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FIRST COMMITTEE  
47th meeting  
held on  
Monday, 29 November 1982  
at 3.30 p.m.  
New York

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VERBATIM RECORD OF THE 47TH MEETING

Chairman: Mr. GBEHO (Ghana)

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DISARMAMENT ITEMS

AGENDA ITEMS 48, 54 AND 55 (continued)

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The meeting was called to order at 3.45 p.m.

AGENDA ITEMS 48, 54 AND 55 (continued)

The CHAIRMAN: The Committee will continue its consideration of and action upon draft resolutions related to disarmament items.

Mr. PRASAD (India): My delegation would like to thank Ambassador Fonseka of Sri Lanka, Chairman of the Ad Hoc Committee on the Indian Ocean, for presenting document A/37/29, containing the report of the Ad Hoc Committee as well as a draft resolution recommended by the Committee for adoption by the General Assembly by consensus. If we have been able to secure a consensus resolution in the Ad Hoc Committee this year, it is due in no small measure to the patience, persuasiveness and diplomatic skill of Ambassador Fonseka.

While India joins the consensus in favour of the draft resolution recommended by the Ad Hoc Committee, we should not like to make a secret of our disappointment at the decision being taken to postpone the convening of the conference on the Indian Ocean from 1983 to 1984. We are pained that the price of consensus this year has been the virtual reproduction of General Assembly resolution 36/90, with the changes consequent upon the shifting of the dates. Furthermore, the lack of agreement on specific dates even within 1984 demonstrates that certain countries have not given up their negative attitude to the Declaration of the Indian Ocean as a Zone of Peace. Those countries have been known to be totally insensitive to the demand of the littoral and hinterland States that the Indian Ocean should be rid of great-Power military bases and presence. They have persistently refused, by bringing into the Committee their own outmoded doctrines of containment and balance of power to allow it to make any progress in the direction of discharging its mandate.

The draft resolution recommended by the Ad Hoc Committee this year shows that it has been rendered unable to make any kind of progress, even progress in terms of language, not to speak of any substantive advancement. The mere repetition of the language of last year's resolution to which we have been reduced is a sad commentary not only on the state of affairs in the Ad Hoc Committee, but also on the situation in the Indian Ocean itself. The refusal to move forward in any manner in the Committee reflects the adamant refusal of certain Powers even to contemplate their withdrawal from the Indian Ocean.

(Mr. Prasad, India)

The non-aligned countries, proceeding on the basis of consensus resolution 36/90, proposed earlier this year, during the Geneva session of the Ad Hoc Committee, that the conference on the Indian Ocean should open in Colombo in May 1983. In a draft resolution submitted to the Committee, the non-aligned countries not only proposed specific dates, but also identified the necessary preparatory work which was to be completed. But it became clear soon enough that certain so-called like-minded delegations had their own interpretation of resolution 36/90, and that they had used the consensus language of that resolution merely to camouflage their opposition to the conference. It became clear that their efforts during the whole of 1982 were aimed at diverting the attention of the Ad Hoc Committee to certain extraneous issues, thus preventing the harmonization of views that would have led to the holding of the conference. In Geneva, those countries even tried to project these efforts as a positive contribution to the Committee's work and to misdirect the Committee to areas totally outside its mandate.

The non-aligned countries, painfully aware of the need for practical action to rid the Indian Ocean of the menacing presence there of the great Powers, made several concessions during the negotiations to enable the Committee to come up with a decision on the specific dates for the conference, even if it meant the postponement of the conference to the first half of 1984. We recognized that it would be helpful to utilize the time between now and the first half of 1984 further to harmonize views and to complete the preparatory work. We proposed appropriate language to that effect during the agonizing negotiations in the last three months in the hope that a specific date would be set for the completion of the preparatory work, if not for the conference itself. The non-aligned countries were not only flexible and accommodating, but also imaginative and innovative throughout the negotiations, but the determined negativism of a particular group of countries blocked our work at every stage, and consequently we have a draft resolution which does not even set specific dates for the conference.

(Mr. Prasad, India)

Although we should have liked the present resolution to be more specific about the dates for the conference, we view its adoption by the General Assembly as amounting to a decision to convene the conference on the Indian Ocean in the first half of 1984. In this context, we attach special importance to operative paragraph 2, which for the first time "takes note of the views expressed relating to the need for convening of the Conference during the first half of 1984;" (A/37/29, p. 8). We should not permit the negativism of certain countries, however powerful, once again to block the wish of the overwhelming majority of the Member States to convert the Indian Ocean into a zone of peace. In other words, while we have refrained from insisting on a stronger resolution this year for the sake of consensus, our position should not be taken as lacking in determination to move resolutely forward to convene the conference without further delay.

The disturbing trend of deliberations in the Ad Hoc Committee compels us to restate the facts concerning the setting up of the Ad Hoc Committee, lest there should be any confusion, doubt or misrepresentation of the facts. The Declaration of the Indian Ocean as a Zone of Peace contained in General Assembly resolution 2832 (XXVI) represents the expression of the interests and aspirations of the littoral and hinterland States, most of them non-aligned, to create a zone of peace in the Indian Ocean from which great Power presence could be excluded, enabling the States of the area to embark on the task of national reconstruction, free from external interference and influence. The determination of the peoples of the littoral and hinterland States to preserve their hard-won independence, sovereignty and territorial integrity found its expression in the Declaration. In 1971, the non-aligned States brought up the concept of a zone of peace because they were apprehensive that the growing great-Power military presence and concentration in the Indian Ocean would pose a threat to their security. Even since the adoption of the Declaration, the military presence of the great Powers, instead of decreasing, has been increasing on such a scale that the Indian Ocean today faces a strategic and security situation which is unprecedented in its history. Never before has the Indian Ocean witnessed such a massive display of destructive potential as that evidenced by the presence of bases equipped with nuclear weapons, aircraft carriers and so on.

(Mr. Prasad, India)

It is this fact, which has been the prime focus of the concerns of the littoral and hinterland States to which the Ad Hoc Committee should be addressing its attention. Resolution 2992 (XXVII) had specifically charged the Committee with the implementation of the Declaration and it was for the very same purpose that the convening of the conference on the Indian Ocean was scheduled in terms of resolution 34/80 B.

When the General Assembly decided to expand the Ad Hoc Committee in order to secure the co-operation of the permanent members of the Security Council and the major maritime users in the implementation of the mandate of the Committee, it was clear that the General Assembly had not agreed that the objectives and the mandate of the Committee should be changed to suit the convenience of the new members as a condition of their joining it. It was legitimate for the original members of the Ad Hoc Committee to expect that the new members were prepared to co-operate in the implementation of the Committee's mandate. That the latter should have tried to overturn and subvert the mandate of the Committee from within was a matter of regret and concern. The injection of new elements for the sake of "updating" the concept of the zone of peace was a thinly veiled attempt at whittling away the very basis of the Committee to suit the interests and preoccupations of a few members, which are certainly contrary to the expressed will, interests and aspirations of the overwhelming majority of the littoral and hinterland countries of the Indian Ocean. The repeated urgings to consider a document, which its sponsors themselves called "hurriedly put together", on principles is the latest in the series of the negative contributions being made to the Committee by some of its members.

The discussions in the Ad Hoc Committee during 1982 have revealed that certain countries wish to extend the preparations for a conference on the Indian Ocean ad infinitum, arguing that preparatory work of a substantive nature cannot be completed in a hurry. The setting up of preconditions either with regard to the harmonization of views or with regard to the political and security climate in the Indian Ocean area is, we feel, merely a pretext to postpone the conference indefinitely, if not to kill it altogether.

(Mr. Prasad, India)

While it is generally accepted that some degree of harmonization of views is necessary before a conference of this kind can be convened, such harmonization is an ongoing process and cannot become a precondition for its convening. As regards the political and security climate, it is the very seriousness of the situation in the Indian Ocean caused by the presence of great Powers which necessitates the early convening of such a conference.

There has been an attempt to portray the question of the Indian Ocean as a zone of peace as a purely regional disarmament measure. This approach is contrary to the facts, since the peace of the Indian Ocean is being threatened by the escalating military presence of the great Powers. It is precisely this extra-regional military presence which has necessitated the declaration of the area as a zone of peace. The Declaration embodies a proposal that has emanated, in a very real sense, from the littoral and hinterland States of the Indian Ocean. Over the years, it has also represented their continued hope that this is the principal way to ensure the return of peace and tranquillity to the area. The gatherings of the non-aligned countries have repeatedly emphasized the imperative need for the implementation of the Declaration. We call upon the Ad Hoc Committee to proceed with the convening of the conference on the Indian Ocean as a necessary step for the implementation of the Declaration adopted in 1971. We hope that the negativism of certain members of the Committee will not paralyse it or render it a forum for polemics. We shall endeavour in the coming months to enable the Committee to concentrate on the remaining preparatory work of a substantive nature so that the conference will be held in 1984.

In conclusion, I should like to recall the words of the Prime Minister of India, Shrimati Indira Gandhi:

"The Indian Ocean has brought conquerors to India in the past. Today we find it churning with danger. Even the Pacific hardly lives up to its name. The frantically increasing pace of militarization in the Indian Ocean makes the 3,500 miles of our coast more vulnerable. How can we acquiesce in any theory which tries to justify the threat to our security environment or condone the existence of foreign bases and cruising fleets?"

(Mr. Prasad, India)

"Independence implies the responsibility of deciding what is good and safe for ourselves and of charting our own course.

