

**REPORT
OF THE
DISARMAMENT COMMISSION**

GENERAL ASSEMBLY

OFFICIAL RECORDS: FORTY-FIRST SESSION

SUPPLEMENT No. 42 (A/41/42)



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NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

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I. INTRODUCTION

1. At its fortieth session, the General Assembly, by its resolution 40/152 F of 16 December 1985, took note, inter alia, of the report of the Disarmament Commission; 1/ requested the Commission to continue its work in accordance with its mandate, as set forth in paragraph 118 of the Final Document of the Tenth Special Session of the General Assembly, 2/ the first special session devoted to disarmament; and requested the Disarmament Commission to meet for a period not exceeding four weeks during 1986 and to submit a substantive report, containing specific recommendations on the items inscribed on its agenda to the Assembly at its forty-first session.

2. At the same session, the General Assembly adopted the following resolutions which have direct relevance to the work of the Disarmament Commission:

- (a) Resolution 40/89 B, entitled "Nuclear capability of South Africa";
- (b) Resolution 40/91 A, entitled "Reduction of military budgets";
- (c) Resolution 40/94 F, entitled "Study on the naval arms race";
- (d) Resolution 40/94 I, entitled "Curbing the naval arms race: limitation and reduction of naval armaments and extension of confidence-building measures to seas and oceans";
- (e) Resolution 40/94 O, entitled "Review of the role of the United Nations in the field of disarmament";
- (f) Resolution 40/152 N, entitled "Implementation of the recommendations and decisions of the tenth special session".

3. At its thirty-ninth session, the General Assembly by its resolution 39/63 E of 12 December 1984, had requested the Disarmament Commission, at its 1986 session, to continue and conclude its consideration of the item "Elaboration of guidelines for appropriate types of confidence-building measures and for the implementation of such measures on a global or regional level".

4. The Disarmament Commission met at United Nations Headquarters on 2 December 1985 for a brief organizational session. During that meeting (A/CN.10/PV.101), the Commission considered questions related to the organization of work for its 1986 substantive session and took up the question of election of its officers, taking into account the principle of rotation of the chairmanship among the geographic regions. The Commission elected its Chairman and five Vice-Chairmen; the election of the other officers, including the Rapporteur, was postponed to the 1986 substantive session (*ibid.*). The Commission also considered the provisional agenda (see para. 7 below) for the 1986 substantive session, scheduled to open on 5 May 1986.

II. ORGANIZATION AND WORK OF THE 1986 SESSION

5. The Disarmament Commission met at United Nations Headquarters from 5 to 23 May 1986. In the course of its session, it held eight plenary meetings (A/CN.10/PV.102-109).

6. At its 102nd meeting, on 5 May, the Disarmament Commission elected two more Vice-Chairmen, and at its 107th meeting, on 14 May, elected the Rapporteur of the Commission for 1986. The Bureau of the Commission was constituted as follows:

Chairman: Mr. Henning Wegener (Federal Republic of Germany)

Vice-Chairmen: Representatives from the following States:

Australia	Hungary
Burma	Peru
Cameroon	Poland
Ecuador	

Rapporteurs: Mr. Idule-Amoko (Uganda)

7. At the same meeting, statements were made in connection with the provisional agenda (A/CN.10/L.18) by the representative of the United States of America and the Chairman. Subsequently, the Disarmament Commission adopted its agenda as follows:

1. Opening of the session.
2. Election of officers.
3. Adoption of the agenda.
4. (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 priorities established at the tenth special session, a general approach to negotiations on nuclear and conventional disarmament.
5. 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, 35/142 A, 36/82 A, 37/95 A, 38/184 A, 39/64 A and 40/91 A, with a view to finalizing 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.

6. Substantive consideration of the question of South Africa's nuclear capability as requested by the General Assembly and the Chairman of the Special Committee against Apartheid (resolutions 37/74 B, 38/181 B, 39/61 B and 40/89 B, and document A/CN.10/4).
7. Review of the role of the United Nations in the field of disarmament.
8. Substantive consideration of the question of the naval arms race and disarmament.
9. Elaboration of guidelines for appropriate types of confidence-building measures and for the implementation of such measures on a global or regional level.
10. Report of the Disarmament Commission to the General Assembly at its forty-first session.
11. Other business.

8. At the same meeting, the Disarmament Commission decided - pending the decisions of the General Assembly on the financial crisis of the United Nations - to finalize its work by Wednesday, 28 May 1986, at noon or earlier. Subsequently, in accordance with General Assembly resolution 40/472 of 9 May 1986, adopted at the resumed fortieth session of the Assembly, the 1986 session of the Commission ended on 23 May.

9. In connection with the International Year of Peace, the Chairman and several delegations made statements and underlined the contributions of the Disarmament Commission since its inception to the cause of peace and disarmament (A/CN.10/PV.102-106).

10. At its 104th meeting, on 6 May, the Disarmament Commission approved elements of its programme of work for the session and decided to establish a Committee of the Whole for the consideration of item 4, concerning various aspects of the arms race and questions relating to both nuclear and conventional disarmament. This task was entrusted to a Contact Group, under the chairmanship of Mr. Miguel A. Alborno (Ecuador), which would consider the item and report back to the Committee of the Whole. The Contact Group held eight meetings between 7 and 21 May and submitted its report to the Committee of the Whole at the 3rd meeting of the Committee of the Whole, on 22 May.

11. Also, in accordance with the approved programme of work, the Disarmament Commission, at the same meeting, decided to establish Working Group I to deal with agenda item 5, on the question of reduction of military budgets, and to make recommendations thereon to the Commission. Working Group I met under the chairmanship of Mr. Gheorghe Tinca (Romania) and held 10 meetings between 7 and 21 May.

12. At the same meeting, the Disarmament Commission decided to establish Working Group II to deal with agenda item 7, on the review of the role of the United Nations in the field of disarmament, and to make recommendations thereon to the Commission. Working Group II met under the chairmanship of Mr. Paul Bamela Engo (Cameroon) and held nine meetings between 7 and 21 May.

13. Also at the same meeting, the Disarmament Commission decided to establish Working Group III to deal with agenda item 6, on the question of South Africa's nuclear capability, with the understanding that its chairman would be elected at a later stage. At the 107th meeting of the Commission, on 14 May, Mr. Davidson L. Hepburn (Bahamas) agreed to serve temporarily as Chairman of Working Group III and carry out its work. Working Group III held five meetings between 12 and 21 May. On 19 and 20 May, the Chairman of the Commission held informal consultations on the item.

14. In addition, at its 104th meeting, on 6 May, the Disarmament Commission approved the arrangement announced in the Committee of the Whole under which the Chairman of the Commission would undertake informal consultations on item 9, concerning the guidelines for appropriate confidence-building measures, until such time as a consensus on a text should emerge, or be imminent, to justify the establishment of a more formal body to take up the question. The consultations took place in eight meetings, under the chairmanship of the Chairman of the Commission, between 7 and 21 May.

15. At its 106th meeting, on 9 May, on the basis of his consultations, the Chairman of the Commission stated that sustained substantive consultations, which should be structured, would be conducted on agenda item 8, regarding the question of the naval arms race and disarmament, under his full responsibility. Subsequently, the Chairman of the Commission delegated the conduct of such consultations to Mr. Ali Alatas (Indonesia). Consultations on this item took place between 13 and 21 May and seven meetings were held for that purpose.

16. On 5, 6 and 9 May, the Disarmament Commission held a general exchange of views on all agenda items (A/CN.10/PV.102-106).

17. At its 108th meeting, on 23 May, the Disarmament Commission considered the reports of Working Groups I, II and III on agenda items 5, 7 and 6 respectively; the reports of the Chairman of the Commission on agenda items 8 and 9; and the report of the Committee of the Whole on agenda item 4. The reports of the subsidiary bodies of the Commission and the recommendations contained therein are included in chapter IV of the present report.

18. In accordance with past practice of the Disarmament Commission, some non-governmental organizations attended the plenary meetings as well as the meetings of the Committee of the Whole.

III. DOCUMENTATION

A. Reports and other documents submitted by the Secretary-General

19. Pursuant to paragraph 5 of General Assembly resolution 40/152 F, the Secretary-General, by a note dated 5 February 1986, transmitted to the Disarmament Commission the report of the Conference on Disarmament 3/ together with all the official records of the fortieth session of the General Assembly relating to disarmament matters (A/CN.10/76).

20. In accordance with paragraph 5 of General Assembly resolution 40/94 F, the Secretary-General, by a note verbale dated 3 February 1986, invited Member States to express their views concerning the study on the naval arms race (A/40/535). Subsequently, the Secretary-General submitted a report containing the replies received from Member States (A/CN.10/77/Add.1 and 2).

21. In pursuance of paragraph 4 of its resolution 40/94 I, the General Assembly invited Member States, especially those that had not yet done so, to communicate to the Secretary-General their views concerning the modalities for holding the multilateral negotiations referred to in the resolution, including the possibilities for holding them at the Conference on Disarmament at Geneva. The Secretary-General subsequently submitted a report containing replies received from Member States (A/CN.10/82).

