

CONFERENCE ON DISARMAMENT

CD/787
28 August 1987

Original: ENGLISH

REPORT OF THE CONFERENCE ON DISARMAMENT TO THE GENERAL ASSEMBLY OF THE UNITED NATIONS

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I. INTRODUCTION

1. The Conference on Disarmament submits to the forty-second session of the United Nations General Assembly its annual report on its 1987 session, together with the pertinent documents and records.

II. ORGANIZATION OF WORK OF THE CONFERENCE

A. 1987 Session of the Conference

2. The Conference was in session from 3 February to 30 April and from 9 June to 28 August 1987. During this period, the Conference held 51 formal plenary meetings, at which member States as well as non-member States invited to participate in the discussions set forth their views and recommendations on the various questions before the Conference.

3. The Conference also held 23 informal meetings on its agenda, programme of work, organization and procedures, as well as on items of its agenda and other matters.

4. In accordance with rule 9 of the rules of procedure, the following member States assumed the Presidency of the Conference: China for February, Cuba for March, Czechoslovakia for April and the recess between the first and second parts of the 1987 session of the Conference, Egypt for June, Ethiopia for July and France for August and the recess until the 1988 session of the Conference.

B. Participants in the Work of the Conference

5. Representatives of the following member States participated in the work of the Conference: Algeria; Argentina; Australia; Belgium; Brazil; Bulgaria; Burma; Canada; China; Cuba; Czechoslovakia; Egypt; Ethiopia; France; German Democratic Republic; Germany, Federal Republic of; Hungary; India; Indonesia; Islamic Republic of Iran; Italy; Japan; Kenya; Mexico; Mongolia; Morocco; Netherlands; Nigeria; Pakistan; Peru; Poland; Romania; Sri Lanka; Sweden; Union of Soviet Socialist Republics; United Kingdom of Great Britain and Northern Ireland; United States of America; Venezuela; Yugoslavia and Zaire.

C. Agenda for the 1987 Session and Programme of Work for the First and Second Parts of the Session

6. At the 385th plenary meeting on 3 February 1987, the President submitted a proposal on the provisional agenda for the 1987 session and the programme of work for the first part of the annual session in conformity with rule 29 of the rules of procedure, and made the following statement (CD/PV.385):

"The Conference will also intensify its consultations on the item dealing with the Comprehensive Programme of Disarmament, bearing in mind that the Conference recommended in its last report to the General Assembly, and the Assembly supported this recommendation in the decision it adopted on

this matter, that the elaboration of the programme should be completed during the first part of the 1987 session for submission to the General Assembly before the closure of the latter's forty-first session."

7. At the same plenary meeting, the Conference adopted its agenda for the year and the programme of work for the first part of the annual session. The text of the agenda and programme of work (Document CD/735) reads as follows:

"The Conference on Disarmament, as the multilateral negotiating forum, shall promote the attainment of general and complete disarmament under effective international control.

"The Conference, taking into account, inter alia, the relevant provisions of the documents of the first and second special sessions of the General Assembly devoted to disarmament, will deal with the cessation of the arms race and disarmament and other relevant measures in the following areas:

- I. Nuclear weapons in all aspects;
- II. Chemical Weapons;
- III. Other weapons of mass destruction;
- IV. Conventional weapons;
- V. Reduction of military budgets;
- VI. Reduction of armed forces;
- VII. Disarmament and development;
- VIII. Disarmament and international security;
- IX. Collateral measures, confidence-building measures; effective verification methods in relation to appropriate disarmament measures, acceptable to all parties concerned;
- X. Comprehensive programme of disarmament leading to general and complete disarmament under effective international control.

"Within the above framework, the Conference on Disarmament adopts the following agenda for 1987 which includes items that, in conformity with the provisions of Section VIII of its Rules of Procedure, would be considered by it:

1. Nuclear test ban
2. Cessation of the nuclear arms race and nuclear disarmament

3. Prevention of nuclear war, including all related matters
4. Chemical weapons
5. Prevention of an arms race in outer space
6. Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons
7. New types of weapons of mass destruction and new systems of such weapons; radiological weapons
8. Comprehensive programme of disarmament
9. Consideration and adoption of the annual report and any other report as appropriate to the General Assembly of the United Nations.

Programme of Work

"In compliance with Rule 28 of its Rules of Procedure, the Conference on Disarmament also adopts the following programme of work for the first part of its 1987 Session:

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|-------------------|--|
| 3-13 February: | Statements in plenary meetings. Consideration of the agenda and programme of work, as well as of the establishment of subsidiary bodies on items of the agenda and other organizational questions. |
| 16-27 February: | Nuclear Test Ban.

Cessation of the nuclear arms race and nuclear disarmament. |
| 2-13 March: | Prevention of an arms race in Outer Space. |
| 16-20 March: | Prevention of nuclear war, including all related matters. |
| 23 March-3 April: | Chemical Weapons. |
| 6-10 April: | Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. |
| 13-17 April: | New types of weapons of mass destruction and new systems of such weapons; radiological weapons. |

20-28 April: Comprehensive Programme of Disarmament.

29-30 April: Further consideration of outstanding matters.

"The Conference will continue consideration of its improved and effective functioning.

"The Conference will intensify its consultations in pursuance of paragraphs 16 and 17 of its report (CD/732) with a view to taking a positive decision at its 1987 annual session with regard to expansion of its membership by not more than four States and the need to maintain balance in the membership of the Conference and will inform accordingly the forty-second session of the General Assembly of the United Nations.

"Meetings of subsidiary bodies will be convened after consultations between the President of the Conference and the Chairmen of the subsidiary bodies, according to the circumstances and needs of those bodies.

"The Ad Hoc Group of of Scientific Experts to Consider International Co-operative Measures to Detect and Identify Seismic Events will meet from 2 to 13 March 1987.

"In adopting its programme of work, the Conference has kept in mind the provisions of Rules 30 and 31 of its Rules of Procedure."

8. At its 408th plenary meeting, the Conference decided to begin the second part of the 1987 session on 9 June 1987.

9. During the second part of the 1987 session of the Conference, the President submitted, at the 413th plenary meeting on 16 June 1987, a proposal on the programme of work for the second part of the session. At the same plenary meeting, the Conference adopted the programme of work proposed by the President (CD/760). It reads as follows:

"In compliance with Rule 28 of the Rules of Procedure, the Conference on Disarmament adopts the following programme of work for the second part of its 1987 Session:

9-12 June: Statements in plenary meetings. Consideration of the programme of work, as well as of the establishment of subsidiary bodies on items of the agenda and other organizational questions.

15-26 June: Nuclear Test Ban.

Cessation of the Nuclear Arms Race and Nuclear Disarmament.

- 29 June-3 July: Prevention of an arms race in Outer Space.
- 6-10 July: Prevention of nuclear war, including all related matters.
- 13-24 July; Chemical Weapons.
- 27-31 July: Effective international arrangements to assure non-nuclear weapon States against the use or threat of use of nuclear weapons.
- New types of weapons of mass destruction and new systems of such weapons; radiological weapons.
- 3-7 August: Comprehensive Programme of Disarmament.
- 10-28 August: Reports of ad hoc subsidiary bodies; consideration and adoption of the annual report to the General Assembly of the United Nations.

"The Conference will continue consideration of its improved and effective functioning.

"The Conference will intensify its consultations in pursuance of paragraphs 16 and 17 of its report (CD/732) with a view to taking a positive decision at its 1987 annual session with regard to expansion of its membership by not more than four States and the need to maintain balance in the membership of the Conference and will inform accordingly the next session of the General Assembly of the United Nations.

"Meetings of subsidiary bodies will be convened after consultations between the President of the Conference and the Chairmen of the subsidiary bodies, according to the circumstances and needs of those bodies.

"The Ad Hoc Group of Scientific Experts to Consider International Co-operative Measures to Detect and Identify Seismic Events will meet from 27 July to 7 August 1987.

"In adopting its programme of work, the Conference has kept in mind the provisions of Rules 30 and 31 of its Rules of Procedure."

10. At its 386th plenary meeting on 5 February 1987, the Conference decided to re-establish for the duration of its 1987 session, the Ad Hoc Committee on Chemical Weapons (CD/736). At its 387th and 392nd plenary meetings on 10 February and 26 February, the Conference decided to re-establish, for the duration of its 1987 session, the Ad Hoc Committees on Effective International

Arrangements to Assure Non-Nuclear-Weapon States Against the Use or Threat of Use of Nuclear Weapons, Radiological Weapons and the Prevention of an Arms Race in Outer Space (CD/737, CD/738 and CD/741). The President of the Conference made a statement in connection with the re-establishment of the Ad Hoc Committee on the Prevention of an Arms Race in Outer Space. At the 385th plenary meeting, the President made a statement noting that there was no need to re-establish the Ad Hoc Committee on the Comprehensive Programme of Disarmament.

D. Participation of States not members of the Conference

11. In conformity with rule 32 of the rules of procedure, the following States non-members of the Conference attended plenary meetings of the Conference: Austria, Bangladesh, Denmark, Finland, Greece, Holy See, New Zealand, Norway, Portugal, Senegal, Spain, Switzerland, Turkey, Uruguay, Viet Nam and Zimbabwe.

12. The Conference received and considered requests for participation in its work from States not members of the Conference. In accordance with the rules of procedure, the Conference invited:

(a) The representatives of Norway, Finland and New Zealand to participate during 1987 in the plenary meetings, in the informal meetings on the substance of agenda item 2 and in the subsidiary bodies on Chemical Weapons, Prevention of an Arms Race in Outer Space, Effective International Arrangements to Assure Non-Nuclear-Weapon States Against the Use or Threat of Use of Nuclear Weapons, Radiological Weapons and the Comprehensive Programme of Disarmament.

(b) The representatives of Portugal, Zimbabwe, Austria, Greece and Spain to participate during 1987 in the plenary meetings and in the subsidiary bodies on Chemical Weapons, Prevention of An Arms Race in Outer Space, Effective International Arrangements to Assure Non-Nuclear-Weapon States Against the Use or Threat of Use of Nuclear Weapons, Radiological Weapons and the Comprehensive Programme of Disarmament.

(c) The representatives of Turkey and Senegal to participate during 1987 in the plenary meetings and in the subsidiary bodies on Chemical Weapons, Prevention of an Arms Race in Outer Space, Radiological Weapons and the Comprehensive Programme of Disarmament.

(d) The representative of Denmark to participate during 1987 in the plenary meetings and in the subsidiary bodies on Chemical Weapons and the Prevention of an Arms Race in Outer Space.

(e) The representative of Bangladesh to participate during 1987 in the plenary meetings and in the subsidiary bodies on Effective International Arrangements to Assure Non-Nuclear-Weapon States Against the Use or Threat of Use of Nuclear Weapons and the Comprehensive Programme of Disarmament.

(f) The representative of Switzerland to participate during 1987 in the plenary meetings and in the subsidiary body on Chemical Weapons.

(g) The representative of Viet Nam to address the plenary during 1987 on the Comprehensive Programme of Disarmament.

13. At its 409th plenary meeting on 28 April 1987, the Conference also considered a request for participation from Iraq. The exchange of views on that request is reflected in the relevant record of the Conference (CD/PV.409).

E. Expansion of the membership of the Conference

14. The urgency attached to the question of the expansion of its membership is duly recognized by the Conference.

15. Requests for membership had been received from the following non-member States, in chronological order: Norway, Finland, Austria, Turkey, Senegal, Bangladesh, Spain, Viet Nam, Ireland, Tunisia, Ecuador, Cameroon, Greece and Zimbabwe.

16. During its 1987 session, the Presidents of the Conference conducted continuing consultations with the members, in accordance with established practice, on the selection of additional members. Members of the Conference also engaged in consultations on this important question. Those consultations were held in pursuance of paragraphs 16 and 17 of the report of the Conference to the forty-first session of the General Assembly (CD/732). In that connection, the Conference reaffirmed its decision that its membership might be increased by not more than four States and that candidates for membership should be nominated, two by the Group of 21, one by the Socialist Group and one by the Western Group so as to maintain balance in the membership of the Conference. The Socialist Group and the Western Group recalled that their candidates for membership were Viet Nam (CD/PV.345) and Norway (CD/PV.351) respectively. The Group of 21 noted that it would select its candidates when there is agreement on concrete ways and means for implementing the above-mentioned decision.

17. The Conference will further intensify its consultations with a view to taking a positive decision at its next annual session and will inform accordingly the next session of the General Assembly of the United Nations.

F. Proposals for the Improved and Effective Functioning of the Conference

18. The Conference continued the consideration of its improved and effective functioning at informal open-ended consultations. A number of proposals were put forward during the annual session. The Conference considered those proposals, bearing in mind the need for all members of the Conference to be fully informed and to have the opportunity to contribute to the consideration of the subject.

19. At the 405th plenary meeting, the President of the Conference stated that consultations concerning the establishment of an informal group to begin work on the improved and effective functioning of the Conference had concluded successfully. He also announced that the Members of the informal group, who would act on a personal basis, would be Ambassadors J. Alan Beesley of Canada, Richard Butler of Australia, Fan Guoxiang of China, Alfonso García Robles of Mexico, David Meiszter of Hungary, Youri Nazarkin of the Union of Soviet Socialist Republics and Jaskaran Teja of India. Ambassador Fan Guoxiang was appointed Chairman of the group, which was requested to report on the progress of its work, approximately every six weeks, to an informal meeting of the Conference.

20. In accordance with that request, and after reviewing all issues relating to the subject, the Group of Seven submitted a report (CD/WP.286) which was considered by the Conference at an informal meeting.

21. The Conference will continue its consideration of the subject during the 1988 session.

22. The view was expressed that in time the Conference could become a permanent, universal body for disarmament negotiations. It was also proposed to hold an additional session of the Conference in 1987 to complete the bulk of the drafting of the convention banning chemical weapons. Consultations on this proposal were held but no action was taken.

G. Measures Relating to the Financial Situation
of the United Nations

23. At the 385th plenary meeting on 3 February 1987, the Personal Representative of the United Nations Secretary-General and Secretary-General of the Conference made a statement noting that the United Nations continued to face a financial emergency necessitating reductions and the re-programming of a number of its activities. As was the case during the second part of the 1986 session, the Conference needed to consider how to implement the target reduction of 30 per cent in services allocated to it. Intensive consultations had been held at Headquarters, as well as in Geneva, in order to ensure the best prevailing conditions for the work of the Conference and for its servicing. The outcome of those consultations was that, in order that the work of the Conference would be the least impaired while bringing about the required rate of saving, it was clear that those savings would mean the allocation to the Conference of 10 meetings per week, with full servicing, and 15 meetings per week, also with full servicing, during the sessions of the Ad Hoc Group of Scientific Experts to Consider International Co-operative Measures to Detect and Identify Seismic Events. The Secretary-General of the Conference also recalled the measures accepted by the Conference at the informal meeting held on 22 April 1986 concerning documentation.

24. At the same plenary meeting, the President of the Conference stated that there was general agreement among members on the services to be provided to the Conference, as outlined by the Secretary-General.

H. Communications from Non-Governmental Organizations

25. In accordance with rule 42 of the rules of procedure, lists of all communications from non-governmental organizations and persons were circulated to the Conference (documents CD/NGC.15 and CD/NGC.16).

III. SUBSTANTIVE WORK OF THE CONFERENCE DURING ITS 1987 SESSION

26. The substantive work of the Conference during its 1987 session was based on its agenda and programme of work. The list of documents issued by the Conference, as well as the texts of those documents, are included as appendix I to the report. An index of the verbatim records by country and subject, listing the statements made by delegations during 1987, and the verbatim records of the meetings of the Conference, are attached as appendix II to the report.

27. The Conference had before it a letter dated 14 January 1987 from the Secretary-General of the United Nations (CD/733 and Add.1) transmitting all the resolutions on disarmament adopted by the General Assembly at its forty-first session in 1986, including those entrusting specific responsibilities to the Conference on Disarmament:

- 41/12 "Armed Israeli aggression against the Iraqi nuclear installations and its grave consequences for the established international system concerning the peaceful uses of nuclear energy, the non-proliferation of nuclear weapons and international peace and security"
- 41/46 A "Cessation of all nuclear-test explosions"
- 41/47 "Urgent need for a comprehensive nuclear-test-ban treaty"
- 41/51 "Conclusion of effective international arrangements on the strengthening of the security of non-nuclear-weapon States against the use or threat of use of nuclear weapons"
- 41/52 "Conclusion of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons"
- 41/53 "Prevention of an arms race in outer space"
- 41/54 "Implementation of General Assembly resolution 40/88 on the immediate cessation and prohibition of nuclear-weapon Tests"
- 41/56 "Prohibition of the development and manufacture of new types of weapons of mass destruction and new systems of such weapons"
- 41/58 B "Prohibition of chemical and bacteriological weapons"

- 41/58 C "Chemical and bacteriological (biological) weapons"
- 41/58 D "Chemical and bacteriological (biological) weapons"
- 41/59 A "Prohibition of the development, production, stockpiling and use of radiological weapons"
- 41/59 I "Prohibition of the development, production, stockpiling and use of radiological weapons"
- 41/59 L "Prohibition of the production of fissionable material for weapons purposes"
- 41/60 F "Convention on the Prohibition of the Use of Nuclear Weapons"
- 41/86 B "Non-use of nuclear weapons and prevention of nuclear war"
- 41/86 F "Cessation of the nuclear arms race and nuclear disarmament"
- 41/86 G "Prevention of nuclear war"
- 41/86 J "Review of the implementation of the recommendations and decisions adopted by the General Assembly at its tenth special session"
- 41/86 M "Report of the Conference on Disarmament"
- 41/86 O "Implementation of the recommendations and decisions of the tenth special session"
- 41/86 P "Report of the Conference on Disarmament"

28. At the 385th plenary meeting of the Conference on 3 February 1987, the Personal Representative of the United Nations Secretary-General and Secretary-General of the Conference, conveyed to the Conference a message from the Secretary-General of the United Nations at the opening of the 1987 session (CD/PV.385).

29. In addition to documents separately listed under specific items, the Conference received the following:

(a) Document CD/748, dated 27 March 1987, submitted by the delegation of the Union of Soviet Socialist Republics, entitled "Communiqué of the Meeting of the Committee of Ministers of Foreign Affairs of the Warsaw Treaty Member States".

(b) Document CD/750, dated 8 April 1987, submitted by the delegation of Mongolia, entitled "Statement made by the Representative of the Ministry of Foreign Affairs of the Mongolian People's Republic, dated 4 April 1987".

(c) Document CD/751, dated 13 April 1987, submitted by the delegation of the Union of Soviet Socialist Republics, entitled "Text of the Foreign Policy Section of the Statement made by M.S. Gorbachev, General Secretary of the CPSU Central Committee at the Czechoslovak-Soviet Friendship Rally held in Prague on 10 April 1987".

(d) Document CD/754, dated 25 May 1987, submitted by the delegation of Poland, entitled "Statement by the Chairman of the Council of State of the Polish People's Republic, W. Jaruzelski, made in Warsaw on 8 May 1987".

(e) Document CD/755, dated 2 June 1987, submitted by the delegation of the German Democratic Republic, entitled "Text of the Communiqué on the Session of the Political Consultative Committee of the States Parties to the Warsaw Treaty held in Berlin on 28 and 29 May 1987, and the Statement on the Military Doctrine of the States Parties to the Warsaw Treaty issued at the Session".

(f) Document CD/780, dated 10 August 1987, submitted by the delegation of Poland, entitled "Memorandum of the Government of the Polish People's Republic on arms reduction and confidence-building in Central Europe".

A. Nuclear Test Ban

30. The item on the agenda entitled "Nuclear Test Ban" was considered by the Conference, in accordance with its programme of work, during the periods 16-27 February and 15-26 June 1987.

31. The Conference had before it the progress reports on the twenty-third and twenty-fourth sessions of the Ad Hoc Group of Scientific Experts to Consider International Co-operative Measures to Detect and Identify Seismic Events as contained in documents CD/745 and CD/778. The Ad Hoc Group met from 2 to 13 March and from 27 July to 7 August 1987, under the Chairmanship of Dr. Ola Dahlman of Sweden. At its 405th and 432nd plenary meetings, the Conference adopted the recommendations contained in those progress reports. Several delegations commented on them.

32. The following documents were submitted to the Conference in connection with the agenda item during the 1987 session:

(a) Document CD/743, dated 4 March 1987, submitted by the delegations of Bulgaria, Czechoslovakia, the German Democratic Republic, Hungary, Mongolia, Poland, Romania and the Union of Soviet Socialist Republics, entitled "Nuclear Test Ban".

(b) Document CD/746, dated 24 April 1987, submitted by the delegation of the German Democratic Republic, entitled "Nuclear Test Ban".

(c) Document CD/753, dated 28 April 1987, submitted by the delegation of Canada, entitled "Proceedings of the Ottawa Workshop on Seismic Waveform Data Exchange".

(d) Document CD/756, dated 17 June 1987, submitted by the Delegations of Bulgaria, Czechoslovakia, the German Democratic Republic, Hungary, Mongolia, Poland, Romania and the Union of Soviet Socialist Republics, entitled "Basic Provisions of a Treaty on the Complete and General Prohibition of Nuclear Weapon Tests".

(e) Document CD/763, dated 24 June 1987, submitted by Norway, entitled "Verification of a Comprehensive Nuclear Test Ban: Principles for a Modern Seismic Data Exchange System".

(f) Document CD/772, dated 15 July 1987, submitted by the delegations of Indonesia, Kenya, Mexico, Peru, Sri Lanka, Sweden, Venezuela and Yugoslavia, entitled "Draft Mandate for an Ad Hoc Committee on item 1 of the Agenda of the Conference on Disarmament".

(g) Document CD/775, dated 21 July 1987, submitted by the delegation of Australia and by New Zealand, entitled "Agreement between the Government of Australia and the Government of New Zealand on Seismic Monitoring Co-operation".

33. In accordance with its programme of work, dealing with the consideration of the question of the establishment of subsidiary bodies on items of its agenda, the Conference held, during the 1987 session, under the guidance of its successive Presidents, a number of informal consultations on the establishment of an ad hoc committee on item 1.

34. At the 392nd plenary meeting, on 26 February 1987, the President of the Conference for that month reported that the Conference was engaged in intensive consultations with a view to starting, as soon as possible, substantive work, inter alia, on item 1 of its agenda.

35. At the 401st plenary meeting, on 31 March 1987, the President of the Conference for that month reported that during the consultations held on the item, it had proved impossible to advance from the positions of the various groups, despite the fact that the deliberations at the last session of the United Nations General Assembly had allowed some hope for a possible formula conducive to agreement. The President further stated that during the consultations, various delegations had indicated a tendency to adopt more flexible positions but that that attitude had to extend to all members to make it possible for the Conference to move closer to agreement.

36. At the 410th plenary meeting, on 30 April 1987, the final meeting of the first part of the session, the President of the Conference for that month reported, inter alia, that during the consultations, he had submitted an informal proposal for a mandate for an ad hoc committee on item 1 of the agenda, but the Conference had lacked sufficient time to complete the consideration of that proposal. The President expressed the hope that persistent efforts in that regard would continue throughout the 1987 session.

37. At the 417th plenary meeting, on 30 June 1987, the President of the Conference for that month reported, inter alia, that the consultations on item 1 of the agenda had been resumed on the basis of an informal proposal circulated by members of the Group of 21 and that while some delegations had welcomed that proposal there were others who continued to study it. The President stated further that some delegations still considered that the proposal made by the President of the Conference for the month of April constituted a good basis for the consultations on the subject.

38. At the 426th plenary meeting, on 30 July 1987, the President of the Conference for that month reported, inter alia, that during the consultations he had conducted on agenda item 1, the informal proposal circulated by members of the Group of 21 had been considered by two groups in the Conference to be a good basis for negotiation but further progress had not been possible on the basis of that initiative.

39. A number of delegations addressed the issues concerning a nuclear test ban at plenary meetings of the Conference. Those statements appear in the verbatim records and other official documents of the Conference.

40. Members of the Group of 21 reaffirmed both collectively and in individual statements made during the session the utmost importance they continued to attach to the urgent conclusion of a comprehensive treaty on the complete prohibition of testing of all types of nuclear weapons in all environments by all States, as a significant contribution to the aim of ending the qualitative improvement of nuclear weapons and the development of new types of such weapons as well as of preventing their proliferation. In this context, many members of the Group referred to the Harare Declaration of 1986 as well as to the successive joint statements made by the leaders of the Six Nations Initiative on the subject, in particular those issued as Conference documents CD/739 and CD/758 during its 1987 session. The Group of 21 further reaffirmed its call for a bilateral moratorium on nuclear testing and issued a statement in this regard. 1/ Many members of the Group of 21 stressed the primary role that the Conference on Disarmament should play in achieving a comprehensive nuclear test ban. They called for an immediate beginning of multilateral negotiation of a treaty in an ad hoc committee of the Conference with an appropriate mandate based on their previous proposals to this end (CD/520 and Rev.1 and 2). Some members of the Group reiterated on several occasions their firm view that the setting up of a committee on agenda item 1 without the mandate to initiate multilateral negotiations of a treaty would defeat the very objective the Conference wished to achieve and might only create an illusion of movement. Some other members of the Group repeatedly expressed their firm belief that disagreement over certain aspects of a mandate must not prevent the Conference from beginning substantive work on the agenda item. Some delegations in the Group commented on the bilateral talks between the two major nuclear-weapon States on the issue of nuclear testing. One of them felt that any "partial" measures towards a comprehensive test ban should be adopted

1/ See CD/PV.386.

in the context of a legally binding commitment to a comprehensive ban within a short and predetermined time limit covering all nuclear explosions by all States in all environments for all times. Others further maintained that a partial agreement that left room for continued testing was clearly insufficient and that, therefore, for any such agreement to be meaningful it must include a clear commitment to reach a CTB at an early, specified date as well as contain substantial reductions and real constraints on the ability to develop nuclear weapons. A number of members of the Group called on the participants in the talks to inform the Conference regularly of their progress. During the second part of the session, eight members of the Group of 21 that had promoted and co-sponsored resolution 41/46 A of the United Nations General Assembly submitted a draft mandate (CD/772) which was based on the corresponding provisions of that resolution. One of them stressed that an objective examination of that draft and its comparison with those circulated since 1984 up to the present would highlight its constructive spirit and its flexibility. Referring specifically to the formulation "with the objective of" contained in the draft mandate, it pointed out that it allowed for different interpretations; the proposed mandate permitted delegations to interpret it as meaning either "an immediate" or "a long-term" objective and thus to accept it without abandoning their positions. Members of the Group of 21 stressed that that was the only draft mandate that had been submitted to the Conference in 1987. Regarding the informal suggestion of the President for the month of April, some of them stated that expression of positions could take place once it was submitted as a CD document, sponsored by delegations, as was the case with the mandate proposed in CD/772. Several members reaffirmed their belief that the issues of verification and compliance could not, any longer, be regarded as an obstacle to an early achievement of a CTB and drew attention in this context to the proposals contained in the documents issued in Ixtapa (Mexico) in 1986 which remained fully valid (CD/723).

41. Members of the group of Socialist States continued to regard the cessation of all nuclear-weapon tests as an important independent measure instrumental in curbing the nuclear arms race. They considered that a comprehensive ban on nuclear-weapon testing was a high priority measure designed to put an end to the development, manufacture and refinement of nuclear arms and to bring about their reduction and elimination. They proposed that extensive negotiations be started without further delay to work out pertinent accords. They stressed that all avenues should be explored to that end, including, inter alia, bilateral, trilateral or multilateral negotiations, appropriate interim measures, the start of preparatory work to establish an international monitoring network to verify compliance with a CTB and the convening of a conference of States Parties to the 1963 Partial Test Ban Treaty to consider possible amendments aimed at converting it into a CTB. They further reaffirmed the importance they attached to a bilateral moratorium on nuclear testing as an interim measure leading towards a CTB and issued a joint statement in that regard. 1/ They considered that the co-operative measures offered by the leaders of the Six Nations Initiative could be an

1/ See CD/PV.386.

important step towards a verification system for a CTB. The group further maintained that the Conference on Disarmament should play a more active role in respect to its agenda item 1. Reaffirming their belief in the need to proceed promptly to negotiations on that item, members of the group felt that all sides should display readiness for compromise to enable the Conference to establish an ad hoc committee and commence substantive work. In this context, they offered their concrete suggestions on a possible mandate, structure and programme of work of such a committee (CD/743 and CD/746). During the second part of the Conference's session, members of the group submitted a document entitled "Basic provisions of a treaty on the complete and general prohibition of nuclear-weapon tests" (CD/756). In putting forward this initiative, the sponsors stressed that they were guided by a desire to stimulate an early start of substantive full-scale negotiations at the Conference for which the document submitted could form a basis. They expressed their readiness to go as far in the thorough elaboration of all the necessary specific arrangements on test ban verification as their partners were prepared to go. They also made a number of individual statements in further elaboration of that document, in particular, its verification provisions, including declarations of location of test sites, the setting up of an international inspectorate and mandatory on-site inspections. Members of the Group expressed support for a draft mandate for an ad hoc committee on item 1 as contained in document CD/772. They appreciated the efforts of the Ad Hoc Group of Scientific Experts to detect and identify seismic events giving approval to their reports, as well as their efforts to prepare for a large-scale experiment.

42. One nuclear-weapon State, member of that group, stressed in repeated statements and in documents issued during the session the utmost importance it continued to attach to the complete and general prohibition of nuclear-weapon tests, which it believed it had demonstrated in deed by its 18-month unilateral moratorium on nuclear explosions. In order to achieve progress in that area, it was ready to explore all possibilities. In particular, at its bilateral talks with another major nuclear-weapon State, it had agreed to proceed in the context of full-scale negotiations on a step-by-step basis leading to a complete ban. In that connection, it was ready to consider, as a first step, measures conducive to an early ratification of the 1974 TTB and the 1976 PNE Treaties as well as to limit the yield of nuclear explosions to one kiloton and reduce to a minimum the number of such explosions. It believed, however, that the bilateral approach alone could not provide a final solution to the problem and stressed, therefore, that the search for agreement at the bilateral level and the preparation of a comprehensive treaty within the Conference on Disarmament should be undertaken concurrently. To this end, it proposed, inter alia, the setting up of a special group of scientific experts who would submit recommendations on the structure and functions of a system of verification for any possible agreement not to conduct nuclear-weapon tests as well as the establishment of an international system of global radiation safety monitoring involving the use of space communication links. These proposals were supported by the other members of that group.

43. A group of Western countries emphasized in two joint statements 1/ as well as in individual statements and documents submitted during the session (CD/753, CD/763 and CD/775) the high priority they continued to attach to agenda item 1 and shared the hope, which they believed was expressed by many other delegations in the Conference, for the commencement of substantive work by an ad hoc committee on that item without further delay. Members of the group further stressed that there were many issues and aspects related to a nuclear test ban on which the Conference, in their view, could and must undertake serious work and that, for that purpose, Western delegations had tabled a number of working papers. They maintained that the draft mandate tabled by them in 1984 (CD/521) as well as the draft programme of work tabled in 1985 (CD/621) continued to provide a viable framework in which to commence and carry out the substantive examination of many issues relating to a CTB. At the same time, the group stood ready to consider positively any initiative to solve the mandate question in order to start practical work on the subject. In that spirit, members of the group expressed their readiness to consider an informal proposal made by the President of the Conference for the month of April as a basis for developing a consensus. They felt, however, that the draft mandate contained in document CD/772 did not involve a new approach. One member of the group emphasized the need to continue the process of informal consultations in search for a compromise on the mandate of an ad hoc committee. In general, many members of the group expressed their satisfaction with the continued bilateral discussions between the two major nuclear-weapon States on the issues of nuclear testing as well as the hope for their success. They felt in that context that the step-by-step approach offered the best chance for early progress on the subject. One member of the group called attention to its proposal (CD/717) that the Conference decide to establish a permanent global seismic monitoring network and pointed out that this could be achieved, inter alia, by the network to be established for the Group of Scientific Experts' second global experiment remaining operational permanently.

44. One nuclear-weapon State, member of the Western group of delegations, reiterated that a comprehensive ban on nuclear testing continued to be its long-term objective which must be viewed in the context of a time when it and its allies did not need to depend on nuclear deterrence to ensure international security and stability, the condition which, in its view, could not come into being without deep reductions in nuclear arms, substantially improved verification capabilities, expanded confidence-building measures and a greater balance in conventional forces. Accordingly, at present, it was seeking effective and verifiable agreements with another major nuclear-weapon State on nuclear testing limitations on a step-by-step basis, aimed first at creating conditions for the ratification of the 1974 TTB and 1976 PNE Treaties and subsequently by engaging immediately in negotiations on ways to implement a step-by-step parallel programme -- in association with a programme to reduce and ultimately eliminate all nuclear weapons -- of limiting and ultimately

1/ See CD/PV.410 and CD/PV.429.

ending nuclear testing. Acknowledging the interest of the States members of the Conference on Disarmament in that important subject, it called upon that body to undertake actions which could complement, and not compete with, the above bilateral efforts, and therefore expressed its willingness to support the establishment of an ad hoc committee on item 1 based on an appropriate non-negotiating mandate. In stressing the importance it attached to effective verification of arms control agreements, including those regarding nuclear testing, it recalled that for many years, it had devoted much effort as well as technical and financial resources to developing and sustaining verification capabilities. It strongly endorsed the important work of the Group of Scientific Experts in their efforts to design and conduct further experiments aimed at the application of advanced techniques for the collection and exchange of seismic data, in particular the advances toward full and open access to all seismic data by all participants in the global exchange.

45. Another nuclear-weapon State, belonging to the same group of delegations, stressed the importance it attached to reductions in nuclear weapons which should not exclude constraints on nuclear testing as well. It believed that the step-by-step process discussed at the bilateral level was the right way to make substantive and lasting progress in that area which took full account of real security concerns. It considered that the Conference on Disarmament should also make its contribution to that process through the Group of Scientific Experts, and by addressing, in an ad hoc committee, remaining problems including scope and verification. It indicated that the informal proposal for a mandate for such a committee suggested by the President of the Conference for the month of April would be acceptable to it, combined with an appropriate programme of work.

46. Another Western nuclear-weapon State did not consider the cessation of nuclear-weapon testing as a pre-condition for progress towards nuclear disarmament. It maintained that, on the contrary, the cessation of tests could become significant at the end of a long-term process resulting in real and effective nuclear disarmament. It stressed that it had conducted less than one tenth of the number of nuclear explosions conducted by the two major nuclear-weapon States, had not carried out tests over 150 kilotons and saw no reason to agree to the obsolescence of its limited nuclear deterrent. It further stressed that in a world in which the number of nuclear warheads were reduced by half, the problem of reliability of the remaining weapons could, in its view, only become more important. Consequently, the delegation concerned was not in a position to participate in work, the objective of which was the negotiation of an agreement to which the country it represented could not subscribe.

47. Yet another nuclear-weapon State, not belonging to any group, reiterated that it would be prepared, once the two States with the largest nuclear arsenals had taken the lead in halting the testing, production and deployment of nuclear weapons and drastically reducing their nuclear arsenals, to take corresponding measures. It further reiterated its willingness to participate in a subsidiary body on item 1 of the agenda and stated its flexible approach with regard to that body's terms of reference.

B. Cessation of the Nuclear Arms Race and Nuclear Disarmament

48. The item on the agenda entitled "Cessation of the Nuclear Arms Race and Nuclear Disarmament" was considered by the Conference, in accordance with its programme of work, during the periods 16-27 February and 15-26 June 1987. At its 415th plenary meeting on 23 June 1987, the Conference decided that informal meetings be held during its 1987 session on the substance of the agenda item, and that the discussions at those informal meetings be duly reflected in the annual report of the Conference to the General Assembly of the United Nations. Six informal meetings devoted to the agenda item were held between 30 June and 6 August 1987.

49. At the time of the adoption of that decision, the President of the Conference stated the following:

"Under the rules of procedure, the President of the Conference has the responsibility, in accordance with the normal duties of any presiding officer, to ensure that discussions at plenary or informal meetings are conducted in an orderly way. Accordingly, I wish to inform you that I have taken upon myself the initiative of preparing a list of topics for the purpose of facilitating a structured discussion at informal meetings on the substance of agenda item 2. That list is my own and therefore does not bind any delegation. Furthermore, it is understood that members wishing to do so may raise any subject relevant to the agenda item, as is the normal practice of the Conference. I shall now read out that list of topics:

- Interrelation between bilateral and multilateral consideration of the cessation of the nuclear arms race and nuclear disarmament; participation in negotiations for the cessation of the nuclear arms race and nuclear disarmament; role of the Conference on Disarmament;
- Security concepts relating to nuclear weapons;
- Implementation of paragraph 50 of the Final Document;
- Interrelation between measures for the cessation of the nuclear arms race and disarmament measures in other areas;
- Verification in relation to the purposes, scope and nature of agreements;
- Existing proposals."

50. A delegation made a statement on behalf of the group of Western countries noting that the members of the group were ready to play a full part in the informal meetings and noted that, as pointed out by the President, the list of topics as submitted was binding upon no delegation. It also pointed out that

this group of delegations did not see, in the presidential statement, any precedent whatsoever for decisions relating to the activities of the Conference.

51. The following new documents were submitted to the Conference in connection with the item during the 1987 session:

(a) Document CD/633/Annex 4/Rev.1, dated 3 February 1987, submitted by the delegation of Australia and by New Zealand, entitled "Notification of the Entry into Force of the South Pacific Nuclear-Free Zone Treaty (the Treaty of Rarotonga) and Transmission of the Final Text of the Protocols to the Treaty".

(b) Document CD/739, dated 12 February 1987, submitted by the delegations of Argentina, India, Mexico and Sweden, entitled "Joint Statement Urging The Leaders of the Soviet Union and the United States to Recommence Comprehensive Talks As Soon As Possible to Prevent an Arms Race in Space and Terminate it on Earth and Ultimately to Eliminate Nuclear Arms Everywhere".

(c) Document CD/742 dated 2 March 1987, submitted by the delegation of the Union of Soviet Socialist Republics, entitled "Statement made by Mikhail Gorbachev, General Secretary of the Central Committee of the Communist Party of the Soviet Union, on 28 February 1987".

(d) Document CD/744, dated 12 March 1987, submitted by the delegation of Mongolia, entitled "Statement by the Representative of the Ministry of Foreign Affairs of the Mongolian People's Republic dated 5 March 1987".

(e) Document CD/758, dated 17 June 1987, submitted by the delegations of Argentina, India, Mexico and Sweden, entitled "Joint Statement made by the Five Heads of State or Government of Argentina, Greece, India, Mexico, Sweden and the First President of Tanzania on 22 May 1987".

(f) Document CD/759, dated 17 June 1987, submitted by the delegation of the Union of Soviet Socialist Republics, entitled "Response by M.S. Gorbachev, General Secretary of the Central Committee of the CPSU, to the Joint Statement by the Leaders of Argentina, Greece, India, Mexico, Sweden and Tanzania".

(g) Document CD/767, dated 6 July 1987, submitted by the delegation of China, entitled "Working Paper on Cessation of the Nuclear Arms Race and Realization of Nuclear Disarmament".

52. The Group of 21 regretted that, despite the role of the Conference as the only multilateral negotiating body on disarmament, the high priority attached to agenda item 2 and the work already done on that item in informal meetings during the last session, it had again not been possible to establish an ad hoc committee with an appropriate mandate. The Group stressed that its acceptance of the format of the informal plenary was an expression of its willingness to commence work and in no way prejudiced its principles stand reflected in CD/180. The Group nonetheless welcomed the efforts to structure the

discussions on the basis of the President's list of topics. Some delegations stressed that the approach adopted in considering questions relating to nuclear disarmament reduced the role of the Conference to that of a deliberating body and jeopardized its credibility. Many delegations, while acknowledging the special responsibility of nuclear-weapon States, affirmed that nuclear disarmament is of vital importance to all States, nuclear and non-nuclear alike, since the existence of nuclear arsenals directly imperils the security and survival of all. Some delegations recalled the commitments undertaken by nuclear-weapon States, in particular under the Non-Proliferation Treaty, and again called upon them to fulfil their obligations.

53. The Group welcomed the continuation of bilateral negotiations between the Soviet Union and the United States on nuclear and space arms. It supported the principles of the Reykjavik understanding. Many members of the Group endorsed the Joint Declaration of the leaders of the Six Nations' Initiative of December 1986, which called upon the Soviet Union and the United States to build on that understanding without any weakening of the commitments made there and stated that, as long as agreement is not reached the nuclear arms race will ineluctably continue to escalate and the survival of mankind will become more and more precarious (CD/739). These members also endorsed the Joint Statement of the leaders of the Six Nations' Initiative of 22 May 1987 (CD/758) that urged the Soviet Union and the United States to bring to a successful conclusion, during 1987, their current negotiations on intermediate nuclear forces, as a first step towards the total elimination of nuclear weapons everywhere. At the same time, the Group pointed out that, however useful and necessary they might be, bilateral negotiations were no substitute for multilateral negotiations and that, far from conflicting, the two approaches had to complement one another. Several delegations also recalled the Declaration of the Eighth Conference of Heads of State or Government of Non-Aligned Countries at Harare, in particular stressing that bilateral and multilateral negotiations on disarmament should mutually facilitate and complement, and not hinder or preclude, each other. The Conference on Disarmament should therefore be kept informed of all steps in bilateral negotiations, and it should be enabled to fulfil its mandate as the sole multilateral negotiating body in the field of disarmament and to adopt concrete measures of disarmament, in particular measures for nuclear disarmament and for the prevention of an arms race in outer space. The Group again underlined the role and importance of multilateral negotiations in that area, especially with respect to the provisions of paragraph 50 of the Final Document of the first special session of the General Assembly devoted to disarmament, and to their implementation. In that regard, several delegations stressed the importance of informing the Conference on Disarmament concerning the progress of bilateral negotiations; while welcoming the information given informally and the statements in plenary session by the representatives of the two parties, they asked the States concerned to keep the Conference officially and regularly informed of the progress of their talks, and some delegations requested a joint report of the two States to the Conference.

