SUMMARY RECORD OF THE THIRD MEETING

Held at the Palais des Nations, Geneva, on Wednesday, 5 March 1980, at 3 p.m.

President: Mr. VAERND (Norway)

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

ELECTION OF VICE-PRESIDENTS OF THE CONFERENCE AND CHAIRMEN AND VICE-CHAIRMEN OF
THE DRAFTING COMMITTEE AND THE CREDENTIALS COMMITTEE (agenda item 6) (continued)

1. The PRESIDENT said that as a result of the consultations which had taken place, there had been agreement on the distribution of the 16 Vice-Presidents among the regional groups. The distribution would be: two from Africa, two from Asia, three from Latin America, four from Eastern Europe and five from West European and other States. He urged the various regional groups to conclude as early as possible their consultations regarding the specific representatives to be designated as Vice-Presidents.

2. Further consultations were continuing with respect to the chairmanship of the Drafting Committee and the Credentials Committee and the membership of the Credentials Committee. He hoped shortly to be in a position to report on the outcome of those consultations.

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

(a) GENERAL DEBATE

3. Mr. HAASAKOSKI (Finland) said that the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction was an important step towards the ultimate goal of general and complete disarmament under effective international control. It was also a significant, although partial, achievement in the general endeavours to prohibit poisonous and toxic agents, both biological and chemical. The importance of such endeavours was emphasized by the fact that scientific and technological advances in recent decades had increased the potential of those weapons to such an extent that they were capable of causing casualties on a vast scale.

4. The first major step towards the prohibition of those weapons had been taken in 1925 when the Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases and of Bacteriological Methods of Warfare had been adopted. Since its adoption the Protocol had established a standard of international law as far as the use of those gases and methods in war was concerned, as was evidenced by the number of ratifications, including those of all militarily significant States. The fact that the Protocol prohibited only the use of those weapons and methods and that several reservations were attached to the ratifications was, however, diminishing its value.

5. The second step in that field had been taken with the adoption, after lengthy discussions, of the Biological Weapons Convention. In the five years since its entry into force, the Convention had functioned well, and he noted with satisfaction that the provisions of the crucial articles I and II had been complied with. The implementation of the Convention had not hindered activities for peaceful purposes. The report in document BWC/CONF.I/5 indicated that, from the scientific and
technical standpoint, the developments discussed, which were directed to peaceful purposes, did not appear to alter substantially capabilities or incentives for the development or production of biological and toxin weapons. Furthermore, 85 States were at present parties to the Convention. Early adherence to the Convention by the largest possible number of new States would strengthen it further.

6. His Government had supported the Convention from the very outset, having been among the first countries to sign it in April 1972 and having completed ratification in 1974. His Government's positive approach to the Convention had been prompted by the fact that it rendered the Geneva Protocol more complete by prohibiting the development, production and stockpiling of bacteriological (biological) and toxin weapons, and providing for their destruction. Thus it had done away with particularly odious weapons which by their very character would have innocent civilian populations as their prime target. It was the first disarmament measure to contain an element of genuine disarmament not only by prohibiting the development and manufacture of those weapons but also by providing for the destruction of existing stocks. His Government also saw it as a means that would facilitate the achievement of a corresponding ban on chemical weapons.

7. The overwhelmingly positive assessment with which his Government had approached the Convention must, however, be tempered by some more critical observations.

8. The third and most important step in endeavours to prohibit biological and chemical weapons still remained to be taken, namely, an agreement on the prohibition of the development, production and stockpiling of chemical weapons. Such a prohibition was widely recognised as being of the highest priority; chemical weapons had been on the agenda of multilateral disarmament negotiations for almost two decades. A commitment to reaching an early agreement on the prohibition of those weapons was embodied in article IX of the Convention and the urgency of the prohibition had been reiterated by the United Nations General Assembly at its special session on disarmament in 1978.

