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Sixty-third session

First Committee

18th meeting

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Official Records

Chairperson: Mr. Marco Antonio Suazo (Honduras)

The meeting was called to order at 3.15 p.m.

Agenda items 81 to 96 (continued)

Thematic discussion on item subjects and introduction and consideration of all draft resolutions submitted under disarmament and international security agenda items

The Chairperson (*spoke in Spanish*): This afternoon, we shall continue our thematic discussion on disarmament machinery.

Ms. García Jordán (Cuba) (*spoke in Spanish*): The Cuban delegation fully supports the statement made on this matter by the representative of Indonesia on behalf of the Non-Aligned Movement.

The lack of progress, which has continued for several years, in disarmament and arms control negotiations and deliberations is a matter of increasing concern. The Conference on Disarmament continues to languish in a state of virtual paralysis. Despite the efforts that have been made, no consensus has been reached on the proposed programme of work for the Conference on Disarmament as put forward in document CD/1840. Cuba was ready to support any possible consensus, but the proposal did not receive the necessary support from the Conference, because it did not reflect the will of all of its members.

Cuba reaffirms the importance of the Conference on Disarmament as the only multilateral negotiating forum on disarmament. We reiterate the call made by the members of the Non-Aligned Movement for the

Conference on Disarmament to agree upon a balanced and comprehensive programme of work through such measures as the establishment of an ad hoc committee on nuclear disarmament as soon as possible and as a matter of the highest priority.

Nuclear disarmament is and must continue to be the highest priority. That is the basis for future consensus within the framework of the Conference on Disarmament. We emphasize the necessity to start negotiations on a phased plan for the complete eradication of nuclear weapons within a specified time frame, including a nuclear weapons convention.

Cuba reaffirms the importance and the relevance of the Disarmament Commission as the sole specialized deliberative body within the United Nations multilateral disarmament machinery, and we fully support its work. We regret that this year the Commission ended its three-year cycle of work without reaching substantive agreement on either of its agenda items, owing to the lack of political will and the inflexible positions of certain member States, despite the constructive role of the Non-Aligned Movement, which included the submission of concrete proposals to advance the deliberations.

Cuba supports the proposal submitted by Non-Aligned Movement for the next work cycle of the Disarmament Commission, beginning in 2009. In that regard, we consider that the two agenda items of the Commission should be: "Recommendations for achieving the objective of nuclear disarmament and non-proliferation of nuclear weapons"; and "Elements

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of a draft declaration of the fourth Disarmament Decade”.

The First Committee continues to adopt resolutions that are often not observed or implemented, particularly those on nuclear disarmament, owing to the lack of appropriate follow-up mechanisms. That issue deserves serious consideration in order to find solutions.

As the Non-Aligned Movement has been reiterating for a long time, the convening of the fourth special session of the General Assembly devoted to disarmament (SSOD IV) cannot be postponed any longer. The Open-ended Working Group on that issue has met, but, regrettably, has not been able to fulfil its mandate. The only country that voted against the resolution on the item last year made clear its opposition to the convening of the SSOD IV and, by doing so, prevented any possibility of consensus.

At the present session, the Non-Aligned Movement has submitted a draft decision on the SSOD IV (A/C.1/63/L.22) that reflects our resolve to continue working towards a fourth special session of the General Assembly devoted to disarmament.

Two years ago, the Assembly adopted resolution 61/67, entitled “Declaration of a fourth disarmament decade”. In Cuba’s view, the declaration of a fourth disarmament decade could positively contribute to mobilizing international efforts to emerge from the existing stagnation with regard to disarmament and international security and to move towards the objectives to which we all have committed ourselves. Likewise, such a declaration would be a step forward in the promotion of multilateralism as a basic principle for the negotiations on disarmament and non-proliferation in all their aspects, given the dangerous tendency of some States to resort ever more frequently to unilateralism.

We reiterate our concern over the growing tendency seen in the First Committee to create limited groups of experts to analyse issues of great sensitivity and interest to all United Nations Member States. In our view, the establishment of groups of experts must be the exception and not the rule, and preference must be given to transparent and inclusive processes in which all Member States are equally engaged.

