COMMITTEE OF THE WHOLE

SUMMARY RECORD OF THE 4th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 12 March 1980, at 3 p.m.

Chairman: Mr. VOUTOV (Bulgaria)

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The meeting was called to order at 3.35 p.m.

REVIEW OF THE OPERATION OF THE CONVENTION AS PROVIDED FOR IN ITS ARTICLE XII (agenda item 10) (continued)

(b) ARTICLES I - XV (continued)

Articles V - IX (continued)

1. Mr. BRANKOVIC (Yugoslavia) noted with regret that the provisions of article IX had not been implemented in the five years since the Convention's entry into force; indeed, there had been a continuing tendency to avoid multilateral negotiations on chemical weapons, particularly in the Committee on Disarmament. Attempts made in that Committee in 1979 to set up an ad hoc working group to draft an international agreement on chemical weapons had failed for lack of the necessary consensus. The wish of the great majority of States Members of the United Nations that the issue of chemical weapons should be resolved as soon as possible in view of its exceptional significance and urgency had been reiterated in numerous General Assembly resolutions. His delegation fully associated itself with the proposal submitted by the Group of 21 non-aligned and neutral countries to the Committee on Disarmament to the effect that substantive negotiations on the preparation of a chemical weapons convention should be initiated without delay at the 1980 session of that Committee.

2. Mr. de LAIGLESIA (Spain) said that there were no grounds for optimism with regard to article IX of the Convention since it had not yet been implemented. At the most recent session of the General Assembly, his delegation had been among the sponsors of a resolution on chemical weapons; it had expressed its views in the Committee on Disarmament and intended to continue to do so in the appropriate negotiating body.

3. In its opinion, the prohibition of chemical weapons was an urgent necessity and insufficient progress was being made in that direction. Responsibility for negotiating a ban on such weapons had been entrusted to the Governments of the USSR and the United States, and confidence must be placed in them. However, if negotiations on the subject were unduly delayed, it was up to other members of the Committee on Disarmament to pursue the initiative and to produce a draft treaty banning chemical weapons. While the difficulties involved should not be underestimated, it should be realized that time was growing short and that practical results should be achieved.

4. Mr. CACERES (Mexico) pointed out that his delegation had clearly stated its views on article IX at the eighth plenary meeting of the Conference. In particular, it had stressed that it was the duty of the Conference to issue an urgent appeal to all members of the Committee on Disarmament, and especially the depositary Governments, to take advantage of the establishment of an ad hoc working group on chemical weapons in order to conclude negotiations on a treaty prohibiting such weapons. It hoped that the appeal to which it had referred would be reflected in the Conference's final document.
5. **Mr. BOGDAN (Romania)** reminded the Committee that during the negotiations which had preceded the adoption of the Biological Weapons Convention several States had emphasized that their acceptance of a solution limited to biological weapons would depend on further developments with regard to the adoption of a similar agreement on chemical weapons. Unfortunately, despite repeated appeals by the General Assembly, full-scale negotiations on the chemical weapons issue had not been initiated in the eight years that had elapsed since the signing of the Convention; in other words, one of the principal obligations imposed by the Convention had not yet been implemented. Consequently, the Convention could not be said to have contributed in any way to a halt in the arms race or the adoption of real and effective disarmament measures. Many speakers in the general debate had expressed concern on that score and had called for the adoption of urgent measures aimed at the prohibition of chemical weapons.

6. In its final document, the Conference should take note of the fact that negotiations on the abolition of chemical weapons were bogged down and call upon all States parties to respect their legal obligation under article IX by initiating effective negotiations on the complete abolition of chemical weapons without further delay at the present session of the Committee on Disarmament. A convention on that subject should be adopted, if possible, before the General Assembly's next special session devoted to disarmament.

7. **Mr. BASHIR (Pakistan)** said that his delegation had always favoured a comprehensive approach to the question of the prohibition of bacteriological (biological) and chemical weapons. Both the preamble and article IX of the Convention contained a solemn undertaking by the parties to achieve a comprehensive ban on chemical weapons as soon as possible. His delegation viewed with concern the present state of negotiations on the subject of chemical weapons, which still remained outside the purview of multilateral negotiating bodies. The technical basis for the conclusion of an agreement, repeatedly called for by the General Assembly, was now available; what was needed was the political will on the part of the major Powers to give up their option of using chemical weapons. The continuing relevance and viability of the Biological Weapons Convention largely depended on the conclusion of a similar convention on chemical weapons.