54. The Group reaffirmed the provisions of the Final Document of SSOD I that the nuclear weapons pose the greatest danger to mankind and to the survival of civilization. It is therefore essential to halt and reverse the nuclear arms race in order to avert the danger of war involving nuclear weapons. In their view, the nuclear arms race, far from contributing to the strengthening of the security of all States, weakened it and thwarted efforts towards the relaxation of international tensions. Many delegations also recalled the Declaration of the Eighth Conference of Heads of State or Government of Non-Aligned Countries at Harare, in particular its reaffirmation of the danger to mankind from the existence of nuclear arms and the need for immediate nuclear disarmament measures. Delegations proclaimed their common determination, beyond cultural, social or political differences, to fully recover the right to live, that sacred right of every human being and every nation which has been cast into the category of a merely conditional and inevitably short-lived right by the nuclear arms race. Some delegations stated that the doctrine of nuclear deterrence seeks to force humanity to accept a perpetual community of fear, is contrary to the provisions of the United Nations Charter and that, far from helping to lay the foundations of peace, it was a central factor in the continuation of the arms race; they also maintained that nuclear peace -- based on terror -- was not peace and that many nations had paid, through the emergence of local wars, the cost of the continued confrontation of the two main military blocs. In the view of the Group, the nuclearization of security decreases rather than increases the security of States. In the nuclear age, absolute security for one State implies absolute insecurity for others. It believes that the scenarios of nuclear strategies ignore the fact that international security is a political not a technological problem. Nuclear diplomacy offers no solution to the problems of social and economic security of the Third World countries. In Europe it does little more than to preserve division, distrust and tension. Some delegations, noting that the possession of any kind of weapons was meant to have a deterrent purpose, held that this was especially so in the case of nuclear weapons. Hence, they considered that by the mere possession of such weapons, all the nuclear-weapon States shared in the responsibility for the risk of the outbreak of a nuclear war and, consequently, had a primary responsibility for nuclear disarmament. Many delegations of the Group placed particular emphasis on and drew attention to the repeated appeals of the General Assembly on the cessation of nuclear testing as a necessary first step to halt the qualitative development of nuclear weapons and as a fundamental element in the cessation of the nuclear arms race. In this context, they stated that a CTB is not an independent, isolated political goal but an instrument for curbing the nuclear arms race. Many delegations pointed out that paragraphs 50 and 51 of the same document described the ways and means as well as the method and priorities for multilateral nuclear-disarmament negotiations, and pressed the Conference on Disarmament urgently to carry out the duty which it bore in this area.

55. The nuclear-weapon State belonging to the Group of Socialist States drew attention to the programme for the progressive elimination of nuclear weapons throughout the world by the year 2000, contained in the statement of 15 January 1986 of the General Secretary of the Central Committee of the CPSU M. S. Gorbachev (CD/649). This delegation drew attention also to the proposals, pertinent to item 2, put forward by its State's Foreign Minister, as contained in CD/PV.428, page 7.

56. The delegation of this State pointed out that its Government was prepared to conclude with the other leading nuclear-weapon State an agreement on the reduction in five years of 50 per cent of offensive strategic weapons, provided that the Treaty on Anti-Ballistic Missile Systems was strictly observed and that the arms race was not extended to space. In the framework of bilateral negotiations also, the same delegation reaffirmed its readiness to conclude an agreement on the elimination of intermediate-range and shorter-range missiles on a global scale. It stated that it was prepared to agree to eliminate all of its medium-range missiles in the Asian part of the country as well, that is, it was prepared to remove the question of retaining those 100 warheads on medium-range missiles which was being discussed with the other side at the negotiations in Geneva, provided, of course, that the other side did the same. Shorter-range missiles would also be eliminated. In other words, it will proceed from the concept of a "global double zero". Its proposed solution envisages a complete elimination of warheads on medium and shorter-range missiles, including the warheads on the Pershing 1A missiles. It has submitted at the bilateral Geneva negotiations a draft treaty on the 50 per cent reduction in strategic arms and a draft agreement on Strengthening the Régime of the Treaty on the Limitation of Anti-Ballistic Missile Systems and the Prevention of an Arms Race in Outer Space.

57. The same delegation also stressed that bilateral efforts, undertaken through bilateral negotiations, should be complemented by efforts on a multilateral level. Combined efforts should lead to a world free of nuclear weapons. While it realized the need for prior reduction of the arsenals of the two leading nuclear-weapon States, it was still necessary to know when and under what conditions the other nuclear-weapon States would join the process of nuclear disarmament. It pointed out that, since the Reykjavik meeting, the Conference on Disarmament had a considerably greater role to play as regards agenda item 2, and that the basis of multilateral work in the Conference could be found in the relevant provisions of the 1978 Final Document, primarily in paragraph 50. The delegation concerned also proposed a series of points for the activities of the Conference: establishment of a comprehensive, phased programme with an agreed timetable for the complete elimination of nuclear weapons; preparation of principles to serve as a basis for implementing nuclear disarmament; examination of the relationship between nuclear disarmament measures and measures for reducing conventional weapons, of the order in which nuclear arms would be eliminated, of the cessation of the production of fissionable materials for arms purposes and of control and verification. On the latter point, the delegation recalled the proposals

contained in the Prague Statement of 10 April 1987 of the General Secretary of the Central Committee of the CPSU M. S. Gorbachev, especially those concerning concrete proposals for the verification of future agreements (CD/751).

58. On the question of security concepts relating to nuclear arms, the same delegation compared the criterion of a "reasonably sufficient level" with the concept of deterrence based on the threat of use of nuclear weapons, a concept which, in its view, aimed at military superiority, constituted the basis for continuation of the arms race and was dangerous also because it doomed all States to live in constant fear, making them nuclear hostages. If they completed the logical chain of arguments, the proponents of nuclear deterrence had to admit that it pushed towards total nuclear deterrence -- a situation where every State would wish to acquire such weapon systems. Therefore, when it said that a nuclear-free and non-violent world was the only reasonable alternative to the doctrine of deterrence, it hoped for a sympathetic response. It called on all States, and especially the nuclear-weapon States, to adopt the new philosophy of security developed at the Berlin meeting of countries members of the Warsaw Treaty Organization. It advocated the establishment of a comprehensive system of international peace and security to replace the deterrent role played by nuclear weapons; it recalled the concrete proposal submitted by the Socialist States the previous year to the United Nations (A/44/191, of 14 August 1986); the United Nations could be the effective guarantor of the implementation of such system, whose application would be linked to the development and expansion of the role of the United Nations and its specialized agencies as well as to the creation of new bodies such as, in particular, a World Space Organization.

59. Members of the Group of Socialist Countries welcomed the Reykjavik Summit and the current bilateral talks in Geneva and supported the proposals put forward by the Soviet Union on those occasions. They stressed the crucial importance of bilateral negotiations; the two leading nuclear-weapon States had special responsibility in the matter of nuclear disarmament and had the duty to start the process. Those delegations pointed out, however, that the total elimination of nuclear weapons could only be achieved through multilateral negotiations with the participation of all nuclear-weapon States; it was necessary for the other nuclear-weapon States as well as their allies and other States to join the process; the Conference on Disarmament, owing to its composition, seemed particularly well suited to create the necessary conditions to that end. They pointed out that they attached great importance to the principle that bilateral and multilateral negotiations should complement and stimulate each other. The delegations of the Socialist Group regretted that, despite the high priority of agenda item 2, the Conference had failed to make substantive progress on the question; it had the duty to deal thoroughly and concretely with questions connected with nuclear disarmament, and for that purpose the Group favoured the creation of an ad hoc committee with appropriate terms of reference; it supported the holding of informal meetings in the hope that they would contribute to the creation of such a committee in the near future. They also appreciated the

efforts of the President for the month of June who had taken the initiative of preparing a list of topics for the purpose of facilitating a structured discussion at informal meetings.

60. Members of the Group stressed that the Final Document of SSOD I, especially its paragraphs 50 and 51, the work of bilateral negotiations and the programme on nuclear disarmament submitted by the Soviet Union on 15 January 1986 (CD/649) provided a basis for the drafting of a programme of multilateral negotiations on this item in the Conference.

61. With regard to security concepts concerning nuclear arms, members of the Group pointed out that the political climate played an important role in the progress and perspectives of both bilateral and multilateral negotiations. They reiterated that the doctrine of nuclear deterrence was a main driving force in the continued qualitative and quantitative development of nuclear arms, and stressed that such arms could not be completely eliminated as long as military doctrines based on nuclear deterrence remained a central element of the security policy of some nuclear-weapon States and their allies. They also stated their preparedness to have redressed the imbalances that had emerged in certain categories of armaments and armed forces maintained by the two alliances in Europe. In this connection, they drew attention to their proposal that in the course of the reductions the side which has an advantage over the other side makes the appropriate cutbacks.

62. Members of this Group recalled the proposals of their States for the establishment of a nuclear-weapon-free corridor in Central Europe and for a zone free of nuclear weapons in the Balkans. One delegation belonging to this Group submitted a draft plan (CD/754) and further elaboration on it (CD/780), concerning, inter alia, the gradual disengagement and reduction of jointly agreed operational and battlefield nuclear arms in Central Europe and other measures of arms reduction and confidence-building in that zone.

63. The delegations of the Western Group emphasized that security was pivotal to all arms limitation and disarmament policy and that disarmament was not an end in itself but a tool in the service of peace and stability; the aim must be the strengthening of security for all. These delegations also remarked that the state of international relations played a major role in all prospects for disarmament and that the specific situation of each region should be duly considered and taken into account. In this regard it was noted that deterrence could not be assigned a purely nuclear status and that there were instances of competition in arms on a regional rather than a global level, typically in conventional arms, which often were the product of mutual suspicion and military and foreign policies. Some delegations stressed that the Western defence system was based on an inter-relationship between conventional and nuclear armaments, that world security could be safeguarded only through a global balance between all arms systems and that, as the ratio of conventional forces now stood, total denuclearization of the allies' defence system was not feasible.

64. Delegations of that Group welcomed the bilateral negotiations in progress; they stated that those negotiations should play a vital role in any process for the cessation of the nuclear arms race and nuclear disarmament; they supported the proposed elimination of the two main Powers' intermediate-range nuclear forces and hoped that an agreement to that end could be concluded during the current year; they also hoped that an agreement could be concluded in the near future on the 50 per cent reduction of the same two States' strategic arsenals and welcomed their commitment to the ultimate elimination of nuclear weapons. Some delegations noted that nuclear disarmament, through the negotiation of balanced and verifiable agreements, would reduce and ultimately remove the necessity for countries to rely on nuclear deterrence. Some delegations also emphasized that intermediate-range nuclear forces should be eliminated from Asia as well as from Europe. Delegations of the Group considered that the establishment of a subsidiary organ was inappropriate at the present stage and that under current circumstances informal meetings constituted the most suitable framework for the continuation of work on the cessation of the nuclear arms race and nuclear disarmament.

65. One nuclear-weapon State belonging to the Western Group observed that it did not believe that the issue of the arms race could be successfully addressed without taking into account the tensions between States or groups of States that generated an arms race. It stressed that States acquired nuclear weapons for the same reason that they acquired conventional ones, to enhance their security, and that the destructive power of such weapons, however regrettable, formed an integral part of the military forces of some States, a situation that would continue for the foreseeable future. Nuclear weapons, it reiterated, were an essential component of the strategy of deterrence, which, in its opinion, contributed to preserving peace between the super-Powers and their allies. It stressed that security is paramount, and that preoccupation with the complete elimination of nuclear weapons should not divert attention from the critical steps that must precede this ultimate goal -- effective, verifiable arms control agreements that resulted in broad, deep, and equitable reductions in offensive nuclear arms of the super-Powers and correction of imbalances in conventional armaments, especially in Europe. It drew attention to positive trends in the bilateral negotiations between the super-Powers that might result in deep reductions in the number of their nuclear weapons, but noted the slow pace of negotiations on reductions in conventional forces.

66. Another nuclear-weapon State belonging to the Western Group stressed that in view of the scale of the threat facing it, its security would depend for the foreseeable future on nuclear deterrence. Meanwhile, its aim was to maintain continuing security and peace at lower levels of nuclear forces. Efforts in this direction should be combined with complete elimination of chemical weapons and progress towards conventional stability at lower levels of forces taking into account current imbalances. In view of the overwhelming preponderance (95%) of nuclear weapons held by the two major military Powers, the most realistic way to make progress was through bilateral negotiations between these two countries. It believed that this should be achieved

step-by-step through mutual, balanced and effectively verifiable agreements. It welcomed signs of progress in this direction, particularly the prospect of the complete elimination of INF and of a 50 per cent cut in strategic arms. Given the minimum nature of its deterrent (less than 3% of the nuclear forces available to the two major nuclear-weapon States), it did not see any scope for making a contribution to any reductions in present circumstances, and would maintain the credibility of its deterrent. It welcomed recognition by both sides that this is legitimate. It pointed out, however, that if there were very substantial reductions in the strategic arsenals of the two major nuclear-weapon States and there were no significant changes in defensive capabilities, it would be ready to review its position and consider how best to contribute to arms control in the light of the reduced threat.

67. Another nuclear-weapon State belonging to the Western Group observed that nuclear deterrence was a reality and not an ideology or a theory and that it could not be replaced by declarations of intent or political initiatives. It referred in that connection to its experience over the past century: the attempts to institute a new security system had failed to prevent a devastating conflict, and it could not be denied that since then nuclear deterrence had played a decisive role in international security arrangements. Nuclear deterrence should, however, go hand in hand with steadily greater arms control. From that point of view, it could not but condemn the absurd logic of the redundancy of the two main Powers' systems, whereby the number of weapons far exceeded the number of potential targets; that was a serious factor of imbalance and tension and it was up to the two participants in the incessant race to remedy the situation. The target set a Reykjavik of a 50 per cent reduction within five years in the two main Powers' strategic arsenals constituted a significant and positive step; an agreement on intermediate-range nuclear forces -- a mere 10 per cent of the two main Powers' arsenals -- would also be of value, but it could not take the place of the achievement of the other goal. While it saw things as they were, that State did not intend to stand aloof from nuclear disarmament; it had already said that it would be willing to take part in the process as soon as three conditions, which were closely linked to the present or future negotiations, were met: a very substantial reduction in the disparity between the two main Powers' and its own nuclear arsenals, the non-deployment of defensive systems, and a return to a balance of conventional forces together with the elimination of chemical weapons.

68. One nuclear-weapon State, not belonging to any group, introduced a working paper (CD/767) entitled "Working paper on cessation of the nuclear arms race and realization of nuclear disarmament". The same State reiterated its consistent call for the complete prohibition and thorough destruction of nuclear weapons. It maintained that the States possessing the largest nuclear arsenals had a special responsibility for curbing the nuclear arms race and carrying out nuclear disarmament. It noted that for some years it had been calling on the two major nuclear Powers to take the lead in halting the testing, production and deployment of all types of nuclear weapons and drastically reducing and destroying all types of such weapons including their delivery vehicles possessed by them on the spot at any localities both inside

and outside their respective territories. In this respect, it recalled the resolution 41/59 F adopted by the forty-first session of the United Nations General Assembly on 3 December 1986. It hoped that the two major nuclear Powers would through negotiations reach, at any early date, disarmament agreements conducive to the relaxation of international tension and without detriment to the interests of other countries. It held that the medium-range nuclear missiles deployed by the two major nuclear Powers in Europe and Asia should be reduced and completely destroyed according to the same principle and in a synchronized and balanced manner, hence a simple and straightforward "zero option" in both regions. Meanwhile, it pointed out that the nuclear weapons covered by the two major Powers' negotiation on the medium-range nuclear missiles were but a very small portion of the huge nuclear arsenals possessed by them and it urged the two major Powers to reduce drastically all types of their nuclear weapons and halt the testing, production and deployment of such weapons as well. It was of the view that in order to promote nuclear disarmament, great importance should also be accorded to the issues of conventional disarmament and curbing the arms race in outer space. It noted that while emphasizing the primary responsibility of the two major nuclear States for nuclear disarmament, it would not shirk its obligations in that regard. It reiterated that after those two States had halted the testing, production and deployment of all types of nuclear weapons and drastically reduced those weapons, a broadly representative international conference on nuclear disarmament with the participation of all the nuclear-weapon States could be convened to discuss steps and measures for further nuclear disarmament by the two major Powers and the participation of other nuclear-weapon States in the process of nuclear disarmament, with a view to ultimately eliminating all nuclear weapons. It was also of the view that the issue of disarmament must not be monopolized by a few major Powers and all countries had the right to participate, on an equal footing, in the discussion and settlement of it. It agreed that bilateral and multilateral negotiations should complement each other and reiterated its support for the establishment of an ad hoc committee under agenda item 2.

C. Prevention of Nuclear War, including all Related Matters

69. The item on the agenda entitled "Prevention of Nuclear War, including all Related Matters" was considered by the Conference, in accordance with its programme of work, during the periods 16-20 March and 6-10 July 1987.

70. The following document was submitted to the Conference in connection with the item during the 1987 session:

Document CD/515/Rev.3, dated 21 July 1987, submitted by the Group of 21, 1/ entitled "Draft Mandate for an Ad Hoc Committee on item 3 of the agenda of the Conference on Disarmament".

1/ Algeria, Argentina, Brazil, Burma, Cuba, Egypt, Ethiopia, India, Indonesia, Islamic Republic of Iran, Kenya, Mexico, Morocco, Nigeria, Pakistan, Peru, Sri Lanka, Sweden, Venezuela, Yugoslavia and Zaire.

71. In connection with agenda item 3, consultations were held under the guidance of the President of the Conference to consider an appropriate organizational arrangement to deal with the item, including proposals for the establishment of a subsidiary body, but no agreement could be reached during those consultations. The Group of Western Countries regretted that it proved impossible to reach agreement on handling the item in informal plenary meetings or some other appropriate format. Members of the Group of 21 noted the flexibility displayed by the Group in order to accommodate the position of other delegations and thus arrive at a consensus that would enable the Conference to undertake a thorough consideration of this item within the framework of a subsidiary body because such an objective could not be achieved through discussions in informal plenary meetings. Delegations of the Group of Socialist Countries stated that, in their view, a subsidiary body of the Conference would be the most appropriate format to deal with item 3 and expressed flexibility to accommodate the positions of other delegations.

72. At the 425th plenary meeting on 28 July 1987, the Conference had before it for decision a draft mandate for an ad hoc committee on agenda item 3, proposed by the Group of 21 (CD/515/Rev.3). Under the proposed mandate, the ad hoc committee would, as a first step, consider all proposals relevant to agenda item 3, including appropriate and practical measures for the prevention of nuclear war. The Group of Western Countries expressed its disappointment at the fact that the draft mandate contained in document CD/515/Rev.3 was once again put to a decision. It considered that the proposed mandate would not facilitate a discussion of the agenda item and it was again unable to associate itself with a consensus thereon. At the same time, the Group of Western Countries noted the importance it attached to agenda item 3 and recalled that over the years, on numerous occasions, both in the Conference on Disarmament and in the General Assembly, it had underlined its readiness to have a thorough discussion and exchange of views on the subject. The Group also noted its readiness this year to make renewed efforts with a view to developing an appropriate format for an examination in depth of agenda item 3. It also underlined that it attached the greatest importance to concrete policies and actions to prevent all wars, including nuclear war. One nuclear-weapon State, not belonging to any group, considered that the Conference on Disarmament should intensify its work on agenda item 3, including the establishment of a subsidiary body. It considered that the proposed mandate was a reasonable one and expressed its support for it. It also agreed that meanwhile the Conference could carry its work on item 3 in other forms. The Group of Socialist countries, considering that the prevention of nuclear war was an issue of the highest priority, believed that concrete negotiations could and should be undertaken to elaborate measures to avoid a nuclear war. Noting that a number of proposals had been put forward, it held that there was a solid basis to start such negotiations and that to that end a subsidiary body should be established. It expressed its full support for the mandate proposed by the Group of 21. It considered that the draft mandate was realistic and that it took into account the point of view of other delegations and thus could have constituted a basis for joint productive work. The Group of 21 expressed its deep regret at the inability of the

Conference on Disarmament to set up an ad hoc Committee under agenda item 3. The Group noted that in deference to the position of other delegations it had put forward a non-negotiating mandate that would permit a thorough consideration of all aspects -- legal, political, technical, military -- of all the proposals before the Conference. It believed that such consideration would not only contribute to a better understanding of the subject, but also pave the way for negotiations for an agreement on the prevention of nuclear war. Such an objective, in its view, could not be achieved through discussions in plenary or informal meetings. It was disappointed therefore that, despite the urgency of the subject and the flexibility displayed by the Group of 21, the Conference was not able to justify its own mandate as reflected in paragraph 120 of the Final Document of the first special session of the General Assembly devoted to disarmament.

73. The Group of 21 reaffirmed that the greatest peril facing the world is the threat of destruction from a nuclear war and that, consequently, the removal of that threat was the most acute and urgent task of the present day. Many members of the Group reaffirmed the conclusion of the Seventh Conference of Heads of State or Government of Non-aligned Countries that nuclear weapons were more than weapons of war, they were instruments of mass annihilation. They also recalled that in the Harare Declaration, at their Eighth Conference, the Heads of State or Government of non-aligned countries stated: "Use of nuclear weapons, besides being a violation of the Charter of the United Nations, would also be a crime against humanity. In this regard, we urge the nuclear-weapon States to agree, pending the achievement of nuclear disarmament, to the conclusion of an international treaty on the prohibition of the use or threat of use of nuclear weapons." The Group reaffirmed that, while nuclear-weapon States had the primary responsibility for avoiding nuclear war, in view of the devastating consequences of the use of nuclear weapons, all nations had a vital interest in the negotiation of measures for the prevention of nuclear war. In this regard, the Group noted with concern that no progress had been possible in the Conference on item 3 since its inclusion in the Conference's agenda as a separate item. The Group also noted that by resolution 41/86 G the United Nations General Assembly had repeated its earlier requests to the Conference on Disarmament to undertake, as a matter of the highest priority, negotiations with a view to achieving agreement on appropriate and practical measures for the prevention of nuclear war and to establish for that purpose an ad hoc committee at the beginning of its 1987 session. Members of the Group noted the flexibility that the Group had displayed in order to accommodate the position of other delegations and thus arrive at a consensus that would enable the Conference to undertake a thorough consideration of item 3 within the framework of a subsidiary body. The Group reaffirmed that it was unacceptable that the security of all States and the very survival of mankind should be held hostage to the threat of a nuclear holocaust. The Group welcomed the declaration of the leaders of the Union of Soviet Socialist Republics and the United States of America that a nuclear war cannot be won and must never be fought and stated that it was time to translate it into a binding commitment. Members of the Group considered that the belief in the maintenance of world peace through nuclear deterrence was the most dangerous fallacy that existed. They noted that history did not

prove that fear of destruction served to prevent war; on the other hand it was clear that the theory of deterrence lay at the heart of the action/reaction process that perpetuated the arms race, which, in turn, was one of the main sources of mistrust and hostility between the super-powers. They recalled that on several occasions the use of nuclear weapons had been advocated in conflicts where only conventional weapons were being used, on the grounds that a limited use of nuclear weapons would not be challenged, because of fear of escalation, and stressed that, while such arguments had been discarded, the fact remained that the question of the threshold of deterrence had been considered. They emphasized that if mankind was to have a future, a change was required in traditional behaviour, a change based on reason, not on fear. They could not accept that human survival should be subject to a system that was grossly vulnerable to the probability of error or to the insufficiency of terror. They held it was necessary to break the vicious circle of negative consequences that feed upon each other and increase every day the danger of a nuclear war. Many members of the Group stated that this was the purpose of the measures envisaged in the six-nation initiative for peace and disarmament, namely a moratorium of nuclear tests and the prevention of an arms race in outer space. In their view, the adoption of such measures would contribute to halting the arms race and create the conditions for the initiation of an effective disarmament process. Members of the Group of 21, noting the results of studies which indicate that a nuclear war, even a limited one, would have far-reaching and irreversible ecological consequences, including a nuclear winter, held that conventional arms could not under any circumstances be equated with nuclear weapons. Beyond that, they considered that nuclear weapons being weapons of mass destruction, the Charter of the United Nations could not be invoked to justify their use in the exercise of the right of self-defence against armed attack not involving the use of nuclear weapons. The Group of 21 continued to believe that the surest way to remove the danger of nuclear war lay in the elimination of nuclear weapons and that, pending the achievement of nuclear disarmament, the use or threat of use of nuclear weapons should be prohibited.

74. Members of the group of Socialist Countries reiterated their conviction that the prevention of nuclear war was the most urgent task at present. They supported the establishment of an ad hoc committee, as envisaged in General Assembly resolution 41/86 G. Commenting on the communiqué issued on the session of the Political Consultative Committee of the States parties to the Warsaw Treaty, held in Berlin on 28 and 29 May 1987 (CD/755), they stressed that world developments, changes in international relations, the increasing inter-dependence of States, advances in science and technology and the existence of weapons of unprecedented destructive power called for a new way of thinking, a new approach to the issues of war and peace, disarmament and other complex global and regional problems, and for the abandonment of the concept of nuclear deterrence, which supposed that nuclear weapons were the guarantee of the security of States. While recognizing the deterring character of nuclear weapons as such, these delegations considered that the doctrine of nuclear deterrence was a constant threat to strategic stability and a permanent source of fuelling the arms race in pursuit of military superiority and perpetual international tensions. They affirmed that in a

nuclear war there could be no winners and underlined the importance of the statement at the summit meeting in Geneva between General Secretary Gorbachev and President Reagan that a nuclear war cannot be won and must never be fought, that any war between the USSR and the USA, whether nuclear or conventional, must be prevented and that the USSR and the USA will not seek to achieve military superiority. They proposed the establishment of a comprehensive system of international security, based on the principle that it is no longer possible to build one's security at the expense of the security of others. Such a system of security, which would embrace measures in the military, political, economic and humanitarian spheres, would lead to a nuclear-free and non-violent world. They emphasized that the military doctrine of the States parties to the Warsaw Treaty was subordinated to the task of preventing war, whether nuclear or conventional, was strictly defensive in nature and was based on the concept that, under present-day conditions, recourse to military means to resolve any disputes was inadmissible. They noted that the defensive nature of the doctrine of the States Parties to the Warsaw Treaty was manifested in their resolve never, under any circumstances, to initiate military action unless they were themselves the target of an armed attack, their firm intention not to be the first to use nuclear weapons, in the absence of territorial claims on any other State, and in the fact that they did not view any State or any people as their enemy. They noted that in conformity with the defensive nature of their military doctrine, they were pursuing the following objectives: first, general and complete prohibition of nuclear testing, the gradual reduction and final elimination of nuclear weapons and the prevention of an arms race in outer space; second, prohibition and elimination of chemical weapons and other categories of weapons of mass destruction; third, reduction of the armed forces and conventional armaments in Europe to a level where neither side would have the means to stage a surprise attack or offensive operations in general; fourth, strict verification of all disarmament measures through a combination of national technical means and international procedures, including the establishment of appropriate international bodies, the exchange of military information, and on-site inspections; fifth, establishment of nuclear-weapon-free and chemical-weapon-free zones in various areas of Europe and in other regions, as well as zones of thinned-out arms concentration and increased mutual trust, introduction of military confidence-building measures on a reciprocal basis in Europe and agreements on such measures in other regions of the world, including seas and oceans; sixth, they regarded the division of Europe as unnatural and favoured the simultaneous dissolution of the North Atlantic Alliance and the Warsaw Treaty, with a view to the final establishment of a comprehensive system of international security. They recalled the proposals of the States parties to the Warsaw Treaty to the member States of the North Atlantic Alliance to enter, by the end of 1987, into consultations in order to compare the military doctrines of the two Alliances, analyse their nature and jointly discuss the patterns of their future development so as to guarantee that the military concepts and doctrines of the two military blocs and their members would be based on defensive principles. Other possible subjects for the consultations were, in their view, the imbalances and asymmetrical levels in certain categories of armaments and armed forces, as well as the search for ways to eliminate them

through a reduction by the side which had an advantage over the other, on the understanding that these reductions lead to ever lower levels. Delegations of Socialist countries drew attention to the programme proposed by the nuclear-weapon State belonging to the Group (CD/649) for the complete elimination of nuclear weapons and other weapons of mass destruction by the end of the year 2000 and the prohibition of space-strike weapons. They emphasized anew the importance of commitments on non-first-use of nuclear weapons and reiterated their support for the proposal on the conclusion of a convention to prohibit the use of nuclear weapons. They also expressed readiness to consider confidence-building measures such as measures for the prevention of accidental or unauthorized use of nuclear weapons and the avoidance of the possibility of surprise attacks.

75. Western delegations, including three nuclear-weapon States, while reaffirming that they attached the utmost importance to agenda item 3, underlined that its title "Prevention of nuclear war, including all related matters" reflected the comprehensive nature of the subject matter. They reiterated that the question of preventing nuclear war could not be isolated from the problem of preventing war and that the question at issue was how to maintain peace and international security in the nuclear age. They stressed that this comprehensive approach to the prevention of war was in no way designed to belittle the catastrophic consequences and the inadmissibility of a nuclear war. They underlined the effectiveness of nuclear deterrence in preventing war and preserving peace in Europe in the last forty years. They noted that large numbers of human beings continued to be killed in conventional wars. They also observed that deterrence was not a Western phenomenon; rather it was a fact of life and a key element in the military doctrine of the other side. Western delegations further considered that deterrence had made a significant contribution to East-West stability. They shared the views expressed by General Secretary Gorbachev and President Reagan in their joint communiqué of November 1985 about the importance of avoiding any war between them, whether nuclear or conventional, and welcomed their commitment to the ultimate elimination of nuclear weapons. They emphasized that that statement reflected the comprehensive nature of the problem and the need to address the question of war prevention in all its aspects. They held that, in the present circumstance, nuclear weapons continued to be a basic element in the balance needed to maintain peace and security. They pointed to the existence of serious imbalances in the conventional, chemical and nuclear fields and reaffirmed that at present there was no alternative to the Western concept for the prevention of war -- the strategy of deterrence based on an appropriate mix of adequate and effective nuclear and conventional forces, each element being indispensable. At the same time, Western countries reiterated that none of their weapons would ever be used, except in response to armed attack. They again emphasized that strict compliance by all States with the Charter of the United Nations, in particular the obligation to refrain from the threat or use of force and to settle all disputes by peaceful means, was a key element in the prevention of nuclear war. They also stressed the importance of deep and verifiable reductions of nuclear weapons, but considered that reductions in one class of weapons must not make the use of other types of weapons more probable and that, therefore, in order to maintain

stability and security, it was necessary to take into account the threat posed by conventional and chemical weapons. Western countries highlighted the significant contribution of confidence-building measures to lessening the danger of war, including nuclear war. Beyond that, they noted the value of measures to reduce the risk of the accidental use of nuclear weapons and reference was made to the activation of a third direct-communications system between the two major nuclear-weapon States and to their negotiations on the establishment of nuclear-risk reduction centres.

76. One nuclear-weapon State, not belonging to any group, believed that the effective prevention of nuclear war called for a stable international environment. It believed that to safeguard peace and security it was imperative to oppose hegemonism and power politics, check aggression and expansion and eliminate regional trouble spots. It considered that all countries should strictly abide by the principles of mutual respect for sovereignty and territorial integrity, mutual non-aggression, non-interference in each others' internal affairs, equality and mutual benefits and peaceful co-existence. It underlined that all countries should respect and observe the United Nations Charter and renounce the use or threat of force in international relations and settle disputes by peaceful means. It recalled that it had always held that the fundamental way to the elimination of the nuclear threat and the prevention of nuclear war, lay in the complete and total destruction of all nuclear weapons. At the same time, it pointed out that this was a long-term objective. In its view, at the present time, to reduce the danger of a nuclear war and create conditions for its complete elimination, nuclear-weapon States, and the two major ones in particular, should undertake not to be the first to use nuclear weapons in any circumstances and should unconditionally pledge not to use or threaten to use nuclear weapons against non-nuclear-weapon States or nuclear-weapon-free zones. On this basis, an international convention prohibiting the use of nuclear weapons should be concluded, with the participation of all nuclear-weapon States. It further considered that, along with the prevention of nuclear war, conventional wars should also be prevented. It noted, in particular, that the outbreak of a conventional war in areas with a high concentration of nuclear and conventional weapons, involved the danger of escalation into a nuclear war. Therefore, it considered that the two military blocs should reach agreement as early as possible on the drastic reduction of their conventional armed forces and armaments. It believed that the United Nations had an important role to play in the prevention of nuclear war and that, in accordance with the relevant resolutions of the General Assembly, the Conference on Disarmament should establish an ad hoc committee on the prevention of nuclear war to undertake negotiations with a view to reaching agreement on appropriate and practical measures for the prevention of nuclear war.

D. Chemical Weapons

77. The item on the agenda entitled "Chemical Weapons" was considered by the Conference, in accordance with its programme of work, during the periods 23 March-3 April and 13-24 July 1987.

78. The list of new documents presented to the Conference under the agenda item is contained in the report submitted by the Ad Hoc Committee referred to in the following paragraph.

79. At its 435th plenary meeting on 28 August 1987, the Conference adopted the report of the Ad Hoc Committee re-established by the Conference under the agenda item at its 386th plenary meeting (see paragraph 10 above). That report (CD/782) is an integral part of this report and reads as follows:

"I. INTRODUCTION

"1. At its 386th plenary meeting on 5 February 1987, the Conference on Disarmament adopted the following decision on the re-establishment of the Ad hoc Committee on Chemical Weapons (CD/736):

'The Conference on Disarmament, keeping in mind that the negotiation of a Convention should proceed with a view to its final elaboration at the earliest possible date, in accordance with United Nations General Assembly resolutions 40/92 B and 41/58 D, and in discharging its responsibility to conduct as a priority task the negotiations on a multilateral convention on the complete and effective prohibition of the development, production and stockpiling of chemical weapons and on their destruction, and to ensure the preparation of the convention, decides to re-establish, in accordance with its rules of procedure, for the duration of its 1987 session, the Ad hoc Committee to continue the full and complete process of negotiations, developing and working out the convention, except for its final drafting, taking into account all existing proposals and drafts as well as future initiatives with a view to giving the Conference a possibility to achieve an agreement as soon as possible. This agreement, if possible, or a Report on the progress of the negotiations, should be recorded in the report which this Ad hoc Committee will submit to the Conference at the end of the second part of its 1987 session.'

"II. ORGANIZATION OF WORK AND DOCUMENTATION

"2. In accordance with the decision mentioned above (CD/736), Ambassador Rolf Ekéus of Sweden was appointed Chairman of the Ad hoc Committee. Mr. Abdelkader Bensmail, Senior Political Affairs Officer, Department for Disarmament Affairs, continued to serve as Secretary of the Committee, assisted by Mr. Michael Cassandra, Political Affairs Officer, Department for Disarmament Affairs.

"3. The Ad hoc Committee held 29 meetings from 9 February to 26 August 1987. The Ad hoc Committee benefited from the inclusion in delegations of national experts. In addition, the Chairman held a number of informal consultations with delegations.

"4. At their request, the Conference on Disarmament decided to invite the representatives of the following States not members of the Conference to participate in the work of the Ad Hoc Committee: Austria, Denmark, Finland, Greece, New Zealand, Norway, Portugal, Senegal, Spain, Switzerland, Turkey and Zimbabwe.

"5. During the 1987 session, the following official documents dealing with chemical weapons were presented to the Conference on Disarmament:

- Document CD/734, dated 29 January 1987, entitled 'Report of the Ad Hoc Committee on Chemical Weapons to the Conference on Disarmament on its work during the period 12-30 January 1987'.

- Document CD/736, dated 9 February 1987, entitled 'Decision on the Re-establishment of the Ad Hoc Committee on Chemical Weapons'.

- Document CD/740, dated 13 February 1987, submitted by the delegation of the Islamic Republic of Iran, entitled 'Letter addressed to the Secretary-General of the Conference on Disarmament by the Permanent Representative of the Islamic Republic of Iran on 12 February 1987'.

- Document CD/747, dated 23 March 1987, submitted by the delegation of France, entitled 'The Non-production of Chemical Weapons'.

- Document CD/749, dated 7 April 1987, submitted by the delegation of the United States of America, entitled 'Verification of Elimination of Production/Filling Facilities'.

- Document CD/752, dated 23 April 1987, submitted by the delegation of Pakistan, entitled 'Proposal on Article X (Assistance) of the Draft Convention on Chemical Weapons' (also issued as document CD/CW/WP.165).

- Document CD/757, dated 11 June 1987, submitted by the delegation of France, entitled 'Working Paper on the Maintenance of a Security Balance among All the Parties to the Convention during the Ten-year Period of the Destruction of Stocks of Chemical Weapons'.

- Document CD/761, dated 24 June 1987, submitted by the delegation of Norway, entitled 'Verification of Alleged Use of Chemical Weapons: Summary of Research Results 1986/1987'.

- Document CD/762, dated 24 June 1987, submitted by the delegation of Norway, entitled 'General Procedures for Verification of Alleged Use of Chemical Weapons for Consideration in the Negotiations on the Chemical Weapons Convention'.

- Document CD/764, dated 29 June 1987, submitted by the delegation of Finland, entitled 'Letter dated 23 June 1987 addressed to the President of the Conference on Disarmament from the Permanent Representative of Finland transmitting a document entitled "Air Monitoring as a Means for Verification of Chemical Disarmament; C.4 Further Development and Testing of Methods, Part III"'.

- Document CD/765, dated 29 June 1987, submitted by the delegation of Finland, entitled 'Letter dated 23 June 1987 addressed to the President of the Conference on Disarmament from the Permanent Representative of Finland transmitting a document entitled, "Automatic Monitoring in Verification of Chemical Disarmament"'.

- Document CD/766, dated 2 July 1987, submitted by the delegations of Canada and Norway, entitled 'The Chemical Weapons Convention: Proposal for an Annex to Article IX concerning Verification of Alleged Use of Chemical Weapons'.

- Document CD/769, dated 10 July 1987, submitted by the delegation of the United Kingdom, entitled 'Making the Chemical Weapons Ban Effective'.

- Document CD/770, dated 14 July 1987, submitted by the delegation of Canada, entitled 'Letter dated 10 July 1987 addressed to the Secretary-General of the Conference on Disarmament from the Permanent Representative of Canada transmitting a Research Report entitled "Verification: Development of a Portable Trichothecene Sensor Kit for the Detection of T-2 Mycotoxin in Human Blood Samples"'.

- Document CD/771, dated 14 July 1987, submitted by the delegation of Canada, entitled 'Letter dated 10 July 1987 addressed to the Secretary-General of the Conference on Disarmament from the Permanent Representative of Canada transmitting Compendia on Chemical Weapons Comprising Plenary Statements and Working Papers from the 1986 Session of the Conference on Disarmament'.

- Document CD/776, dated 28 July 1987, submitted by the delegation of Norway, entitled 'Letter dated 27 July 1987 addressed to the President of the Conference on Disarmament from the Permanent Representative of Norway transmitting a Research Report entitled "Verification of a Chemical Weapons Convention. Development of Procedures for Verification of Alleged Use of Chemical Warfare Agents: Part VI"'.

- Document CD/781, dated 12 August 1987, submitted by the delegation of Norway, entitled 'Letter dated 11 August 1987 addressed to the President of the Conference on Disarmament from the Chargé d'Affaires a.i. of Norway transmitting a publication entitled "The Holmenkollen Report on the Chemical Weapons Convention. Report from the Holmenkollen Symposium on the Chemical Weapons Convention, Oslo, Norway, 26-27 May 1987"'.

- Document CD/785, dated 25 August 1987, submitted by the delegation of Finland, entitled 'Air Monitoring as a Means for the Verification of Chemical Disarmament' (also issued as document CD/CW/WP.181).

"6. In addition, the following Working Papers were presented to the Ad Hoc Committee:

- CD/CW/WP.153, dated 22 January 1987, entitled 'Draft Report of the Ad Hoc Committee on Chemical Weapons to the Conference on Disarmament on its Work during the Period 12-30 January 1987'.

- CD/CW/WP.154, dated 9 February 1987, presented by the Chairman of the Ad Hoc Committee, entitled 'Outline for the Organization and Programme of Work of the Ad Hoc Committee on Chemical Weapons'.

- CD/CW/WP.155, dated 9 February 1987, presented by the delegation of Australia, entitled 'Régimes for Monitoring Super-toxic Lethal Chemicals Made for Pharmaceutical Purposes'.