"Any big-Power conflict in our oceans or neighbourhood will hit us hard. All this tension has built up because of the collapse of détente and the resultant renewal of the cold war with all its severity. Great Powers have great responsibilities. It is up to them to turn away from the pursuit of power, which is in any case illusory, return to the negotiating table and come to an understanding to dismantle the apparatus of confrontation. They can thereby make a decisive contribution to the reduction of tensions and set the world on the path of peace and progress."

Mr. AL-HADAWY (Iraq): I should like at the outset to extend my sincere thanks and appreciation to my friend Mr. Fonseka of Sri Lanka and to all those who collaborated with him in preparing the valuable report contained in document A/37/29. My delegation feels happy to associate itself with the consensus on that document.

(Mr. Al-Hadawy, Iraq)

However, my delegation considers that it is imperative to make the following observations.

During the debate on this item in the Ad Hoc Committee my delegation proposed the insertion in the draft of the following preambular paragraph:

"Taking note of the concern repeatedly expressed by the non-aligned countries regarding the situation in the Indian Ocean, as well as the recommendations made by the various conferences of the Non-Aligned Movement to enhance all the efforts that may lead to the implementation of the Declaration of the Indian Ocean as a Zone of Peace."

The motive behind suggesting that innocent paragraph was simply to pay tribute to the Non-Aligned Movement for its genuine conviction in and useful contribution towards the promotion of peace and security in that vital part of the world.

After realizing the gravity of the situation in the Indian Ocean, the leaders of the Movement, following their second summit meeting in Cairo in October 1964, recommended that concerted action by all parties concerned must be taken to ensure safety and stability in the region. Thereafter the same position was reiterated in almost all the conferences of non-aligned nations at various levels. It is worth noting, however, that, thanks to the efforts of the Non-Aligned Movement, the General Assembly adopted in 1971 its Declaration of the Indian Ocean as a Zone of Peace.

We were extremely astonished to note that a few delegations, among them the United States delegation, declared their opposition to the Iraqi amendment, which, as I have stated, was submitted in good faith and for a good reason. While we do not press our position now, in a spirit of co-operation with the consensus, and, as the argument in opposition made by the delegation of the United States was not convincing, we hope their rejection of the amendment did not emanate from disregard for or indifference towards the Non-Aligned Movement, whose members number 97 peace-loving countries.



Mr. KAHN (German Democratic Republic): The delegation of the German Democratic Republic notes with regret that the draft resolution contained in the report of the Ad Hoc Committee on the Indian Ocean is very far from the one submitted by the representative of Sri Lanka at that Committee's 196th meeting, on 16 August 1982, on behalf of the non-aligned countries in the Committee, which initiated the idea of making the Indian Ocean a zone of peace. As is generally known, that draft resolution, in document A/AC.159/L.47, received broad support, including that of the socialist member States in the Committee. It calls for the convening of the United Nations Conference on the Indian Ocean at Colombo on 9 May 1983, as was requested in resolution 36/90.

During the general debate in the General Assembly at the current session and here in the First Committee numerous representatives of States also expressed support for the holding of the conference in the first part of 1983. This definite demand by the sponsors of the idea of a zone of peace in the Indian Ocean, supported by socialist member States in the Committee, was opposed with a categorical "no" by the United States and some of its allies. Once again the Committee had to defer the conference. Therefore we wish to point out clearly that the ones responsible for delaying the conference are the so-called like-minded States of the West, which refuse a consensus on the convening of the conference in the first part of 1983 to which they had been parties.

Their underlying intention is only too clear. No obstacle will be set to the increased naval presence of the United States, the extension of its military bases, its planned use of a rapid deployment force in the region and the intensification of the undeclared war against Afghanistan, a hinterland State of the Indian Ocean. All the signs of danger to the peoples and States of the region are obvious. There is a constant threat to their sovereignty, independence and territorial integrity, as a result of the United States policy of militarization of the Indian Ocean. The strategic threats to the socialist States from the south must also not be left unmentioned. That is why these States are so interested in bringing about the convening of the Conference.

(Mr. Kahn German Democratic Republic)

My delegation would like to point out that the draft resolution before us does not contain the necessary binding obligation to hold the conference during the first half of the year 1984. The contingent nature of such a conference is so obvious that it would be an illusion to believe that the holding of the conference could already be regarded as certain on the newly specified date. Moreover, we regret that our proposal on the holding of further preparatory meetings of the Committee in 1983, for a total duration of 12 weeks, was not taken into consideration. Here we have witnessed another attempt directed against the careful preparation of the Conference.

These shortcomings alone, to mention only a few, lead us to the conclusion that the draft resolution submitted is far from being sufficient to meet requirements in connection with the preparations for the holding of the conference.

We wish to express clearly our dissatisfaction at the draft resolution before us. Thus we have serious reservations in regard to it. Being interested in the continuation of work in the Committee, however, we will not refuse a consensus, but we reserve the right to demonstrate in an appropriate manner the strength of our opposition to the draft resolution.

In concluding, permit me to make it clear that these critical remarks refer exclusively to the aforementioned States. As someone belonging to the circle of friends of the Chairman of the Ad Hoc Committee on the Indian Ocean, I should like to emphasize the loyal attitude of Ambassador Fonseka of Sri Lanka, his consistent endeavours and his commitment in bringing this difficult work to an end. Therefore, I would assure him, through you, Mr. Chairman, of our continued and active co-operation in the Ad Hoc Committee.

The draft resolution, weak as it may be, permits, in our opinion, the intensification of the Committee's preparatory work for the conference to be held in Colombo in the first half of 1984 with a view to making the Indian Ocean a zone of peace. We appeal to those who spend so much energy on postponing the conference to direct their energies towards a more constructive purpose, namely, genuine preparations for the conference.

Mr. GOONETILLEKE (Sri Lanka): I am speaking in the discussion on this agenda item, "Declaration of the Indian Ocean as a Zone of Peace" and on document A/37/29, which contains the report of the Ad Hoc Committee on the Indian Ocean, primarily because this has been an initiative of the Government of Sri Lanka, an initiative we took more than a decade ago. The delegations that have preceded me have reiterated their views on the proposal and the report of the Ad Hoc Committee this year, views with which this Committee is not unfamiliar. The members of the Ad Hoc Committee, on the other hand, might be pardoned if they were to say that these views and sentiments, not to mention other expressions of hope, have been heard in one form or another at practically every session of the Ad Hoc Committee's meetings.

I would not burden the Committee with a further statement repeating those same views. I would prefer to confine my remarks to the consensus recommendation of the Ad Hoc Committee now before us, in the expectation that it may be adopted by consensus in this Committee. Apart from our having initiated the Declaration, Sri Lanka has come to have a more immediate interest, in that the Ad Hoc Committee recommended the holding of a conference in Colombo in 1981. That conference did not materialize, and after having been deferred to 1983 it has now been postponed for another year. In other respects, this draft resolution is to all intents and purposes identical with resolution 36/90 adopted last year by the General Assembly.

As a delegation, we share the widespread disappointment that has been expressed over this recurrent postponement. As the initiator of the Declaration and host for the first conference it will be readily understood that our disappointment and dismay must necessarily be even greater. As I said earlier, this disappointment has been expressed by other members of the Ad Hoc Committee, although not for similar reasons. While my delegation does not wish to revel in this cumulative distress, we cannot avoid stating for the record that the implementation of the Declaration, the first stage or commencement of which was

(Mr. Goonetilleke, Sri Lanka)

the conference in Colombo, has been retarded, if not resisted, by a decided minority of delegations in the Ad Hoc Committee, and that despite an overwhelming and categorical request for the meeting to be held as scheduled from the littoral and hinterland States, as well as from other non-regional members of the Ad Hoc Committee. As a delegation we have not rejected or declined to give consideration to the views or the contributions of all other States members of the Ad Hoc Committee. We believe that these can be accommodated within the present mandate of the Committee, even those contributions that have been late in coming. On the other hand, an insistence on what has been variously described as modernizing or making more contemporary the mandate of the Ad Hoc Committee and the introduction of elements which, if they have not already been incorporated in other international instruments, come within the purview of, or are assigned to, other United Nations bodies that are more competent must be recognized as a procedure for revision of the Ad Hoc Committee's mandate and altering it beyond recognition from what was envisaged in 1971.

The zone of peace in the Indian Ocean comes before the First Committee because it is in fact a measure of disarmament. We have repeatedly stated that, like any other disarmament measure, we do not expect its instant realization. The several draft resolutions coming up before this Committee and those newly adopted although remaining unfulfilled, are evidence of the complexity of the disarmament process. Perhaps we can derive some consolation from the fact that advancement of this initiative cannot but expect to encounter similar impediments. While not assigning blame for shortcomings to any member or group of members of the Ad Hoc Committee, we would only ask that they show a greater degree of understanding for the hopes and direct interests of the great majority of the States members of the Ad Hoc Committee, particularly the littoral and hinterland States. Their concerns, even in the short run, are not at variance with those to which this minority subscribes.

The CHAIRMAN: That exhausts the list of speakers on this item for today. Would all members who wish to make observations or statements on the report of the Ad Hoc Committee on the Indian Ocean please do so as early as possible in order that the Committee can take a decision on this agenda item as soon as the paper on the financial implications is available?

We shall now proceed to take a decision on draft resolution A/C.1/37/L.54, under agenda item 54, "Chemical and bacteriological (biological) weapons". This draft resolution has nine co-sponsors and was introduced by the representative of France at the thirty-eighth meeting of the First Committee on 19 November 1982. I call on the Secretary of the Committee to read out the list of sponsors.

