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DISARMAMENT COMMISSION

VERBATIM RECORD OF THE EIGHTH MEETING

Held at Headquarters, New York,
on Tuesday, 12 December 1978, at 3 p.m.

Chairman:

Mr. VELLODI

(India)

- Review of the draft resolutions adopted by the First Committee at the thirty-third session of the General Assembly relating to the Disarmament Commission (concluded)
- Provisional agenda for the session of the Disarmament Commission to be held in May/June 1979 (concluded)

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78-70656

The meeting was called to order at 3.35 p.m.

REVIEW OF THE DRAFT RESOLUTIONS ADOPTED BY THE FIRST COMMITTEE AT THE THIRTY-THIRD SESSION OF THE GENERAL ASSEMBLY RELATING TO THE DISARMAMENT COMMISSION (concluded)

PROVISIONAL AGENDA FOR THE SESSION OF THE DISARMAMENT COMMISSION TO BE HELD IN MAY/JUNE 1979 (concluded)

The CHAIRMAN: The Committee had a lengthy discussion this morning on Conference Room Paper No. 3, but more specifically on the last part -- that is, the portion on page 3 of that document. A number of suggestions and proposals were made, and on one issue, that is the question of priority for the consideration of the elements of the comprehensive programme, I understood from the representative of Mexico that it might be possible for him and the representative of Pakistan to agree on a text. I should like to ask whether either of them has a text to offer as far as that particular part is concerned. Then there is the last paragraph, paragraph 6, on which the representative of Pakistan made specific proposals. The representatives of Yugoslavia and Bulgaria expressed some reservations regarding those proposals.

I think we should go on with our discussion from there. We must complete our work at this meeting.

I would now invite comments and in particular I would ask the representative of Mexico whether he is in a position to make any observations at this stage.

Mr. GARCIA ROBLES (Mexico) (interpretation from Spanish): I have not as yet had an opportunity to talk matters over with the representative of Pakistan, but, judging from what he said this morning, it is my understanding that perhaps the words he wanted to omit were "subject to". On the other hand, he spoke of the possibility of our saying that the Commission reaffirmed the provisions of paragraph 12. If that is so my delegation would have no objection to amending the text I suggested this morning. It could then begin with the reaffirmation proposed by the representative of Pakistan and use language other than "subject to" -- perhaps broader, more flexible language such as, for instance, "in the light of".

I would repeat that I have not had occasion to talk this over with the representative of Pakistan, so what I am about to say is in lieu of a conversation with him. Instead of the text I proposed this morning, we could say the following:

(Mr. Garcia Robles, Mexico)

(spoke in English)

"... wishes to reaffirm the provisions of paragraph 12 of its report to the thirty-third session of the General Assembly by which it was agreed that the consideration of the elements of a comprehensive programme of disarmament should be accorded priority at its session in May/June 1979."

(continued in Spanish)

The words starting with "the consideration of" and ending with "May/June 1979" are taken from the Commission's report. Immediately after the words "May/June 1979" there would be a full stop, followed by another sentence reading:

(spoke in English)

"The provisional agenda should be understood in the light of those provisions."

(continued in Spanish)

Perhaps this text is acceptable to the representative of Pakistan.

Mr. AKRAM (Pakistan): The text read out by Ambassador Garcia Robles does go a long way towards meeting our point of view, and I would like to thank him for the effort he has made. The first sentence of the paragraph that he has read, as far as we are concerned, is perfectly acceptable. There is a little problem with the second sentence. It says "the provisional agenda should be understood in the light of those provisions". Perhaps just a slight modification of this might bridge the points of view. Perhaps we could say that "the consideration of the above items of the provisional agenda should bear in mind the above provisions". The meaning is the same. The only difference would be the light technicality that the consideration of the items of the provisional agenda would not be subject to but should bear in mind "the above provisions" - that is, that priority is to be given to the comprehensive programme. I hope this will be acceptable to the Ambassador of Mexico so that we can move forward.