B. Other documents, including documents submitted by Member States

22. In the course of the Commission's work, the documents listed below, dealing with substantive questions, were submitted.

23. A paper entitled "Substantive consideration of the question of the naval arms race and disarmament: Chairman's paper on agenda item 8" (A/CN.10/83) was submitted.

24. The following documents were submitted by Member States:

(a) Working paper entitled "Basic position of the People's Republic of China on agenda item 8: substantive consideration of the question of the naval arms race and disarmament", submitted by China (A/CN.10/78);

(b) Working paper entitled "Basic position of the People's Republic of China on agenda item 7: review of the role of the United Nations in the field of disarmament", submitted by China (A/CN.10/79);

(c) Working paper entitled "Substantive consideration of the question of the naval arms race and disarmament: limitation of naval fleet activities, limitation and reduction of naval armaments and extension of confidence-building measures to seas and oceans", submitted by Bulgaria, the German Democratic Republic and the Union of Soviet Socialist Republics (A/CN.10/80 and Corr.1);

(d) Working paper entitled "Basic issues of nuclear and conventional disarmament", submitted by a group of socialist States (A/CN.10/81).

25. The preceding documents are also before the General Assembly in accordance with United Nations procedures.

IV. CONCLUSIONS AND RECOMMENDATIONS

26. At its 109th meeting, on 23 May, the Disarmament Commission adopted by consensus the reports of its subsidiary bodies and the recommendations contained therein regarding items 4, 5, 6 and 7 of its agenda and agreed to submit the texts of those reports, recorded below, to the General Assembly. Subsequently, at the same meeting, the Commission adopted, as a whole, its report to the General Assembly at its forty-first session.

27. The report of the Committee of the Whole on agenda item 4 reads as follows:

"Report of the Committee of the Whole on agenda item 4

"1. At its 1st meeting, on 5 May, the Committee of the Whole established a Contact Group, open to all delegations, to deal with agenda item 4, under the chairmanship of Mr. Miguel A. Alborno (Ecuador).

"2. The Contact Group held 8 meetings between 7 and 21 May. The Contact Group continued the work on agenda item 4 on the basis of the compilation of proposals for recommendations on that item contained in annex I to the report of the Commission on its 1985 session. 1/ It also had before it a working paper entitled 'Basic issues of nuclear and conventional disarmament', submitted by a group of Socialist States (A/CN.10/81).

"3. The state of the deliberations of the Contact Group is reflected in the 'Compilation of proposals for recommendations on agenda item 4', which is annexed to the present report of the Commission (see annex I). The recommendations, the formulation of which appears in the compilation without brackets or alternatives, are the following: recommendations Nos. 1 and 2; in section I, recommendations Nos. 3, 5, 16, 17, 22 and 23; in section II, the introductory sentence and recommendations Nos. 1, 2 and 6. Those recommendations were generally acceptable, without prejudice to the right of delegations to review them as appropriate.

"4. While the Contact Group made encouraging progress towards resolving outstanding issues and arrived at agreed formulations for several recommendations, as indicated in the 'Compilation of proposals for recommendations on agenda item 4', it was unable to reach a consensus on a complete set of recommendations. It is recommended that the Commission should continue its efforts with a view to reaching agreement on a complete set of recommendations relating to agenda item 4."

28. The report of Working Group I on agenda item 5 reads as follows:

"Report of Working Group I

"1. The General Assembly, at its fortieth session, adopted resolution 40/91 A of 12 December 1985 in which, inter alia, it requested the Disarmament Commission to continue the consideration of the item entitled 'Reduction of military budgets' and, in this context, to finalize, at its substantive session in 1986, the principles that should govern the actions of States in

the field of freezing and reduction of military expenditures on the basis of the working paper annexed to its report, a/ as well as other proposals and ideas on the subject.

"2. The Disarmament Commission at its 104th meeting, on 6 May, decided to establish Working Group I to deal with agenda item 5 as requested by the General Assembly in resolution 40/91 A.

"3. The Working Group had before it the working paper entitled 'Principles which should govern further actions of States in the field of freezing and reduction of military budgets'; the amendments submitted during the previous session of the Commission by China, by the Union of Soviet Socialist Republics, by Australia, Belgium, Canada, Denmark, France, Germany, Federal Republic of, Italy, Japan, the Netherlands, Norway, Turkey, the United Kingdom of Great Britain and Northern Ireland and the United States of America, and by Czechoslovakia; the suggestions made by the Chairman of Working Group I during the 1985 session of the Commission; and the proposal of Romania concerning the preambular part of the document that was to include the principles. a/

"4. The Working Group met under the Chairmanship of Mr. Gheorghe Tinca (Romania) and held 10 meetings between 7 and 21 May.

"5. At its 1st meeting, the Working Group decided to concentrate its attention on paragraphs 1, 5, 7, 8 and 10 of the working paper, on which divergencies of views still remained.

"6. The Working Group achieved consensus on contested formulations of the principles contained in paragraphs 1, 5 and 10 of the working paper, which now appear in paragraphs 1, 5 and 9 of the document (see para. 8 below).

"7. While some elements of agreement on the subject-matter of the remaining paragraphs in the working paper, namely, paragraphs 7 and 8, appeared to exist, it was not possible to achieve acceptable formulation on them. The Working Group, however, decided to merge these paragraphs into one paragraph and to renumber the remaining paragraphs of the document accordingly.

"8. The stage reached by the Working Group in finalizing the principles that should govern further actions of States in the field of freezing and reduction of military budgets is reflected in the following document:

**'PRINCIPLES WHICH SHOULD GOVERN FURTHER ACTIONS OF STATES IN THE
FIELD OF FREEZING AND REDUCTION OF MILITARY BUDGETS**

'1. Concerted efforts should be made by all States, in particular by those States with the largest military arsenals, and by the appropriate negotiating forums, with the objective of concluding international agreements to freeze and reduce military budgets, including adequate verification measures acceptable to all parties. Such agreements should contribute to genuine reductions of armed forces and armaments of States parties, with the aim of strengthening international peace and security at lower levels of armed forces and armaments. Definite agreements on the freezing and reduction of military expenditures are assuming special importance and should be reached within the shortest period of time in

order to contribute to the curbing of the arms race, alleviate international tensions, and increase the possibilities of reallocation of resources now being used for military purposes to economic and social development, particularly for the benefit of the developing countries.

'2. All efforts in the field of freezing and reduction of military expenditures should take into account the principles and purposes of the Charter of the United Nations and the relevant paragraphs of the Final Document of the Tenth Special Session of the General Assembly (resolution S-10/2).

'3. Pending the conclusion of agreements to freeze and reduce military expenditures, all States, in particular the most heavily armed States, should exercise self-restraint in their military expenditures.

'4. The reduction of military expenditures on a mutually agreed basis should be implemented gradually and in a balanced manner, either on a percentage or on an absolute basis, so as to ensure that no individual State or group of States may obtain advantages over others at any stage, and without prejudice to the right of all States to undiminished security and sovereignty and to undertake the necessary measures of self-defence.

'5. While the freezing and reduction of military budgets is the responsibility of all States to be implemented in stages in accordance with the principle of the greatest responsibility, the process should begin with those nuclear-weapon States with the largest military arsenals and the biggest military expenditures, to be followed immediately by other nuclear-weapon States and militarily significant States. This should not prevent other States from initiating negotiations and reaching agreements on the balanced reduction of their respective military budgets at any time during this process.

'6. Human and material resources released through the reduction of military expenditures should be devoted to economic and social development, particularly for the benefit of the developing countries.

'7. [The text of this paragraph is still under consideration. Alternative formulations for this paragraph are appended to this document.]

'8. Armaments and military activities which would be the subject of physical reductions within the limits provided for in any agreement to reduce military expenditures will be identified by every State party to such agreements.

'9. The agreements to freeze and reduce military expenditures should contain adequate and efficient measures of verification, satisfactory to all parties, in order to ensure that their provisions are strictly applied and fulfilled by all States parties. The specific methods of verification or other compliance procedure should be agreed upon in the process of negotiation depending upon the purposes, scope and nature of the agreement.

'10. Unilateral measures undertaken by States concerning the freezing and reduction of military expenditures, especially when they are followed by similar measures adopted by other States on the basis of mutual example, could contribute to favourable conditions for the negotiation and conclusion of international agreements to freeze and reduce military expenditures.

'11. Confidence-building measures could help to create a political climate, conducive to the freezing and reduction of military expenditures. Conversely, the freezing and reduction of military expenditures could contribute to the increase of confidence among States.

'12. The United Nations should play a central role in orienting, stimulating and initiating negotiations on freezing and reducing military expenditures, and all Member States should co-operate with the Organization as among themselves, with a view to solving the problems implied by this process.

'13. The freezing and reduction of military expenditures may be achieved, as appropriate, on a global, regional or subregional level, with the agreement of all States concerned.

