

CONFERENCE ON DISARMAMENT

CD/PV.429
11 August 1987

ENGLISH

FINAL RECORD OF THE FOUR HUNDRED AND TWENTY-NINTH PLENARY MEETING

held at the Palais des Nations, Geneva,
on Tuesday, 11 August 1987, at 10 a.m.

President:

Mr. Pierre Morel

(France)

The PRESIDENT (translated from French): I call to order the 429th plenary meeting of the Conference on Disarmament. Today the Conference begins its consideration of the reports of its subsidiary bodies and its annual report to the United Nations General Assembly. However, in accordance with rule 30 of the rules of procedure, any representative wishing to raise any matter relevant to the work of the Conference may do so.

On the speakers' list for today I have the representatives of the Union of Soviet Socialist Republics and Japan. I now give the floor to the representative of the Union of Soviet Socialist Republics, His Excellency Ambassador Nazarkin.

Mr. NAZARKIN (Union of Soviet Socialist Republics) (translated from Russian): Following the welcome addressed to you on 6 August by the Minister for Foreign Affairs of the USSR, E.A. Shevardnadze, permit me for my part to express my satisfaction at seeing you in the Chair for August, the concluding month of our session. We are convinced that under your presidency the Conference will move forward successfully towards the objectives before it. I should also like to welcome you as the representative of France, with which we enjoy both traditional ties of friendship and relations of constructive political dialogue.

I would like to send greetings to your predecessor as President, Ambassador Terrefe of Ethiopia, in connection with his successful accomplishment of his tasks during the month of July. Permit me also to welcome the newly appointed representatives of Sri Lanka, Ambassador Rodrigo, and Brazil, Ambassador de Azambuja, to wish them success in their new tasks and to express the hope for equally close co-operation with them as with their predecessors.

The new Soviet initiatives aimed at accelerating the negotiations on banning chemical weapons, which were put forward by the member of the Politburo of the Central Committee of the Communist Party of the Soviet Union, Minister for Foreign Affairs of the USSR, E.A. Shevardnadze at the plenary meeting of the Conference on Disarmament on 6 August 1987, are receiving, it seems, very broad support. I would like to express gratitude to those delegations which stated their positive attitude to those initiatives at the 6 August meeting.

In his statement the Minister for Foreign Affairs of the USSR said that "the Soviet delegation at the negotiations on this question will proceed from the need to make legally binding the principle of mandatory challenge inspections without the right of refusal".

It would not be an overstatement to say that this is now the key problem in the negotiations. Progress on a number of other issues also depends on the speedy solution of this problem. We support the efforts being made to solve the problem of challenge inspections by the Chairman of the Ad hoc Committee on Chemical Weapons, R. Ekéus, and several other representatives. Our new initiatives are designed to make a tangible contribution to the early resolution of this issue.

(Mr. Nazarkin, USSR)

The Soviet side stated some time ago that it supported the United Kingdom proposal in document CD/715. We continue to believe that this document could serve as a basis for an integrated solution of the challenge inspection problem. We note the support expressed by a number of delegations for the United Kingdom proposal. Unfortunately, the United States delegation is not among them.

Having considered the existing situation in all its aspects and wishing to facilitate an early agreement, and also proceeding from the need to establish the most stringent verification of the chemical weapons convention, the Soviet Union has decided to go beyond the United Kingdom proposal and adopt the principle of mandatory challenge inspections. As you know, we had earlier agreed that a refusal of challenge inspections would not be permitted in certain instances, e.g. in cases of the suspected use of chemical weapons, as well as in the case of declared locations and facilities. Now we extend this principle of mandatory challenge inspections to all possible cases, making it a universal one.

In our view, the procedure of challenge inspections must reliably ensure that it is impossible for a State to conceal the fact and the consequences of a violation of the convention. We think that no more than 48 hours should elapse between the time of the challenge and the arrival of the inspection group at the inspection site.