Mr. GARCIA ROBLES (Mexico) (interpretation from Spanish): The representative of Pakistan himself acknowledges that my delegation has gone a long way to meet his wishes. I hope he will go the rest of the way because, from the purely technical point of view, it seems to me that the language we are suggesting is better than the other. It is obvious that there are items in the agenda that will be considered, so I do not see why we should be speaking of the "consideration". We are speaking of the agenda. We have omitted the only words that might have lent themselves to misunderstandings, that is to say, the words "subject to". We are no longer saying "subject to". When I say "in the light of" we could not be more flexible.

The first sentence is exactly what the representative of Pakistan suggested - reaffirmation of the provisions. Thereafter, a short sentence is all that remains of our original proposal:

(spoke in English)

"The provisional agenda should be understood in the light of those provisions".

(continued in Spanish)

I hope this will be acceptable.

Mr. AKRAM (Pakistan): I do not wish to prolong this dialogue between the Ambassador of Mexico and myself because I know that I will get the short end of the stick and, therefore, I shall accept his proposals without reservation.

The CHAIRMAN: May we then proceed to the next point on which, as I said, the representative of Pakistan had made a specific proposal. That will be in place of the old paragraph 6. This morning we heard the representatives of Yugoslavia and Bulgaria express some reservation on that proposal. I would, therefore, like to invite other members to make observations on this particular point.

Mr. BOEL (Denmark): I should simply like to confirm our support of the approach which you, Sir, have proposed in the present paragraph 6 of the draft report which is before us. I think the position is really clear, namely, that the decision on the final agenda will have to be taken by the United Nations Disarmament Commission when it meets in May. What we are discussing now is, of course, only a provisional agenda. It is also natural to suppose that a number of capitals will wish to give further thought to what they want the Commission to do during its substantive meeting in May and June. So in this situation the idea of having a meeting of the Bureau shortly before the substantive meeting is simply to have the practical advantage of allowing for further consideration of the agenda before that substantive meeting - that is, to gain time so that it would be better prepared. But at all events, it actually would be for the Commission to take the decision, and of course, it would be open to all delegations to come forward with suggestions at the beginning of the substantive meeting.

It seems to us that it is more natural for the Bureau - which is, after all, rather representative of this Commission - than for the Secretariat to look at this matter, but in any case I would agree that the text which was distributed this morning could, of course, be changed to make it quite clear that it will only be a question of another provisional agenda to be submitted to the Commission.

The CHAIRMAN: May I make one observation at this stage. In the provisional agenda of this organizational session that we adopted yesterday we have an item number 4, referring specifically to the provisional agenda for the session of the Commission to be held in May-June 1979.

It was and still is, my understanding that we have the right to indicate the items we would like to take up at our May-June session. I think this is quite clear. When we were looking at the draft resolutions adopted in the First Committee, we found that there were certain among them which specifically had asked the Disarmament Commission to do certain things. Apart from the comprehensive programme, there was a specific suggestion about including two items on the agenda which we have now put in.

As far as I can make out, the problem arose because we had the draft resolution contained in document A/C.1/33/L.16/Rev.1, which refers to paragraph 125. As I explained this morning, in pursuance of that resolution the Secretary-General will, no doubt, bring to the attention of the Disarmament Commission certain proposals, and so on, for its consideration. Had this already happened - if we were meeting, for example, a month from now - we could easily have put another item on the agenda entitled "Communication from the Secretary-General".

(The Chairman)

The question came up - and I believe that the representative of Pakistan referred to it - of the Secretary-General drawing up the provisional agenda. The problem as I see it is this: it is true that, as far as the regular sessions of the General Assembly are concerned, the Secretary-General does draw on a provisional agenda. In fact, according to the rules of procedure, that provisional agenda has to be communicated to the membership at least sixty days before the opening of the session. This provisional agenda is then referred to the General Committee of the General Assembly, and it is the General Committee which then decides on the inclusion or non-inclusion of certain items on the agenda.

Quite frankly, I do not see how we in the Disarmament Commission could follow exactly that procedure. We do not have the institution of a General Committee and, quite obviously, the Bureau of the Disarmament Commission cannot take the place of the General Committee. We have also agreed - and I think that we should bear this in mind - that we should try as far as possible to take our decisions on the basis of consensus. It is not the same as happens in the regular sessions of the General Assembly, when the General Committee considers the provisional agenda and at times even votes as to the inclusion or non-inclusion of items on the agenda.