'14. The agreements on the freezing and reduction of military budgets should be viewed in a broader perspective, including respect for and implementation of the security system of the United Nations, and be interrelated with other measures of disarmament, within the context of progress towards general and complete disarmament under effective international control. The reduction of military budgets should therefore be complementary to agreements on the limitation of armaments and disarmament and should not be considered as a substitute for such agreements.

'15. The adoption of the above principles should be regarded as a means of facilitating meaningful negotiations on concrete agreements on the freezing and reduction of military budgets.

* * *

'Proposal for paragraph 7 by Australia, Belgium, Canada, France, Germany, Federal Republic of, Italy, Japan, Netherlands, Norway, United Kingdom of Great Britain and Northern Ireland and United States of America

"Before there can be meaningful negotiations on the freezing and reduction of military budgets the principles of transparency and comparability must be accepted by all parties to any negotiation. To this end, the elaboration of agreed methods of measuring and comparing military expenditures between different periods of time and between countries representing different regions and different budgeting systems is a necessary pre-condition. Thus the use of the standardized international reporting instrument by the participating States, although not sufficient in itself, is an essential first step."

'Proposal for paragraph 7 by the German Democratic Republic

"Meaningful negotiations on the freezing and reduction of military budgets require the participating States to exchange, during the negotiating process, a reasonable amount of information on their military budgets. In this respect States may use any means and methods acceptable to them."

'Proposal for paragraph 7 by Pakistan

"Before there can be meaningful negotiations on the freezing and reduction of military budgets among any group of States there should be an understanding among them concerning the need for an exchange of data and comparability of their military budgets. In this regard, the elaboration of agreed methods for measuring and comparing military budgets is essential. To this end, the use of the standardized international reporting instrument could constitute the first step."

'Proposal for paragraph 7 by the Union of Soviet Socialist Republics

"Meaningful negotiations on the freezing and reduction of military budgets require the participating States to exchange on an agreed basis during the negotiating process a reasonable amount of information on their military budgets which will be needed for the purpose of the agreement. In this respect States may use any means and methods acceptable to them. Unreasonable requests for information unrelated to the objectives of the negotiations or setting forth such requests as a pre-condition for the beginning of negotiations might cause damage to these objectives and should be avoided."

'Proposal for paragraph 7 by Sweden

"Meaningful negotiations on the freezing and reduction of military budgets would require the exchange of a reasonable amount of relevant data and agreement on concepts concerning the measurement and comparability of the military expenditures. The specific methods for measuring and comparing the military expenditures should be elaborated in the context of negotiations of specific agreements taking into account the scope, nature and purposes of the agreements. Relevant parts of the standardized international reporting system adopted in 1960 by the General Assembly could be useful in this connection."

"9. In the light of the progress achieved, the Disarmament Commission decided to transmit the document to the General Assembly and to recommend that unless another solution is achieved, the Disarmament Commission should continue the discussion with a view to reaching an agreed text of paragraph 7, taking into account the proposals by various delegations."

"Notes

"a/ Official Records of the General Assembly, Fortieth Session, Supplement No. 42 (A/40/42), annex II."

29. The report of Working Group III on agenda item 5 reads as follows:

"Report of Working Group III

"1. The General Assembly, at its fortieth session, adopted resolution 40/89 B of 12 December 1985 in which, inter alia, it requested the Disarmament Commission to consider as a matter of priority during its session in 1986 South Africa's nuclear capability, taking into account, inter alia, the findings of the report of the United Nations Institute for Disarmament Research on South Africa's nuclear capability.

"2. The Disarmament Commission, at its 104th meeting, on 6 May 1986, decided to establish Working Group III to deal with agenda item 6, on the question of South Africa's nuclear capability, and to make recommendations thereon to the Commission, pursuant to General Assembly resolution 40/89 B.

"3. The Working Group met under the temporary chairmanship of Mr. Davidson L. Hepburn (Bahamas) and held 5 meetings between 12 and 21 May. The Working Group also conducted informal consultations through the temporary Chairman during this period.

"4. At its 1st meeting, on 12 May, the Working Group decided that the working paper contained in annex III of the report of the Disarmament Commission at its 1985 session (A/CN.10/1984/WG.II/CRP.1) a/ should serve as the basic document for its consideration of the subject.

"5. In carrying out its work, the Working Group also took into account other relevant documents on the subject, including:

"(a) Report of the Group of Experts on South Africa's Plan and Capability in the Nuclear Field (A/35/402, annex, and Corr.1);

"(b) Report of the United Nations Seminar on Nuclear Collaboration with South Africa; b/

"(c) Report of the United Nations Institute for Disarmament Research on South Africa's nuclear capability (A/39/470, annex).

"6. On that basis, the Working Group endeavoured to draft conclusions and recommendations on the issue. However, after studying various amendments submitted and engaging in intensive informal consultations, it was not possible to reach a consensus.

"7. In the course of the consideration of the subject, the Chairman of the Commission presented a tentative paper c/ designed to enable the adoption of conclusions and recommendations on the item at the present session and held informal consultations with interested delegations with a view to achieving a consensus on the basis of the approach suggested by him. However, his approach was not adopted.

"8. At its 5th meeting, on 21 May, the Working Group decided to recommend to the Disarmament Commission that the Commission should continue to consider the question of South Africa's nuclear capability at its 1987 session on the basis of the text contained in document A/CN.10/1984/WG.II/CRP.1. a/

"Notes

"a/ Official Records of the General Assembly, Fortieth Session, Supplement No. 42 (A/40/42), annex III.

"b/ See Official Records of the Security Council, Thirty-fourth Year, Supplement for January, February and March 1979, document S/13157.

"c/ The paper, entitled 'Conclusions and recommendations on agenda item 6: draft submitted by the Chairman of the Commission', was subsequently circulated as document A/CN.10/1986/WG.III/WP.1."

30. The report of Working Group II on agenda item 7 reads as follows:

"Report of Working Group II

"1. The General Assembly, at its fortieth session, adopted resolution 40/94 O of 12 December 1985 in which, inter alia, it requested the Disarmament Commission, at its substantive session in 1986, to continue its consideration of the role of the United Nations in the field of disarmament as a matter of priority, with a view to the elaboration of concrete recommendations and proposals, as appropriate, taking into account, inter alia, the views and suggestions of Member States on the subject.

"2. The Disarmament Commission, at its 104th meeting, on 6 May 1986, decided to establish Working Group II to deal with agenda item 7 regarding the question of the review of the role of the United Nations in the field of disarmament, and to make recommendations thereon to the Commission, pursuant to General Assembly resolution 40/94 O.

"3. The Working Group met under the chairmanship of Mr. Paul Bameli Engo (Cameroon) and held 2 formal and 7 informal meetings between 7 and 21 May. The Chairman also conducted informal consultations within the Group during this period.

"4. At its 1st formal meeting, on 7 May, the Working Group decided that the working paper contained in annex V of the report of the Disarmament Commission at its 1985 session (A/CN.10/1985/WG.III/WP.1/Rev.1), a/ entitled 'Topics for appropriate recommendations', should serve as the programme of work on agenda item 7. The Working Group decided, furthermore, to consider the topics in the programme of work in groups of three clusters, on the understanding that such clustering did not preclude the right of delegations to express views on individual topics.

"5. In carrying out its work, the Working Group also had before it the replies of Member States to the Secretary-General regarding the review of the role of the United Nations in the field of disarmament (A/CN.10/69 and Add.1-8, A/CN.10/71 and A/CN.10/79). The Chairman prepared and circulated a conference room paper containing findings, recommendations and proposals on the various topics in the Group's programme of work. In addition, other papers were submitted by delegations. All the following papers are to be considered on an equal footing:

- "(a) Conference room paper entitled 'Findings, recommendations and proposals (Chairman's draft)' (A/CN.10/1986/WG.II/CRP.1);
- "(b) Working paper on topic IV, submitted by Mexico (A/CN.10/1986/WG.II/CRP.2);
- "(c) Statement on topic IV, submitted by India (A/CN.10/1986/WG.II/CRP.3);
- "(d) Statement on topics I to III, submitted by the United Kingdom of Great Britain and Northern Ireland (A/CN.10/1986/WG.II/CRP.4);
- "(e) Statement on topic IV, submitted by the United Kingdom of Great Britain and Northern Ireland (A/CN.10/1986/WG.II/CRP.5);
- "(f) Working paper entitled 'Role of the United Nations in the field of disarmament', submitted by Canada (A/CN.10/1986/WG.II/CRP.6);
- "(g) Statement on the role of the United Nations in disarmament, submitted by the United States of America (A/CN.10/1986/WG.II/CRP.7);
- "(h) Comments on the paper entitled 'Findings, recommendations and proposals', submitted by the United States of America (A/CN.10/1986/WG.II/CRP.8);
- "(i) Working paper containing proposals for recommendations on topic IV, submitted by the Federal Republic of Germany (A/CN.10/1986/WG.II/CRP.9);
- "(j) Views and suggestions on topics IV and VI, submitted by Japan (A/CN.10/1986/WG.II/CRP.10);
- "(k) Some suggestions submitted by Australia (A/CN.10/1986/WG.II/CRP.11);
- "(l) Statement on topic IV.1, submitted by the German Democratic Republic (A/CN.10/1986/WG.II/CRP.12);
- "(m) Proposal on topics I and II, submitted by the German Democratic Republic (A/CN.10/1986/WG.II/CRP.13);
- "(n) Proposals submitted by the Union of Soviet Socialist Republics (A/CN.10/1986/WG.II/CRP.14);
- "(o) Working paper containing proposals for recommendations on topics I to III, submitted by the Ukrainian Soviet Socialist Republic (A/CN.10/1986/WG.II/CRP.15);
- "(p) Working paper containing proposals for recommendations on topic IV, submitted by the Ukrainian Soviet Socialist Republic (A/CN.10/1986/WG.II/CRP.16);
- "(q) Working paper entitled 'Review of the role of the United Nations in disarmament', submitted by Pakistan (A/CN.10/1986/WG.II/CRP.17);
- "(r) Views and suggestions on topic IV, submitted by Norway (A/CN.10/1986/WG.II/CRP.18);
- "(s) Working paper submitted by India and Yugoslavia (A/CN.10/1986/WG.II/CRP.19);