Mr. RATHORE (Secretary of the Committee): The draft resolution in document A/C.1/37/L.54 has been sponsored by Belgium, Ecuador, France, Netherlands, Sweden, Uruguay, Federal Republic of Germany, Colombia and Costa Rica.

The CHAIRMAN: I shall now call upon those members who wish to explain their vote before the vote.

Mr. MORBER (Hungary): The Hungarian delegation wishes to put on record its views on the draft resolution contained in document A/C.1/37/L.54.

My Government, as is well known, has always wholeheartedly supported and continues to support all measures aimed at the prevention of the use of and the complete elimination of chemical weapons. In accordance with that general position, Hungary is a party to both the Geneva Protocol of 1925 and the biological weapons Convention. On the basis of those commitments, Hungarian representatives are actively engaged in all forums in efforts to achieve the earliest possible elaboration of a convention on the prohibition of chemical weapons.

(Mr. Morber, Hungary)

My Government attaches the utmost importance to the implementation of the provisions of the Geneva Protocol which has indeed, over a period of more than half a century, proved to be an efficient international legal instrument. In spite of this, chemical warfare as everyone present in this chamber is well aware, has been on one occasion conducted on a massive scale in the period mentioned, and that occurred in South-East Asia, more particularly in Viet Nam, where hundreds of thousands of tons of toxic chemicals were sprayed over large areas of territory, causing incurable injuries to masses of people, injuries such as nervous disorders, skin diseases, liver cancer, abnormal pregnancies, deformed children and sterility affecting half a million women. These facts must unavoidably be brought to mind in the present circumstances, when various attempts are being made to distort real problems and allegations are being fabricated with regard to the use of chemical weapons. In all fairness, it has to be admitted that no discussion of this subject can be carried on without bearing in mind not only the poisonous substances but also the poisonous atmosphere that has been created around this issue.

In the light of what I have just stated, my delegation has therefore every reason to associate itself with the idea that the authority of the Geneva Protocol has to be upheld and maintained. We have no difficulty in agreeing with the characterization made in the statement introducing this draft resolution, that the Protocol represents:

"one of the most serious provisions of international law". (A/C.1/37/PV.38, page 83-85)

Consequently my delegation can fully agree with the notions contained in operative paragraphs 1, 2, 3 and 9 of draft resolution A/C.1/37/L.54. We have, however, to observe that in our view other parts of the draft resolution do not serve the declared objectives in a desirable manner.

There are two major areas in which my delegation finds itself completely and unequivocally in opposition to the draft resolution. First, we cannot accept the proposal which, if adopted, would clearly violate the well-established norms of the Vienna Convention on the Law of Treaties. In conformity with the 1969 Vienna Convention on the Law of Treaties, it really does not create either obligations or rights for a third State, let alone an international organization, unless the treaty itself expressly includes such a provision and if the consent of the third State, in case of obligations, is expressly given. The Geneva Protocol of 1925 creates a clearly defined legal régime for the States parties to this instrument. There is nothing in this legal régime which would entitle third States or international organizations to fulfill such functions as those envisaged in paragraphs 4 to 7 of the draft resolution in question. It is only for the States parties to this Protocol to examine the possibility of any modification of the rights and obligations contained in this instrument. In the view of the Hungarian delegation, such an action as that envisaged in the draft resolution could compromise international treaty-making efforts in the future by creating a dangerous precedent for the modification of multilateral treaties de facto, in practice, without the express consent of the parties concerned.

We have to add that there is all the more reason to reject the proposal before us since its purpose is to confer treaty obligations and rights upon an international organization although this very proposal, if adopted, would be expressed in the form of a resolution of the General Assembly which is clearly only a recommendation. In this respect I should also like to put on record a general consideration. Some would argue that the establishment within the United Nations system of a potential for the verification of compliance with multilateral disarmament and arms limitation agreements represents a strengthening of the United Nations goal in the field of disarmament, as called for in the Final Document of the first special session devoted to disarmament and other documents. This could certainly be the case when multilateral agreements provide for such a function to be performed by the United Nations. It goes without saying that my

Government continues to support the principles of the strengthening of the role of the United Nations. It considers it obvious, however, that a re-evaluation of this role cannot be acquired through the weakening of existing agreements but, on the contrary, this objective can be achieved only through concentrated efforts to consolidate such agreements and by being instrumental in the creation of new ones.

A second area in which my delegation has strong objections to the draft resolution is precisely related to the role that the United Nations can play. Should this draft resolution be adopted and should the Secretary-General attempt to implement it, as he certainly would, he would be called upon to take decisions which imply judgements of possibly a highly controversial character and for the passing of which he has neither the sufficient and reliable information nor legal authority. It is our firm view that to impose on the Secretary-General the performance of duties of this nature would only diminish the ability of the Secretary-General and the services under his supervision to continue to carry out their responsibilities on the same high qualitative level on which they have functioned until now and for which they have been deservedly given recognition.

It is with these considerations in mind that my delegation will vote against draft resolution A/C.1/37/L.54.

Mr. VRAALSEN (Norway): The Norwegian Government attaches great importance to the Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases and of Bacteriological Methods of Warfare. This agreement does not, however, contain any verification mechanism. Such a mechanism would certainly strengthen the authority of the Protocol. No doubt the negotiations in the Committee on Disarmament on the prohibition of chemical weapons could be useful in this regard.

Pending a permanent solution to this problem, my Government appreciates and supports the initiatives which have been outlined in draft resolution A/C.1/37/L.54. These initiatives seem to be both flexible and practical. However, they are an interim arrangement.

On this point I should like to state that my delegation cannot agree with those delegations that are objecting to the draft resolution on grounds of legal considerations. We do not accept the allegation made by some delegations the



(Mr. Vraalsen, Norway)

other day and repeated here today that the draft resolution constitutes an attempt to undermine existing agreements and to revise them.

This is, in our view, in no way an attempt to revise existing agreements and it does not constitute a violation of existing international agreements or legal instruments. We see this as an important and welcome attempt to fill a void pending a permanent and negotiated solution to the problem and we consider it is the sovereign right of this Assembly to take such a decision.

My delegation agrees that the Secretary-General, with the assistance of qualified experts, should investigate information concerning possible violations of the Geneva Protocol. For this reason it is necessary to establish groups of experts which can urgently investigate such violations. In this connection I should like to add that research undertaken in my own country shows clearly that time is one of the most important factors for the evaporation of chemical agents. It is therefore essential that the groups of experts should be granted the necessary permission without delay from the country or countries concerned to conduct on-site inspections.

The samples of chemical agents must be analysed by laboratories with the necessary expertise and experience in this field. We therefore support the proposal that the Secretary-General, with the co-operation of Member States, should compile and maintain a list of laboratories which can be called upon to undertake the necessary analysis.

(Mr. Vraalsen, Norway)

The maintenance of such a list will no doubt facilitate the work which has to be done in analysing samples of chemical agents with the minimum loss of time.

Finally, we believe that efforts should be made at this stage to elaborate procedures for investigation of information concerning violations of the Geneva Protocol. This work can be based on the research and experience so far gained. The recommendation in the draft resolution for the devising of such procedures is therefore a timely one.

For the above-mentioned reasons, Norway strongly supports draft resolution A/C.1/37/L.54. I should like to stress that the proposed measures are of a limited and temporary nature. A permanent verification mechanism is certainly needed. This, it is to be hoped, can be achieved through the negotiations in the Committee on Disarmament on a chemical weapons convention which should contain efficient verification mechanisms and comprehensive complaints procedures. Of particular importance are the international verification measures which should include on-site inspections.

Norway would find it most useful if the chemical weapons convention contained provisions to the effect that any use of chemical weapons would constitute a violation of the Convention, and stipulating that, as a consequence, the measures of verification included in the Convention would apply to such situations as well.

In this connection, I should like to add that Norway considers the question of a chemical weapon convention one of the most important issues on the international agenda for disarmament.

Against this background, my Government is prepared to contribute to the follow-up to this draft resolution and will continue to contribute to the work of the Ad Hoc Working Group on Chemical Weapons of the Committee on Disarmament.

Mr. SARAIN (India): The use in war of all chemical weapons, as also of biological weapons, has been prohibited by the Geneva Protocol of 1925. As has been emphasized in General Assembly resolution 2603 A (XXIV) of 16 December 1969:

"the Geneva Protocol embodies the generally recognized rules of international law prohibiting the use in international armed conflicts of all biological and chemical methods of warfare, regardless of any technical developments ...".

Any violation or complaints regarding violation of the prohibition or other obligations contained in the Geneva Protocol should therefore be dealt with like any other violations of international law. It is both unnecessary and inappropriate to set up, even on a temporary basis, an investigative machinery to look into alleged complaints about violations of the Geneva Protocol of 1925.

Furthermore, it would also be inappropriate to set up any machinery for investigation which would be outside the framework of, or go beyond, the relevant treaty in the field of disarmament. This would constitute a bad precedent for other existing arms limitation and disarmament agreements. Similar procedures may be resorted to whenever one or other State Party feels that the verification and complaints provisions in a particular agreement are not to its liking and is unwilling to negotiate on amendments or additional provisions with the consent and approval of all the States Parties concerned.

It is for these reasons of principle that India will vote against the draft resolution, lest a wrong precedent be created.

Mr. THIELICKE (German Democratic Republic): Under draft resolution A/C.1/37/L.54, the United Nations Secretary-General would be empowered to create mechanisms and procedures for investigation with regard to compliance with the Geneva Protocol and relevant rules of customary international law.

