PREPARATORY COMMITTEE FOR THE SECOND SPECIAL SESSION
OF THE GENERAL ASSEMBLY DEVOTED TO DISARMAMENT

Fourth session

SUMMARY RECORD OF THE 39th MEETING

Held at Headquarters, New York,
on Wednesday, 12 May 1982, at 3.30 p.m.

Chairman: Mr. ADENIJI (Nigeria)

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The meeting was called to order at 3.30 p.m.

ANY REMAINING ORGANIZATIONAL AND PROCEDURAL MATTERS RELATED TO THE SPECIAL SESSION (continued)

1. The CHAIRMAN recalled that the Administrator of UNDP had asked to be permitted to address the special session in plenary meeting, a privilege which was being accorded to the heads of various other agencies. If there was no objection, he would take it that the Committee wished to include the Administrator of UNDP in the list of heads of agencies who were to address the plenary.

2. It was so decided.

3. The CHAIRMAN said that the next question to be considered was the allocation of agenda items. The Preparatory Committee had submitted a provisional agenda for the second special session to the General Assembly at its thirty-sixth session. It might perhaps now recommend that items 1 to 8 and item 14 of that agenda should be taken up in plenary meeting, and items 9 to 13 in the Committee of the Whole; that would be in keeping with the practice followed at the first special session, when substantive items had been dealt with by the Committee of the Whole while discussions on procedural matters, the general debate and the adoption of the Final Document had taken place in the plenary.

4. Mr. AKRAM (Pakistan) said that he had no objection to the allocation of items suggested by the Chairman. As it might be desirable to reflect some of the views expressed in the general debate in the final document, which was to be prepared by the Committee of the Whole, he suggested that the Preparatory Committee should not preclude the possibility of referring item 8 (General debate) to the Committee of the Whole at a later stage.

5. The CHAIRMAN suggested that the Preparatory Committee might recommend allocating the general debate to the plenary assembly, on the understanding that any points raised in it to which the delegations concerned attached particular importance could be referred to the Committee of the Whole in the form of proposals for inclusion in the final document. If there was no objection, he would take it that the Committee wished to recommend that the agenda items should be allocated as he had suggested.

6. It was so decided.

7. The CHAIRMAN invited the Committee to consider the question of subsidiary bodies of the Committee of the Whole. In its report to the General Assembly (A/36/49), the Preparatory Committee had suggested that the special session should establish a working group on the Comprehensive Programme of Disarmament. The representative of Turkey had suggested at a recent meeting the establishment of two additional working groups to deal respectively with agenda item 9, concerning the review of the implementation of the decisions and recommendations adopted at the first special session and with items 12 and 13, concerning the question of enhancing the effectiveness of disarmament machinery and measures to mobilize world public opinion. He invited comments on that suggestion.

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8. Mr. de SOUZA SILVA (Brazil) said he thought that the Preparatory Committee should recommend the establishment of only those working groups which would be dealing with substantive matters.

9. Mr. SARAN (India) agreed with the representative of Brazil. He pointed out that the subjects to which the representative of Turkey had referred as requiring consideration by separate working groups would already have been considered in connexion with the review of the implementation of the recommendations and decisions of the first special session.

10. Mr. ISSRAELYAN (Union of Soviet Socialist Republics) supported the statements made by the two preceding speakers.

11. Mr. AKRAM (Pakistan) said it had been suggested earlier that the working group dealing with the review should not make recommendations for further action, but should confine itself to a review of what had already taken place. It was therefore unclear whether that review group could examine new proposals or whether a separate group would have to be set up for the purpose. He suggested that the Preparatory Committee should recommend the establishment of at least two working groups, one to deal with the Comprehensive Programme of Disarmament and the other to review the implementation of the decisions and recommendations of the first special session; the General Assembly could then decide whether to set up further working groups, or perhaps subgroups of the review group, to discuss specific questions such as the mobilization of public opinion and new proposals arising from the general debate.

12. Mr. BIRBAUM (Austria) said he saw a good deal of merit in the Pakistan representative's suggestion.

13. Mr. RAHMAI (Morocco) said that, while he supported the first part of the Pakistan representative's suggestion, he felt that the setting up of subgroups to consider individual chapters of the review document should be a matter for the review group itself to decide, since it would know best whether it needed them or not.

14. Mr. ECONOMIDES (Italy) supported the Pakistan representative's suggestion, but said he did not think that the Preparatory Committee should refer in its report to the establishment of subgroups.