- CD/CW/WP.156, dated 18 February 1987, presented by the Chairman of the Ad Hoc Committee, entitled 'Issues Pertaining to Chemical Weapons Stocks - Cluster I: Suggestions by the Chairman of the Ad Hoc Committee'.

- CD/CW/WP.157, dated 26 February 1987, presented by the delegation of Peru, entitled 'Some comments on Articles X, XI and XII of the Draft Convention on Chemical Weapons (CD/734)'.

- CD/CW/WP.158, dated 4 March 1987, entitled 'Interim Report of the Co-ordinator on Issues Pertaining to Chemical Weapons Stocks (Cluster I)'.

- CD/CW/WP.159, dated 19 March 1987, presented by the delegation of the Federal Republic of Germany, entitled 'Chemical Weapons Convention: Collection and Forwarding of Data and Other Information to Verify the Non-production of Chemical Weapons'.

- CD/CW/WP.160, dated 20 March 1987, entitled 'Cluster I: Issues Pertaining to Chemical Weapons Stocks. Revised Attachment (E) to CD/CW/WP.158. Proposed New Section VI of Annex IV'.

- CD/CW/WP.161, dated 30 March 1987, entitled 'Interim Report of the Co-ordinator on Issues Pertaining to Non-Production of Chemical Weapons (Cluster III)'.

- CD/CW/WP.162, dated 6 April 1987, submitted by the delegation of Mongolia, entitled 'Working Paper: Order of Elimination of Chemical Weapons Stocks'.

- CD/CW/WP.163, dated 13 April 1987, entitled 'Cluster III: Proposal by the Item Co-ordinator'.

- CD/CW/WP.164, dated 22 April 1987, entitled 'Interim Report of the Co-ordinator on Issues Pertaining to the Organization and Functions of the Consultative Committee and its Organs (Cluster IV)'.
- CD/CW/WP.165, dated 23 April 1987, submitted by the delegation of Pakistan, entitled 'Proposal on Article X (Assistance) of the Draft Convention on Chemical Weapons' (also issued as document CD/752).
- CD/CW/WP.166, dated 24 April 1987, submitted by the delegation of the German Democratic Republic, entitled 'Working Paper: Definition of Thresholds'.
- CD/CW/WP.167, dated 27 April 1987, entitled 'Current stage of the negotiations on a Chemical Weapons Convention'.
- CD/CW/WP.168, dated 27 April 1987, entitled 'Interim Report of the Co-ordinator on Issues Pertaining to Chemical Weapons Production Facilities (Cluster II)'.
- CD/CW/WP.169, dated 15 June 1987, submitted by the delegation of Spain, entitled 'Elimination of Super-toxic Lethal Chemicals (Annex IV)'.
- CD/CW/WP.170, dated 2 July 1987, submitted by the delegation of Bulgaria, entitled 'Possible Approach to Determine the Frequency of Inspections of Facilities Handling Schedule [2] Chemicals'.
- CD/CW/WP.171, dated 13 July 1987, submitted by the delegation of the United States of America, entitled 'Declaration of Chemical Production Capacity'.
- CD/CW/WP.172, dated 20 July 1987, entitled 'Interim Report of the Co-ordinator on Issues Pertaining to Non-Production of Chemical Weapons (Cluster III)'.
- CD/CW/WP.173, dated 24 July 1987, submitted by the delegations of Canada and Norway, entitled 'Explanation of the Origins of the Proposed Annex to Article IX (CD/766) in Relation to the Rolling Text (CD/CW/WP.167)'.
- CD/CW/WP.174, dated 30 July 1987, submitted by the delegation of Japan, entitled 'Verification of Non-Production under the Chemical Weapons Convention'.
- CD/CW/WP.175, dated 31 July 1987, entitled 'Report of the Co-ordinator on Issues Pertaining to the Organization and Functions of the Consultative Committee and its Organs (Cluster IV)'.
- CD/CW/WP.176, dated 6 August 1987, submitted by the delegation of Brazil, entitled 'Convention on Chemical Weapons: Aspects Related to Economic and Technological Development'.

- CD/CW/WP.177 dated 7 August 1987, and CD/CW/WP.177/Rev.1 dated 12 August 1987, entitled 'Report of the Co-ordinator on Issues Pertaining to Chemical Weapons Stocks (Cluster I)'.
- CD/CW/WP.178, dated 7 August 1987, submitted by the delegation of Canada, entitled 'Identification of Chemical Substances'.
- CD/CW/WP.179, dated 14 August 1987, entitled 'Draft Report of the Ad Hoc Committee on Chemical Weapons to the Conference on Disarmament'.
- CD/CW/WP.180, dated 19 August 1987, submitted by the delegation of Japan, entitled 'Comments on the "Guidelines for Schedule [1]" (CD/CW/WP.179, Appendix II)'.
- CD/CW/WP.181, dated 25 August 1987, submitted by the delegation of Finland, entitled 'Air Monitoring as a Means for the Verification of Chemical Disarmament' (also issued as document CD/785).

"III. SUBSTANTIVE WORK DURING THE 1987 SESSION

"7. In accordance with its mandate, the Ad Hoc Committee continued the negotiation and further elaboration of the Convention, utilizing Appendices I and II of CD/734 (Report of the Ad Hoc Committee on Chemical Weapons on its work during the period 12-30 January 1987), as well as other new proposals presented by the Chairman of the Committee and by delegations.

"8. To this effect it accepted the Chairman's proposal as contained in the outline for the organization and programme of work for the Committee (CD/CW/WP.154) to group issues covering the subject matter contained in Articles I-IX of the draft convention, as follows:

- | | |
|---------------------|--|
| <u>Cluster I:</u> | Issues pertaining to chemical weapons stocks
(<u>Co-ordinator</u> : Mr. Philippe Nieuwenhuys, Belgium) |
| <u>Cluster II:</u> | Issues pertaining to chemical weapons production facilities
(<u>Co-ordinator</u> : Mr. Philippe Nieuwenhuys, Belgium) |
| <u>Cluster III:</u> | Issues pertaining to non-production of chemical weapons
(<u>Co-ordinator</u> : Mr. Pablo Macedo, Mexico) |
| <u>Cluster IV:</u> | Issues pertaining to the organization and functions of the Consultative Committee and its organs, as well as issues pertaining to consultation, co-operation and fact-finding, including challenge inspection.
(<u>Co-ordinator</u> : Dr. Walter Krutzsch, German Democratic Republic) |

"9. In addition, the Chairman of the Committee undertook intensive consultations on the issue of 'Challenge Inspection' in preparation for its consideration by the Committee.

"10. The Committee also accepted the Chairman's proposal to utilize ad hoc assistance from delegations on the following issues: 'Jurisdiction and Control'; 'Assistance' (Article X of the draft convention); 'Definitions of "Industrial Scale"'; and 'Schedule [2]'.

"11. On the basis of the results achieved in the negotiations, Appendix I of CD/734 has been revised to reflect the present stage of the negotiations of the draft Convention.

"IV. CONCLUSIONS AND RECOMMENDATIONS

"12. Appendix I to this Report reflects the present stage of negotiations on a Chemical Weapons Convention; however, the draft texts contained therein do not bind any delegation.

"13. The Ad Hoc Committee recommends to the Conference on Disarmament:

"(a) that Appendix I to this Report be used for further negotiation and drafting of the Convention;

"(b) that other documents reflecting the results of the work of the Ad Hoc Committee as contained in Appendix II to this report, together with other relevant present and future documents of the Conference, also be utilized in the further negotiation and elaboration of the Convention;

"(c) that work on the Convention, under the Chairmanship of Ambassador Rolf Ekéus of Sweden, be resumed as follows:

- (i) that, in preparation for the resumed session, private consultations be undertaken in Geneva by the Chairman during the period 23-27 November 1987 with delegations present;
- (ii) that for that purpose, open-ended consultations of the Ad Hoc Committee be held between 30 November and 16 December 1987 including, when necessary, meetings with full services;
- (iii) that the Ad Hoc Committee hold a session of limited duration during the period 12-29 January 1988.

"(d) that the Ad Hoc Committee be re-established at the outset of the 1988 session and that the decision on Chairmanship and mandate of the Ad Hoc Committee will be taken at the beginning of the reconvening of the Conference in 1988.

"APPENDIX I

"Preliminary structure of a Convention on chemical weapons 1/

"Preamble

- I. General provisions on scope
 - II. Definitions and Criteria
 - III. Declarations
 - IV. Chemical weapons
 - V. Chemical weapons production facilities
 - VI. Activities not prohibited by the Convention
 - VII. National implementation measures
 - VIII. Consultative Committee
 - IX. Consultations, co-operation and fact finding
 - X. Assistance
 - XI. Economic and technological development
 - XII. Relation to other international agreements
 - XIII. Amendments
 - XIV. Duration, withdrawal
 - XV. Signature, ratification, entry into force
 - XVI. Languages
- Annexes and other documents

^{1/} Discussions are still continuing on where different issues like verification measures are to be placed under this structure.

"Preamble 1/

"The States Parties to this Convention

"Determined to act with a view to achieving effective progress towards general and complete disarmament under strict and effective international control, including the prohibition and elimination of all types of weapons of mass destruction,

"Desiring to contribute to the realization of the purposes and principles of the Charter of the United Nations,

"Recalling that the General Assembly of the United Nations Organization has repeatedly condemned all actions contrary to the principles and objectives of the Protocol for Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925,

"Recognizing that the Convention reaffirms principles and objectives of and obligations assumed under the Geneva Protocol of 17 June 1925, and the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction signed at London, Moscow and Washington on 10 April 1972,

"Bearing in mind the objective contained in Article IX of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction,

"Determined for the sake of all mankind, to completely exclude the possibility of the use of chemical weapons, through the implementation of the provisions of this Convention, thereby complementing the obligations assumed under the Geneva Protocol of June 1925,

"Considering that the achievements in the field of chemistry should be used exclusively for the benefit of mankind,

"Convinced that the complete and effective prohibition of the development, production and stockpiling of chemical weapons, and their destruction, represents a necessary step towards the achievement of these common objectives.

"Have agreed as follows:

"1/ Some delegations consider that the texts contained in the Preamble require further consideration.

"I. GENERAL PROVISIONS ON SCOPE

"1. Each State Party undertakes not to:

- develop, produce, otherwise acquire, stockpile or retain chemical weapons, or transfer, directly or indirectly, chemical weapons to anyone.

"2. Each State Party undertakes not to:

- assist, encourage or induce, in any way, anyone to engage in activities prohibited to Parties under this Convention.

"3. Each State Party undertakes not to use chemical weapons. 1/ 2/

"4. [Each State Party undertakes not to [conduct other activities in preparation for use of chemical weapons] [engage in any military preparations for use of chemical weapons].]

"5. Each State Party undertakes to destroy chemical weapons which are in its possession or under its [jurisdiction or] control. 3/

"6. Each State Party undertakes to [destroy] [destroy or dismantle] chemical weapons production facilities which are in its possession or under its [jurisdiction or] control.

"1/ It is understood that this provision is closely linked to the definition of chemical weapons in another part of the Convention, the final formulation of which is yet to be agreed upon. It is also understood that this provision does not apply to the use of toxic chemicals and their precursors for permitted purposes still to be defined and to be provided for in the Convention. This provision is also closely linked to a provision in the Convention to be agreed upon relating to reservations.

"2/ The question of herbicides is subject to ongoing consultations. The 1986 Chairman of these open-ended consultations has suggested the following formulation for a provision on herbicides: "Each State Party undertakes not to use herbicides as a method of warfare; such a prohibition should not preclude any other use of herbicides".

"3/ The view was expressed that the application of this provision to the destruction of discovered old chemical weapons needs to be further discussed. Another view was expressed that the application of this provision does not allow for any exceptions.

"II. DEFINITIONS AND CRITERIA

"For the purposes of this Convention:

"1. 1/ The term 'chemical weapons' shall apply to the following, together or separately: 2/

"(i) toxic chemicals, including super-toxic lethal chemicals, other lethal chemicals, other harmful chemicals and their precursors, including key precursors [and key components of binary and/or multicomponent chemical systems for chemical weapons], 3/ except such chemicals intended for purposes not prohibited by the Convention as long as the types and quantities involved are consistent with such purposes;

"(ii) munitions and devices, specifically designed to cause death or other harm through the toxic properties of those toxic chemicals, as referred to above, which would be released as a result of the employment of such munitions and devices;

"1/ The definitions of chemical weapons are presented on the understanding that problems related to irritants used for law enforcement and riot control, and also to chemicals intended to enhance the effect of the use of chemical weapons if their inclusion in the Convention is agreed could be handled outside the definitions of chemical weapons if this will result in a more clear and understandable definition. Preliminary suggestions to solve these problems are given below and consultations on them will be continued.

"2/ One delegation expressed its reservation on the present formulation of the definition of chemical weapons and on the terminology used in (i) that failed to reflect the general purpose criterion.

"3/ Some delegations consider that further deliberation is required in order to clarify at a later stage of the negotiations the implications of this definition for other parts of the Convention. This applies to other relevant parts of the Appendix. Other delegations consider that key component of binary and/or multicomponent chemical system for chemical weapons means: a component which poses a special risk to the objectives of the Convention as it can be an integral part in a chemical weapons munition or device and can form toxic chemicals at the moment of their employment and possesses the following characteristics: (a) reacts (interacts) rapidly with other component(s) of binary and/or multicomponent chemical system during the munition's flight to the target and gives a high yield of final toxic chemical; (b) plays an important role in determining the toxic properties of the final product; (c) may not be used, or be used only in minimal quantities, for permitted purposes; (d) possesses the stability necessary for long-term storage.

"(iii) any equipment specifically designed for use directly in connection with the employment of such munitions or devices;

- [The term "chemical weapons" shall not apply to those chemicals which are not super-toxic lethal, or other lethal chemicals and which are approved by the Consultative Committee for use by a Party for domestic law enforcement and domestic riot control purposes.]
- [States Parties agree not to [develop, produce, stockpile or] utilize for chemical weapons chemicals intended to enhance the effect of the use of such weapons.]

"[2. 'Toxic chemicals' means:

"chemicals [however or wherever they are produced], [whether produced in plants, munitions or elsewhere] [regardless of the method and pattern of production] whose toxic properties can be utilized to cause death or temporary or permanent harm, to man or animals involving:]

"[2. 'Toxic chemicals' means:

"any chemical, regardless of its origin or method of production which through its chemical action on life processes can cause death, temporary incapacitation, or permanent harm to man or animals

"Toxic chemicals are divided into the following categories:]

"(a) 'super-toxic lethal chemicals', which have a median lethal dose which is less than or equal to 0.5 mg/kg (subcutaneous administration) or 2,000 mg-min/m³ (by inhalation) when measured by an agreed method 1/ set forth in ...

"(b) 'other lethal chemicals', which have a median lethal dose which is greater than 0.5 mg/kg (subcutaneous administration) or 2,000 mg-min/m³ (by inhalation) and less than or equal to 10 mg/kg (subcutaneous administration) or 20,000 mg-min/m³ (by inhalation) when measured by an agreed method set forth in ...

"[(c) 'other harmful chemicals', being any [toxic] chemicals not covered by (a) or (b) above, [including toxic chemicals which normally cause temporary incapacitation rather than death] [at similar doses to those at which super-toxic lethal chemicals cause death].]

"1/ It was noted that after such measurements had actually been performed, the figures mentioned in this and the following section might be subject to slight changes in order to cover sulphur mustard gas under the first category.

"[and 'other harmful chemicals' has a median lethal dose which is greater than 10 mg/kg (subcutaneous administration) or 20,000 mg-min/m³ (by inhalation).]

"3. Purposes not prohibited by the Convention means:

"(a) industrial, agricultural, research, medical or other peaceful purposes, domestic law enforcement purposes; and military purposes not connected with the use of chemical weapons.

"(b) protective purposes, namely those purposes directly related to protection against chemical weapons; 1/

"4. 'Precursor' means:

a chemical reagent which takes part in the production of a toxic chemical.

"(a) 'Key Precursor' means:

a precursor which poses a significant risk to the objectives of the Convention by virtue of its importance in the production of a toxic chemical.

"It may possess [possesses] the following characteristics:

"(i) It may play [plays] an important role in determining the toxic properties of a [toxic chemicals prohibited by the Convention] [super-toxic lethal chemical].

"(ii) It may be used in one of the chemical reactions at the final stage of formation of the [toxic chemicals prohibited by the Convention] [super-toxic lethal chemical].

"[(iii) it may [is] not be used, or [is] used only in minimal quantities, for permitted purposes.] 2/

"Key precursors are listed in ...

"1/ The suggestion that such permitted protective purposes should relate only to "an adversary's use of" chemical weapons was removed pending a decision on whether in the Convention the question of prohibiting other military preparations for use of chemical weapons than those mentioned under scope should be dealt with.

"2/ The position of this paragraph should be decided in relation to how some chemicals, for instance, isopropylalcohol, are dealt with in the Convention.

"For the purpose of the relevant provisions in a Chemical Weapons Convention key precursors should be listed and subject to revisions according to [characteristics] [guidelines].

"Chemicals which are not key precursors but are deemed to pose a [threat] [particular risk] with regard to a Chemical Weapons Convention should be included in a list.

"[(b) Key component of binary and/or multicomponent chemical systems for chemical weapons means:]

"[a key precursor which forms a toxic chemical in the binary or multicomponent weapons munition or device and which has the following additional characteristics (to be elaborated):]

"5. 'Chemical weapons production facility' means:

- Chemical weapons production facility means [any building or equipment designed, constructed or used [in any degree] for the production of chemical weapons] or for filling chemical weapons.
- Chemical weapons production facility means [any building or any equipment which in any degree was designed, constructed or used since 1 January 1946, for:

"(a) the production for chemical weapons of any toxic chemical, except for those listed in Schedule [3], or the production for chemical weapons of any precursors;] or

"(b) the filling of chemical weapons.

"III. DECLARATIONS 1/

"1. Each State Party shall submit to the Consultative Committee, not later than 30 days after the Convention enters into force for it, the following declarations:

"(a) Chemical Weapons

"(i) whether it has any chemical weapons under its jurisdiction or control 2/ anywhere;

"(ii) whether it has on its territory any chemical weapons under the jurisdiction or control of others, including a State not Party to the Convention;

"(iii) whether it has transferred or received any chemical weapons and whether it has transferred to or received from anyone the control over such weapons since [1 January 1946] [26 March 1975].

"(b) Chemical Weapons Production Facilities

"(i) whether it has [at the time of entry into force of the Convention for it] any chemical weapons production facilities under its jurisdiction or control anywhere or has had such facilities at any time since [1.1.1946];

"(ii) whether it has [at the time of entry into force of the Convention for it] any chemical weapons production facilities on its territory under the jurisdiction or control of others, including a State not Party to this Convention, or has had such facilities at any time since [1.1.1946];

"(iii) whether it has transferred or received any equipment for the production of chemical weapons [and documentation relevant to the production of chemical weapons] since [1.1.1946], and whether it has transferred to, or received from, anyone the control of such equipment [and documentation].

"1/ The view was expressed that the Annex to this Article needs to be reviewed.

"2/ It is agreed that the concept of 'jurisdiction or control' requires additional discussion and elaboration. To facilitate work on the issue an informal discussion-paper dated 20 March 1987 was prepared, on the request of the Chairman of the Committee, by Dr. Bolewski (Federal Republic of Germany), Dr. Szénási (Hungary) and Mr. Effendi (Indonesia).

"(c) Other declarations

"The precise location, nature and general scope of activities of any facility and establishment 1/ on its territory or under its jurisdiction or under its control anywhere 2/ designed, constructed or used since [1.1.46] for development of chemical weapons, inter alia, laboratories and test and evaluation sites.

"2. Each State Party making affirmative statements in regard to any of the provisions under subparagraphs 1a and 1b of this Article shall carry out all relevant measures envisaged in any or all of Articles IV and V.

"1/ The scope of the phrase 'any facility and establishment' is to be clarified and an appropriate formulation found.

"2/ It is agreed that the concept of 'on its territory or under its jurisdiction or under its control anywhere' requires additional discussion and elaboration.

"IV. CHEMICAL WEAPONS

"1. The provisions of this article and its Annex shall apply to any and all chemical weapons under the jurisdiction or control of a State Party, regardless of location, including those on the territory of another State.

"2. Each State Party, within 30 days after the Convention enters into force for it, shall submit a declaration which:

"(a) specifies the [precise location,] 1/ aggregate quantity and detailed inventory of any chemical weapons under its jurisdiction or control;

"(b) reports any chemical weapons on its territory under the jurisdiction or control of others, including a State not Party to this Convention; 2/

"(c) specifies any transfer or receipt by the State Party of any chemical weapons since [1 January 1946] [26 March 1975] or any transfer of control by that State Party of such weapons; and

"(d) provides its general plan for destruction of its chemical weapons.

"3. [Each State Party shall, immediately after the declaration under para. 2 of this Article has been submitted, provide access to its chemical weapons for the purpose of systematic international on-site verification of the declaration through on-site inspection. Thereafter, each State Party shall ensure, through access to its chemical weapons for the purpose of systematic international on-site verification and through on-site inspection and continuous monitoring with on-site instruments, that the chemical weapons are not removed except to a destruction facility.] 1/

"4. Each State Party shall submit detailed plans for the destruction of chemical weapons not later than [3][6] months before each destruction period begins. The detailed plans shall encompass all stocks to be destroyed during the next coming period, and shall include the precise location and the detailed composition of the chemical weapons which are subject to destruction during that period.

"5. Each State Party shall:

"(a) destroy all chemical weapons pursuant to the Order specified in the Annex to Article IV, beginning not later than 12 months and finishing not later than 10 years after the Convention enters into force for it;

"1/ One delegation reserved its position on this question.

"2/ A question was raised as to the applicability of this subparagraph.

"(b) provide information annually regarding the implementation of its plans for destruction of chemical weapons; and

"(c) certify, not later than 30 days after the destruction process has been completed, that all chemical weapons have been destroyed.

"6. Each State Party shall provide access to any chemical weapons destruction facilities and the facilities' storage for the purpose of systematic international on-site verification of destruction through the continuous presence of inspectors and continuous monitoring with on-site instruments, in accordance with the Annex to Article IV. 1/

"7. Any chemical weapons discovered by a State Party after the initial declaration of chemical weapons shall be reported, secured and destroyed, as provided in the Annex to Article IV. 2/

"8. All locations where chemical weapons are [stored or] 3/ destroyed shall be subject to systematic international on-site verification, through on-site inspection and monitoring with on-site instruments in accordance with the Annex to Article IV. 1/

"9. Any State Party which has on its territory chemical weapons which are under the control of a State that is not a Party to this Convention shall ensure that such weapons are removed from its territory not later than ... months after the date on which the Convention entered into force for it.

"10. The declaration, plans and information submitted by each State Party under this article shall be made in accordance with the Annex to Article III and the Annex to Article IV.

"1/ The provisions of the Annex to Article IV, which address verification, require further elaboration.

"2/ Consultations were carried out on this issue. The results are reflected in CD/CW/WP.177/Rev.1. Different views were expressed, inter alia on the question of the responsibility for the destruction of these weapons. Further work is needed.

"3/ One delegation reserved its position on this question.

"V. CHEMICAL WEAPONS PRODUCTION FACILITIES

"1. The provisions of this article shall apply to any and all chemical weapons production facilities under the jurisdiction or control of a State Party, regardless of location. 1/

"2. Each State Party with any chemical weapons production facility shall cease immediately all activity at each chemical weapons production facility except that required for closure.

"3. No State Party shall construct any new facility or modify any existing facility for the purpose of chemical weapons production or for any other purpose prohibited by the Convention. 2/

"4. Each State Party, within 30 days after the Convention enters into force for it, shall submit a declaration which:

"(a) specifies any chemical weapons production facilities under its jurisdiction or control, or on its territory under the control of others, 3/ including a State not party to this Convention, at any time since [1 January 1946] [at the time of entry into force of the Convention];

"(b) specifies any transfer or any receipt by the State Party of any equipment for the production of chemical weapons [and documentation relevant to the production of chemical weapons] since [1.1.1946] or any transfer of control by that Party of such equipment [and documentation];

"(c) specifies actions to be taken for closure of each chemical weapons production facility;

"(d) outlines its general plan for destruction [or reconstruction for peaceful purposes] for each chemical weapons production facility, and

"(e) outlines its general plan for any temporary conversion of any chemical weapons production facility into a facility for destruction of chemical weapons.

"1/ It is understood that the above provisions also apply to any facility on the territory of another State [regardless of ownership and form of contract, on the basis of which they have been set up and functioned for the purposes of production of chemical weapons].

"2/ Some delegations consider this paragraph redundant.

"3/ Some delegations expressed doubts as to the applicability of this phrase.

"5. Each State Party shall, immediately after the declaration, under para. 4, has been submitted, provide access to each chemical weapons production facility for the purpose of [systematic] international on-site verification of the declaration through on-site inspection.

"6. Each State Party shall:

"(a) close within three months after the Convention enters into force for it, each chemical weapons production facility in a manner that will render each facility inoperable; and

"(b) provide access to each chemical weapons production facility, subsequent to closure, for the purpose of systematic international on-site verification through periodic on-site inspection and continuous monitoring with on-site instruments in order to ensure that the facility remains closed and is subsequently [dismantled and] destroyed, or [dismantled] [and reconstructed for peaceful purposes].

"7. Each State Party shall submit detailed plans for [destruction] [elimination] of each facility not later than [3 months] before the [destruction] [elimination] [conversion] of the facility begins. 1/

"8. Each State Party shall:

"(a) [destroy] [eliminate] all chemical weapons production facilities pursuant to [the [order] [schedule] specified in] the Annex to Article V beginning not later than 12 months, and finishing not later than 10 years, after the Convention enters into force for it; 2/

"(b) provide information annually regarding the implementation of its plans for the [destruction] [elimination] of its chemical weapons production facilities, and

"(c) certify, not later than 30 days after the destruction process has been completed, that its chemical weapons production facilities have been [destroyed] [eliminated].

"9. A chemical weapons production facility may be temporarily converted for destruction of chemical weapons. Such a converted facility must be [destroyed] [eliminated] as soon as it is no longer in use for destruction of chemical weapons and, in any case, not later than 10 years after the Convention enters into force for the State Party.

"1/ One delegation held the view that the detailed plans in question should be submitted by each State Party within twelve months of the entry into force of the Convention for it.

"2/ Some delegations expressed the desire to see the elimination of chemical weapons production facilities at the earliest opportunity.

"10. [Each State Party shall submit all chemical weapons production facilities] [All chemical weapons production facilities] shall be subject to systematic international on-site verification through on-site inspection and monitoring with on-site instruments in accordance with the Annex to Article V.

"11. The declaration, plans and information submitted by each State Party under this article shall be made in accordance with the Annex to Article V.

"VI. ACTIVITIES NOT PROHIBITED BY THE CONVENTION 1/

"1. Each State Party:

"(a) has the right, subject to the provisions of this Convention, to develop, produce, otherwise acquire, retain, transfer and use toxic chemicals and their precursors for purposes not prohibited by the Convention.

"(b) shall ensure that toxic chemicals and their precursors are not developed, produced, otherwise acquired, retained, transferred, or used within its territory or anywhere under its jurisdiction or control for purposes prohibited by the Convention.

"2. Toxic Chemicals and their Precursors:

"(a) Toxic chemicals and their precursors considered in the Annexes to Article VI [1], [2], [3] and [4], which could be used for purposes prohibited by the Convention, as well as facilities which produce, process or consume these toxic chemicals or precursors, shall be subject to international monitoring as provided in those annexes:

Annex to Article VI [1] Schedule [1]: Super-Toxic Lethal Chemicals and [especially dangerous key precursors] [key components of chemicals weapons systems].

Annex to Article VI [2] Schedule [2]: Key Precursors.

Annex to Article VI [3] Schedule [3]: Chemicals produced in large commercial quantities and which could be used for chemical weapons purposes.

Annex to Article VI [4]: Commercial production of toxic chemicals not listed in Schedules [1], [2] or [3] that might be relevant to the Convention. 2/

"1/ One delegation considers that the terminology used in this article and its annexes should be consistent with the final definition of chemical weapons to be agreed upon.

"2/ Some delegations consider that these chemicals should be dealt with in the Annex to Article VI [2] Schedule [2]. Other delegations consider that a separate Annex is required.

"(b) The schedules of chemicals contained in the annexes may be revised. Modalities for revision are contained in the Annex to Article [VI] [0.]. 1/

"3. Within 30 days of the entry into force of it, each State Party shall declare data on relevant chemicals and the facilities which produce them, in accordance with the Annex to Article VI [1], [2], [3] and [4]. 2/

"4. Each State Party shall make an annual declaration regarding the relevant chemicals in accordance with the Annex to Article VI [1], [2], [3] and [4]. 2/

"5. Each State Party undertakes to subject the chemicals and [facility] [facilities] under the Annex to Article VI [1] to the measures contained in that annex.

"6. Each State Party undertakes to subject the chemicals and facilities under the Annex to Article VI [2] and [4] 2/ to monitoring by data reporting and routine systematic international on-site verification, through on-site inspection and use of on-site instruments as long as production and processing are not impaired.

"7. Each State Party undertakes to subject the chemicals and facilities under the Annex to Article VI [3] to monitoring by data reporting.

"8. The provisions of this article shall be implemented in a manner designed in so far as possible to avoid hampering the economic or technological development of parties to the Convention and international co-operation in the field of peaceful chemical activities including the international exchange of scientific and technical information and chemicals and equipment for the production, processing or use of chemicals for peaceful purposes in accordance with the provisions of the Convention. 3/

"9. In conducting verification activities, the (Consultative Committee) shall:

"(a) avoid undue interference in the State Party's peaceful chemical activities;

"1/ Furthermore, work was carried out on guidelines for considering inclusion of chemicals in Schedule [1]. The result of this work is enclosed in Appendix II to serve as a basis for future work.

"2/ Some delegations consider that the chemicals in the Annex to Article VI [4] should be dealt with in the Annex to Article VI [2] Schedule[2]. Other delegations consider that a separate Annex is required.

"3/ The inclusion of this paragraph in this article is to be considered further.

"(b) take every precaution to protect confidential information coming to its knowledge in the implementation of the Convention; and

"(c) require only the minimum amount of information and data necessary for the carrying out of its responsibilities under the Convention.

"10. For the purpose of on-site verification, each State Party shall grant to the (Consultative Committee) access to facilities as required in the Annex to Article VI [1], [2], [3] and [4]. 1/

"1/ Some delegations consider that the chemicals in the Annex to Article VI [4] should be dealt with in the Annex to Article VI [2] Schedule [2]. Other delegations consider that a separate Annex is required.

"VII. NATIONAL IMPLEMENTATION MEASURES

"Each State Party to this Convention shall adopt any measures it considers necessary in accordance with its constitutional processes to implement this Convention and, in particular, to prohibit and prevent anywhere under its jurisdiction or control any activity that a State Party to this Convention is prohibited from conducting by this Convention.

"In order to implement these obligations, each State Party shall, according to its needs and specific conditions, designate or establish a national authority. 1/

"Each State Party undertakes to inform the Consultative Committee concerning the national authority and other legislative and administrative measures taken to implement the Convention.

"Each State Party undertakes to co-operate with the Consultative Committee in the exercise of all its functions and in particular to provide assistance to the Consultative Committee including data reporting, assistance for international on-site inspections, provided for in this Convention, and a response to all its requests for the provision of expertise, information and laboratory support.

"National Technical Means 2/

"1/ It was suggested that guidelines for the functioning of the national authority for the implementation of the Convention be elaborated.

"2/ It was suggested that no reference to National Technical Means is needed in a future Convention.

"VIII. CONSULTATIVE COMMITTEE 1/ 2/

"A. Establishment of the Consultative Committee

- "1. There is hereby established the Consultative Committee.
- "2. The Consultative Committee shall be the principal organ of the Convention.
- "3. The first session of the Consultative Committee shall be convened by the Depositary at [venue] not later than 30 days after the entry into force of the Convention.

"B. Composition, procedure and decision-making

- "1. The Consultative Committee shall be composed of all the States Parties to this Convention. Each State Party to this Convention shall have one representative in the Consultative Committee, who may be accompanied by alternates and advisers.
- "2. The Consultative Committee shall meet in regular annual sessions and in such special sessions as may be convened at the request of ... members of the Consultative Committee or of the Executive Council or as provided in Article IX of the Convention.
- "3. Sessions shall take place at the seat of the Consultative Committee unless it decides otherwise.
- "4. The Consultative Committee shall adopt its rules of procedure. At the beginning of each regular session, it shall elect its Chairman and such other officers as may be required. They shall hold office until a new Chairman and other officers are elected at the next regular session.
- "5. A majority of the members of the Consultative Committee shall constitute a quorum.
- "6. Each member of the Consultative Committee shall have one vote.
- "[[7. Decisions on questions of procedure, including decisions to convene special sessions of the Consultative Committee, shall be taken by a simple majority.

"1/ Some delegations suggested that the question of how the expenses of the Consultative Committee shall be met needs to be addressed within the Convention at an appropriate time.

"2/ Extensive consultations on Article VIII were carried out by the co-ordinator for Cluster IV. Appendix II, contains material submitted by him, to be considered in the further elaboration of the Article.

"8. Decisions on questions of substance shall be taken by [a two-third majority] [consensus]. When the issue arises as to whether a question is one of substance or not, that question shall be treated as one of substance unless otherwise decided by the Consultative Committee by the majority required for decisions on questions of substance.]]

"[[7. All decisions shall be taken by a two-third majority.]]

"C. Powers and functions

"1. The Consultative Committee shall [oversee] [review] the implementation of the Convention, consider any questions or matters relevant to the Convention or relating to the powers and functions of any subsidiary organs [established by the Consultative Committee], foster consultation and co-operation among States Parties [for the advancement of chemical industry for peaceful purposes] and promote the verification of compliance with this Convention.

"2. In carrying out its functions [referred to in paragraph 1], the Consultative Committee shall inter alia:

"(a) co-operate with the appropriate national authorities of States Parties;

"(b) facilitate consultations and co-operation among States Parties at their request;

"(c) review scientific and technical developments which could affect the operation of this Convention;

"(d) encourage international scientific and technical co-operation in the chemical field for peaceful purposes, [especially with the objective of promoting the advancement of chemical industry in the developing States as provided in Article XI;]

"(e) carry out all activities relating to measures of verification; for this purpose, the Consultative Committee shall:

"(i) specify procedures for systematic international on-site inspection;

"(ii) oversee [and carry out] systematic international on-site inspection in accordance with Articles ...;

"[(iii) consider and decide on requests to send a fact-finding mission in accordance with Article ...;]

"(iv) carry out fact-finding activities in accordance with Article IX;

"(f) establish and revise as necessary, procedures for exchange of information, for declarations and for technical matters related to the implementation of this Convention;

"(g) receive, keep [and make available to States Parties] declarations, plans and notifications presented by States Parties in accordance with Articles ...;

"(h) provide a forum for discussion of any questions raised relating to the objectives or the implementation of the Convention;

"(i) elect the members of the Executive Council in accordance with Article ...;

"[(j) elect ... (the head of the Secretariat) from among the candidates proposed by members of the Consultative Committee;]

"[(k) appoint inspectors as the staff of the Inspectorate and the head of the Inspectorate;]

"(l) establish, as appropriate, such subsidiary organs as it finds necessary for the exercise of its functions in accordance with this Convention;

"(m) adopt the rules of procedure [of the Executive Council including the method of selecting its Chairman];

"(n) consider and approve the proposed annual budget of the Consultative Committee and its subsidiary organs submitted by the Council;

"(o) consider and approve the reports of the Executive Council;

"(p) after the expiry of a period of ... years from the date of entry into force of this Convention, undertake a review of the operation of this Convention in accordance with Article ... 1/

"3. The Consultative Committee shall establish an Executive Council [within 45 days after the entry into force of the Convention].

"4. While the Consultative Committee is ultimately responsible for the functions provided for in paragraph 2, it shall delegate the actual implementation of those functions to the Executive Council in accordance with the provisions of this Convention.

"1/ Some delegations were of the view that provisions on review should be more appropriately included in another part of the Convention.

"EXECUTIVE COUNCIL 1/

"A. Composition, procedure and decision-making

"1. The Executive Council shall consist of [15] States Parties to this Convention elected by the Consultative Committee. [In addition, those permanent members of the Security Council of the United Nations which are parties to the Convention should be represented]. Each member of the Executive Council shall have one representative in the Council, who may be accompanied by alternates and advisers.

"2. The members of the Executive Council shall be elected on the basis of [an appropriate geographic and political balance.]

"3. Election shall take place at regular sessions of the Consultative Committee. Each [elected] member of the Executive Council shall serve for [two] [three] years period, with [five] of the members elected each year.

"4. The Executive Council shall function at the seat of the Consultative Committee.

"[5. A majority of the members of the Executive Council shall constitute a quorum.]

"6. Each member of the Executive Council shall have one vote.

"[[7. Decisions on questions of procedure shall be taken by a simple majority.

"8. Decisions on questions of substance shall be taken by [a two-third majority] [consensus]. When the issue arises as to whether a question is one of substance or not, that question shall be treated as one of substance unless otherwise decided by the Council by the majority required for decisions on questions of substance.]]

"[[7. All decisions shall be taken by a two-third majority.]]

"1/ Some delegations believed that the question of placement within the Convention of some of the provisions relating to the functions of the subsidiary organs will have to be considered at a later stage.

"B. Functions 1/

"1. The Executive Council shall be responsible to the Consultative Committee and shall have delegated authority to discharge the functions of the Consultative Committee as provided in paragraph 1 and paragraph 2 (a) to 2 (h) of Section I Subsection C of this Article.

"2. The Executive Council shall particularly:

"(a) supervise and co-ordinate the activities of the subsidiary organs of the Consultative Committee in implementing the provisions of the Convention;

"(b) ensure the effective implementation of, and compliance with, the Convention;

"(c) propose to the Consultative Committee, as appropriate, the establishment of such subsidiary organs as it finds necessary for the exercise of its functions in accordance with this Convention;

"(d) present reports to the Consultative Committee particularly about the exercise of the functions delegated to it;

"(e) request the ... (head of the Secretariat) when appropriate and necessary, to convene a special meeting of the Consultative Committee;

"[(f) propose to the Consultative Committee the establishment of appropriate mechanisms for directing and supervising the Inspectorate;]

"[(g) propose to the Consultative Committee the appointment of inspectors as the staff of the Inspectorate and appoint among the inspectors the head of the Inspectorate;]

"(h) obtain, keep, and disseminate information submitted by States Parties regarding matters pertaining to the Convention.

"(i) receive requests for information and clarification regarding compliance with the Convention from States Parties, including requests for fact-finding.

"[(j) decide and oversee specific actions to be taken regarding such requests.]

"1/ Some delegations considered that the provisions on the functions of the Executive Council will require further specification in the light of such functions as may be conferred upon the Council in other parts of the Convention, particularly with regard to verification.

"TECHNICAL SECRETARIAT 1/

"1. A Technical Secretariat shall be established to assist the Consultative Committee and the Executive Council in the performance of their functions, including technical assistance to States Parties. The International Inspectorate shall be part of the Technical Secretariat and carry out activities relating to the execution of international verification measures provided for in this Convention. Guidelines on the International Inspectorate are specified in ... 2/

"2. The Technical Secretariat shall comprise a Director, who shall be its head, and inspectors and such scientific, technical and other personnel as may be required.

"3. The Director of the Technical Secretariat shall be appointed for ... years by the Consultative Committee [upon the recommendation of the Executive Council] and shall be responsible to the Consultative Committee and the Executive Council for the appointment of the staff and the organization and functioning of the Technical Secretariat. The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence and integrity. Only citizens of States Parties shall serve as international inspectors or as other members of the professional and clerical staff. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible. Recruitment shall be guided by the principle that the staff shall be kept to a minimum.

"4. In the performance of their duties, the Director of the Technical Secretariat, the inspectors and the other members of the staff shall not seek or receive instructions from any Government or from any other source external to the International Authority. They shall refrain from any action which might reflect on their position as international officials responsible only to the Consultative Committee.

"5. Each State Party shall undertake to respect the exclusively international character of the responsibilities of the Director of the Technical Secretariat, the inspectors and the other members of the staff and not to seek to influence them in the discharge of their responsibilities.

"1/ One delegation noted that the positions, composition and functions of the Technical Secretariat will need further discussion and elaboration.

"2/ Because of considerations under way in some capitals, the question whether to include these guidelines in Appendix I or Appendix II will be decided during the resumed session. For the convenience of delegations Attachment (A) of the Report of the Co-ordinator for Cluster IV (CD/CW/WP.175) is added to this report.

"IX. CONSULTATIONS, CO-OPERATION AND FACT-FINDING 1/

"1. States Parties shall consult and co-operate, directly among themselves, or through the Consultative Committee or other appropriate international procedures, including procedures within the framework of the United Nations and in accordance with its Charter, on any matter which may be raised relating to the objectives or the implementation of the provisions of this Convention.

"2. States Parties to the Convention shall make every possible effort to clarify and resolve, through exchange of information and consultations among them, any matter which may cause doubt about compliance with this Convention, or which gives rise to concerns about a related matter which may be considered ambiguous. [A Party which receives a request from another Party for clarification of any matter which the requesting Party believes causes such doubts or concerns shall provide the requesting Party, within ... days of the request, with information sufficient to answer the doubts or concerns raised along with an explanation on how the information provided resolves the matter.] Nothing in this Convention affects the right of any two or more States Parties to this Convention to arrange by mutual consent for inspections or any other procedures among themselves to clarify and resolve any matter which may cause doubts about compliance or gives rise to concerns about a related matter which may be considered ambiguous. Such arrangements shall not affect the rights and obligations of any State Party under other provisions of this Convention.