That is something which, I am sure, all of us agree we should try to avoid - that is, reach a point where the need would arise for voting on the inclusion or non-inclusion of items. So I think that the correct and best way of doing it would be for the agenda and the different items to be considered by the Disarmament Commission at its next meeting to see if consensus can be reached in the Disarmament Commission itself.

We have listed a few items arising out of the decisions taken in the First Committee, which are likely to be adopted by the General Assembly.

Therefore, it seems to me that the Disarmament Commission certainly has the right to indicate and to agree on the items which it should take up at the May-June 1979 session. That is only a tentative list and, certainly, other items can be included, depending on developments. It was in that context that we in the Bureau felt this morning that perhaps a meeting of the Bureau before the substantive session might help in considering whether there are any other items which should also be included on the agenda.

(The Chairman)

I should therefore like to submit the following for the Commission's consideration, namely whether it would not be appropriate and correct for us to take the position that the Disarmament Commission itself can decide what are the items which it should take up at its next session in May-June 1979.

Having said that, I should like to ask if other representatives wish to comment on the proposal made by the representative of Pakistan, on which there have already been some comments.

Mr. AKRAM (Pakistan): Before we hear further comments on the proposals that my delegation made this morning, I should like briefly to elaborate on the reasons which we put forward with regard to this amendment to the report and to reply to some of the points that have so far been raised. I think that this would assist the further discussion of these questions.

In this discussion our proposal relates basically to two points, which are two basic points of law and not the subject of any political situation. I wanted to make that very clear. First, the question is: who draws up the provisional agenda for the Disarmament Commission? Is it the Secretary-General? Is it the Bureau? Is it the Commission itself? That is one set of problems. Secondly, what are the items that are to be included in the provisional agenda?

I submit that the answers to both these questions are provided in the rules of procedure of the General Assembly - rules of procedure which the special session, by decision, has asked this Commission to follow. As will be recalled, pursuant to paragraph 118 (b) of the Final Document, the Commission is to function under the same rules of procedure as those governing the Committee of the General Assembly.

First of all, I wish therefore to refer to rule 12 of the rules of procedure of the General Assembly, which states:

"The provisional agenda for a regular session shall be drawn up by the Secretary-General and communicated to the Members of the United Nations at least sixty days...".

(Mr. Akram, Pakistan)

I submit that, in the case of the Disarmament Commission as well, the purely mechanical function of drawing up the agenda is to be left to the Secretary-General of the United Nations and his representatives. Of course, in drawing up this agenda, the Secretary-General has to take various things into account, and for this purpose rule 13 is relevant. It provides, inter alia, that

"The provisional agenda of a regular session shall include:

...

"(d) All items proposed by the other principal organs of the United Nations;

"(e) All items proposed by any Member of the United Nations" ... and that is the second point which we have been trying to make, that one cannot exclude the possibility of any Member State deciding to propose the insertion of an item on the provisional agenda - and

"(g) All items which the Secretary-General deems it necessary to put before the General Assembly", and that is an area open to the Secretary-General.

All of that is in the rules of procedure. We have to follow the rules of procedure. We cannot draw up rules of procedure for ourselves. If we were to do so, it would take us years.

I therefore do not believe that we can just ignore or brush aside my delegation's proposals merely because they do not suit somebody or because some representatives might feel that we are calling certain personal predilections into question. We are not; we are trying to follow what we feel are the rules of procedure.

I would therefore request representatives to look at the amendments which we have proposed in this light. All we are doing is asking that the Commission in its practices should follow the rules of procedure provided for. Some say that this is a Commission and not the General Assembly, and that we would need a General Committee and so on. But if one looks at the rules of procedure of another body, such as the Economic and Social Council, the same applies. Member States may propose the addition of items, and it is the Secretary-General,

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(Mr. Akram, Pakistan)

and not the Council's Bureau, who draws up the provisional agenda for that body's approval. Final approval of agenda items must of course be by the body concerned, but we cannot authorize a Bureau to perform the functions that are those of the Commission itself or the Secretary-General.