I would like to conclude by emphasizing that, in Cuba’s opinion, the main difficulties the disarmament

machinery faces are not the result primarily of the varying degrees of effectiveness of its working methods, but of other factors, particularly the lack of political will of some States to make progress on issues of key importance for international peace and security, such as nuclear disarmament. We hope that from 2009 we shall begin to see a more positive climate consistent with the expectations of the international community.

The Chairperson (*spoke in Spanish*): I call on the representative of Malaysia, who will introduce draft resolution A/C.1/63/L.19.

Mr. Mohamad (Malaysia): At the outset, on behalf of my delegation, let me express our appreciation to the Secretary-General for his report on the follow-up to the advisory opinion of the International Court of Justice on the *Legality of the Threat or Use of Nuclear Weapons*, as contained in document A/63/135, submitted under sub-items q, u and v of agenda item 89. We also extend our appreciation to those delegations that have submitted the information requested pursuant to resolution 62/39 of 2007.

The advisory opinion of the International Court of Justice on the *Legality and Threat or Use of Nuclear Weapons* constitutes a significant milestone in international efforts aimed at achieving nuclear disarmament and non-proliferation, because it provides a powerful moral argument for the total elimination of such weapons. In no uncertain terms, the world court declared that all Member States are obliged to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control. In that regard, we need to remind ourselves of this message by the world court, especially in the light of the continuing impasse in international disarmament and arms control negotiations. This message should resonate in our will and actions to reinvigorate the multilateral process to pursue nuclear disarmament and non-proliferation.

Since 1997, Malaysia has submitted draft resolutions on follow-up to the advisory opinion of the International Court of Justice on the *Legality of the Threat or Use of Nuclear Weapons*. It is our honour to once again introduce to the Committee a draft resolution, entitled “Follow-up to the advisory opinion of the International Court of Justice on the *Legality of the Threat or Use of Nuclear Weapons*”, which appears as document A/C.1/63/L.19. With a view to achieving

the broadest support possible, references to important decisions of the International Court of Justice have been retained in the form of past resolutions on the subject, specifically in operative paragraphs 1 and 2 of the draft resolution, accompanied by the necessary technical updates.

The advisory opinion of the International Court of Justice on the *Legality or Threat of Use of Nuclear Weapons* remains a significant contribution in the field of nuclear disarmament and lends much weight to the moral argument calling for the total elimination of such heinous weapons. Support for this draft resolution is a reaffirmation of our commitment to the multilateral process in the field of nuclear disarmament and non-proliferation. We thank the other sponsors of the draft resolution, and we invite others to join in sponsoring it. We hope that the draft resolution will continue to receive the support of all member States.

Ms. Hall (Canada) (*spoke in French*): This year we are marking the thirtieth anniversary of the adoption of the Final Document of the first special session of the General Assembly devoted to disarmament (resolution S-10/2). That landmark agreement established the United Nations disarmament system that exists today. Moreover, the broader mandate laid out in the Final Document acknowledged the need to revitalize the international disarmament architecture. To further those efforts, we must ask ourselves what the international disarmament regime would look like if we strove to revitalize and develop it.

First of all, the Conference on Disarmament would agree on a broadened programme of work, which would be facilitated by abolishing the application of the consensus rule for procedural matters. Also in the Conference, we would see the resumption of promising negotiations on a fissile material cut-off treaty and discussions on a strategy aimed at preventing an arms race in outer space.

(*spoke in English*)

We would see the implementation of previously agreed commitments, such as the principles and objectives of the 1995 Review Conference of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and the 13 practical steps of the 2000 Review Conference. The Comprehensive Test-Ban Treaty would come into force; the International Monitoring

System would become fully operational and its verification network would be completed.

We would witness universal ratification of the NPT with renewed commitment to all three of its pillars. All States parties would pursue effective disarmament negotiations in good faith. All non-nuclear-weapon States would have brought into force a comprehensive safeguards agreement and an additional protocol with the International Atomic Energy Agency. And all States would cooperate openly to promote nuclear energy for peaceful purposes.

