.

As to paragraph 2, the threat to peace and security to which it refers is one which, in the opinion of my delegation, it is within the competence of the Security Council alone to consider.

As to paragraph 3, my delegation cannot accept that two events took place - in 1977 and 1979. The only event that took place was in 1979, and it has never been established that it was a nuclear event, let alone that it was an event that had anything to do with South Africa. There simply was no event in 1977. Since the United States is a country which since 1975 has refused to authorize nuclear exports to South Africa, it cannot accept any implication that it is among the countries referred to.

In reference to paragraph 5, my delegation feels that it treats matters that are better dealt with in forums other than the Disarmament Commission, which is, after all, a deliberative body devoted to the discussion of arms control and disarmament. There exist other forums in the United Nations in which issues such as this can be more legitimately treated.

(Mr. Flowerree, United States)

In connexion with paragraph 6, my delegation repeats that it has not allowed nuclear exports to South Africa since 1975. Nevertheless, in connexion with the observations made in paragraphs 6 and 7, it remains the position of the United States that all States have the right to develop nuclear energy for the peaceful advancement of their people and for their use. In this connexion, we feel it necessary to express our disappointment that during the discussion of this paragraph the Working Group was unable even to agree on a request that South Africa should sign the Non-Proliferation Treaty - a Treaty of which my Government is a depositary and to which we attach great importance.

We find the attitude of refusing to accede to such a request more than somewhat strange. We wish to reiterate the hopes of the United States Government that South Africa, like all other non-signatories, will adhere to the Non-Proliferation Treaty and will place its nuclear facilities under International Atomic Energy Agency (IAEA) safeguards.

It is with regret that I am obliged to state that my delegation cannot join a consensus on document A/CN.10/30, as amended. At this point, and to save time, may I suggest that the Commission consider adopting the following language for our report on this item. I will now read the language which my delegation would propose :

"The United Nations Disarmament Commission discussed the question contained in item 9 of its agenda. There was no disagreement expressed over the evil of apartheid. Differing views were expressed on the evidence concerning South Africa's nuclear capability. Differing views were also expressed on the best way to prevent the development of a South African nuclear capability, which all acknowledged would be a danger to world peace. Some delegations mentioned that South Africa should adhere to the NPT; others said that, alternatively, it should accept full-scope IAEA safeguards on all its nuclear facilities. A group of non-aligned countries introduced a working paper (A/CN.10/30)."

That would be the proposal by my delegation for the report on this item of our agenda.

The CHAIRMAN: Does any delegation want to comment on the item contained in the conference room paper or on the statement made by the representative of the United States?

Mr. PFEIFFER (Federal Republic of Germany): My delegation was one of those which participated in the drafting group that produced document A/CN.10/CRP.18, which is now before us. That paper, while containing several parts which reflect position held by my Government, also contains texts to which my Government cannot subscribe. I should like to stress that my Government unequivocally agrees with the statement in paragraph 5 that:

"the acquisition of armaments technology by racist régimes, as well as their possible acquisition of nuclear weapons, presents a challenging and increasingly dangerous obstacle to a world community faced with the urgent need to disarm."

My delegation and others have shown considerable will to reach a compromise during our protracted negotiations on several controversial issues. Yet, owing to the unfortunate circumstances that the working paper A/CN.10/30 was made available to many delegations only three days before the conclusion of this session, the time available to the drafting group was not sufficient for it to come to a satisfactory agreement on some important questions.

My delegation regrets this state of affairs, in particular as it believes that, had we had some more time to deal with these complex issues, agreement could have been reached. As it stands now, however, my delegation is not in a position to join a consensus on the paper.

There remain serious deficiencies which we have not been able to remedy during our negotiations. In this connexion, I should like in particular to point to the second sentence in paragraph 2 of the paper before us. Such a statement as is contained in this text is clearly the prerogative of the Security Council.