My delegation will vote against this draft. We fully share the views expressed in this regard on 26 November by the representative of Czechoslovakia on behalf of a group of socialist States, and today by the representatives of Hungary and India.

(Mr. Thielicke, German Democratic Republic)

Allow me to add the following. First, the draft undermines the very basis of the Geneva Protocol which has played a useful role in the past and should play it in the future. We hold the view that it is up to the States Parties to the agreement to review its operation and to make assessments of compliance by other Parties. Furthermore, it is not clear what is meant by so-called relevant rules of customary international law. This reference could lead to considerable confusion.

To be more precise, the text of draft resolution A/C.1/37/L.54 makes it crystal clear that it is aimed at amending the Geneva Protocol. In this regard, my delegation would like to draw attention to articles 39 to 41 of the Vienna Convention on the Law of Treaties which contains unambiguous provisions that such steps can only be taken in full agreement between States Parties. The departure from the procedure stipulated by international law gives rise to suspicion that the proposal in question serves aims which are incompatible with the subject matter and purpose of the Geneva Protocol.

Thus, the arrangements in draft resolution A/C.1/37/L.54 cast great doubt upon its conformity with international law. They could complicate current negotiations on the prohibition of chemical weapons.

I think I should express my delegation's astonishment that document A/C.1/37/L.54 was submitted by the depositary of the Geneva Protocol which has a special responsibility for the maintenance of that agreement.

Secondly, draft resolution A/C.1/37/L.54 is a further expression of a dangerous tendency which is especially to be noted at the current session of the United Nations General Assembly. Instead of focusing attention on a more forward-looking approach, that is, on new agreements in the field of disarmament, drafts along the lines of the draft resolution are aimed at making us take a backward step. Attempts to concentrate efforts on reviewing existing agreements which have proved their value divert attention from one of the most urgent questions before us, that is, the elaboration of a convention on the complete prohibition of chemical weapons.

(Mr. Thielicke, German Democratic Republic)

These considerations apply also to draft resolution A/C.1/37/L.61 on a special conference to establish a new procedure for verification of compliance with the Convention on the prohibition of biological weapons. The Convention already contains a sufficiently flexible procedure for dealing with complaints. This view was reflected in the final document of the first conference of the Parties to this Convention, held in Geneva in 1980. My delegation thus also voted against draft resolution A/C.1/37/L.61.

Mr. STARCEVIC (Yugoslavia): Yugoslavia is a Party to the Geneva Protocol signed in 1925, which prohibits the use for military purposes of asphyxiating, poisonous or other gases and all analogous liquid materials and devices. My country is also a Party to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction. Consequently, our position regarding the use of such weapons is precisely defined and unequivocal. We resolutely urge the prohibition of the use and the destruction of all chemical, bacteriological, biological and other toxin weapons. We condemn most emphatically the use of such weapons by any side whatsoever.

We are in favour of an effective system of verification and control of the implementation of international agreements on disarmament. We believe that such a system should, among other things, aim at strengthening confidence and promoting co-operation among States Parties to disarmament agreements, so as to ensure the consistent implementation of the obligations assumed. We hold that the application of the system of verification and control must be universal, not selective. It must be based on authentic facts and sources; otherwise, there is a danger of its being misused and of its being motivated by objectives different from those it purports to pursue.

It is for the above reasons that we particularly regret not being able to support the draft resolution contained in document A/C.1/37/L.54. The draft resolution contains some elements which are not entirely in conformity with the above-mentioned goals concerning effective verification and control. Therefore my delegation will abstain in the vote on draft resolution A/C.1/37/L.54.

Mr. FINDLAY (Australia): Australia has long regarded the 1925 Geneva Protocol as one of the most important arms control treaties in existence. We have however also been conscious of the fact that the Protocol does not provide for a procedure whereby possible violations might be investigated. Draft resolution A/C.1/37/L.54 seeks to remedy this omission by establishing a procedure open to all United Nations Members on an impartial and equitable basis. As the representative of France, Mr. de La Gorce, noted in his statement of 19 November, the Geneva Protocol is almost universal in its application. Acceptance of the laudable aims behind draft resolution A/C.1/37/L.54 would therefore appear to be almost axiomatic.

Australia is one of a number of countries that believe that any new chemical-weapon convention should include a provision relating to "use", along with relevant verification procedures. We do not however interpret A/C.1/37/L.54 as in any way compromising our position on this point. To the contrary we note that the fifth preambular paragraph uses the phrase "pending eventual formal arrangements". We conclude from this that the initiative contained in A/C.1/37/L.54 is an extremely useful interim measure highly conducive to the continued well-being of the 1925 Geneva Protocol.

Australia will vote "yes" on A/C.1/37/L.54.

Mr. CHALACHEV (Bulgaria): My delegation wishes to state its position concerning the draft resolution contained in document A/C.1/37/L.54.

My Government has consistently exerted efforts to have chemical weapons completely outlawed and liquidated. Bulgaria has lent its full support to all proposals and ideas aimed at the practical solution of this outstanding problem, the urgency of which has been emphasized by the devastating consequences of the massive use of chemical weapons against Viet Nam and other peoples of Indochina in 1961-1971. It inflicted immense economic losses and brought about irreparable damage to the health of the population as well as to the ecology of these countries.

(Mr. Chalachev, Bulgaria)

Yet, regrettably, we are once again facing an approach the purpose of which is to confuse the matter and divert the attention of the international community from the relevant issue. I am talking about schemes which, under the cover of concern for effective implementation of the Geneva Protocol, turn a blind eye to one of the most urgent tasks of our time -- complete prohibition of chemical weapons -- and thus allowing a further massive chemical arms build-up, including such deadly weapons as binary gas ammunition, to continue unabated.

While invoking the most authoritative instruments, such as the 1925 Geneva Protocol, the draft before us is contrary to the very spirit of the Protocol and, as a matter of fact, attempts to revise and undermine it, rather than strengthen it. It is quite obvious that by virtue of its operative paragraphs 4, 5, 6 and 7, it aims at creating a separate body of judgement on treaties and agreements concluded so far, which is both illegal and counterproductive as far as disarmament is concerned.

In legal terms, the creation of such a body openly violates the well-established principle that only States parties to a certain treaty, unless the treaty itself provides otherwise, have the right to supervise the observance of this treaty. In practical terms, this body, together with other envisaged arrangements, tends to provide a certain infrastructure for a future sterile and protracted debate designed, inter alia, to obstruct endlessly any tangible progress in the prohibition of chemical weapons. The whole idea will rather serve as a smoke-screen for a new round of chemical armaments. What is still more dangerous is that a venture of this kind could become a generator of major divergencies among the States Parties to the Geneva Protocol, due in particular to the inevitable biased interpretations stemming from this arrangement.

It is precisely for these reasons that my delegation will vote against the draft resolution contained in document A/C.1/37/L.54.

Mr. CARASALES (Argentina) (interpretation from Spanish): The draft resolution before us, A/C.1/37/L.54, is based on a fact which is recognized in the third preambular paragraph, namely, that the 1925 Geneva Protocol does not contain any procedure for investigating allegations of violations of the Protocol, in other words, of the use of chemical weapons. This is a fact, and it is a shortcoming of the Protocol which has been of concern to the international community for years.

As has already been pointed out, the Committee on Disarmament in Geneva is currently negotiating a draft convention outlawing chemical weapons. This is a draft convention which would include in its final version procedures for verification of investigations of complaints regarding violations of the convention.

It is clear that any verification procedure must be linked to the field of application of the convention, and it is precisely because there is a possibility of legally verifying the extent to which the convention has been applied, that in the Geneva Committee Argentina, along with other delegations, is calling for the inclusion, among the activities prohibited in the convention, of a ban on the use of chemical weapons. It is paradoxical, as far as our delegation is concerned, that those delegations that were among the first to recognize that the 1925 Geneva Protocol prohibiting the use of chemical weapons does not contain any procedures for verification, should be the very delegations that oppose inclusion of the use of chemical weapons in the field of application of the draft convention being worked on now in Geneva, and that they should wish to confine the Protocol to the development, production and stockpiling of chemical weapons. My delegation believes that the best way to ensure compliance with current international rules relating to the non-use of chemical weapons would be to have this point covered in the draft convention being negotiated in Geneva. The draft convention would thus contain an effective system of verifying compliance, which is the target we are seeking to achieve.



My delegation feels that that would be the ideal formula and we therefore have some doubts concerning the advisability of the procedure envisaged in draft resolution A/C.1/37/L.54.

While we recognize the very praiseworthy objective of the sponsors, which is to fill a gap in the Geneva Protocol of 1925, I fear that if the Geneva Convention does not have the scope that my delegation would wish it to have, in other words, if it does not also cover use, then this procedure which is supposed to be temporary, as proposed in the draft resolution, would no longer simply be a temporary measure but would, in fact, cover a much longer period.

In addition, my delegation finds difficulty with this draft resolution for reasons of principle basically of a legal nature relating, inter alia, to the provisions of operative paragraph 4 and those that follow. We note that a binding international instrument, namely the Geneva Protocol of 1925, would be subject to a verification procedure regarding compliance, based on provisions of a General Assembly resolution, and States not parties to the Geneva Protocol of 1925 would be voting on that resolution. That is something which is not acceptable to my delegation. Moreover, a General Assembly resolution is not binding and there is no procedure for ratification by Member States. Accordingly, the probability of having the procedure applied following adoption of this draft resolution is not very great. Furthermore, according to the procedure set forth in operative paragraph 4 of the draft resolution, any Member State could institute procedures for investigation. It is not necessary for that Member State to be a State party to the Geneva Protocol of 1925. That is another legal problem which is very difficult for us to accept, namely, that States not parties to an international treaty could initiate an investigation of an alleged violation.