Mr. NEUBERT (Federal Republic of Germany): As the representative of Pakistan referred to a legal opinion, I would say that we have a saying: two lawyers mean three legal opinions at least. I dislike differing with the representative of Pakistan, but I must confess that his argument in favour of rules 12 and 13 has not entirely convinced me, because the whole organizational setup of the plenary meetings of the General Assembly about which he is speaking is slightly different from that of the United Nations Disarmament Commission. In the view of my delegation there is no need, as far as the workload is concerned, to ask for the assistance or the intervention of the Secretariat in drawing up the provisional agenda. We have a draft provisional agenda before us. In our view, it is most sensible for the Bureau to meet in the week preceding the main session and it should consider what is referred to in the text as "any subsequent developments". In my view, any proposals submitted by Member States could very well come under the term "any subsequent developments". We could also say "developments and proposals" to clarify the situation. I am quite certain that if delegations between now and the convening of the main session would wish to make proposals, the Bureau and this Commission itself later on, would examine them to see whether they fit under any of the three substantive headings of our provisional agenda or whether there would be need for a new heading. I do not believe that that task would be too difficult for the Bureau either legally or politically or from the point of view of its workload. Therefore, we would be quite happy with the original text of paragraph 6 of this draft, perhaps with a slight modification to take into account the views which have been expressed here.

Mr. VUKOVIC (Yugoslavia): I am not able to follow the reasoning of the representative of Pakistan when he refers to rules 12 and 13 of the rules of procedure. He himself mentioned that we are working under the same conditions as are the Main Committees, and it is pointed out in paragraph 118 (b) of the Final Document that we are a subsidiary organ of the General Assembly. Rule 161 of the rules of procedure indicates that subsidiary organs work under the same conditions as the Main Committees. It is quite clear from rule 99 that we are required to plan our programme of work in accordance with the task given to us by the General Assembly, and nothing else.

(Mr. Vukovic, Yugoslavia)

Therefore, it is quite clear that we are the masters of our agenda. I understand that this morning we all agreed along general lines on what the General Assembly had actually decided with respect to the items which should form part of the agenda. Therefore, I do not see the need for further discussion of this point. I think that it has now become quite clear that the Commission is of the opinion that that should form the basis of the agreement.

Mr. DUBEY (India): My delegation accepts the draft agenda contained in the working paper circulated this morning primarily because it was based on the proposals put forward by the representative of Sri Lanka on behalf of the non-aligned countries yesterday. A suggestion has now been made that the Secretary-General should prepare the provisional agenda under rules 12 and 13 of the rules of procedure of the General Assembly. If that suggestion were to be accepted, I believe that our meetings here for the purpose of holding an organizational meeting would be of doubtful value. That would also apply to some of the recommendations contained in the provisional agenda of the May/June session, which is contained in the report of the Commission submitted to the thirty-third session of the General Assembly. That report, incidentally, was adopted unanimously by the First Committee. I would also submit that we need not have adopted those portions of the three or four resolutions in the First Committee which have a bearing on the forthcoming session of the Disarmament Commission, particularly the recommendations contained in resolution A/C.1/33/L.11/Rev.1, part B.

I believe we have a precedent with respect to a subsidiary organ of the United Nations General Assembly in the Committee of the Whole of the Second Committee. I believe - and I am subject to correction - that the provisional agenda for the first meeting of that Committee of the Whole was agreed to at an organizational meeting of the Committee of the Whole. I believe that it was not prepared or drawn up by the Secretary-General.

We appreciate the fact that individual delegations or groups of delegations might like to introduce their own items in the agenda of any meeting. However, we should like to submit that the provisional agenda contained in the working paper before us is broad enough to accommodate any predilections of individual delegations or groups of delegations, since the items deal with all aspects of disarmament,

(Mr. Dubey, India)

whether nuclear or conventional. We feel that, from a pragmatic point of view we should accept, with minor modifications, the provisional agenda and paragraph 6 as contained in the working paper.

Mr. PALMA (Peru) (interpretation from Spanish): My delegation would not like to refer to the legal aspects of this matter, but we should like to make one point. If I am not mistaken, at the first organizational meeting of this Commission a number of delegations insisted that a provisional agenda should be drawn up for the substantive session in 1979. That is something which hitherto it had not been possible to do. Things were therefore set in motion and we now have the opportunity to achieve some results.