We would also see States assisting each other in strengthening their national legal frameworks and systems of export control to prevent the proliferation of weapons of mass destruction, pursuant to Security Council resolution 1540 (2004). All States parties to the Biological and Toxin Weapons Convention would prepare detailed annual submissions on confidence-building measures.

Here in the First Committee, Member States would submit regular, detailed reports on their implementation of key resolutions. States would focus on meaningful disarmament and non-proliferation measures, and they would view the security of others as integral to their own.

We would also have fewer resolutions. Older consensus resolutions that had served their purpose would be retired. Only draft resolutions that succinctly targeted pertinent international security issues would be submitted. Such draft resolutions would inspire meaningful debate, reveal where work on disarmament is most urgently needed, offer new avenues for cooperative threat reduction and highlight issues that demand our continued attention. In short, we would see robust and focused negotiation and debate that could be described as effective, results-based multilateralism.

Regrettably, the picture I have painted here does not mirror reality. For that reason, we must seriously consider how to both make better use of our existing disarmament regime and explore alternative solutions where progress in the traditional machinery has stagnated. We need look no further than the Ottawa and Oslo processes to see that alternative approaches can and do succeed, especially in the area of conventional weapons, where the traditional machinery has not served us well.

It would be wrong to imply that the disarmament machine is irretrievably broken, even if its results have not lived up to Canada's expectations. Canada is encouraged by the progress made since 2004 to make the First Committee a more effective forum for deliberation and discussion. While the outcome of the 2005 NPT Review Conference was a disappointment, there is cause for optimism about what can be achieved in 2010. We believe that the NPT can achieve permanence with accountability, especially if it is provided with the necessary support and infrastructure to leverage political will and maintain momentum between review conferences.

Together, all States have collective ownership of our disarmament machinery. It is up to us to work to repair elements of the machinery that are not functioning and to add features to address new challenges, in order to operate a system in which our differences can be reconciled and our common goals realized.

Mr. Rao (India): As we stated at the 12th plenary meeting of the General Assembly, India believes that the United Nations is the embodiment of our faith in the benefits of collective action and of multilateral approaches to resolve global issues concerning global peace, stability and development. The United Nations, in accordance with its Charter, has a central role and primary responsibility in the sphere of disarmament. Our approach to addressing issues relating to disarmament and related international security questions — the mandate of the First Committee — is underpinned by our conviction that global contemporary challenges are best addressed through collective efforts imbued with a spirit of genuine multilateralism. We believe that such a spirit, backed by the necessary political will, can enable the international disarmament machinery set up by the first special session of General Assembly on disarmament to yield the desired results.

There is a heavy burden on the Conference on Disarmament, as the single multilateral negotiating forum on disarmament, to make progress on the international disarmament agenda. We feel that international efforts in this field can yield results when they are backed by an international consensus on the way forward. We remain committed to efforts, consistent with the rules of procedure, aimed at enabling the Conference on Disarmament to reach consensus on a programme of work that takes into

account the interests of all its stakeholders. Since its decisions impact on the national security of its member States, it is logical that the Conference on Disarmament should conduct its work and adopt its decisions by consensus.

India attaches high importance to the Disarmament Commission, which is the deliberative leg of the triad of disarmament machinery put in place by consensus at the tenth special session of the General Assembly, the first devoted to disarmament. As the universal deliberative forum, it provides for the in-depth consideration of specific disarmament issues with a view to the submission of recommendations to the General Assembly.

I would like to draw attention to the discussions during the 2008 substantive session of the Disarmament Commission, held in April. Though the Commission was unable to reach consensus on its recommendations, its deliberations showed some interesting trends and a willingness to look at common approaches of a universal character to bring back coherence and consensus on the security challenges of our times. This attests to the continuing value and significance of that body, which Member States can utilize to draw up guidelines and recommendations of a universal character conveying a forward-looking vision for a more secure world.

India attaches importance to the work of the Secretary-General's Advisory Board on Disarmament Matters. We have given careful consideration to the recommendations of the Board as contained in the report of the Secretary-General (A/63/279). In particular, we welcome the call on the Secretary-General to strengthen his personal role in generating political will in the field of nuclear disarmament and non-proliferation. As a body that can encompass universal views and aspirations, the Board must strive to reflect the broadest range of views and opinions from both developed and developing countries. We are confident that its focus will remain the broader vision of global disarmament issues, rather than being limited to the frameworks of one treaty or another.