8. **Mr. LANG (Austria)**, referring to articles VI and VII, said that, in view of his country's well-known position on the necessity for objective and reliable verification measures, his delegation welcomed the proposals by Sweden as an important contribution to the establishment of still more efficient machinery for verifying compliance with the Convention. Both the Swedish and the United Kingdom proposals should be given thorough consideration. If there was room for improvement, all possibilities for a better and broadly acceptable solution should be explored in detail.

9. The powers which article VII conferred on the Security Council went beyond the provisions of Chapter VII of the Charter. Because Austria had become a Member of the United Nations as a permanently neutral State, its Government had, whenever mandatory sanctions had been decided on by the Security Council, made it quite clear that its application of those sanctions must be subject to close scrutiny in view of its other obligations deriving from its particular
international status. It had always regarded the undertaking contained in article VII of the Biological Weapons Convention as not exceeding the limits set by the status of permanent neutrality which the Austrian people and its elected representatives had freely embraced. That position in no way affected Austria's strict adherence to the Convention itself. Accession to the Convention had been a foregone conclusion for his country; the legal instrument which had re-established its full independence in 1955 also provided that Austria was not to possess, construct or experiment with asphyxiating, vesicant or poisonous material or biological substances in quantities greater than or of types other than, were required for legitimate civil purposes. The Convention thus only strengthened a legal obligation already incumbent upon Austria, and it was his Government's firm intention to abide by that obligation.

10. Mr. PERFILOV (Union of Soviet Socialist Republics), speaking on article IX, referred to the statement made on that subject by his delegation at the third plenary meeting of the Conference. From the very first years of its existence, the Soviet Union had actively sought a prohibition of chemical weapons. As early as in the 1920s, it had called for an unconditional ban on poisonous substances and it had been one of the first countries to sign the Geneva Protocol of 1925. That document, whose provisions, principles and purposes the USSR had strictly observed at all times, had played an important role in the Second World War. After the War, the Soviet Union had been the first to propose the abolition of chemical and biological weapons by including an article to that effect in the draft treaty on universal and complete disarmament which it had proposed on 15 March 1962. Further proposals on that subject had been made by the Soviet Union and other socialist countries in the General Assembly and the Conference of the Committee on Disarmament in 1966, 1969, 1969 and 1972. The draft convention on chemical and bacteriological (biological) weapons submitted by the USSR and other socialist countries at the twenty-fourth session of the General Assembly in 1969 had envisaged a simultaneous ban on chemical and biological weapons. The adoption of that text had, however, been thwarted by another group of countries. In accepting a convention limited to bacteriological (biological) weapons, the representatives of the socialist countries had emphasized that they regarded chemical and biological weapons as forming part of a single problem, and were accepting a compromise only because the negative attitude of certain Powers made the simultaneous prohibition of both groups of weapons unlikely.

11. In the course of the Soviet-United States meetings held at the highest level in 1974, the two countries had agreed to hold bilateral negotiations on chemical weapons. Such negotiations had begun in 1976 and were still continuing. In 1979, the USSR and the United States had submitted to the Committee on Disarmament a detailed joint report on progress in the bilateral negotiations on the prohibition of chemical weapons.
12. The USSR continued to regard the prohibition of chemical weapons as one of the most urgent and essential tasks in the disarmament field. It was prepared to take an active part in the consideration of all relevant issues by the Committee on Disarmament and would do everything in its power to assist the conduct of multilateral negotiations. At the same time, and despite the many difficulties involved, it was determined to forge ahead with the bilateral talks. It had no objection to an ad hoc working group on the same subject being set up within the Committee on Disarmament.

13. In conclusion, he suggested that the final document of the Conference might include a decision on the following lines: "The Conference recognizes the urgency and importance of achieving early agreement on effective measures for the prohibition of chemical weapons and for their destruction. The Conference reaffirms the obligations assumed by States parties to the Convention in accordance with article IX to continue negotiations in good faith to that end".

14. Mr. OLUMOKO (Nigeria) said that his delegation had already referred in the plenary debate to the importance which it attached to a ban on chemical weapons in the light of the eighth preambular paragraph and article IX of the Convention. The fact that a convention on chemical weapons had not yet been negotiated was not due to any lack of effort in the Committee on Disarmament; that was clear from the appreciable number of proposals, working papers, statements and draft treaties that had been submitted to it. What was lacking, however, was the political will on the part of the nuclear-weapon States to conclude as early as possible an effective convention prohibiting chemical weapons. Paragraphs 21 and 75 of the Final Document of the tenth special session of the General Assembly were unequivocal with regard to the urgency of concluding a chemical weapons ban, as were the various General Assembly resolutions on the subject, the latest being resolution 34/72.