15. Mr. DJOKIĆ (Yugoslavia) suggested that, as the Committee had already recommended the establishment of a working group on the Comprehensive Programme of Disarmament in its previous report to the General Assembly, it should recommend only the establishment of the review group in its next report.

16. The CHAIRMAN said that there was no need for the Preparatory Committee to consider the question of subgroups at all; it would be for the Committee of the Whole, in organizing the work of the second special session, to discuss that question and make appropriate recommendations to the working groups.

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17. If there was no objection, he would take it that there was a majority in favour of recommending that the second special session should establish, in addition to a working group dealing with the Comprehensive Programme of Disarmament, a second working group to review the implementation of the decisions and recommendations adopted at the first special session, and that as many other subsidiary bodies should be set up as were considered necessary.

18. It was so decided.

PRINCIPAL DOCUMENT(S) TO BE ADOPTED AT THE SPECIAL SESSION (continued)

19. The CHAIRMAN said that two schools of thought seemed to exist in the Preparatory Committee regarding the document or documents to emerge from the second special session. The first was that a single document comprising several parts, one of which would be the Comprehensive Programme of Disarmament, should be adopted. The second was that the importance of the Comprehensive Programme was such that it should be adopted separately, and that the decisions and recommendations should be contained in a second document. He invited further comments, so that the Committee could base its recommendation on the views of the majority.

20. Mr. DJOKIĆ (Yugoslavia) said that, in the view of his delegation, the final document to be adopted at the second special session should summarize the results of the work, reflect the degree of consensus reached and provide guidelines for future action. It should be directed towards defining those measures which would contribute most directly to the halting of the arms race. It must open up new ways of solving the problem, and to that end it must be radically different in character and content from all documents on disarmament which had been adopted in the past, including the final document of the Tenth Special Session. It should analyse the development of the disarmament process since the previous special session and the current state of negotiations on disarmament issues, and it should answer the question why all the agreements reached at the first special session on disarmament had remained a dead letter.

21. It was generally accepted that the Comprehensive Programme of Disarmament would be the centre-piece of the final document. Whether it should be adopted separately or as part of the main document was a question which would require careful consideration; either solution would have advantages. The adoption of the Comprehensive Programme should be followed by the adoption of a solemn declaration in which the Member States would express their determination to pursue the goal of disarmament and carry out the obligations they had undertaken. Finally, in view of the concern he heard expressed by many delegations, he suggested that the second special session might make a special appeal for the cessation of the arms race, notably the build-up of nuclear weapons, and for genuine progress in disarmament.

22. Mr. RAETMAECKERS (Belgium) said that the 10 members of the European Economic Community, whose spokesman he was, thought that in the drafting of the final document two important principles must be borne in mind: first, the document or
documents to be adopted at the second special session should take the form of resolutions or decisions; secondly, the titles given to those documents should not in any way detract from the authority of the Final Document of the Tenth Special Session or conflict with the rightful scope of General Assembly resolutions.

23. Mr. SOULIOTIS (Greece) said that he supported the views expressed by the representative of Belgium but wished to add some comments of his own. Various opinions had been expressed at the preceding session of the Preparatory Committee regarding possible titles for the document or documents to be adopted at the second special session. One suggested title had been "Principal Document". He felt that that would cause confusion, because the dictionary definition of "principal" was "most important" and he doubted whether those who had been present at the first special session would accept the implication that the Final Document they had adopted was of lesser importance. Another suggested title was "Final Act", which likewise seemed to him inappropriate, because examples given in legal dictionaries showed that only international conferences normally incorporated their decisions in final acts. Lastly, it had been suggested that the document or documents should be entitled "Resolutions and decisions". That seemed acceptable, since resolutions were the usual instruments whereby international organizations defined their objectives. The results of all the previous special sessions of the General Assembly had been entitled "Resolutions and decisions", and only the main resolution adopted at the tenth special session had had the additional title of "Final Document".

24. It might be even better, however, if the document resulting from the second special session could have a different title. His delegation had suggested earlier that it might be called "Document of conclusions" - "document" in the singular to avoid having to decide the order of priority of several separate documents, and "conclusions" in the plural to avoid an impression of absolute finality, because it would contain a set of proposals and recommendations on a variety of subjects which might be modified or supplemented at a later stage. In his view that title would not prejudice any final decision that might eventually be reached, and it could perhaps facilitate the progress of future work on disarmament.