In its capacity as the Board of Trustees of the United Nations Institute for Disarmament Research (UNIDIR), we hope the Advisory Board will provide the Institute with all necessary support. UNIDIR has built up a most valuable repertoire of expertise over the last decade, and it should also lend its considerable

capabilities to addressing the priority of global nuclear disarmament, on which appropriate focus by UNIDIR would be welcome.

We compliment the Office of Disarmament Affairs, under High Representative Sergio Duarte, for its untiring efforts. As a neutral body, that Office is key to maintaining the role of the United Nations in integrating global disarmament efforts and deserves our full support as it strives to fulfil that function. The priorities of Member States are paramount, and we are confident that, with the assistance of the Office for Disarmament Affairs, our common objectives can be achieved.

We believe that United Nations efforts to promote and encourage disarmament and non-proliferation education, based on the recommendations of the 2002 United Nations study (A/57/124) will foster greater awareness and strengthen global collective will in favour of global disarmament objectives. India has once again sponsored a draft resolution on this subject (A/C.1/63/L.52).

We welcome the opening of the new United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific in Kathmandu on 18 August 2008. In his message on that occasion, which was read out by his Chef de Cabinet, Vijay Nambiar, the Secretary-General called on all countries of the region to work closely with the Regional Centre. India will extend all possible support to assist the Kathmandu Centre in fulfilling its mandate.

Mr. Labbé (Chile) (*spoke in Spanish*): Multilateral diplomacy has a parliamentary aspect that requires the proper forums in order to produce results. If we are to appropriately meet the needs of the international community, we need not only physical spaces and procedures, but also forums equipped with political legitimacy and systemic resources.

What we now call the disarmament machinery was systematized by the first special session of the General Assembly devoted to disarmament exactly 30 years ago. It gave rise to the Disarmament Commission, intended as a forum for deliberation and evaluation; the United Nations Disarmament Programme, which has included so many diplomats — many of whom are here today in this very room; the establishment of the Conference on Disarmament as the negotiation forum par excellence; and to the

adoption of the consensus rule as a decision-making mechanism of the Conference.

For reasons known well to us, the disarmament machinery is largely dysfunctional. Clearly, its efforts in the area of nuclear weapons — the most important component of the multilateral disarmament agenda — require the leadership and commitment of the major Powers, whose security interests the consensus rule is intended to protect. However, consensus has been interpreted literally and has become a kind of veto right that can paralyse a review conference of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), a group of governmental experts or indeed the programme of work of the Conference on Disarmament.

It is one thing to protect particular security interests by making consensus a requirement for reaching the final phase of disarmament negotiations; it is quite another to obstruct the very launching of such negotiations, let alone the establishment of a subsidiary body as the forum for them. This narrow conception of the consensus rule has created the perverse dynamic that has kept the Conference on Disarmament paralysed for more than a decade. That is, quite frankly, an abuse.

International security is based on the principle of its indivisibility. All States, regardless of their size or power, have a share of responsibility in maintaining it. And, as a global public good, international peace and security benefits us all. A dose of democratization in the disarmament machinery is not only welcome, but essential.

If, as is stated, the international situation could be positively affected by current political developments, we should take advantage of that circumstance by launching a process of evaluation and, possibly, reform of the United Nations disarmament machinery. Thus, there is no reason not to take a critical look at the bodies that assist multilateral disarmament diplomacy when, in this very House, we are negotiating new management, environmental and gender structures and better systems for the administration and use of our human and budgetary resources.

Through the 2005 World Summit Outcome (resolution 60/1), we established the Human Rights Council, the Peacebuilding Commission and new concepts such as human security and the responsibility to protect. Disarmament, however, was the major

section missing from the Outcome Document. Chile believes that the time has come to fill that gap. At the time, we fought the battle through the seven countries initiative, which, under Norway's leadership, led more than a third of the Organization's membership to support the incorporation of basic disarmament wording into the Document. That situation is now behind us, but there is still a need to make progress, and we believe that the time has come to meet that need.