15. The Conference should therefore urge the bilateral negotiating partners, the USSR and the United States to bring their negotiations to a rapid conclusion. The Committee on Disarmament should not, however, allow those bilateral negotiations to delay its own negotiations; the two countries should submit to it as soon as possible a structured report on the status of their negotiations.

16. The Group of 21 of the Committee on Disarmament, of which his delegation was a member, had submitted to the Committee two working papers (CD/11 of 9 April 1979 and CD/64 of 27 February 1980) on the need to set up an ad hoc working group in the Committee to deal effectively with the question. He hoped that the Conference would press for the early establishment of the proposed working group since the task confronting it was most urgent.

17. Mr. KOSTENKO (Ukrainian Soviet Socialist Republic) said that his delegation, which, together with the Polish, Canadian and other delegations, had taken an active part in the preparation of General Assembly resolution 34/72 on the subject of chemical weapons and was a sponsor of the draft convention on the prohibition of chemical weapons that had been before the Committee on Disarmament since 1972, fully shared the concern expressed by many previous speakers. It
should be noted, however, that work on the preparation of an agreed mandate for an ad hoc working group of the Committee on Disarmament to deal with the chemical weapons issue was at present nearing completion. Much depended, of course, on the success of the current bilateral Soviet-United States negotiations. In that connexion, he referred to the joint progress report (CD/48) issued in August 1979 and expressed the hope that the negotiations would yield results which would contribute significantly towards the prohibition of chemical weapons. In the light of the above, his delegation associated itself with the view that the Conference, in its final document, should recognize the urgency and importance of an early agreement on effective measures for the prohibition of chemical weapons and for their destruction, and should reaffirm the obligations assumed by States parties under article IX of the Convention.

18. Mr. MULONGANDUSU (Zaire), noting that the Convention dealt formally with the question of chemical weapons, said that at the preceding session of the Committee on Disarmament his delegation, in association with the other members of the Group of 21, had indicated what steps should be taken in that area. The appeal to the international community made in the Convention for the conclusion of a ban on chemical weapons showed the path which should be followed. It was therefore essential that progress should be made as soon as possible in the negotiations in the Committee on Disarmament. While his delegation appreciated the practical contribution made by the report submitted to the Committee on Disarmament by the parties engaged in bilateral negotiations on chemical weapons, it continued to agree with the views expressed by the other members of the Group of 21.

19. Ms. FREYRE PENABE (Argentina), referring to article IX, said that the Convention constituted the first step by the international community towards the eradication of the weapons prohibited by the Geneva Protocol of 1925 but that step must be complemented by the adoption of a convention banning chemical weapons as called for in article IX. Her delegation was therefore concerned about the fact that, despite the time which had elapsed since the adoption of the Convention, no text had yet been adopted for a treaty on chemical weapons.

20. During the preceding 12 years, the General Assembly had repeatedly drawn attention to the need for such a treaty. In her opinion, the negotiations which had taken place over a seven-year period in the Committee on Disarmament, the hundreds of documents considered by that Committee and the three draft treaties submitted to it constituted an adequate basis from which to proceed to the adoption of a chemical weapons convention. The Committee on Disarmament was the forum in which such a convention should be negotiated. Her delegation therefore believed that the Conference's final document should contain a paragraph urging that Committee to take steps to set up a working group to initiate negotiations on a chemical weapons convention.
21. Mr. CIARRAPICO (Italy) reiterated the particular interest felt by his Government in the prompt implementation of article IX of the Convention. Agreement to ban chemical weapons constituted a necessary complement to the Convention and his Government was accordingly devoting continuing efforts to achieving practical progress in that field. In view of the delicate nature of the subject, his Government had contributed to the initiative for the setting up of a working group to consider the topics to be covered by the proposed chemical weapons convention. Support for that initiative gave hope for future progress, but he emphasized the need for an appropriate commitment to it. He hoped that the final document of the Conference would reflect that view.

22. His delegation, like that of the United States, endorsed the United Kingdom's approach to articles V and VI. While it was always open to any constructive proposal and had listened with interest to the proposal by the Swedish delegation, it could not agree that the mechanisms and procedures provided for under the Convention were inadequate. It considered, moreover, that an amendment to the Convention, if supported by some States but not others, could lead to confusion. It would therefore be preferable to examine ways and means by which States parties could consult and co-operate with one another with a view to ensuring that all the provisions of the Convention were implemented.