9. His Government did not underestimate the difficulties connected with the work on a chemical weapons convention. The primary responsibility remained with the United States and the Soviet Union, which, in their report to the Committee on Disarmament dated 7 August 1979 (document CD/48), had promised to exert their best efforts to complete the bilateral negotiations and present a joint initiative to the Committee on Disarmament on that most important and extremely complex problem as soon as possible. His Government expected them to present such an initiative at the earliest possible date. It was evident, however, that participation in the efforts to produce a convention should take place on as broad a basis as possible. Contrary to the situation in the case of nuclear weapons, technical and scientific realities did not drastically limit the number of countries which might have an active interest in chemical weapons. He therefore welcomed the efforts of the Committee on Disarmament to commence multinational negotiations aimed at securing a convention on chemical weapons.
10. His Government had taken a special interest in efforts to prohibit such weapons for a number of years, and as early as 1972 it had launched a research project on the role of instrumental analysis of chemical warfare agents and their verification. The goal of the project was the creation of a national chemical weapons verification capacity which could eventually be put into international use. In his view, such a project would be most appropriate for a neutral country deeply concerned about the arms race.

11. The Finnish project had been conceived as a multipurpose one, which could be used substantially in three different verification activities: the destruction of stocks, non-production of chemical weapons and alleged use. Functionally, it could be used for national verification or any combination of national and international inspection; it could be used in connexion with an investigation ordered by an appropriate international authority; and it could meet some of the concerns expressed by developing countries about possible difficulties in carrying out verification by their national means only.

12. It was of primary importance that the Conference should succeed in creating an atmosphere which would oblige the parties to the Convention and States outside it to continue their efforts to further the objectives of the Convention. Such an atmosphere would encourage as many new States as possible to take measures to adhere to the Convention. That applied also to those signatory States that had not yet proceeded to ratification.

13. The outcome of the Conference would certainly have a bearing on how the very institution of review conferences would evolve in the future. That institution, which had been a feature of several recent arms control and disarmament agreements, was a valuable and useful instrument.

14. Mr. ISSRAELIYAN (Union of Soviet Socialist Republics) said that the conclusion of the Convention had represented the outcome of many years of struggle by those interested in achieving progress in disarmament; it embodied initiatives put forward over a period of many years by the Soviet Union and other socialist countries in the United Nations and in the Committee on Disarmament. The twenty-fifth congress of the Communist Party of the Soviet Union, held in February 1976, had welcomed the Convention as virtually the first genuine disarmament measure in the history of international relations which removed a whole category of highly dangerous weapons of mass destruction from the military arsenals of States. Time had confirmed that assessment. The Convention, which was a logical continuation of the work begun with the Geneva Protocol of 1925, imposed a timely ban upon a form of weapons whose use at any point in the world could, under modern conditions, entail unimaginable consequences for the whole of mankind. It was timely because agreement on the ban had been reached before such a tragedy could occur.

15. The Convention, drafted by the Conference of the Committee on Disarmament and approved by the General Assembly in 1971 without any negative vote being cast, formed part of a whole series of treaties and agreements now existing in the field of limitation of the arms race and disarmament. Those agreements were positive achievements of international détente thanks to which it had proved possible to
close some channels of the arms race and to slow down its dangerous growth. The Convention represented a substantial contribution to the development of that process. The fact that almost 90 States had become parties to the Convention testified to its importance as an international disarmament measure. Regrettably, that number did not include certain States of major military importance, including some permanent members of the Security Council which bore special responsibility under the Charter for the maintenance of international peace and security. For its part, the Soviet Union was determined to pursue vigorously the process of promoting international détente and genuine disarmament measures until general and complete disarmament was achieved, since that was the objective proclaimed in the Soviet Constitution as one of the main tenets of his country's foreign policy. The USSR was doing everything in its power to ensure the resumption and continuation of all disarmament negotiations which had begun in various international forums or at the bilateral level in recent years but had been halted or postponed for reasons of various kinds. It was prepared to conduct such negotiations on a constructive basis.

16. It was also important that agreements already achieved as a result of successful negotiations should enter into force without delay; that was true, above all, of the SALT-II Treaty. Another urgent task was the early completion of work in the Committee on Disarmament on a treaty prohibiting the use of radiological weapons.