The formula that would enable us both to perform an institutional and political audit of the machinery and to generate the critical mass needed to repair it could be the convening of a fourth special session of the General Assembly devoted to disarmament (SSOD-IV). That initiative has been persistently promoted by the Non-Aligned Movement, of which we are a member, and it is supported by nearly all Members of the Organization. The General Assembly is the representative United Nations body that brings together all Member States. Employed at the appropriate political level, it could well produce the changes required to equip the international community with the tools it now needs.

The subsidiary organs of the United Nations system are not ends in themselves; they are mere resources of the system to meet the political needs of the international community. Disarmament is a global public good, but the Conference on Disarmament is not. Like the former Commission on Human Rights, the Conference on Disarmament can be reformed, can certainly be expanded and can hopefully be democratized to enhance its legitimacy, inclusiveness and transparency. In 2008, is it really possible to conceive of a multilateral body that operates behind the backs of civil society? Is it tolerable, in this era of globalization and the communications revolution, not to develop a synergistic relationship between the organs of the disarmament machinery and other specialized bodies of the United Nations system?

As we said in the debate on conventional weapons, the political will of a majority of States can not only produce movement, but also create avenues for progress in international disarmament law. The open diplomatic processes that led to the Ottawa and Oslo conventions serve as shining examples surrounded by a desolate plain. Let us all draw the appropriate conclusions.

The Committee will soon take action on a draft resolution launching the preparatory process for SSOD-IV. May that be an opportunity to begin, preferably by consensus, the renewal of the disarmament machinery.

The President (*spoke in Spanish*): I now give the floor to the representative of Nigeria to introduce draft resolutions A/C.1/63/L.50/Rev.1 and A/C.1/63/L.49.

Mr. Obisakin (Nigeria) (*spoke in French*): Today, I am taking the floor, first, on behalf of the Group of African States to introduce draft resolution A/C.1/63/L.50/Rev.1, entitled "United Nations Regional Centre for Peace and Disarmament in Africa". I am also making this statement in my national capacity.

(*spoke in English*)

First, with regard the draft resolution on the United Nations Regional Centre for Peace and Disarmament in Africa, located in Lomé, Togo, Africa would like to thank all members for the support given to the continent last year through the adoption of a resolution on this subject. Secondly, we would also like to welcome the directors and other staff who have been engaged. They spoke to us last week, and I believe that they will do their best to fulfil their mandate to ensure the effective promotion of peace and disarmament in the region.

We would also like to appeal to all members to continue to support us by adopting this draft resolution by consensus.

As we say in Africa, you cannot clap with one hand — you need two hands to clap — and when the load is heavy, you must use both hands, and some assistance, to lift the load to your head. So we believe that Member States will be helping us as we help ourselves. When you wash the left hand with the right hand, and the right palm washes the left, then both hands will be clean. So, on behalf of Africa, we appeal for the adoption of this draft resolution.

I wish to note a change that is reflected in the revised text of this draft resolution. Africa and all our partners have agreed that the words "with satisfaction" should be deleted from paragraph 1, which now reads as follows:

"Notes the implementation of the recommendations of the Consultative Mechanism

for the Reorganization of the United Nations Regional Centre for Peace and Disarmament in Africa to fund the Centre's operating costs and three new posts from the regular budget of the Organization."

I wish also to read out a revised text of paragraph 7, which should now read as follows:

"Also requests the Secretary-General to continue to provide the necessary support to the Regional Centre with a view to enhancing its operation and efficiency."

I turn now to the draft resolution entitled "United Nations disarmament fellowship, training and advisory services", contained in document A/C.1/63/L.49 and sponsored by Nigeria and some 90 other Member States — and we believe that the sponsorship process is ongoing. The initiative we started in 1978 has no doubt produced a great number of fellows who are among us today, and last week we were able to witness the graduation ceremony and awarding of certificates to new fellows.

We were told that the programme has thus far produced around 759 fellows from over 100 countries. We do not really need to say much about the programme; we all know that its purpose is to ensure the continuity of people like every one of us here. It is the major source in the production of experts on First Committee issues, and as we say in our part of the world, when a river forgets its source, it will surely dry up. We do not intend to forget our source.