Therefore, my delegation believes that the way in which the provisional agenda was prepared is completely satisfactory. We believe that the purely subsidiary aspects of this question could be dealt with in accordance with paragraph 6. That could be presented to the next session of the Commission, when we could have a provisional agenda with the necessary modifications.

In conclusion, my delegation would like to say that it could accept the suggestion which you made this morning, Mr. Chairman, with any other modifications made along those lines, and state, for example, "and to complete as necessary". That would be one possible formulation which would help to supplement the subsidiary aspect of this matter and which would enable us to have a provisional agenda.

Mr. LIAM (Kuwait): I believe that the only difficulty we have had relates to paragraph 6 of the working paper. That paragraph includes two ideas. One is that we make specific provision for a meeting of the Bureau on a specific date. My question is: is it really necessary for us to make a provision for the meeting of the Bureau? Would not the Chairman on his own initiative be entitled to convene the Bureau as frequently as he wished? With respect to the Conference on the Law of the Sea, we have never made provision for the meetings of the Bureau and the Bureau has met frequently. I would seek some clarification on that point.

Another point relating to the provisional agenda is the statement made by the representative of Pakistan, who is concerned about the additional items that Members might propose. If we delete paragraph 6 and simply substitute for it the following sentence, "All additional items proposed by the Members of the United Nations should be circulated by the Secretary-General to all Members within a reasonable time" - or "as soon as he receives them", then when we meet for the substantive session we could consider those additional items and decide upon them. In that way, we would not get bogged down now by a long legal debate over whether the Secretary-General is competent to do one thing or whether the Bureau is competent to do another.

Mr. AKRAM (Pakistan): My delegation has followed with very keen attention and interest the remarks which have been made by our colleagues from the Federal Republic of Germany, Yugoslavia, Peru and India about how we should proceed on the draft report. I must say that my delegation remains unconvinced by the arguments they have put forward on the two questions - namely, which is the competent body to draw up the provisional agenda for the Disarmament Commission and whether there should be any allowance for Member States to include separate items on it, and whether it is the Bureau, some other body, or the Commission itself which should take upon itself the decisions on this.

I have presented the views of my delegation very clearly. At this stage, I believe that we have put forward all the pros and cons. What I should like to do now is to request that the Secretary-General or the Secretariat be asked to call on the Legal Counsel so that we can have him give us an interpretation of what is the meaning of paragraph 118 (b) of the Final Document of the General Assembly session, and an opinion on whether the procedure which has been proposed to us here by certain delegations is the right procedure to be followed - whether it conforms to the procedure of the General Assembly.

I will not submit any further arguments. I could do so. I could cite precedents and practice ad nauseam, but I will refrain from doing so because I believe that this is a point of principle, not a political point, and that we just cannot push through a certain position that is held, whether by the non-aligned group or by the members of the Bureau. It is a position of principle, and we should like the Legal Counsel to be asked for an opinion on this question.

Mr. KAJAL (Nigeria): While the representative of Pakistan is perfectly right in saying that on the basis of paragraph 118 (b) the rules of procedure of the General Assembly should be applied, I think that there is also a phrase which he did not read out aloud. It is the phrase which states that in adopting the rules of procedure "such modifications as the Commission may deem necessary" (A/S-10/4, para. 118 (b)) should be taken into consideration.

It appears that a consensus is emerging that at least for next year's substantive meeting of the Commission there is a set of items that should be on the agenda; any other item that comes up could then be considered by the Bureau and presented to the meeting. In that case that would be one of the deviations that in fact the Commission could take up. In the light of that, I do not think that we are at a stage where we shall require legal advice.

Based on that, I think the delegation of Pakistan may reconsider its views so that we can proceed. If need be, if a problem arose out of this in future it could be referred to legal advice.

The CHAIRMAN: The representative of Pakistan has asked whether the Legal Counsel or someone from the Legal Office could be requested to come and give an interpretation. Quite frankly I feel personally that, after having discussed this for quite a long time, it should be possible for us to reach agreement without having to go into legal interpretations of paragraphs in the Final Document of the special session.

We have agreed here, I believe, that certain items, which are now contained in paragraph 5 of Conference Room Paper No. 3, should be included. I think on that there is agreement. The question is whether or not additional items should be included.