The fact that we have adopted the principle of mandatory challenge inspections does not, however, mean that we can disregard the possible disclosure of sensitive data, which can happen during such inspections, especially in cases of abuse. All the misgivings that we previously expressed in this regard obviously remain valid.

Nevertheless, in accepting mandatory challenge inspections we proceed from the understanding that measures should be adopted with a view to minimizing the danger of disclosure of sensitive data, and that all parties must be in an equal position as regards both the right to request a challenge inspection and the obligation to meet such request.

First and foremost we consider that maximum possible use should be made of the central idea of the United Kingdom proposal on challenge inspections -- the possibility for the requested State to suggest alternative measures for conducting inspections in order to demonstrate compliance with its obligations. We suggest that the search be continued for opportunities to elaborate such alternative measures, which may, if necessary and with a view to ensuring that secrets unrelated to chemical weapons remain undisclosed, offer a substitute for complete access to the facilities by the inspectors (for example, visual observation of the facility from the outside, photographing it, analysis of chemical samples, partial access inside the facility, etc.).

It would seem that technical means of international verification using remote control might also serve as a possible alternative measure.

It is our understanding that the possibility of using alternative measures is generally recognized by the participants in the Conference. We

(Mr. Nazarkin, USSR)

note that in its statement on 23 April this year the United States delegation also spoke in favour of such a possibility.

It goes without saying that the time-limits for agreeing on the procedure for conducting challenge inspections must be clearly defined. We would not object if this time-limit does not exceed 48 hours. Whether the suggested alternative measures are satisfactory should be decided, in our view, by the State suspecting non-compliance with the Convention.

Apart from the alternative measures, in our view, attention should also be paid to the development of the so-called "managed conduct" of inspections suggested by the United States delegation. To preclude the possibility that challenge inspections might be used for purposes incompatible with the task of verifying compliance by States parties with their obligations, or for disclosing secrets unrelated to chemical weapons, the convention should, in our opinion, envisage concrete procedures for conducting such inspections. It would seem feasible to devise measures which would effectively preclude any possibility of using challenge inspections for obtaining secret data, and in particular, to ensure that the methodologies and instruments used by international inspectors in the course of inspections strictly correspond to their tasks and that the requested State has access to all such instruments for the purpose of testing them. The instruments used in the course of international inspections should be standard and uniform for all States parties. The technical parameters of such instruments must be strictly limited to the purposes of verifying possible violations of the convention.

Should the right of challenge be abused, the requested State would suffer certain material harm related to both the leak of information and the disruption of the normal operation of the facility or plant. In this connection we consider that thought might be given to the desirability of incorporating in the Convention a provision concerning States' liability, including material liability, for abuse of the right to challenge inspections and for any damage suffered by the receiving State as a result of an unjustified inspection. In particular, States parties to the convention might have the right to raise the question of compensation for the financial loss caused as a result of a halt to the operations of a facility or the disclosure of commercial or other secrets because of the conduct of challenge inspections, if the inspection does not confirm non-compliance with the convention.

Each request must obviously contain the necessary data: which provision of the convention has been violated, where and when the suspected violation has occurred or is occurring, the nature of the suspected violation. It is equally clear that without such basic data no request could be met.

In suggesting measures which would prevent abuse of the right of challenge and the use of inspections for purposes incompatible with the tasks of verifying compliance with the obligations under the convention and the disclosure of secrets which have nothing to do with chemical weapons, we consider that such measures should be elaborated within the framework of the principle of mandatory inspections, and not in opposition to it; they must not weaken this principle or make any exceptions to it.

(Mr. Nazarkin, USSR)

We believe that a request for inspection can be made by any State party to the convention without exception. Everybody must have equal rights. Similarly, there should be no discrimination as regards the form of ownership of those locations and facilities for which an inspection is sought. A request for inspection, in our opinion, can be submitted in relation to any facility or location on the territory of a State party, or under its jurisdiction or control, or belonging to any natural or legal person of a State party, wherever they may be situated. This, in our view, is a necessary condition to make challenge inspections a genuinely effective instrument.