Furthermore, with respect to operative paragraph 4, the procedure for investigation would involve not only checking whether there was a violation of the Protocol but also of "the relevant rules of customary international law".

This concept, we feel, is too vague to be included in a verification system as provided for in the draft resolution. The cases to be investigated must be clearly stipulated in legal rules and not left in doubt as they would be if derived from a hypothetical rule of customary international law.

Lastly, the procedure envisaged in the draft resolution burdens the Secretary-General with an essentially political responsibility which would therefore be very difficult for an international civil servant such as the Secretary-General of the United Nations to discharge.

That is why, with all due respect to the lofty aims of the sponsors of this draft resolution, my delegation will have to abstain when it is put to the vote.

Miss DA SILVA (Venezuela)(interpretation from Spanish): Venezuela attaches particular importance to this question of chemical weapons and to the negotiations on it in the Committee on Disarmament. My country has frequently condemned the use of such despicable weapons and we deeply deplore their use. We do not believe that there are any good or bad chemical weapons depending upon who uses them or on the cause for which they are used or on the objective sought. Our position is the same everywhere and anywhere in this respect: we condemn the use of chemical and bacteriological weapons and chemical and bacteriological warfare. It is therefore a matter of urgency that the negotiations in Geneva should be accelerated and should end in success.

Venezuela is a party to the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva in 1925. We are one of the countries that have referred to the absence of any provision to make it possible to determine whether any violations have occurred.

However, my delegation does not feel that a General Assembly resolution is the way to establish a procedure to fill that gap. For those reasons, Venezuela will abstain in the vote on draft resolution A/C.1/37/L.54.

Mr. HANDL (Czechoslovakia): The Czechoslovak delegation has carefully studied the draft resolution contained in document A/C.1/37/L.5<sup>4</sup> concerning the question of the investigation of information on possible violations of the provisions of the 1925 Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, and weighed it against the generally recognized need for the earliest conclusion of a convention on the prohibition of the development, production and stockpiling of all chemical weapons and on their destruction.

As my delegation already stated, speaking also on behalf of a group of delegations on 25 November, the draft resolution under discussion falls far from meeting the goal of completely delivering mankind from the threat of chemical weapons and increasing the number of participants in the Geneva Protocol and the Convention on the Prohibition of Bacteriological (Biological) and Toxin Weapons.

My delegation took note of the statement by the representative of France last Friday, in which he stated that the adoption of draft resolution A/C.1/37/L.5<sup>4</sup> would facilitate the solution of the aforementioned goals, while my delegation and a group of delegations on whose behalf I had the honour of speaking opposed that sort of solution.

Such an interpretation of our statement seems to us biased and to misrepresent our true position. In this connection I should like to reiterate that Czechoslovakia, together with other socialist countries, is prepared to agree without delay to the complete prohibition of chemical weapons and to the elimination of their stockpiles, and consequently supports all genuine efforts aimed at an early conclusion of a respective international agreement.

As a party to the 1925 Geneva Protocol and the bacteriological weapons Convention, we strictly observe all the obligations under those international agreements and consider them as important instruments for maintaining peace and international security.

It is for that very reason that we resolutely oppose any attempt to misuse those agreements in order to create an atmosphere of suspicion and hostility in relations among States, an atmosphere which could only be conducive to a further arms build-up. We are convinced that only by conducting concrete negotiations aimed at reaching new agreements and not by undermining the few existing ones can progress be accomplished in disarmament generally and in solving the problem of chemical weapons in particular.

Proceeding from the above-mentioned considerations, my delegation tried in its evaluation of draft resolution A/C.1/37/L.5<sup>4</sup> to find answers to several questions to which we attach essential importance:

First, does this draft resolution represent any further contribution towards concrete negotiations on the prohibition of chemical weapons, as compared with resolutions devoted to those negotiations? We did not find any proof of that. On the contrary, the draft resolution apparently lessens the stress on such negotiations by eclipsing them by other issues.

Secondly, what would be the legal and practical consequences of the adoption of this draft resolution? The answer to this question is more complicated. The draft resolution proceeds from the assertion that new procedures assuring compliance with the 1925 Geneva Protocol for the prohibition of the use in war of specific chemical and bacteriological weapons should be established by the United Nations. Accordingly, it is requested that a ramified United Nations mechanism for investigation of alleged violations of the Protocol be created with the direct participation of the Secretary-General. From the legal point of view, this procedure would create a very strange precedent with the Secretary-General being requested to investigate the implementation of a legal instrument to which he has no legal relation whatsoever. Consequently, such a procedure would undoubtedly place the Secretary-General into a situation which is very awkward legally. We consider such an approach neither justified nor useful. In practice it would only lead to the indirect revision of the Protocol through a vote, thereby seriously undermining its inner balance and effectiveness and setting a highly undesirable precedent for the future. This, of course, is a matter for deep concern.

Czechoslovakia attaches great importance to the strict compliance by the States Parties to the Protocol with all its provisions. The Protocol itself made it clear, however, that even as far back as 1925 there was no doubt that any case of non-compliance with its provisions would be easily detected. Requirements for the extensive expertise and investigation envisaged in the draft resolution before us seem, therefore, to be superfluous to say the least.

Moreover, the implementation of the procedures for such investigations as are suggested can easily be misused to interfere in the internal affairs of States, which has been repeatedly denounced as inadmissible by the General

(Mr. Handl, Czechoslovakia)

Assembly and is prohibited by international law. It is regrettable that attempts are being made to associate the General Assembly and the Secretary-General with such a course of action.

Thirdly, it is apparent to us that the draft resolution is aimed at creating redundant and politically harmful machinery for control and verification without adequate progress in the solution of the subject matter: in this case, without the prohibition and liquidation of chemical weapons. Czechoslovakia attaches great importance to the question of effective control and verification of disarmament agreements. Provisions for such control and verification are contained in the Soviet draft convention, which my country fully supports. However, the concept of verification without disarmament, as appears distinctly in the draft resolution before us, we consider unacceptable and detrimental to genuine efforts for disarmament.

For all those reasons, my delegation strongly opposes the draft resolution contained in document A/C.1/37/L.54, and will vote against it. We are firmly convinced that our Committee and the General Assembly must reject that draft resolution and devote all their energies to ensuring constructive and successful negotiations on a convention on the complete prohibition of chemical weapons and on their destruction.

Mr. MOUSSAOUI (Algeria)(interpretation from French): Algeria attaches great importance to the question of disarmament. It participates in good faith in the efforts of the international community to promote real disarmament measures, eventually leading to the goal of general and complete disarmament under effective international control. Against this background, the Algerian delegation has voted in favour of almost all the draft resolutions submitted to the First Committee, and has sponsored some of them.

Regarding the draft resolution in document A/C.1/37/L.54, my delegation wishes to express its reservation and explain its position. First of all I would say that we associate ourselves fully with the appeal in paragraph 3 to the Committee on Disarmament to expedite its negotiations on a convention on the prohibition of chemical weapons with a view to its submission to the General Assembly with the shortest possible delay. Likewise, we share the view that agreed agreements should be complied with. We regret, however, that we cannot vote in favour of this draft resolution.

(Mr. Moussaoui, Algeria)

Our main objection concerns a basic legal consideration. We believe that the procedure proposed for verification of compliance with the 1925 Geneva Protocol is not in legal accordance with the rules of international law and prevailing practice. As an international instrument may be considered to be a meeting of wills among States, it is for the States Parties to such an instrument to decide together to alter or supplement its provisions. It is therefore our view that it would have been in greater conformity with law for a conference of States Parties to the Geneva Protocol to be convened in order to decide on a procedure for verification of compliance with that Protocol.

For this reason, the Algerian delegation will abstain in the vote on draft resolution A/C.1/37/L.54.

Mr. GAYAMA (Congo)(interpretation from French): The draft resolution before us in document A/C.1/37/L.54, despite its apparent objectivity, contains some provisions which my delegation finds completely unacceptable.

Last year, resolution 36/96 C on chemical weapons concerned itself only with investigating allegations of the use of chemical weapons. This year, to make the manoeuvre seem a little more serious, reference is made to a provisional mechanism intended to supplement or strengthen the 1925 Geneva Protocol.

My delegation feels that the problem should have been approached in a more comprehensive way, lest we abuse a legal instrument which has no need of a mere resolution for its effects to be strengthened, thus establishing a dangerous precedent for the use of threats to force a State to comply with the provisions of a convention to which it is not a Party - or simply interfering in that State's internal affairs.

Finally, we share the view that the Secretary-General's neutral status should not be lightly tampered with, getting him involved in questions which are the subject of negotiations or discussions in a given United Nations organ, in this case, the Committee on Disarmament. Nor should he be called upon to become involved in political matters on which the positions of the States Members of the Organization are far from being in concord.

For those reasons, my delegation will vote against draft resolution A/C.1/37/L.54.

Mr. ISSRAELYAN (Union of Soviet Socialist Republics) (interpretation from Russian): The Soviet delegation would also like to make some comments in connection with the forthcoming vote on the draft resolution contained in document A/C.1/37/L.54.

It is not by chance that this draft has provoked such a lively discussion. It relates to one of the most acute issues of the limitation of the arms race and disarmament, the prohibition of chemical weapons.