(The Chairman)

The representative of Kuwait asked if it is necessary for the Commission to take a decision on whether the Bureau should meet; the idea of a Bureau meeting was in order to assist the work of the Commission, in terms of the provisional agenda, to see whether, in the light of developments between now and May, any additional items should be included, because quite obviously there is no question of deleting any of these items which we have already agreed upon.

I have no strong views about the inclusion of a paragraph asking for the Bureau meeting. Therefore, one possibility which I should like to put to members of the Commission is that we do not have any paragraph relating to the Bureau meeting, but agree on the inclusion in the agenda of the substantive session in May of certain items on which I think there is already agreement. When the Commission meets, if by then there are other developments and other requests, the Commission itself can consider them and include - on the basis of consensus I hope - additional items in the agenda. This seems to me to be a reasonably good procedure.

One has to look at it also from the point of view of practical considerations. We have a relatively short session planned for May-June. Quite obviously it is not possible for the May-June session to give serious consideration to too many items. Therefore, there is something I should like to submit.

I understand that the Legal Counsel is tied up at the moment. Perhaps he may be free a little later, but he is not able to come now. But I should like to submit to the Commission that, with the agreement that we have reached on the inclusion in the agenda of the May-June session of certain items on the basis of draft resolutions adopted in the First Committee, perhaps we can come to a decision on that. But I am in the hands of the Commission. If there is a feeling in the Commission that we should have more discussion on this, I am quite prepared to go along, but we have to complete our work this afternoon.

Are there any observations at this stage?

Mr. AKRAM (Pakistan): I should like to see a way out of this impasse, but a way out that would not compromise the legal position or the rules of procedure to which we have referred, on which there is apparently a difference of opinion which remains to be resolved. We hope that at some stage we will be able to resolve it.

In the meantime, in order to get around these difficulties I would suggest that instead of the first part of paragraph 6, which seems to give the most problems to delegations, we could have something which would merely say that the Commission requested the Secretary-General to convey to it at its opening session any proposals from Member States for inclusion in the agenda of its May-June session. Could we not have something which would merely state that we should keep the door open for the consideration of proposals that one or more Member States may wish to put forward?

Of course, it would be up to the Commission itself to decide whether to include any such proposal in its agenda, but we would request the Secretary-General to transmit to the Commission any proposals that may be submitted by Member States for inclusion in its agenda for the May-June session. I think that would be the minimum that my delegation would request in order to keep open this point that Member States should have the possibility of submitting additional proposals subject, of course, to the approval of the Disarmament Commission.

Then, as far as the meeting of the Bureau is concerned, I would be prepared to go along with the suggestion made by the representative of Kuwait that we delete the present paragraph 6 in order to get around this point. The Bureau can meet on its own decision; it is not necessary to mention it in our report. It can then come forward with recommendations to the Commission when it opens. I see that as one possible way to solve our difficulties.

The CHAIRMAN: If I have understood the representative of Pakistan correctly, what he is suggesting is that the Secretary-General should be asked to transmit to the Commission any requests he receives from Member States concerning the inclusion of one item or another as additional items - I repeat, as additional items - in the agenda of the May/June session. I think this is what he said.

I would have thought that if the Secretary-General did receive a communication from any Member State relating to the work of the Disarmament Commission he would transmit that communication to the Commission. I think he is required to do that. If a Member sent a communication to the Secretary-General, whether it concern the agenda or the organization of the work or future of the Disarmament Commission, I would have thought that the Secretary-General would transmit that to the Disarmament Commission.

I should like to ask Members how they react to this suggestion and also to the suggestion concerning the omission of a specific reference to the Bureau meeting. Personally, I do tend to agree that perhaps it is not quite necessary for the Commission at this time to say that the Bureau will meet. I think it is quite true that the Bureau can meet at any time, and if we in the Bureau decide that it would be useful for us to meet during the week prior to the meeting of the Commission, say on the 10th and 11th, we can do so.

I should like to invite observations from Members on the proposal made by the representative of Pakistan.

Mr. KITI (Kenya): I have listened very carefully to all the arguments, and my delegation is very willing to go along with what has been proposed.