(Mr. Pfeiffer, Federal
Republic of Germany)

The Disarmament Commission, as a deliberative organ, would in our opinion go far beyond its tasks as set forth in paragraph 118 of the Final Document if it were to adopt such a wording.

I should also like to point out that the language used in paragraph 6 is ambiguous and unclear.

We further regret that the paper makes no clear mention of the Treaty on the Non-Proliferation of Nuclear Weapons, which has been acceded to by the great majority of States Members of the United Nations.

I should like to stress once again that it is the conviction of my delegation that if we were given another day or two, agreement on a text that would have been acceptable to all could possibly have been reached. As it is presented to us now, however, my delegation regrets that it cannot associate itself with a consensus.

We have another proposal before us, which has just been distributed by the delegation of the United States. In our opinion, it reflects, in a factual way the proceedings and deliberations on item 9 and I think it would be a good basis for arriving at a consensus. I give it my support.

Mr. PEREZ NOVOA (Cuba) (interpretation from Spanish): For two days now the Working Group has conducted lengthy negotiations, seeking language, seeking a draft that would yield a consensus document - a consensus that is rather difficult to reach, a consensus which, we feel, involves not a question of time but one of substance.

Where South Africa is concerned, where the policy of apartheid is concerned, where the current régime in South Africa and everything it represents is concerned, it is true that there are different views and attitudes, so much so that in numerous United Nations resolutions and in numerous forums of the United Nations we are called upon to examine and discuss and consider why that régime continues to grow strong, continues to pose a threat to Africa, continues in its policy of apartheid, continues in its dominance over Namibia, continues in its acts of aggression against the front-line States.

(Mr. Perez Novoa, Cuba)

If there were agreement about the danger of apartheid and the South African régime, we should clearly have little to discuss and differences of opinion would really be reduced to matters of nuance.

I repeat that on this issue we are not facing problems of time or problems of nuance; we are facing serious substantive problems, on substantive issues that have been raised in many forums and which have been clearly defined in recent months in meetings of the Security Council. It is very difficult to arrive at a consensus when we consider what South Africa represents in the way of a danger to the security of Africa and particularly at this juncture, as can be seen from the report of the seminar transmitted by the Special Committee against Apartheid.

It is obvious that differences of opinion exist about another of the various aspects involved, namely South Africa's nuclear capacity and as to how that régime can possess and develop such capacity. It is true that we felt a degree of optimism as the session came to a close. We had the impression that some common ground had been found in view of the favourable views expressed on a consensus document.

We have heard the reservations and the denial of support to the consensus on this document, and that forecloses the possibility of its being embodied in the final report on our work.

For the foregoing reasons, my delegation does not accept the language just offered for inclusion in the report as a true reflection of our work. We feel that that formulation reflects neither the reality of our debate nor the reality of the problem itself.

Mr. MARSHALL (United Kingdom): My delegation would have preferred to have seen a document on this subject, item 9 of the agenda, which could have been accepted by all delegations. Unfortunately the text which has now been circulated in document A/CN.10/CRP.13 presents a number of difficulties to my delegation. In particular, it has been the consistent view of my Government, in regard to the subject matter of paragraph 2, that it is the Security Council alone which can determine the existence of a threat to peace.

Secondly, as regards a point of fact affecting paragraph 3 of this draft, the evidence referred to there is, and is stated to be in the report of the Secretary-General which is quoted in that paragraph, inconclusive; so we do not feel that the facts are in accord with the way the first sentence is drafted.

Thirdly, I should mention the great importance which my Government attaches to the Non-Proliferation Treaty of which we are a depositary Power and we regret that there is no reference to that Treaty in the document that we have before us.

In the light of these considerations and given the pressure of time, which means that we must make a decision on this paper, one way or the other, now, my delegation would like to support the suggestion put forward by the representative of the United States that there should be a statement in the record with a reference to the document which was put forward.

Mr. AYEMAH (Nigeria): My delegation participated in the work of the drafting group on agenda item 9. Eleven other delegations participated in the same working group. My delegation participated in good faith in the work of that group and also believes that other members participated in good faith. The group has produced a consensus document. My delegation accepts it as such.