17. The Soviet Union's concern that the disarmament process should not be halted but, on the contrary, extended and expanded was shared by many States engaged in efforts directed at the preparation of new agreements in the disarmament field and also at the complete observance of agreements already in force, including the Bacteriological Weapons Convention. In that connexion, he noted with satisfaction that since the Convention's entry into force, none of the States parties had resorted to the complaints procedure provided for in article VI.

18. In accordance with the recommendations of the Preparatory Committee, the Soviet Union had joined the other depositary Governments in preparing a background paper on new scientific and technological developments relevant to the Convention (BWC/CONF.I/5). The document reached the well-founded conclusion that developments in biological science did not appear to alter substantially capabilities or incentives for the development or production of biological or toxin weapons.

19. After summarizing the information in the background paper (BWC/CONF.I/4) concerning the Soviet Union's activities at the international level in connexion with the use of bacteriological science for peaceful purposes, he drew attention to the provision of the Convention which imposed upon States parties the obligation to continue negotiations with a view to reaching early agreement on the prohibition and destruction of chemical weapons. The Soviet Union and other socialist countries had repeatedly put forward constructive proposals on that subject both in the Committee on Disarmament and in the United Nations. More active consideration of the matter in the Committee on Disarmament would be of value. Progress in the preparation of an acceptable text depended to a considerable extent on the bilateral talks taking place between the USSR and the United States, the latest round of which had begun on 11 February 1980.
20. The present Conference could be regarded as successful if, in its final document, it noted the positive results of the Convention's operation over the past five years, reiterated support for the Convention's purposes and objectives, reaffirmed the undertaking of States parties to continue effectively to fulfill the provisions of the Convention, and called upon States which had not yet done so to accede to the Convention. The work of the Conference should be aimed at strengthening the Convention; it should not consist in reviewing for the sake of reviewing. In his opinion, future review conferences could be convened as required, the matter being decided by a majority of States parties.

21. Mr. FLOERCHER (United States of America) said that his Government welcomed the opportunity to join the other States parties and signatories in attending the first Review Conference of the Parties to the Convention. The Convention, which was the first genuine disarmament measure designed to eliminate an entire category of weapons from nations' arsenals, had made a significant contribution to international peace and security, and his Government believed it was particularly important to demonstrate to the world at large its effectiveness and continued vitality. The Conference played a significant role in that respect.

22. The fact that so many countries had become parties and signatories testified to the importance attached by the world community to the Convention. The records of his Government, which was a depository for the Convention, showed that 67 countries were now full parties and 34 others had signed the Convention. He looked forward to the day when there would be universal adherence to it.

23. With regard to article I of the Convention, his Government, as co-author of the background paper on new scientific and technological developments relevant to the Convention, shared the view of the United Kingdom and the Soviet Union that all those developments were already adequately covered by the provisions of the Convention.

24. With regard to article II, his Government had publicly declared its compliance with the requirement concerning destruction of existing stocks of biological agents, toxins, weapons, equipment and means of delivery prohibited under article I. He hoped that other parties would similarly declare their compliance with the provisions of that article.

25. His Government was not aware that there had been any violations of the proscription contained in article III against the transfer of prohibited agents or assistance in their production by others. It took particular note of the fact that no party had felt it necessary to invoke the provisions of article V calling for consultations aimed at resolving any problems related to the objectives or implementation of the Convention. It also noted with satisfaction that no party had so far found it necessary to set in motion the procedure contained in article VI for dealing with complaints relating to any State's compliance with the Convention.

26. It noted that the Convention had in no way limited or detracted from the obligations of the 1925 Geneva Protocol, to which it attached particular importance. It hoped that the Conference would take steps to reaffirm the language of the Convention relating to the principles and objectives of the Protocol.
27. It recognized its commitment and the commitment of all other States parties under article IX to continue negotiations in good faith on effective measures to prohibit chemical weapons, and appreciated the high degree of interest shown by many delegations in pressing ahead with the multilateral phase of negotiating an effective chemical weapon ban. As delegates were aware, the United States and the Soviet Union had been engaged in bilateral negotiations on such a ban since 1977; the current round had begun in Geneva on 11 February 1980. Although substantial progress had been made in a number of major areas several important issues remained unsolved in the search for agreement on an effective and verifiable ban on those weapons. A detailed report on the negotiations had been presented to the Committee on Disarmament the previous summer, and he was pleased to note that the Committee was currently discussing the mandate for a working group on chemical weapons to be established during its 1980 session.