I should like very much to appeal to my very good friend, the representative of Pakistan, not to insist on saying that the Commission must include this particular paragraph, because I believe that the members of the Commission are sovereign States and no sovereign State has been refused the opportunity to include any item at any time during an organizational meeting of the Commission.

(Mr. Kiti, Kenya)

I am sure that when we meet next year we are not going to sit down and say "this is the agenda, and therefore we go along with it". As you said earlier, Sir, this is a provisional agenda, and I believe that even in the course of the General Assembly decisions are taken to include new items in the agenda there. I do not think it is necessary for us to say that "the Secretary-General shall submit"; I think it is taken for granted. Maybe we can say, as you proposed that this is what we have agreed to subject to any additional items submitted by Member States at any time.

I should like to appeal to my very good friend, the representative of Pakistan. I think that we have had a very long day of discussing the same things, and there is no need for us to ask for a legal opinion because this is a general procedure.

Mr. PEREZ HERNANDEZ (Cuba)(interpretation from Spanish): I have listened very closely to the discussion, which is leading nowhere. I should like to apologize for delegations that are insisting on changes.

I must say that it is quite normal for a member of this Commission to be able to put forward a proposal when it sees fit to do so. Otherwise the procedure would be quite contrary to the normal one in which we are always entitled to put forward our proposals when the conditions are right for them. We have the right to exercise that privilege whether beforehand in a communication to the Secretary-General or in the Commission itself.

I believe that you were perfectly correct, Mr. Chairman, when you made the statement on paragraph 6. That paragraph by no means suggests that the agenda put forward by the Bureau should be a final one; it is only a provisional agenda. In other words, we have every leeway in the Commission to say that a certain matter should be included or that another one should be excluded. That goes without saying. There is a procedural problem if we ask the Bureau to meet precisely in order to try to cover all the views and all the proposals which might be put forward by Member States in our Organization for inclusion in the provisional agenda.

(Mr. Perez Hernandez, Cuba)

Quite frankly, we are wasting time on a matter which is leading us nowhere at all. No one has suggested that any items should be put forward in addition to those already contained in the provisional agenda. When the Bureau meets a week earlier additional items can be put forward and the Commission itself can decide whether suggestions made by the Bureau should be accepted or not, or whether new items should be accepted. If anyone has specific views regarding the words "to finalize" perhaps we can find some other expression, such as "to complete". Quite frankly, this discussion is simply taking up valuable time, and leading us nowhere.

The CHAIRMAN: May I try to sum up the situation? As I understand it, in a spirit of compromise the representative of Pakistan suggested that instead of the earlier formula we might have something to the effect that the Secretary-General should communicate to the Disarmament Commission any request he receives from Member States concerning the agenda of the Disarmament Commission. My own understanding - and I hope the Commission will accept this - is that the Secretary-General is bound to transmit to the Disarmament Commission any communication he receives from Member States. This document incidentally, is not a report of the Disarmament Commission; it is only for purposes of the record, to give us an idea of what the Commission did during its second organizational session and to give some indication regarding the provisional agenda for the May/June session. I have no strong views regarding paragraph 6. It would be my intention to ask for a meeting of the Bureau whether or not paragraph 6 is included in this paper, not only in regard to the provisional agenda but because it is normal practice for the Bureau to meet before a substantive session. Several things could be connected with the organizational work. I have no strong views so far as concerns paragraph 6, so may I join with the representative of Kenya in appealing to the representative of Pakistan to accept the paper as it is without any reference to the Bureau meeting, if there is no objection.

Mr. AKRAM (Pakistan): Mr. Chairman, in view of the fact that you have just made a statement clarifying the position with regard to the possibility of the submission of additional items by Member States on the agenda of the Disarmament Commission, and taking into account that the legal position with regard to the procedures of this Commission will be resolved at a future date, and we would ask the Secretariat to take note of this and to have some views on this point ready for the first session of the Disarmament Commission - taking all these matters into account, my delegation, in a spirit of compromise, would be prepared to accept your proposal and to accept the report without paragraph 6.

The CHAIRMAN: Are there any other observations outside the agenda regarding the organizational work?