Mr. STARCEVIC (Yugoslavia): Like the delegation of Nigeria, my delegation also participated in the informal working group that prepared the recommendations on agenda item 9 contained in document A/CN.10/CRP.18. We devoted several meetings of the informal working group to that exercise and we felt satisfied in the end that, after two days of meetings we had been able to produce a consensus document or what before the beginning of this meeting we took to be a consensus document.

Mention was made of the various matters contained in that document on which certain delegations could not agree. I submit that those delegations could well have sought to reach a compromise on those items - as they are presented now - during the deliberations of the informal working group, because all those matters were discussed there and, as we all know, satisfactory solutions were found. That those questions should be raised again, now, as not having been agreed upon is a matter of some surprise to my delegation; but, recognizing fully that every delegation has the right to agree or to disagree with whatever it has previously agreed or disagreed with, my delegation can only regret that what we deemed to be a consensus turns out not to be one now.

The representative of the United States proposed a paragraph to us intended to replace the recommendations that the informal working group submitted. He mentioned that he regretted that the non-aligned group had submitted its paper only three days ago, saying that that was too short a time in which to reach agreement on those matters. Now I ask, how does the representative of the United States expect us to reach agreement on the text that he read out a few minutes ago? Therefore, rather than discussing that particular document or that particular paragraph that he proposed, my delegation wishes to propose the following formulation for our report:

(Mr. Starcevic, Yugoslavia)

"The group of non-aligned countries introduced a working paper (document A/CN.10/30). The informal working group, composed of the representatives of all groups, examined this working paper during several meetings held on 4 and 5 June 1981 and presented the following recommendations on item 9."

Then the full text of document A/CN.10/CRP.18 would be reproduced.

(Mr. Starcevic, Yugoslavia)

After that, the following formulation would be added:

"The delegations of the United States of America and the Federal Republic of Germany stated that they were unable to join the consensus."

My delegation believes that that formulation expresses adequately the outcome of our deliberations in respect of item 9.

Mr. MOUSSAOUI (Algeria) (interpretation from French): I should like to add the following to what has been stated by some of our colleagues. My delegation also participated in the Working Group and we started out - at least some delegations did - with a real will to achieve agreement. I do not believe it is necessary to return to the discussion we had on agenda item 9; nor do I believe it is necessary to return to the ideas that were elaborated on by a great number of delegations. To that large number of delegations who expressed and defended several ideas and supported the document submitted by the non-aligned countries to the Commission as a basic working document we opposed several objections, three of which might be considered to concern substantive problems: first of all, the question of referring the matter to another forum; secondly, the differentiation that should be made between the peaceful use of nuclear energy and its use for military purposes; and, finally, the language of the document, which various delegations have dealt with in different ways.

On that basis, we began negotiations, which were extremely arduous, covering a period of two full days. On several occasions we believed that we had reached the limit in negotiations because we found ourselves faced with a clear refusal to move forward. However, in a spirit of co-operation and compromise we did our utmost, and I think we accepted almost all the demands presented during those two difficult days of negotiations. Consequently, the majority of the objections raised were basically met, apart from the question of referring the matter to another forum. On that point we felt that the explanations we had provided to the other participants in the negotiations were adequate. They were based on the Final Document itself, which calls on the Disarmament Commission to discuss

(Mr. Moussaoui, Algeria)

all issues relating to the relevant provisions of the Final Document, and consequently to paragraph 12, which speaks about the particular danger presented by the possession of nuclear energy used for military purposes by racist régimes.

Therefore, after those difficult negotiations, we thought we had produced a consensus document, a document which fully satisfied my delegation. We supported its becoming a document of the Disarmament Commission. It is clear that, since the consensus did not meet all the concerns of each and every delegation reservations might be made, as is customary in this Commission and elsewhere in commissions and committees of the United Nations, made on any aspect or aspects of the document.