We cannot accept the United States concept of a "fact-finding panel" made up of representatives of a limited number of States, which would play the role of a "filter". This concept seems to us to be undemocratic and would not ensure equal rights for all parties to the convention. We understood the United States delegation's statement on 23 April this year to mean that the United States side is ready to consider the possibility of abandoning this concept. We would like to learn the outcome of such consideration.

Furthermore, we are not quite clear about the status of article XI of the United States draft convention contained in document CD/500. In his statement on 23 July this year, United States Ambassador Friedersdorf said in response to our question that in the opinion of the United States side "challenge inspection should cover all relevant locations and facilities of a State party without distinction between private property or government ownership". In so doing he referred to the amendment made by the United States delegation in April last year to its draft convention (CD/685). That amendment, however, concerns article X, which deals with special inspections, and has nothing to do with article XI, which provides for ad hoc inspections. If the United States delegation continues to regard article XI as part of its position, we would like to know in which cases it allows for the application of this article envisaging the right to refuse challenge inspections.

To sum up the above, our view of the challenge inspections provisions is as follows:

Firstly, challenge inspections should be mandatory, without the right for the requested State to refuse such inspections.

Secondly, the period between the time of request and the arrival of the inspectors at the inspection site should not exceed 48 hours.

Thirdly, all States parties to the convention should have equal rights and obligations as regards both submitting a request and accommodating it.

Fourthly, the request should contain the necessary basic data (what, where, when, how).

Fifthly, it is necessary to adopt measures in order to prevent the use of challenge inspection for purposes incompatible with the task of verifying compliance with the convention.

Sixthly, the requested State may suggest alternative measures. Whether they are satisfactory shall be decided by the requesting State.

(Mr. Nazarkin, USSR)

Seventhly, the time within which agreement should be reached on the verification procedure should not exceed 48 hours (during that same period inspectors arrive at the inspection site).

There is no need to reiterate the importance of confidence-building measures for speeding up the negotiations. Guided by the necessity to improve the atmosphere of trust, and in the interests of the early conclusion of the convention, the Soviet side has issued an invitation to visit the Soviet military facility at Shikhany to see standard items of our chemical munitions and observe the chemical weapon destruction technology at a mobile facility. At present the Soviet delegation is working out practical details in connection with this invitation. We are planning this visit for 7 and 8 October 1987. We intend to invite two persons from every delegation, including observers, participating in the work of the Ad hoc Committee on Chemical Weapons. Delegations will be informed of all the necessary details regarding this visit before the end of this session.

Later on, after the special chemical weapons destruction facility now being built in the vicinity of the town of Chapayevsk has been constructed, we will invite experts to visit it as well.

Some time ago the United States side invited us to visit the chemical weapon destruction facility at Tooele, Utah. On 23 July United States Ambassador Friedersdorf recalled this invitation. We have already informed the United States delegation that we accept this invitation, which we view as a step towards strengthening mutual confidence.

The question of the organs to be established under the convention has recently been the subject of increasingly active and detailed debate. We would like to present our views in this regard.

We believe that after signature of the convention, a preparatory commission should be established, comprising States which have signed the convention. The commission would, in particular, draw up the necessary procedures for the entry into force of the convention and the beginning of its implementation (recruitment of Technical Secretariat personnel, elaboration of the rules of procedure for organs to be established under the convention, financial issues, etc.). Then organs should be established which would become operational after the convention enters into force. In our view both the organ composed of all the parties and the executive body should take decisions on substantive issues by a qualified majority of two thirds of those participating in the voting, and on other matters -- by a simple majority.

It is also necessary to consider such questions as conditions for the entry into force of the convention, who will be the depositary, etc. We think that ratification by 30-40 States is necessary for the convention to enter into force. The United Kingdom proposal for 60 ratifications seems to us somewhat excessive. As for the depositary, it seems appropriate that the United Nations Secretary-General should perform this function.