25. Mr. SKINNER (Canada) said that his delegation preferred a single document, along the lines of the Final Document of the Tenth Special Session, and most delegations seemed to agree that such an "umbrella" document would be the best approach. Whatever form the document took, it should be signed. The simplest and most effective way of articulating the will of the international community would be the adoption by consensus of an umbrella resolution, as in the case of the Universal Declaration of Human Rights, which had the weight of a resolution. Declarations and Final Documents adopted by the General Assembly had primarily a political impact. The status of resolutions must be upheld, however, so as not to reduce the importance of the Final Document of the Tenth Special Session. Should the concluding document of documents be adopted by consensus, some States which had gone along with the consensus might not be able to sign the document or documents. That would put them in an awkward position, which must be avoided, and the best way of doing so would be to call the concluding document of the second special session a resolution.
26. Mr. DIACONU (Romania) said that his delegation had taken special note of the views expressed by the representatives of Mexico, Sweden, Pakistan, Yugoslavia and Greece. Whether a document was referred to as final or not, his delegation believed that nothing in the field of disarmament could be final, and that constant efforts had to be made to achieve the goal of general and complete disarmament; even after that goal was achieved, further efforts would be necessary. The titles given to documents varied according to the will of States at a given time. The Helsinki Final Act, which was a substantive instrument, and the final acts of diplomatic conferences in general, which were procedural, were very dissimilar. Precedents were important, but each international conference must decide upon the form and scope of its own document.

27. For his delegation, the Comprehensive Programme of Disarmament was foremost in importance and must have the most binding force of any document adopted at the second special session; his delegation therefore endorsed the idea of the signing or solemn adoption of the Programme. It did not matter whether the results of the second special session were reflected in one document or in several, as long as the Comprehensive Programme of Disarmament was more binding than the other sections or documents.

28. Mr. DON NANJIIRA (Kenya) said that the Preparatory Committee should not be unduly concerned about the title of the concluding document, but should concentrate on what that document would contain. In his view, the relative status of the various sections of the document was most important. Recommendations could not be placed on the same level as the Comprehensive Programme of Disarmament. If the concluding document was to be signed by Governments and be binding, it could consist of one document containing several sections. His delegation would have difficulty in agreeing to a resolution or declaration to be adopted by consensus, because such a text would not be binding. It was important that the Comprehensive Programme of Disarmament should be binding on all Governments, if the second special session was to represent progress on the road to disarmament. His delegation would therefore accept the approach of embodying the Comprehensive Programme of Disarmament in a separate document which would be signed by Governments.

29. With regard to the single document approach, the Preparatory Committee should consider the format used for the first special session: a short resolution preceding an introduction, a declaration and other parts. The document for the second special session could be in that form and could include a section on the review of the implementation of the decisions and recommendations adopted at the first special session, a section containing the Comprehensive Programme of Disarmament and a section containing recommendations and decisions adopted at the second special session itself. There should also be a section to address any issues which had not been resolved, because some of them might be important.

30. Mr. YANG Hushan (China) said that the format of the final document or documents should be determined by its or their contents. Judging from the present situation, the document or documents should include sections on the assessment of the international situation, of the arms race and of the lack of progress in
disarmament negotiations, on the review of the implementation of the decisions and recommendations adopted at the first special session, on the Comprehensive Programme of Disarmament and on other matters. Much work had been done on the Comprehensive Programme, which should be highlighted, perhaps in a separate document. If, however, it was to be combined with a larger document in any way, its importance should not be minimized.

31. Everyone recognized the great importance of the section dealing with the review of the implementation of the decisions and recommendations adopted at the first special session. A composite paper had been arrived at and was generally acceptable, but further drafting work would have to be done at the second special session itself.

32. For the second special session as for the first, the general debate was of great importance. Many heads of State and Ministers for Foreign Affairs would participate in it. Under those circumstances, it was very likely that the results of the general debate would be reflected in other documents. However, they must also be reflected in detail in the concluding document. On the other hand, his delegation was not sure whether an appraisal of the present international situation could be included in a final document.

33. The Preparatory Committee should merely make proposals and not prejudge decisions that might be taken at the second special session. Maximum flexibility should be maintained so that the special session could decide those matters itself. Whatever the final decision regarding the concluding document or documents might be, it or they should be short, should be aimed at solving specific problems and should accurately reflect the specific situation prevailing at the time of the second special session, the views expressed and the proposals made.