My delegation deeply regrets the way in which opposition to the document has been expressed. Consequently, we cannot respond favourably to the proposal put forward by the representative of the United States, simply because it in no way reflects our work. I think the only way out that is available to us, if we really are in this situation, is that either we adopt the formula that was adopted for item 4 - that is, take the document on which we were able to reach a consensus and add a paragraph to the effect that three delegations expressed reservations or refused to join the consensus; or my delegation could support the proposal made by the representative of Yugoslavia.

The CHAIRMAN: The representative of Yugoslavia has put forward a proposal reflecting the obvious lack of consensus that exists, and this has been supported by the representative of Algeria. May I ask whether this proposal is acceptable to all delegations?

Mr. FLOWERREE (United States of America): Mr. Chairman, if I understand you correctly, you are asking whether the proposal put to us by the representative of Yugoslavia is acceptable to all delegations.

(Mr. Flowerree, United States)

My answer must be no, because I had suggested a different form of wording which contained some reflection of points that we thought should have appeared in the report of the Commission, and these would not be included if we simply said that the delegations of the United States and the Federal Republic of Germany stated that they were unable to join the consensus. I do not think this is an appropriate solution. There are others that come to mind, but I will allow the fertile minds of the Chairman and other members to come up with suggestions which might be capable of bridging the gap between the position of my delegation and that of some of the others that have spoken.

The CHAIRMAN: If it is acceptable to the Commission, I would suggest that we suspend the meeting to try to find a solution on this question:

The meeting was suspended at 8 p.m. and resumed at 9.10 p.m.

The CHAIRMAN: After intensive consultations, in which many suggestions came up and which showed that there were difficulties in finding a solution, the Chairman, taking into account the fact that we have had notice that the conference facilities and the interpreters will be at our disposal until 9.30 p.m. at the very latest, has tried to find a way out of the difficulty in which the Commission finds itself. I will now read out a formulation that I would suggest to enable the Commission to dispose of item 9. The following should be inserted in the report of the Commission:

"The Commission had an extensive discussion of agenda item 9. The non-aligned countries circulated a working paper, document A/CN.10/30, and on the basis of this document an informal working group, with the representation of all groups, produced a working paper, document A/CN.10/CRP.18, but the Commission reached no agreement. Both documents are annexed to this report."

I urge that the Commission at this late stage of our deliberations come to a conclusion so that we can find time finally to adopt our report to the General Assembly. Therefore I would now urge that all delegations accept this outcome in respect of this agenda item. We have done substantial work, but at this time we have to stop the Commission's deliberations for this year. May I take it that this suggestion is accepted?

It was so decided.

Mr. AYEWAH (Nigeria): Without wishing to go back through the process that took place in the small room, I would like to state that the formulation presented by you, Mr. Chairman, still remains unacceptable to my delegation.

Mr. MOUSSAOUI (Algeria) (interpretation from French): Mr. Chairman, despite what you have just announced, my delegation cannot associate itself with that consensus, because it seems insufficient. It would have at least been necessary to explain on what matter the Commission did not arrive at a consensus.

Mr. PEREZ NOVOA (Cuba) (interpretation from Spanish): My delegation supports what has been stated by the delegations of Nigeria and Algeria. We believe that this text does not express the real result of our work, nor is it really a text that provides any idea of the various possibilities that we discussed a while ago.

Moreover, I would point out that the discussion of this topic not having been exhausted, we are not indicating by this language what the Commission will do in order to continue the in-depth examination of the substance of this topic with which we have not finished.

ADOPTION OF THE REPORT OF THE DISARMAMENT COMMISSION TO THE GENERAL ASSEMBLY
AT ITS THIRTY-SIXTH SESSION

The CHAIRMAN: We have now completed consideration of the various documents that will be inserted in the report under the section "Recommendations". On that understanding, may I take it that the draft report is adopted?

The draft report of the Commission was adopted.