There is very little time left before the summer session of the Conference draws to a close. We believe that the early completion of work on the chemical weapons convention demands that we make the most intensive

(Mr. Nazarkin, USSR)

possible use of the opportunities that we have. In this connection I would like to draw your attention to the question raised on 6 August by the Soviet Minister for Foreign Affairs regarding the holding of an additional session of the conference this year to complete the bulk of the drafting of the convention. Such a session could be held from mid-November (after the First Committee of the United Nations General Assembly has finished its discussion of disarmament questions) until the end of December, and would focus only on item 4 of its agenda.

The PRESIDENT (translated from French): I thank the representative of the Union of Soviet Socialist Republics for his statement, and for the kind words addressed to the Chair. I now give the floor to the representative of Japan, His Excellency Ambassador Yamada.

Mr. YAMADA (Japan): I wish to congratulate you most sincerely upon your assumption of the presidency of the Conference for the month of August. With your experience and skills you will no doubt lead us to a successful conclusion of the summer session of the Conference. For my part, I will spare no effort in extending co-operation for your important task. To Ambassador Alfarargi of Egypt, who is leaving us, I wish every success in his new assignment. May I also extend my delegation's warm welcome to the new representative of Brazil to the Conference, Ambassador Castrioto de Azambuja. I look forward to working closely with him.

Today I would like to make a brief statement on behalf of a group of Western delegations on agenda item 1. As I stated in the 410th plenary on 30 April, a group of Western countries continue to attach high priority to agenda item 1, "Nuclear test ban", and share the hope, expressed by many delegations in the spring and summer parts of this session, for commencement of substantive work by an ad hoc committee on this item without further delay.

There are many issues and aspects related to a nuclear test ban on which the Conference can and must undertake serious work. Western delegations have tabled a number of working papers to contribute to the substantive consideration of this subject.

We believe that the draft mandate in document CD/521 tabled by a group of Western countries on 20 July 1984, as well as the draft programme of work contained in document CD/621 tabled by the same group of countries together with Norway on 24 July 1985, continue to provide a viable framework in which to commence and carry out the substantive examination of many issues relating to a comprehensive test ban. At the same time, we have stood ready to consider positively any initiative to solve the mandate question.

Thus the group of countries on whose behalf I am speaking today has approached this item throughout the spring and summer parts of this session with a willingness to start practical work in an ad hoc committee at the earliest possible opportunity and, for that purpose, to pursue actively the search for common ground among the various positions thus far expressed.

Indeed, towards the end of the spring session, there were considerable grounds for hoping that our efforts to find consensus might be successful, thanks to the initiative taken by the President for the month of April,

(Mr. Yamada, Japan)

Ambassador Vejvoda of Czechoslovakia, in proposing a draft mandate as recorded in the proceedings of the 410th plenary.

In the summer part of this session, our group has stood ready to take the draft mandate proposed by the President for the month of April as a basis for developing a consensus. There have been a number of delegations, not just in our group but also in other groups, who felt that consensus might be reached along this line, and we are curious as to why one group of delegations has not found it fit to respond to the April President's initiative, as we requested, and to join in this common endeavour.

We note in this connection that the draft mandate contained in document CD/772 does not involve a new approach; the ideas contained therein have been known to us since last year, notably through United Nations General Assembly resolution 41/46 A, which a majority of countries in my group did not find it possible to accept.

In concluding, let me reiterate the continued willingness of the group of Western countries to pursue the search for a mandate which will enable the Conference to start substantive and practical work on this item. We hope that the valuable initiative taken by the Czechoslovak Ambassador, which in our view continues to serve as a basis for reaching consensus, can be brought to fruition, and strongly urge other delegations to join in that effort.

The PRESIDENT (translated from French): I thank the representative of Japan for his statement, and for his kind words addressed to the Chair. I have no more speakers on my list for today. Do any other delegations wish to speak? I give the floor to the representative of the United States of America, His Excellency Ambassador Friedersdorf.