"Procedure for requesting clarification

"3. A State Party shall have the right to request the Executive Council to assist in clarifying any situation which may be considered ambiguous or which gives rise to doubts about the compliance of another State Party with the Convention. The Executive Council shall provide appropriate information and data in its possession relevant to the situation which can dispel such doubts, whilst [taking every precaution in] protecting commercial and industrial secrets and other confidential information coming to its knowledge in the implementation of the Convention.

"4. A State Party shall have the right to request the Executive Council to obtain clarification from another State Party on any situation which may be considered ambiguous or which gives rise to doubts about its compliance with the Convention. In such a case, the following shall apply:

"1/ Some delegations expressed the view that the issue of verification of alleged use of chemical weapons and procedures for conducting such inspections had not yet been considered in-depth and should be discussed at a later stage on the basis of the proposed Annex to Article IX (documents CD/766 and CD/CW/WP.173).

"(a) The Executive Council shall forward the request for clarification to the State Party concerned within [24 hours] of its receipt.

"(b) The requested State Party shall provide the clarification to the Executive Council within [seven days] of the receipt of the request.

"(c) The Executive Council shall forward the clarification to the requesting State Party within [24 hours] of its receipt.

"(d) In the event that the requesting State Party deems the clarification to be inadequate, it may request the Executive Council to obtain from the requested State Party further clarification.

"(e) For the purpose of obtaining further clarification requested under paragraph 2 (d), the Executive Council may set up a group of experts to examine all available information and data relevant to the situation causing the doubt. The group of experts shall submit a factual report to the Executive Council on its findings.

"(f) Should the requesting State Party consider the clarification obtained under paragraphs 2 (d) and 2 (e) to be unsatisfactory, it may request a special meeting of the Executive Council in which States Parties involved not members of the Executive Council shall be entitled to take part in accordance with provisions in Article ... In such a special meeting, the Executive Council shall consider the matter and may recommend any measure it deems appropriate to cope with the situation.

"5. A State Party shall have the right to request the Executive Council to clarify any situation which has been considered ambiguous or has given rise to doubts about its compliance with the Convention. The Executive Council shall respond by providing such assistance as appropriate.

"6. The Executive Council shall inform the States Parties to this Convention about any request for clarification provided in this Article.

"7. [If the doubts or concerns of a State Party about compliance have not been resolved within [two months] after the submission of the request for clarification to the Executive Council, or it believes its doubts warrant urgent consideration, without necessarily exercising its right to the challenge procedure, it may request a special session of the Consultative Committee in accordance with Article ... In such a special session, the Consultative Committee shall consider the matter and may recommend any measure it deems appropriate to cope with the situation.]

"Procedure for requesting a fact-finding mission

"The further contents of Article IX remain to be elaborated. 1/

"1/ Consultations on this issue were carried out by the Chairman of the Ad Hoc Committee. The state of affairs, as seen by the Chairman, is presented in Appendix II with the aim of facilitating further consideration of the issue.

"X. ASSISTANCE

"XI. ECONOMIC AND TECHNOLOGICAL DEVELOPMENT

"XII.RELATION TO OTHER INTERNATIONAL AGREEMENTS 1/

"Nothing in this Convention will be interpreted as in any way impairing the obligations assumed under the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925 and in the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, signed at London, Moscow and Washington on 10 April 1972.

"XIII.AMENDMENTS

"XIV. DURATION, WITHDRAWAL 1/

...

"The withdrawal of a State Party from this Convention shall not in any way affect the duty of States to continue fulfilling the obligations assumed under any relevant rules of international law, particularly the Geneva Protocol of 17 June 1925.

"XV. SIGNATURE, RATIFICATION, ENTRY INTO FORCE

"XVI.LANGUAGES

^{1/} Some delegations consider that the texts contained above require further consideration.

"ANNEX TO ARTICLE III

"I. DECLARATIONS OF CHEMICAL WEAPONS

"A. Possession or non-possession

"1. Possession of chemical weapons on own territory

Yes

No

"2. Possession, jurisdiction or control over chemical weapons
elsewhere

Yes

No

"B. Existence on the territory of any chemical weapons under the jurisdiction
or control of anyone else

Yes

No

"C. Past transfers

Yes

No

"II. DECLARATIONS OF CHEMICAL WEAPONS PRODUCTION FACILITIES

"A. Possession or non-possession

"1. Possession of chemical weapons production facilities on own
territory

Yes

No

"2. Possession, jurisdiction or control over chemical weapons
production facilities elsewhere

Yes

No

"B. Existence on the territory of any chemical weapons production facilities under the jurisdiction or control of anyone else

Yes

No

"C. Past transfers of equipment [or technical documentation] ^{1/}

Yes

No

"[III.OTHER DECLARATIONS]

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^{1/} The view was expressed that technical documentation should not be included.

"ANNEX TO ARTICLE IV

"I. DECLARATIONS OF CHEMICAL WEAPONS

"A. The declaration by a State Party of the aggregate quantity [,location], 1/ and detailed composition of chemical weapons under its jurisdiction or control shall include the following:

"1. The aggregate quantity of each chemical declared.

"[2. The precise location of each declared storage site of chemical weapons, expressed by:

- name;
- geographical co-ordinates.] 1/

"3. Detailed inventory 2/ for each storage facility:

"(1) Chemicals defined as chemical weapons in accordance with Article II:

"(a) Chemicals shall be declared within the schedules specified in the Annex to Article VI. 3/

"(b) For a chemical not listed in the Schedules in the Annex to Article VI, 3/ the information required for possible assignment of the chemical to one of the proper schedules shall be provided, including the toxicity of the pure compound. For a precursor chemical, the toxicity and identity of the principal final reaction product(s) shall be provided.

"(c) Chemicals shall be identified by chemical name in accordance with current IUPAC (International Union of Pure and Applied Chemistry) nomenclature, structural formula and Chemical Abstracts Service registry number, if assigned. For a precursor chemical, the toxicity and identity of the principal final reaction product(s) shall be provided.

"(d) In cases involving mixtures of two or more chemicals, all such components shall be identified and the percentage of each component shall be provided, and the mixture shall be declared under the category of the most toxic chemical.

"1/ One delegation reserved its position on this question.

"2/ At a later stage, when agreement has been reached concerning an Order of Destruction the possibility of grouping the declared weapons according to such an Order could be discussed.

"3/ A view was expressed that in the context of Article IV, consideration should be given to the development of schedules applicable to chemical weapons declared under the Article.

"(e) In cases involving multi-component munitions, devices, bulk containers, and other containers, the quantity of each chemical component shall be provided, as well as the projected quantity of the final principal reaction product obtained. Such items shall be declared under the category of the [key precursor] [key component].

"(f) For each chemical the form of storage, i.e. munitions, sub-munitions, devices, equipment or bulk containers and other containers shall be declared. For each form of storage the following shall be listed:

- type
- size or calibre
- number of items
- weight of chemical fill per item 1/
- purity of chemical fill 2/

"(g) For each chemical the total weight present at the storage site shall be declared.

"(h) For each intended chemical fill, unfilled munitions and/or sub-munitions and/or devices and/or equipment, defined as chemical weapons. 3/ 4/ For each type the information shall include:

- the number of items
- the fill volume per item 5/
- alternative chemical fill(s), if known.

"1/ The question of precisely how to determine this weight remain to be resolved.

"2/ Four different approaches have been taken by delegations: (1) initial purity; (2) purity of the compound as stored, with an approximation of some 10 per cent; (3) that declaration of purity was not necessary; (4) that purity is necessary where equivalence has to be calculated.

"3/ At a later stage, when agreement has been reached concerning an Order of Destruction, the possibility of grouping the declared weapons according to such an Order could be discussed.

"4/ Some delegations do not consider the inclusion of this under 3(1) appropriate and prefer to include it under 3(2).

"5/ Some delegations did not consider this information necessary.

"(2) Unfilled munitions and/or sub-munitions and/or devices and/or equipment, defined as chemical weapons. 1/ 2/ For each type the information shall include:

"(a) the number of items

"(b) the fill volume per item 3/

"(c) the intended chemical fill, if known.

"(3) Equipment specifically designed for use directly in connection with the employment of munitions, sub-munitions, devices or equipment under points (1) and (2). (Example: single purpose rocket launchers).

"(4) Chemicals specifically designed for use directly in connection with the employment of munitions, sub-munitions, devices or equipment under points (1) and (2). (Example: thickeners). 4/

"B. Detailed information on any chemical weapons on the territory of a State Party which are under the jurisdiction or control of others, including a State not Party to the convention (to be developed).

"C. Past transfers and receipts.

"A State Party that has transferred or received chemical weapons shall declare this (these) transfer(s) or receipt(s), [provided the amount transferred or received exceeded one metric tonne per chemical 5/ and per year]. This declaration shall be made according to the inventory format in paragraph 3 above. This declaration shall also reflect the supplier and recipient countries, timing and current location, if known, of the transferred items.

"1/ At a later stage, when agreement has been reached concerning an Order of Destruction, the possibility of grouping the declared weapons according to such an Order could be discussed.

"2/ Some delegations do not consider this as a separate declaration but prefer to include this under 3(1).

"3/ Some delegations did not consider this information necessary.

"4/ Different views exist concerning if, or to what extent, such chemicals should be declared. Furthermore, it appears that this question will have to be decided in the light of the final definition of chemical weapons.

"5/ Nominal chemical fill weight for unfilled munitions.

"D. Locations and detailed inventories of chemical weapons stocks to be declared before the commencement of each elimination period 1/

For each stock the following shall be declared:

"1. Location

Geographical location expressed by ...

"2. Detailed inventory

"Composition and quantities of the chemical weapons shall be declared in accordance with paragraph A of this Annex.

"II. 2/ PRINCIPLES, METHODS AND ORGANIZATION OF THE DESTRUCTION OF CHEMICAL WEAPONS

"1. Destruction of chemical weapons means a process by which chemicals are converted in an essentially irreversible way to a form unsuitable for production of chemical weapons, and which in an irreversible manner renders munitions and other devices unusable as such.

"2. Each State Party possessing chemical weapons shall determine how it shall destroy them, except that the following processes may not be used: dumping in any body of water, land burial or open-pit burning. It shall destroy chemical weapons only at specifically designated and appropriately designed and equipped facility(ies).

"3. The State Party shall ensure that its chemical weapons destruction facility(ies) are constructed and operated in a manner to ensure the destruction of the chemical weapons; and that the destruction process can be verified under the provisions of this convention.

"III. PRINCIPLES AND ORDER OF DESTRUCTION 3/

"1. The elaboration of the Order of Destruction shall build on the undiminished security for all States during the entire destruction stage;

"1/ Some delegations held the view that overall declarations should be made within 30 days after the Convention's entry into force for a State Party.

"2/ For some delegations, the question of the applicability of this section of the Annex to obsolete chemical weapons (ordnances) retrieved from the combat zones of World War I will have to be resolved later.

"3/ The further development of this entire section has been subject to consultations by the Chairman of the Ad Hoc Committee, the result of which is enclosed in Appendix II. The Co-ordinator on Cluster I also held some consultations on this question.

confidence-building in the early part of the destruction stage; gradual acquisition of experience in the course of destroying chemical weapons stocks and applicability irrespective of the actual composition of the stockpiles and the methods chosen for the destruction of the chemical weapons.

"2. The destruction of chemical weapons stocks shall start for all States Parties possessing chemical weapons simultaneously. The whole destruction stage shall be divided into nine annual periods.

"3. Each State Party shall destroy not less than one ninth of its stockpile [in measure of stockpile equivalent and/or equivalent mustard weight] during each destruction period. 1/ 2/ However, a State Party is not precluded from destroying its stocks at a faster pace. Each State Party shall determine its detailed plans for each destruction period, as specified in part III of this Annex and shall report annually on the implementation of each destruction period. 3/

"4. Order of Destruction (to be elaborated). 4/

"IV. PLANS FOR DESTRUCTION OF CHEMICAL WEAPONS 5/

"A. General plans for destruction of chemical weapons

"The general plan for destruction of chemical weapons, submitted pursuant to article IV shall specify:

"(a) a general schedule for destruction, giving types and quantities of chemical weapons to be destroyed in each period;

"1/ It is considered necessary to elaborate a method for comparing different categories of chemical weapons stocks. The comparison of lethal and harmful chemicals remains unresolved and is subject to further consideration.

"2/ Some delegations expressed the view that the question of the regulation of the destruction of stockpiles needs further and full discussion.

"3/ It has been recognized that the destruction of chemical weapons stocks and the elimination of relevant production facilities should be considered together.

"4/ Some delegations feel that it would be appropriate to introduce the idea of security stockpile levels to meet the security concerns of countries with small stockpiles of chemical weapons.

"5/ The further development of this entire section has been subject to consultations, the result of which is enclosed in Appendix II as a basis for further work.

"(b) for each existing or planned chemical weapons destruction facility:

- name and address;
- location;
- chemical weapons intended to be destroyed;
- method of destruction;
- capacity;
- expected period of operation;
- products of the destruction process.

"B. Detailed plans for destruction of chemical weapons

"These plans shall be submitted to the Consultative Committee in accordance with article IV and shall specify:

"(a) the number of chemical weapons destruction facilities and a detailed schedule for the destruction of chemical weapons at each of these facilities;

"(b) the aggregate quantity of each individual type of chemical weapons planned to be destroyed at each facility;

"(c) data about each facility:

- name, postal address, geographical location;
- method of destruction;
- end-products;
- layout plan of the facility;
- technological scheme;
- operation manuals;
- method of storage and volume of the facility's storage, estimated by types and quantities of chemical weapons;
- types and quantities of chemical weapons kept at the storage during each destruction period;
- the system of verification;
- safety measures in force at the facility;
- living and working conditions for the international inspectors.

"V. PRINCIPLES AND METHODS FOR THE VERIFICATION OF THE DESTRUCTION OF
CHEMICAL WEAPONS 1/

"1. The aim of verification of destruction of chemical weapons stocks shall be:

- to confirm the identity and quantity of the chemical weapons stocks to be destroyed, and
- to confirm that these stocks for all practical purposes have been destroyed.

"2. After a review of the detailed plans provided in Section IV above, the Technical Secretariat, if the need arises, will enter into consultation with the State Party concerned in order to ensure the facility is designed to assure destruction, to allow advanced planning on how verification measures may be applied and that the application of verification measures is consistent with proper facility operation, and to ensure that the facility operation allows appropriate verification.

"3. Each State Party should execute a detailed agreement with the Technical Secretariat covering detailed inspection procedures for each facility subject to inspection. (This concept remains to be further elaborated.)

"4. The inspectors will be granted access to the chemical weapons destruction facility ... prior to commencement of the active destruction phase, to carry out the engineering review of the facility, to include the facility's construction and layout, the equipment and instruments for measuring and controlling the destruction process, and the checking and testing of the accuracy of the verification equipment.

"5. The inspectors will be granted access to conduct their activities at the facility and the facility storage during the entire active phase of destruction. They will conduct their activities in the presence and with the co-operation of representatives of the facility's management and the National Authority if they wish to be present.

"6. The inspectors may monitor by either physical observation or devices:

- "(a) the facility storage and the chemical weapons present;
- "(b) the movement of chemical weapons from the storage to the facility;
- "(c) the process of destruction (assuring that no chemical weapons are diverted);

"1/ The further development of this entire section has been subject to consultations, the result of which is enclosed in Appendix II as a basis for further work.

"(d) the material balance (to be elaborated further); and

"(e) the accuracy and calibration of the instruments.

"7. To the extent consistent with verification needs, verification procedures should make use of information from routine facility operations.

"8. If inspectors detect irregularities which may give rise to doubts they will report the irregularities to the representatives of the facility and the National Authority and request that the situation be resolved. Uncorrected irregularities will be reported to the Executive Council.

"9. After the completion of each period of destruction the Technical Secretariat shall certify the declaration of the National Authority, reporting the completion of destruction of the designated quantity of chemical weapons.

VI. INTERNATIONAL VERIFICATION OF DECLARATIONS OF CHEMICAL WEAPONS,
"INTERNATIONAL SYSTEMATIC MONITORING OF STORAGE FACILITIES, INTERNATIONAL
VERIFICATION OF REMOVAL OF CHEMICAL WEAPONS FOR DESTRUCTION 1/

"1. Storage facility description

"(a) Each site or location where, pending their destruction chemical weapons, declared in accordance with Article IV, are stored on the territory of a State Party or under its jurisdiction or control elsewhere, shall hereafter be designated as "storage facility".

"(b) At the time of the submission of its declaration of chemical weapons, in accordance with Article IV, a State Party shall provide the International Authority with the detailed description and location of its storage facility(ies) containing:

- boundary map;
- location of bunkers/storage areas, within the facility;
- the detailed inventory of the contents of each bunker/storage area;
- relevant details of the construction of bunkers/storage areas;
- recommendations for the emplacement by the International Authority of seals and monitoring instruments.

"1/ One delegation expressed reservations on this whole section in view of its position on the issue of declaration of location of chemical weapons stocks in Article IV.

"2. Measures to secure the storage facility and storage facility preparation

"(a) Not later than when submitting its declaration of chemical weapons, a State Party shall take such measures as it considers appropriate to secure its storage facility(ies) and shall prevent any movement of its chemical weapons, except their removal for destruction.

"(b) In order to prepare its storage facility(ies) for international verification, a State Party shall ensure that its chemical weapons at its storage facility(ies) are so configured that seals and monitoring devices may be effectively applied, and that such configuration allows ready access for such verification.

"(c) While the storage facility remains closed for any movement of chemical weapons other than their removal for destruction activities necessary for maintenance and safety monitoring by national authorities may continue at the facility.

"3. Agreements on subsidiary arrangements 1/

"(a) Within .. months after entry into force of the convention, States Parties shall conclude with the International Authority agreements on subsidiary arrangements for verification of their storage facilities. Such agreements shall be based on a Model Agreement and shall specify for each storage facility the number, intensity, duration of inspections, detailed inspection procedures and the installation, operation and maintenance of the seals and monitoring devices by the International Authority. The Model Agreement shall include provisions to take into account future technological developments.

"(b) States Parties shall ensure that the verification of declarations of chemical weapons and the initiation of the systematic monitoring of storage facilities can be accomplished by the International Authority at all storage facilities within the agreed time frames after the convention enters into force. 2/

"4. International verification of declarations of chemical weapons

"(a) International verification by on-site inspections

"(i) The purpose of the international verification of declarations of chemical weapons shall be to confirm through on-site inspections the accuracy of the declarations made in accordance with Article IV. 3/

"1/ The coverage of the subsidiary arrangements is to be discussed.

"2/ Procedures to ensure the implementation of the verification scheme within designated time frames are to be developed.

"3/ The applicability of Article IV, paragraph 2(b) is to be discussed.

"(ii) The International Inspectors shall conduct this verification promptly after a declaration is submitted. They shall, inter alia verify the quantity and identity of chemicals, types and number of munitions, devices and other equipment.

"(iii) They shall employ, as appropriate, agreed seals, markers or other inventory control procedures to facilitate an accurate inventory of the chemical weapons at each storage facility.

"(iv) As the inventory progresses, International Inspectors shall install such agreed seals as may be necessary to clearly indicate if any stocks are removed, and to ensure the securing of the storage facility.

"(b) Co-ordination for international systematic monitoring of storage facilities

"In conjunction with the on-site inspections of verification of declarations of chemical weapons, the International Inspectors shall undertake necessary co-ordination for measures of systematic monitoring of storage facilities.

"5. International systematic monitoring of storage facilities

"(a) The purpose of the international systematic monitoring of storage facilities shall be to ensure that no undetected removal of chemical weapons takes place.

"(b) The international systematic monitoring shall be initiated as soon as possible after the declaration of chemical weapons is submitted and shall continue until all chemical weapons have been removed from the storage facility. It shall be ensured, in accordance with the agreement on subsidiary arrangements, through a combination of continuous monitoring with on-site instruments and systematic verification by international on-site inspections or, where the continuous monitoring with on-site instruments is not feasible, by the presence of International Inspectors.

"(c) If the relevant agreement on subsidiary arrangements for the systematic monitoring of a chemical weapons storage facility is concluded, International Inspectors shall install for the purpose of this systematic monitoring a monitoring system as referred to below under (e). If no such agreement has been concluded, the International Inspectors will initiate the systematic monitoring by their continuous presence on-site until the agreement is concluded, and the monitoring system installed and activated.

"(d) In the period before the activation of the continuous monitoring with on-site instruments and at other times when this continuous monitoring is not feasible, seals installed by International Inspectors may only be opened in the presence of an International Inspector. If an extraordinary event requires the opening of a seal when an inspector is not present, a State Party

shall immediately inform the International Authority and International Inspectors will return as soon as possible to validate the inventory and re-establish the seals.

"(e) Monitoring with instruments.

- "(i) For the purpose of the systematic monitoring of a chemical weapons storage facility, International Inspectors will install, in the presence of host country personnel and in conformity with the relevant agreement on subsidiary arrangements, a monitoring system consisting of, inter alia, sensors, ancillary equipment and transmission systems. The agreed types of these instruments shall be specified in the Model Agreement. They shall incorporate, inter alia, seals and other tamper-indicating and tamper-resistant devices as well as data protection and data authentication features.
- "(ii) The monitoring system shall have such abilities and be installed, adjusted or directed in such a way as to correspond strictly and efficiently to the sole purpose of detecting prohibited or unauthorized activities within the chemical weapons storage facility as referred to above under (a). The coverage of the monitoring system shall be limited accordingly. The monitoring system will signal the International Authority if any tampering with its components or interference with its functioning occurs. Redundancy shall be built into the monitoring system to ensure that failure of an individual component will not jeopardise the monitoring capability of the system.
- "(iii) When the monitoring system is activated, International Inspectors will verify the accuracy of the inventory of chemical weapons, as required.
- "(iv) Data will be transmitted from each storage facility to the International Verification Headquarters by means (to be determined). The transmission system will incorporate frequent transmissions from the storage facility and a query and response system between the storage facility and the International Verification Headquarters. International Inspectors shall periodically check the proper functioning of the monitoring system.
- "(v) In the event that the monitoring system indicated any irregularity, the International Inspectors would immediately determine whether this resulted from equipment malfunction or activities at the storage facility. If, after this examination the problem remained unresolved, the International Authority would immediately ascertain the actual situation, including through immediate on-site inspection or visit of the storage

facility if necessary. The International Authority shall report any such problem immediately after its detection to the State Party who should assist in its resolution.

"(vi) The State Party shall immediately notify the International Authority if an event at the storage facility occurs, or may occur, which may have an impact on the monitoring system. The State Party shall co-ordinate subsequent actions with the International Authority with a view to restoring the operation of the monitoring system, and establishing interim measures, if necessary, as soon as possible.

"(f) Systematic on-site inspections and visits.

"(i) Visits to service the monitoring system may be required in addition to systematic on-site inspections to perform any necessary maintenance, replacement of equipment or to adjust the coverage of the monitoring system, if required.

"(ii) (The guidelines for determining the frequency of systematic on-site inspections are to be elaborated.) The particular storage facility to be inspected shall be chosen by the International Authority in such a way as to preclude the prediction of precisely when the facility is to be inspected. During each inspection, the International Inspectors will verify that the monitoring system is functioning correctly and verify the inventory in agreed percentage of bunkers and storage areas.

"(g) When all chemical weapons have been removed from the storage facility, the International Authority shall certify the declaration of the National Authority to that effect. After this certification, the International Authority shall terminate the international systematic monitoring of the storage facility and will promptly remove all devices and monitoring equipment installed by the International Inspectors.

"6. International verification of the removal of chemical weapons for destruction

"(a) The State Party shall notify the International Authority [14] days in advance of the exact timing of removal of chemical weapons from the storage facility and of the planned arrival at the facility where they will be destroyed.

"(b) The State Party shall provide the Inspectors with the detailed inventory of the chemical weapons to be moved. The International Inspectors shall be present when chemical weapons are removed from the storage facility and shall verify that the chemical weapons on the inventory are loaded on to

the transport vehicles. Upon completion of the loading operations, the International Inspectors shall seal the cargo and/or means of transport, as appropriate.

"(c) If only a portion of the chemical weapons is removed, the International Inspectors will verify the accuracy of the inventory of the remaining chemical weapons and make any appropriate adjustments in the monitoring system in accordance with the agreement on subsidiary arrangements.

"(d) The International Inspectors shall verify the arrival of the chemical weapons at the destruction facility by checking the seals on the cargo and/or the means of transport and shall verify the accuracy of the inventory of the chemical weapons transported.

"7. Inspections and visits

"(a) The International Authority shall notify the State Party of its decision to inspect or visit the storage facility 48 hours prior to the planned arrival of the inspection team at the facility for systematic inspections or visits. In the event of inspections or visits to resolve urgent problems, this period may be shortened. The International Authority shall specify the purpose(s) of the inspection or visit.

"(b) A State Party shall make any necessary preparations for the arrival of the Inspectors and shall ensure their expeditious transportation from their point of entry on the territory of the State Party to the storage facility. The agreement on subsidiary arrangements will specify administrative arrangements for Inspectors.

"(c) International Inspectors shall, in accordance with agreements on subsidiary arrangements:

- have unimpeded access to all parts of the storage facilities including any munitions, devices, bulk containers, or other containers therein. While conducting their activity, Inspectors shall comply with the safety regulations at the facility. The items to be inspected will be chosen by the Inspectors;
- bring with them and use such agreed instruments as may be necessary for the completion of their tasks;
- receive samples taken at their request from any devices and bulk containers and other containers at the facility. Such samples will be taken by representatives of the State Party in the presence of the Inspectors;
- perform on-site analysis of samples;

- transfer, if necessary, samples for analysis off-site at a laboratory designated by the International Authority, in accordance with agreed procedures;
- afford the opportunity to the Host State Party to be present when samples are analysed;
- ensure, in accordance with procedures (to be developed), that samples transported, stored and processed are not tampered with;
- communicate freely with the International Authority.

"(d) The State Party receiving the inspection shall, in accordance with agreed procedures:

- have the right to accompany the International Inspectors at all times during the inspection and observe all their verification activities at the storage facility;
- have the right to retain duplicates of all samples taken and be present when samples are analysed;
- have the right to inspect any instrument used or installed by the International Inspectors and to have it tested in the presence of its personnel;
- provide assistance to the International Inspectors, upon their request, for the installation of the monitoring system and the analysis of samples on-site;
- receive copies of the reports on inspections of its storage facility(ies);
- receive copies, at its request, of the information and data gathered about its storage facility(ies) by the International Authority.

"(e) The International Inspectors may request clarification of any ambiguities arising from the inspection. In the event that any ambiguities arise which cannot be resolved in the course of the inspection, the Inspectors shall inform the International Authority immediately.

"(f) After each inspection or visit to the storage facility, International Inspectors shall submit a report with their findings to the International Authority which will transmit a copy of this report to the State Party having received the inspection or visit. Information (to be designated) received during the inspection shall be treated as confidential (procedures to be developed).

"ANNEX TO ARTICLE V

"1. DECLARATIONS AND REPORTS ON CHEMICAL WEAPONS PRODUCTION FACILITIES

"A. Declarations of [existing] chemical weapons production facilities

"The declaration should contain for each facility:

"1. Name and exact location.

"2. Ownership, operation, control, who ordered and procured the facility.

"3. Designation of each facility:

"(a) Facility for producing chemicals defined as chemical weapons.

"(b) Facility for filling chemical weapons.

"4. Products of each facility and dates that they were produced:

"(a) Chemicals produced.

"(b) Munitions or devices filled, identity of chemical fill.

"5. Capacity of the facility, expressed in terms of:

"(a) The quantity of end product that the facility can produce in (period), assuming the facility operates (schedule).

"(b) The quantity of chemical that the facility can fill into each type of munition or device in (period), assuming that the facility operates (schedule).

"6. Detailed facility description:

"(a) Layout of the facility.

"(b) Process flow diagram.

"(c) Detailed inventory of equipment, buildings and any spare or replacement parts on site.

"(d) Quantities of any chemicals or munitions on site.

"B. Declarations of former chemical weapons production facilities

"The declaration should contain for each facility:

"1. All information as in paragraph A, above, that pertains to the operation of the facility as a chemical weapons facility.

- "2. Date chemical weapons production ceased.
- "3. Current status of special equipment that was used for chemical weapons production.
- "4. Dates of conversion from CW use, date of beginning of non-CW use.
- "5. Current ownership, operation and control.
- "6. Current production, stating types and quantities of product(s).
- "7. Current capacity of the facility, expressed in terms of the quantity of end product that can be produced in (period), assuming the facility operates (schedule).
- "8. Current detailed facility description:
 - "(a) Layout of the facility.
 - "(b) Process flow diagram.
 - "(c) Location of any CW-specific equipment remaining on-site.
 - "(d) Quantities of any chemical weapons remaining on-site.
- "C. Declarations of [existing] chemical weapons production facilities under the control of others on the territory of the State Party
 - Responsibility for declarations (to be discussed).
 - All elements contained in part IA of this Annex should be declared.
- "D. Declarations of former chemical weapons production facilities under the control of others on the territory of the State Party
 - Responsibility for declarations (to be discussed).
 - All elements contained in part IB of this Annex should be declared.
- "E. Declarations of transfers
 - "1. Chemical weapons production equipment means (to be developed).
 - "2. The declaration should specify:
 - "(a) who received/transferred chemical weapons production equipment [and technical documentation];
 - "(b) the identity of the equipment;

"(c) date of transfer;

"(d) whether the chemical weapons production equipment [and documentation] were eliminated;

"(e) current disposition, if known.

"F. Declarations of measures to ensure closure of:

"1. Facilities under the jurisdiction or control of the State Party (data on national measures and the time-frames).

"2. Facilities on the State Party's territory under the control of others (to be developed).

"G. Annual Reports

"H. Final Certification of Elimination

"II. PRINCIPLES AND METHODS OF ELIMINATION OF CHEMICAL WEAPONS PRODUCTION FACILITIES

"A. General

"Each State Party shall decide on methods to be applied for the elimination of its chemical weapons production facilities, according to the principles laid down in this Annex. The process of elimination might be carried out through destruction, 1/ dismantling, 2/ [or conversion 3/].

- responsibility for carrying out measures when more than one State is involved (to be discussed).

"B. Closure and methods for closing the facility (to be elaborated)

"1/ One delegation suggests the following formulation: "Destruction means disassembling of technological equipment, its removal from buildings and constructions where it had been installed with its further irreversible transformation into articles unsuitable for the purposes of production of chemical weapons."

"2/ One delegation suggests the following formulation: "Dismantling means disassembling of technological equipment, its removal from buildings and constructions where it had been installed with its further use for permitted purposes."

"3/ One delegation suggests the following formulation: "Conversion of facilities means use of facilities after their reconstruction for permitted purposes not connected with chemical weapons."

"C. Activities related to elimination

- "1. Facilities producing Schedule [I] chemicals.
- "2. Facilities producing other categories of chemicals.
- "3. Filling facilities.

"D. Activities related to temporary conversion to destruction facility

"E. Activities related to former chemical weapons production facilities

"III. ORDER OF ELIMINATION (to be developed)

"IV. PLANS

A. General Plans

"1. For each facility the following information should be supplied:

- "(a) envisaged time-frame for measures to be taken;
- "(b) methods of elimination.

"2. In addition, the following information should be supplied for each facility:

- "[(a) In relation to dismantling:]
- "[(b) In relation to conversion for peaceful purposes:
 - "(i) description of the facility after conversion
 - "(ii) designation of the facility after conversion and names of products to be manufactured.]

"3. In relation to temporary conversion into chemical weapons destruction facility:

- "(i) envisaged time-frame for conversion into a destruction facility;
- "(ii) envisaged time for utilizing the facility as a destruction facility;
- "(iii) description of the new facility;
- "(iv) method of elimination of special equipment;

"(v) time-frame for elimination of the converted facility after it has been utilized to destroy chemical weapons;

"(vi) method of elimination of the converted facility.

"4. In relation to former chemical weapons production facilities (to be elaborated).

"B. Detailed plans

"1. The detailed plans for elimination of each facility should contain:

"(a) detailed time schedule of elimination process;

"(b) layout of the facility;

"(c) process flow diagram;

"(d) detailed inventory of equipment, buildings and other items to be eliminated;

"(e) measures to be applied to each item on the inventory;

"(f) proposed measures for verification;

"(g) security/safety measures to be observed during the destruction of the facility;

"(h) working and living conditions to be provided for international inspectors.

"2. In addition, the following information should be included:

"[(a) In relation to dismantling:]

"[(b) In relation to conversion for peaceful purposes:

"(i) projected use of the facility after conversion and products to be manufactured;

"(ii) layout of the facility after conversion;

"(iii) process flow diagram of the facility after conversion];

"3. In relation to the temporary conversion into a chemical weapons destruction facility.

"In addition to the information contained in part IV.B.1 of this Annex the following information should be provided:

"(i) method of conversion into a destruction facility;

"(ii) data on the destruction facility, in accordance with the Annex to Article IV, part IV.B.1(c).

"4. In relation to elimination of a facility that was temporarily converted for destruction of chemical weapons, information should be provided in accordance with part IV.B.1 of this Annex.

"5. In relation to former chemical weapons production facilities (to be elaborated).

"V. INTERNATIONAL VERIFICATION OF DECLARATIONS OF CHEMICAL WEAPONS PRODUCTION FACILITIES AND THEIR CLOSURE, INTERNATIONAL SYSTEMATIC MONITORING, INTERNATIONAL SYSTEMATIC VERIFICATION OF ELIMINATION OF CHEMICAL WEAPONS PRODUCTION FACILITIES 1/

"1. International verification of declarations of chemical weapons production facilities and of cessation of their activities

"(a) International verification by initial on-site inspections

"(i) The purpose of the international verification of declarations of chemical weapons production facilities shall be:

- to confirm that all activity has ceased except that required for closure;
- to confirm through on-site inspections the accuracy of the declarations made in accordance with Article V.

"(ii) The International Inspectors shall conduct this initial verification promptly, and in any event not later than [60] days after a declaration is submitted.

"(iii) They shall employ, as appropriate, agreed seals, markers or other inventory control procedures to facilitate an accurate inventory of the declared items at each chemical weapons production facility.

"1/ This Section of this Annex will require further discussion and elaboration upon resolution of the definitions of chemical weapons, chemical weapons production facilities, and methods of elimination.

"(iv) International Inspectors shall install such agreed devices as may be necessary to indicate if any resumption of production of chemical weapons occurs or if any declared item is removed. They shall take the necessary precaution not to hinder closure activities by the State Party. International Inspectors may return to maintain and verify the integrity of the devices.

"(b) Co-ordination for international systematic monitoring of chemical weapons production facilities

"In conjunction with the initial on-site inspections to verify declarations of chemical weapons production facilities, the International Inspectors shall undertake necessary co-ordination for measures of systematic monitoring of these facilities as provided for in paragraph 4, below.

"2. Agreements on subsidiary arrangements 1/

"(a) Within [6] months after entry into force of the Convention, States Parties shall conclude with the International Authority detailed agreements on subsidiary arrangements for the systematic monitoring of their chemical weapons production facilities. Such agreements shall be based on a Model Agreement and shall specify for each production facility the detailed inspection procedures and arrangements for the installation, operation and maintenance of the seals and monitoring devices by the International Authority, taking into account the specific characteristics of each facility. The Model Agreement shall include provisions to take into account future technological developments.

"(b) States Parties shall ensure that the verification of declarations of chemical weapons production facilities and the initiation of systematic monitoring can be accomplished by the International Authority at all such facilities within the agreed time frames after the Convention enters into force. 2/

"3. Measures for closure of chemical weapons production facilities

"(a) The purpose of the closure of a chemical weapons production facility is to render it inoperable as such.

"(b) Agreed measures for closure will be taken by the State Party with due regard to the specific characteristics of each facility. Such measures shall include, inter alia: 3/

"1/ The coverage of the subsidiary arrangements is to be discussed.

"2/ Procedures to ensure the implementation of the verification scheme within designated time frames are to be developed.

"3/ The activities and items in these measures will need further elaboration.

- prohibition of occupation of buildings except for agreed activities;
- disconnection of equipment directly related to the production of chemical weapons to include, inter alia, process control equipment and utilities;
- disabling of protective installations and equipment used exclusively for the safety of operations of the chemical weapons production facility;
- interruption of rail and other roads to the chemicals weapons production facility except those required for agreed activities.

"(c) While the chemical weapons production facility remains closed, the State Party may continue safety activities at the facility.

"4. International verification of closure of chemical weapons production facilities

"Subsequent to the on-site verification of declarations as referred to in paragraph 1, the International Inspectors shall conduct on-site inspections at each chemical weapons production facility for the purpose of verifying that measures referred to under 3 (b) have been accomplished.

"5. International systematic monitoring of chemical weapons production facilities

"(a) The purpose of the international systematic monitoring of a chemical weapons production facility shall be to ensure that no resumption of production of chemical weapons nor removal of declared items would go undetected at this facility.

"(b) The international systematic monitoring shall be initiated as soon as possible after the closure of the chemical weapons production facility and shall continue until this facility is eliminated. Systematic monitoring shall be ensured, in accordance with the agreements on subsidiary arrangements, through a combination of continuous monitoring with on-site instruments and systematic verification by international on-site inspections or, where the continuous monitoring with on-site instruments is not feasible, by the presence of International Inspectors.

"(c) In conjunction with the on-site verification of the closure of chemical weapons production facilities referred to in paragraph 4 above and, if the relevant agreement on subsidiary arrangements for the systematic monitoring of a chemical weapons production facility has been concluded, International Inspectors shall install for the purpose of this systematic monitoring a monitoring system as referred to under (e) below. If no such

agreement has been concluded, the International Inspectors will initiate the systematic monitoring by their continuous presence on-site until the agreement is concluded, and the monitoring system installed and activated.

"(d) In the period before the activation of the monitoring system and at other times when the continuous monitoring with on-site instruments is not feasible, devices installed by International Inspectors, in accordance with paragraph 1 above, may only be removed in the presence of an International Inspector. If an extraordinary event results in, or requires, the removal of a device when an inspector is not present, a State Party shall immediately inform the International Authority and International Inspectors will return as soon as possible to validate the inventory and re-establish the devices.

"(e) Monitoring with instruments

- "(i) For the purpose of the systematic monitoring of a chemical weapons production facility, International Inspectors will install, in the presence of host country personnel and in conformity with the relevant agreement on subsidiary arrangements, a monitoring system consisting of, inter alia, sensors, ancillary equipment and transmission systems. The agreed types of these instruments shall be specified in the Model Agreement. They shall incorporate, inter alia, seals and other tamper-indicating and tamper-resistant devices as well as data protection and data authentication features.
- "(ii) The monitoring system shall have such abilities and be installed, adjusted or directed in such a way as to correspond strictly and efficiently to the sole purpose of detecting prohibited or unauthorized activities within the chemical weapons production facility as referred to above under (a). The coverage of the monitoring system shall be limited accordingly. The monitoring system will signal the International Authority if any tampering with its components or interference with its functioning occurs. Redundancy shall be built into the monitoring system to ensure that failure of an individual component will not jeopardize the monitoring capability of the system.
- "(iii) When the monitoring system is activated, International Inspectors will verify the accuracy of the inventory of declared items at each chemical weapons production facility as required.
- "(iv) Data will be transmitted from each production facility to the International Verification Headquarters by (means to be determined). The transmission system will incorporate frequent transmissions from the production facility and a query and

response system between the production facility and the International Verification Headquarters. International Inspectors shall periodically check the proper functioning of the monitoring system.

"(v) In the event that the monitoring system indicates any irregularity, the International Inspectors would immediately determine whether this resulted from equipment malfunction or activities at the production facility. If, after this examination the problem remained unresolved, the International Authority would immediately ascertain the actual situation, including through immediate on-site inspection or visit of the production facility if necessary. The International Authority shall report any such problem immediately after its detection to the State Party who should assist in its resolution.

"(vi) The State Party shall immediately notify the International Authority if an event at the production facility occurs, or may occur, which may have an impact on the monitoring system. The State Party shall co-ordinate subsequent actions with the International Authority with a view to restoring the operation of the monitoring system and establishing interim measures, if necessary, as soon as possible.

"(f) Systematic on-site inspections and visits

"(i) During each inspection, the International Inspectors will verify that the monitoring system is functioning correctly and verify the declared inventory as required. In addition, visits to service the monitoring system will be required to perform any necessary maintenance or replacement of equipment, or to adjust the coverage of the monitoring system as required.

"(ii) (The guidelines for determining the frequency of systematic on-site inspections are to be elaborated). The particular production facility to be inspected shall be chosen by the International Authority in such a way as to preclude the prediction of precisely when the facility is to be inspected.

"6. International verification of elimination of chemical weapons production facilities

"(a) The purpose of international verification of elimination of chemical weapons production facilities will be to confirm that the facility is eliminated as such in accordance with the obligations under the Convention and that each item on the declared inventory is eliminated in accordance with the agreed detailed plan for elimination.