The CHAIRMAN: I shall now call on those representatives who wish to make statements, but I must say that we have only a little time. We may not be able to complete the list of speakers, but in that case I understand that the Secretariat will be ready to receive statements which can be published in the verbatim records.

Mr. FLOWERREE (United States of America): I cannot say that I intend to be brief, because that would not be accurate, but I intend to be to the point. Because we have had a discussion in depth of some of the points I was going to touch on, I shall try to skip over some of my statement. If it comes out a little disjointed, I hope the Commission will forgive me.

My delegation regrets to have to say what I think we all must agree on, namely that on the whole this has not been a productive session of the United Nations Disarmament Commission. There are many reasons why that is so, and I should like to return to a discussion of those reasons later in my remarks. I will now pass on to our reaction to each of the agenda items of a substantive nature.

(Mr. Flowerree, United States)

Although there was not much progress on the question of reduction of military budgets, I think we can at least say that the discussion at this session was instructive. Many of the differences of approach to this problem have been clarified during our deliberations. In the view of my delegation, there is no possibility of moving towards general reduction of military outlays until the causes for Governments' spending money on military forces and matériel are eliminated and until there is some way of assuring ourselves that we are dealing with full, accurate and comparable data from different countries. The importance of this latter condition is illustrated by an extraordinary statement made by the representative of the Soviet Union on 21 May. In that statement it was asserted that the Soviet Union's military expenditures have been declining. The United States finds that hard to accept in view of the fact that information in which we have a high degree of confidence shows that the Soviet armed forces have been increasing in size at a rate of 8 or 9 per cent during the past two years and that the introduction of new military weapons, some of them highly sophisticated, has been proceeding at a rapid rate. If, while all this is going on, the Soviet Union is at the same time reducing its military budget, that would be an accomplishment unique in history and, if so, we should have to conclude that the reduction of military budgets is not an effective way of halting the arms race. The more logical conclusion that can be drawn from this example is that greater openness on the part of nations about their military expenditures and a standard reporting format which would permit comparability are essential.

With regard to the study on conventional weapons, it seems strange to us that some countries could not see their way clear to accepting not obligations, but the study of what is a priority item in the special session's Programme of Action. Some delegations have said that, apart from item 4, the other items on our agenda were of low priority. I would call attention to the special position given to conventional weapons in paragraph 45 of the Final Document, which is then followed by a paragraph saying that nothing should preclude States from conducting negotiations on all priority items concurrently.

(Mr. Flowerree, United States)

This view was supported by leaders from different parts of the world, including leaders of non-aligned countries. In the light of this background, it is a pity that some delegations here have not supported this very modest step. Some appear to be very happy to promote reductions of armaments so long as they themselves are not involved.

When we moved on to the other two items, apartheid and item 4 which involves a broad consideration of various aspects of the Build-up of armaments around the world, my delegation had grave concerns of a procedural as well as of a substantive nature. I have already discussed some of the aspects of our objections to the report on item 4, although we did not object to its inclusion in the final report. We have just had a discussion of the apartheid item and I do not think I need to repeat myself on that point.

What I do want to say is that during the discussions on these items we received reports or suggestions from a group of delegations at a late stage in our session. The procedure followed in these instances is in sharp contrast to that followed by those delegations which were most interested in advancing the issues covered in items 5 and 6. Those delegations began in advance of the opening of our session to prepare the ground for discussions and to seek out privately the views of various delegations with a view to gaining as wide support as possible for their initiatives. That is the proper way to deal with these kinds of subjects, especially in a body that acts by consensus. In criticizing the way item 4 has been treated, I am not saying that the United States does not take the subject seriously. In fact, it is precisely because we do take the subject seriously that we object to the last-minute attempt to railroad through the Commission a draft which represents the views of a group of States, but which was never even shown to, let alone discussed with, the delegations having a vital interest in the subject matter before it was submitted.