Mr. FRIEDERSDORF (United States of America): Mr. President, I have asked for the floor this morning for only a moment. Our delegation has been requested to make available the statement issued by the foreign ministers of the North Atlantic Council at the conclusion of their recent meeting in Reykjavik, on 12 June. Our delegation is pleased to be able to respond positively to this request. I have asked that the statement be distributed to all delegations.

The PRESIDENT (translated from French): I thank the representative of the United States for his statement. Are there any other requests to speak? I give the floor to the representative of Mexico, His Excellency Ambassador García Robles.

Mr. GARCIA ROBLES (Mexico) (translated from Spanish): I am sure that I shall have the opportunity on another occasion before this session runs out to extend to you the congratulations of my delegation. For the moment, I should like to confine myself to the statement just made by the distinguished representative of Japan.

My delegation has always tried to back up its words with deeds. Thus, for example, when we stated and repeated that we are prepared to seek a formula that would lead to consensus on the issue of putting an end to all nuclear weapon tests, we tried to follow up our words with something concrete,

(Mr. García Robles, Mexico)

a text that would serve this purpose. And that has been the case this year. My delegation, together with seven other delegations which are members of the Group of 21, has submitted document CD/772 which contains a draft mandate for an ad hoc committee on item 1 of our agenda.

My delegation, along with the delegations of the Group of 21, had also tabled another draft mandate, some two or three years ago, and it has not been withdrawn, but unfortunately that draft mandate did not meet with consensus. Consequently, we wished to consider -- not only here but also in New York -- which formula we could submit that would secure progress to achieve consensus. This formula was recommended by the Assembly at the fortieth session in a resolution. Despite the fact that, naturally, it entailed concessions on our part, as compared with the draft we had submitted previously, it did not meet with the consensus we desired. So, at the forty-first session, we made new concessions, substantial concessions, as anyone who compares the two texts with the previous 1984 text will see.

The text to which I have referred, which appears in document CD/772, is before the Conference, and those delegations like the distinguished delegation of Japan, which has just taken the floor, may of course express their support for the draft if what they wish is to give concrete evidence -- practical evidence, to use the word that is customary in such cases -- that they really are seeking results.

What does the draft say? The draft says that the Conference on Disarmament wishes to establish an ad hoc committee on item 1 of its agenda with the objective of carrying out the multilateral negotiation of a treaty on the cessation of all nuclear test explosions. "With the objective" is a formulation which is open to a wide variety of interpretations. For my delegation it is an immediate objective, but for other delegations -- for example, the delegation of the United States, which has stated this in similar terms on several occasions -- it is a long-term objective. Fine, it has been said repeatedly that when this draft resolution is adopted, the delegation of Mexico can make a declaration indicating its interpretation. If the delegation of the United States, or any other delegation, can also state its own interpretation, this resolution can be approved by consensus without any of the delegations present here having to abandon its position.

What does the draft go on to say? The draft says that the ad hoc committee will set up two working groups which will deal, respectively, with the following interrelated questions: Working Group I -- Content and scope of the treaty, Working Group II -- Compliance and verification. This shows that we do not wish to overlook any of the aspects of this issue. I hope that if the words we have heard today reflect the feeling of delegations which had so far opposed a draft such as the one I have referred to, before this session ends, although it will be simply a symbolic gesture, that they will be able to say that they agree with the contents of this draft and that they will agree to our adopting it now so that we can start work in an ad hoc working group next year as soon as we begin the next session of the Conference on Disarmament.

The PRESIDENT (translated from French): I thank the representative of Mexico for his statement, and I give the floor to the representative of the German Democratic Republic, His Excellency Ambassador Rose.

Mr. ROSE (German Democratic Republic): Mr. President, my delegation will present its position on the whole question of elaborating mandates of the ad hoc committees, and especially the ad hoc committee under item 1, in more detail at a later stage, but I would like to state today that my delegation supports the mandate contained in document CD/772 presented by members of the Group of 21.

The PRESIDENT (translated from French): I thank the representative of the German Democratic Republic for his statement, and I give the floor to the representative of Australia, His Excellency Ambassador Butler.