"(b) [3-6] months before elimination of a chemical weapons production facility, a State Party shall provide to the Technical Secretariat the detailed plans for elimination to include proposed measures for verification of elimination referred to in Section IV.B.1 (f) of the present Annex, with respect to, e.g.:

- timing of the presence of the inspectors at the facility to be eliminated;
- procedures for verification of measures to be applied to each item on the declared inventory;
- measures for phasing out systematic monitoring or for adjustment of the coverage of the monitoring system.

"(c) On the basis of the detailed plan for elimination and proposed measures for verification submitted by the State Party, and on experience from previous inspections, the Technical Secretariat shall prepare a plan for verifying the elimination of the facility, consulting closely with the State Party. Any differences between the Technical Secretariat and the State Party concerning appropriate measures should be resolved through consultations. Any unresolved matters shall be forwarded to the Executive Council 1/ for appropriate action with a view to facilitating the full implementation of the Convention.

"(d) The agreed combined plans for elimination and verification, with an appropriate recommendation by the Technical Secretariat, will be forwarded to the members of the Executive Council for review. These plans should allow a State Party to destroy any item agreed to be diverted. The members of the Executive Council shall review the plans with a view to approving them, consistent with verification objectives. This review is designed to determine that the planned disposition of each item is consistent with the obligations under the Convention and the objective of eliminating the facility. It should also confirm that verification schemes for elimination are consistent with verification objectives, and are efficient and workable. This review should be completed [60] days before the planned initiation of elimination.

"(e) Each member of the Executive Council may consult with the Technical Secretariat on any issues regarding the adequacy of the combined plan for elimination and verification. If there are no objections by any members of the Executive Council, the plan shall be put into action.

"(f) If there are any difficulties, the Executive Council should enter into consultations with the State Party to reconcile them. If any difficulties remain unresolved they should be referred to the Consultative

1/ The role of the Executive Council in the review process will need to be reviewed in the light of its composition and decision-making process.

Committee. The resolution of any differences over methods of elimination should not delay the execution of other parts of the elimination plan that are acceptable.

"(g) If agreement is not reached with the Executive Council on aspects of verification, or if the approved verification plan cannot be put into action, verification of elimination will proceed by the continuous on-site monitoring and presence of inspectors.

"(h) Elimination and verification should proceed according to the agreed plan. The verification should not unduly interfere with the elimination process.

"(i) If required verification or elimination actions are not taken as planned, all States Parties should be so informed. (Procedures to be developed.)

"(j) For those items to be eliminated through destruction, verification of elimination should be conducted through the presence on-site of Inspectors to witness the destruction. 1/

"(k) For those items that may be diverted for permitted purposes. 2/

"(l) When all items on the declared inventory have been eliminated, the International Authority shall certify, in writing, the declaration of the State Party to that effect. After this certification, the International Authority shall terminate the international systematic monitoring of the chemical weapons production facility and will promptly remove all devices and monitoring equipment installed by the International Inspectors.

"(m) After this certification, the State Party will make the declaration that the facility has been eliminated.

"7. International verification of temporary conversion of a chemical weapons production facility into a chemical weapons destruction facility

(to be elaborated)

"1/ This verification measure may not necessarily be the only one and others, as appropriate, may need to be further elaborated.

"2/ Specification of the items, permitted purposes and methods of verification of disposition will need to be elaborated.

"8. Inspections and visits

"(a) The International Authority shall notify the State Party of its decision to inspect or visit a chemical weapons production facility 48 hours prior to the planned arrival of the inspection team at the facility for systematic inspections or visits. In the event of inspections or visits to resolve urgent problems, this period may be shortened. The International Authority shall specify the purpose(s) of the inspection or visit.

"(b) A State Party shall make any necessary preparations for the arrival of the Inspectors and shall ensure their expeditious transportation from their point of entry on the territory of the State Party to the chemical weapons production facility. The agreement on subsidiary arrangements will specify administrative arrangements for Inspectors.

"(c) International Inspectors shall, in accordance with agreements on subsidiary arrangements:

- have unimpeded access to all parts of the chemical weapons production facilities. While conducting their activity, Inspectors shall comply with the safety regulations at the facility. The items on the declared inventory to be inspected will be chosen by the Inspectors;
- bring with them and use such agreed instruments as may be necessary for the completion of their tasks;
- communicate freely with the International Authority.

"(d) The State Party receiving the inspection shall, in accordance with agreed procedures:

- have the right to accompany the International Inspectors at all times during the inspection and observe all their verification activities at the chemical weapons production facility;
- have the right to inspect any instrument used or installed by the International Inspectors and to have it tested in the presence of State Party personnel;
- provide assistance to the International Inspectors upon their request for the installation of the monitoring system;
- receive copies of the reports on inspections of its chemical weapons production facility(ies);
- receive copies, at its request, of the information and data gathered about its chemical weapons production facility(ies) by the International Authority.

"(e) The International Inspectors 1/ may request clarification of any ambiguities arising from the inspection. In the event that any ambiguities arise which cannot be resolved in the course of the inspections, the inspectors shall inform the International Authority immediately.

(f) After each inspection or visit to the chemical weapons production facility, International Inspectors shall submit a report with their findings to the International Authority which will transmit a copy of this report to the State Party having received the inspection or visit. Information (to be designated) received during the inspection shall be treated as confidential (procedures to be developed).

"1/ The question of whether or not an individual Inspector shall have the rights set out in this and the following paragraph remains open.

"ANNEX TO ARTICLE VI [O.]

"MODALITIES FOR REVISION OF LISTS

- "1. The revisions envisaged would consist of additions to, deletions from, or shifts between the lists.
- "2. A revision could be proposed by a State Party. [If the Technical Secretariat has information which in its opinion may require a revision of the lists of chemicals, it should provide that information to the [Executive Council] which should communicate it to all States Parties.] A State Party may request the assistance of the Technical Secretariat in the substantiation of its proposal.
- "3. A proposal for revision should be submitted to [the International Authority] [the Executive Council] [the Depositary of the Convention].
- "4. [The International Authority] [The Executive Council] [The Depositary of the Convention], upon receipt of a proposal for revision, will be responsible for informing States Parties about it.
- "5. The proponent should substantiate its proposal with the necessary information. Any State Party and, as requested, the Technical Secretariat, could also provide relevant information for the evaluation of the proposal.
- "6. Technical evaluations of a proposal may be made by the International Authority, [the Executive Council], any State Party [and the Technical Secretariat].
- "7. The decision on a proposal should be taken by the International Authority [the Consultative Committee] by [a majority vote] [consensus] [tacit approval of all States Parties 60 days after they have been informed of the proposal by the International Authority. If there is no tacit approval, the matter should be reviewed by the [Consultative Committee] at its next meeting.] [If urgent consideration is requested by five or more Parties, a special meeting of the Consultative Committee should be promptly convened.]
- "8. The revision procedure should be concluded within [60 days] after the receipt of the proposal. Once a decision is taken, it should enter into force after a period of [30 days].
- "9. The Technical Secretariat should provide assistance to any State Party, when requested, in evaluating an unlisted chemical. This assistance should be confidential [unless it is established in the evaluation that the chemical has chemical weapon properties].

"ANNEX TO ARTICLE VI [1]

"1. General provisions

"A State Party shall not produce, acquire, retain, transfer or use chemicals in Schedule [1] unless:

- "(i) the chemicals are applied to research, medical or protective purposes, 1/, and
- "(ii) the types and quantities of chemicals are strictly limited to those which can be justified for research, medical or protective purposes, and
- "(iii) the aggregate amount of such chemicals at any given time for [permitted] [protective] purposes is equal to or less than one metric tonne, and
- "(iv) the aggregate amount for [permitted] [protective] purposes acquired by a State Party in any calendar year through production, withdrawal from chemical weapons stocks and transfer is equal to or less than one metric tonne.

"2. Single Small Scale Production Facility

- "(i) Each State Party which produces chemicals in Schedule [1] for [permitted] [protective] purposes shall carry out the production at a single small-scale facility, the capacity of which shall not exceed [one] metric tonne per year, as measured by the method established in []. 2/
- "(ii) Each State Party which plans to operate such a facility shall provide the Consultative Committee with the location and a detailed technical description of the facility, including an inventory of equipment and detailed diagrams. For existing facilities, this information shall be provided not later than 30 days after the

"1/ A view was expressed that for consistency in this Annex, 'permitted purposes' should be used instead of 'research, medical or protective purposes'. The view was also expressed that the use of the term 'permitted' would broaden considerably the sphere of use of super-toxic lethal chemicals which could be used as chemical weapons and that this was very undesirable.

"2/ The view was expressed that the single small-scale production facility should be State-owned.

Convention enters into force for the State Party. Information on new facilities shall be provided six months before operations are to begin. 1/

"3. Other Facilities

- "(i) [Facilities which synthesize, acquire or use chemicals in Schedule [1] for research or medical purposes shall be approved by the State Party. Synthesis at each such facility for research and medical purposes shall be limited per annum to a total maximum of [...]g and to [...]g of any one chemical on the Schedule.]

[Facilities which acquire or use chemicals in Schedule [1] for permitted purposes shall be approved by the State Party. Each transfer from the single small-scale production facility to such facilities shall be notified to the Consultative Committee by inclusion in the annual data reporting, with an indication of the chemical or chemicals involved, the amount transferred and the purpose of the transfer.]

- "(ii) The location of the approved facilities shall be provided to the Consultative Committee.

"4. Transfers

- "(i) A State Party may transfer chemicals in Schedule [1] only to another State Party and only for research, medical or protective purposes in accordance with paragraph 1.

- "(ii) Thirty days prior to any such transfer, both States Parties shall notify the Consultative Committee.

- "(iii) Chemicals transferred shall not be retransferred to a third State.

"5. Verification of the Single Small-Scale Production Facility

- "(i) The single small-scale production facility referred to in paragraph 2 shall be subject to [systematic] [permanent] international on-site verification, through on-site inspection and continuous monitoring with on-site instruments. 2/

"1/ It was noted that consideration would need to be given to the compatibility of the requirement in the last sentence with the obligations specified in paragraph 5 (vi).

"2/ The view was expressed that continuous monitoring with on-site instruments might not be necessary for very small facilities.

- "(ii) The aim of verification activities at the facility shall be to verify that the quantities of Schedule [1] chemicals produced are correctly declared and, in particular, that their aggregate amount does not exceed one metric tonne.
- "(iii) [The number, intensity, duration, timing and mode of inspections for a particular facility shall be based on the risk to the objectives of the Convention posed by the relevant chemicals, the characteristics of the facility and the nature of the activities carried out there. The guidelines to be used shall include: (to be developed).]
- "(iv) Each State Party possessing a facility shall make a detailed annual declaration regarding the activities of the facility for the previous year and anticipated production for the coming year. The declaration shall include: (to be developed).
- "(v) Each facility shall receive an initial visit from international inspectors promptly after the facility is declared. The purpose of the initial visit shall be to verify information provided concerning the facility, including verification that the capacity will not permit the production, on an annual basis, of quantities [significantly] above one metric tonne, and to obtain any additional information needed for planning future verification activities at the facility, including inspection visits and use of on-site instruments.
- "(vi) Each State Party possessing or planning to possess a facility shall execute an agreement, based on a model agreement, with the [international authority] before the facility begins operation or is used, covering detailed inspection procedures for the facility. Each agreement shall include: (to be developed). 1/
- "6. Verification of Other Facilities
- Facilities referred to in paragraph 3 shall be monitored through annual data reporting to the Consultative Committee. The following information shall be included: (to be developed).

"1/ The view was expressed that pending conclusion of the agreement between a State Party and the [International Authority] there would be a need for provisional inspection procedures to be formulated.

"ANNEX TO ARTICLE VI [1]
SCHEDULE [1]

"PROVISIONAL LIST

"1. O-Alkyl alkylphosphonofluoridates

e.g. Sarin: O-isopropyl methylphosphonofluoridate
Soman: O-pinacolyl methylphosphonofluoridate

"2. O-Alkyl N,N-dialkylphosphoramidocyanidates

e.g. Tabun: O-ethyl N,N-dimethylphosphoramidocyanidate

"3. O-Alkyl S-2-dialkylaminoethylalkylphosphonothiolates

e.g. VX: O-ethyl S-2-diisopropylaminoethylmethyl-phosphonothiolate

"4. Sulphur mustards:

e.g. Mustard gas (H):	bis(2-chloroethyl) sulphide
Sesquimustard (Q):	1,2-bis(2-chloroethylthio)ethane
O-Mustard (T):	bis(2-chloroethylthioethyl)ether

"5. Lewisites

Lewisite 1: 2-chlorovinylldichloroarsine
Lewisite 2: bis(2-chlorovinyl)chloroarsine
Lewisite 3: tris(2-chlorovinyl)arsine

"6. Nitrogen mustards

HN1: bis(2-chloroethyl)ethylamine
HN2: bis(2-chloroethyl)methylamine
HN3: tris(2-chloroethyl)amine

"7. 3-Quinuclidinyl benzilate (BZ)

"8. Alkylphosphonyldifluorides

e.g. DF

"9. Ethyl O-2-diisopropylaminoethyl alkylphosphonites

e.g. QL

"To be discussed further

- "1. Saxitoxin
- "2. 3,3-Dimethylbutan-2-ol (pinacolyl alcohol)
- "3. CS
- "4. CR
- "5. Chloro Soman and Chloro Sarin
- "6. Sulphur Mustards: to include compounds listed below.
 - 2-chloroethylchloromethylsulphide
 - bis(2-chloroethyl) sulphone
 - bis(2-chloroethylthio) methane
 - 1,3-bis(2-chloroethylthio)-n-propane
 - 1,4-bis(2-chloroethylthio)-n-butane

"ANNEX TO ARTICLE VI [2]

"KEY PRECURSOR CHEMICALS

"DECLARATIONS

"The Initial and Annual Declarations to be provided by a State Party under paragraphs [3] and [4] of Article VI shall include:

"1. For the Initial Declaration

Aggregate national data on the production, processing and consumption of each chemical listed in Schedule [2], on the export and import of the chemicals in the year preceding the date of entry of the Convention into force with an indication of the countries involved.

For the Annual Declaration

Aggregate data on each of the production, consumption, import and export of each chemical listed in Schedule [2].

"2. The following information for each facility which produces, processes or consumes more than [] tonnes per annum of the chemicals listed in Schedule [2]:

"Key Precursor Chemical(s)

- "(i) The chemical name, common or trade name used by the facility, structural formula, and Chemical Abstracts Service Registry Number.
- "(ii) The total amount produced, consumed, imported and exported in the previous calendar year. 1/

"1/ Whether the total amount is to be expressed as an exact figure or within a range is to be discussed.

"Facility 1/

- "(i) The name of the facility and of the owner, company, or enterprise operating the facility.
- "(ii) The exact location of the facility (including the address, location of the complex, location of the facility within the complex including the specific building and structure number, if any).
- "(iii) Whether the facility is dedicated to producing or processing the listed key precursor or is multipurpose.
- "(iv) [The main orientation (purpose) of the facility.] 2/
- "(v) The capability and capacity (both to be defined) of the facility.
- "(vi) Which of the following activities are performed with regard to the key precursor chemicals:
 - "(a) production
 - "(b) processing with conversion into another chemical
 - "(c) processing without chemical conversion
 - "(d) other - specify.
- "(vii) Whether listed key precursors are stored on-site in quantities greater than [] [tonnes]. 3/

"1/ One delegation suggested that, in the case of a multi-purpose facility currently producing key precursor chemicals, the following should be specified:

- general description of the products;
- detailed technological plan of the facility;
- list of special equipment included in the technological plan;
- type of waste treatment equipment;
- description of each final product (chemical name, chemical structure and register number);
- unit capacity for each product;
- use of each product.

"2/ It was suggested that this aspect could be incorporated in paragraph (vi).

"3/ The question of a threshold requires further consideration.

"Application of Chemical(s)

"(i) The purpose(s) for which the key precursor chemical(s) are produced, consumed or processed:

"(a) conversion on-site (specify product type)

"(b) sale or transfer to other domestic industry (specify final product type)

"(c) export of a key precursor (specify which country)

"(d) other.

"3. A State Party shall notify the International Authority of the name and location of any facility which intends, in the year following submission of the Annual Declaration, to produce, process or consume more than [] tonnes per annum of any of the chemicals listed in Schedule [2].

"Verification 1/

"Aim

"4. The aim of the measures stipulated in Article VI, paragraph 6 shall be to verify that:

"(i) Facilities declared under this Annex are not used to produce any chemical listed in Schedule [I]. 2/

"(ii) The quantities of chemicals listed in Schedule [2] produced, processed or consumed are consistent with needs for purposes not prohibited by the Chemical Weapons Convention. 3/

"(iii) The chemicals listed in Schedule [2] are not diverted or used for purposes prohibited by the Chemical Weapons Convention.

"1/ Some of the provisions contained in this section have general application throughout the Convention. It is understood that the retention of these will be reviewed at a later stage in the negotiations.

"2/ It was suggested that "or for any other purposes prohibited by the Convention" should be added.

"3/ Opinions were expressed on the need to consider the question of the existence in a facility of excessive capacity for the production of chemicals in Schedule [2].

"Obligation and Frequency

- "5. (i) Each facility notified to the [international authority] under this Annex shall be subject to systematic international on-site inspection on a routine basis.
- "(ii) The number, intensity, duration, timing and mode of inspections for a particular facility shall be based on the risk to the objectives of the Convention posed by the relevant chemical, the characteristics of the facility and the nature of the activities carried out there. 1/ The guidelines to be used shall include: (to be developed). 2/ 3/

"Selection

- "6. The particular facility to be inspected shall be chosen by the [international authority] in such a way to preclude the prediction of precisely when the facility is to be inspected.

"Notification

- "7. A State Party shall be notified by the [international authority] of the decision to inspect a facility referred to in paragraph 1 hours prior to the arrival of the inspection team.

"Host State Party

- "8. The host State Party shall have the right to designate personnel to accompany an international inspection team. The exercise of this right shall not affect the right of inspectors to obtain access to the facility, as provided by the Convention, nor shall it delay or otherwise impede the carrying out of the inspection.

"1/ A number of possible factors that could influence the number, intensity, duration, timing and mode of inspections have been identified and discussed. The result of this work is enclosed in Appendix II to serve as a basis for future work.

"2/ It was noted that a "weighted approach" might be taken in determining the inspection régime for specific chemicals. The importance of establishing a threshold(s) in this context was also noted. It was mentioned that a threshold(s) should relate to "military significant quantities" of the relevant chemical(s).

"3/ There was general agreement that the guidelines should stipulate the main elements relevant to the basic features of the facility. A view was expressed that one of the guidelines might provide that inspections will usually be carried out at a time when the facility inspected is operating in the normal way. The view was also expressed that this approach would be inconsistent with the language of paragraph 6.

"Initial Visit

"9. Each facility notified to the [international authority] under this Annex shall be liable to receive an initial visit from international inspectors, promptly after the State becomes a Party to the Convention.

"10. The purpose of the initial visit shall be to verify information provided concerning the facility to be inspected and to obtain any additional information needed for planning future verification activities at the facility, including inspection visits and use of on-site instruments.

"Agreement on Inspection Procedures

"11. Each State Party shall execute an agreement, based on a model agreement, 1/ with the [international authority], within months after the Convention enters into force for the State, governing the conduct of the inspections of the facilities declared by the State Party. 2/ The agreement shall provide for the detailed subsidiary arrangements which shall govern inspections at each facility.

"12. The detailed subsidiary arrangements shall include, inter alia, the size of the team required for the inspection; the duration of the inspection; the relevant parts of the site to be inspected; and the need for permanent on-site instrumentation.

"Verification Inspections

"13. The areas of a facility to be inspected under subsidiary arrangements may, inter alia, include: 3/

- "(i) areas where feed chemicals (reactants) are delivered and/or stored;
- "(ii) areas where manipulative processes are performed upon the reactants prior to addition to the reaction vessel;

"1/ Several delegations considered that the model agreement should be elaborated by the time the Convention is concluded.

"2/ A model for such an agreement is contained in Appendix II.

"3/ Opinions were expressed on the need to consider the question of the existence in a facility of excess ~~ve~~ capacity for the production of chemicals in Schedule [2].

- "(iii) feed lines as appropriate from subparagraph (i) and/or subparagraph (ii) to the reaction vessel, together with any associated valves, flow meters, etc.;
- "(iv) the external aspect of the reaction vessel and its ancillary equipment;
- "(v) lines from the reaction vessel leading to long- or short-term storage or for further processing of the designated chemical;
- "(vi) control equipment associated with any of the items (i) to (v);
- "(vii) equipment and areas for waste and effluent handling;
- "(viii) equipment and areas for disposition of off-specification chemicals.

"14. The inspectors have the right at any stage during the inspection to obtain samples from any of the areas inspected. They also have the right to request that appropriate analyses be performed in their presence, either in-house or in a mobile field laboratory, or if necessary to have samples analysed at a laboratory designated by the [international authority]. They may request clarification of any ambiguities arising from the inspection.

"15. The Technical Secretariat may retain at each site a sealed container for photographs, plans and other information that it may wish to refer to in the course of subsequent inspection.

"Submission of Inspectors' Report

"16. The inspectors shall submit a report to the [international authority] on the activities conducted by them and on their findings. 1/

"17. In the event that any ambiguities arise which cannot be resolved in the course of the inspection, the inspectors may in their report recommend appropriate steps for clarification.

1/ It was suggested that the report of the inspectors should be made available to the State Party subject to the inspection.

"ANNEX TO ARTICLE VI [2]
SCHEDULE [2]

"PROVISIONAL LIST

- "1. Chemicals containing one P-methyl, P-ethyl, or P-propyl (normal or iso) bond.
 - "2. N,N-Dialkylphosphoramidic dihalides.
 - "3. Dialkyl N,N-dialkylphosphoramidates.
 - "4. Arsenic trichloride.
 - "5. 2,2-Diphenyl-2-hydroxyacetic acid.
 - "6. Quinuclidin-3-ol
 - "7. N,N-Diisopropylaminoethyl-2-chloride.
 - "8. N,N-Diisopropylaminoethan-2-ol.
 - "9. N,N-Diisopropylaminoethane-2-thiol.
-

"TO BE DISCUSSED FURTHER

"(1) The following compounds:

Bis(2-hydroxyethyl) sulphide (thiodiglycol)

3,3-Dimethylbutan-2-ol (pinacolyl alcohol)

"(2) Expanded groups for compounds 5, 6, 7, 8 and 9, as follows:

(No. 5): 2-phenyl-2-(phenyl, cyclohexyl, cyclopentyl or cyclobutyl)-2-hydroxyacetic acids and their methyl, ethyl, n-propyl and iso-propyl esters.

(No. 6): 3- or 4-hydroxypiperidine and their [derivatives] and [analogs].

(Nos. 7,8,9): N,N-Disubstituted aminoethyl-2-halides
N,N-Disubstituted aminoethan-2-ols
N,N-Disubstituted aminoethane-2-thiols

"ANNEX TO ARTICLE VI [3]

"Chemicals which are produced in large commercial quantities and which could be used for chemical weapons purposes"

"DECLARATIONS

"1. The Initial and Annual Declarations to be provided by a State Party under paragraph [4] of Article VI shall include the following information for each of the chemicals listed in Schedule [3]:

"(i) The chemicals name, common or trade name used by the facility, structural formula and Chemical Abstracts Service Registry Number.

" (ii) The total amount produced, consumed, imported and exported in the previous calendar year.

"(iii) The final product or end use of the chemical in accordance with the following categories (to be developed),

"(iv) for each facility which produces, processes, consumes or transfers 1/ 2/ one of the chemicals listed in Schedule [3] (on an industrial scale - to be defined). 3/

"(a) The name of the facility and of the owner, company, or enterprise operating the facility.

"(b) The location of the facility.

"(c) The capacity (to be defined) of the facility.

"(d) The approximate amount of production and consumption of the chemical in the previous year (ranges to be specified).

"1/ These issues need further consideration with regard to the possibility of appropriate information and data reporting.

"2/ The relevance of transfers in this connection is to be considered further.

"3/ It was proposed that a threshold for the dual purpose agents (Phosgene, Cyanogen chloride, Hydrogen cyanide, Chloropicrin) could be established at [50 tonnes/year] [500 tonnes/year] and for precursors at [5 tonnes/year] [50 tonnes/year]. The proposal was presented in an informal discussion paper dated 30 March 1987, prepared on the request of the Chairman of the Committee, by Dr. Peroni (Brazil), Lt. Col. Bretfeld (German Democratic Republic) and Dr. Ooms (Netherlands).

"2. A State Party shall notify the (International Authority) of the name and location of any facility which intends, in the year following submission of the Annual Declaration, to produce, process or consume any of the chemicals listed in Schedule [3] (on an industrial scale - to be defined). 1/ 2/

"VERIFICATION

"The verification régime for chemicals listed in Schedule [3] will comprise both the provision of data by a State Party to the [International Authority] and the monitoring of that data by the [International Authority]. 3/

"1/ The requirement contained in this provision is to be considered further.

"2/ It was proposed that a threshold for the dual purpose agents (Phosgene, Cyanogen chloride, Hydrogen cyanide, Chloropicrin) could be established at [50 tonnes/year] [500 tonnes/year] and for precursors at [5 tonnes/year] [50 tonnes/year]. The proposal was presented in an informal discussion paper dated 30 March 1987, prepared on the request of the Chairman of the Committee, by Dr. Peroni (Brazil), Lt. Col. Bretfeld (German Democratic Republic) and Dr. Ooms (Netherlands).

"3/ Some delegations consider that provision should be made for resort to an on-site "spot-check" inspection, if required, to verify information supplied by a State Party. Other delegations believe that the provisions of Articles VII, VIII and IX of the Convention are sufficient in this respect.

"ANNEX TO ARTICLE VI [3]
SCHEDULE [3]

Phosphorus oxychloride	(10025-87-3) <u>1</u> /
Phosphorus trichloride	(7719-12-2)
Phosgene	(75-44-5)
Cyanogen chloride	(506-77-4)
Hydrogen cyanide	(74-90-8)
Trichloronitromethane (chloropicrin)	(76-06-2)
Di- and Trimethyl/Ethyl Esters of Phosphorus [P III] Acid:	
Trimethyl phosphite	(121-45-9)
Triethyl phosphite	(122-52-1)
Dimethyl phosphite	(868-85-9)
Diethyl phosphite	(762-04-9)
Sulphur monochloride	(19925-67-9)
Sulphur dichloride	(19545-99-0)

¹/ The possibility of including Chemical Abstracts Service Registry Numbers also in other Schedules needs to be discussed.

"ANNEX TO ARTICLE VI [4] 1/

"Commercial production of toxic chemicals, not listed in Schedules [1], [2] or [3] that might be relevant to the Convention

"DECLARATIONS

"1. The Initial and Annual Declarations to be provided to the [international authority] by a State Party under Article VI shall

for each facility which produces or processes [more than [10 kg] [100 kg] [1,000 kg] 2/ per annum 3/ of] any chemical 4/ 5/ with an LD₅₀ equal to or less than 0.5 mg per kg bodyweight 6/ or an LCt₅₀ equal to or less than 2,000 mg-min/m³ and has a production capacity 7/ for any such chemical exceeding 1,000 kg 2/ 8/ per annum 9/,

include the following information:

"1/ Some delegations consider that the chemicals in this Annex should be dealt with in the Annex to Article VI [2] Schedule [2]. Other delegations consider that a separate Annex is required.

"2/ Some delegations felt that the thresholds for production and production capacity should correspond to militarily significant quantities.

"3/ The question of production or processing not occurring annually requires further discussion.

"4/ Some delegations expressed the view that additional criteria of suitability for chemical weapons purposes should be added.

"5/ Some delegations expressed the view that whether or not a list of these chemicals would be needed, should be discussed.

"6/ It is understood that further discussion is needed with regard to chemicals with a somewhat lower toxicity. In this context various ideas were put forward, i.e.:

- that chemicals falling within a deviation-range of 10-20 per cent could be considered;
- that chemicals with an LD₅₀ close to 0.5 mg/kg bodyweight could be included as exceptions;
- that the modalities for revisions of lists could be made use of to take care of possible concerns in this regard.

"7/ How to define production capacity remains to be agreed upon. In this context reference was made to the proposal contained in CD/CW/WP.171.

"8/ It is understood that the quantitative value of the threshold for production capacity remains to be discussed.

"9/ One delegation expressed the view that the question of production capacities should be considered in accordance with the relevant provisions in the Annex to Article VI, Schedules [2] and [3] (cf. CD/CW/WP.167 pp. 62, 68).

"Chemical(s)

- "(i) The chemical name, common or trade name used by the facility, structural formula, and Chemical Abstracts Service Registry Number (if assigned);
- "(ii) For each chemical the total amount produced and/or processed [, imported and exported, with an indication of the countries involved,] in the previous calendar year; 1/ 2/
- "(iii) The purpose(s) for which the chemical(s) are produced or processed:
 - "(a) conversion on-site (specify product type);
 - "(b) sale or transfer to other domestic industry (specify final product type or end use);
 - "(c) export (specify which country);
 - "(d) other.

"Facility

- "(i) The name of the facility and of the owner, company, or enterprise operating the facility;
- "(ii) The exact location of the facility (including the address, location of the complex, location of the facility within the complex including the specific building and structure number, if any);
- "(iii) Whether the facility is dedicated to producing or processing the declared chemical(s) or is multipurpose;
- "(iv) The production capacity of the facility for the declared chemical(s); 3/
- "(v) Which of the following activities are performed with regard to the declared chemical(s) and for which purpose(s):

"1/ Whether the total amount is to be expressed as an exact figure or within a range is to be discussed.

"2/ One delegation expressed the view that aggregate national data on the production of any such chemical should also be provided.

"3/ How to define production capacity remains to be agreed upon.

- "(a) production;
- "(b) processing with conversion into another chemical;
- "(c) processing without chemical conversion (e.g. purification);
- "(d) other - specify.

"(vi) Whether declared chemicals are stored on-site in quantities greater than []. 1/

"2. A State Party shall notify the [international authority] of the name and location of any facility which intends, in the year following submission of the Annual Declaration, to produce or process

[more than [10 kg] [100 kg] [1,000 kg] 2/ per annum of] any chemical 3/ 4/ with an LD₅₀ equal to or less than 0.5 mg per kg bodyweight 5/ or an LCt₅₀ equal to or less than 2,000 mg-min/m³ and which has or intends to acquire a production capacity 6/ for any such chemical exceeding 1,000 kg 2/ 7/ per annum. 8/ 9/

"1/ The question of a threshold required further consideration.

"2/ Some delegations felt that the thresholds for production and production capacity should correspond to militarily significant quantities.

"3/ Some delegations expressed the view that additional criteria of suitability for chemical weapons purposes should be added.

"4/ Some delegations expressed the view that whether or not a list of these chemicals would be needed, should be discussed.

"5/ It is understood that further discussion is needed with regard to chemicals with a somewhat lower toxicity in the light of what might be agreed as regards footnote 6/ to paragraph 1.

"6/ How to define production capacity remains to be agreed upon. In this context reference was made to the proposal contained in CD/CW/WP.171.

"7/ It is understood that the quantitative value of the threshold for production capacity remains to be discussed.

"8/ One delegation expressed the view that the question of production capacities should be considered in accordance with the relevant provisions in the Annex to Article VI, Schedules [2] and [3] (cf. CD/CW/WP.167 pp. 62, 68).

"9/ It was pointed out that production plans might be changed at short notice and that the Convention therefore should provide for declarations of such revisions of production plans.

"VERIFICATION 1/

"Aim

"3. The aim of the measures stipulated in Article VI, paragraph 6 shall be to verify that:

- "(i) facilities declared under this Annex are not used to produce any chemical listed in Schedule [1];
- "(ii) the quantities of declared chemicals produced or processed are consistent with needs for purposes not prohibited by the Chemical Weapons Convention;
- "(iii) the declared chemicals are not diverted or used for purposes prohibited by the Chemical Weapons Convention.

"Obligation and Frequency

- "4. (i) Each facility notified to the [international authority] under this Annex shall be subject to systematic international on-site inspection on a routine basis if the production of any declared chemical exceeds ... per annum and the production capacity for any of the declared chemical(s) exceeds ... per annum.
- "(ii) The number, intensity, duration, timing and mode of inspections for a particular facility shall be based on the risk to the objectives of the Convention posed by the relevant chemical, the characteristics of the facility and the nature of the activities carried out there. (Guidelines to be used as well as a system for "weighting" need to be developed. In this context, threshold(s) might need to be established). 2/

"Selection

"5. The particular facility to be inspected shall be chosen by the [international authority] in such a way to preclude the prediction of precisely when the facility is to be inspected.

"1/ Some of the provisions contained in this section have general application throughout the Convention. It is understood that the retention of these will be reviewed at a later stage in the negotiations.

"2/ Some delegations expressed the view that possible criteria of 'suitability for chemical weapons purposes' might be considered in this context rather than in the context of declarations.

"Notification

"6. A State Party shall be notified by the [international authority] of the decision to inspect a facility referred to in paragraph [4] [48] [12] hours prior to the arrival of the inspection team.

"Host State Party

"7. The host State Party shall have the right to designate personnel to accompany an international inspection team. The exercise of this right shall not affect the right of inspectors to obtain access to the facility, as provided by the Convention, nor shall it delay or otherwise impede the carrying out of the inspection.

"Initial Visit

"8. Each facility notified to the [international authority] under this Annex shall be liable to receive an initial visit from international inspectors, promptly after the State becomes a party to the Convention. 1/

"9. The purpose of the initial visit shall be to verify information provided concerning the facility to be inspected and to obtain any additional information needed for planning future verification activities at the facility, including inspection visits and use of on-site instruments.

"Agreement on Inspection Procedures

"10. Each State Party shall execute an agreement, based on a model agreement, with the international authority, within ... months after the Convention enters into force for the State, governing the conduct of the inspections of the facilities declared by the State Party. The agreement shall provide for the detailed subsidiary arrangements which shall govern inspections at each facility.

"11. The detailed subsidiary arrangements shall include, inter alia, the size of the team required for the inspection; the duration of the inspection; the relevant parts of the site to be inspected; and the need for permanent on-site instrumentation.

^{1/} One delegation pointed out that new facilities would have to be notified to the [international authority] at a later stage.

"Verification Inspections

"12. The areas of a facility to be inspected under subsidiary arrangements may, inter alia, include:

- "(i) areas where feed chemicals (reactants) are delivered and/or stored;
- "(ii) areas where manipulative processes are performed upon the reactants prior to addition to the reaction vessel;
- "(iii) feed lines as appropriate from subparagraph (i) and/or subparagraph (ii) to the reaction vessel, together with any associated valves, flow meters, etc.;
- "(iv) the external aspect of the reaction vessel and its ancillary equipment;
- "(v) lines from the reaction vessel leading to long- or short-term storage or for further processing of the designated chemical;
- "(vi) control equipment associated with any of the items under subparagraphs (i) to (v);
- "(vii) equipment and areas for waste and effluent handling;
- "(viii) equipment and areas for disposition of off-specification chemicals.

"13. The inspectors have the right at any stage during the inspection to obtain samples from any of the areas inspected. They also have the right to request that appropriate analyses be performed in their presence, either in-house or in a mobile field laboratory, or if necessary to have samples analysed at a laboratory designated by the [international authority]. They may request clarification of any ambiguities arising from the inspection.

"14. The Technical Secretariat may retain at each site a sealed container for photographs, plans and other information that it may wish to refer to in the course of subsequent inspection.

"Submission of Inspectors' Report

"15. The inspectors shall submit a report to the [international authority] on the activities conducted by them and on their findings. 1/

"16. In the event that any ambiguities arise which cannot be resolved in the course of the inspection, the inspectors may in their report recommend appropriate steps for clarification.

"1/ It was suggested that the report of the inspectors should be made available to the State Party subject to the inspection.

"OTHER DOCUMENT(S)

"Preparatory Commission 1/

"1. For the purpose of carrying out the necessary preparations for the effective operation of the provisions of the Convention and for preparing for the first meeting of the Consultative Committee, the Depository of the Convention shall convene a Preparatory Commission not later than [30] days after the Convention has been signed by (to be determined) States.

"2. The Commission shall consist of the representatives designated by the States which have signed the Convention.

"3. The Commission shall be convened at [...] and remain in existence until the Convention comes into force and thereafter until the Consultative Committee has convened.

"4. The expenses of the Commission shall be met by the States signatories to the Convention, participating in the Commission, [in accordance with the United Nations scale of assessment, adjusted to take into account differences between the United Nations membership and the participation of States signatories in the Commission].

"5. All decisions of the Commission shall be made by [consensus] [a two-thirds majority].

"6. The Commission shall

"(a) elect its own officers, adopt its own rules of procedures, meet as often as necessary and establish such committees as it deems useful;

"(b) appoint an executive secretary and establish a provisional technical secretariat with units in charge of preparatory work concerning the main activities to be carried out by the Technical Secretariat created under the Convention: declarations and data; inspectorate; evaluation of accounts and reports; agreements and negotiations; personnel, qualifications and training; development of procedures and instruments; technical support; finance and administration;

"(c) make arrangements for the first session of the Consultative Committee, including the preparation of an agenda and draft rules of procedure;

^{1/} Provisions on the Commission could be contained in a resolution of the United Nations General Assembly commending the convention or in an appropriate document associated with the Convention.

"(d) make studies, reports and recommendations for the first session of the Consultative Committee and the first meeting of the Executive Council on subjects requiring immediate attention after the entry into force of the Convention, including the programme of work and the budget for the first year of activities of the Consultative Committee, the location of the permanent offices of the International Authority, technical problems relevant to activities connected with the implementation of the Convention, establishment of the Technical Secretariat and of its staff and financial regulations.

"7. The Commission shall report on its activities to the first meeting of the Consultative Committee.

"APPENDIX II

"This appendix contains papers reflecting the results of work undertaken on issues in Clusters I, III and IV. They are enclosed to serve as a basis for future work.

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"On-site inspection on challenge"

"This paper represents the views of the Chairman on the state of affairs of consultations carried out by him on the issue of On-site Inspection on Challenge. Nothing contained therein constitutes any agreement and therefore does not bind any delegation. The paper is presented with the sole aim of facilitating for delegations to analyse the situation and to arrive at common approaches and positions in the future work of the Committee.

"As a point of departure for the consultations was taken the four points of convergence detected by the Chairman of the Ad Hoc Committee for 1986 as a result of his consultations on Article IX (CD/734).

"Furthermore, in evaluating different possible components of a system for challenge inspection the following three questions have proved generally acceptable and useful as yardsticks:

- Would they deter against violations?
- Would they give reassurance of compliance?
- Would they build confidence?

"In the consultations a number of elements have been identified which taken together in the view of the Chairman could indicate a possible approach for initiating challenge inspection. This approach is outlined in points 1-7 in Part I below.

"As regards the actual conduct of a challenge inspection it appears to the Chairman that a convergence of views has taken place on some aspects of the issue. These are reflected in points 8-13 of Part II below. On other aspects related to the conduct of an inspection, delegations have given expression to quite different approaches. A number of questions have been raised in the search for solutions. A problem-oriented description of these questions is also contained in Part II.

"As regards the process after the actual inspection has been concluded only limited discussions have taken place. These are reflected in Part III of this paper.

"PART I

"The initiation of a challenge inspection

"A possible approach could be the following.

"(1) Each State Party should have the right at any time to request a challenge inspection of any site under the 'jurisdiction or control' of a State Party, anywhere, in order to clarify doubts about compliance with the provisions of the Convention. 1/

"(2) The request should be submitted to the Head of the Technical Secretariat. It should as precisely as possible specify the site to be inspected and the matters on which reassurance are required, as well as indicate the relevant provision(s) of the Convention, about which doubts of compliance have arisen. 2/

"(3) The Head of the Technical Secretariat should immediately notify the State Party to be inspected, and inform the members of the Executive Council about the request. 3/

"(4) A team of inspectors should be dispatched as soon as possible and arrive at the site to be inspected not later than ... hours after the request. 4/

"1/ Comment: The question of 'jurisdiction or control' spans over many parts of the Convention. It is under continuous discussion and the exact formulations remain to be agreed upon.

"2/ Comment: The designation of the Head of the Technical Secretariat as the recipient of the request indicates that there is no political 'filter'. As regards the contents of the request the above mentioned elements appear to be necessary for the identification of the site and the problem. The possible inclusion of further information needs to be discussed. In this context it has been suggested that the request would need to specify where and when the suspected violation has occurred and what it consists of.

"3/ Comment: The need for informing the Executive Council could be discussed. However, it appears logical that the representative executive body of the Convention is informed about a development seen as a 'rare event' and which implies an activation of the so-called 'safety-net' of the Convention.

"4/ Comment: The time span of 24-48 hours from the request to the arrival has been discussed.

"(5) The requested State should be obliged to admit the team of inspectors into the country and assist it so that it can arrive at the site on time. 1/

"(6) The inspectors should at the arrival be permitted to secure the site in a way they deem necessary to ensure that no material of relevance for the inspection is removed from the site.

"(7) Access to the site for the inspection team should be provided not later than ... hours after the request.

"PART II

"The conduct of a challenge inspection

"A possible approach could be the following:

"(8) The requested State should be under fundamental obligation to demonstrate its compliance with the Convention.