28. On the question of peaceful research in the field of biology, his Government was pleased to note that article X of the Convention had not restricted, but rather facilitated, the fullest possible exchange of equipment, materials and scientific and technological information. His Government co-operated with numerous other parties in such research in an effort to prevent and eliminate disease, particularly in developing countries.

29. He noted that article XII, which called for the holding of the current Conference, did not contain any provision for convening a subsequent meeting. He looked forward to a full exchange of views with other delegations on the need for such conferences in future and the best way to provide for them.

30. His Government was especially pleased to note that no party had deemed it necessary to withdraw from the Convention. In his view, that was the clearest indication of its strength and reinforced the conclusion that it had performed well and would continue to do so.

31. In sum, his Government believed that since its entry into force the Convention had achieved its primary purpose of prohibiting the development, production and stockpiling of bacteriological (biological) and toxin weapons, and saw no need to amend it. His Government was, however, prepared to consider alternative means of improving consultation and co-operation among the parties to the biological weapons régime, if others were persuaded that there was such a need. The final declaration would seem to be the most appropriate vehicle for meeting those concerns. In conclusion, his Government reaffirmed its commitment to the Convention and to a successful Conference.

32. Mr. Lidgard (Sweden) said that his Government welcomed the opportunity to review the operation of the Convention, since his country had been among those members of the Conference of the Committee on Disarmament which, during negotiations on the Convention, had requested that provision should be made for review conferences. His delegation had also attached considerable interest to the working out of procedures for control and verification. Shortcomings in the complaints procedure had substantially influenced his Government's hesitation with regard to the Convention, with the result that it had become party to it only in 1976.
33. There had been considerable development in the scientific and technological fields relevant to the Convention and present trends indicated that the potential for the production of biological agents and toxins was spreading throughout the world. The depositary Governments had submitted a background paper on those scientific and technological developments. Experts of the Swedish National Defence Research Institute had also penetrated that field, as reported in document BWG/CONF.I/6. After studying the results of those efforts, his Government had come to the conclusion that the present Convention covered all recent advances in science and technology of possible relevance for weapons purposes. A second important conclusion was that scientific advancement for the benefit of mankind had not been hindered by the Convention.

34. His Government noted with satisfaction that during the first five years of the Convention's operation no State party had found cause to express suspicions of possible violation of the Convention by another party and the Convention thus seemed to have fulfilled its primary objectives.

35. Commenting briefly on control and verification, he said that since there were no provisions for international means of verification in the Convention, only national means could be used to monitor compliance with it. That was an unsatisfactory situation.

36. In connexion with article II, account should be taken of the fact that parties were not obliged to report on their destruction of agents, toxins, weapons, equipment or means of delivery, or on the fact that such weapons and facilities had been diverted to peaceful purposes. The Secretariat's background paper (BWG/CONF.I/4) showed that a number of States had formally announced that they had no weapons and facilities of the kind specified in articles I and II and one State had reported that its biological weapons and facilities had been destroyed or diverted to peaceful purposes. In 1970 his Government had declared that Sweden did not possess and did not intend to acquire biological or chemical weapons. Taking into account the situation which would probably exist when a chemical weapons convention was concluded, he believed that it would have been better, with a view to building up confidence if, as a general rule, States which had possessed biological weapons at the time of the entry into force of the Convention had also declared that they had destroyed them. His Government would therefore welcome discussion by the Review Conference of the need for further declarations from States parties on the above-mentioned matters.

37. Under the present complaints procedure in article VI, a party was entitled to lodge complaints of breaches of the convention with the Security Council of the United Nations. Notwithstanding the possibility for international consultations under article V, only the Security Council had a clearly expressed right to initiate investigations. The permanent members of the Security Council were, however, in a position to veto even technical inquiries into the nature of suspected activities. His Government had repeatedly expressed its concern about that manifest inequality of obligations under the Convention and other States parties had stated similar concern.
38. At an early stage of the negotiations leading up to the Convention, it had been proposed that the permanent members of the Security Council should waive their right of veto on resolutions concerning technical investigations on the basis of such complaints, but that had not been accepted. In more recent arms control and disarmament agreements some progress had been made towards separation of the fact-finding stage of the complaints procedure from the stage of political consideration and decision by the Security Council. His delegation intended to revert to that central issue at a later stage of the Conference and would welcome a thorough discussion of ways of strengthening the Convention in that respect.

