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

Fifth session

SUMMARY RECORD OF THE 41st MEETING

Held at Headquarters, New York, on Thursday, 20 April 1978, at 3 p.m.

Chairman: Mr. ORTIZ de ROZAS (Argentina)

CONTENTS

Final report of the Preparatory Committee to the special session of the General Assembly (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages, preferably in the same language as the text to which they refer. They should be set forth in a memorandum and also, if possible, incorporated in a copy of the record. They should be sent within one week of the date of this document to the Chief, Official Records Editing Section, Department of Conference Services, room A-3550.

Any corrections to the records of the meetings of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

78-55887
The meeting was called to order at 3.50 p.m.

FINAL REPORT OF THE PREPARATORY COMMITTEE TO THE SPECIAL SESSION OF THE GENERAL ASSEMBLY (Conference Room Paper No. 18 and Add.1) (continued)

1. The CHAIRMAN drew attention to Conference Room Paper No. 18/Add.1, which contained changes and additions to be made to the draft final report in Conference Room Paper No. 18.

2. He said that he had requested the opinion of the Office of Legal Affairs with regard to the proposal made at the previous meeting by the representative of Nigeria to recommend that the General Assembly should invite the Director-General of UNESCO to participate in the special session devoted to disarmament. According to the opinion furnished by that Office, there was only one precedent for the participation in the General Assembly's debates in plenary meetings of the executive head or director-general of a specialized agency or other body related to the United Nations - that of the International Atomic Energy Agency (IAEA). Under the Agreement governing the relationship between the United Nations and IAEA, the Director General of IAEA could participate in plenary meetings of the United Nations General Assembly, and had in fact done so in order to present the annual report of IAEA. The Office of Legal Affairs added that only on one other occasion, at a formal ceremony, the Director-General of ILO had spoken at a plenary meeting of the General Assembly during consideration of the item entitled "Fiftieth anniversary of the International Labour Organisation". As to the possible participation of the Director-General of UNESCO in the special session of the General Assembly, the Office of Legal Affairs indicated that article 3, paragraph 3, of the Agreement between UNESCO and the United Nations did not contain a specific provision concerning that question, except in regard to consultations of an exclusively educational, scientific or cultural nature.

3. Mr. VELLODI (India) said that the past practice outlined in the opinion given by the Office of Legal Affairs not only did not preclude following the procedure proposed by the delegation of Nigeria, but even included two cases in which a similar procedure had been followed. He wished to know whether there were any precedents for rejecting requests of that nature for substantive or legal reasons. Otherwise, he would strongly support the proposal to recommend that an invitation should be extended to the Director-General of UNESCO, which, as part of the United Nations system, should be treated differently from organizations outside the system.

4. The CHAIRMAN replied that the opinion given by the Office of Legal Affairs mentioned no precedent for rejecting a request of a nature similar to that being considered. The General Assembly had sovereign competence to lay down its own procedures and could, if it so desired, invite the Director-General of UNESCO to participate in its debates, given the interest shown in that organization's contribution to the subject of disarmament. The Preparatory Committee, for its part, could recommend that the General Assembly take a decision to that end.
5. Miss FAROUK (Tunisia) said that, particularly in the light of the information given by the Chairman, she supported the proposal to recommend that the Director-General of UNESCO should be invited.

6. Mr. HARRY (Australia) requested a clarification concerning the scope of the proposal by the Nigerian delegation. If it involved an invitation to the Director-General of UNESCO to participate in the general debate of the General Assembly, he could not support the proposal, since he felt that participation in those debates should be confined to States Members of the United Nations. There were other occasions when the General Assembly might feel the need to receive information from other persons, or to hear distinguished leaders and, where appropriate, to pay them a tribute for reasons of courtesy. In a sense, the case of the Director-General of UNESCO could belong to the two categories indicated, and it might be appropriate to invite him to participate in the work of the General Assembly at its special session in order to furnish information on UNESCO programmes relating to disarmament, but without that implying a right to participate in the general debate.