The draft resolution introduced by France contains some useful provisions, for example the appeal to States to accede to the 1925 Geneva Protocol and to comply with it and also the call to expedite negotiations on finalizing a convention prohibiting chemical weapons. However, the other provisions not only cancel out the positive aspect of the first paragraphs of the operative part of the draft resolution, but in our view those other provisions - and I am happy to see that this view is shared by a broad circle of delegations - are directed to a completely contrary goal - the undermining of the Geneva Protocol. Since many delegations have already spoken on this I shall be very brief and I shall try to present in summary form the fundamental reasons that prompt us to vote against this draft resolution.

The first reason is, I would say, of a legal nature. What we are being offered here, specifically, is a procedure fundamentally contradictory to international law. This procedure, inter alia, provides for the implementation of certain functions relating to a specific international treaty even by States which are not parties to that instrument. If this anti-legal line were continued it would be possible to pursue it ad absurdum when decisions can be taken by voting to change agreements between a group of States or even between two States. This is something which has already been said here and I fully agree with the very well-founded and, I would say, apposite statement made by the representative of Argentina, Mr. Carasales. On the other hand, I simply cannot agree with the representative of Norway, who said, for example, that the French draft changed nothing.

(Mr. Issraelyan, USSR)

He said that it does not in any way affect the Geneva Protocol, but that is not the case, it is not correct. And I think that everybody present here must agree with me. At present, all States parties to the Geneva Protocol have exactly the same rights and duties. There are no categories or divisions among the parties. But the adoption of the French draft resolution would create a new situation in which there would appear among the parties to the Protocol on the one hand States, including the Soviet Union, which did not support the French proposal and which, apparently, will not participate in the investigation mechanism - and it would seem that there will be quite a few such States, judging by the statements made here. On the other hand, there will be a second group of States, States parties to the Protocol which supported the French proposal and which will take part in the investigation mechanism, unlike the first group of States parties to the Geneva Protocol.

But this is not all; this is not the main point at all. There would also be a third group of States which are not parties to the Geneva Protocol, but which might support the French proposal and which would thus be entitled to take part in the procedure for investigation of compliance with the Geneva Protocol, even though they are not parties to that Protocol.

Mr. Chairman, I should like to ask you a question, and through you I should like to ask all delegations: is this not a legal muddle? I think it is.

Another point that does not bear criticism is the attempt to impose on the Secretary-General the excessive burden of implementing the arbitrarily established procedures for verifying compliance with the Protocol. For instance, we do not understand by what principle the Secretary-General will be guided in determining the group of experts or selecting the laboratories to which the materials will be sent for a decision. Allow me to ask you, Mr. Chairman, who has empowered the Secretary-General, and on the basis of what statute, to carry out such a function as this when he is not the depositary of the Protocol?



(Mr. Issraelyan, USSR)

The second reason is, I would say, of a constitutional and procedural nature. As everybody knows, there is an unwritten law for all negotiations on disarmament: the texts of agreements on questions of armaments limitation and any mechanisms, any procedures relating to those agreements are drafted and adopted on the basis of consensus. Incidentally, France has been well known to us to date as a firm advocate of that very approach, the consensus approach. How can it therefore propose the establishment of this procedure for verifying compliance of a most important international instrument not on the basis of negotiations and general agreement, but by voting?

And so we feel that the draft that has been proposed is seriously detrimental and we should like particularly to emphasize this. It is seriously detrimental to the fundamental principle of negotiations on disarmament, the principle of consensus.

It seems to us that the draft resolution in document A/C.1/37/L.54 sets a dangerous precedent for future disarmament negotiations as well. If we were to follow this logic it would easily be possible to envisage a situation whereby an agreement worked out in the Committee on Disarmament with the participation of France and other sponsors of this draft on the basis of consensus would then be subjected to review by a vote in the General Assembly. I do not really think this would serve the purpose of reaching agreement on disarmament questions.

(Mr. Issraelyan, USSR)

My third and last reason is what I would call a political reason. I remember the statement made by the representative of France on 19 November, when he tried to prove that draft resolution A/C.1/37/L.54 had absolutely nothing in common with earlier attempts to investigate so-called reports of the use of chemical weapons. Is that really the case? I think that everybody has had an opportunity to read the report in The New York Times of 24 November of this year, where it was stated outright that the United States was disenchanted with the work of the present Group of Experts and would continue its campaign using the mechanism provided for in draft resolution A/C.1/37/L.54. I have here a copy of that report in The New York Times, and if any representatives have not had the opportunity to read it I should be happy to lend it to them.

Indeed draft resolution A/C.1/37/L.54 almost calls for an institutionalization of the Group of Experts, planning it on a permanent basis and expanding it - that is the effect. That is not an objective approach. If the sponsors of this draft resolution were really trying to be objective, if they were really trying to find an effective measure in regard to this matter, they would have consulted with all the participants and all the groups. They would not have ended up in a situation in which a significant number of countries, including the socialist countries and many non-aligned countries, were simply unwilling to support this draft resolution.

I will end my statement here. Perhaps everything is possible. Perhaps anything can happen in the United Nations. This draft resolution proposed by France and its sponsors might be adopted, but it would be a stillborn child, and it would poison the atmosphere of the negotiations here and in the Committee on Disarmament, and those that had given birth to it would not deserve any honour or praise. I have no doubt that the time will come when the sponsors of this draft resolution will try to forget all about it.

As far as the Soviet delegation is concerned, we believe in constructive efforts to ensure a total and complete ban on chemical weapons. We are actively participating in the negotiations now under way in Geneva on this very subject. Probably everybody knows about our proposals and how active we have been. At the same time, we feel that any steps designed to undermine the constructive

(Mr. Issraelyan, USSR)

spirit prevailing in the negotiations - and we believe that that is the purpose of this draft resolution - should be defeated, and the vote will show who is for or against. It is for this reason - because it would poison the atmosphere - that we shall vote against it, and we urge other delegations to do likewise.

Mr. BEESLEY (Canada): I had not intended to speak on this item, since our position was set forth so well by the representative of Norway, and I could begin by associating myself with his excellent statement. However, some arguments have been made about the legal aspects of this draft resolution which I think deserve an answer.

I think the arguments divide themselves into two categories: those expressing legal scruples, which I think are deserving of some serious consideration, and those others which seem to see an attempt at the enforcement of a convention as some sinister means of undermining it. I will not reply to that second category of statement, but on the first I should like to offer the following comments.

We are all aware that making international law is difficult, particularly in the field of arms control, and the legislative phase is difficult enough. We can draw analogies with other fields, such as human rights, but we know that it is not easy. We are also equally well aware that, difficult though the legislative phase is, it is the enforcement that is really difficult and often escapes the powers of the United Nations. However, it has long been the Canadian view - and this runs right through our approach to the whole field of arms control - that the key to enforcement is verification. That is why we press this position, perhaps ad nauseam - we believe in it sincerely. I should like to draw the attention of the Committee to that element of this draft resolution.

Verification could not only give real meaning to an arms control provision which otherwise might be only a statement of objectives, even though laying down binding obligations, but it could also lead directly to international security and thus of course indirectly to disarmament. In this case, surely what we are talking about is a draft resolution that is well-intentioned and is aimed

(Mr. Beesley, Canada)

at implementation and further application of a particular convention. I must say in passing that I am delighted at the statement we have just heard emphasizing the importance of consensus when we approach arms control issues, because that has been a point we have been consistently making in this Committee ourselves. I hope we shall all heed that plea. However, applying it to this particular issue, especially when we talk about the Convention on the Law of Treaties, I think we are invoking broader principles. I am referring here to the principle of jus cogens, a much-discussed principle eventually enshrined in the Convention on the Law of Treaties itself. It is simply another term referring to a peremptory norm of international law. If there is a classic example of a law-making treaty laying down what have become accepted as peremptory norms, it is the 1925 Geneva Protocol. I do not think anyone in this room would disagree with that.

Looking at the intentions of the authors, we note that the third preambular paragraph specifically provides as follows:

"To the end that this prohibition shall be universally accepted as part of International Law, binding alike the conscience and the practice of nations".

It is also worth noting that that particular convention, by its terms, is specifically aimed at prohibiting the use of chemical and bacteriological methods of warfare. So we do not need to debate whether it was the intention that this convention become universally binding. That was clearly the intent. As to whether or not it did, there can be honest differences of opinion honestly held, but I should like to come to that point a little later.

For the moment I should like to touch on the question of whether it is beyond the competence of the General Assembly even to consider this particular Protocol, since it was developed prior to the existence of the United Nations and even perhaps outside the ambit of the League of Nations. I do not wish to read aloud from successive United Nations resolutions, but it is worth noting that resolutions 2162 B (XXI), 2454 A (XXIII) and 2603 A (XXIV) all dealt with related issues, and no one then seemed to feel - or if some did their view did not prevail - that the United Nations was acting ultra vires and exceeding its reach in considering this particular Protocol.

(Mr. Beesley, Canada)

I do not think, therefore, that we should be too concerned about that aspect of the matter, even though I have no doubt that some delegations have given serious attention to it.

Let us turn next to what kind of resolutions have been adopted. I shall make only one brief reference, one that has already been quoted, to take us back to this question of whether we are talking about a limited convention binding only on the parties or whether we are talking about something more fundamental, namely, a principle of jus cogens. I will read from General Assembly resolution 2603 A (XXIV) of 16 December 1969:

"the Geneva Protocol embodies the generally recognized rules of international law prohibiting the use in international armed conflicts of all biological and chemical methods of warfare, regardless of any technical developments". (resolution 2603 A (XXIV), preambular para. 5)

Clearly, therefore, at an earlier time the General Assembly felt itself competent to pronounce upon that. I do not suggest that that resolution is binding per se; I am saying that it reflects what had by then become a generally accepted view, namely, that this is a law-making treaty laying down what had come to be accepted as peremptory norms. I think that that is a fundamental point to bear in mind.