Mr. BUTLER (Australia): Mr. President, I would prefer, if you would permit me, to follow the example set by Ambassador García Robles and confine myself at this stage to remarks consequent upon the brief debate we are now holding, and hope that I will have another opportunity later to convey my respects to you as President of this Conference for the month of August.

I last addressed the plenary of this Conference on 30 July, and in that statement made a number of remarks regarding item 1 of our agenda and regarding the role that mandates as such have come to play in the work of this Conference. I think I made it clear in that statement that my delegation is aware that we are within a hair's breadth of agreement on the issue of forming an ad hoc committee under item 1 of our agenda, but that the consensus required for such agreement was being denied to us by what I called in that statement "a handful of delegations".

It is relevant in the context of the debate we heard this morning to recall that statement, and to recall the contention of my delegation that we are being prevented from doing this vital work by only a very small number of delegations, and I think that this fact is reflected in the statement that has been made by the distinguished Ambassador of Japan this morning on behalf of a group of Western States, and I want it to be clear that my delegation was included in the group of States for which the Ambassador of Japan was speaking. And in his statement he made it very clear -- and I suggest that this is absolutely relevant to the state of affairs of this Conference under item 1 -- he made it very clear that a proposal had been put to the Conference in April by the then President of the Conference, the Ambassador of Czechoslovakia, that that proposal is widely supported, and from a group of Western States, the clear indication has been given that we are prepared to seek consensus on the basis of that proposal. What has been made clear by the Ambassador of Japan this morning is that we have not even been given an answer to that position. Not an answer. And that, Mr. President, is very disappointing. The distinguished Ambassador of Mexico has said that his delegation prefers action rather than words. I accept that: so does mine, and I would put it to him that an action that would move us towards consensus on this issue would be for delegations to accept the proposal made by a group of Western States, that we start to do business, to work with each other towards a consensus on the basis of the proposal that has been made by the President for the month of April. In this sense I would draw attention to

(Mr. Butler, Australia)

that part of the distinguished Ambassador of Japan's statement that points out that we have made a proposal to which there has been no answer. May we please have an answer and then work, as Ambassador García Robles has said, towards consensus so that we can start in a committee on this item at the beginning of 1988.

The PRESIDENT (translated from French): I thank the representative of Australia for his statement. Are there any other delegations wishing to take the floor? As there are none, I should like to inform the Conference that the secretariat is now preparing the first draft of the technical part of the annual report of the Conference to the United Nations General Assembly. The document will be available under the symbol CD/WP.288 in all official languages between Thursday 13 and Friday, 14 August. I intend to ask the Conference to hold an informal meeting on Tuesday, 18 August, immediately following the plenary meeting, to begin the first reading of the technical part of the report to the General Assembly.

At the end of this week the secretariat will also circulate document CD/WP.287, containing the technical part of the report of the conference to the forty-first session of the General Assembly on the comprehensive programme of disarmament. We shall also consider this document in the course of next week.

The secretariat is now also preparing the substantive paragraphs on the agenda items on which the Conference has not set up subsidiary bodies, that is agenda items 1, 2, 3 and 7. As far as agenda item 2 is concerned -- "Cessation of the nuclear arms race and nuclear disarmament" -- the secretariat will reflect in that draft the exchanges of views we have had during the informal meetings on this item.

Next I should like to point out that the meeting of the Ad hoc Committee on the Comprehensive Programme of Disarmament which was to be held today in room I at 6 p.m. has been cancelled. The Committee will meet on Thursday and Friday at 3 p.m. in this room, with full interpretation services.

I should like to remind you that the Ad hoc Committee on Effective International Arrangements to Assure Non-nuclear-weapon States against the Use or Threat of Use of Nuclear Weapons will meet in this room immediately following the plenary.

The next plenary meeting of the Conference will be held on Thursday, 13 August 1987 at 10 a.m. The plenary is adjourned.

The meeting rose at 11 a.m.