We appeal to the Committee to adopt draft resolution A/C.1/63/L.49 by consensus, as usual for such texts. We also hope that there will be as many sponsors as we have had in the past — about 140. I thank members in advance.

The Chairperson (*spoke in Spanish*): We have heard the last speaker on the theme of disarmament machinery.

Before moving ahead with the second segment of our work today, I would like to recall that on Friday, 24 October, the Secretary-General participated in a high-level event at which he gave a very important statement. I invite all participants to find the speech and read it. It can be found on the website of the Office for Disarmament Affairs — www.un.org/disarmament. It is a very important speech. The Secretary-General spoke of disarmament and made concrete proposals to

the international community. Accordingly, I would like participants to see this important document.

We shall now move to the second segment of our afternoon meeting. As participants know, we will have representatives of non-governmental organizations with us. The first three speakers will be sharing their opinions and points of view with us on the matters that we have discussed in our clusters: nuclear weapons, outer space and conventional weapons. We will then hear four other speakers, who will address small arms and light weapons, cluster munitions, and other subjects.

I shall now suspend the meeting, because we will now need to work in an informal format.

The meeting was suspended at 3.55 p.m. and resumed at 5.10 p.m.

Organization of work

The Chairperson (*spoke in Spanish*): We have now concluded the first two phases of the Committee's work. As members are aware, tomorrow we will begin the third phase, namely, the taking of decisions on draft resolutions and draft decisions. I understand that the Secretariat has provided members with a short informal document listing the draft resolutions on which we will take action tomorrow.

In addition, on Friday, the Secretariat was asked to distribute the ground rules that we will follow during the voting process, which I asked members to read. As no member has any questions about the rules, I shall take it that everyone understands them.

It is simple. The draft resolutions will be considered by cluster. Sponsoring delegations will be able to make general statements, while non-sponsors will be able to make explanations of vote before or after the voting.

Lastly, I should like to inform members that, with regard to the reference I made to the statement made by the Secretary-General on Friday, 24 October, thanks to the diligence of the Office of the High Representative, we have now been provided with enough copies of that statement. Interested delegations can find that statement on the table at the back of the room.

We will have an intensive afternoon tomorrow.

I now give the floor to the Secretary to make some announcements.

Mr. Sareva (Secretary of the Committee): With regard to sponsorship of draft resolutions, I would like to inform delegations that document A/C.1/63/CRP.3, which contains a list of additional sponsors, continues to be updated on a daily basis, and addendum 4 is now available. Corrections have also been made to A/C.1/63/CRP.3 and A/C.1/63/CRP.3/Add.1, copies of which are also available.

Delegations that are still circulating sponsorship lists are kindly asked to return them to the Secretariat, as we need some time to process them. Finally, A/C.1/63/CRP.3 and its addenda have also been posted on the QuickFirst website.

I also want to bring to the attention of members of the Committee the fact that three oral statements have already been issued, which are also available on the website. Those statements pertain to draft resolutions A/C.1/63/L.11, entitled "Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction"; A/C.1/63/L.6, entitled "Implementation of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on their Destruction"; and A/C.1/63/L.31, entitled "Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects".

The Chairperson (*spoke in Spanish*): The representative of Indonesia has asked for the floor to make a statement.

Mr. Ruddyard (Indonesia): I speak on behalf of the Non-Aligned Movement (NAM).

With regard to the schedule that the Chairperson has circulated to all participants in this meeting with regard to the taking of action on draft resolutions and decisions, I would like to refer to action on draft decision A/C.1/63/L.22, which is under cluster 7, on disarmament machinery, and was submitted under sub-item (o) of agenda item 89. I should like to ask the Chairperson to defer action on that draft decision, as NAM will be holding a coordination meeting this afternoon. I shall contact the Chairperson in due time in order to inform him of NAM's readiness to act on it, on the day that action is taken on the other draft resolutions submitted by NAM.

The Chairperson: We have taken note of the request by the representative of Indonesia. I do not see any problem with that request.

I have tried to make the life of representatives very easy in the first three weeks. If they give me an easy ride tomorrow afternoon, I will appreciate it very much.

The meeting rose at 5.25 p.m.