We have heard references to the Convention on the Law of Treaties, but they were selective references. We have heard references to articles 39 to 41. In another context, perhaps, in another major law-making treaty recently concluded, I might be the first to argue that it is not open to States to adopt a selective approach and invoke those articles they like as a kind of instant, customary international law and reject those they do not like as mere conventional rules. I am not, however, touching on that point for the moment. I fully accept the validity of the series of provisions that state, in short, that the treaty is binding upon the parties. The same Convention on the Law of Treaties, however, which is the constitution of the United Nations on the

(Mr. Beesley, Canada)

law of treaties, provides for certain exceptions in its articles 38, 43, 53 and 64. I am not going to quote them in extenso, but I would refer briefly to them in order to indicate that we may have here precisely the kind of exceptions that were thought of at the time. Article 38 states:

"Nothing in articles 34 to 37 precludes a rule set forth in a treaty from becoming binding upon a third State as a customary rule of international law, recognized as such." (A/CONF.39/27, p. 19)

Article 43, dealing with invalidity, termination and so forth, states:

"The invalidity, termination or denunciation of a treaty, the withdrawal of a party from it, or the suspension of its operation, as a result of the application of the present Convention or of the provisions of the treaty, shall not in any way impair the duty of any State to fulfil any obligation embodied in the treaty to which it would be subject under international law independently of the treaty." (Ibid., p. 21)

So those who are worried that we would be undermining the treaty need have no fear, because that treaty, since it incorporates peremptory norms, will remain unimpaired. I myself find it very difficult, mind you, to understand how you undermine a treaty by implementing it. Unless it is founded in the process it is a meaningless treaty when it comes to its enforcement. I hope that is not the case; I have not heard that suggested.

Another article of the Convention on the Law of Treaties says that a treaty is void if,

"at the time of its conclusion, it conflicts with a peremptory norm of general international law." (Ibid., article 53, p. 25)

Here I think we have some relevant language.

-(Mr. Beesley, Canada)

"For the purpose of the present Convention, a peremptory norm of general international law is a norm accepted and recognized by the international community of States as a whole as a norm from which no derogation is permitted and which can be modified only by a subsequent norm of general international law having the same character." (Ibid.)

Thus I am replying sincerely to those who voiced their difficulty and reservations sincerely, but I think we are well past the point where we need be motivated by the fear that there is anything that could be deemed to be weakening the effect of the provisions of the 1925 Geneva Protocol.

Article 64 is also relevant:

"If a new peremptory norm of general international law emerges, any existing treaty which is in conflict with that norm becomes void and terminates." (Ibid., p. 31)

I have made these comments not to give a kind of off-the-cuff legal opinion but because these are views I have long held, especially as I was twice legal adviser to my Foreign Ministry. I would, however, like to conclude with what is perhaps a more topical comment. I hope that no delegation here associates itself with the views expressed in The New York Times article quoted. If there is any doubt on this, I would like to take this opportunity of specifically disassociating the Canadian delegation from the views expressed in that article. I do think that, all things considered, the Convention on the Law of Treaties, the Protocol itself and the resolutions I have mentioned should take pride of place as a judicial authority, even over The New York Times.

Mr. KORNEENKO (Ukrainian Soviet Socialist Republic) (interpretation from Russian): In his statement on 26 November, the representative of the Czechoslovak Socialist Republic, speaking on behalf of the Ukrainian delegation as well, expressed our views on the draft resolution in document A/C.1/37/L.54.

(Mr. Korneenko, Ukrainian SSR)

Our delegation supports any efforts designed to expedite an international agreement that would once and for all exclude chemical weapons from the arsenals of States. Therefore, we became sponsors and participated actively in the drafting of draft resolutions L.15 and L.44 that have already been adopted in the First Committee, the latter, as members will recall, by consensus.

We will, however, vote against the draft resolution in document A/C.1/37/L.54, because not only does it not promote a swifter solution of this problem, but on the contrary, it diverts attention from the ongoing work and negotiations in the Committee on Disarmament, poisons the atmosphere and creates more obstacles on an already difficult path. Moreover, as has already been noted by a number of delegations, this draft resolution is basically designed not to strengthen but, rather, to undermine and weaken the Geneva Protocol, which could have extremely serious consequences to its existence. Such a dangerous trend could lead to the abolition of the already meagre number of agreements on disarmament that have been achieved to date through the efforts of States. It could even undermine future agreements as well.

There are many international agreements on many different issues in existence in the world today, including regional agreements and treaties that differ one from the other in a number of provisions - with respect to verification for example. If we raised the question of their review in an unlawful and improper way, as has already been emphasized by many delegations, then we would be creating a dangerous precedent undermining the entire system of international agreements, both on the international and regional levels. The danger created by the precedent being set in this draft resolution could be illustrated by the example of the Treaty of Tlatelolco. In that Treaty, in addition to the States of Latin America that are parties to the Additional Protocol, other countries not in the region are also parties to the Protocol as well.



(Mr. Korneenko, Ukrainian SSR)

The Treaty has already entered into force for most of the Latin American States, and no one doubts its positive effect. If we were to follow the example set by the French proposal, however, any State or group of States could introduce proposals to establish machinery or procedures, to be presided over by, say, the Secretary-General of the United Nations, for verification or the collection of information, or on some other matter relating to the effect of the Tlatelolco Treaty.

It is not difficult to foresee that such a resolution, were it to be adopted by the General Assembly, would lead to the undermining of that Treaty and would be the beginning of the erosion of that Treaty. As we have said, and here we agree with many delegations, we believe that this method is illegal. It sets a dangerous precedent in respect of all other international agreements, including regional agreements.

There is another circumstance that is quite noteworthy. From A/C.1/37/L.54 it would follow that any complaint, however unfounded it might be, would automatically be the subject of an investigation. There is already an experience -- a rather shameful and unfortunate experience -- which arose when, as a result of using certain measures against a State, a group of experts was established to investigate false reports about some supposed violation of the Geneva Protocol. This is purportedly designed to legalize that practice and create a basis for having similar lies continued and consolidated in future.

Naturally, all this would only create further difficulties in the negotiations on chemical weapons in the Committee on Disarmament, if it did not simply undermine those negotiations. It has even been proposed that there be allocations from the United Nations budget for this purpose.

What we must do, however, is something different. We must intensify our efforts to draft an international convention prohibiting the development, production and stockpiling of chemical weapons and on the elimination of stockpiles of such weapons, including, naturally, a system of verification. On the basis of the above, our delegation will vote against draft resolution A/C.1/37/PV.54.

The CHAIRMAN: There are no further speakers who wish to explain their vote before the vote. The voting procedure on draft resolution A/C.1/37/L.54, with financial implications contained in document A/C.1/37/L.75, will now begin. A recorded vote has been requested.

A recorded vote was taken.

In favour: Australia, Austria, Bahamas, Bangladesh, Belgium, Canada, Central African Republic, Chad, Chile, China, Colombia, Democratic Kampuchea, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, Fiji, France, Germany, Federal Republic of, Greece, Guatemala, Iceland, Indonesia, Ireland, Israel, Italy, Jamaica, Japan, Kenya, Lebanon, Luxembourg, Malawi, Malaysia, Maldives, Malta, Mauritania, Morocco, Nepal, Netherlands, Niger, Nigeria, Norway, Oman, Pakistan, Papua New Guinea, Paraguay, Philippines, Portugal, Romania, Rwanda, Samoa, Saudi Arabia, Senegal, Singapore, Solomon Islands, Somalia, Spain, Sudan, Suriname, Sweden, Thailand, Togo, Turkey, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United States of America, Uruguay, Zaire, Zambia

Against: Afghanistan, Bulgaria, Byelorussian Soviet Socialist Republic, Congo, Cuba, Czechoslovakia, Democratic Yemen, Ethiopia, German Democratic Republic, Hungary, India, Lao People's Democratic Republic, Mongolia, Poland, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Viet Nam

Abstaining: Algeria, Angola, Argentina, Bahrain, Bhutan, Brazil, Burma, Burundi, Cyprus, Finland, Ghana, Guinea, Guyana, Iraq, Kuwait, Madagascar, Mali, Mexico, Mozambique, New Zealand, Nicaragua, Peru, Qatar, Sierra Leone, Sri Lanka, Uganda, United Arab Emirates, United Republic of Tanzania, Venezuela, Yemen, Yugoslavia

Draft resolution A/C.1/37/L.54 was adopted by 70 votes to 18, with 31 abstentions.\*

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

Mr. LOEIS (Indonesia): My delegation voted in favour of the resolution contained in document A/C.1/37/L.54 concerning chemical and bacteriological (biological) weapons because its thrust is to strengthen the Geneva Protocol of 1925, to which Indonesia is a party.

In doing so, my delegation takes note of, and wishes to underline, the specific references contained therein pointing to work on the future convention on chemical weapons being undertaken in the Committee on Disarmament and that the procedures proposed are of a provisional nature, pending eventual more formal arrangements.

My delegation's vote on this resolution does not prejudice the position of Indonesia in the Committee on Disarmament's work on chemical weapons. We, together with many other member countries, continue to support and to strive for the inclusion of the prohibition of use in the convention being negotiated.