"(t) Working paper entitled 'Role of the Secretary-General in the field of disarmament', submitted by Uruguay (A/CN.10/1986/WG.II/CRP.20);

"(u) Working paper containing a proposal on topic IV.3.a, 'World Disarmament Campaign', submitted by Bulgaria (A/CN.10/1986/WG.II/CRP.21);

"6. In the course of its deliberations, the Working Group conducted an extensive exchange of views on a broad range of issues relating to the role of the United Nations in the field of disarmament. Various issues were expressed and a number of suggestions for possible recommendations were put forward.

"7. At its 2nd formal meeting, on 21 May, the Working Group adopted by consensus the following recommendation on agenda item 7:

'The Disarmament Commission recommends to the General Assembly that work to be accomplished under General Assembly resolution 40/94 G of 12 December 1985 should be continued by the Commission as a matter of priority at its next substantive session in 1987, with a view to the elaboration of concrete recommendations and proposals, as appropriate, regarding the role of the United Nations in the field of disarmament, taking into account, inter alia, the views and suggestions of Member States as well as the aforementioned documents on the subject.'

"Notes

"a/ Official Records of the General Assembly, Fortieth Session, Supplement No. 42 (A/40/42), annex V."

31. The report of the Chairman on agenda item 8 reads as follows:

"Report of the Chairman

"1. At its fortieth session, the General Assembly, in its resolutions 40/94 F and 40/94 I of 12 December 1985, entitled 'Study on the naval arms race' and 'Curbing the naval arms race: limitation and reduction of naval armaments and extension of confidence-building measures to seas and oceans' respectively, requested the Disarmament Commission, inter alia, to give consideration to the issues involved and to report its deliberations and recommendations to the General Assembly at its forty-first session.

"2. For its consideration of the item, the Commission had before it the following documents:

"(a) Report of the Secretary-General containing the study on the naval arms race (A/40/535);

"(b) Note verbale addressed to Member States by the Secretary-General (A/CN.10/70 and Add.1-5);

"(c) Working paper submitted by Bulgaria, the German Democratic Republic and the Union of Soviet Socialist Republics (A/CN.10/73 and Corr.1);

"(d) Report of the Secretary-General containing replies received from Member States (A/CN.10/77 and Add.1 and 2);

"(e) Working paper submitted by China (A/CN.10/78);

"(f) Working paper submitted by Bulgaria, the German Democratic Republic and the Union of Soviet Socialist Republics (A/CN.10/80 and Corr.1).

"3. On 9 May 1986, the Chairman, reflecting the results of his consultations, stated that, in considering the item, the most appropriate way would be, at this juncture, for him to hold, under his responsibility, substantive and open-ended consultations on the subject. The Chairman delegated the actual conduct of the substantive consultations to a 'friend of the Chairman', in casu, the representative of Indonesia.

"4. Pursuant to that decision, the Chairman and the representative of Indonesia convened 7 meetings of the consultation group on the item.

"5. The meetings resulted in a number of substantive findings and recommendations on the subject. These are contained in a working paper by the Chairman (A/CN.10/83) which met with the approval of all delegations participating in the substantive consultations and which in their view could form the basis of further deliberations on the subject."

32. The report of the Chairman on agenda item 9 reads as follows:

"Report of the Chairman

"1. At its thirty-ninth session, on 12 December 1984, the General Assembly adopted resolution 39/63 E in which, inter alia, it requested the Disarmament Commission, at its 1986 session, to continue and conclude its consideration of the item entitled 'Elaboration of guidelines for appropriate types of confidence-building measures and for the implementation of such measures on a global or regional level'. The Assembly further requested the Disarmament Commission to submit a report containing such guidelines to the Assembly at its forty-first session.

"2. In the course of the general exchange of views held in the Disarmament Commission, on 5 and 6 May 1986, a number of representatives raised the question of the consideration of guidelines for confidence-building measures. The views, proposals and suggestions put forward appear in the verbatim records of the Commission (A/CN.10/PV.102-105).

"3. On the basis of informal consultations, and with the approval of the Committee of the Whole, the Chairman announced at the 104th meeting of the Commission, on 6 May, that he would, in the first instance, undertake informal consultations on the item until such time as a consensus should emerge, or be in sight, on a text of draft guidelines for appropriate types of confidence-building measures.

"4. The consultations were held during a total of 8 meetings between 7 and 21 May resulting in a text agreed as a draft, which was subsequently approved by the Committee of the Whole on 22 May, and by the Commission at its 108th meeting, on 23 May. The draft guidelines elaborated for the

consideration of the General Assembly at its forty-first session are contained in annex II.

"5. During the consultations, the question was also addressed whether the draft guidelines should be accompanied by a more specific illustrative catalogue of individual confidence-building measures, and delegations had several proposals before them, including a proposal by Argentina (A/CN.10/1986/CW/WP.1).

"6. It appeared from the debates that no easy answer to the underlying question was possible, since obviously a catalogue of special measures would somehow be in contradiction with the finding in the guidelines that confidence-building measures had to be tailored to specific circumstances, particularly in a regional differentiation.

"7. There was also agreement that a catalogue could not be definitely adopted as long as some major definitional issues in the guidelines had not been resolved.

"8. It was nevertheless felt that structured compilation of measures suggested for inclusion in the catalogue would be useful in order to facilitate later consideration of the issues. The Chairman submitted a synthetic overview of this nature (A/CN.10/1986/CW/WP.2)."

* * *

Notes

1/ Official Records of the General Assembly, Fortieth Session, Supplement No. 42 (A/40/42).

2/ General Assembly resolution S-10/2.

3/ Official Records of the General Assembly, Fortieth Session, Supplement No. 27 (A/40/27).

Compilation of proposals for recommendations on agenda item 4Recommendation No. 1

All States Members of the United Nations should reaffirm their full commitment to the purposes of the Charter of the United Nations and should strictly observe its principles as well as other relevant and generally accepted principles of international law relating to the maintenance of international peace and security, in particular, the principles of refraining from the threat or use of force against the sovereignty, territorial integrity or political independence of any State, or against peoples under colonial or foreign domination seeking to exercise their right to self-determination and to achieve independence; non-intervention and non-interference in the internal affairs of other States; the inviolability of international frontiers; and the peaceful settlement of disputes, having regard to the inherent right of States to individual and collective self-defence in accordance with the Charter.

Recommendation No. 2

All States are urged to contribute effectively to the strengthening of the central role and primary responsibility of the United Nations in the field of disarmament. Since the process of disarmament affects the vital security interests of all States, they must all be actively concerned with and contribute to the measures of disarmament and arms limitation, which have an essential part to play in maintaining and strengthening international security.

While disarmament is the responsibility of all States, the nuclear-weapon States have the primary responsibility for nuclear disarmament and, together with other militarily significant States, for halting and reversing the arms race.

Everything possible should be done to enable the Conference on Disarmament, the sole multilateral negotiating body in the field of disarmament, to fulfil its responsibilities by the negotiation and adoption of concrete measures of disarmament to promote effectively the attainment of general and complete disarmament under effective international control.

I

Recommendation No. 3

In order to implement the recommendations and decisions contained in the Final Document of the Tenth Special Session of the General Assembly, the first special session devoted to disarmament (resolution S-10/2), all States, particularly nuclear-weapon States and especially those among them which possess the most important nuclear arsenals, should urgently engage in negotiations to fulfil the priority tasks set forth in its Programme of Action.

Urgent negotiation of agreements in conformity with paragraph 50 of the Final Document with a view to halting and reversing the nuclear-arms race and bringing about as soon as possible the achievement of the final objective defined therein, namely, the ultimate and complete elimination of nuclear weapons, should be undertaken.

Negotiations should be pursued and concluded, in appropriate forums, which would lead to substantial reductions in weapons, in particular nuclear weapons, and the adoption of other disarmament measures, in accordance with paragraphs 29 and 31 of the Final Document of the first special session of the General Assembly devoted to disarmament.