(Mr. Flowerree, United States)

In addition to containing specific elements that the United States is not now prepared to accept, the text of that document distorts the emphasis in the Commission's report. Nuclear matters receive several paragraphs, while the conventional arms study, one of the principal tasks entrusted to us, is treated in but a few lines.

It is unfortunate for the reputation of this Commission that the session has ended the way it has. Bodies that wish to be taken seriously must behave in a responsible manner. Of course, there are wide divergencies of views among us. If there were not, we would not have to meet except to ratify agreements and heap praise on each other. But there are ways that States that disagree can make their deliberations more profitable. We came prepared to make as constructive a contribution as possible to this session, but that is hard to do when the rules of the game are changed in mid-stream to help meet the political objectives of some.

I cannot conclude without expressing my delegation's warm appreciation to you, Mr. Chairman, for your unfailing patience and devotion to duty during this sometimes trying session. Our best wishes go with you as you move on to new and, perhaps, equally arduous duties.

The CHAIRMAN: Since the interpreters have announced that 9.30 is the ultimate deadline of our session, and since no facilities will be available tomorrow, I propose that the Commission agree that prepared final statements be submitted in written form to the Secretariat, and they will be issued in an appropriate document.

I have on my list the following delegations: Italy, Brazil, India, Spain, United Kingdom, France, Sweden, Federal Republic of Germany, Finland, China, Kenya, USSR, Pakistan, Argentina, Turkey, Algeria, Australia, Sri Lanka, Cuba.

I call upon the representative of Argentina to speak on a point of order.

Mr. ESPECHE GIL (Argentina) (interpretation from Spanish): I apologize for interrupting you, Sir, but I had understood that the Secretariat had been apprised of my intention to intervene in the debate on a matter other than that you have indicated. I wonder if you could confirm this.

The CHAIRMAN: You were not included in the list here. But Argentina's has been inserted into the list of statements which will be issued in an appropriate document.

Mr. ESPECHE GIL (Argentina) (interpretation from Spanish): I would request you to check what I have just said.

The CHAIRMAN: I call upon the Secretary of the Commission.

Mr. ALEM, Secretary, Disarmament Commission: As you have announced, Mr. Chairman, there will be no facilities after 9.30 p.m. for recording or interpretation. Therefore, although I do not know how many times this has been put into practice, the written statements by delegations which are on the list of speakers or which wish to be on the list of speakers, and which signify to the Secretariat before 9.30 p.m. that they wish to be on the list, will be issued in an appropriate document.

The CHAIRMAN: In these last minutes I should like to conclude this session. We have just adopted the report of the Commission to the thirty-sixth session of the General Assembly and thereby concluded this session of the Commission.

(The Chairman)

Part of that report reflects existing differences of opinion on substantive issues on our agenda. At the same time, however, it should be realized and emphasized that, as can be seen from the report, the Commission was able to cover a large number of items during a session one week shorter than the two preceding sessions. Furthermore, it is my feeling that to large extent the Commission has lived up to its responsibility as set out in paragraph 118 of the Final Document to be a deliberative body of the United Nations on disarmament. Never before in the history of this Commission have so many items including those left over from previous sessions, been dealt with in intensive negotiations and fruitful debate. I think none of us could realistically have hoped to be able in three weeks to build bridges between the diverging views on this wide range of controversial issues. But we should note with satisfaction that the discussions we have had have contributed to a better understanding of the various positions of the international community.

Let me finally express my sincere thanks to the members of the Bureau, without whose help my task would have been much more difficult. In particular I want to thank the representative of the Bahamas, Ambassador Hepburn, and our Rapporteur, Mr. Mahmoud Karem, for their intensive efforts as chairmen of the two main working groups. I think we are all very impressed by their hard work and the skilful manner in which they constantly strove to push us all closer to a positive result in our deliberations.

Finally, my thanks should be addressed to the Secretariat and the large staff of conference officers and interpreters who have made this session possible. I thank all the representatives for a constructive and positive session and I declare the third substantive session of the United Nations Disarmament Commission closed.

The meeting rose at 9.30 p.m.