Mr. RAJAKOSKI (Finland): The Finnish delegation abstained in the vote on draft resolution A/C.1/37/L.54 on chemical weapons. In explanation of our vote, I should like to say the following.

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\* Subsequently, the delegations of Costa Rica and New Zealand advised the Secretariat that they had intended to vote in favour.

(Mr. Rajakoski, Finland)

The Government of Finland attaches great importance to the 1925 Geneva Protocol on the prohibition of the use of chemical warfare agents. Pending an agreement on a ban on the production, deployment and use of chemical weapons, the Geneva Protocol is the single most important instrument available to the international community in this important field of disarmament.

As is well known, the Geneva Protocol makes no reference to the verification or control of its provisions. This fact has motivated the sponsors of A/C.1/37/L.54 to take up the question of setting up machinery for investigating reports on the use of chemical weapons. It seems to us, however, that every action in that regard should, rather than through a resolution of the General Assembly, more appropriately be taken up by and among the States signatories of the Protocol.

(Mr. Rajakoski, Finland)

On several occasions I have had the opportunity to dwell upon the chemical weapons verification capacity that my country has developed in recent years. This capacity will be at the disposal of the international community in accordance with an agreed procedure.

We regret that the initiative in draft resolution A/C.1/37/L.54 has been formulated in a form which evokes problems of a legal character and that it has been given a politically controversial connotation. In those circumstances, and in order to preserve an absolutely impartial position in this field, my delegation felt compelled to abstain in the vote.

Mr. MACEDO RIBA (Mexico) (interpretation from Spanish): My delegation regrets that it had to abstain in the vote on draft resolution A/C.1/37/L.54, primarily for legal reasons. I might mention, inter alia, our conviction that a treaty, convention or protocol cannot be amended, even if there is a praiseworthy intention to improve it, by means of General Assembly resolutions. In order to modify any such instrument it is necessary to resort to internationally recognized procedures which are contained in the law of treaties.

Mr. VO ANH TUAN (Viet Nam) (interpretation from French): The Vietnamese delegation would like to explain for the record its negative vote on draft resolution A/C.1/37/L.54. My delegation's position on draft resolution A/C.1/37/L.61 and A/C.1/37/L.54 was clearly explained in the statement by the representative of Czechoslovakia on behalf of a number of delegations, including my own, at our meeting on 26 November. I should like to add the following points.

The Government of the Socialist Republic of Viet Nam attaches great importance to the question of a complete ban on chemical and bacteriological weapons. Having been the victim of chemical warfare conducted by the United States, the most atrocious in human history, my country firmly supports any effort by the international community to spare present and future generations the horrors of the use of chemical and bacteriological weapons.

(Mr. Vo Anh Tuan, Viet Nam)

A State Party to the 1925 Protocol banning the use of such weapons in war, as well as of the 1972 Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, my country intends to respect them scrupulously, and it calls on other States to do the same. My delegation believes that it is vital to spare no effort to resume and bring to a successful conclusion the bilateral and multilateral negotiations to prepare as soon as possible a convention banning all chemical weapons.

Draft resolution A/C.1/37/L.54, which has just been adopted, contains positive ideas to that end, ideas to which my delegation fully subscribes. They are set out in operative paragraph 1, 2 and 3. However, the primary objective of the draft resolution is in contradiction of those three paragraphs, seeking to establish by means of a General Assembly resolution a doubtful permanent United Nations machinery to investigate violations of the Geneva Protocol of 1925. That gives rise to some formal objections by my delegation, for several reasons.

First, with regard to the role that the United Nations could play in the implementation of the Protocol, it should be stressed that the United Nations is not the depositary of that agreement and no provision of the agreement calls on it to play that role. Therefore, the task given to the Secretary-General under draft resolution L.54 has no legal basis and is illegal. The Secretary-General would be invited to take decisions on highly sensitive and controversial issues, such as the question of verification. The Secretary-General and the United Nations would once more be brought into an enterprise which would jeopardize their prestige. Hence, draft resolution L.54 is not likely to strengthen the role of the United Nations in the field of disarmament.

Secondly, the draft resolution aims to modify, de facto, the 1925 Protocol. Such a practice is a violation of the well-established norms concerning the law of treaties and will create a dangerous precedent harmful to the authority of international agreements. No one other than the States parties to international treaties is empowered to revise them. As regards the 1925 Protocol, we note with satisfaction that during the more than half a century of its existence all the States Parties to it have scrupulously respected it, which eloquently proves that the authority and effectiveness of the Protocol have been preserved.

(Mr. Vo Anh Tuan, Viet Nam)

It is true that after the Geneva Protocol entered into force one State which is not a party to it - the United States of America - made massive use of chemical weapons over a prolonged period in its war of aggression against the peoples of the three countries of Indo-China. It decided to remain outside that multilateral agreement so that it could have a free hand in the conduct of its most barbaric chemical warfare against the peoples of Viet Nam, Laos and Kampuchea, agreeing to accede to the Protocol only after the failure of that criminal enterprise.

Thirdly, draft resolution L.54 seriously prejudices the multilateral negotiations which are in progress on the preparation of an international convention completely banning all chemical weapons. Indeed, its purpose is to impose a General Assembly resolution on the parties to the negotiations. When our Committee has with authority and by consensus asked the Committee on Disarmament to pursue during its 1983 session, as a matter of high priority, negotiations to reach agreement on that convention as quickly as possible, the authors of the draft resolution put a question mark over the outcome of the negotiations. This only plays into the hands of those who seek an excuse to impede the negotiations to justify their colossal weapons programmes, in particular, programmes of weapons of mass destruction, including chemical weapons.

Fourthly, according to the logic of draft resolution L.54, any Member State of the United Nations, whether a party to the 1925 Protocol or not, could call for investigations into activities, real or imagined, which, at its discretion, it considered to be a violation of the 1925 Protocol. In other words, draft resolution L.54 tends to legitimize the right of States that are not parties to the Protocol to pass judgement on the conduct of States which are, while they themselves remain outside the Protocol and are therefore exempt from all legal responsibility and other restraints under the Protocol.

It is for these reasons that my delegation voted against draft resolution L.54.

Mr. de SOUZA E SILVA (Brazil): My delegation participated in the consultations on draft resolution A/C.1/37/L.54, through which its proponents endeavoured to elaborate a text that could be generally accepted. Above all, as the representative of France emphasized when introducing the draft, the aim of this exercise was to arrive at a procedure which would be dissociated from the treatment of this question in the past two sessions of the General Assembly.

Unfortunately, however, a sober appraisal of the situation shows that the original aim will not be served by the draft resolution just adopted. Despite the constructive motivations of the proponents, the issue continues to be placed in the context of a confrontation between the two super-Powers, as was the case at the thirty-fifth and thirty-sixth sessions of the General Assembly. The success of an undertaking such as that envisaged in the draft resolution depends fundamentally upon the co-operation of the Powers which possess the largest arsenals of chemical weapons. As seems evident, the possibilities of co-operation between those Powers have been undermined by the confrontational aspects of the issue.

In those circumstances, my delegation saw no other course than to abstain, consistently with the position it took in 1980 and in 1981 on the resolutions on the question of the alleged use of chemical weapons.

Mr. MARTYNOV (Byelorussian Soviet Socialist Republic) (interpretation from Russian): The delegation of the Byelorussian SSR voted against the draft resolution before us. I do not wish to give a detailed argument of our position on that draft; we just want to say that we share the very proper arguments put forward by a whole series of delegations from various groups of countries both before and after the vote.

At the same time, I should like to refer to some points at this stage. The representative of Norway and a number of other representatives tried to assure us of the good intentions of the sponsors of the draft resolution which we have just voted on. But we are convinced - and we feel that many delegations share this conviction - that the common sense of the international



(Mr. Martynov, Byelorussian SSR)

community should lead to draft resolutions being drafted, not on the basis of their face value and not simply on whether they are based on good intentions: our vote should depend on their objective significance and the consequences which will result from them. As for the objective consequences, we firmly believe that the consequences of this draft resolution could be the undermining of such an important international instrument as the Geneva Protocol.

The draft resolution on which we have just voted is a clear attempt to institutionalize the unfortunate Group of Experts on investigating reports about supposed use of chemical weapons. That Group did not yield the fruits that the sponsors had hoped.

The argument of some delegations that this draft resolution provides for only a temporary, provisional procedure is something which we simply cannot accept. The argument in itself shows the weakness of the position of the sponsors of that draft resolution because they have had to use this argument to try to get their draft resolution through, even though it is contrary to international law, by claiming that it was simply a provisional measure. We hope that these measures will not even be temporary in nature because, as one speaker said, this is like a stillborn child.

As for the argument adduced by some delegations that the draft resolution now before us is not contrary to the Vienna Convention on the Law of Treaties because it refers to States not parties to any given treaty and to the obligations incumbent on them under customary law, we feel that this argument does not have validity in this case because here we are not talking about duties and obligations but rather about rights that may be acquired by States not parties to the Geneva Protocol.

In conclusion, my delegation would like to say that we dissociate ourselves from any of the results which may derive from the implementation and practice of this draft resolution.

The CHAIRMAN: We have now concluded consideration of draft resolution A/C.1/37/L.54.

Before I adjourn the meeting, I should like to remind members of the Committee that the list of speakers for the general debate on items on international peace and security will be closed tomorrow, Tuesday, 30 November, at 6 p.m. Therefore I once again invite members of the Committee to inscribe their names on the list of speakers, in order to enable the Committee fully to utilize the time available to it.

The meeting rose at 6.10 p.m.