Recommendation No. 4

[The Disarmament Commission recommends that the General Assembly note with satisfaction the agreement reached at Geneva last November at the summit meeting of the Union of Soviet Socialist Republics and the United States of America to accelerate the work at the negotiations between them on nuclear and space arms, with a view to accomplishing the tasks set out in the joint communiqué of 8 January 1985 of the Union of Soviet Socialist Republics and the United States of America, namely, to prevent an arms race in space and to terminate it on Earth, to limit and reduce nuclear arms and enhance strategic stability [with the ultimate aim of achieving the complete elimination of nuclear arms everywhere]. The General Assembly could also express strong support for the call by the leaders of the two States for early progress, in particular in areas where there is common ground.

In this context, the Disarmament Commission recommends that the General Assembly note with satisfaction the joint statement of the Union of Soviet Socialist Republics and the United States of America on the Geneva summit meeting, in particular the agreement that a nuclear war cannot be won and must never be fought, that any conflict between the Union of Soviet Socialist Republics and the United States of America could have catastrophic consequences, that any war between them, whether nuclear or conventional should be prevented and that they will not seek to achieve military superiority.

It is urgently needed to turn these agreements into practical results.

The two negotiating parties should bear constantly in mind that not only their national interests but also the vital interests of all the peoples of the world are at stake and, accordingly, should keep the General Assembly [and the Conference on Disarmament] duly informed of the progress of their negotiations, without prejudice to the progress of the negotiations.

Given the desire of all Member States for speedy accomplishment of the agreed tasks of the negotiations between the Union of Soviet Socialist Republics and the United States of America, it is of great importance to pursue them in a constructive and accommodating spirit, to uphold the agreement on the scope of the negotiations.

[Bilateral negotiations do not in any way diminish the urgent need to carry out multilateral negotiations on the priority items included in the agenda of the Conference on Disarmament.]]

Recommendation No. 5

All States, in particular the major nuclear-weapon States, are urged to pursue their negotiations on arms limitations and disarmament with vigour and to keep the United Nations appropriately informed of all steps in this field, whether unilateral, bilateral, regional or multilateral, without prejudice to the progress of negotiations.

Recommendation No. 6

[The Conference on Disarmament should proceed without delay to negotiations on the cessation of the nuclear-arms race and nuclear disarmament and, in particular, begin the elaboration of practical measures for the cessation of the nuclear-arms race and for nuclear disarmament in accordance with paragraph 50 of the Final Document of the Tenth Special Session of the General Assembly, including a nuclear disarmament programme. Such a comprehensive, phased programme with agreed time-frames, whenever feasible, should provide for progressive and balanced reduction of stockpiles of nuclear weapons and their means of delivery, leading to their ultimate and complete elimination. It should aim at the complete elimination of nuclear weapons throughout the world by the year 2000 and could consist of three stages:

(a) A first stage of five to eight years, providing for reductions in the nuclear arsenals of the Union of Soviet Socialist Republics and the United States of America as well as for the renunciation of the development, testing and deployment of space-strike weapons by them and a moratorium on their nuclear explosions;

(b) A second stage, which would last for five to seven years and during which the other nuclear-weapon States would take part in the nuclear disarmament process;

(c) A last stage, during which the elimination of all remaining nuclear weapons will be completed.

Verification of the destruction or limitation of nuclear weapons and delivery vehicles would be carried out by national technical means, on-site inspections and other measures.]

Recommendation No. 7

(a) [A treaty prohibiting all nuclear-weapon tests should be concluded urgently. To this end the Conference on Disarmament should immediately proceed to corresponding negotiations.]

(b) [Substantive examination of specific issues relating a comprehensive nuclear-test ban should begin immediately with a view to negotiation of a treaty on the subject.]

(c) [A comprehensive nuclear-test-ban treaty should be negotiated and concluded within the framework of an effective nuclear disarmament process.]

(d) [A comprehensive nuclear-test-ban treaty prohibiting all nuclear-test explosions by all States in all environments for all time should be concluded as a matter of urgency.]

(e) [A comprehensive nuclear-test-ban treaty prohibiting all nuclear [-weapon] test explosions by all States in all environments for all time should be concluded as a matter of urgency. To this end, it is necessary to use all opportunities, including negotiations at the Conference on Disarmament, bilateral or trilateral negotiations. The agreement could be reached also by the extension of the terms of the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water to underground nuclear tests as well. The treaty should provide for strict verification measures, including those suggested by the leaders

of Argentina, Greece, India, Mexico, Sweden and the United Republic of Tanzania, up to on-site inspections. At all talks the issues of the verification of compliance with the agreement could be considered simultaneously with the consideration of the other substantive issues of the prohibition of nuclear tests.]

Text to be added at the end of recommendation No. 7

[Pending the conclusion of such a treaty, the nuclear-weapon States are called upon to declare a moratorium on all nuclear explosions starting from a date to be agreed among all of them. The declaration by the Union of Soviet Socialist Republics to extend its unilateral moratorium until 6 August 1986 should be welcomed. The conclusion of a comprehensive test-ban treaty would considerably be promoted if the United States of America followed the same example.] [Pending the conclusion of such a treaty, the two major nuclear Powers which conducted the most of nuclear explosions are called on to stop their nuclear tests immediately in order to facilitate the negotiations on a comprehensive test-ban treaty and other nuclear disarmament measures.]

Recommendation No. 8

In order to intensify the disarmament process, it should be taken into consideration that mankind today is confronted with an unprecedented threat of self-extinction arising from the massive and competitive accumulation of the most destructive weapons ever produced. Therefore, disarmament, in particular nuclear disarmament, should no longer be approached just as a moral issue, but as an issue of human survival.

Measures for the prevention of nuclear war and for the promotion of nuclear disarmament must take into account the security interests of nuclear-weapon and non-nuclear-weapon States alike. [The Conference on Disarmament should undertake, as a matter of the highest priority, negotiations with a view to achieving agreement on appropriate and practical measures for the prevention of nuclear war.]

Recommendation No. 9

[Definite norms that would govern the relations between the Powers possessing nuclear weapons should be agreed upon and be given an obligatory nature. It is important that all the nuclear Powers put the task of preventing nuclear war at the apex of their policy and arrange their mutual policies taking this into account.]

Recommendation No. 10

[Agreements should be concluded eliminating from international relations the use of force in both nuclear and non-nuclear versions. At the global level, this goal could be achieved by the conclusion of a world treaty on the non-use of force in international relations. An important step in this direction would be the conclusion of a treaty on the reciprocal non-use of military force and the maintenance of relations of peace between the Warsaw Treaty and the NATO States, the crux of which would be the obligation incumbent on States parties of both groups not to be the first to use either nuclear or non-nuclear weapons against each other.]

Recommendation No. 11

[A freeze on nuclear weaponry which could begin with that of the two nuclear-weapon States possessing the largest nuclear arsenals. Such a freeze would be subject to all relevant measures and procedures of verification which have already been agreed upon by the parties in the case of the SALT I and SALT II treaties, as well as those agreed upon in principle by them during the preparatory trilateral negotiations on the comprehensive test ban held at Geneva.]

[A freeze on the development, production, stockpiling and deployment of nuclear weapons should be immediately imposed, as a first step to the reduction and, eventually, the elimination of nuclear arsenals.]

[It is of paramount importance for the nuclear Powers which possess the largest nuclear arsenals to take the lead in halting and reversing the nuclear-arms race between them and reducing drastically their existing nuclear arsenals so as to create propitious conditions for all the nuclear States to further adopt nuclear disarmament measures, including a freeze on the development, production, stockpiling and deployment of nuclear weapons.]

Negotiations should be conducted and concluded which would lead to substantial reductions in nuclear weapons. These reductions must be mutual, balanced and verifiable.

[A mutually agreed, balanced and verifiable freeze on nuclear arsenals should be negotiated between the nuclear-weapon States which should be followed by deep cuts in those arsenals and not be seen as an alternative to disarmament.]

Recommendation No. 12

[The fundamental approach to the prevention of nuclear war involves the complete prohibition and thorough destruction of nuclear weapons. Pending the attainment of this goal, the countries possessing the largest nuclear arsenals should take the lead and stop testing, producing and deploying nuclear weapons and reduce drastically their existing nuclear weapons. After that, corresponding measures should be taken by the other nuclear-weapon States according to a reasonable ratio and procedure.]

Recommendation No. 13

[An agreement giving full legally binding force to a commitment by all nuclear-weapon States not to be the first to use these terrible weapons of mass destruction should be concluded.]

[Pending the adoption of a convention on prohibition of the use or threat of use of nuclear weapons by all nuclear-weapon States, declarations by all nuclear-weapon States, collectively or individually, on non-first-use of nuclear weapons would be a means of strengthening the climate of confidence and a first step towards lessening the risk of nuclear conflict.]

[In accordance with relevant provisions of the Charter, States should never use any weapon except in exercise of the inherent right of individual and collective self-defence.]

Recommendation No. 14

[A convention on prohibition of the use or threat of use of nuclear weapons by all nuclear-weapon States should be urgently negotiated and adopted, pending effective measures of nuclear disarmament.]