Mr. VUKOVIC (Yugoslavia): I would like to ask the representative of Pakistan to clarify the points to be put to the Legal Counsel. Is it a question of whether the Commission is entitled to decide on its own agenda, or something else?

Mr. AKRAM (Pakistan): I am grateful for the question put by the representative of Yugoslavia. I have great respect for his intelligence and I am sure he has mutual feelings for me and for my delegation. My delegation has not questioned in any way at all the propriety or the authority of the Commission to take a decision on its own agenda. That is not the point. As the representative of Yugoslavia well knows, the point is that in paragraph 118 (b) we have a provision which states that the Disarmament Commission will follow the rules of procedure of the General Assembly. In the opinion of my delegation, the practical application of these rules has not been followed in toto in formulating the provisional agenda for the present session. A dispute has arisen in the present meeting about the interpretation of some of these procedures.

(Mr. Akram, Pakistan)

The Disarmament Commission should also be informed by the Secretary-General or by his Legal Counsel of other rules of procedure which are to be applied, of the method of formulating a provisional agenda and the rules of procedure applying to this such as whether we vote or not. These are questions which have to be discussed and settled, otherwise we shall get into the same sort of difficulty as we have this afternoon because we do not know what are the rules of procedure we are supposed to follow. Therefore, we ask the Secretary-General to look at the provisions of paragraph 118 (b), and at what has been said at this meeting and at the meeting we held this morning. We ask him to prepare a note, if possible, of the Secretariat's legal interpretation of the rules of procedure to be followed by this Commission in all its work.

I feel that this is something which we can legitimately ask the Secretariat to do. It would eliminate discussions and would facilitate further the work of the Disarmament Commission. I do not think there is any room for ambiguity as far as this question is concerned, and I hope that the representative of Yugoslavia does not think so, either.

Mr. FISHER (United States of America): The United States would be perfectly prepared to see paragraph 6 remain, with one or two modifications because we think that might avoid a big argument in mid-May next year. I think one of the arguments against the current draft - which I detected you, Mr. Chairman, were sympathetic to - was the term "finalize the provisional agenda". Purely as an exercise in logic, how one finalizes something that is admittedly provisional rather escapes me. Perhaps some language such as "make recommendations for modification of the provisional agenda for circulation to members of the Commission for action" would solve the legal problem. Frankly, I think that the legal problem is very slight, in view of the fact that paragraph 118 (b) of the Final Document says that the Commission shall function under the rules of procedure of the General Assembly, unless the Commission makes modifications. It does not say what kind of modifications, but the Commission can make them.

It seems to me that in order to avoid a debate in the late spring an amendment to paragraph 6 of the type I have indicated would be suitable.

Unless my ears misled me, I heard you Mr. Chairman, say that a change in the term "to finalize" might be advisable. With that change, the United States would be perfectly prepared to go along with paragraph 6 as it stands.

The CHAIRMAN: May I inform the representative of the United States that the suggestion was that there should not be a paragraph 6; that the Bureau should meet before the substantive session and consider all aspects of work relating to the Commission's meetings. It is not absolutely necessary to put that down in a paragraph. I appeal to all members of the Commission to agree to that understanding.

As far as the point raised by the representative of Pakistan is concerned, there are verbatim records available of our meetings and I have no doubt that the Secretariat departments concerned will study them very carefully.

Mr. FISHER (United States of America): After hearing your statement, Sir, we would have no difficulty in going along with you.

Mr. IMAM (Kuwait): This morning I put a question to the Secretariat regarding paragraph 5 of the proposed agenda and asked whether the intention was to present to us any document which would include a compilation 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. I believe there have been many views expressed on the subject during the past few years, and my problem is that I should not like to engage in voluminous research of my own in order to be acquainted with all those views. So far I have not received any reply to my question from the Secretariat.

The CHAIRMAN: I apologize to the representative of Kuwait for not having replied to his question earlier. My understanding is that the Secretariat will attempt to prepare such a compilation, which will be available to members of the Commission.

I thank all members of the Commission for their co-operation and patience. I should like to take this opportunity to thank particularly the members of the Bureau, who have been most helpful to me, and I would request them to make it convenient for us to meet on 10 and 11 May 1979.

The meeting rose at 4.45 p.m.