7. Mr. ADENIJI (Nigeria) said that his proposal covered the two hypothetical cases mentioned by the representative of Australia. With regard to the participation of the Director-General of UNESCO in the work of the special session in general, it appeared that the Preparatory Committee had already taken a favourable position. The fact was that of all the bodies which the Preparatory Committee had invited to participate in its work, as indicated in paragraph 10 of Conference Room Paper No. 18, only UNESCO and IAEA had shown interest and had attended the meetings.

8. As to the participation of the Director-General of UNESCO in plenary meetings of the General Assembly, he recalled that the First Committee had recommended that the General Assembly, at its thirty-second session, should decide that the Director General of IAEA be invited to make a statement to the Assembly at its special session devoted to disarmament (A/32/381, para. 14). He therefore suggested that the Preparatory Committee should make a similar recommendation to the General Assembly in respect of the Director-General of UNESCO. In that way, the Director-General could outline the work of UNESCO to the Assembly, and the UNESCO staff could participate in the work of the Main Committees.

9. Mr. ERHENA (Belgium) said it was necessary to proceed very prudently in the matter before the Committee and to abide by the principle that participation in the plenary meetings of the General Assembly should be reserved for States Members of the United Nations. The legal opinion before the Committee was an inadequate basis for a decision or a recommendation; the case of IAEA was different, since the Director General came every year to present to the General Assembly the report of that agency, relating to a subject that concerned him directly. It was relevant to draw the distinction, as the Australian representative had done, between several possibilities: the Director-General of UNESCO might attend the special session of the General Assembly as an observer, address the Assembly in the general debate or participate in the work of the Plenary Committee...
or other working groups. No more could be done in the case of the Director-General of UNESCO than in the case of two States not Members of the United Nations whose possible participation in the special session was being considered, namely, the Holy See and Switzerland. The solution to that problem rested with the General Assembly, and the Preparatory Committee could do no more than recommend its inclusion, together with a written legal opinion, among the issues to be settled by the General Assembly upon the opening of the special session.

10. The CHAIRMAN said that the opinion given by the Office of Legal Affairs referred to two precedents in which States not Members of the United Nations had been invited to participate in the general debate: at the thirtieth session, on the recommendation of the General Committee, it had been decided to invite the Permanent Observers of the Democratic Republic of Viet-Nam and of the Republic of South Viet-Nam to participate in the general debate, and both had made statements at the 2354th meeting, held on 19 September 1975; and at the thirty-first session, a similar invitation had been extended to the Permanent Observer of the Socialist Republic of Viet Nam, who had made a statement at the plenary meeting held on 26 November 1976.

11. Mr. GARCIA ROBLES (Mexico) said that acceptance of the proposal by the Nigerian delegation could only be beneficial and that, in any case, it would be for the General Assembly to decide the matter, since the Preparatory Committee could only make recommendations. Even had there been no precedents - and there was a precedent at least in the case of IAEA - that would not stand in the way of issuing an invitation as proposed, since the special session of the General Assembly devoted to disarmament would be the first devoted to that item (although it would be the tenth special session of the General Assembly), and it was understandable that there were no precedents. It would be enough to consider the interest shown by the agency in the questions considered by the Assembly: and both the participation of UNESCO in the work of the Preparatory Committee, as mentioned in paragraph 10 of Conference Room Paper No. 13, and the recent activities of that organization in connexion with disarmament and its short-term programme on that subject, as outlined by its representative at the 39th meeting of the Preparatory Committee, fully indicated that interest. He therefore supported the Nigerian proposal.

12. The CHAIRMAN noted a divergence between the Nigerian proposal, supported by various delegations, to recommend that the Director-General of UNESCO should be invited to participate in the special session of the General Assembly devoted to disarmament, and the position of Belgium, which proposed that the General Assembly should decide the matter without the Committee making any recommendation. Since the Committee had hitherto taken all its decisions by consensus, it would be appropriate to hold consultations among interested delegations in order to prepare a decision based on consensus. If there were no objections, he would take it that the Committee wished to adopt that approach.

13. It was so decided.

14. The CHAIRMAN informed the Committee that consultations were continuing with regard to the possibility of recommending that the Holy See and Switzerland should be invited to make statements before the General Assembly at its special session, and announced that the Committee would continue its discussions as a Working Group.

The meeting rose at 4.20 p.m.