39. In his Government's view, negotiations on a chemical weapons convention had unfortunately not made satisfactory progress. The bilateral negotiations between the United States and the USSR had not so far yielded any conclusive results. Other parties to the Convention, both members and non-members of the Committee on Disarmament had in different ways made constructive contributions to various aspects of a chemical weapons convention. In a number of General Assembly resolutions grave concern had been expressed about the inability of the two major Powers to reach a speedy and successful conclusion and about the fact that multilateral negotiations had not yet started. He sincerely hoped that it would be possible for the Committee on Disarmament to set up a working group without further delay in order to initiate real negotiations on a chemical weapons convention.

40. With regard to the question of a further review conference, his delegation considered that such conferences were a natural and necessary element in disarmament or arms control agreements. Review was a necessary instrument in order to ensure proper functioning of the Convention in its present form so that it could be adapted when necessary to changing conditions. He therefore suggested that the date of a further review conference should be decided by the present Conference or, alternatively, that a mechanism should be designed for convening review conferences at certain intervals or whenever necessary.

41. Mr. SUMMERHAYES (United Kingdom) said that the United Kingdom had played a major role in the negotiations which had led to the signing of the Convention, and his Government continued to attach great importance to it. By removing, for the first time, a whole category of potential weapons from the arsenals of States, the Convention constituted a small but significant milestone in the long and difficult history of arms control discussions. It was encouraging that 87 States had ratified the Convention and a further 39 had become signatories. In all, they represented over two thirds of the States of the world. While the number of States parties continued to grow, he nevertheless urged those States which had not yet signed or ratified the Convention to do so without further delay.

42. Under the provisions of article XII of the Convention, the present Conference fell into two distinct parts. The first was to deal with the operation of the Convention since its entry into force. The very comprehensive background paper on that question (BWC/CONF.1/4) provided a sound basis for a thorough review. It would be seen from his Government's contribution to the paper that the United Kingdom had, where necessary, taken appropriate action to ensure compliance with the provisions of the Convention. Since the United Kingdom had never possessed any of the agents proscribed by the Convention in quantities other than those explicitly
permitted, related action had been confined to the passing of domestic legislation in compliance with the provisions of article IV. In addition, the United Kingdom had, over the period since the Convention's entry into force, concluded a series of bilateral and multilateral agreements on public health and medical research which, inter alia, supported the provisions of article X.

43. The Conference was also called upon to examine the question of effective prohibition of chemical weapons. The conviction expressed in the preamble to the Convention that the use of bacteriological weapons would be repugnant to the conscience of mankind was equally applicable to the use of chemical weapons. His Government viewed with the utmost seriousness the obligations set out in article IX of the Convention; in 1976, it had submitted to the Conference of the Committee on Disarmament a draft convention on the prohibition of chemical warfare agents, and, in addition to its active participation in the Committee on Disarmament's consideration of the matter, it was following with close interest the progress of the bilateral discussions on chemical weapons taking place in Geneva. It looked forward to a successful conclusion of the discussions and to the negotiation of a multilateral agreement.

44. The second part of the Conference concerned new scientific and technological developments relevant to the Convention. As one of the depositary Powers, the United Kingdom was a co-author of the background paper contained in document BWC/CONF.1/5. He hoped that that paper, which reached the conclusion that recent scientific and technological developments had not called into question the effectiveness of the Convention, would be given the detailed attention it deserved; in his view, a thorough examination of the paper could best be conducted in a working group.

45. His delegation would state its position on the operation of separate articles of the Convention at a later stage, and would look carefully and constructively at any proposals which would strengthen the Convention or increase the prospects for universal adherence. As a depositary Power it would, of course, resist any proposal which, in its view, might weaken the Convention.

The meeting rose at 4.40 p.m.