"(9) The inspection should be conducted in accordance with the request. The inspectors should have the access to the site which they deem necessary for the conduct of their mission. They should conduct the inspection in the least intrusive manner possible to accomplish their task.

"(10) The team of inspectors should consult with the requested State, on ways and means to conduct the inspection of the site in a manner which protects sensitive installations or objects not related to chemical weapons. 2/

"(11) In the exceptional event the requested State deems the inspection team's access to the site contrary to its vital national security interests, not connected with chemical weapons, it may propose alternative arrangements to demonstrate compliance.

"1/ Comment: Situations could be envisaged, i.a. when the site to be inspected is not on the territory of the requested State Party. Such cases could however be considered in the context of questions related to jurisdiction.

"2/ Comment: Consultations could be envisaged before as well as during the inspection. It has also been pointed out that detailed provisions as regards methods and instruments to be used would need to be discussed.

"(12) If alternative arrangements are proposed the requesting and requested States Parties should make every possible effort to reach agreement 1/ on ways and means for the inspection team to carry out its task. In this process advice may be sought from and given by the inspection team. 2/

"(13) If agreement on alternative arrangements is reached within ... hours 3/ between the requesting and requested States Parties the inspection team should carry out its task in accordance with those arrangements.

"If no agreement on alternative arrangements can be reached between the requesting and requested States Parties within the stipulated time period, a number of questions arise. These have been extensively but inconclusively addressed during the consultations. Some main lines of thoughts appear to have emerged:

- One line of thought has been that if no agreement on alternative arrangements could be reached the inspection should be carried out in accordance with points 9 and 10 above.
- Another line of thought has been that failing such an agreement the inspection team should return to the Headquarters and report to the Executive Council on the matter. 4/

"1/ Comment: It has been pointed out that in this process the possibility for the requesting State to modify its original request should also be considered.

"2/ Comment: In this context the possibility of more fully utilizing the presence of the inspection team was discussed. Suggestions have been made, inter alia, that the team itself might usefully suggest ways and means for it to carry out its task; and that the team might "test" the alternatives suggested.

"3/ Comment: Some delegations would like this period to be as short as possible. (24 hours has been mentioned. Another suggestion has been a period of 48 hours from the request.) Others have been more inclined to allow as much time as possible for the two parties to reach agreement.

"4/ Comment: In this context it has also been suggested that it might be valuable if the team could explore the alternatives suggested, before returning to the Headquarters.

- A third line of thought has been that the inspection team should report on the matter to the Executive Council and that the Executive Council within ... hours should express itself on whether the inspection team should carry out its task in accordance with the request or alternative arrangements proposed. 1/

"The last stages in the process of a challenge inspection has only been addressed in the consultations in a limited fashion. However there appears to be broad consent

- that a deadline should be set by which the inspection team should conclude the inspection and return to the Headquarters
- that the inspectors' report should be strictly factual and only contain directly relevant information
- that copies of the report should be made available to the requesting State, the requested State and to the Executive Council.

PART III

"The process after the inspection

"A number of questions have been raised as regards the further process, inter alia

- What would be the role of the Executive Council in the evaluation of the report?
- What would be the role of the requesting and requested State at this stage?
- Which further actions could be considered if a violation of the Convention has been established?
- Which further actions could be considered if it can be established that the rights under Article IX have been abused?

"1/ Comment: The exact role of the Executive Council at this stage of the process would need to be carefully considered. A number of questions must be addressed.

- In which form would the Executive Council express itself: a decision? an opinion? a proposal? a recommendation?
- How should the Executive Council arrive at its position? Qualified majority? On which side should such a majority be mustered?
- The composition of the Executive Council.

"Principles and Order of Destruction of Chemical Weapons"

"During the second part of the session the Chairman of the Ad Hoc Committee conducted consultations on the Principles and Order of Destruction of Chemical Weapons. As a starting point was taken Annex IV, Section III, of the rolling text (CD/CW/WP.167). During the consultations the following elements and ideas emerged, which, in the view of the Chairman, could constitute building blocks in the further search for solutions to the problems involved.

"1. The elaboration of the Order of Destruction shall build on the undiminished security for all States during the entire destruction stage; confidence-building in the early part of the destruction stage; gradual acquisition of experience in the course of destroying chemical weapons stocks and applicability irrespective of the actual composition of the stockpiles and the methods chosen for the destruction of the chemical weapons.

"2. All States Parties possessing chemical weapons shall begin destruction not later than one year after entry into force for it of the Convention, and all stockpiles must have been destroyed by the end of the tenth year.

"3. The entire destruction period is divided into nine annual periods. 1/

"1/ The question arises whether such a division would be sufficient or whether it could be useful also to group the annual periods into a few phases with different targets set for each phase. For example, the view was expressed that during an initial phase the destruction process could be such that a quantitative levelling out between different stockpiles of State Parties takes place.

"4. The chemical weapons in each stockpile are divided into categories. 1/

"5. For each category a comparison factor shall be established.

- The comparison factor for categories containing chemicals shall be agent tons, i.e. the aggregate weight of the chemicals within each such category.
- The comparison factor(s) for unfilled munitions shall be expressed in number of items and/or the aggregate fill volume and for other devices and equipment in number of items.

"1/ The precise categorization will need to be discussed.

One possibility could be:

- Chemicals listed in Schedule [1]
- Chemicals listed in Schedule [2] or [3]
- Unfilled munitions, other devices, equipment, etc.

Another possibility could be:

- Soman, VX, QL
- Sarin, DF, Tabun
- Mustards, Lewisites
- Incapacitants, Irritants
- Other lethal chemicals
- All other chemicals stockpiled as chemical weapons
- Unfilled munitions, other devices, equipment, etc.

Chemicals in bulk and chemicals in munition should be calculated separately.

"6. Within each category a State Party shall determine its detailed plans for each annual period in such a way that not more than what is specified in the Convention will remain by the end of each such period. 1/

"These plans shall be submitted to and approved by the Executive Council. 2/

"7. A State Party is not precluded from destroying its stocks at a faster pace.

"8. Each State Party shall report annually on the implementation of the destruction in each annual period.

"1/ The possibility could also be discussed that States Parties destroy no less than 1/n part of each stockpile or at some other ratio related to the original size of the stockpile.

"2/ In accordance with the provisions in Section V of the Annex to Article IV as regards the plans for elimination of chemical weapons (to be elaborated).

"Guidelines for Schedule [1] 1/

"The following guidelines, singly or in combination, should be taken into account in considering whether a chemical should be included in Schedule [1];

"1. Super-toxic lethal chemicals which have been stockpiled as chemical weapons.

"2. Super-toxic lethal chemicals which pose a particular risk of potential use as chemical weapons.

"3. Super-toxic lethal chemicals which have little or no use except as chemical weapons.

"4. Super-toxic lethal chemicals which possess physical and chemical properties enabling them to be used as chemical weapons. 2/

"5. Super-toxic lethal chemicals with chemical structure related/similar to those super-toxic lethal chemicals already listed in Schedule 1. 3/

"6. Chemicals whose principal effect is to cause temporary incapacitation and which possess physical and chemical properties enabling them to be used as chemical weapons.

"7. Any toxic chemical with a chemical structure related/similar to those chemicals already listed in Schedule 1. 3/

"8. Other chemicals which have been stockpiled as chemical weapons.

"9. Other chemicals which have little or no use except as chemical weapons.

"10. Key precursors which participate in a one-stage process of producing toxic chemicals in munitions and devices. 4/

"11. Key precursors which pose a high risk to the objectives of the Convention by virtue of their high potential for use to produce chemical weapons.

"1/ The basis and modalities for the application and revision of the guidelines are to be developed.

"2/ A view was expressed that compounds listed in Schedule [1] should possess the properties of chemical warfare agents.

"3/ The view was expressed that this by itself would not be sufficient to include a chemical in Schedule [1].

"4/ One delegation believes that this provision is not necessary and that it is already covered under point 12.

"12. Key precursors which may possess the following characteristics:

- "(i) it may react with other chemicals to give, within a short time, a high yield of a toxic chemical defined as a chemical weapon;
- "(ii) the reaction may be carried out in such a manner that the toxic product is readily available for military use; and
- "(iii) key precursors which have little or no use except for chemical weapons purposes.

"POSSIBLE FACTORS IDENTIFIED TO DETERMINE THE NUMBER, INTENSITY,
DURATION, TIMING AND MODE OF INSPECTIONS OF FACILITIES HANDLING
SCHEDULE [2] CHEMICALS 1/

"1. Factors related to the listed chemical

"(a) Toxicity of the end product.

"2. Factors related to the facility

"(a) Multipurpose or dedicated facility.

"(b) Capability and convertibility for initiating production of highly toxic chemicals.

"(c) Production capacity.

"(d) On-site storage of listed key precursors in quantities exceeding ... tonnes.

"(e) Location of the facility and infrastructure for transportation.

"3. Factors related to the activities carried out at the facility

"(a) Production e.g. continuous, batch, types of equipment.

"(b) Processing with conversion into another chemical.

"(c) Processing without chemical conversion.

"(d) Other types of activities, e.g., consumption, import, export, transfer.

"(e) Volume produced, processed, consumed, transferred.

"(f) Relationship between maximum and utilized capacity for a scheduled chemical.

- multipurpose facility
- dedicated facility

"4. Other factors

"(a) International monitoring by on-site instruments.

"(b) Remote monitoring.

"1/ The order in which these factors are listed does not indicate any priority.

"Model for an Agreement Relating to Facilities Producing, Processing
or Consuming Chemicals Listed in Schedule [2] 1/

"1. Identification of the facility

"(a) Facility identification code

"(b) Name of the facility

"(c) Owner(s) of the facility

"(d) Name of the company or enterprise operating the facility

"(e) Exact location of the facility

- . Location of the complex
- . Location of the facility within the complex, including the specific building and structure number, if any
- . Location of relevant support facilities within the complex: e.g., research and technical services, laboratories, medical centres, waste treatment plants

"(f) Determination of the area(s) and place(s)/site(s) to which inspectors shall have access

"2. Information on the facility

"This agreement is based on the design information obtained during the initial visit on [date of visit]. Design information should include:

"(a) Data on the production process (type of process: e.g., continuous or batch; type of equipment; the technology employed; process engineering particulars)

"(b) Data on processing with conversion into another chemical (description of the conversion process, process engineering particulars and end-product)

"(c) Data on processing without chemical conversion (process engineering particulars, description of the process and the end-product, concentration in the end-product)

"(d) Data on waste treatment (disposal and/or storage, waste treatment technology, recycling)

"1/ This paper relates to agreements which have commonly been named 'facility attachments'. Further work is needed on this issue.

"(e) Data on safety and health measures at the facility

"(f) Data on clean-up procedures and general overhauls

"(g) Data on feedstocks used in the production or processing of declared chemicals (type and capacity of storage)

"(h) Maps and plans of the facility, including data on infrastructure for transportation (site maps showing, for example, all buildings and functions, pipework, roads, fences, mains electricity, water and gas points, and diagrams indicating the relevant material flow at the designated facility)

"2.1. Storage of information

"Designation of information, provided about the facility under paragraph 2, which shall be kept by the International Authority under lock and key at the facility. (In the event of unresolved ambiguities, the International Authority shall have the right to study such information.)

"3. Number and modalities of inspections.

"After the initial visit, the number and modalities of inspections shall be decided by the Technical Secretariat on the basis of guidelines (compare CD/CW/WP.167, page 63, subparagraph 5.ii. and CD/CW/WP.167, Appendix II, page 3).

"4. Verification measures and identification of the specific area(s) and place(s) of a facility to be inspected

"(a) Identification of the relationship between feedstocks and the quantity of end-products

"(b) Identification of key points for measurement (KMP) and sample-taking (STP)

"(c) Identification of methods for continuous monitoring and surveillance, e.g.

- . key points for the application of monitoring and surveillance measures
- . installed instruments and devices, seals and markers, methods to check the proper functioning of those instruments, servicing of installed instruments
- . activities to be undertaken by the State Party concerned with a view to providing the conditions necessary for the installation and proper functioning of the devices

"(d) Certification of relevant losses within the production process and their implications for key measurement points (KMP)

"5. Inspection activities

"5.1. Mode of routine inspection

"To be developed on the basis of the initial visit

"5.2. Indication of the scope of the inspection effort in agreed areas under ordinary circumstances

"Access to the area to be inspected, including all key points.
Activities may comprise:

"(a) Examination of relevant records

"(b) Identification of relevant plant equipment

"(c) Identification and validation of measuring equipment (examination and calibration of measuring equipment; verification of measuring systems using, as appropriate, independent standards)

"(d) Taking of analytical samples

"(e) Verification of chemical inventory records

- . verification of the operator's inventory-taking for completeness and accuracy

- . verification of the quantities of feedstocks

"(f) Observation of operations relating to movement of chemical substances in the plant

"(g) Installation, servicing and review of surveillance and monitoring instruments

"(h) .

.

.

"5.3. Specific arrangements for the use of special equipment

"As the need arises, specific arrangements for the use of special equipment, as requested by inspectors.

"6. Provisions governing sample-taking, on-site analyses of samples and on-site analysis equipment

"(a) Sample-taking (e.g., standardized procedures)

"(b) On-site analyses (e.g., provisions concerning on-site/in-house analyses, analytical methods, equipment, precision and accuracy of analyses)

"(c) Duplicates and additional samples

"7. Records

"7.1. Type of records

"The records to be examined shall be determined after the initial visit and shall include the following:

"(a) Accounting records (for example, discards, retained wastes, shipments of end-products, receipts/shipments)

"(b) Operating records

"Operating records used to establish the quantity, quality and composition of the end-product. These may include:

- . Information on any accident that resulted in a loss/gain of material
- . Information on dissolution, evaporation, etc.

"(c) Calibration records

"Information on the functioning of analytical/monitoring equipment

"7.2. Location and language of records

To be determined during the initial visit

"7.3. Access to records

To be determined after the initial visit

"7.4. Retention period of records

To be determined on the basis of the initial visit

"8. Services to be provided by the facility

Point of contact for each type of service, e.g.

- . operator assistance
- . medical and health services

"9. Specific facility health and safety rules and regulations to be observed by inspectors

"10. Changes, revision and updating of advance information to be provided on the facility

(To be announced in reference to the paragraph on the design information obtained during the initial visit)

"11. Interpretation services

"Proposal by the Co-ordinator for Cluster I

"Annex to Article IV (Section IV)

"IV. PRINCIPLES AND METHODS FOR THE VERIFICATION
OF THE DESTRUCTION OF CHEMICAL WEAPONS 1/

"1. The aim of verification of destruction of chemical weapons shall be:

- to confirm the identity and quantity of the chemical weapons stocks to be destroyed, and
- to confirm that these stocks for all practical purposes have been destroyed.

"2. General plans for destruction of chemical weapons

"The general plan for destruction of chemical weapons, submitted pursuant to Article IV shall specify:

"(a) a general schedule for destruction, giving types and quantities of chemical weapons to be destroyed in each period;

"(b) for each existing or planned chemical weapons destruction facility:

- name and address;
- location;
- chemical weapons intended to be destroyed;
- method of destruction;
- capacity;
- expected period of operation;
- products of the destruction process.

"3. Detailed plans for destruction of chemical weapons

"These plans shall be submitted to the Consultative Committee in accordance with Article IV and shall specify:

"1/ This section is at a very early stage of elaboration. Further work is needed on it.

"(a) the number of chemical weapons destruction facilities and a detailed schedule for the destruction of chemical weapons at each of these facilities;

"(b) the aggregate quantity of each individual type of chemical weapons planned to be destroyed at each facility;

"(c) data about each facility:

- name, postal address, geographical location;
- method of destruction;
- end-products;
- layout plan of the facility;
- technological scheme;
- operation manuals;
- method of storage and volume of the facility's storage, estimated by types and quantities of chemical weapons;
- types and quantities of chemical weapons kept at the storage during each destruction period;
- the system of verification;
- safety measures in force at the facility;
- living and working conditions for the international inspectors.

"4. Review of detailed plans for the destruction of chemical weapons

"(a) On the basis of the detailed plan for destruction and proposed measures for verification submitted by the State Party, and as the case may be, on experience from previous inspections and on the relevant agreement(s) on subsidiary arrangements, the Technical Secretariat shall prepare before each destruction period, a plan for verifying the destruction of chemical weapons, consulting closely with the State Party. Any differences between the Technical Secretariat and the State Party should be resolved through consultations. Any unresolved matters shall be forwarded to the Executive Council 1/ for appropriate action with a view to facilitating the full implementation of the Convention.

1/ The role of the Executive Council in the review process will need to be reviewed in the light of its composition and decision-making process.

"(b) The agreed combined detailed plans for destruction and verification plans, with an appropriate recommendation by the Technical Secretariat, will be forwarded to the members of the Executive Council for review. The members of the Executive Council shall review the plans with a view to approving them, consistent with verification objectives. This review is designed to determine that the destruction of chemical weapons, as planned, is consistent with the obligations under the Convention and the objective of destroying the chemical weapons. It should also confirm that verification schemes for destruction are consistent with verification objectives, and are efficient and workable. This review should be completed [60] days before the destruction period.

"(c) Each member of the Executive Council may consult with the Technical Secretariat on any issues regarding the adequacy of the combined plan for destruction and verification. If there are no objections by any members of the Executive Council, the plan shall be put into action.

"(d) If there are any difficulties, the Executive Council shall enter into consultations with the State Party to reconcile them. If any difficulties remain unresolved they should be referred to the Consultative Committee.

"(e) Destruction and verification should proceed according to the agreed plan as referred to above. The verification should not interfere with the destruction process.

"5. After a review of the detailed plans of destruction of chemical weapons, the Technical Secretariat, if the need arises, will enter into consultation with the State Party concerned in order to ensure its chemical weapons destruction facility(ies) is(are) designed to assure destruction of chemical weapons, to allow advanced planning on how verification measures may be applied and to ensure that the application of verification measures is consistent with proper facility(ies) operation, and that the facility(ies) operation allows appropriate verification.

"6. Agreements on subsidiary arrangements

"For each destruction facility, States Parties should conclude with the International Authority detailed agreements on subsidiary arrangements for the systematic verification of destruction of chemical weapons. Such agreements shall be based on a Model Agreement and shall specify, for each destruction facility, the detailed on-site inspection procedures and arrangements for the removal of chemical weapons from the storage facility at the destruction facility, transport from this storage facility to their destruction and the monitoring by on-site instruments, taking into account the specific characteristics of the destruction facility and its mode of operation. The Model Agreement shall include provisions to take into account the need for maintenance and modifications.

"7. International inspectors will be granted access to each chemical weapons destruction facility (...) prior to commencement of active destruction phases for the purpose of carrying out an engineering review of the facility, including the facility's construction and layout, the equipment and instruments for measuring and controlling the destruction process, and the checking and testing of the accuracy of the verification equipment.

"8. Systematic international on-site verification of destruction of chemical weapons

"(a) The inspectors will be granted access to conduct their activities at the chemical weapons destruction facilities and the chemical weapons storage facilities thereat during the entire active phase of destruction. They will conduct their activities in the presence and with the co-operation of representatives of the facility's management and the National Authority if they wish to be present.

"(b) The inspectors may monitor by either physical observation or devices:

"(i) the chemical weapons storage facility at the destruction facility and the chemical weapons present;

"(ii) the movement of chemical weapons from the storage to the facility;

"(iii) the process of destruction (assuring that no chemical weapons are diverted);

"(iv) the material balance (to be elaborated further); and

"(v) the accuracy and calibration of the instruments.

"(c) To the extent consistent with verification needs, verification procedures should make use of information from routine facility operations.

"(d) After the completion of each period of destruction, the Technical Secretariat shall certify the declaration of the National Authority, reporting the completion of destruction of the designated quantity of chemical weapons.

"(e) International Inspectors shall, in accordance with agreements on subsidiary arrangements:

- have unimpeded access to all parts of the destruction facilities, including facilities' storages, any munitions, devices, bulk containers, or other containers therein. While conducting their activity, Inspectors shall comply with the safety regulations at the facility. The items to be inspected will be chosen by the Inspectors in accordance with the verification plan that has been agreed to by the State Party and approved by the Executive Council;

- bring with them and use such agreed instruments as may be necessary for the completion of their tasks;
- monitor the systematic on-site analysis of samples during the destruction process;
- receive, if necessary, samples taken at their request from any devices bulk containers and other containers at the facility. Such samples will be taken and analysed by representatives of the State Party in the presence of the Inspectors;
- communicate freely with the International Authority;
- if necessary, (to be discussed) transfer samples for analysis off-site at a laboratory designated by the International Authority, in accordance with agreed procedures;
- ensure, in accordance with procedures (to be developed), that samples transported, stored and processed are not tampered with;
- afford the opportunity to the host State Party to be present when samples are analysed;

"(f) The State Party receiving the inspection shall, in accordance with agreed procedures:

- have the right to accompany the International Inspectors at all times during the inspection and observe all their verification activities at the destruction facility, including the facility's storage;
- have the right to retain duplicates of all samples taken at the Inspectors' request and be present when samples are analysed;
- have the right to inspect any agreed standard instrument used or installed by the International Inspectors and to have it tested in the presence of its personnel;
- provide assistance to the International Inspectors, upon their request, for the installation of seals or monitoring devices and the analysis of samples on-site as appropriate to the monitoring of the destruction process;
- receive copies of the reports on inspections of its destruction facility(ies);
- receive copies, at its request, of the information and data gathered about its destruction facility(ies) by the International Authority.

"(q) If Inspectors detect irregularities which may give rise to doubts they will report the irregularities to the representatives of the facility and the National Authority and request that the situation be resolved. Uncorrected irregularities will be reported to the Executive Council.

"(h) After each inspection to the destruction facility, International Inspectors shall submit a report with their findings to the International Authority which will transmit a copy of this report to the State Party having received the inspection. Information (to be designated) received during the inspection shall be treated as confidential (procedures to be developed).

"9. Chemical weapons storage facilities at chemical weapons destruction facilities

(To be developed)

"Article VIII

"Co-ordinator's Discussion Paper

"1. In view of the significant progress made in the elaboration of the text and annexes of the future CW Convention, it has become possible and necessary to give thorough consideration to the organizational machinery to be established under the Convention. This is what the discussions held so far in Working Group C have borne out.

"The following questions will have to be addressed:

"(a) How far will the detailed procedures developed in connection with Articles IV, V and VI influence the powers and functions of the main organs and how detailed should they be?

"(b) In view of the considerable practical implementation work the main organs will be responsible for, how should they interact with each other and be interconnected?

"(c) How can both the stability of the Convention and sufficient dynamism and flexibility to adapt to scientific-technological advances be ensured?

"(d) How should the legal framework be defined in which the organs will operate? Should an "International Organization for the Prohibition of Chemical Weapons" be constituted as a legal personality under international law?

"It must be attempted to build on the results achieved thus far and to draw on the examples of international organizations set up pursuant to other legal instruments.

"(Although treaty language is used in the following, the text given is meant to serve as a basis for the discussion of contents.)

"Article VIII

"The Organization

"A. General Provisions

"1. There is hereby established the International Organization for the Prohibition of Chemical Weapons.

"2. All States Parties shall ipso facto be members of the Organization.

"3. The seat of the Organization shall be ...

Comment: All States Parties to the Convention should be members of the Organization. Thus, no provisions governing application for membership, admittance or expulsion would be necessary.

"4. There are hereby established as the main organs of the Organization the General Conference, the Executive Council and the Technical Secretariat.

Comment: At this stage, it appears necessary to decide on the names of the organs. Judged by the tasks to be entrusted to the principal organ to be set up under the Convention, the name "Consultative Committee" does not seem to be appropriate. Besides its function as a forum for consultation among States Parties, the organ should address the most important problems to be solved in connection with the implementation of the Convention. The large membership this organ is bound to have does hardly warrant the term "committee". In contrast to the text contained in WP.167, it seems to be preferable to establish ipso jure the other two main organs at the time the Convention enters into force. Growing out of the Preparatory Commission, the Technical Secretariat should, for example, be able to function in an orderly manner from the first day on.

"B. The General Conference

"(a) Composition, procedure and decision-making

Comment: Apart from the need to reflect the outstanding consensus on the decision-making procedure and on how the blank can be filled concerning the number of members necessary to convene an extraordinary session, the existing text of Article VIII. B. does not seem to require major changes. A provision on the first session, a provision corresponding to Article VIII. A. 3., would have to be included in that text.

"(b) Powers and functions

"1. The Conference shall be the principal organ of the Organization. The other main organs shall be accountable to the Conference, as specifically provided for in the Convention.

"2. The Conference shall oversee the implementation of the Convention, consider any questions or matters relevant to the Convention or the powers and functions of any subsidiary organs, foster consultation and co-operation among States Parties for the advancement of chemical industry for peaceful purposes, and promote the verification of compliance with this Convention.

"3. At its regular sessions, the Conference shall, on the basis of the annual report of the Organization, review the implementation of the Convention and provide a forum for the discussion of any questions raised in relation to the objectives or the implementation of the Convention.

"4. In addition, the powers and functions of the Conference shall be:

"(a) to consider and approve the annual programme and budget of the Organization, as submitted by the Executive Council;

"(b) to encourage international scientific and technical co-operation for peaceful purposes, in the chemical field, as provided for in Article XI;

"(c) to review scientific and technological developments which could affect the operation of the Convention, especially in regard to agreed lists;

"(d) to elect the members of the Executive Council;

"(e) to appoint the Director of the Technical Secretariat [upon the recommendation of the Executive Council];

"(f) to establish, as appropriate, such subsidiary organs as it finds necessary for the exercise of its functions in accordance with this Convention;

"(g) to adopt the rules of procedure [of the Executive Council, including the method of selecting its Chairman];

"(h) to consider and approve the reports of the Executive Council, e.g., reports on challenge inspections and other fact-finding activities, in accordance with Article IX;

"(i) ...

Comment: These four articles should describe the functions on the basis of which the principal organ of the Organization should decide the general policies of the Organization. The second paragraph is largely identical to paragraph 1 in part C of Article VIII of the rolling text. The implementation review function has been elaborated further in a new article relating to the consideration of the annual report. That document should incorporate the regular reports which subsidiary organs are required to give on their fields of activity. This would make it possible to assess how the provisions of the Convention and its annexes are implemented and how the organs of the Convention function. The conclusions drawn from that might lead to amendments to the annexes. In view of the detailed procedural provisions included in the

annexes, a rather simple way to amend them either at regular or special sessions should be worked out. Owing to the amount of scientific-technological and organizational work entrusted to the Technical Secretariat, especially in consequence of Articles IV, V and VI, detailed prescriptions concerning the utilization of resources should be included in the programme and budget of the Organization. Among other things, the programme and budget should deal with the following issues:

- . receiving, storing and processing the data obtained through declarations, information provision procedures, the plans presented by States Parties and the findings of inspections;
- . operating the verification system, e.g., the planning and evaluation of inspections, follow-up actions, reporting on the results of inspections;
- . developing equipment, techniques and specific procedures for monitoring, measurement, containment and surveillance and for supplying the International Inspectorate with the necessary equipment;
- . recruiting and training inspectors, designating international inspectors, providing administrative support to inspectors, negotiating agreements with States Parties relating to verification activities, and handling personnel, budget and financial planning matters;
- . co-operating with the national authorities of States Parties and facilitating consultation and co-operation among States Parties.

"5. The Conference shall consider at special sessions such issues of primary importance for the objectives or the implementation of the Convention as new fundamental scientific and technological developments, violations of the Convention and amendments to annexes to articles of the Convention.

Comment: Most special powers and functions set out in Article VIII. C. 2 of the rolling text are contained, partially redrafted, in the above provisions. While it is an important function of the Organization to carry out verification activities, such a function can hardly be considered a duty to be performed by one of its policy-making organs. The provision on Review Conferences seems to be in need of further study in the light of the annual review to be undertaken by the General Conference.

"C. The Executive Council

"(a) Composition, procedure and decision-making

Comment: This chapter needs further in-depth discussion.

"(b) Powers and functions

"1. The Executive Council shall be the executive organ of the Organization. It shall be responsible to the Conference and have delegated authority to represent the Organization and to oversee the effective implementation of and compliance with the Convention when the Conference is not in session.

Comment: While the powers and functions of the Executive Council are to be formulated in full recognition of its character as a subsidiary organ of the Conference, the expression "delegated authority" seems to be appropriate only in relation to Conference functions exercised by proxy.

"2. The Executive Council shall, at the regular sessions of the Conference, report on the exercise of its functions and present such special reports as the Conference may request.

"3. In particular, the Executive Council shall:

"(a) supervise and co-ordinate the activities of the Technical Secretariat and the other subsidiary organs, especially the implementation of the annual programme and budget;

"(b) propose to the Conference, as appropriate, the establishment of such subsidiary organs as it finds necessary for the exercise of the functions of the Organization;

"(c) submit to the Conference for approval the proposed annual report and the annual programme and budget of the Organization;

"(d) make recommendations to the Conference concerning any question or matter within the competence of the Organization;

"(e) enter into agreements with the United Nations or other international organizations on behalf of the Organization, subject to approval by the Conference;

"(f) approve agreements, concluded by the Director of the Technical Secretariat with States Parties, relating to verification activities;

"(g) request a special meeting of the Conference;

"(h) obtain, keep and disseminate under established procedures information, submitted by States Parties, pertaining to the Convention;

"(i) consider reports on on-site inspections, submitted by the Director of the Technical Secretariat;

"(j) receive requests for information and clarification regarding compliance with the Convention, including requests for fact-finding, and decide and oversee specific actions to be taken upon such requests;

"(k) ...

"Article VIII

"Problems and Questions to be Addressed in the
Further Elaboration of the Article

"I. International Organization

"1. Should the legal framework, in which the organs will operate, be defined as an independent legal personality under international law?

"2. Problems pointed out during the discussion:

Powers to enter into agreements with other international organizations and with States Parties.

Each State Party is an ipso facto member of the Organization.

"3. Beside the overall mandate of the Organization to implement the provisions of the Convention, is a detailed description of its objectives necessary?

"II. Main organs

"1. Should there be a three-layer structure?

- . Principal organ
- . Executive organ
- . Technical organ

"2. Should the name of the principal organ be changed from "Consultative Committee" into "General Conference"?

"3. How should the powers and functions of the principal organ be defined in order that it may carry out its primary task, which is to determine the Organization's general policies?

"III. Review conferences

The regular review of the implementation of the Convention would be undertaken on the basis of the annual report of the Organization. Conclusions to be drawn could be reflected, inter alia, in its annual programme and budget. In the light of this regular review, the issue of holding review conferences at longer intervals will have to be addressed. The objective of such conferences would be a comprehensive assessment of the implementation of every article of the Convention. The principal organ of the Organization would be the appropriate forum for such a conference, thus stressing the role of this body.

"IV. Amendments to annexes

The solution to this problem would be to reconcile the two objectives: to provide for the stability of the Convention and to allow practical experience and new scientific-technological achievements to be reflected in the detailed procedure. The solution of this problem will have to be taken into account in the development of Article VIII.

"V. The Executive Council

"1. What are the powers and functions this organ needs in order to discharge its important responsibilities? What kind of division of labour should exist between the principal and the executive organ?

"2. Should the functions the Executive Council would have in terms of "delegated authority" be those which the principal organ, when in session, would take back from the Executive Council?

Therefore, an exact differentiation between "delegated" and genuine functions would be advisable. On the other hand, besides delegated functions, as provided for under (C) (b) 1., there could be a provision to the effect that the General Conference should be free to delegate other functions to the executive organ.

"3. Would the accountability of the Executive Council to the General Conference, the regular and special reports the Executive Council will be required to make to the Conference and its responsibility for implementing the decisions of the Conference correspond to the relationship between a principal and an executive organ?

"4. Should the three main organs be established ipso jure on the day the Convention enters into force in order to ensure that they become operational as quickly as possible?

"Attachment (A) to CD/CW/WP.175

"Cluster IV

"Guidelines on the International Inspectorate */

"I. Designation

"1. Verification activities in a State Party to the Convention shall only be performed by inspectors designated to this State in advance.

"2. The Technical Secretariat shall communicate, in writing, to the State concerned the names, nationality and ranks of the inspectors proposed for designation. Furthermore, it shall furnish a certificate of their qualifications and enter into such consultations as the State concerned may request. The latter shall inform the Secretariat, within (30) days after receipt of such a proposal, whether or not it will accept the designation of each inspector proposed. The inspectors accepted by the State Party shall be designated to that State. The Technical Secretariat shall notify the State concerned of such a designation.

"3. Should any State Party object to the designation of inspectors, be it at the time they are proposed or at any time thereafter, it shall inform the Technical Secretariat of its objection. If a State Party raises objections to an inspector already designated, this objection shall come into effect 30 days after receipt by the Technical Secretariat. The Technical Secretariat shall immediately inform the State concerned of the withdrawal of the designation of the inspector. In cases of objections to designation of inspectors the Technical Secretariat shall propose to the State Party in question one or more alternative designations. The Technical Secretariat shall refer to the Executive Council any repeated refusal by a State Party to accept the designation of inspectors if the Secretariat is of the opinion that such refusal impedes inspections to be conducted in the State concerned.

"II. Privileges and immunities of inspectors

"1. To the extent necessary for the effective exercise of their functions, inspectors shall be accorded the following privileges and immunities, which shall also apply to the time spent travelling in connection with their missions:

"(a) immunity from personal arrest or detention and from seizure of their personal baggage;

"*/ These guidelines relate to the activities international inspectors carry out in connection with routine verification in States Parties.

"(b) immunity from legal process of every kind in regard to what they do, say or write in the performance of their official functions;

"(c) inviolability of all the papers, documents, equipment and samples they carry with them;

"(d) the right to use codes for their communication with the Secretariat and to receive papers or correspondence by courier or in sealed bags from the Secretariat;

"(e) multiple entry/exit and/or transit visas and the same treatment in entry and transit formalities as is given to members of comparable rank of diplomatic missions;

"(f) the same currency and exchange facilities as are accorded to representatives of foreign Governments on temporary official missions;

"(g) the same immunities and facilities in respect to their personal baggage as are accorded to members of comparable rank of diplomatic missions.

"2. Privileges and immunities shall be granted to inspectors for the sake of the Convention and not for the personal benefit of the individuals themselves. The Secretariat shall have the right and the duty to waive the immunity of any inspector whenever it is of the opinion that the immunity would impede the course of justice and can be waived without prejudice to the Convention.

"3. If any State Party to the Convention considers that there has been an abuse of an above-mentioned privilege or immunity, consultations shall be held between that State and the Secretariat to determine whether such an abuse has occurred and, if so, to ensure that it does not repeat itself.

"III. General rules governing inspections and the conduct of inspectors

"1. Inspectors shall carry out their functions under the Convention on the basis of the inspection mandate issued by the Technical Secretariat. They shall refrain from activities going beyond this mandate.

"2. The activities of inspectors shall be so arranged as to ensure on the one hand the effective discharge of the inspectors' functions and, on the other, the least possible inconvenience to the State concerned and disturbance to the facility or other location inspected. Inspectors shall only request the information and data which are necessary to fulfil their mandate. States Parties shall furnish such information. Inspectors shall not communicate to any State, Organization or person outside the Technical Secretariat any information to which they have access in connection with their activities in a State Party. They shall abide by relevant regulations established within the Technical Secretariat for the protection of confidential information. They shall remain bound by these relevant regulations after they have left their functions as international inspectors.

"3. In the performance of their duties on the territory of a State Party, inspectors shall, if the State Party so requests, be accompanied by representatives of this State, provided inspectors are not thereby delayed or otherwise hindered in the exercise of their functions. If a State Party designates the inspectors' point of entry into, and departure from, the State concerned and their routes and modes of travel within the State, it shall be guided by the principle of minimizing the time of travel and any other inconvenience.

"4. In exercising their functions, inspectors shall avoid unnecessarily hampering or delaying the operation of a facility or affecting its safety. In particular, inspectors shall not operate any facility or direct the staff of the facility to perform any operation. If inspectors consider that, to fulfil their mandate, particular operations should be carried out in a facility, they shall request the designated representative of the management of the facility to perform them.

"5. After the inspection visit, inspectors shall submit to the Technical Secretariat a report on the activities conducted by them and on their findings. The report shall be factual in nature. It shall only contain facts relevant to compliance with the Convention, as provided for under the inspection mandate. Relevant regulations, governing the protection of confidential information, shall be observed. The report shall also provide information as to the manner in which the State Party inspected co-operated with the inspection team. Different views held by inspectors may be attached to the report.

"6. The report shall be kept confidential. The National Authority of the State Party shall be informed of the findings of the report. Any written comments, which the State Party may immediately make on these findings shall be annexed to it. Immediately after receiving the report, the Technical Secretariat shall transmit a copy of it to the State Party concerned.

"7. Should the report contain uncertainties, or should co-operation between the National Authority and the inspectors not measure up to the standard required, the Technical Secretariat shall approach the State Party for clarification.

"8. If the uncertainties cannot be removed or the facts established are of a nature to suggest that obligations undertaken under the Convention have not been met, the Technical Secretariat shall inform the Executive Council without delay."

E. Prevention of an Arms Race in Outer Space

80. The item on the agenda entitled "Prevention of an Arms Race in Outer Space" was considered by the Conference, in accordance with its programme of work, during the periods 2-13 March and 28 June-3 July 1987.

81. The list of documents presented to the Conference during its 1987 session under the agenda item, is contained in the report submitted by the Ad hoc Committee referred to in the following paragraph.

82. At its 435th plenary meeting, on 28 August 1987, the Conference adopted the report of the Ad hoc Committee re-established by the Conference under the agenda item at its 392nd plenary meeting (see paragraph 10 above). That report (CD/786) is an integral part of this report and reads as follows:

"I. INTRODUCTION

"1. At its 392nd plenary meeting on 24 February 1987, the Conference on Disarmament adopted the following decision:

'In the exercise of its responsibilities as the multilateral disarmament negotiating forum in accordance with paragraph 120 of the Final Document of the first special session of the General Assembly devoted to disarmament, the Conference on Disarmament decides to re-establish an Ad Hoc Committee under Item 5 of its agenda entitled 'Prevention of an arms race in outer space.'

The Conference requests the Ad Hoc Committee, in discharging that responsibility, to continue to examine, and to identify, through substantive and general consideration, issues relevant to the prevention of an arms race in outer space.

The Ad Hoc Committee in carrying out this work, will take into account all existing agreements, existing proposals and future initiatives as well as developments which have taken place since the establishment of the Ad Hoc Committee, in 1985, and report on the progress of its work to the Conference on Disarmament before the end of its 1987 session.'

"In that connection, the President of the Conference made the following statement:

'I have conducted informal consultations with members from different groups, and in putting this Working Paper CD/WP.268 before the Conference for decision, I wish to state that, as is known to all members of the Conference and as reflected in the 1986 report of the Conference to the General Assembly of the United Nations (CD/732), consideration of proposals for measures aimed at the prevention of an arms race in outer space is covered by the mandate contained in Working Paper CD/WP.268.'

"II. ORGANIZATION OF WORK AND DOCUMENTS

"2. At its 394th plenary meeting on 5 March 1987, the Conference on Disarmament appointed Ambassador Aldo Pugliese (Italy) as Chairman of the Ad Hoc Committee. Miss Aida Luisa Levin, Senior Political Affairs Officer, United Nations Department of Disarmament Affairs, continued to serve as the Committee's Secretary.

"3. The Ad Hoc Committee held 18 meetings between 13 March and 24 August 1987.

"4. At their request, the Conference on Disarmament decided to invite the representatives of the following States not members of the Conference to participate in the meetings of the Ad Hoc Committee: Austria, Denmark, Finland, Greece, New Zealand, Norway, Portugal, Spain, Turkey and Zimbabwe.

"5. In addition to the documents of the previous sessions 1/, the Ad Hoc Committee had before it the following documents relating to the agenda item submitted to the Conference on Disarmament during the 1987 session:

- CD/741 Mandate for an Ad Hoc Committee under item 5 of the agenda of the Conference on Disarmament entitled "Prevention of an Arms Race in Outer Space";
- CD/758 Letter dated 16 June 1987 from the Permanent Representatives of Argentina, India, Mexico and Sweden addressed to the President of the Conference on Disarmament, transmitting the text of a joint statement made by the five Heads of State or Government of Argentina, Greece, India, Mexico, Sweden and the First President of Tanzania on 22 May 1987;
- CD/773 Summary Report of the Outer Space Workshop held in Montreal on 14-17 May 1987, submitted by Canada;
- CD/777 Main Provisions of a Treaty on the Prohibition of Anti-Satellite Weapons and on Ways to Ensure the Immunity of Space Objects, submitted by the German Democratic Republic and the Mongolian People's Republic.

In addition, the Committee had before it the following working papers:

- CD/OS/WP.17 Programme of work;
- CD/OS/WP.18 Proposal for a Structured Discussion of Item 3 of the Programme of Work: "Existing Proposals and future initiatives on the prevention of an arms race in outer space", submitted by the German Democratic Republic.

"1/ The list of documents of the previous sessions may be found in the 1985 and 1986 reports of the Ad Hoc Committee, which are an integral part of the reports of the Conference on Disarmament (CD/642 and CD/732, respectively).