23. Mr. FLOWERDEE (United States of America), speaking with reference to articles V and VI, reiterated his delegation's view that there was no need to amend the Convention. At the same time, his delegation agreed that the Conference must consider the concerns of all parties regarding implementation of the Convention. It was therefore prepared to consider alternative means of enhancing consultations if other delegations felt that there was such a need. In its view, the final declaration would be the most appropriate vehicle for dealing with that point. It therefore wished to associate his delegation with the United Kingdom proposal, which seemed to be consistent with its own views.

24. Mr. DUNDEVI (Ghana), referring to the need to prohibit chemical weapons as recognized in the preamble and article IX of the Convention, said his delegation had already pointed out that there were a number of useful documents on the basis of which negotiations could be initiated without further delay. His delegation had had in mind, for example, the working paper prepared by the Secretariat of the Conference of the Committee on Disarmament, which reflected the discussions that had been held on the question (CD/26), the joint report by the USSR and the United States on the bilateral negotiations between those two countries (CD/48), various reports based on the practical experience of individual States in on-site inspection and destruction of plant facilities, the reports on the workshops on site verification which had been organized by the Federal Republic of Germany and the United Kingdom, the very useful papers prepared by the Polish delegation, and a series of papers submitted to the Committee on Disarmament by, inter alia, France, Italy and the Netherlands.

25. In his delegation's view, the first objective of any agreement to prohibit chemical weapons must be complete and verifiable prohibition based on a commitment not to develop, produce, acquire, stockpile or retain chemical weapons or munitions.
Such an agreement should extend to all chemical agents that were not justified on technological, medical or industrial grounds, and to toxic chemical agents, incapacitating agents and other agents which caused temporary disability. Moreover, for the agreement to be truly effective, it must be devoid of ambiguity and must make adequate provision for the prevention of transfers to third parties.

26. The question of compliance was crucial, for it would promote trust and ensure that no single State had an advantage over the others. All States parties should therefore be required to observe the agreement faithfully, as a practical demonstration of their support for the letter and spirit of its terms. Verification, which was also extremely important, should be carried out through a judicious combination of both national and international measures and should not interfere with the economic development or security interests of any State.

27. Basic to the success of any chemical weapons agreement was the need to strengthen confidence between peoples and to contribute to a general improvement of the international atmosphere, as indeed was already recognized in the fifth preambular paragraph of the Convention. In the final document of the Conference, therefore, it would be appropriate to reflect briefly on the current international situation and to stress the need for improvement with a view to securing the fullest co-operation of all States in attaining the objective of banning such weapons of mass destruction.

28. Mr. WHITE (New Zealand) said that his preliminary reaction to the Swedish and United Kingdom proposals was that the latter proposal was the more realistic and likely to receive broader support. He hoped, however, to have another opportunity to speak on the matter when the two proposals had been submitted in writing.

29. Mr. KOCHUBEY (Ukrainian Soviet Socialist Republic), also referring to the proposals made with regard to articles V and VI, said that the purpose for which the Conference had been convened was clearly stated in article XII, namely, to review the operation of the Convention with a view to ensuring that its provisions were being realized and, in so doing, to take into account any new scientific and technological developments relevant to it. Accordingly, it was only on the basis of practical experience that any revision of its terms could be justified. No such justification was, however, apparent from the documents submitted to the Conference on new scientific and technological developments. The general debate had indicated that the Convention had proved effective and there had been no recorded violation of its terms. In the circumstances, any proposals for revision must necessarily be of a hypothetical nature, as indeed was apparent from the language in which the proposal submitted to the Conference had been couched.

30. A revision of any international instrument was a serious matter, for it could well weaken that instrument rather than strengthen it. The best way of strengthening the Convention, in his delegation's view, would be to make it more universal in character and to provide for adequate control measures. In so doing, however, it must be remembered that control measures would not be the same for all disarmament treaties since the character and purposes of such treaties varied as widely as the weapons which they prohibited. The Convention, like all similar texts,
represented a balanced compromise that should not be disturbed. So far as the Security Council was concerned, it was plain from Article 24 of the Charter that its role under the Convention reflected but a small part of the powers which it enjoyed. For all those reasons, his delegation saw no need to amend the Convention.

31. Mr. LAKATOS (Hungary) said his delegation agreed that the main task of the Conference was to review the operation of the Convention and that there was no need to amend its terms. His delegation was gratified to note that the Convention had proved to be an effective instrument of disarmament and that there had been no recorded violation of its terms since its entry into force. It was to be hoped that States parties would continue to comply with the Convention.

32. If the representatives of the three depositary Governments agreed that there was no need to amend the Convention, it was in part due to the fact that, as had been recognized during the general debate, the Convention was the first genuine agreement on the prohibition of lethal weapons to be concluded since the Second World War.

The meeting rose at 5.10 p.m.