Text proposed as an alternative to recommendations 13 and 14

[Reaffirming the prohibition of the threat or use of force under the Charter of the United Nations, States should commit themselves, collectively or individually, never to be the first to use any weapon, nuclear or conventional, except in exercise of the inherent right of individual or collective self-defence.]

Recommendation No. 15

[In view of the danger posed to all mankind by an arms race in outer space, in particular the impending danger of exacerbating the current state of insecurity by developments that could further undermine international peace and security, the Conference on Disarmament should urgently undertake negotiations for the conclusion of an agreement or agreements, as appropriate, to prevent an arms race in all its aspects in outer space.]

In order to contribute to the prevention of an arms race in outer space, the Conference on Disarmament should intensify its work in accordance with the mandate of the Ad Hoc Committee set up by the Conference.

[It is understood that the establishment of the Ad Hoc Committee constitutes only a first step towards multilateral negotiations for the conclusion of an agreement or agreements, as appropriate, to prevent an arms race in all its aspects in outer space.]

Recommendation No. 16

Pending comprehensive measures of nuclear and conventional disarmament, States should co-operate in the development of a comprehensive set of measures for the prevention of nuclear war and of all armed conflict. These could include a wide array of confidence-building measures, including measures relating to nuclear weapons, to be negotiated in appropriate frameworks, for regional or global application.

Recommendation No. 17

In regions where the concentration of nuclear and conventional weapons as well as military forces has attained the most dangerous levels, these should be reduced in a mutual, balanced and verifiable manner.

Recommendation No. 18

[No deployment of nuclear weapons should take place in territories where there are no such weapons. In countries where such weapons have already been installed, stockpiles of such weapons should not be increased or replaced with new ones. The nuclear weapons deployed by nuclear-weapon States outside their own territories should be withdrawn.]

Recommendation No. 19

[The nuclear-weapon States should refrain from military manoeuvres in which nuclear energy is used for non-peaceful purposes, especially in situations where nuclear armaments are deployed in close proximity of States not possessing nuclear weapons, thus endangering their security.]

Recommendation No. 20

Bearing in mind that the nuclear-weapon States should guarantee that non-nuclear-weapon States will not be threatened or attacked with nuclear weapons and that unilateral declarations were made in this context, negotiations should proceed for the conclusion [, as appropriate,] of effective international arrangements to assure [all] non-nuclear-weapon States [, without any discrimination,] against the use or threat of use of nuclear weapons.

Recommendation No. 21

The establishment of nuclear-weapon-free zones in different parts of the world on the basis of agreements and/or arrangements freely arrived at among the States of the region concerned constitute an important disarmament measure and should be encouraged, with the ultimate objective of achieving a world entirely free of nuclear weapons. In the process of establishing such zones, the characteristics of each region should be taken into account. [Those agreements or arrangements should be fully complied with and the effective respect for the status of such zones by [all] [nuclear-weapon] States [concerned] should be subject to adequate [agreed] verification procedures, thus ensuring that the zones are genuinely free from nuclear weapons.]

Recommendation No. 22

All States should co-operate to achieve the goal of nuclear non-proliferation which is, on the one hand, to prevent the emergence of any additional nuclear-weapon States besides the existing five nuclear-weapon States and, on the other, progressively to reduce and eventually to eliminate nuclear weapons altogether. States should fully implement all the provisions of relevant international treaties to which they are parties. Nuclear-weapon States in particular should urgently adopt effective measures for halting and reversing the nuclear-arms race.

Recommendation No. 23

Since the proliferation of nuclear weapons in all its aspects is a matter of universal concern, all States are jointly urged to take further steps to develop an international consensus of ways and means, on a universal and non-discriminatory basis, to prevent the proliferation of nuclear weapons.

Recommendation No. 24

[All military doctrines and concepts which are based on the admissibility of nuclear warfare and aimed at strategic superiority and first use of nuclear weapons, leading to a further escalation of the nuclear-arms race, to an increase of the danger of war and to the impediment of disarmament, should be condemned.]

The Disarmament Commission should be requested to examine further such doctrines and concepts as well as their consequences under item 4 of its agenda, with a view to finally achieving a renunciation of such doctrines and concepts by all States.]

II

Introductory sentence

While nuclear disarmament has the highest priority, the following recommendations on other priority measures of disarmament should be pursued together with nuclear disarmament negotiations.

Recommendation No. 1

Efforts should be made to conclude urgently a treaty on the prohibition of chemical weapons. To this end, the Conference on Disarmament should expedite its work with a view to presenting a draft treaty to the General Assembly without further delay.

Recommendation No. 2

The qualitative development and the growing accumulation of conventional weapons in many parts of the world add a new dimension to the arms race, especially among States possessing the largest military arsenals. Therefore, conventional disarmament should be resolutely pursued within the framework of progress towards general and complete disarmament.

Recommendation No. 3

[The adoption of disarmament measures should take place in a manner that would ensure the right of each State to undiminished security. However, massive arms supply to States that base their security on false claims in order to obtain advantages over others as well as to enhance colonial domination and foreign occupation leads to the perpetuation of intolerable situations and the exacerbation of conflicts and gravely endangers international peace and security and should therefore be ended.]

Recommendation No. 4

[[An arms race in outer space should be prevented. In this context, the Disarmament Commission welcomes the recent decision taken by the Conference on Disarmament, namely:

"In the exercise of its responsibilities as the multilateral disarmament negotiating forum in accordance with paragraph 120 of the Final Document of the first special session of the General Assembly devoted to disarmament, the Conference on Disarmament decides to re-establish an Ad Hoc Committee under item 5 of its agenda entitled 'Prevention of an arms race in outer space'.

"The Conference requests the Ad Hoc Committee, in discharging that responsibility, to continue to examine, and to identify, through substantive and general consideration, issues relevant to the prevention of an arms race in outer space.

"The Ad Hoc Committee, in carrying out this work, will take into account all existing agreements, existing proposals and future initiatives as well as developments which have taken place since the establishment of the Ad Hoc Committee, in 1985, and report on the progress of its work to the Conference on Disarmament before the end of its 1986 session."

[Consequently, the establishment of the Ad Hoc Committee constitutes only a first step towards the urgent initiation of multilateral negotiations for the conclusion of an agreement or agreements, as appropriate, to prevent an arms race in all its aspects in outer space.]]

Recommendation No. 5

In order to create favourable conditions for success in the disarmament process, all States should strictly abide by the principles of the Charter of the United Nations as well as other relevant and generally accepted principles of international law relating to the maintenance of international peace and security, refrain from actions [and programmes aimed at arms build-up] which might adversely affect efforts in the field of disarmament, and display a constructive approach to negotiations and the political will to reach agreements. The climate of confidence among nations would be significantly improved with agreements on measures for halting the arms race and effective reductions of armaments leading to their complete elimination. The objective at each stage of this process of disarmament should be undiminished security at the lowest possible level of armaments.

Recommendation No. 6

In the context of the World Disarmament Campaign measures should be adopted in order that the public in all regions of the world has access to a broad range of objective information and opinions on questions of arms limitation and disarmament, and the dangers relating to all aspects of the arms race and war, in particular nuclear war, to facilitate informed choices about these vital questions concerning efforts to halt and reverse the arms race. Such a campaign should promote public interest in and support for the goals set out in the paragraphs referred to above and in particular for the reaching of agreements on measures of arms limitation and disarmament with a view to achieving the goal of general and complete disarmament under effective international control.

Draft guidelines for appropriate types of confidence-building measures and for the implementation of such measures on a global or regional level

The Commission has elaborated the subsequent guidelines for appropriate types of confidence-building measures for the consideration of the General Assembly at its forty-first session, in keeping with resolution 39/63 E.

The text of the guidelines - as a draft - is agreed on all counts, except that alternative formulations are offered on two issues, on which it appeared that a further rapprochement of views could not be accomplished at this juncture. The Commission is, however, confident that the remaining divergencies on these two issues could be eliminated at a later time, that the submission of the guidelines to the General Assembly should not be delayed beyond the deadline indicated in resolution 39/63 E, and that the overall thrust of the guidelines, and the possibility of their widest possible implementation, is not impaired by the continued existence of these alternative texts. They may, on the contrary, allow the General Assembly and Member States to focus more clearly on the underlying issues as regards these two partial, though important, problems.

It is understood that Member States reserved their final assent to the guidelines until such time as they are completed and can be assessed in their entirety.

The Commission wishes to draw particular attention to paragraph 1.2.5 of the guidelines where it is emphasized that the accumulation of relevant experience with confidence-building measures may necessitate the further development of the text at a later time, should the General Assembly so decide.

In elaborating the guidelines, all delegations were aware, notwithstanding the high significance and role of confidence-building measures, of the primary importance of disarmament measures and the singular contribution only disarmament can make to the prevention of war, in particular nuclear war. Some delegations would have wished to see the criteria and characteristics of a regional approach to confidence-building measures spelt out in greater detail.