"III. SUBSTANTIVE WORK DURING THE 1987 SESSION

"6. Following an initial exchange of views and consultations held by the Chairman with Members of different groups, the Ad Hoc Committee, at its 2nd meeting on 7 April 1987, adopted the following programme of work for the 1987 session:

- '1. Examination and identification of issues relevant to the prevention of an arms race in outer space;
2. Existing agreements relevant to the prevention of an arms race in outer space;
3. Existing proposals and future initiatives on the prevention of an arms race in outer space.

In carrying out its work, the Ad Hoc Committee will take into account developments which have taken place since the establishment of the Committee in 1985.'

"In that connection, the Chairman made the following statement:

'... I wish to recall that in carrying out this programme of work consideration will be given to the declaration made by the President of the Conference on Disarmament for the month of February, on the occasion of the adoption of the mandate ... with the understanding that the programme of work covers the consideration of proposals for measures aimed at the prevention of an arms race in outer space.'

"7. The Ad Hoc Committee agreed that in discharging the tasks set forth in its mandate, it would give equal treatment to the subjects covered therein. Accordingly, the Committee further agreed to allocate the same number of meetings to each of those subjects, namely, issues relevant to the prevention of an arms race in outer space, existing agreements and existing proposals and future initiatives. At the last substantive meeting, some delegations took the opportunity to sum up their positions.

"A. Examination and identification of issues relevant to the prevention of an arms race in outer space

"8. Many delegations, reiterating that outer space is the common heritage of mankind and should be reserved exclusively for peaceful uses to promote the scientific, economic and social development of all nations, stressed the overriding importance and urgency of preventing an arms race in outer space. They recalled that the exploration and use of outer space should be carried out in the interest of maintaining international peace and security and promoting international co-operation and mutual understanding. They stated that military competition between the two major powers was being extended into outer space, leading to the development, testing and possible deployment of weapons systems and their components adaptable for use in or from space. In

their view, the introduction of weapons into space would result in an irreversible competition in the field of space weaponry which would have dangerous consequences for international peace and security, give the arms race a qualitatively new dimension, undermine existing agreements and jeopardize the disarmament process as a whole. It would also, in their opinion, create obstacles to the peaceful uses of outer space to promote scientific, economic and social development. They, therefore, believed that the priority task of the Ad Hoc Committee should be the immediate prohibition of the testing, production and deployment of weapons systems and their components adaptable for use in, towards, or from space. To that end, in their opinion, attention should focus on the question of the measures that should be adopted. In that connection, they noted the significance of the statement made by the President of the Conference at the time of the re-establishment of the Committee. These delegations also pointed to the military uses of space that were already taking place as an extension of weapons systems on Earth. In that connection, it was noted that information gathered by reconnaissance and surveillance satellites had been used in support of military operations against developing countries. The view was expressed that to guard against such uses, satellite reconnaissance and surveillance activities should be entrusted to an international agency. The view was also expressed that, in the interim, space powers should give assurances to non-aligned and neutral States against the discriminatory and inequitable use of satellites.

"9. Delegations of a group of socialist countries continued to believe that outer space is the common heritage of mankind and that, consequently, its exploration and use should be preserved exclusively for peaceful purposes in order to promote the scientific, economic and social development of all countries. They stressed the overriding importance and urgency of preventing an arms race in outer space. They once again pointed, however, to the impending danger of the extension of the arms race to outer space which would, in their view, step up the arms race in other areas and make reductions in nuclear strategic arsenals impossible. In this respect, these delegations expressed serious concern at the continuing implementation of the SDI programme, which had, reportedly, entered a stage of planning to carry out specific tests and deploy some components of a BMD system, both on Earth and in outer space. These delegations were of the view that the stage of exploring the problem of preventing an arms race in outer space had been passed and that the Ad Hoc Committee should proceed to more practical and concrete work. In that connection, they welcomed the statement by the President of the Conference at the time of the Committee's re-establishment. They believed that the most important aspect of the problem of preventing an arms race in outer space in the present circumstances was preventing the introduction of weapons in space through the prohibition of space-strike weapons. Their understanding of the term was that it included: first, space-based ABM systems of any principle of action, second, space-based systems of any principle of action designed to strike from space targets in the atmosphere or on the surface of the Earth and, third, systems of any principle of action and however based to strike space objects. Accordingly,

they pointed to the wide-ranging character of the concept of space-strike-weapons, which, as seen from the proposals for respective definitions advanced by delegations of socialist and non-aligned States (CD/OS/WP.13/Rev.1 and CD/OS/WP.14/Rev.1 and Add.1), covered all possible threats to destroy, damage or interfere with the normal functioning of objects in space. They considered that the prohibition of such weapons would be an effective and secure way to prevent all possibilities for the introduction of weapons in outer space. In this connection they recalled that one State had declared and observed a moratorium on the first launching of anti-satellite weapons into outer space. These delegations noted that, although satellites were being used in a variety of support missions and were playing an important role in the strategic relationship, there had been no weapons permanently deployed in outer space up to the present time. They also observed that ballistic missiles having their launching sites and targets situated on Earth, were not space strike weapons either. They underlined the importance of assuring that the non-deployment of weapons in space would be effectively verified and to that end supported the establishment of an international inspectorate, as discussed below in paragraph 45.

"10. Some delegations, while attaching utmost importance to the objective of preventing an arms race in outer space, stated that for 30 years space had appeared as an appropriate environment for national security activities like the Earth and the atmosphere. They stressed that the issue of the role of the military uses of space in the maintenance of international peace and security had to be considered thoroughly. They noted that military systems deployed in space accomplished a variety of support missions and that they played a vital role in the strategic relationship of the two major Powers, and they rejected the concept of "space strike weapons" for being part of a selective approach which did not give an accurate picture of the threats against space objects and of the military and strategic situation relevant to outer space. They criticized attempts to define categories of "space strike weapons" which were at the same time too broad, because they placed in the same category systems with different functions and implications, and too narrow because they excluded weapons and other means which have the capability to disrupt the normal functioning of space objects. They further noted that outer space was not immune from utilization by existing weapons systems such as ballistic missiles. They considered that, while the Ad Hoc Committee had had very substantial discussions, fundamental divergences persisted and the work was still in an exploratory phase. In their view, the prevention of an arms race in outer space was linked to and should take into account progress in other fields of arms limitation and disarmament, in particular the reduction of nuclear weapons. These delegations continued to underline the importance of issues relating to verification of and compliance with existing and future agreements and held that those issues required a more thorough examination. They also stressed the need for detailed information on national space programmes that have military implications.

"11. One delegation considered that the two major space Powers, which were the only ones that at present possessed and were developing space weapons, should assume a special responsibility for halting the arms race in outer space. In its view, they should adopt practical measures by undertaking not to develop, test and deploy space weapons and, on that basis, an international agreement should be concluded through negotiations on the complete prohibition of space weapons. It believed that work in the Conference on Disarmament should centre on the study and solution of the issues that were most directly related to preventing the "weaponization" of outer space.

"12. There was general recognition of the importance of the bilateral negotiations between the Union of Soviet Socialist Republics and the United States of America. Some delegations, while stressing that there was clear need for the Conference on Disarmament to play a role with respect to problems relating to the prevention of an arms race in outer space, held that nothing should be done that would hinder the success of the bilateral negotiations. Furthermore, they believed that multilateral disarmament measures in this area could not be considered independently of developments at the bilateral level. Other delegations, emphasized that ongoing bilateral negotiations in no way diminished the urgency of multilateral negotiations and reaffirmed that, as provided for in General Assembly resolution 41/53, the Conference on Disarmament, as the single multilateral disarmament negotiating forum, had the primary role in the negotiation of a multilateral agreement or agreements, as appropriate, on the prevention of an arms race in outer space in all its aspects.

"13. Some delegations drew attention to a number of issues which, in their view, had been identified in the course of the work carried out in the previous years. Among them, the following were mentioned: that outer space is the common heritage of mankind and should be used exclusively for peaceful purposes, that an arms race in outer space should be prevented, that as yet no weapons have been deployed in space and that agreements that may be concluded in this field should contain effective provisions for verification. Other delegations stressed the importance of issues such as the identification of the threats to which space objects are confronted, the relationship between the prevention of an arms race in outer space and other areas of disarmament and the problem of verification.

"B. Existing agreements relevant to the prevention of an arms race in outer space

"14. There was general recognition that, as provided for in the 1967 Outer Space Treaty, activities in the exploration and use of outer space should be carried out in accordance with international law, including the Charter of the United Nations.

"15. Some delegations underlined the central role that the Charter of the United Nations plays in the legal régime applicable to outer space. In that connection, they stressed the special significance of the Charter provisions on the non-use of force -- Articles 2(4) and 51 -- which, taken together,

prohibit any act of aggression in outer space. Accordingly, they believed that these provisions afforded a substantial degree of protection to space objects. Other delegations reaffirmed the importance of the United Nations Charter, but, at the same time, reiterated that its provisions concerning the non-use of force could not, in and of themselves, be sufficient to preclude an arms race in outer space -- just as they had not done so on Earth -- since they did not address the question of the development, testing, production and deployment of weapons in space. For example, these delegations recalled that the legal provisions of these articles had not prevented the arms race on Earth, nor did they diminish the universally recognized need to negotiate disarmament agreements and even to ban specific types or whole classes of weapons, such as biological, nuclear, chemical, radiological weapons. In their view Article 51 of the Charter could not be interpreted as justifying the use of space weapons for any purposes or the possession of any type of arms based on the use of space weapons. They also stressed that Article 51 could not be invoked to legitimize the use or threat of use of force in or from outer space. In this context, they noted that the objective agreed upon by consensus, both at multilateral and bilateral levels, was not to regulate an arms race in outer space but to prevent it, and that any attempt to justify the introduction of weapons in that environment contradicted that objective. Accordingly, these delegations believed that in the context of the work of the Ad Hoc Committee the value of statements on the existing degree of protection to space objects should be assessed against their relevance to the achievement of the common objective to prevent an arms race in outer space.

"16. Delegations examined various multilateral and bilateral instruments, inter alia, the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water (1963), the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (1967), the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space (1968), the Agreement on Measures to Reduce the Risk of Outbreak of Nuclear War Between the United States of America and the Union of Soviet Socialist Republics (1971), the Convention on International Liability for Damage Caused by Space Objects (1972), the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems (1972), the Agreement Between the United States of America and the Union of Soviet Socialist Republics on the Prevention of Nuclear War (1973), the Convention on Registration of Objects Launched into Outer Space (1975), the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques (1977) and the Agreement Governing the Activities of States on the Moon and other Celestial Bodies (1979). In the examination of existing agreements, some delegations referred to documents CD/OS/WP.6 and 7.

"17. It was noted that under the multilateral agreements in force: (1) it is prohibited to place in orbit around the Earth any objects carrying nuclear weapons or any other weapons of mass destruction and to install such weapons on celestial bodies or station them in outer space in any other manner; (2) the Moon and other celestial bodies are to be used exclusively for

peaceful purposes and the establishment of military bases, installations and fortifications, the testing of any type of weapons and the conducting of military manoeuvres on celestial bodies are forbidden; (3) the testing of nuclear weapons or any other nuclear explosions in outer space is prohibited.

"18. Various delegations, while acknowledging the value of the restraints imposed by the existing legal régime, which placed some barriers to the arms race in outer space through limitations on certain weapons and military activities in that environment, reiterated that in some areas there were loopholes. They noted that the 1967 Outer Space Treaty, because of its limited scope, left open the possibility of the introduction of weapons in space, other than nuclear weapons or other weapons of mass destruction, in particular anti-satellite weapons and space-based anti-ballistic missile systems. Furthermore, in their opinion, current developments in space science and technology, coupled with ongoing military space programmes, underscored the inadequacy of existing legal instruments to prevent an arms race in outer space. They, therefore, held that there was an urgent need to supplement and amplify the existing legal régime and that, consequently, it was urgent to strengthen, improve and broaden the legal régime applicable to outer space with a view to the effective prevention of an arms race in outer space in all its aspects. Some other delegations stressed that as long as the analysis of the existing legal prescriptions remained restricted to the continuously repeating and deploring of deficiencies and lacunae without attempting to agree upon the real need for and adequate approach to the improvement and completion of a comprehensive legal régime, the work of the Committee would remain selective, deliberately incomplete and without substantial reward.

"19. One delegation stated that it proceeds from the necessity to preserve the ABM Treaty in its integrity as a document of unlimited duration, forming the necessary basis for agreement on substantial cuts in strategic offensive weapons. Such cuts would be impossible without preserving the Treaty in its integrity. It offered practical measures to strengthen the régime of the ABM Treaty, above all, an agreement between the parties concerned not to use the right to withdraw from the Treaty for at least ten years, while strictly complying with all its provisions. It also noted that the system of the ABM Treaty provisions does not allow to develop, test or deploy a large-scale ABM system with space-based elements. Article I(2) of the ABM Treaty explicitly prohibits the deployment of ABM systems protecting the entire territory of a State party to the Treaty. Article V(1) of the Treaty explicitly prohibits the development, testing or deployment of ABM systems which are, inter alia, space-based or include space-based elements. Thus, in all respects the SDI programme constitutes a violation of the ABM Treaty. The same delegation emphasized that its State had been observing fully and precisely the ABM Treaty and that no work similar to the work on the SDI programme was being conducted by it. Nor is this State engaged in the development of an ABM system outside the framework of the 1972 Treaty. It carries on basic research in the exploration of outer space. This has been stated on numerous occasions by the political leadership of this State.

"20. With regard to those weapons that are ABM systems or their components, one delegation noted that paragraph 1 of Article V of the ABM Treaty prohibits the development, testing, or deployment of space-based ABM systems or their components as defined in Article II of the Treaty. With regard to those weapons that are ABM systems or their components, this delegation stated that the ABM Treaty prohibited their deployment either in earth orbit or in outer space generally, unless there is agreement between the parties to permit such deployment.

"21. Delegations of a group of socialist countries stated that stationing weapons in outer space would inevitably lead to growing mutual mistrust and whip up the arms race and make the world still more vulnerable. They resolutely rejected so-called "Star Wars" plans, proposing instead a series of initiatives aimed at establishing wide-ranging co-operation in the peaceful exploration and development of outer space in the interests of all humanity.

"22. One delegation noted that from the above commentary, one might conclude that no other country had any programmes comparable to the SDI programme. Such a conclusion would be far from correct in this delegation's view. One other country has also been pursuing since the 1960s research into advanced technologies for strategic defence which were precisely the same types of technologies being researched in the SDI programme. This delegation also noted that its country's strategic defence research efforts would last for some years and that there were no preconceived notions about the options that the research will generate. It was therefore obvious just how preposterous the aforementioned criticisms directed solely against the SDI programme were.

"23. Some delegations considered that the examination of existing agreements revealed the continuing need to resolve conflicting interpretations with a view to arriving at a common understanding of what is forbidden and what is permitted under the legal régime applicable to outer space. They noted that basic terms such as "peaceful purposes", "militarization", remain to be defined in a satisfactory and generally acceptable fashion. They stressed that there already exists a considerable body of international law applicable to outer space and that the arms control régime in that environment is much more comprehensive than that on Earth. These delegations also believed that broader participation in existing multilateral agreements and strict observance of both multilateral and bilateral agreements would strengthen the legal régime applicable to outer space. They noted that many elements of the existing outer space legal régime were relatively simple; the more complicated any arms control agreement for outer space is, the more difficult it would be to verify compliance with it. These delegations believed that there was need for in-depth consideration of the question of terminology to arrive at greater precision in the use of terms, and referred to document CD/OS/WP.15 as a good basis for work. In this regard, one delegation commented that the variety of views which existed on the meaning of a number of terms had introduced a wide area of uncertainty and ambiguity into attempts to establish what were permitted or prohibited uses of space. One of these delegations circulated a two-volume dictionary of terms relating to space science and technology, which was generally welcomed.

"24. Other delegations pointed out that complicated agreements to prevent an arms race in outer space could be verifiable at present and that rapid development of technology was helpful in devising increasingly reliable technical means of verification. These delegations also believed that the process of consideration of and negotiation on specific proposals to prevent an arms race in outer space would reveal which terms might need to be clarified or even strictly defined, in order to eliminate any unacceptable degree of uncertainty or ambiguity that might exist in the interpretation of their meaning.

"25. One delegation, in addition to sharing the views reflected in paragraph 23, considered that the existing legal régime for arms control in outer space was equitable, balanced and extensive and that it could be said that it had been far more successful in preventing an arms race than any comparable legal régime on Earth. Moreover, the existing régime did not contain gaps and holes; instead, it placed strict legal controls on virtually any possible type of weapon in outer space and has several significant accomplishments to its credit. It further believed that if all nations were to comply fully with all existing agreements there would be no doubt that outer space would be used only for peaceful purposes.

"26. Many delegations were of the view that all States, in particular the space Powers, should become parties to the multilateral treaties in force that contain provisions relevant to the prevention of an arms race in outer space, in particular the 1963 Partial Test Ban Treaty and the 1967 Outer Space Treaty.

"C. Existing proposals and future initiatives on the prevention of an arms race in outer space

"27. Various delegations noted that in addition to the proposals made during previous sessions of the Ad Hoc Committee, as contained in CD/OS/WP.16 and Add.1, inter alia, the following proposals and views were submitted during the 1987 session:

- "1. Establishment of an international inspectorate.
- "2. Ways and means of strengthening the Registration Convention.
- "3. Prohibition of activities contributing directly or indirectly to an arms race in outer space by amending the 1967 Outer Space Treaty.
- "4. Declarations on non-deployment of weapons in outer space.
- "5. A possible approach for a treaty on ASAT weapons.
- "6. Elaboration of a Code of Conduct.

"7. Possible mandates for an expert group.

"8. Main provisions of a treaty on the prohibition of ASAT weapons and ways to ensure the immunity of space objects.

"28. Some delegations reiterated that the overall objective of the Conference on Disarmament should be the complete prohibition of the development, testing, production and deployment of space weapons. Pending the realization of that comprehensive objective, they considered that efforts should be concurrently directed towards the adoption of partial measures, especially to deal with the most urgent problems such as a ban on anti-satellite weapons.

"29. Delegations of a group of socialist countries considered that the Ad Hoc Committee had accumulated a wealth of ideas and proposals and that a good basis had been established for concrete and goal-oriented work. Noting the continuing validity of the proposals for the conclusion of a treaty on the prohibition of the stationing of weapons of any kind in outer space and of a treaty prohibiting the use of force in outer space or from space against the Earth, they expressed readiness to consider partial measures leading to the prevention of the deployment of space weapons. They suggested that the first step could be the elaboration of an international agreement to ensure the immunity of artificial satellites not carrying weapons of any kind. At the same time, in their view, consideration should be given to the possibility of a prohibition on the development of new types of ASAT systems and the elimination of existing ones. They also proposed to discuss the possibility of taking measures aimed at banning space-to-space, space-to-Earth and Earth-to-space weapon systems. Underlining that the non-deployment of weapons in outer space should be effectively verified, they elaborated on the proposals for the creation of a world space organization and for the establishment of an international inspectorate. In order to facilitate the work of the Ad Hoc Committee, a document (CD/777) containing provisions of a treaty on the prohibition of anti-satellite weapons and on ways to ensure the immunity of space objects was submitted to the Conference.

"30. Other delegations were not in favour of proposals calling for an immediate ASAT ban, immunity for all satellites, a ban on so-called space weapons and other similar approaches. In their view, these approaches did not take adequately into account objective political, strategic, military and technical factors. Nor were such proposals helpful in fulfilling the Committee's mandate, and in particular in assisting delegations to widen and deepen their understanding of the complex issues relevant to the prevention of an arms race in outer space.

"31. Other delegations pointed out that those delegations which rejected proposals on an ASAT ban or on other ways to ban outer space weapons, had advanced no other comparable proposals on their part aimed at achieving the common objective of preventing an arms race in outer space.

"32. Various delegations considered that existing proposals for the definition of space weapons (CD/OS/WP.13/Rev.1 and CD/OS/WP.14/Rev.1 and Add.1) shared common elements and thus provided a good basis for further work towards the objective of prohibiting the emergence of space weapons. Other delegations, were not in favour of this approach since, in their view, it did not give an accurate picture of all the threats confronting space objects and also overlooked other significant factors of the military and strategic situation relevant to outer space.

"33. Various delegations discussed proposals concerning the prohibition of anti-satellite weapons and the protection of satellites. It was suggested that one possible structure for an instrument on the subject would be in the form of a general treaty with specific protocols applicable to different categories of satellites. Reference was made to the suggestion that, in order to assure the verifiability of treaty commitments, untested anti-satellite systems could be prohibited, i.e., those capable of attacking satellites in high orbit. Commenting on proposals for the protection of satellites, it was noted that it would first be necessary to establish as clearly as possible within the context of existing international law and established international practice which satellites perform functions that are in the common interest, what these common interests are and how these satellites contribute to them, following which it would be necessary to identify how these satellites could be protected. In this regard it was also recalled that a proposal had been made that active discussion be entered into on measures to protect from attack all satellites -- and their associated ground stations -- that contribute to strategic stability and to verification of arms control arrangements. Another view was that a treaty on the subject should: ban the use of force against any space object; prohibit the deliberate destruction, damage or interference with the normal functioning of space objects; proscribe the development, production or deployment of ASAT weapons; and provide for the destruction under international control of any existing ASAT weapons. Some delegations commented in detail on a wide range of means that were available to interfere with the functioning of satellites which, in their view, demonstrated that in the examination of proposals to prohibit ASAT systems it was clearly necessary to take into account that the concept involved much more than weapons systems specifically designed and intended to destroy satellites.

"34. Commenting on proposals for the elaboration of an agreement on the immunity of space objects, some delegations noted that the majority of satellites perform military missions and held that to grant them immunity would be tantamount to legitimizing the military uses of space. In their opinion, any move to grant immunity to space objects should be accompanied by a strengthening of the 1975 Registration Convention to assure that the functions and purposes of protected space objects are clear. It was suggested that the Convention should include provisions to verify the accuracy of the information provided thereunder and that the verification of the nature of space objects could be carried out at the launching sites.

"35. With reference to the proposals contained in paragraphs 28, 33 and 34, many delegations recalled that the Harare Declaration adopted at the Eighth Non-aligned Summit called on the Conference on Disarmament to commence negotiations urgently to conclude an agreement or agreements, as appropriate, to prevent the extension of an arms race in all its aspects into outer space and thus enhance the prospects of co-operation in the peaceful uses of outer space. In particular, they stressed the urgency of halting the development of anti-satellite weapons, the dismantling of the existing systems, the prohibition of the introduction of new weapon systems into outer space and of ensuring that the existing treaties safeguarding the peaceful uses of outer space, as well as the 1972 Treaty on the limitation of Antiballistic Missile Systems are fully honoured, strengthened and extended as necessary in the light of recent technological advances. It further invited the United Nations Secretary-General and the Conference on Disarmament to explore the ways and means of bringing satellites for military purposes under international control, particularly when it puts at stake the security of the non-aligned countries. In this connection, it called upon all States, in particular those with major space capabilities, to adhere strictly to the existing legal restrictions and limitations on space weapons, including those contained in the Outer Space Treaty and the 1972 Soviet Union-United States Treaty on Antiballistic Missiles, and to refrain from taking any measures aimed at developing, testing or deploying weapons and weapon-systems in outer space.

"36. Other delegations stressed that proposals, beside the basic criterion of usefulness should be judged in terms of their contribution to international peace and security and of their verifiability and they questioned the credibility and the balance of proposals contained in paragraph 35 linked to selective and partial approaches.

"37. Some delegations, while noting that the Ad Hoc Committee was still at an exploratory stage of its work, considered that some ideas that had been put forward deserved study, such as the possibility of multilateralizing the provisions of existing bilateral agreements relating to the immunity of satellites; the role which the international monitoring of satellites might play; the possibility of placing constraints on some elements of anti-satellite activity, consistent with the security interests of all States; and a "rules-of-the-road" agreement for space. Some delegations also stressed the importance of, and made proposals for, confidence-building measures and the need for transparency in space activities. They also mentioned as worthy of consideration the elaboration of a code of conduct.

"38. Other delegations held that the Ad Hoc Committee had passed the exploratory stage of its work and had exhausted the consideration of the first two points of its programme of work, it having been clearly established that the central question that the Committee should consider under agenda item 5 was the identification of concrete measures to prevent, in a general and comprehensive manner, an arms race in outer space.

"39. Referring to proposals for banning the use of force in outer space, immunizing satellites from attack, immunizing satellite ground stations from attack and banning anti-satellite weapons, one delegation held that such proposals were either redundant or perhaps even prejudicial to the legal controls that were already in place. In its view, all uses of force except in self-defence were currently prohibited by law; all satellites and the ground stations associated with such satellites were already protected from attack except in cases of self-defence; the existing legal régime placed many restraints on the nature, deployment and uses of ASATs; and a comprehensive ASAT ban would raise many complex problems.

"40. Various delegations recalled, however, that these legal restraints were not comprehensive enough to prevent the emergence of non-nuclear ASAT weapons in outer space and should, therefore, be supplemented by agreements which would preclude the introduction of such weapons in that environment.

"41. A proposal was made that the Members of the Conference on Disarmament should accept to declare, through the Ad Hoc Committee's report, that none of them has deployed weapons in outer space on a permanent basis. While some delegations, including the delegations of socialist countries, supported this proposal, others questioned its usefulness because, in their view, such a declaration was not verifiable and might interfere with the bilateral negotiations.

"42. A presentation was made to the Ad Hoc Committee on the results of an ongoing research programme, known as PAXSAT, concerning the feasibility of the application of remote-sensing techniques to the verification of multilateral arms limitation and disarmament agreements and covering both space-to-space and space-to-ground remote-sensing. Delegations, in general, expressed their appreciation for the valuable contribution this project made to work in the area of verification.

"43. Some delegations considered that verification did not raise insurmountable obstacles to the conclusion of agreements to prevent an arms race in outer space since, in their view, it should be possible to assure verification of compliance through a combination of national technical means and international procedures. Attention was drawn to the proposals for the creation of a world space organization and the establishment of an international inspectorate. Reference was also made to the possibilities offered by the PAXSAT concept and the proposed international satellite monitoring agency for further exploring the feasibility of multilateral means of verifying a non-arms régime in outer space. A number of delegations were of the view that verification functions should be entrusted to an international body, so as to provide the international community with an independent capability to verify compliance. Some delegations held that issues relating to verification needed to be considered in greater depth. They believed that such issues were particularly sensitive and complex in this area because, on the one hand, vital national security interests were at stake and, on the other hand, the vastness of space and the possibilities of concealment on Earth posed special problems. One such special problem related

to proposals for a verification system that did not take into account that an operational ASAT system and an operational ABM system already exist. Another such problem related to the number of direct and indirect ways to attack a satellite and the other elements of a satellite system. A further problem arose from divorcing classes of "space weapons" from the context in which they are developed and might be deployed. Other delegations maintained that monitoring all launches of objects to be stationed in space, through an international inspectorate, would greatly reduce the relevance of such factors, particularly in the absence of any weapons permanently deployed in that environment. They also recalled that the experience being acquired in verifying some far-reaching disarmament measures on Earth, including SALT and other agreements, would help deal also with concealment problems in space disarmament context. More specifically, these delegations pointed out that some proposals to ban ASAT weapons provided also for the elimination of all existing weapons of this class, both the air-launched systems based on F-15 fighters and, the land-based one which was still not operational; these ASAT systems would be destroyed under strict international control, as provided for by the concept of international inspectorate. They recalled that the definitions of ASAT weapons proposed by various delegations covered all possible ways of attacking satellites or the other elements of a satellite system. These delegations believed that the complex problem of effective verification procedures, acceptable to all, should be seriously addressed in a co-operative manner. Finally, they pointed out that dealing with separate classes of weapons was already an established practice, universally recognized in other disarmament fields. Some delegations expressed the view that the question of the establishment of a world space organization was not within the competence of the Conference on Disarmament.

"44. Delegations of the group of socialist countries suggested proceeding, without awaiting the conclusion of the relevant agreement on space, to the establishment of an international verification system -- an international inspectorate -- for the non-deployment on outer space of weapons of any kind. The principal purpose of this verification will be to make sure that objects launched into space are neither weapons, nor are equipped with weapons of any kind. The suggested verification system would envisage the permanent presence of inspection groups at all sites for launching space objects with a view to verifying all such objects irrespective of their means of launching. Information about each upcoming launch, including the location of the site, the type of launch vehicle, general information about the object to be launched and the time of launch would be given in advance to the representatives of the inspectorate. Should an undeclared launch be suspected, the inspectorate would have the right to request the relevant information from the specially-designated observatories and also conduct, if necessary, an on-site inspection. Should the future agreement envisage a complete ban on space strike arms, inspections could be extended to storage facilities, industrial plants, laboratories, testing centres, etc. Launches of ballistic missiles unrelated to putting any space craft into the artificial Earth satellite orbit or on a flight path toward other celestial bodies should not be covered by verification.

"45. Some delegations foresaw substantial technical, political and organizational difficulties associated with an international verification inspectorate. In this regard, they believed that one had also to keep in mind that virtually any space object, if controlled and manipulated properly, is capable of serving as a weapon. They stated that this basic fact plus many technical, definitional, organizational and political obstacles bar the way to a successful international verification inspectorate.

"46. Other delegations believed, however, that the actual capacity of using such space objects as weapons could become militarily significant only after extensive field testing in such a mode, and that the possibilities offered by an international inspectorate, combined with existing methods of monitoring space objects, would effectively ensure verifiability of an agreement not to introduce weapons in outer space. In this regard, they pointed out that the technical, political and organizational difficulties referred to could be overcome in a co-operative manner, as had been done with respect to many other disarmament agreements.

"47. Some delegations, expressing concern at restrictions being placed on the transfer of space technology, reiterated that it was necessary in the consideration of proposals to contemplate ways and means of strengthening international co-operation in the peaceful uses of outer space, so that all States would have access without discrimination to space technology to promote their economic and social development according to their needs, interests and priorities. In this connection, these delegations underlined the need to further the objectives of Article I of the Outer Space Treaty.

"48. Some delegations emphasized that all aspects of the arms race in outer space should be dealt with in order to achieve a comprehensive régime to prevent an arms race in outer space. Three possibilities were suggested to achieve a complete prohibition of all activities that could directly or indirectly contribute to an arms race in outer space: amending Article IV of the 1967 Outer Space Treaty, an additional protocol thereto, or the elaboration of a new comprehensive treaty.

* * *

"49. Some delegations supported the idea of establishing a group of experts to provide technical expertise and guidance in the consideration of issues relating to the prevention of an arms race in outer space. The view was expressed that such a group could assist the Ad Hoc Committee with respect to problems of definition. Another idea was that the group could be entrusted with the task of defining the nature of the information that should be provided pursuant to the 1975 Registration Convention in order to permit that a distinction be made between military and non-military space objects. Some delegations shared the view that the participation of experts made a valuable contribution to the work of the Committee and believed that it would be useful for experts to be included in delegations. In their opinion, however, at this stage of the work, the Committee was not yet in a position to establish a group of experts with a specific mandate. Some delegations suggested that,

with a view to reaching a common approach to the objective of preventing an arms race in outer space, it would be desirable that the Committee draw up an open-ended list of questions and, at an appropriate stage, identify those that needed further elaboration by experts under a clearly-defined mandate.

"50. Some delegations considered that the work of the Ad Hoc Committee should be oriented towards the elaboration of measures to prevent an arms race in outer space. They believed that there were sufficient areas of consensus in the ideas and suggestions that had been put forward which could serve as points of departure for multilateral negotiations. In their view, the proposal for a structured discussion of Item 3 of the programme of work (CD/OS/WP.18) provided a basis to enhance the effectiveness of the Committee's work. They emphasized that the 1988 mandate of the Ad Hoc Committee should adequately reflect that view. Other delegations considered that it was necessary to continue the examination and identification of issues relevant to the prevention of an arms race in outer space with a view to reaching a level of common understanding that would permit the Committee to arrive at a common definition of the scope and specific objectives of multilateral efforts for the prevention of an arms race in outer space.

"IV. CONCLUSION

"51. The work carried out in 1987 contributed to the accomplishment of the Ad Hoc Committee's task. In accordance with its programme of work, the Committee advanced and developed further the examination and identification of various issues relevant to the prevention of an arms race in outer space. The discussions held contributed to a better understanding of a number of problems and to a clearer perception of the various positions. It was recognized that the legal régime applicable to outer space, as such, is not sufficient to guarantee the prevention of an arms race in outer space. There was recognition of the significant role that the legal régime applicable to outer space plays in the prevention of an arms race in that environment and of the need to consolidate and reinforce that régime and enhance its effectiveness and of the importance of strict compliance with existing agreements, both bilateral and multilateral. During the discussions, there was once again recognition of the common interest of mankind in the exploration and use of outer space for peaceful purposes. In this context, the importance of paragraph 80 of the Final Document of the first special session devoted to disarmament, which states that "in order to prevent an arms race in outer space, further measures should be taken and appropriate international negotiations held in accordance with the spirit of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and other Celestial Bodies", was recognized. A preliminary consideration was given to a number of proposals and initiatives aimed at preventing an arms race in outer space and ensuring that its exploration and use will be carried out exclusively for peaceful purposes in the common interest and for the benefit of all mankind.

"52. There was general recognition of the importance and urgency of preventing an arms race in outer space and readiness to contribute to that common objective. Consequently, it was agreed that no effort should be spared to assure that substantive work on this agenda item will continue at the next session of the Conference. It was recommended that the Conference on Disarmament re-establish the Ad Hoc Committee on the Prevention of an Arms Race in Outer Space with an adequate mandate at the beginning of the 1988 session, taking into account all relevant factors, including the work of the Committee since 1985."

F. Effective International Arrangements to Assure Non-Nuclear-Weapon States Against the Use or Threat of Use of Nuclear Weapons

83. The item on the agenda entitled "Effective International Arrangements to Assure Non-Nuclear-Weapon States Against the Use or Threat of Use of Nuclear Weapons" was considered by the Conference, in accordance with its programme of work, during the periods 6-10 April and 27-31 July 1987.

84. The list of documents presented to the Conference during its 1987 session under the agenda item, is contained in the report submitted by the Ad Hoc Committee referred to in the following paragraph.

85. At its 434th plenary meeting on 27 August 1987, the Conference adopted the report of the Ad Hoc Committee re-established by the Conference under the agenda item at its 387th plenary meeting (see paragraph 10 above). That report (CD/784) is an integral part of the report and reads as follows:

"I. Introduction

"1. At its 387th plenary meeting, on 10 February 1987, the Conference on Disarmament decided to re-establish for the duration of its 1987 session, an ad hoc committee to continue to negotiate with a view to reaching agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. The Conference further decided that the Ad Hoc Committee would report to the Conference on the progress of its work before the conclusion of the 1987 session (document CD/737).

"II. Organization of work and documents

"2. At its 410th meeting, on 30 April 1987, the Conference on Disarmament appointed Ambassador Paul von Stülpnagel (Federal Republic of Germany) as Chairman of the Ad Hoc Committee. Mr. M. Cassandra, United Nations Department for Disarmament Affairs, served as Secretary to the Ad Hoc Committee.

"3. The Ad Hoc Committee held 10 meetings between 7 July and 21 August 1987.

"4. At their request, the Conference on Disarmament decided to invite the representatives of the following States not members of the Conference to participate in the meetings of the Ad hoc Committee during the 1987 session: Austria, Bangladesh, Finland, Greece, New Zealand, Norway, Portugal, Spain and Zimbabwe.

"5. The following new documents were submitted to the Conference in connection with the item during the 1987 session:

- Document CD/768 dated 7 July 1987, submitted by the delegation of Nigeria, entitled 'Proposal for the immediate conclusion of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons'.

- Document CD/SA/WP.11 dated 29 July 1987, submitted by the delegation of the People's Republic of Bulgaria, entitled 'Excerpts from the 1987 Berlin documents of the States Parties to the Warsaw Treaty, relevant to item 6 "Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons."'

"In addition, the Secretariat prepared, upon request, a revision of document CD/SA/WP.10 of 30 June 1983, contained in document CD/SA/WP.10/Rev.2 of 31 July 1987, entitled 'Declaration of Security Assurances to Non-Nuclear-Weapon States made by the Five Nuclear Weapon States, including references to Nuclear-Weapon-Free Zones; Protocol II of the Treaty for the Prohibition of Nuclear Weapons in Latin America; and Protocol 2 of the South Pacific Nuclear-Free Zone Treaty (Treaty of Rarotonga).'

"III. Substantive Work

"6. In light of the relatively limited exchange of views on the question of assuring non-nuclear-weapon States against the use or threat of use of nuclear weapons in the 1985 and 1986 sessions, the Chairman decided to hold consultations with interested individual delegations as well as in an open-ended consultation. These discussions revealed to the Chair, first, that delegations attached highest priority to the question and, second, that the item should be examined in light of relevant new developments. There also emerged in these consultations that the crucial question for deliberations during the 1987 session was whether there was new impetus to overcome the standstill from which the work of the Ad Hoc Committee had suffered in the last several years. To assist the Committee in its exploration of possibilities of new approaches and perhaps consensus on further elements relevant to the question, the Chair put forward, in its own capacity, the following topics for discussion:

1. General exchange of views on the subject.
2. Review of positions and considerations of new proposals in the light of recent developments in arms control and international relations.
3. Conclusions (including consideration, inter alia, of possibilities for interim measures and alternatives for action).
4. Consideration and adoption of the Report of the Ad Hoc Committee to the Conference.

"7. In the general exchange of views, some delegations reiterated their belief that the most effective guarantee against the use or threat of use of nuclear weapons was nuclear disarmament and the prohibition of nuclear weapons. In their view, until nuclear weapons were eliminated, nuclear-weapon States had an obligation to guarantee, in clear and categorical terms, in an internationally binding instrument, that non-nuclear-weapon States would not be attacked or threatened with nuclear weapons. These delegations reaffirmed the views expressed by the Group of 21 in document CD/280 of 14 April 1982 and CD/407 of 4 August 1983. In the view of these delegations, the declarations of four of the five nuclear-weapon States were based solely on their own strategic considerations and did not respond to the legitimate security

concerns of the non-nuclear-weapon States. In order to be credible and effective, assurances by nuclear-weapon States to the non-nuclear-weapon States on the non-use and threat of use of nuclear weapons must be unconditional, without qualifications and unlimited in scope, application and duration. In the view of these delegations the positions of four nuclear-weapon States confirmed their opinion that the question of negative security assurances continued to be approached by nuclear-weapon States from the narrow point of view of their security perceptions vis-à-vis each other and not as a provisional measure aimed at providing effective and credible guarantees to assure the security of non-nuclear-weapon States pending concrete measures of nuclear disarmament. Those delegations maintained that Article 51 of the United Nations Charter could not be invoked to justify the use or threat of use of nuclear weapons in the exercise of the right of self-defence in the case of armed attack not involving the use of nuclear weapons, since nuclear war would threaten the very survival of mankind. They deeply regretted the lack of willingness on the part of the concerned nuclear-weapon States to heed repeated appeals made to them to reconsider their declarations and again called upon these States to review their positions, taking fully into account the concerns of the non-nuclear-weapon States. Some delegations expressed their disappointment at the continued stalemate on the question and their belief that the attachment by various delegations and groups of delegations to their previously stated positions only helped to entrench the stalemate and undermined the spirit of negotiation. These delegations appealed to all to review their positions in order to facilitate the much needed breakthrough on the question.

"8. A number of delegations, including a nuclear-weapon State, shared the belief that the most effective and reliable guarantee against the use or threat of use of nuclear weapons was nuclear disarmament and the complete elimination of nuclear weapons. They held the view that pending the achievement of that objective, various interim measures should be taken to strengthen the security of non-nuclear-weapon States. These delegations referred to proposals, such as the prohibition of the use of nuclear weapons by an appropriate international convention, the assumption of a policy of non-first use of such weapons by all nuclear-weapon States which would actually preclude the use of nuclear weapons against all States, including the non-nuclear-weapon States, the establishment of nuclear-weapon-free zones as an effective means to ensure the necessary prerequisites for all nuclear-weapon States to assume obligations not to use or threaten to use nuclear weapons against the zonal non-nuclear-weapon States. They maintained their support for the conclusion of an international legally binding instrument to assure effectively, uniformly and unconditionally the non-nuclear-weapon States having no nuclear weapons on their territories against the use or threat of use of such weapons. The nuclear-weapon State belonging to that group of delegations reaffirmed the continuing validity of its guarantee of non-use of nuclear weapons with respect to such non-nuclear-weapon States. These delegations reaffirmed their readiness to participate in the search for a solution to the 'negative security assurances' problem, which would eventually arrive at a 'common formula' to be included in an international legally-binding document. They rejected the doctrine of

nuclear deterrence and pointed to the need for a fresh political and military approach to urgent security issues, many of which relate to the security of non-nuclear-weapon States as well. They supported the view that Article 51 of the United Nations Charter could not be invoked to justify the use or threat of use of nuclear weapons in the exercise of the right of self-defence in the case of armed attack not involving the use of nuclear weapons, since nuclear war would threaten the very survival of mankind. These delegations strongly favoured the adoption of a comprehensive system of international peace and security, which would lead to a world free of nuclear weapons and a non-violent world. They drew the attention to the proposal included in the document adopted in Berlin on 29 May 1987, entitled 'On the Military Doctrine of the States Parties to the Warsaw Treaty' as contained in CD/755, calling for consultations at expert level between the WTO and NATO 'in order to compare the military doctrines of the two alliances, analyse their nature and jointly discuss the patterns of their future development'. These delegations reaffirmed the position of their States, as expressed in that document, that (i) they will never under any circumstances initiate military action against any State or alliance of States unless they are themselves the target of an armed attack, and that (ii) they will never be the first to employ nuclear weapons, which, together with other provisions of the document, underlined, in their view, the defensive character of their military doctrine.