34. Mr. MILTON (United States of America) said that the procedure followed by the first special session devoted to disarmament was the best guide in deciding on the nature of the documents of the second special session. There had been a consensus on the adoption of a resolution as the Final Document, and the precedent might well be respected. It would be logical for the final document of the second special session devoted to disarmament to reflect the discussion on the implementation of the Final Document of the Tenth Special Session, the Comprehensive Programme of Disarmament and the discussion on machinery. That would be simple and clear. With regard to the question of the signatures on the final document of the second special session, he associated himself with the views expressed by the representative of Canada.

35. Mr. RAHMAN (Bangladesh) said that the Committee should not lose sight of the essentials. During the debate on the terminology of documentation, he had been asking himself what had become of the Final Document of the first special session devoted to c and what was the status of the implementation of the Programme of Action. The answer was not very encouraging.

36. There seemed to be consensus in the Committee that the document or documents adopted at the second special session should contain certain elements mentioned by
all. A realistic approach must be adopted. The Committee should perhaps let the situation develop, and the debate on substantive issues at the special session itself would give an indication of the number of documents which should be issued. His delegation was flexible and would join in any consensus.

37. Mr. GARCIA ROBLES (Mexico) drew attention to paragraph 18 of the report of the Preparatory Committee to the General Assembly at its thirty-sixth session (A/36/49), which contained the provisional agenda for the special session. Item 14 was entitled "Adoption, in an appropriate format, of the document(s) of the second special session of the General Assembly devoted to disarmament". In the light of the statements made at the current meeting, he felt that the provisional agenda should remain as it stood and that the Committee should leave it to the General Assembly to decide what it preferred.

38. In order that the Committee might have the fullest possible information, he suggested that the Secretariat should be requested to prepare a brief list indicating how the question of the documents to be adopted had been dealt with at the eleven special session of the General Assembly held so far. Unless some special action was taken, the departments concerned with the issuance of United Nations documents would no doubt proceed as at the first special session devoted to disarmament.

39. He fully agreed with those delegations which felt that the Comprehensive Programme of Disarmament should be given a higher status than that of resolutions in general. The General Assembly usually adopted declarations, resolutions, decisions and recommendations, but a number of instruments generally referred to as resolutions had substantive annexes, some containing conventions or treaties.

40. His delegation was not the originator of the idea that the Comprehensive Programme of Disarmament should be signed. As had been noted, a strange situation might arise in which a delegation signed the document and its Government was not prepared to do so. Perhaps a consensus should be required as a condition for signature. There was no need to have a special declaration to highlight the Comprehensive Programme. The introduction might emphasize the special political and morally binding nature of the Programme and the question of signature by States in order to give it the proper status. He suggested that the Committee should maintain a flexible position.

41. The CHAIRMAN said that it would be unfortunate if it proved necessary to leave the question of documents to the special session itself because of a divergence of views in the Preparatory Committee. The question of the concluding documents of the first special session devoted to disarmament had not been simple, but the Preparatory Committee for that session had discussed the alternatives and agreed to recommend that one document in several parts should be adopted. Leaving that question open would have complicated the work of the special session. The Preparatory Committee should not saddle the second special session with too many procedural issues; if it did, delegations would abandon their work in the working groups in order to engage in procedural debates. The Committee should try to reach
an accommodation and submit recommendations, so that the special session would not need to make a choice.

42. With regard to the title of the document or documents, the representative of Mexico had suggested that the Secretariat should prepare a list of precedents. The question of the title acquired greater importance if there was to be one document only. If the Comprehensive Programme of Disarmament stood alone, the resolution introducing it would be entitled "Comprehensive Programme of Disarmament". If the Comprehensive Programme was to be signed, it would be necessary to consider whether, when it was presented to heads of State, it should be accompanied by other instruments or resolutions. Solemn signature would be appropriate in order to enhance the importance of the Programme, but not if the Programme was presented among a number of other texts. However, the Programme would still have a very high position if it was part of a single document along with other less elevated parts.

43. All the options should be borne in mind in deciding whether to have one document or more. Logic pointed to a self-standing Comprehensive Programme of Disarmament, while a second document might embody other documents from the session. Presenting the Comprehensive Programme for Disarmament in a separate document would enhance its status.

44. Consultations were perhaps needed among those who had strong feelings on the subject, to see whether views could be reconciled and a consensus reached on a recommendation to the special session.

The meeting rose at 5.50 p.m.