1. General considerations

1.1 Frame of reference

- 1.1.1 The present guidelines for confidence-building measures have been drafted by the Disarmament Commission in pursuance of resolution 37/100 D adopted by consensus by the General Assembly, in which the Disarmament Commission was requested "to consider the elaboration of guidelines for appropriate types of confidence-building measures and for the implementation of such measures on a global or regional level", and of resolutions 38/73 A and 39/63 E in which it was asked to continue and conclude its work, and was further requested to submit to the General Assembly at its forty-first session a report containing such guidelines.

1.1.2 In elaborating the guidelines the Disarmament Commission took into account, inter alia, the following United Nations documents: the Final Document of the Tenth Special Session of the General Assembly, the first special session devoted to disarmament (resolution S-10/2), the relevant resolutions adopted by consensus by the General Assembly, a/ the replies received from Governments informing the Secretary-General of their views and experiences regarding confidence-building measures, b/ the Comprehensive Study on Confidence-building Measures by a Group of Governmental Experts, c/ the proposals made by individual countries at the twelfth special session of the General Assembly, the second special session devoted to disarmament, d/ as well as the views of delegations as expressed during the annual sessions of the Disarmament Commission in 1983, 1984 and 1986 and reflected in the relevant documents of those sessions.

1.2 General political context

- 1.2.1 These guidelines have been elaborated at a time when it is universally felt that efforts to heighten confidence among States are particularly pertinent and necessary. There is common concern about the deterioration of the international situation, the continuous recourse to the threat or use of force and the further escalation of the international arms build-up, with the concomitant rise in instabilities, political tensions and in mistrust, and the heightened perception of the danger of war, both conventional and nuclear. At the same time, there is a growing awareness of the unacceptability of war in our time, and of the interdependence of the security of all States.
- 1.2.2 This situation calls for every effort by the international community to take urgent action for the prevention of war, in particular nuclear war - in the language of the Final Document of the Tenth Special Session, a threat whose removal is the most acute and urgent task of the present day - and for concrete measures of disarmament - to prevent an arms race in space and to terminate it on earth, to limit, reduce and eventually eliminate nuclear arms and enhance strategic stability - but also for efforts to reduce political confrontation and to establish stable and co-operative relationships in all fields of international relations.
- 1.2.3 In this context, a confidence-building process embracing all these fields has become increasingly important. Confidence-building measures, especially when applied in a comprehensive manner, have a potential to contribute significantly to the enhancement of peace and security and to promote and facilitate the attainment of disarmament measures.
- 1.2.4 This potential is at present already being explored in some regions and subregions of the world, where the States concerned - while remaining mindful of the need for global action and for disarmament measures - are joining forces to contribute, by the elaboration and implementation of confidence-building measures, to more stable relations and greater security, as well as the elimination of outside intervention and enhanced co-operation in their areas.

The present guidelines have been drafted with these significant experiences in mind, but they also purport to provide further support to these and other endeavours on the regional and global level. They do not, of course, exclude the simultaneous application of other security-enhancing measures.

- 1.2.5 These guidelines are part of a dynamic process over time. While they are designed to contribute to a greater usefulness and wider application of confidence-building measures, the accumulation of relevant experience may, in turn, necessitate the further development of the guidelines at a later time, should the General Assembly so decide.

1.3 Delimitation of the subject

1.3.1 Confidence-building measures and disarmament

- 1.3.1.1 Confidence-building measures must be neither a substitute nor a pre-condition for disarmament measures nor divert attention from them. Yet their potential for creating favourable conditions for progress in this field should be fully utilized in all regions of the world, in so far as they may facilitate and do not impair in any way the adoption of disarmament measures.

- 1.3.1.2 Effective disarmament and arms limitation measures which directly limit or reduce military potential have particularly high confidence-building value and, among these measures, those relating to nuclear disarmament are especially conducive to confidence-building.

- 1.3.1.3 The provisions of the Final Document of the Tenth Special Session relating to disarmament, particularly nuclear disarmament, also have a high confidence-building value.

- 1.3.1.4 Confidence-building measures may be worked out and implemented independently in order to contribute to the creation of favourable conditions for the adoption of additional disarmament measures, or, no less important, as collateral measures in connection with specific measures of arms limitation and disarmament.

1.3.2 Scope of confidence-building measures: military and non-military measures

- 1.3.2.1 Confidence reflects a set of interrelated factors of a military as well as of a non-military character, and a plurality of approaches is needed to overcome fear, apprehension and mistrust between States and to replace them by confidence.

- 1.3.2.2 Since confidence relates to a wide spectrum of activities in the interaction among States, a comprehensive approach is indispensable and confidence-building is necessary in the political, military, economic, social, humanitarian and cultural fields. These should include removal of political tensions, progress towards disarmament, reshaping of the world economic system and the elimination of racial discrimination, of any form of hegemony and domination and of foreign

occupation. It is important that in all these areas the confidence-building process should contribute to diminishing mistrust and enhancing trust among States by reducing and eventually eliminating potential causes for misunderstanding, misinterpretation and miscalculation.

1.3.2.3 Withstanding the need for such a broad confidence-building process, and in accordance with the mandate of the Disarmament Commission, the main focus of the present guidelines for confidence-building measures relates to the military and security field, and the guidelines derive their specificity from these aspects.

1.3.2.4 In many regions of the world economic and other phenomena touch upon the security of a country with such immediacy that they cannot be disassociated from defence and military matters. Concrete measures of a non-military nature that are directly relevant to the national security and survival of States are therefore fully within the focus of the guidelines. In such cases military and non-military measures are complementary and reinforce each other's confidence-building value.

1.3.2.5 The appropriate mixture of different types of concrete measures should be determined for each region, depending on the perception of security and of the nature and level of existing threats, by the countries of the regions themselves.

2. Guidelines for appropriate types of confidence-building measures and for their implementation

2.1 Principles

2.1.1 Strict adherence to the Charter of the United Nations and fulfilment of the commitments contained in the Final Document of the Tenth Special Session of the General Assembly (resolution S-10/2), the validity of which had been unanimously and categorically reaffirmed by all Member States at the twelfth special session of the General Assembly, the second special session devoted to disarmament, make a contribution of overriding importance for the preservation of peace and for ensuring the survival of mankind and the realization of general and complete disarmament under effective international control.

2.1.2 In particular, and as a prerequisite for enhancing confidence among States, the following principles enshrined in the Charter of the United Nations must be strictly observed:

- (a) Refraining from the threat or use of force against the territorial integrity or political independence of any State;
- (b) Non-intervention and non-interference in the internal affairs of States;
- (c) Peaceful settlement of disputes;
- (d) Sovereign equality of States and self-determination of peoples.

- 2.1.3 The strict observance of the principles and priorities of the Final Document of the Tenth Special Session is of particular importance for enhancing confidence among States.
- 2.2 Objectives
- 2.2.1 The ultimate goal of confidence-building measures is to strengthen international peace and security and to contribute to the prevention of all wars, in particular nuclear war.
- 2.2.2 Confidence-building measures are to contribute to the creation of favourable conditions for the peaceful settlement of existing international problems and disputes and for the improvement and promotion of international relations based on justice, co-operation and solidarity; and to facilitate the solution of any situation which might lead to international friction.
- 2.2.3 A major goal of confidence-building measures is the realization of universally recognized principles, particularly those contained in the Charter of the United Nations.
- 2.2.4 By helping to create a climate in which the momentum towards a competitive arms build-up can be reduced and in which the importance of the military element is gradually diminished, confidence-building measures should in particular facilitate and promote the process of arms limitation and disarmament.
- 2.2.5 A major objective is to reduce or even eliminate the causes of mistrust, fear, misunderstanding and miscalculation with regard to relevant military activities and intentions of other States, factors which may generate the perception of an impaired security and provide justification for the continuation of the global and regional arms build-up.
- 2.2.6 A centrally important task of confidence-building measures is to reduce the dangers of misunderstanding or miscalculation of military activities, to help to prevent military confrontation as well as covert preparations for the commencement of a war, to reduce the risk of surprise attacks and of the outbreak of war by accident; and thereby, finally, to give effect and concrete expression to the solemn pledge of all nations to refrain from the threat or use of force in all its forms and to enhance security and stability.
- 2.2.7 Given the enhanced awareness of the importance of compliance, confidence-building measures may serve the additional objective of facilitating verification of arms limitation and disarmament agreements.

In addition, strict compliance with obligations and commitments in the field of disarmament and co-operation in the elaboration and implementation of adequate measures to ensure the verification of such compliance - satisfactory to all parties concerned, and determined by the purposes, scope and nature of the relevant agreement - have a considerable confidence-building effect of their own.

Confidence-building measures cannot, however, supersede verification measures, which are an important element in arms limitation and disarmament agreements.

2.3 Characteristics

- 2.3.1 Confidence in international relations is based on the belief in the co-operative disposition of other States. Confidence will increase to the extent that the conduct of States, over time, indicates their willingness to practise non-aggressive and co-operative behaviour.
- 2.3.2 Confidence-building requires a consensus of the States participating in the process. States must therefore decide freely and in the exercise of their sovereignty whether a confidence-building process is to be initiated and, if so, which measures are to be taken and how the process is to be pursued.