"9. A number of delegations were of the view that the most appropriate starting point for consideration of the question was the fundamental importance attached to adherence by member States to the commitment contained in Article 2 of the United Nations Charter to refrain from the threat or use of force against the territorial integrity or political independence of any State. Moreover, Article 51 of the Charter states that nothing shall impair the inherent right of individual or collective self-defence if an armed attack occurred against a member. In that context, these delegations reaffirmed the position of their States as expressed in the Bonn Declaration of June 1982 that none of their weapons would ever be used except in response to attack. Against this background, three nuclear-weapon States reasserted that their States' unilateral declarations of policy on this question were firm, credible and reliable commitments to non-nuclear-weapon States. Further, they pointed out that these declarations were in full conformity with the principles on which these States based their security: a fact which reinforced their credibility. They stated that the condition that the guarantee lapses in the event of an attack carried out in association with a nuclear-weapon State covers all contingencies and indeed strengthens the reliability of the assurances. These delegations stated that the insistence of some States on referring to non-first use of nuclear weapons was not relevant to the topic addressed by the Committee, viz., assurances to non-nuclear-weapon States. Finally, these delegations reaffirmed their willingness to participate in the search for a 'common formula' for assuring non-nuclear-weapon States that would be acceptable to all, but pointed to the difficulties they perceived in attaining that goal. In this regard, they stressed that in any case such a common formula would of necessity contain two elements: the status of non-nuclear-weapon States and a non-attack provision as discussed above.

"10. One nuclear-weapon State was of the view that the most effective guarantee of the security of non-nuclear-weapon States was the complete prohibition and total destruction of nuclear weapons. Pending the achievement of this goal, the nuclear-weapon States, in order to reduce the nuclear threat to non-nuclear-weapon States, should undertake not to use or threaten to use nuclear weapons against the non-nuclear-weapon States. This was their minimum obligation. The same State reiterated its unconditional guarantee not to use or threaten to use nuclear weapons against non-nuclear-weapon States and nuclear-weapon-free zones. At the same time, it hoped that the major nuclear-weapon States would adjust their positions toward the question of assuring the security of non-nuclear-weapon States so as to make it possible for the Ad Hoc Committee to move forward in its work. It expressed its support for the conclusion, through negotiations, or an international convention to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons and its readiness to make further efforts to seek a 'common formula' in consonance with the demands of non-nuclear-weapon States.

"11. Many delegations considered that relevant new developments in the field of arms limitations and international relations, although having a different degree of relevance to the subject matter, had important consequences for the security of all States, including non-nuclear-weapon States. Many other delegations pointed to the agreement reached between General Secretary Gorbachev and President Reagan at the Geneva summit meeting of November 1985, which states that 'a nuclear war cannot be won and must never be fought'. In addition, many delegations underlined the importance of the meeting between General Secretary Gorbachev and President Reagan in Reykjavik in 1986, which opened the prospects for progress in nuclear disarmament. Furthermore, they underscored the significance of the ongoing USSR and United States bilateral negotiations on nuclear and space arms. Some delegations stressed the relevance to the issue at hand of the Bonn Declaration of the NATO States of June 1982. Other delegations stressed the relevance of the Communiqué and the Military Doctrine document adopted in Berlin in May 1987 by the States Parties to the Warsaw Treaty. Several delegations were of the view that of direct relevance to the work of the Committee was the political undertaking by States Parties included in the September 1986 document of the Conference on Confidence and Security Building Measures and Disarmament in Europe to refrain from the use of force be it nuclear or conventional. It was suggested that the relevant part of that document be used as reference material in the future work of the Committee.

"12. Some delegations were of the view that while recent developments in the field of disarmament and international relations referred to in the preceding paragraph were welcome in themselves, they had little or no relevance to the question of assurances to non-nuclear-weapon States against the use or threat of use of nuclear weapons. In their view, this was evident from the fact that there had been no positive impact of these developments on the unilateral declarations of the concerned nuclear-weapon States. At the same time, these delegations pointed to certain negative trends in the field of disarmament which had been observed recently and which indicated that the commitment of certain States to the goal of nuclear disarmament had weakened. In view of

these trends, these delegations emphasized that the need for credible and effective assurances to the non-nuclear-weapon States against the use or threat of use of nuclear weapons had become even more urgent.

"13. Many delegations pointed to the Political Declaration of the Eighth Conference of Heads of State or Government of Non-Aligned Countries (1986) which states as follows:

'The Heads of State or Government reiterated their view that the only credible guarantee for non-nuclear-weapon States against the use or threat of use of nuclear weapons lies in the complete elimination of nuclear weapons. Pending the achievement of total nuclear disarmament, however, it is essential that non-nuclear States be insured against being threatened or attacked with nuclear weapons. In this regard, the Heads of State or Government stressed the obligation of nuclear-weapon States to guarantee non-nuclear-weapon States against attack or threat of attack with nuclear weapons by any nuclear Power, including themselves. Consequently, they urged that negotiations should proceed without delay for the early conclusion of a binding international instrument on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons.'

"Several delegations also recalled that the 16th Islamic Conference of Foreign Ministers held at Fez in 1986 had requested the members of the Conference on Disarmament to work urgently towards an international convention to assure non-nuclear-weapon States against the threat or use of nuclear weapons.

"14. In an effort to find a way out of the present impasse on the question, the delegation of Nigeria put forward a proposal categorizing the non-nuclear-weapon States according to the diversity of their military situations (contained in document CD/768). It proposed that the following main elements could be used to form a generally accepted agreement:

- "(i) Nuclear-weapon States undertake not to use or threaten to use nuclear weapons against any State which does not possess nuclear weapons, and does not belong to a military alliance with a nuclear-weapon State. The non-nuclear-weapon States referred to in this paragraph undertake not to manufacture or acquire nuclear weapons;
- "(ii) Nuclear-weapon States undertake not to use or threaten to use nuclear weapons against any non-nuclear-weapon State which belongs to a military alliance with a nuclear-weapon State but has no nuclear weapons stationed on its territory. The non-nuclear-weapon State referred to in this paragraph undertakes not to manufacture or acquire nuclear weapons or contribute to any military attack of any State party, except in self-defence and in accordance with the Charter of the United Nations;

"(iii) Nuclear-weapon States undertake not to use or threaten to use nuclear weapons against a non-nuclear-weapon State which belongs to a military alliance comprising a nuclear-weapon State, and has nuclear weapons installed on its territory. The non-nuclear-weapon State referred to in this paragraph undertakes not to manufacture or acquire nuclear weapons and to provide, in forms that are satisfactory to the nuclear-weapon States, assurances that weapons stationed on their territory will not be used against any State, except in self-defence and in accordance with the Charter of the United Nations;

"(iv) Nuclear-weapon States undertake to commence without delay, and conscientiously, negotiations with a view to concluding agreements to remove their nuclear weapons stationed on the territories of other States, prohibit the use of nuclear weapons, and reduce and eliminate existing stocks.

"Several delegations considered that the proposal was a reflection of the need for all States to show more flexibility in light of legitimate security concerns of other States, but the primary responsibility of the nuclear-weapon States concerning this issue was strongly stressed. An exchange of views was held on the proposal and it was generally agreed that it contained elements that required further study by the Committee.

"15. In connection with the concept of a 'common formula' or 'common approach', one delegation resubmitted a proposal on the form in which the common elements of such a formula could be embodied. After pointing out the difficulties it saw in attempting to embody them in an international binding convention, it proposed again that the views of the nuclear-weapon States, which need not be identical, be integrated into a Security Council resolution. It suggested that the Conference on Disarmament agree to put a paragraph in its report to the General Assembly stating that the Conference noted that all nuclear-weapon States had made solemn declarations regarding the assurances of non-nuclear-weapon States against the use or threat of use of nuclear weapons. That paragraph would continue to state that although these declarations were differently formulated they had in common that all non-aligned and neutral non-nuclear-weapon States, that is, in the view of the delegation that made the proposal, States that had made an internationally binding commitment not to acquire nuclear weapons and were not a military ally of a nuclear-weapon State, had received solemn assurances by all nuclear-weapon States against the use or threat of use of nuclear weapons. The paragraph would also have the Conference conclude that a repetition of these assurances in the Security Council as an interim measure would be helpful, assuming that the Security Council would be in a position to welcome these solemn undertakings in a resolution.

"16. Other delegations reiterated their view that in order to be credible and effective, security assurances to non-nuclear-weapon States must be provided in an international instrument with binding legal effect and that a resolution of the Security Council embodying disparate declarations of the nuclear-weapon

States could not serve as the effective arrangement sought by the non-nuclear-weapon States and envisaged by paragraph 59 of the Final Document of the first Special Session of the General Assembly devoted to disarmament. In view of the limitations, conditions and exceptions contained in the declarations made by some nuclear-weapon States, these delegations pointed out that they could not agree with the statement suggested in paragraph 15 by one delegation for inclusion in the report to the General Assembly to the effect that all non-aligned and neutral non-nuclear-weapon States had received solemn assurances from all nuclear-weapon States against the use or threat of use of nuclear weapons. These delegations also questioned the validity of the definition of non-aligned and neutral non-nuclear-weapon States suggested by that delegation.

"17. Discussions on the conclusions that could be drawn from the work of the Committee this session, including consideration, inter alia, of the possibilities for interim measures and alternatives for action, had again proved inconclusive. The importance of making progress on this issue was underlined in light of the forthcoming third Special Session of the General Assembly devoted to disarmament. Many delegations shared the view that the nuclear-weapon States held special responsibility to review their positions in order to break the deadlock in which the item had found itself for several years.

"IV. Conclusions and recommendations

"18. The Ad Hoc Committee reaffirmed that non-nuclear-weapon States should be effectively assured by the nuclear-weapon States against the use or threat of use of nuclear weapons pending effective measures of nuclear disarmament. Work on the substance of the effective arrangements and discussion on various aspects and elements of an interim solution, however, revealed that specific difficulties relating to differing perceptions of security interests of nuclear-weapon States and non-nuclear-weapon States persisted and that the complex nature of the issues involved continued to prevent agreement on a 'common formula'. At the same time, the discussion underlined the wide support for continuing the search for such a 'common formula' which could be included in an international legally binding instrument to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons.

"19. Against the aforementioned background the Ad Hoc Committee recommends to the Conference on Disarmament that ways and means should continue to be explored to overcome the difficulties encountered in its work in carrying out negotiations on the question of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. Accordingly, it was generally agreed that the Ad Hoc Committee should be re-established at the beginning of the 1988 session."

G. New Types of Weapons of Mass Destruction and new
Systems of Such Weapons; Radiological Weapons

86. The item on the agenda entitled "New Types of Weapons of Mass Destruction and new Systems of Such Weapons; Radiological Weapons" was considered by the Conference, in accordance with its programme of work, during the periods 13-17 April and 27-31 July 1987.

87. The list of documents presented to the Conference during its 1987 session under the agenda item is contained in the report submitted by the Ad Hoc Committee.

88. At its 433rd plenary meeting on 25 August 1987, the Conference adopted the report of the Ad Hoc Committee re-established by the Conference under the agenda item at its 387th plenary meeting (see para. 10 above). That report (CD/779) is an integral part of this report and reads as follows:

"I. INTRODUCTION

"1. In accordance with the decision taken by the Conference on Disarmament at its 387th plenary meeting held on 10 February 1987, as contained in document CD/738, the Ad hoc Committee on Radiological Weapons was re-established, for the duration of the 1987 session, with a view to reaching agreement on a convention prohibiting the development, production, stockpiling and use of radiological weapons. The Conference further decided that the Ad hoc Committee would report to it on the progress of its work before the conclusion of the 1987 session.

"II. ORGANIZATION OF WORK AND DOCUMENTATION

"2. At its 398th plenary meeting on 19 March 1987, the Conference on Disarmament appointed Ambassador Dávid Meiszter of Hungary as Chairman of the Ad hoc Committee. Mr. Victor Slipchenko, United Nations Department for Disarmament Affairs, continued to serve as Secretary of the Ad hoc Committee.

"3. The Ad hoc Committee held seven meetings from 3 April to 10 August 1987. In addition, the Chairman held a number of informal consultations with delegations.

"4. At their request, the representatives of the following States not members of the Conference on Disarmament participated in the work of the Ad hoc Committee: Austria, Finland, Greece, New Zealand, Norway, Portugal, Senegal, Spain, Turkey and Zimbabwe.

"5. In carrying out its mandate, the Ad hoc Committee took into account paragraph 76 of the Final Document of the first special session of the United Nations General Assembly devoted to disarmament. It also took into consideration the relevant recommendations of the United Nations Disarmament Commission, in particular those adopted in connection with the Second Disarmament Decade in 1980. In addition to various resolutions adopted by the

General Assembly on the subject at its previous sessions, the Ad hoc Committee had before it resolutions 41/12, 41/59 A and 41/59 I adopted by the General Assembly at its forty-first session entrusting specific responsibilities to the Conference on Disarmament on this subject.

"6. In addition to the documents of previous sessions, the Ad hoc Committee had before it the following new documents for consideration:

- CD/RW/WP.74, dated 22 June 1987, entitled 'Programme of Work for the second part of the 1987 session'
- CD/RW/WP.75, dated 31 July 1987, entitled 'Report of Contact Group A'
- CD/RW/WP.76, dated 3 August 1987, entitled 'Report of Contact Group B'

"III. WORK DURING THE 1987 SESSION

"7. In accordance with the recommendation contained in the report of the Ad hoc Committee on Radiological Weapons in 1986 (CD/722), the Ad hoc Committee devoted five meetings to the consideration of ways and means of how best to proceed further. Several specific suggestions were made in this regard.

"8. Following that exchange of views, at its 5th meeting on 19 June, the Ad hoc Committee decided to establish two contact groups: contact group A to consider the prohibition of radiological weapons in the 'traditional' sense and contact group B to consider the prohibition of attacks against nuclear facilities. It was further decided that each contact group would be chaired by a co-ordinator, that the two contact groups would meet parallel with each other and that the Ad hoc Committee would periodically review the progress of work in the two groups and the results achieved.

"9. Following the decision of the Committee to establish two contact groups A and B, Mr. Sadaaki Numata of Japan and Mr. Hadi Wayarabi of Indonesia agreed to assist the Chair by serving as co-ordinators of the contact groups A and B, respectively.

"10. On the basis of the intensive work conducted within the contact groups, the two co-ordinators presented to the Ad hoc Committee, at its 7th meeting on 10 August 1987, their respective reports (CD/RW/WPs.75 and 76) which are reproduced in Annexes I and II to this report, reflecting the current state of consideration of the issues before the Ad hoc Committee. It is understood that the contents of the Annexes are not binding on any delegation.

"IV. CONCLUSIONS AND RECOMMENDATIONS

"11. The work conducted by the Ad hoc Committee in 1987 made a further contribution to the clarification and better understanding of different approaches which continue to exist with regard to both the important subjects under consideration. It is recommended that the Conference on Disarmament should re-establish the Ad hoc Committee on Radiological Weapons at the beginning of its 1988 session and that the Ad hoc Committee should draw upon the Annexes to this report as a basis for its future work.

"ANNEX I

"Report of Contact Group A

"1. Contact Group A held six meetings on the prohibition of radiological weapons as well as a number of informal consultations on the subject. The documents referred to in the past reports of the Ad hoc Committee on Radiological Weapons as well as other documents, existing proposals and new initiatives were taken as the basis of the work of the Contact Group. The meetings and consultations of the Contact Group were open to all delegations.

"2. During these discussions, possible elements for a convention on the prohibition of radiological weapons were identified and, where possible, developed. The issues of verification and compliance as well as other main elements were only briefly touched upon.

"3. The result of the work is appended below in the form of the Co-ordinator's record, comprising draft elements and alternatives thereto, which may serve as a basis for future consideration of this issue. It is presented on the understanding that it does not prejudice delegations' position on the appropriate manner of dealing with the matter and any other approaches and proposals which might be presented in the future. Nor is it binding on any delegation.

"POSSIBLE ELEMENTS FOR A CONVENTION ON THE
PROHIBITION OF RADIOLOGICAL WEAPONS */

"SCOPE

"1. Each State Party to this Treaty undertakes never under any circumstances to develop, produce, stockpile, otherwise acquire or possess, transfer or use radiological weapons. 1/

"2. Each State Party to this Treaty also undertakes never under any circumstances to employ deliberately, by its dissemination, any radioactive material, not defined as a radiological weapon in ... of this Treaty to cause destruction, damage, or injury by means of the radiation produced by the decay of such material. 2/

"3. Each State Party to this Treaty also undertakes not in any way to assist, encourage, or induce any person, State, group of States, or international organization to engage in any of the activities which the States Parties to the Treaty have undertaken not to engage in under the provisions of paragraphs 1 and 2 of this Article.

"4. Each State Party to this Treaty undertakes, in accordance with its constitutional procedures, to take any measures which it considers necessary anywhere under its jurisdiction or control:

"(a) to prohibit and prevent any of the activities which for a State Party would constitute a violation of the obligations undertaken by the State Parties under this Treaty;

"(b) to prohibit and prevent diversion to radiological weapons, or to the employment prohibited by paragraph 2 of this Article, of radioactive materials that might be used for such weapons or employment;

"(c) to prevent loss of radioactive materials that might be used for such weapons or employment.

"*/ These elements are not intended to prejudice the eventual positions of delegations regarding the question of 'linkage'.

"1/ A view was expressed that the focus should be on the prohibition of the use of radiological weapons in warfare and that it was necessary to simplify the formulation in this paragraph.

"2/ A view was expressed concerning the need to focus on the prohibition of the use of radiological weapons in warfare.

"5./ Nothing in paragraph 4 above shall be interpreted as requiring or permitting a State Party to take measures which could affect the programmes of other States for the use 1/ of nuclear energy or technology for their economic or social development. 2/

"DEFINITIONS

"For the purposes of this Treaty:

"The term "radiological weapon" means **/, ***/, ****/, *****/:

"First alternative

- "(i) Any device, including any weapon or equipment, specifically designed to employ radioactive material by disseminating it to cause destruction, damage, or injury by means of the radiation produced by the decay of such material;

"**/ Some delegations expressed the view that consideration should be given to whether the concerns reflected in this paragraph should be addressed under the draft element "Peaceful Uses".

"***/ A view was expressed that, for the purposes of this Treaty, it might be necessary to clarify what is meant by "radioactive materials".

"****/ A view was expressed that the term "radiological weapons" might include the so-called particle beam weapons which give ionizing radiation in other ways than through radioactive decay.

"*****/ Some delegations expressed the view that 'particle beam weapons' should not be treated as radiological weapons, that the definition of radiological weapons as contained in CD/31 and CD/32 is based on the decay of nuclear material, whereas directed energy devices produce particle beams without nuclear involvement, that known concepts of directed energy devices do not employ the radiation spectrum of radiological weapons but make use of protons and electrons while radiological weapons would exploit mainly gamma- and neutron-radiation as well as beta- and short ranging alpha-radiation, and that therefore, the development, production, stockpiling, acquisition or possession, transfer or use of directed energy devices is compatible with this Treaty.

"*****/ Some delegations expressed the view that nothing in this Treaty shall be interpreted as in any way legitimizing the development, production, stockpiling, acquisition or possession, transfer or use of directed energy weapons.

"1/ Some delegations suggested that the word 'peaceful' be inserted before the word 'use'.

"2/ One delegation suggested the addition at the end of the paragraph of 'in conformity with their priorities, interests and needs.'

- "(ii) Any radioactive material specifically configured 1/ for employment, by its dissemination, to cause destruction, damage, or injury by means of the radiation produced by the decay of such material.

"Second alternative

"Any device, including any weapon or equipment, specifically designed to employ radioactive material to cause destruction, damage, or injury by means of the radiation produced by the decay of such material.

"PEACEFUL USES

"1. First alternative

"Nothing in this Treaty should be interpreted 2/ as affecting in any way the full exercise of the inalienable rights of all States Parties to apply and develop their programmes for the peaceful 3/ uses of nuclear energy for economic and social development in conformity with their priorities, interests and needs. 4/

"Second alternative

"Nothing in this Treaty should be interpreted as affecting the inalienable rights of the States Parties to this Treaty to develop and apply their programmes for the peaceful uses of nuclear energy for economic and social development, consistent with the need to prevent the proliferation of nuclear weapons, 5/ in conformity with their priorities, interests and needs.

"1/ Some delegations preferred 'prepared' or 'designed' to 'configured'.

"2/ A suggestion was made to insert 'or implemented' after 'interpreted'.

"3/ Some delegations suggested the deletion of 'peaceful'.

"4/ A view was expressed that, in order to strike an inner balance conducive to consensus, there should be an addition reflecting the last sentence of paragraph 68 of the Final Document of SSOD I.

"5/ Some delegations suggested 'under international agreements' instead of ', consistent with the need to prevent the proliferation of nuclear weapons'.

"2. First alternative

"Each State Party undertakes to contribute 1/ to the strengthening of international co-operation in the peaceful uses of nuclear energy in conformity with 2/ the needs of developing countries. 3/

"Second alternative

"Each State Party undertakes to promote co-operation in the peaceful uses of nuclear energy in conformity with 2/ the needs of developing countries.

"3. Each State Party undertakes to contribute to the fullest possible extent 4/ to the development of adequate measures of protection for all States against the harmful effects of radiation.

"CESSATION OF THE NUCLEAR ARMS RACE
AND NUCLEAR DISARMAMENT

"1. The State Parties to this Treaty undertake to pursue urgently negotiations for the cessation of the nuclear arms race, the conclusion of effective measures to prevent the use or threat of use of nuclear weapons, and the achievement of nuclear disarmament. 5/

"2. The implementation of these obligations should be periodically reviewed as provided for in Article 6/

"1/ Some delegations suggested the insertion of 'to the fullest possible extent' after 'contribute'.

"2/ A preference was expressed for 'taking into account' instead of 'in conformity with'.

"3/ A view was expressed that, in order to strike an inner balance conducive to consensus, there should be an addition reflecting the last sentence of paragraph 68 of the Final Document of SSOD I.

"4/ Some delegations suggested the insertion of 'and in accordance with international undertakings' after 'contribute to the fullest possible extent'.

"5/ Some delegations were of the view that such an undertaking was outside the purview of this Treaty.

"6/ Questions were raised concerning the need for this paragraph.

"OTHER MAIN ELEMENTS

"1. The provisions of this Treaty shall not apply to nuclear explosive devices or to radioactive material produced by them. 1/

"2. Nothing in this Treaty shall be interpreted as in any way legitimizing the use of nuclear weapons or detracting from the obligation of States to refrain from the use or threat of use of such weapons. 1/

"3. First alternative

"Nothing in this Treaty shall be interpreted as in any way limiting or detracting from existing rules of international law applicable in armed conflict or limiting or detracting from obligations assumed by the States Parties under any other international agreement.

"Second alternative

"Nothing in this Treaty shall be interpreted as in any way limiting or detracting from existing rules of international law applicable in armed conflict or limiting or detracting from obligations assumed by the States Parties under any other international agreement, consistent with the need to prevent the proliferation 2/ of nuclear weapons and the need to achieve urgent measures of nuclear disarmament.

"VERIFICATION AND COMPLIANCE
(to be developed)

"1/ Objections were raised concerning this paragraph.

"2/ Some delegations preferred 'vertical, horizontal and geographic proliferation' to 'proliferation'.

"ANNEX II

"Report of Contact Group B

"1. In accordance with the Programme of Work of the Ad hoc Committee on Radiological Weapons as contained in document CD/RW/WP.74 dated 22 June 1987, Contact Group B had before it items relevant to the question of the prohibition of attacks against nuclear facilities, as follows:

- Scope
- Definitions
- Criteria
- Verification and compliance
- Other main elements, inter alia, Depositary, Register and Special Marking

"2. Contact Group B held six meetings from 29 June to 3 August 1987. In addition, the Co-ordinator conducted informal consultations.

"3. For the purpose of having structured and systematic consideration, Contact Group B concentrated on the items of Scope, Definition, Criteria, Depositary, Register and Special Marking. A proposal made by the Co-ordinator was used as the basis of work of the Contact Group. Due to lack of time the consideration of the item of Verification and Compliance had to be postponed.

"4. All common and different views were recorded by the Co-ordinator in a systematic and integrated manner. That record is not binding upon any delegation and its main purpose is to facilitate future consideration. The Co-ordinator's record is attached.

"5. Contact Group B recommends the Ad hoc Committee on Radiological Weapons to append the attached Co-ordinator's record as a basis for future work.

"Attachment

"POSSIBLE ELEMENTS RELEVANT TO THE PROHIBITION
OF ATTACKS AGAINST NUCLEAR FACILITIES */ **/

"SCOPE (Purpose)

"Paragraph 1 ***/

"First alternative

"Each State Party undertakes never under any circumstances to attack nuclear facilities covered by the provisions of this Treaty.

"Second alternative

"Each State Party undertakes never under any circumstances to attack any nuclear facility.

"Third alternative ****/ *****/

"Each State Party undertakes never under any circumstances to release and disseminate radioactive substances by attacking nuclear facilities covered by the provisions of this Treaty.

"/ This record does not prejudice the eventual positions of delegations relating to the question of 'linkage', or the positions of delegations on the question of the need of having additional legal protection for nuclear facilities. As to the latter, a view was expressed that additional discussion on existing international agreements pertaining to the question is needed.

"/ The placement of the various alternatives in the text should not be regarded as indication of priority or the degree of their acceptability to the Committee.

"/ Some delegations suggested that the Scope should also cover an undertaking not to threaten to attack nuclear facilities.

"/ Some delegations stated that the third alternative of Scope based on the criterion of mass destruction read in conjunction with the first alternative of paragraph 2 (Definitions), the first alternative of Criteria, the first alternative of paragraphs 1 to 8 (Register) as well as the first alternative of paragraph 1 and the second alternative of paragraph 2 (Special Marking) constitute one complete and consistent set of elements to be included in a draft Treaty.

"/ Other delegations pointed out that the criterion of 'mass destruction', on which the third alternative of Scope was based, was irrelevant to the purpose of the proposed Treaty. They also stated that besides other flaws, it would amount to legitimizing attacks on nuclear facilities which did not fulfil the arbitrarily defined specifications

"Fourth alternative

"Each State Party undertakes never under any circumstances to attack nuclear facilities subject to the specifications of this Treaty.

"Paragraph 2

"First alternative

"Each State Party undertakes not in any way to assist, encourage or induce any person, State, group of States, or international organization to engage in any activity which the State Parties to the Treaty have undertaken not to engage in.

"Second alternative

"Each State Party undertakes not in any way to assist, encourage or induce any person, State, group of States or international organization to ...

"DEFINITIONS

"Paragraph 1 */ **/

"For the purposes of this Treaty, the term "attack" means any act which causes, directly or indirectly:

- "(i) any damage to, or the destruction of, a nuclear facility; or
- "(ii) any interference, interruption, impediment, stoppage or breakdown in the operation of a nuclear facility; or
- "(iii) any injury to, or the death of, any of the personnel of a nuclear facility.

proposed by the authors of this criterion for such facilities to qualify for protection. A Treaty based on elements mentioned in the previous footnote would, therefore, be discriminatory against developing countries as their nuclear facilities, in many cases, did not come up to the proposed "threshold". Furthermore, such a Treaty would weaken the protection afforded to nuclear facilities under present international law which was not conditional upon their meeting any quantitative specifications. Consequently, such a Treaty would defeat the main purpose of concluding a new international agreement on this subject, which is to strengthen the present legal régime in this regard and to remove existing loopholes.

"*/ Some delegations did not see the need for any definition of the word 'attack'. In their view, the definition is clearly linked to the unlimited scope of paragraph 1 of Scope.

"**/ Other delegations were of the view that it would be necessary to define the word 'attack' whichever alternative on Scope was eventually adopted.

"Paragraph 2

"First alternative

"For the purpose of this Treaty, the term 'nuclear facilities' means:

- "(i) Nuclear reactors;
- "(ii) Intermediate spent fuel storages;
- "(iii) Reprocessing plants;
- "(iv) Waste deposits; */ **/

which are included in a Register maintained by the Depositary. ***/

"Second alternative

"For the purpose of this Treaty, the term 'nuclear facilities' means:

- "(i) Nuclear reactors;
- "(ii) Enrichment plants;
- "(iii) Reprocessing plants;
- "(iv) Other nuclear fuel cycle facilities;
- "(v) Radioactive waste management facilities; and
- "(vi) Facilities for the storage of nuclear fuels or radioactive wastes.

"Third alternative

"For the purpose of this Treaty, the term 'nuclear facilities' means:

- "(i) Nuclear reactors;
- "(ii) Intermediate spent fuel storages;
- "(iii) Reprocessing plants;

*/ Some delegations were of the view that this covers only intermediate waste deposits above ground.

***/ Some delegations suggested that since waste deposits generally mean those buried deep underground, only interim waste deposits above ground should be included.

****/ Some delegations opposed the idea of limiting the scope of the Treaty to nuclear facilities included in a Register.

- "(iv) Waste deposits;
- "(v) Temporary waste storages; and
- "(vi) Installations for production of intensive sources of radiation.

"Fourth alternative

"A nuclear facility means a nuclear reactor or any other facility for the production, handling, treatment, processing or storage of nuclear fuel or other nuclear material.

"CRITERIA */ **/

"First alternative

"The nuclear facilities mentioned in paragraph 2 of Definitions shall meet the following specifications:

- "(i) They shall be stationary on land; ***/
- "(ii) Nuclear reactors shall be designed for a thermal power which could exceed 1 [10] Megawatt, shall have reached their first criticality and shall not have been decommissioned; ****/
- "(iii) Intermediate spent fuel storages shall be designed for storing radioactive material exceeding 10^{17} [10^{18}] Bq;
- "(iv) Reprocessing plants shall be designed for containing radioactive material exceeding 10^{17} [10^{18}] Bq;
- "(v) Waste deposits shall contain radioactive material exceeding 10^{17} [10^{18}] Bq.

"*/ A view was expressed that should the second alternative of paragraph 1 of the Scope be agreed upon, the consideration of 'criteria' was needed only to specify exceptions.

"**/ Reservations were expressed as to the applicability of specifying power threshold for nuclear reactors and level of quality and quantity of radioactive materials for other facilities as mentioned in sub-paragraphs (iii), (iv), (v) and (vi) of first and second alternatives.

"***/ Regarding (i) in first, second and third alternatives, a view was expressed that nuclear facilities other than those stationary on land should also be covered.

"****/ A view was expressed that the aspect of decommissioning has to be studied further.

"Second alternative

"The nuclear facilities mentioned in paragraph 2 of Definitions shall meet the following specifications:

- "(i) They shall be stationary on land;
- "(ii) They shall be used for peaceful purposes;
- "(iii) Nuclear reactors shall be designed for a thermal power which could exceed 1 [10] Megawatt, shall have reached their first criticality and shall not have been decommissioned;
- "(iv) Intermediate spent fuel storages shall be designed for storing radioactive material exceeding 10^{17} [10^{18}] Bq;
- "(v) Reprocessing plants shall be designed for containing radioactive material exceeding 10^{17} [10^{18}] Bq;
- "(vi) Waste deposits shall contain radioactive material exceeding 10^{17} [10^{18}] Bq.

"Third alternative

"The nuclear facilities mentioned in paragraph 2 of Definitions shall meet the following specifications:

- "(i) They shall be stationary on land;
- "(ii) They shall be used for peaceful purposes and subject to IAEA safeguards;
- "(iii) Nuclear reactors shall be designed for a thermal power which could exceed 1 [10] Megawatt, shall have reached their first criticality and shall not have been decommissioned;
- "(iv) Intermediate spent fuel storages shall be designed for storing radioactive material exceeding 10^{17} [10^{18}] Bq;
- "(v) Reprocessing plants shall be designed for containing radioactive material exceeding 10^{17} [10^{18}] Bq;
- "(vi) Waste deposits shall contain radioactive material exceeding 10^{17} [10^{18}] Bq.

"Fourth alternative

"The nuclear facilities mentioned in paragraph 2 of Definitions shall meet the following specifications:

- "(i) Nuclear reactors designed for a thermal effect which could exceed 10 MW;
- "(ii) Intermediate spent fuel storages designed for storing radioactive material which emit gamma radiation exceeding 10^5 watt; */ **/
- "(iii) Installations for reprocessing of nuclear spent fuel;
- "(iv) Installations for production of intensive sources of radiation designed to contain radioactive material emitting gamma radiation exceeding 10^5 watt; or
- "(v) Waste deposits containing radioactive material which emit gamma radiation exceeding 10^5 watt. */ **/

"Fifth alternative

"The provisions of paragraph 1 of Scope shall not apply to:

- "(i) Nuclear reactors other than those which are stationary on land;
- "(ii) Military nuclear facilities of nuclear weapon States.

"Additional specification suggested to the above specifications ***/

"The nuclear facilities mentioned in paragraph 2 of Definitions which are under the safeguards of the International Atomic Energy Agency are covered by the provisions of this Treaty.

"/ Some delegations pointed out that the internationally adopted way of measuring radiation fall-out after a nuclear accident was in decay per second, that is 'Bq'.

"/ Some delegations suggested that 'Bq' should be used as the standard of measurement for radioactive intensity which was formally adopted by the General Conference on Weights and Measures in 1975.

"/ This refers either to the first, second, third or fourth alternative of Criteria. A view was expressed that the first, second, third or fourth alternative should become paragraph 1 of Criteria and this additional specification should become paragraph 2.

"DEPOSITARY

"The Depositary shall be ...

"REGISTER */ **/

"First alternative

"1. The Depositary shall maintain a Register of nuclear facilities covered by the provisions of this Treaty and shall transmit certified copies thereof to each State Party to the Treaty.

"Second alternative

"1. The Depositary shall maintain a Register of nuclear facilities subject to the specifications of this Treaty and shall transmit certified copies thereof to each State Party to the Treaty.

"First alternative

"2. State Parties requesting that nuclear facilities under their jurisdiction be included in the Register shall for each such facility communicate to the Depositary the following written information:

"(a) Details on the exact geographical location of the nuclear facility;

"(b) Identification of the type of nuclear facility, i.e. if it is a reactor, intermediate spent fuel storage, reprocessing plant or waste deposit;

"(c) Detailed specifications as applicable in accordance with Paragraph ... (Definition) and Paragraph ... (Criteria) of this Treaty.

"Second alternative

"2. State Parties requesting that nuclear facilities under their jurisdiction be included in the Register shall for each such facility communicate to the Depositary the following written information:

"(a) Details on the exact geographical location of the nuclear facility;

"(b) Identification of the type of nuclear facility, i.e. if it is a reactor, intermediate spent fuel storage, reprocessing plant or waste deposit.

"*/ Some delegations opposed the idea of limiting the scope of the Treaty to nuclear facilities included in a Register.

"**/ Other delegations maintained that nuclear facilities covered by the provisions of this Treaty should be included in a Register.

"Third alternative

"2. State Parties requesting that nuclear facilities under their jurisdiction be included in the Register shall for each such facility communicate to the Depositary the following written information:

"(a) Details on the exact geographical location of the nuclear facility;

"(b) Identification of the type of nuclear facility, i.e. if it is a nuclear reactor, enrichment plant, reprocessing plant, other nuclear fuel cycle facility, radioactive waste management facility or facility for the storage of nuclear fuels or radioactive wastes.

"First alternative

"3. Upon receipt of a request for an inclusion in the Register, the Depositary shall without delay initiate procedures to confirm that the information contained in the request is correct:

"(a) Through, to the extent possible, documentation from the IAEA; and/or

"(b) Through other means, including mission to the facility, when necessary.

"4. For the purpose of carrying out the procedures in paragraph 3 (a) above the Depositary may, as it deems necessary, enter into agreement with the IAEA.

"5. For the purpose of carrying out the procedures in paragraph 3 (b) above the Depositary shall, with the co-operation of State Parties to the Treaty, compile and maintain a list of qualified experts, whose services could be made available to undertake such missions.

"6. The Depositary shall include the facility in the Register as well as relevant details about the facility concerned, as soon as the information given in the request has been substantiated, and shall immediately notify State Parties to the Treaty of any new inclusion in the Register.

"7. State Parties having nuclear facilities under their jurisdiction included in the Register shall immediately inform the Depositary of any change that may occur concerning the information given in the request.

"8. The costs for implementing these procedures shall be borne by the requesting State.

"Second alternative

"3. Upon receipt of a request for an inclusion in the Register, the Depositary shall communicate it to all State Parties.

"4. The Depositary shall include the facility in the Register as well as relevant details about the facility concerned, as soon as the information given in the request has been substantiated, and shall immediately notify State Parties to the Treaty of any new inclusion in the Register.

"5. State Parties having nuclear facilities under their jurisdiction included in the Register shall immediately inform the Depositary of any change that may occur concerning the information given in the request.

"6. The costs for implementing these procedures shall be borne by the requesting State.

"Third alternative

"3. Upon receipt of a request for an inclusion in the Register, the Depositary shall without delay initiate procedures to confirm that the information contained in the request is correct:

"(a) Through, to the extent possible, documentation from the IAEA; and/or

"(b) Through other means, including mission to the facility, when necessary.

"4. For the purpose of carrying out the procedures in paragraph 3 (a) above the Depositary may, as it deems necessary, enter into agreement with the IAEA.

"5. For the purpose of carrying out the procedures in paragraph 3 (b) above the Depositary shall, with the co-operation of State Parties to the Treaty, compile and maintain a list of qualified experts, whose services could be made available to undertake such missions.

"6. State Parties having nuclear facilities under their jurisdiction included in the Register shall declare that the radioactive material produced, processed or stored in these facilities shall not be used for weapons purposes.

"7. The Depositary shall include the facility in the Register as well as relevant details about the facility concerned, as soon as the information given in the request has been substantiated, and shall immediately notify State Parties to the Treaty of any new inclusion in the Register.

"8. State Parties having nuclear facilities under their jurisdiction included in the Register shall immediately inform the Depositary of any change that may occur concerning the information given in the request.

"9. The costs for implementing these procedures shall be borne by the requesting State.

"SPECIAL MARKING */ **/

"Paragraph 1

"First alternative

"Nuclear facilities which are included in the Register should bear Special Marking.

"Second alternative

"Any nuclear facility covered under Paragraph ... (Definition) and Paragraph ... (Criteria) of this Treaty should bear Special Marking.

"Paragraph 2

"First alternative

"A State Party may request the Depositary to mark its nuclear facilities referred to in paragraph 1 with the Special Marking.

"Second alternative

"A State Party may mark its nuclear facilities referred to in paragraph 1 with the Special Marking upon the consent of the Depositary.

"Third alternative

"A State Party may mark its nuclear facilities referred to in paragraph 1 with the Special Marking upon the consent of other State Parties.

"Fourth alternative

"A State Party may mark its nuclear facilities referred to in paragraph 1 with the Special Marking.

"VERIFICATION AND COMPLIANCE

(to be developed) "

"*/ Some delegations opposed the idea of limiting the scope of the Treaty to nuclear facilities having Special Marking.

"**/ Other delegations maintained that nuclear facilities covered by the provisions of this Treaty should be included in a Register and might bear Special Marking."

89. In accordance with its programme of work, dealing with the consideration of the question of the establishment of subsidiary bodies on items of its agenda, the Conference held, during its 1987 session, a number of informal consultations on the first part of agenda item 7, i.e. new types of weapons of mass destruction and new systems of such weapons. Some proposals were made in this regard on the basis of United Nations General Assembly resolution 41/56 of 3 December 1986. No consensus, however, could be reached on those proposals.

H. Comprehensive Programme of Disarmament

90. The item on the agenda entitled "Comprehensive Programme of Disarmament" was considered by the Conference, in accordance with its programme of work, during the periods 20-28 April and 3-7 August 1987.

91. At its 435th plenary meeting on 28 August 1987, the Conference adopted the report of the Ad Hoc Committee, which resumed its work in accordance with the provisions of its mandate (see para. 10 above). That report (CD/783) has been submitted by the Conference to the forty-first session of the United Nations General Assembly. By adopting that report, the Conference agreed to the recommendation contained therein that the Ad Hoc Committee should be re-established at the outset of its 1988 session, with a view to resolving outstanding issues and concluding negotiations on the Programme in time for its submission to the third special session of the General Assembly devoted to disarmament.

I. Consideration of Other Areas Dealing with the Cessation of the Arms Race and Disarmament and Other Relevant Measures

92. During its 1987 session, the Conference also had before it document CD/774, dated 21 July 1987, submitted by the delegation of Canada, entitled "Compendium of Arms Control Verification Proposals".

J. Consideration and adoption of the Annual Report of the Conference and any other Report as Appropriate to the General Assembly of the United Nations

93. The item on the agenda entitled "Consideration and adoption of the Annual report of the Conference and any other report as appropriate to the General Assembly of the United Nations" was considered by the Conference, in accordance with its programme of work, from 10 to 28 August 1987.

94. The present report, as adopted by the Conference on 28 August 1987, is transmitted by the President on behalf of the Conference on Disarmament.

P. Morel
France
President of the Conference

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