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2.3.3 Because confidence-building is by nature a process in which each previous measure forms the basis for further measures which progressively and cumulatively consolidate and strengthen the building of confidence, States must, at each stage, be able to measure and assess the results achieved. This implies that it is only on concrete actions, which can be examined and assessed, that confidence can be founded.

2.3.4 Declarations of intent or promise for a certain behaviour in the future (for example, in cases of armed conflict), however welcome they may be, cannot substitute for concrete measures, which can be examined and assessed. Such declarations and promises should be substantiated by concrete action.

2.3.5 A detailed universal model being obviously impractical, confidence-building measures must be tailored to specific situations. The effectiveness of a concrete measure will increase the more it is adjusted to the specific perceptions of threat or the confidence requirements of a given situation or a particular region.

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2.3.6 One of the major causes of distrust, insecurity and threat perception is the lack of reliable information on pertinent military activities and intentions of other States and on other matters pertaining to mutual security.

The distrust caused by insufficient knowledge about opposing military forces is often aggravated by subjective misconceptions and a resulting lack of trust concerning the intentions of States.

Proposal by Socialist States

Confidence-building is by nature an organic process developing continuously through both political and legal steps and military and technical measures in which each measure can form the basis for further measures which progressively and cumulatively consolidate and strengthen the building of confidence. To be in a position to review this process and to determine necessary future actions to further develop it, States should be able to assess periodically the concrete results achieved.

Political obligations and unilateral actions aimed at promoting disarmament and confidence-building should be viewed as important instruments for providing impulse for further mutually agreed concrete actions.

Proposal by Socialist States

Exchange of information on armed forces and armaments as well as on pertinent military activities could be desirable in the process of disarmament and confidence-building. Such an exchange could contribute to a greater confidence. It is indispensable that such an exchange of information be carried out in an organic connection with specific disarmament and confidence-building measures. It should not constitute a pre-condition for such measures.

Consequently, confidence-building measures should provide reliable information by enhancing knowledge of pertinent military activities and other matters pertaining to mutual security. This is particularly significant in connection with concrete disarmament negotiations, or in order to enhance the prospects of specific disarmament agreements.

Requests for information, unrelated to the objectives of confidence-building and disarmament agreements, might cause damage to these objectives and should be avoided.

Requests for information should aim only at obtaining a rational basis on which to measure the presence or absence of a military threat, and unreasonable requests, unrelated to the objectives of confidence-building measures, should be avoided.

- 2.3.7 If the circumstances of a particular situation and the principle of undiminished security allow, confidence-building measures could, within a step-by-step process, where desirable and appropriate, go further and (though not by themselves capable of diminishing military potentials) limit available military options.

2.4 Implementation

- 2.4.1 In order to optimize the implementation of confidence-building measures, States taking, or agreeing to, such measures should carefully analyse, and identify with the highest possible degree of clarity, the factors which favourably or adversely affect confidence in a specific situation.
- 2.4.2 Since States must be able to examine and assess the implementation of, and to ensure compliance with, a confidence-building arrangement, it is indispensable that the details of the established confidence-building measures should be defined precisely and clearly.
- 2.4.3 Misconceptions and prejudices, which may have developed over an extended period of time, cannot be overcome by a single application of a confidence-building measures. The seriousness, credibility and reliability of a State's commitment to confidence-building, without which the confidence-building process cannot be successful, can be demonstrated only by consistent implementation over time.
- 2.4.4 The implementation of confidence-building measures should take place in such a manner as to ensure the right of each State to undiminished security, guaranteeing that no individual State or group of States obtains advantages over others at any stage of the confidence-building process.

- 2.4.5 The building of confidence is a dynamic process: experience and trust gained from the implementation of early largely voluntary and militarily less significant measures can facilitate agreement on further and more far-reaching measures.

The pace of the implementation process both in terms of timing and scope of desirable measures depends on prevailing circumstances. Confidence-building measures should be as substantial as possible and effected as rapidly as possible. Whilst in a specific situation the implementation of far-reaching arrangements at an early stage might be attainable, it would normally appear that a gradual step-by-step process is necessary.

- 2.4.6 Obligations undertaken in agreements on confidence-building measures must be fulfilled in good faith.
- 2.4.7 Confidence-building measures should be implemented on the global as well as on regional levels. Regional and global approaches are not contradictory but rather complementary and interrelated. In view of the interaction between global and regional events, progress on one level contributes to advancement on the other level; however, one is not a pre-condition for the other.

In considering the introduction of confidence-building measures in particular regions, the specific political, military and other conditions prevailing in the region should be fully taken into account. Confidence-building measures in a regional context should be adopted on the initiative and with the agreement of the States of the region concerned.

- 2.4.8 Confidence-building measures can be adopted in various forms. They can be agreed upon with the intention of creating legally binding obligations, in which case they represent international treaty law among parties. They can, however, also be agreed upon through politically binding commitments. Evolution of politically binding confidence-building measures into obligations under international law can also be envisaged.
- 2.4.9 For the assessment of progress in the implementing action of confidence-building measures, States should, to the extent possible and where appropriate, provide for procedures and mechanisms for review and evaluation. Where possible, time-frames could be agreed to facilitate this assessment in both quantitative and qualitative terms.

2.5 Development, prospects and opportunities

- 2.5.1 A very important qualitative step in enhancing the credibility and reliability of the confidence-building process may consist in strengthening the degree of commitment with which the various confidence-building measures are to be implemented; this, it should be recalled, is also applicable to the implementation of commitments undertaken in the field of disarmament. Voluntary and unilateral measures should, as early as appropriate, be developed into mutual, balanced and politically binding provisions and, if appropriate, into legally binding obligations.

- 2.5.2 The nature of a confidence building measure may gradually be enhanced to the extent that its general acceptance as the correct pattern of behaviour grows. As a result, the consistent and uniform implementation of a politically binding confidence-building measure over a substantial period of time, together with the requisite opinio iuris, may lead to the development of an obligation under customary international law. In this way, the process of confidence-building may gradually contribute to the formation of new norms of international law.
- 2.5.3 Statements of intent and declarations, which in themselves contain no obligation to take specific measures but have the potential to contribute favourably to an atmosphere of greater mutual trust, should be developed further by more concrete agreements on specific measures.
- 2.5.4 Opportunities for the introduction of confidence-building measures are manifold. The following compilation of some of the main possibilities may be of assistance to States wishing to define what might present a suitable opportunity for action.
- 2.5.4.1 A particular need for confidence-building measures exists at times of political tension and crises, where appropriate measures can have a very important stabilizing effect.
- 2.5.4.2 Negotiations on arms limitation and disarmament can offer a particularly important opportunity to agree on confidence-building measures. As integral parts of an agreement itself or by way of supplementary agreements, they can have a beneficial effect on the parties' ability to achieve the purposes and goals of their particular negotiations and agreements by creating a climate of co-operation and understanding, by facilitating adequate provisions for verification acceptable to all the States concerned and corresponding to the nature, scope and purpose of the agreement, and by fostering reliable and credible implementation.
- 2.5.4.3 A particular opportunity might arise upon the introduction of peace-keeping forces, in accordance with the purposes of the United Nations Charter, into a region or on the cessation of hostilities between States.
- 2.5.4.4 Review conferences of arms limitation agreements might also provide an opportunity to consider confidence-building measures, provided these measures are in no way detrimental to the purposes of the agreements; the criteria of such action to be agreed upon by the parties to the agreements.
- 2.5.4.5 Many opportunities exist in conjunction with agreements among States in other areas of their relations, such as the political, economic, social and cultural fields, for example in the case of joint development projects, especially in frontier areas.
- 2.5.4.6 Confidence-building measures, or at least a statement of intent to develop them in the future, could also be included in any other form of political declaration on goals shared by two or more States.

- 2.5.4.7 Since it is especially the multilateral approach to international security and disarmament issues which enhances international confidence, the United Nations can contribute to increasing confidence by playing its central role in the field of international peace, security and disarmament. Organs of the United Nations and other international organizations could participate in encouraging the process of confidence-building as appropriate. In particular, the General Assembly and the Security Council - their tasks in the field of disarmament proper notwithstanding - can further this process, by adopting decisions and recommendations containing suggestions and requests to States to agree on and implement confidence-building measures. The Secretary-General, in accordance with the Charter of the United Nations, could also contribute significantly to the process of confidence-building by suggesting specific confidence-building measures or by providing his good offices, particularly at times of crises, in promoting the establishment of certain confidence-building procedures.
- 2.5.4.8 In accordance with item IX of its established agenda - the so-called decalogue - and without prejudice to its negotiating role in all areas of its agenda, the Conference on Disarmament could identify and develop confidence-building measures in relation to agreements on disarmament and arms limitation under negotiation in the Conference.

Notes

- a/ Resolutions 34/87 B, 35/156 B, 36/97 F, 37/100 D and 38/73.
- b/ A/34/416 and Add.1-3, A/35/397.
- c/ United Nations publication, Sales No. E.82.IX.3.
- d/ See A/S-12/AC.1/59.

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